



**C C** CLEVELAND COLLEGE OF  
**AD ART & DESIGN**

Title:	<b>Capability Procedure</b>		
Version number:	3		
Owner:	HR Manager		
Author:	Amy Clark		
Consultation taken place with:	Trade Unions	Dates:	February 2016
Approved by:	Principalship	Date:	September 2015
Date to be reviewed:	February 2018		
Minor amendments:	Date:	September 2015	
	Nature of:	Reformatted	

The policy or procedure will be reviewed by the date shown on the front cover sheet, or sooner if a change in legislation, best practice, or other circumstances indicate that this is necessary. If, for whatever reason, the policy or procedure is not reviewed by the date shown, the policy or procedure shall stay in force until formally reviewed.

## Contents

<b>Title</b>	<b>Page Number</b>
Introduction	3
Definitions	4
Procedure	4
Roles and Responsibilities	7
Standards/Key Performance Indicators	8
Equality Statement	8
Document Control Including Archiving Arrangements	8
Appendix 1 – Action Plan Template	9

## INTRODUCTION

- 1) This procedure is designed to assist and encourage all employees to achieve and maintain standards of job performance. The aim is to ensure consistent and fair treatment for all and to assist any employee who is considered to be experiencing difficulties in performing satisfactorily the duties required of the post to which s/he was appointed. It is designed to provide managers and employees with an opportunity to improve their performance in the workplace.
- 2) Concerns about capability may arise from a number of factors, including:
  - a) absence of facilities crucial to the employee's performance;
  - b) lack of proficiency and poor overall organisation;
  - c) changes in the nature and allocation of work, including heavy workload;
  - d) lack of aptitude, skill or experience;
  - e) personal/family difficulties;
  - f) short-term health problems;
  - g) reorganisation or redefinition of role; or
  - h) poor attendance at work, related to genuine ill health.
- 3) Concerns about capability should not be confused with disability. Where employees become disabled during their employment, it is important to ensure that every effort should be made to retain them in their original job, or redeploy to a suitable alternative post, in line with the requirements of the Equality Act 2010. The capability procedure should only be used when schemes to deal with disability have been exhausted.
- 4) In exceptional circumstances, it may be necessary to temporarily re-deploy an employee immediately from their normal job, e.g. employees against whom serious complaints of incapability and/or lack of competence have been made by students or workplace colleagues.
- 5) An employee has the right to be accompanied by a recognised representative of a trade union or workplace colleague at any stage of the formal procedure.
- 6) It is important to remember that dealing with the capability of a member of staff can be a very sensitive issue. Managers should proceed with a degree of caution and with sensitivity in order to avoid any accusations of bullying. Managers should therefore ensure they seek the advice of the HR Manager/HR Assistant before proceeding with any formal stage of the procedure.

## **SCOPE**

- 7) The procedure covers all employees of Cleveland College of Art and Design, whether employed permanently, temporarily, full time, part time or hourly paid, other than probationers and senior post holders.

## **DEFINITIONS**

- 8) Capability – the ability to perform actions required of the role by reference to skill, aptitude, health or any other physical or mental quality.

## **PROCEDURE**

### **Informal Procedure**

- 9) It is important to recognise that many issues of capability can be, and should be, resolved without recourse to the formal capability procedure. The following is intended as a framework and may need to be adapted to suit the needs of each situation.
- 10) Continuous monitoring and assessment of individual performance against the requirements of each post should be undertaken by the line manager in order to identify any problems as soon as they arise in line with the performance management strategy. This involves:
  - Initial Meeting – An initial meeting should be had at the very beginning of the performance cycle. This meeting is an opportunity for the employee and Line Manager to discuss what goals/targets should be obtained throughout the year. These targets should be S.M.A.R.T targets.
  - Staff Development Opportunities – Staff development should be discussed at the initial meeting to evaluate whether any training is necessary to make it easier to obtain the targets that are being set. Staff Development should not however only be discussed at the initial meeting; it should be an on-going discussion between the Line Manager and employee.
  - Meetings and Discussions – Meetings and discussions should happen on an on-going basis. Simple catch up meetings between the Line Manager and employee should happen at least every 2 weeks. These types of meetings are an opportunity for both the employee and Line Manager to discuss and share any appropriate information regarding departmental activity.
  - More formal performance meetings (e.g. how is the employee coping with targets that have been set, are the targets still realistic, do the targets need to be changed, reviewed, etc.) should happen every 6-8 weeks. This is essential so performance can be discussed openly and freely and is a chance for the employee to air any concerns they may

