

<b>Policy Name</b>	<b>Capability Policy and Procedure</b>
<b>Purpose</b>	<b>To provide a consistent and fair framework for dealing with issues of poor work performance or capability.</b>
<b>Applies to</b>	<b>All Staff</b>
<b>Date Implemented</b>	<b>January 2015</b>

## **1 Introduction**

- 1.1 In this Policy Arctics Ltd (trading as Igloo) is referred to as the 'Company'. For the avoidance of doubt these rules and procedures should be followed at all times at your individual location of work. In the event that you are placed at a clients' premises you should adhere to their own policies and procedures where they differ to the rules and procedures set out by Igloo.
- 1.2 The Company will at all times endeavour to ensure that employees achieve and maintain a high standard of performance in their work. To this end the Company will establish standards and monitor performance, and provide employees with appropriate training and support to meet those standards.
- 1.2 There will be times when employees do not perform at the levels required by the Company. This policy is designed to provide a consistent and fair framework for dealing with issues of poor work performance or capability, where members of staff do not appear to be fulfilling their duties and responsibilities to the required standard.
- 1.3 In dealing with cases of poor performance, the organisation will distinguish between those where the reason is within the employee's control (e.g. negligence, lack of application or attitudinal problems) and those where the reason is outside the employee's control (e.g. health, inability to cope with issues such as the pressures of the job, or the volume of work, a lack of training or the changing nature of the job). In the former case, the Company Disciplinary Procedure will be followed, and in the latter case, the Capability Procedure outlined below will be employed.
- 1.4 The aim of this policy is to facilitate an ongoing improvement in performance or capability where informal, day-to-day management has not had an effect, and to outline the steps where such an improvement does not occur.
- 1.5 This procedure is not intended to replace or limit normal management intervention and assistance, but provides context and structure in which day-to-day management can take place. The formal meetings can therefore serve to formalise and confirm points that may have already been discussed in one to one meetings or informal discussions such as concerns meetings.
- 1.6 The Company may hold a concerns meeting as part of its' corrective measures in order to correct performance. This is an informal process; however the content of the discussion is documented and placed on the individual employees' personnel file. The Company is not required to give prior notice to such meetings and there is no right to be accompanied.

## **2 Principles**

- 2.1 All employees have a contractual responsibility to perform their duties to an acceptable standard and they should be given all reasonable support and encouragement to do so.
- 2.2 An individual's capability to carry out the duties required by their role will be assessed with reference to their skills, qualifications, and mental and physical health.
- 2.3 Where it is apparent that the employees lack of capability is wholly due to ill health (either long term or persistent short term), the appropriate Sickness Absence procedures should be followed.

## **3 Timescales**

- 3.1 All steps in relation to these procedures will be carried out by the Company within a reasonable time. This will depend on the nature of the performance or capability issues and, in particular, the necessary investigation requirements.
- 3.2 Where reasonably practicable, at least 48 hours notice will be given in an invite to any formal meeting.
- 3.3 The time frames set between meetings must be appropriate and reasonable, and will vary according to the employee's role.

## **4 Procedure**

- 4.1 There will be a formal procedure consisting of three stages. All outcomes will be recorded in writing.
- 4.2 If at any stage a Line Manager has reason to believe that the employee's poor performance or lack of capability is due to poor conduct or lack of effort on the part of the member of staff, the capability process will be halted and a disciplinary meeting set up at a later date in accordance with that procedure.

### **4.3 Stage One - Formal Review**

- 4.3.1 The employee must be invited to this formal review meeting in writing.
- 4.3.2 If the performance of the employee is not meeting required standards, a formal warning may be issued along with an action plan with targets and objectives. Notification may be given that failure to improve could lead to dismissal. Alternatively, no formal warning may be given but an action plan with targets, objectives and dates to be reviewed may be issued. A date for the second review meeting will be set. In most cases, this should not be less than a month so as to provide reasonable opportunity for improvement.
- 4.3.3 The outcome of this meeting, including the date for the Second Formal Review meeting if necessary, will be confirmed in writing.

4.3.4 A stage one warning will remain on the employees file for twelve months.

4.4 Stage Two - Second Formal Review

4.4.1 The employee must be invited to this formal review meeting in writing.

4.1.2 A review meeting will be held to discuss the targets set at the first Formal Review. If performance from the employee is deemed to have met the standards required, this will be confirmed in writing by your Line Manager. However, if the same or similar issues arise again in the future, the process will be picked up at stage two.

4.1.3 If performance still does not meet the required standard by the second target date a Stage Two formal warning may be issued. At this stage the employee should be informed that failure to improve could lead to dismissal. This outcome will be confirmed in writing by your Line Manager, including details of the final Formal Review, which should be held no less than one month later in order to allow reasonable opportunity for improvement. This warning will remain on file for 12 months.

4.5 Summary of Process

	Stage		
	Stage One – First Formal Review	Stage Two – Second Formal Review	Discretionary - Third Formal Review
Outcome	Stage One Warning	Objectives achieved, or Stage Two Warning	Objectives achieved Or Dismissal

**5 Representation**

5.1 An employee has the right to be represented at any formal stage of the Capability policy by a work colleague or trade union official.

5.2 Any trade union representative invited to attend a capability meeting (who is not an employee of the Company) must produce evidence that he/she is employed by an independent trade union, or a written document from his/her trade union certifying their competence to act as a companion at such a hearing.

5.3 Where an employee is represented, the representative may speak on behalf of the employee but may not answer questions put to the employee.

5.4 A formal capability meeting, or appeal hearing, may be postponed for up to five days to accommodate the availability of the proposed representative.

5.5 A witness may only observe the proceedings, take notes and consult with the employee in private.

## **6 Right of Appeal**

- 6.1 An employee has the right to appeal against the outcome of any formal meeting. This must be made, in writing, to the Manager/Director detailed in the capability outcome letter, within five working days of the decision being made.
- 6.2 This Manager/Director will conduct an appeal hearing.
- 6.3 The employee must take all reasonable steps to attend the meeting.
- 6.4 The employee will be offered the opportunity for a work colleague or trade union official to attend the appeal meeting either as a witness or to represent the employee.
- 6.5 At the appeal meeting, the employee will be given a chance to expand on their reasons for appeal and the Manager/Director conducting the meeting will ask questions to clarify issues.
- 6.6 After the appeal meeting, the Manager/Director conducting the appeal must inform the employee of the decision in writing. The appeal decision is final.
- 6.7 If a complaint is raised at any stage during this process, it will be treated as a separate matter and in most cases will be managed alongside this process. The outcome of any action relating to another employee will remain confidential and will not be disclosed to the complainant.
- 6.8 The Company will always endeavour to follow the above procedure to ensure employees are treated fairly and consistently.
- 6.9 However, in some circumstances it may be deemed necessary, for business reasons, to react quickly to a capability situation and therefore dispense with the preceding guidelines.