



For better
mental health

Sheffield Mind Ltd

Lawton Tonge House
57 Wostenholm Road
Sheffield S7 1LE
T: 0114 258 4489
F: 0114 250 0729
w: www.sheffieldmind.co.uk
e: office@sheffieldmind.co.uk

Sheffield Mind

CAPABILITY POLICY AND PROCEDURE

Introduction

The purpose of the Capability Procedure is to ensure that staff achieve and maintain the level of work performance expected of them and to provide a fair mechanism for dealing with those employees who are unable to achieve a satisfactory performance.

Capability is assessed in terms of the skills, aptitudes, and health which are required by the employee to carry out the work satisfactorily.

Where the employee has permanent ill-health or a disability, the employer will take reasonable steps to adjust the work conditions of the employee so that he or she is capable of carrying out the work satisfactorily.

This procedure is designed to clarify the rights and responsibilities of Sheffield Wellbeing Consortium staff in the event of capability action.

It has three stages of interviews with the right of appeal at each stage. At all stages the employee is entitled to have a representative at the interviews, this could be a Union rep or a work colleague.

It is expected that most problems with the work performance of an employee will be resolved under Sheffield Mind's **training needs assessment** or under the **sickness absence policy**.

This procedure will be used only where the line manager considers that unsatisfactory working persists and is due to the lack of skills or aptitude of the employee.

1. Stage 1: First Capability Interview

If the employee's line manager is unable to resolve the problem within supervision, the line manager will arrange an informal interview with the employee.

At the interview

- 1.1. The line manager will describe the work performance expected of the employee and explain how it has fallen short of the standards required; the line manager will also describe what measures have been taken to improve the situation.
- 1.2. The employee may offer an explanation.
- 1.3. The line manager will set out a plan of action aimed at improving the employee's performance and set a time scale for reviewing matters.
- 1.4. A letter confirming the plan of action and the review period will be sent to the employee within seven days of the interview, stating that his or her performance will be monitored during the review period.



For better
mental health

2. Stage 2: Capability Review Interview

- 2.1. At the end of the review period the line manager will arrange a further interview
- 2.2. If the employee's performance has improved, he or she should be informed that it is now satisfactory and also be told that if a satisfactory performance is not maintained further capability action may be taken.
- 2.3. If the employee's performance has failed to improve, a Stage 2 capability interview will be arranged.
- 2.4. A letter confirming the decision will be sent to the employee within seven days.

3. Stage 3: Second Capability Interview

- 3.1. The line manager will arrange for the Capability Panel (comprising of Line manager, and 2 board members), to hold a formal interview with the employee, at a time convenient to all parties.
- 3.2. The line manager will describe the work performance expected of the employee and explain how it has fallen short of the standards required; the line manager will also confirm that, despite additional support provided during the Stage 1 review period, the employee's performance has still not reached a satisfactory level.
- 3.3. The employee may offer an explanation.
- 3.4. The Panel will set out a further or revised plan of action aimed at improving the employee's performance and set a reviewing period. The employee will be formally told that failure to improve sufficiently may lead to further capability action, including dismissal.
- 3.5. A letter confirming the details of the interview will be sent to the employee within seven days of the interview.

4. Stage 4: Second Capability Review Interview

- 4.1. At the end of the review period the line manager will arrange a further interview by the Capability Panel.
- 4.2. If the employee's performance has improved, he or she should be informed that it is now satisfactory and also be told that if a satisfactory performance is not maintained further capability action may be taken, including dismissal.
- 4.3. If the employee's performance has failed to improve, a Stage 3 capability interview will be arranged within 21 days.
- 4.4. A letter confirming the decision will be sent to the employee within seven days.

5. Stage 5: Final Capability Interview

- 5.1. The line manager will arrange for the Capability Panel to hold a formal interview with the employee. The employee will be given at least seven days written notice of the interview.

At the interview

- 5.2. The line manager will describe the work performance expected of the employee and explain how it has fallen short of the standards required; the line manager will also confirm that, despite additional support provided during Stages 1 and 2 of the process, the employee's performance has still not reached a satisfactory level.
- 5.3. The employee may offer an explanation.
- 5.4. The Panel will consider the following options:



For better
mental health

5.4.1. dismissal of the employee on grounds of the lack of capability

5.4.2. a final warning and further training within a specified period

5.5. Where an employee is dismissed under 5.4.1. above, the length of notice will be that specified in the Centre's Terms & Conditions of Employment.

5.6. Where the employee is given a final warning under 5.4.2 above, training and support will be provided during the specified period. At the end of the period a Final Capability Review Interview will be held. If the employee's performance is still unsatisfactory, the Panel will confirm the dismissal of the employee on grounds of lack of capability.

5.7. A letter confirming the details of the interview will be sent to the employee within seven days of the interview and a copy placed on the employee's personal file.

6. Appeals

6.1. An employee may appeal to the Chair of the Management Committee against **any** capability action within seven days of the Capability Interview. The appeal must be in writing and state clearly the grounds for the appeal.

6.2. If the employee wishes to challenge the medical advice given to the employer, he or she must provide additional information within 14 days.

6.3. The Appeal Panel hearing must be held within fourteen days of the receipt of the appeal letter.

6.4. The employee must be given at least seven days' notice in writing of the date, time and location of the Appeal Panel. The notice will also state the Sheffield Wellbeing Consortiums of the panel members and the right to representation.

6.5. The Appeal Panel may uphold the appeal or confirm the decision of the interview.

6.6. A letter confirming the decision of the Appeal Panel will be sent to the employee within seven days of the hearing and a copy will be placed on the employee's personal file.

6.7. The decision by the appeals panel is final.

7. Suspension

7.1. Where there is a major lack of capability and it is not practicable to find duties within the current scope of his or her capability, an employee may be suspended from work pending a capability interview.

7.2. Suspension is a neutral act and in no ways prejudices the outcome of the hearing.

7.3. Suspension will be on full pay and the employee will be given immediate written confirmation of the decision.

8. Miscellaneous

8.1. It is essential to keep proper records. Detailed notes should be kept of any interviews relating to a capability process. Accurate minutes must be kept of Stages 2 and 3 interviews and any Appeal hearings.

POLICY ADOPTED ON _____

REVIEWED ON _____