

Live Active Leisure

MANAGING CAPABILITY

POLICY STATEMENT

All employees should have a clear understanding of the required standards of performance in all aspects of their job. The Staff Review & Development Scheme is the agreed means of communicating the Company's Business Plan to all employees by giving explicit objectives which contribute to the overall achievements of the Company. All managers have an ongoing responsibility to ensure that standards of performance are explained and understood by their employees.

Situations can occur where an employee's overall performance is below acceptable standards due to a lack of capability or competence rather than deliberate non-compliance with the required standards. Such situations may arise as a result of:

- Organisational change
- Change of job content
- Employee being redeployed or promoted
- Lack of training
- Lack of understanding of role and remit
- Personal factors affecting performance

The Managing Capability Procedure is appropriate in cases where the employee is lacking in some areas of knowledge, skill or ability and, as a result, is unable to carry out their duties to the required standard. It is not appropriate for this procedure to be used to deal with problems caused by ill health: such matters should be progressed through the Sickness Absence Management Procedure. If it appears that the unacceptable performance is due to a lack of effort, negligence or wilful misconduct, the matter should be progressed through the Disciplinary Procedure.

The purpose of the Managing Capability Procedure is to:

- Provide a fair and consistent procedure for dealing with capability problems;
- Ensure employees understand the standards expected of them;
- Assist the organisation to operate effectively; and
- Assist employees to improve their performance and reach an acceptable standard wherever possible by providing support and training;

Good and regular communication between managers and employees should enable performance issues to be addressed promptly and using the informal approach. The Managing Capability Procedure should be used when the day-to-day normal line management process of addressing performance issues through providing support and

guidance has not resulted in a satisfactory improvement, ie when the informal counselling process has not worked.

PRINCIPLES

The Procedure applies to all employees of the Company, with appropriate changes in managerial involvement in cases involving Chief Officers.

At all formal meetings under the Managing Capability Procedure, employees will be entitled to be accompanied or represented by a person of their choice. The success of the Procedure is dependent upon ongoing, meaningful dialogue between manager and employee with a view to reaching a satisfactory level of performance.

Employees will have a right of appeal in the form of an independent review at all stages of the formal procedure. At the final stage, the appeal will be heard by the Appeals Sub-Committee. Employees who feel the Managing Capability Procedure is inappropriately applied to them would have recourse to the Grievance Procedure. There will be no delay in implementing management decisions pending the outcome of an appeal or grievance, although the decisions may subsequently be amended as a result of the appeal or grievance process.

Managers should maintain records of all significant performance issues (addressed both informally and formally), support and training given and reviews of performance. Employees are entitled to have a copy of such records.

The Administration & Staffing Manager and/or if required the Company's Human Resource Advisor will be present at all formal meetings held under the Managing Capability Procedure.

MANAGING CAPABILITY PROCEDURE

Formal Capability Meeting

Where an employee is failing to perform to an acceptable standard despite support and/or training at the informal stage, a formal capability meeting will be arranged. The manager will ensure the employee is given at least 5 days' written notice of the meeting, which will include:

- The fact that the matter is being addressed formally under the Managing Capability Procedure
- Clear details of the shortfall in performance and supporting documentation
- Details of informal counselling or action taken so far
- The right to be accompanied/represented
- Details of where and when the meeting will take place and who will be present

During the meeting, the employee should be clearly told of the shortfall in performance and the performance standards expected. The employee should be advised of the consequences of not achieving the standards, which may ultimately be redeployment to an alternative post or termination of appointment. The employee must be given the opportunity to answer the points raised and to explain any difficulties they may have. If the employee indicates that performance problems are due to stress, ill health or a long term medical condition, a referral will be made to the Company's Medical Adviser under the Sickness Absence Monitoring Procedure or Occupational Stress Policy.

At the meeting an action plan should be agreed detailing the areas for improvement, the required standards and the method of achieving or assisting improvement. Methods of improvement should be discussed and may include training, working under close supervision or agreeing changes in duties on a temporary basis. A reasonable timescale for improvement should be set depending on individual circumstances. During this period, mechanisms for monitoring and support must be put in place by the manager.

Conclusions from the meeting, including the action plan, and review date will be recorded in writing and sent to the employee within 5 working days of the meeting. The employee will be advised of the right of appeal.

If the employee accepts that they cannot and could not fulfil the requirements of the job, alternative options should be discussed. These may include redeployment, a permanent redefinition of duties on an appropriate grade or mutually agreed termination of appointment.

