



Capability Policy

This policy is non-contractual.

As part of Diverse Abilities' ongoing commitment to fairness and equality, this policy provides a framework to ensure that performance related disciplinary issues are dealt with by a fair process, in a consistent manner. Whenever you need help or guidance in order to be able to carry out your duties, the organisation will make every effort to help you improve the standard of your work. However, if your performance fails to meet or falls below the standard required for your position, the capability procedure will apply.

Procedure

When your Manager first becomes aware that your work performance is unsatisfactory you will be required to attend one or several informal meetings to help you improve your performance. However, if this does not lead to the required improvement, your Manager will have a formal meeting with you which may result in the first stage of the capability review process. At each stage of this procedure there is the possibility that you will be issued with a warning for poor performance if you do not meet the required standard. The capability procedure would normally last for 90 days but this may be extended if required.

Objective setting meeting

The capability procedure begins with an invitation to a preliminary objective setting meeting. This meeting is to sit down with your manager and agree the short term objectives that you will be required to meet over the 3 month improvement period. These objectives should be specific and measurable with the aim of getting you back to the required standard of performance by the end of the 3 month timeframe.

Formal review meetings

Formal review meetings will then be arranged to review performance at the end of 30, 60 and 90 days to assess whether you are meeting the required performance standards. At these meetings, your Manager will hear your comments and, if necessary, will then investigate and gather any required information prior to making a decision.

Right to be accompanied

As each of these meetings are formal disciplinary meetings, you have the right to be accompanied by one of your colleagues or an accredited Trade Union Representative. If you do wish to be accompanied, you must advise your manager of this fact, and provide them with the name of your companion. At these meetings your manager will be accompanied by a member of the HR team.

The role of your companion is to act as a witness to proceedings and they have the right to confer with you, address those present, and respond on your behalf to any views put forward during the hearing. However your companion cannot answer questions on your behalf. If your companion is not available, you can ask to postpone your meeting for up to five working days. No postponement beyond this will normally be allowed.

Informal meetings

You may be required to attend informal meetings with your Manager to discuss your performance at other times in-between your formal reviews. This will be to give you more regular feedback and guide you towards improved performance.

Disciplinary penalties

There are three levels of penalties that may be issued under the disciplinary procedure.

- First written warning – usually at the end of an unsatisfactory 30 day review
- Final written warning – usually at the end of an unsatisfactory 60 day review
- Dismissal – usually at the end of an unsatisfactory 90 day review

30 day review – first written warning

At the end of the 30 day period, your Manager will conduct a review meeting with you to review your performance. If your performance has improved, no action will be taken, other than being invited to a 60 day review meeting. If your performance has continued to fall below the standards required and you are not achieving a fully acceptable level of performance, you may be issued a written warning for poor performance

You will also be notified that if your performance does not improve to the levels required, then at the next stage of the performance review procedure a final written warning for poor performance will be issued.

60 day review – Final Written Warning

At the end of the 60 day period your Manager will conduct a meeting with you and your companion to review your performance. If your performance had improved, no action will be taken, other than being invited to a 90 day review meeting. However, if your performance has continued to fall below the standards required and you are not achieving a fully acceptable level of performance, you may be issued a final written warning for poor performance.

You will also be notified that if your performance does not improve to the levels required, then at the next stage of the capability review procedure you may be dismissed for poor performance.

90 day review – dismissal

At the end of the 90 day period, the final performance review meeting will take place between your Manager, you and your companion. You will be told that the outcome of this meeting may result in your dismissal.

If your performance has improved, no action will be taken, and the performance review process will terminate. However, if your performance has continued to fall below the standards required and you are not achieving a fully acceptable level of performance, you may be dismissed.

Right of Appeal

You have the right to appeal at every formal stage of this process where you are issued with a warning. The reasons for the appeal should be submitted in writing within five working days to a member of the Senior Management team. An appeal hearing date will be arranged as soon as possible and usually within 10 working days of appeal. You have the right to be accompanied if you attend an appeal hearing.

Alternatives to warnings and dismissal

As an alternative to a formal warning or dismissal, the Company reserves the right to take any or all of the following actions:

- A change of duties or a demotion. The purpose of these two alternatives would be to endeavour to avoid a repeat of the performance issues experienced.
- This may also lead to a reduction in salary / benefits commensurate with a revised role, duties or an entirely new position.

Neither of the above will constitute a breach of contract.

Formal meetings

- At each of the 30-60-90 day review and disciplinary meetings, you are entitled to be accompanied by one of your colleagues or an accredited Trade Union representative. If you do wish to be accompanied, you must advise the organisation of this fact, and provide them with the name of your companion. At these meetings your manager will be accompanied by a member of the HR Team.
- Your companion should act as a witness to the proceedings and has the right to confer with you, address those present, and respond on your behalf to any views put forward during the hearing. However your companion cannot answer questions on your behalf or otherwise represent you. If you're chosen companion is not available. You can ask to have your meeting postponed for up to five working days. A postponement will be agreed providing it is considered to be reasonable. No postponement beyond five working days will normally be allowed.
- At all the performance review and disciplinary meetings, your Manager will hear your comments and, if necessary, will then investigate and gather any required information prior to making a decision. At the meeting your Manager will ensure you understand that you will be given:
 - Every opportunity and assistance to correct the situation
 - Information regarding where/how your performance is not satisfactory
 - Information regarding how the organisation expects you to improve
 - Information regarding what support the Diverse Abilities will provide to you
 - A clear understanding of when the next review of your performance will take place and how frequent subsequent reviews might be

Extension of Process

We recognise that there may be times that at the end of the process you are close to achieving the required level of performance required. In situations like this, we may decide to extend the review process for a further 30 days to allow you more time to meet the standard.

Duration of Warning

All warnings for poor performance will be issued in writing and will remain current for 12 months. If your performance deteriorates within 12 months of any warning, the next level of the disciplinary procedure will apply.

Sickness Absence

If you are required to attend a performance review meeting and you are absent for reasons of sickness at the time when the meeting is due to be held, the meeting will be postponed to a date with the next five working days. If, however, it is clear that you will be unable to attend the meeting in this timescale, and are able to give no indication of when you may be able to attend, you may be asked to submit a written representation instead, or send a representative on your behalf. If you do not attend the hearing will go ahead in your absence and a decision will be made on the basis of the information available. Your right to appeal will not be affected by this.

Review Frequency: 2 yearly
Last Review Date: November 2021
Next Review Due: **November 2023**
Initial: CC