

Pitcombe Parish Council

Capability Procedure

1.0 Introduction

- 1.1 The term capability refers to an employee's skills, ability, aptitude and knowledge in relation to the job they are employed to do.
- 1.2 The purpose of this procedure is to deal with concerns of poor performance which relate to the capability of an employee to perform the functions of their post to a satisfactory level.
- 1.3 This procedure runs parallel with, but is not part of, the Disciplinary Procedure. The Parish Council recognises that it would be inappropriate to apply the Disciplinary Procedure when poor performance relates to lack of capability. However, where an employee is underperforming, and the reasons are related to circumstances within their control, then the Disciplinary procedure should be followed.
- 1.6 It can sometimes be difficult to establish whether poor performance is due to incapability or to lack of effort, motivation or negligence and in some cases, there may be elements of both. If this is the case, this procedure should be followed rather than starting disciplinary proceedings.

2.0 Informal procedure

Stage One – Training and Supervision

- 2.1 If an employee is found to be underperforming, the Personnel Committee should examine the circumstances regarding the unsatisfactory performance and address those initially through discussions with the employee. It may be more appropriate for one member of the committee to discuss issues with the employee and report back to the committee. Notes should be kept as record of these informal conversations.
- 2.2 A clear action plan to address the causes of underperformance should be agreed. This might include training or closer supervision. A review date should be set.
- 2.3 If under performance is associated with health issues the employee may be required to attend an occupational health assessment as part of the procedure.
- 2.4 If, after the agreed review date, no improvement is made the formal capability procedure will be initiated.

3.0 Formal procedure

Stage Two

- 3.1 A formal meeting will be held giving the employee five working days* notice and the opportunity to be accompanied at the meeting by a representative. The purpose of the meeting should be to identify what action has been taken to date and any reasons why the employee's performance has not improved. Essentially the action plan for improvement should be revised; the normal period for any extension should be no more than three months. The employee should be notified that if the required improvements are not attained by the end of the revised action plan then the employee may be dismissed.

- 3.2 The formal meeting will usually be attended by the full Council and a record of the meeting will be kept.
- 3.3 A second meeting to review progress against the action plan should be held between 6 weeks and 2 months after the first meeting. Again, at least 5 working days* notice should be given along with the right for the employee to be represented.
- 3.4 If it is clear that the agreed targets or action points have been achieved then the employee will be removed from the process. Alternatively if the agreed targets or action points have not been met then the employee will be reminded that failure to improve performance may result in dismissal.
- 3.5 If after the agreed period for completion of the action plan sufficient improvements have been made, the process will end and written confirmation will be given to the employee. If there is no or insufficient improvement, the Full Council may decide that the employee be dismissed with notice. The notice period may be provided as paid leave.

4.0 Appeals

- 4.1 An employee has the right to appeal dismissal decision and must submit their notification within 5 working days of the decision to dismiss, setting out their grounds for appeal.
- 4.2 The procedure used will be that outlined in the Disciplinary and Grievance Procedures.

Notes

*working days are considered to be Monday to Friday regardless of the actual working days of part time employees.

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