



*Serving the community*

# Blaby Parish Council

## **EMPLOYMENT POLICY NO.4 –** **CAPABILITY PROCEDURE**

### **Introduction**

During your employment with us, there may come a time when, through no fault of your own, you become incapable of carrying out your duties fully or in a timely fashion.

This could be for many reasons, such as:

- Changes within the Council which affect your job;
- New equipment or tools etc; and
- Health Issues.

If such a situation arises, we aim to support and help you to overcome any difficulties which prevent you from performing in your job role. With this in mind, we have developed this policy to ensure fairness and sensitivity when dealing with such issues. The following procedures do not form part of your contract of employment.

### **Stage 1**

If we have concerns about the level of your performance at work, we will meet with you to discuss our concerns. You will be encouraged to be open and honest with us if there are any circumstances which are affecting your performance.

At this meeting, we will advise you what standards are expected and also agree with you any help and appropriate timescales which you may need to achieve those standards. The help and any timescales set will obviously be relevant and appropriate to your situation but could include things such as training or re-training, reasonable adjustments, transfer to another more suitable job role, coaching etc. It may also be appropriate for us to ask you for access to your medical records to allow us to facilitate any relevant help or reasonable adjustments to enable you to work effectively. Whilst you do not have to comply with this request, we would ask that you co-operate if the need arises.

### **Stage 2**

#### **1. Incapability Due to Health Issues**

If your incapability to perform your job effectively is due to an ongoing health issue, it may be advisable for us to obtain input from the medical profession to aid us in helping you. As such, we may ask for permission to contact your GP or any other person in the medical profession who has knowledge of your illness or condition (e.g. a consultant or other specialist etc.).

Our aim of seeking such information is to help us to look at what reasonable adjustments would be appropriate for your condition, consider if we could adopt such adjustments and also consider any other advice the medical professional could give to help us to protect your employment with us. However, if upon receipt of such medical information, it is apparent that you are unable to continue in our employment, we may have no alternative to terminate your employment with us.

## **2. Incapability due to Non-Health Issues**

If your performance does not improve to the required standards set within the prescribed timescales, you will be invited, in writing, to a second meeting to discuss your performance. If no acceptable improvement has been made, you may be issued with a written warning. If an acceptable improvement has been made, we will not issue any warnings at this stage, but will continue to monitor your performance.

You will again be notified of what improvements are expected from you and a third meeting will be arranged to review your progress. If, at this further meeting, your performance is still unacceptable, you may be issued with a final written warning. If an acceptable improvement has been made, we will not issue any further formal warning, but will continue to monitor your performance.

You will again be notified of the improvements needed and a fourth meeting will be arranged to review your progress. If at this meeting there has not been an acceptable improvement in your performance, we may take the decision to terminate your employment. If there has been continued or further improvement, we will decide whether further reviews of your performance are necessary.

### **Monitoring and Support**

At all times throughout this procedure, we will monitor your performance and consider relevant support to help you to reach the required levels.

### **Appeal Process**

If the decision is taken to issue any formal warnings or to terminate your employment, you will have the right to appeal against such a decision. You should write to the person detailed in the outcome letter, within 7 calendar days of the date of the letter, outlining the grounds for your appeal.

We will then arrange to hear your appeal, normally no more than 14 calendar days after receipt of your letter of appeal. In interests of fairness, your appeal will normally be held by a different, more senior person, than the one who

held the meeting at which the decision was taken to terminate your employment.

**After full consideration of the matter, you will be informed, in writing of the decision as soon as is reasonably practical and normally within 14 days of the meeting.**

### **Right to be accompanied**

You have the right to be accompanied by a fellow employee of your choice or by a Trade Union Official at all stages of the capability procedure and at any subsequent appeal meeting.

It is your responsibility to arrange for the appropriate person of your choice to be informed of the matter and the dates of the hearing/s. If you wish a member of staff to accompany you, then either yourself or the person concerned, should notify us as early as possible, so that we can ensure that they can be released from their duties at the appropriate times.

We wholeheartedly support the right to be accompanied and any person who agrees to accompany a member of staff at any capability or appeal hearing will not be subject to any form of detriment as a result of doing so.

### **Record-keeping**

We will take notes of all meetings held and these, along with any supporting evidence used will be held on your personnel file. Details of any action taken will also be kept.

### **Short Service**

We reserve the right to take into consideration your length of service. If you have short service, you may not be in receipt of any warnings prior to dismissal.

Adopted 12<sup>th</sup> July 2011

Reviewed Yearly, Last Updated September 2020