

REGULATION 33 CAPABILITY PROCEDURE

A. GUIDANCE NOTES

1. Introduction

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It aims to manage under-performance by identifying the causes or contributory factors, and by ensuring that, as far as possible, all staff are enabled to fulfil their responsibilities in line with the aims and objectives of the University.

1.3. The Capability Procedure addresses the ability to carry out a job to the required cy or misconduct (the

1.4. The procedure also recognises that a proportion of University staff will not perform to the required standard. It provides managers with the mechanism to deal effectively with those who under-perform, ultimately by dismissing someone who does not show adequate improvement.

2. Principles

2.1. Circumstances which may be work-performance. Wherever possible, managers

- 2.2. The timescales adopted for the various stages of this procedure will vary in accordance with the problem relates to a specific or broader difficulty, and the time period during which the problem has existed. Normally the total period given for improvement will be no longer than two terms after the formal Capability Procedure has begun. For academic staff, the period may need to be a full academic year, during which SMART (see page 5) targets would be set. However, in certain cases, for example, where the provision of a key service is jeopardised, the period given for improvement will need to be considerably shorter.
- 2.3. In most cases a member of staff should not be dismissed because of a failure to perform to the required standard unless warnings and an opportunity to improve have been given. However, where a member of staff commits a single significant

- (vi) familiarising themselves with university procedures relating to their employment;
- (vii) informing their manager of any issues which could be affecting their work performance. This could include personal issues outside the workplace; health or disability issues.

Members of staff have a right to:

- (i) be informed of the requirements/performance standards of their job;
- (ii) seek help from their manager if they have their own concerns about anything which may be affecting their performance, without prejudice;
- (iii) be treated with dignity and respect at all times;
- (iv) be accompanied or represented at all formal stages of the Capability Procedure, by a fellow worker or trade union representative. The chosen companion will be allowed to participate fully in the meeting, and has the right to address the behalf;
- (v) request a postponement of a meeting if the chosen fellow worker/trade union representative cannot attend on the date proposed and a suitable alternative person cannot be found. In this instance, the member of staff must offer an alternative date and time so long as it is reasonable and falls no later than five working days after the date first proposed by the University;
- (vi) be treated in accordance with the principles of natural justice. This includes representation; the right of appeal; and the provision of evidence and relevant documentation.

4.2 Managers

Managers are responsible for:

- (i) recruiting, selecting, training and managing staff appropriately thus minimising the risk of poor performance;
- (ii) setting standards of performance, and ensuring that these are communicated and understood. Standards of work performance should be outlined at the start of employment and then reinforced through the induction process and training;
- (iii) ensuring that staff have a reasonable workload;
- (iv) providing induction to:
 - a) new recruits;
 - b) staff transferring from another school or department;
 - c) staff who have been redeployed;
 - d) staff promoted within the school or department;
- (v) providing feedback on work performance to every member of staff for whom they are responsible;
- (vi) providing appropriate support and assistance to help staff reach and maintain the required standards of work;
- (vii) ensuring that they receive appropriate advice and training relating to the operation of the Capability Procedure, subject to such training being provided by the University;
- (viii) dealing with poor performance as it becomes apparent to avoid this having a detrimental effect on the performance of the school/central department, or on staff morale;

- (ix) ensuring sensitively and consistently, maintaining confidentiality, dignity and equality of opportunity.

Managers have a right to:

- (i) enquire, where appropriate, and with sensitivity, of issues that may be affecting
- (ii) be treated with dignity and respect at all times.

and of the outcome, including any measures to be put in place to assist the member of staff to improve his/her performance to the required standard.

7.2 It is not expected that at any informal meeting between a manager and the member of staff there should be any third party involvement. However, a request by the member of staff to be accompanied by a fellow worker or trade union representative will not be unreasonably refused.

7.3 The Capability Procedure should only be used where informal action has failed or the formal action.

8. Stage 1

8.1 Note: Where it becomes apparent, during Stage 1, that ill health is a possible reason for the problems, the manager should follow the procedure set out in the Sickness Absence and Medical Incapacity Procedure (available on Human Resources website).

8.2 Where informal intervention has not resulted in the required improvement in performance, or where the manager feels that the individual would benefit from a more structured process of direction and support, the manager should inform the relevant Human Resources representative, and hold a meeting under Stage 1 of the Capability Procedure. For the avoidance of doubt, nothing in this Procedure shall require the institution of formal proceedings to be preceded by informal action, in particular if the performance issue is considered too serious to be addressed through informal intervention.

8.3 The member of staff should be given advance notice of the meeting, his/her right to be accompanied (see guidance note 4.1), and the purpose of the meeting, in writing. Any previous appraisal documentation should be reviewed prior to the meeting. In advance of the meeting, the member of staff should be provided (as far as is reasonably practicable) with copies of any documents to be considered at the meeting.

8.4 The purpose of the meeting is to inform the member of staff that s/he has failed to perform his/her duties to an acceptable standard, to give the individual an opportunity

8.5 Those present at the meeting should include the manager, the member of staff, the Resources representative.

8.6 At the meeting, the manager should:

- clarify the required standards of the role;
- standards;
- give the member of staff an opportunity to respond to the issues raised about his/her performance;
- seek to establish the cause of poor performance and any action which can be taken to help to improve the situation;
- identify any support services or investment which might be required;

- seek to identify any adjustments to the working environment which could assist the individual in meeting the requirements of his/her role;
- obtain commitment from all concerned to assist in resolving the problems;
- propose an action plan which sets out clear targets and timescales for demonstrable improvement. Input should be sought from the member of staff and the action plan should be agreed by the member of staff wherever possible;
- agree a reasonable time-
- set a date for a review meeting to ensure that progress is being made.

8.7 After the meeting, the manager should give the member of staff a written action plan that contains:

- a detailed summary of the improvements required and the standards to be met
- details of areas where support is needed, and the means of achieving that support;
- any agreed adjustments to the working environment;
- clear targets and timescales for demonstrable improvement

8.8

Specific
Measurable
Achievable
Realistic
Timebound

8.9 The manager should ensure that any other staff involved in the process are appropriately briefed.

8.10 The nature of the under-performance will determine the type and range of help to be provided but it could include:

- monitoring, review and variance of workload and responsibilities;
- monitoring standards of performance against agreed objectives and the requirements of the job;
- review of the availability of suitable resources or materials;
- training or coaching specifically aimed at achieving an improvement in performance (in liaison with the Staff Development Unit);
- the identification of a mentor;
- review of the amount of supervision needed;
- Officer (particularly if the meeting establishes that performance problems are
- opportunities to see good practice elsewhere within the University (or other organisation).

8.11 If it is decided that the unsatisfactory performance emanates from a change in individual and help will be offered to reach and maintain these standards.

- give the member of staff an opportunity to respond to the issues raised about his/her performance;
- seek to establish the cause of poor performance and any action which can be taken to help to improve the situation;
- identify any further support services or investment which might be required;
- seek to identify any adjustments to the working environment which could assist the individual in meeting the requirements of his/her role;
- obtain commitment from all conce

- iii. Indicate the length of the assessment period and the intervals at which the
- iv. Set out the details of any support or assistance to be provided to assist the