have about hitting specific targets. Mentoring and feedback from the Line Manager should also be given at these meetings.

- Check-point – A six monthly formal performance evaluation should be had. A form has been devised to help Line Managers with this process. This performance evaluation will focus on work performance and attitude.
- Annual Performance Evaluation – This is the final stage of the performance cycle. The same method as (check-point) should be followed. Please note this performance evaluation will also determine whether employees employed on a fixed spot point should receive an increment.

11) See performance management strategy for full details.

12) As soon as a concern is identified by either the line manager or the employee, the issue should be discussed between the employee and his/her line manager. In these circumstances, both parties will have ample opportunity to discuss the concern, to make any comments and to record them if desired. Most areas for concern can generally be dealt with through informal discussions and counselling. Prior to this discussion the line manager needs to examine job content to ensure:

- a) its appropriateness;
- b) that everyone's expectations of work performance are realistic;
- c) that training has been given;
- d) that the volume of work is reasonable;
- e) that adequate advice and supervision are available as required; and
- f) that sufficient time has been given to allow familiarity with the post.

13) This is to ensure that employees have a reasonable and realistic chance of succeeding in the job.

14) Once the review has been undertaken a meeting should take place to discuss the outcome with a view to securing the improvement to the standards required. The meeting should be informal (therefore there is no right to representation) and constructive to allow the employee an opportunity to express their opinion and for the line manager to determine whether there are any external factors that may be contributing to the employee's poor performance. If the problem is one of ill health absence, then the matter needs to be dealt with under the procedure for sickness absence.

15) At the meeting, an agreed action plan should be established to include (where appropriate):

- a) further training specifically directed to training needs which are identified to facilitate improvement;

- b) monitoring, review and variance of workload as required;
- c) Setting SMART targets;
- d) review and monitoring of the amount of supervision.

16) The action plan should be given in writing to the employee and contain a summary of the improvement(s) required, the target(s) and the timescale(s) over which these are expected.

17) Continued monitoring and assessment should take place for a period of time ranging from one to three months depending on the nature of the performance improvement agreed. It is anticipated that in the vast majority of cases, no further action, other than normal follow-up, will be necessary.

### **First Formal Interview**

18) Where the levels of improvement agreed above are not met, then a formal meeting should take place to discuss performance. This meeting constitutes the date of entry into the formal procedure. The employee has the right to be accompanied at the meeting by the recognised trade union representative or work place colleague.

19) At this meeting, the employee should be reminded of the previous discussions and told of the continuing shortcomings. The employee should be given an opportunity to give their interpretation before deciding what action should be taken. This needs to be confirmed in writing with any objectives specified. It is possible that circumstances outside the individual's control have caused, or at least contributed to, the reduced effectiveness of their performance over the period monitored.

20) After the formal interview, a written warning should be issued that makes it clear that the employee's job is at risk if improvement is not achieved. Monitoring and assessment needs to continue for a further period of between one and three months, depending on the individual situation and should be in proportion to the level of seriousness of the performance difficulty.

### **Second Formal Interview**

21) Failure to improve after the review period should be followed by a repeat of section 16 for a second time. This constitutes a final written warning. The caution should include the possibility of voluntary redeployment (where available) or termination of employment.

22) If improvement is still insufficient, the manager should consider whether voluntary redeployment could be considered within the College. The post does not have to be on the same scale. If voluntary redeployment can be

considered the offer should be made in writing, explaining why it is being made and the consequences of refusing it. The employee should be given time to consider the offer and be advised to discuss it with his/her representative.