A request for an independent review of the outcome of a formal capability meeting must be lodged within 14 days of receipt of the letter to the Chief Executive Officer who will arrange to hold a hearing. The independent review will be conducted by the Chief Executive Officer or nominated officer, who will be advised by a representative from Perth & Kinross Council's Human Resources section not previously involved in the formal procedure.

First Formal Review Meeting

The manager must ensure the employee is given 5 working days' written notice of the first formal review meeting, which will include:

- The intention to review the action plan
- The right to be accompanied/represented
- Details of where and when the meeting will take place and who will be present

It may be appropriate to convene a review meeting prior to the end of the agreed review period if either a satisfactory standard of performance is evident, or there is a significant deterioration in performance.

Following a review of the action plan, if the desired improvement has been achieved, the employee should be advised that a satisfactory standard of performance has been achieved and is expected to be maintained. In order to ensure a satisfactory standard of

performance is maintained, there will be a further period of monitoring of 3 months or other longer agreed period. This outcome will be confirmed in writing to the employee within 5 working days of the meeting.

If a satisfactory standard of performance is maintained during this monitoring period, the employee will be notified in writing and no further action will be taken.

If it is not maintained during the monitoring period, the employee will be notified of this in writing and a further formal review meeting will be held.

If the review of the action plan does not result in the required standards of performance being achieved, the employee should be advised clearly of the areas of under-performance. Additional or alternative methods of improvement should be considered. The employee must be given the opportunity to answer points raised and explain any difficulties they may have.

It may be appropriate at this stage to discuss alternative options, including redeployment, a permanent redefinition of duties on an appropriate grade or mutually agreed termination of appointment. The employee should be advised that capability dismissal will be considered if a satisfactory standard of performance is not achieved at the end of the next stage/review period.

The outcome of the formal review meeting will be confirmed in writing to the employee within 5 working days of the meeting. The letter will detail the areas of under-performance, expected improvement, a revised action plan, timescales and consequences of non-achievement.

A request for an independent review of the outcome of a formal review meeting must be lodged within 14 days of receipt of the letter to the Chief Executive Officer who will arrange to hold a hearing. The independent review will be conducted by the Chief Executive Officer or nominated officer, who will be advised by a nominated Human Resources Officer from Perth & Kinross Council or nominated representative not previously involved in the formal procedures.

Final Formal Review Meeting

The manager will ensure the employee is given 5 working days' written notice of the final formal review meeting, which will include:

- The intention to review the action plan
- The right to be accompanied/represented
- Details of where and when the meeting will take place and who will be present

It may be appropriate to convene a review meeting prior to the end of the agreed review period if either a satisfactory standard of performance is evident, or there is a significant deterioration in performance.

Following a review of the action plan, if the desired improvement has been achieved, the employee should be advised that a satisfactory standard of performance has been achieved and is expected to be maintained. In order to ensure a satisfactory standard of performance is maintained, there will be a period of monitoring of 3 months or other agreed period. This outcome will be confirmed in writing to the employee within 5 working days of the meeting.

If a satisfactory standard of performance is maintained during this monitoring period, the employee will be notified in writing and no further action will be taken.

If it is not maintained during the monitoring period, then the employee will be notified of this in writing and a further meeting will be held to determine the appropriate course of action in accordance with the following provisions.

If the reviewing manager is not satisfied that the required improvement has been achieved, the employee will be advised clearly of the continued areas of under-performance. The employee will be given the opportunity to answer the points raised and explain any difficulties they may have.

During a short adjournment, the manager will consider all relevant circumstances and determine which course of action to take. In exceptional circumstances, the manager may decide that an improvement in performance to an acceptable level may be achieved by extending the assistance offered and timescale as detailed at the last review meeting. Only one such extension can be agreed. A final review meeting will be arranged and, depending on the outcome, appropriate action taken in accordance with the procedure.

If it is decided that performance will not reach an acceptable level in the current post, consideration will be given to redeployment opportunities. A minimum period of 4 weeks will be given to consider redeployment opportunities. If no suitable redeployment is agreed or the employee declines reasonable redeployment, notice of dismissal on grounds of capability will be given.

