



## **Support Staff Capability Policy**

Policy Code:	HR30
Policy Start Date:	April 2014
Policy Review Date:	April 2017

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR12 Staff Disciplinary Policy and Procedure
- HR18 Staff Sickness Policy
- HR13 Annual and Special Leave and Reporting Absences Policy



## **1 Policy Statement**

- 1.1 The Priory Federation of Academies Trust (the Trust) seeks to provide each employee with the direction, development and support necessary to ensure a productive and rewarding career.
- 1.2 The Trust is committed to developing a culture where employees are supported and assisted in achieving the required standards of performance.
- 1.3 This policy does not form part of an employee's contract of employment and it may be amended at any time.
- 1.4 This policy does not apply to agency workers, consultants or self-employed contractors.
- 1.5 This policy does not apply to employees on a probationary period or fixed-term contract.

## **2 Aims**

- 2.1 This policy, along with the related procedure (HR30A), ensures that the Trust has fair and effective arrangements for dealing with work performance and capability matters. Before employees can be expected to reach appropriate standards of job performance, the Trust accepts they should be provided with appropriate training, guidance and support. Accordingly, this policy aims to:
  - a) improve and maintain the standard of work performance of an individual employee, through advice, coaching, guidance and support, with the emphasis on developing a series of performance improvement plans, which, wherever practicable, are mutually agreed to reach the required standards;
  - b) ensure that all employees are treated in a fair, consistent and understanding manner in relation to capability issues;
  - c) ensure that the Trust is a fair employer, meeting all relevant legal requirements regarding any capability related decisions it may take in relation to any employee;
  - d) support managers in carrying out their responsibilities for the maintenance of high standards of work performance by all employees;
  - e) contribute towards the improvement of the performance and effectiveness of the Trust; and



- f) help protect the Trust, its employees and service users from the consequences of poor work performance.

### **3 Roles, Responsibility and Implementation**

- 3.1 The Trust is committed to a programme of action to make this policy effective and bring it to the attention of all employees.
- 3.2 The Pay, Performance and HR committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head of Human Resources.
- 3.3 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### **4 Identification of Capability Issues**

- 4.1 Initial identification of an employee's failure to meet the required levels of performance often arises through normal performance management meetings e.g. one-to-ones, supervisions, appraisals.
- 4.2 A work performance issue may arise when an employee is failing, in a significant or persistent way, to carry out their responsibilities or duties in a satisfactory manner due to capability (i.e. would but can't), or as a result of misconduct (i.e. can but won't). In cases of misconduct, the Disciplinary Policy and Procedure (HR12) should be used.
- 4.3 In exceptional cases where a performance error or defect has serious consequences (i.e. if it results in the serious jeopardy of the health and safety of service users or other employees), the principles/procedure for gross misconduct as outlined in the Disciplinary Procedure should be followed.

### **5 Medical Issues Affecting Capability**

- 5.1 If an underlying medical condition(s) has not been identified and/or is not having an impact upon the employee's performance, the matter will continue to be managed under the Capability Policy and Procedure.
- 5.2 There may be occasions when an underlying medical condition(s) is suggested. In these cases, it may be appropriate to refer the employee to Occupational Health. The Trust will consider whether any medical condition (s) requires changes to the timings and steps under the Capability Procedure.



5.3 If an employee declines referral to Occupational Health, the Line Manager will need to explain to the employee that without such a report, management decisions will be made using the information available to them.

## **6 Overview of Procedure**

6.1 Except where there is evidence that such an approach has proved ineffective already, it is expected that the majority of performance related issues will be resolved at the initial stage of identification as in paragraph 4.1.

6.2 In the case where previous attempts to resolve the issue have been unsuccessful, the employee's Line Manager should invite them to attend an Informal Capability Meeting. See Capability Procedure (HR30A) for the detailed procedure for an Informal Capability Meeting.

6.3 During this informal stage, the Line Manager will provide the necessary advice, coaching and guidance to the employee to support them in attaining the required standards. The Line Manager will also work with the employee to develop, and agree where practicable, a series of Performance Improvement Plans (PIP).

6.4 Details of all meetings, including any targets, monitoring, support and PIPs, must be recorded. A copy of these notes, relevant letters to the employee and any *ad hoc* verbal feedback given during the monitoring period should be placed in a case file for the employee. Only letters relating to the formal procedure should be on the employee's personal file.

6.5 Progress made by the employee in conjunction with the Performance Improvement Plan will be reviewed on a regular basis. The outcome of these reviews will determine whether it is necessary to progress to the formal stage of the procedure i.e. Stage 1 – Formal Capability Meeting and Stage 2 – Formal Capability Hearing.

6.6 Advice must be sought from the Head of Human Resources before escalating the issue to the formal stage of the Capability Procedure.

6.7 If, after application of the formal stages of the Capability Procedure, improvements in performance prove to be of a temporary nature, the Line Manager, in conjunction with the Head of Human Resources, has the option to return immediately to Stage 1 of the Formal Procedure, if the performance concerns are related.



- 6.8 Under normal circumstances, where a new area of performance concern has been identified, the procedure should commence at the Informal Capability Meeting.
- 6.9 If the matter progresses to a Stage 2 – Formal Capability Hearing, Line Managers have a responsibility to present the details of the employee's failure to meet required standards, including all relevant performance statistics and the outcome of any Performance Improvement Plans to date.
- 6.10 Employees have the right to appeal against any formal sanction given.

## **7 Procedures**

This procedure may only be amended or withdrawn by The Federation.



**Policy Document**  
Support Staff  
Capability Policy

**Policy Status:** Approved  
**Ref.** HR30

## **The Priory Federation of Academies**

### **Support Staff Capability Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.