### **Dismissal Interview**

23) If no offer of voluntary redeployment is made, or one is not accepted, a final investigatory formal interview should be arranged with the employee and his/her representative, in accordance with the staff disciplinary policy and procedure.

24) The interview should be conducted by the Principal, line manager / Vice Principal and the HR Manager. Notification should be given in writing, allowing the employee to bring a representative. On hearing the evidence and any explanations, a decision needs to be considered as to whether to dismiss.

25) If this is to be the outcome, the employee should be dismissed in accordance with the capability procedure, with appropriate notice and informed of the right to appeal in accordance with the capability procedure.

26) However, if the chosen representative of the employee is unavailable on the date of the final investigatory formal interview, the employee may delay the date of that hearing once by up to 10 working days to enable the chosen representative to attend.

27) The format for appeals contained in the staff disciplinary policy and procedure should be used.

### **ROLES AND RESPONSIBILITIES including Monitoring and Evaluation**

28) The College Principal/Chief Executive and management are responsible for ensuring that:

- a) They are familiar with the payment of professional fees procedure, and that it is followed correctly;
- b) They are aware of the College's legal responsibilities as an employer in relation to capability.

29) The HR Manager is responsible for ensuring that:

- a) Monitoring of the procedure is carried out and the procedure is reviewed accordingly; and
- b) Appropriate training and development is provided to support managers' and employees' understanding of the capability procedure.

30) Employees are responsible for ensuring that:

- a) They familiarise themselves with the capability procedure.

## **STANDARDS/KEY PERFORMANCE INDICATORS**

31) Responsibility for monitoring and reviewing this procedure lies with the HR Manager. The procedure will be reviewed as part of an annual employment policies and procedures review. The review will include consultation with recognised trade union representatives specifically on this procedure at least every three years.

## **EQUALITY STATEMENT**

32) This procedure will be implemented in line with the principles of the College's commitment to equality and diversity which is: Cleveland College of Art and Design is committed to the principles of equality and diversity and aims to ensure that all employees and College users are treated fairly and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

## **DOCUMENT CONTROL INCLUDING ARCHIVING ARRANGEMENTS**

### **Register/Library of Procedural Documents**

33) The Academic Registrar is responsible for maintaining an index of policies and procedures in use and will act as archivist. A single library of College policies and procedures will be maintained. Any policies or procedures that are replaced or are no longer active will be archived.

34) All 'live' policies and procedures will be accessible to staff in hard copy via policy or procedure files, and will be published on the intranet site. Policies and Procedures will also be published on Cleveland College of Art and Design's external website.

## **RELATED DOCUMENTATION**

35) Performance Management Strategy.

36) Appendix 1 – Action Plan Template. This may be used as a template to be given to the employee and will include summary of the improvement(s) required, the target(s) and the timescale(s) over which these are expected.



## APPENDIX 1

### Capability Action Plan

This capability action plan may be used by the line manager and employee when discussing improvements in performance. A discussion should be undertaken by both parties to establish targets and when these targets should be achieved by. This is to give guidance to the employee of what they should be achieving in their role.

When setting objective/target(s) please make sure they are:

- **Specific** – Be precise and clear about what is to be achieved.
- **Measurable** – Make sure it will be clear when or whether the objective has been achieved. Quantify it.
- **Achievable** – Ensure they are realistic for the individual to achieve within the timescale.
- **Resourced** – Make sure they are within the remit of the person to achieve.
- **Timed** – State when the objective should be achieved by.

Target(s)	How will target(s) be met	Timescale	PRIORITY – H, M, L	Outcome – achieved / not achieved

**APPENDIX 1**

Target(s)	How will target(s) be met	Timescale	PRIORITY – H, M, L	Outcome – achieved / not achieved

Date \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_  
(Employee)

Date \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_  
(HR Manager)

Date \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_  
(Manager)