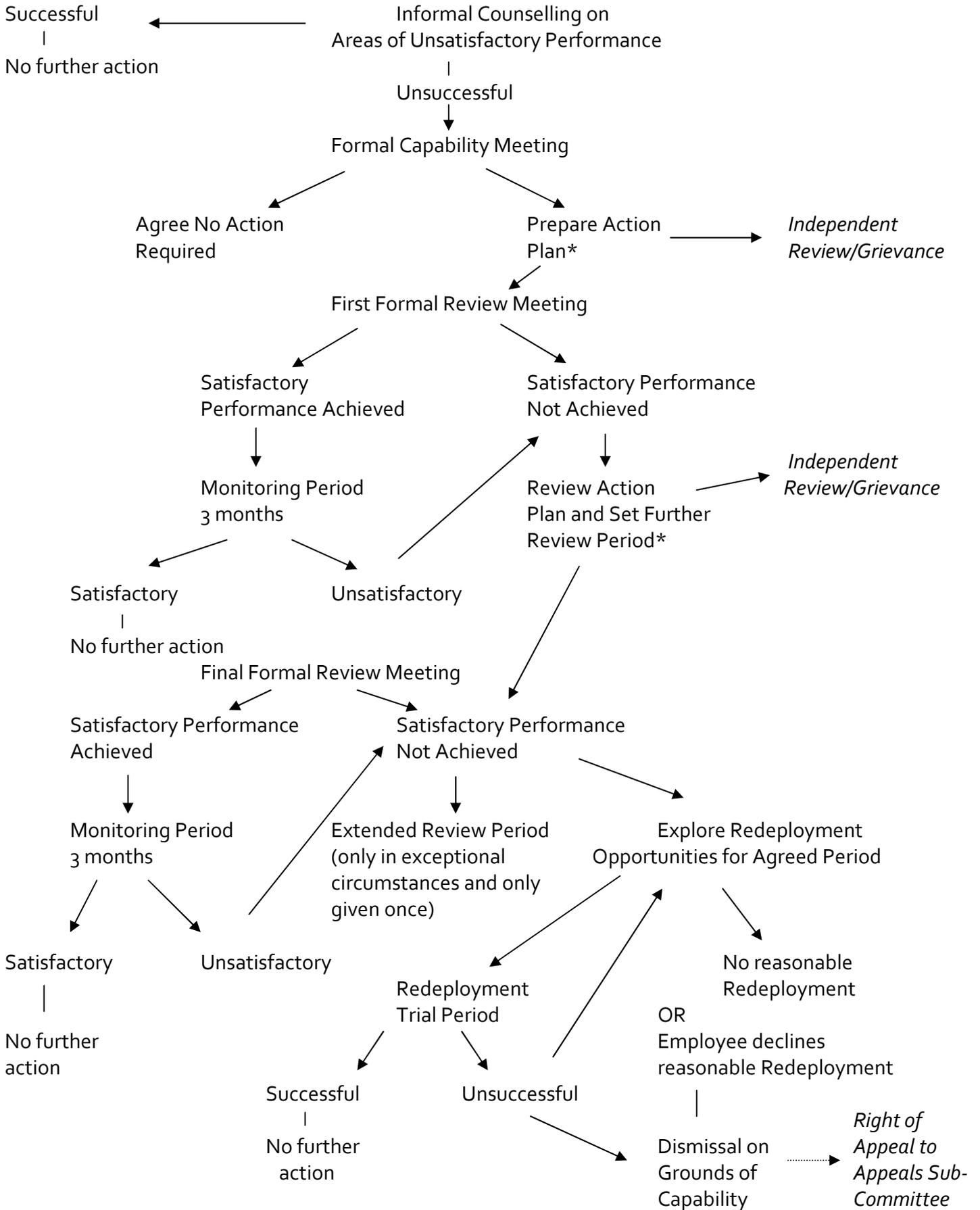
If the agreed redeployment is found to be unsatisfactory by either the new manager or the employee after an agreed trial period of at least 4 weeks, notice of dismissal (if not already given) will be given and the dismissal will be effected. Redeployment opportunities will continue to be examined during the notice period. During the agreed trial period, appropriate training and support will be provided by the new manager to assist the employee in fulfilling the duties and responsibilities of the new role. For the purposes of the trial period, the employee would retain the grade for his/her substantive although hours and pattern of work and location may require to be amended. If the trial period is satisfactory to all parties, the employee would be confirmed as being redeployed to this new position with the appropriate amendments to terms and conditions, all of which would be confirmed in writing to the employee. This will mark the end of the Managing Capability Procedure in respect of the employee in the former post.

The outcome of the final review meeting will be confirmed in writing to the employee within 5 working days of the meeting. The letter will detail the decision, the reasons for the decision, any financial implications and to whom any appeal should be registered within 14

days of receipt of the letter. The employee will have the right of appeal against dismissal to the Appeals Sub-Committee of the Company. There is no right of appeal against redeployment, which would only be effected by way of agreement between all parties.

This shall be the final right of appeal within the Company's procedures.

A GUIDE TO MANAGING CAPABILITY AT WORK



*Consider redeployment, permanent redefinition of duties on an appropriate grade, or mutually agreed termination of employment

