

The Alice Cross Centre

**CAPABILITY POLICY**

Version 1

March 2022

Policy Revisions Record

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| Version | Date | Review due | Version | Date | Review due |
| 1 | December 2015 | March 2022 |  |  |  |
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1. **INTRODUCTION**

The Alice Cross Community Centre place great importance on maintaining levels of performance at an acceptable standard and the capability procedure provides a fair and objective process to enable the trustees to ensure that these standards are met in every aspect of the company’s operations.

**Definition:-**

For the purpose of the Capability Procedure, capability is defined as:-

*“Where a member of staff/volunteer is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner, either due to a lack of ability, inadequate training or lack of experience. Such failings will be identified by use of the following procedures and steps taken to improve performance. Where such steps prove unsuccessful the staff member/volunteer may have their work terminated on the grounds of incapacity.*

The procedures set out in this document aim to ensure that there is:-

1. A means of monitoring performance and establishing performance criteria.
2. A degree of consistency in how staff with widely differing responsibilities and duties are given opportunities to attain satisfactory levels of performance.
3. Assistance in identifying the most appropriate form(s) support and providing that support.
4. If a staff member/volunteer fails to overcome their difficulties, any consequent action will be based on:-

* Adequate evidence that the staff member/volunteer is incapable of performing their duties satisfactorily
* A fair procedure
* The fact that the staff member/volunteer was given all reasonable assistance to overcome such failings.

1. **PROCEDURE**

**Stage 1 – Informal Procedure:-**

Where an employee/volunteer of the Alice Cross exhibits an inability to perform their duties satisfactory, the Centre will attempt to resolve the matter informally via a meeting between the Line Manager and the member of staff. The nature and date of the meeting will be recorded and a letter sent to the member of staff indicating the nature of their unsatisfactory performance and how such performance can be improved to the satisfaction of the Line Manager. The member of staff/volunteer should be informed that they may be accompanied at any meetings by a trade union representative or work colleague or friend.

At this meeting the Line Manager will agree performance standards with the member of staff/volunteer and a time period (normally three months) over which improvement will be expected. They will also agree how the individual’s performance will be monitored.

If the individuals performance improves adequately over the timescale, then the process will terminate at this stage. If performance remains unsatisfactory, then the formal procedure will be invoked at set out in Stage 2.

**Stage 2 – Formal Procedure – Information Collection**:-

The Line Manager or an appointed Trustee may call on support of an external advisor or another member of the Trustees to undertake collecting the necessary information. They would be expected to interview the member of staff/volunteer concerned and the Line Manager as well as any other appropriate individuals. The member of staff/volunteer should be informed that they may be accompanied at any meeting by a trade union representative or work colleague or friend. A written report based on evidence gained e.g. by interviews and observation of performance will be prepared by the advisor/Manager. The report should be precise and specific in the observations and comments it makes and shall contain clear information on.

1. areas where the member of staff/volunteer is failing to perform adequately
2. actions already taken by management to address these failings and whether these actions were adequate – i.e. were clear performance standards set and monitored.
3. whether the member of staff/volunteer acknowledges a problem and shows a willingness to improve
4. the impact of the individuals failings on colleagues and work output.
5. any other mitigating factors.

The report should be given to the member of staff/volunteer concerned and to the Line Manager. Both may record in writing any comments on the observations contained in the report.

A representative from the Board of Trustees will consider the report and may opt to take one of the following actions:-

* no further action
* instruct the line manager to set reasonable standards for the individual and monitor these for a set period of time. *(This option should be chosen if this has not previously been carried out adequately and at least three months given to improve).*
* Convene a formal capability hearing to consider the matter further.

**Stage 3 – Capability Hearing**:-

A nominated Trustee/Chair of Trustees will write to the member of staff/volunteer involved informed them of the date of the hearing, attaching any relevant documentation. The letter shall contain:-

* The performance deficits in sufficient detail to ensure that the member of staff/volunteer fully comprehends their nature, extent and seriousness
* The time and date and venue of the interview.
* The person who will conduct the interview, usually the Chair of Trustees or their Deputy.
* A statement that all employees have the right to be accompanied by a trade union representative or work colleague or friend at any interview or hearing held under the provision of these procedures.
* At least 10 days notice of the hearing.

At the hearing, the member of staff/volunteer will be given the opportunity to put forward a defence, to bring witnesses in support of their defence, to mitigating circumstances and to make a full statement. A written copy of the procedure to be adhered to during the hearing should be made available to the member of staff/volunteer before the hearing takes place.

If the allegation is found to be justified, then a decision on the action to be taken must be made. Depending on the nature, frequency and seriousness of the allegation(s) it is expected that at this stage a Warning will be given and this will be confirmed in writing.

A letter should be sent to the member of staff confirming the decision and the reason(s) why it was made. The letter will also indicate that the member of staff’s/volunteers progress will continue to be monitored and how this will be carried out. A time scale for performance to improve and a review date(s) will be specified.

If the failings are found to be not sufficiently serious to warrant a formal warning or where there are mitigating circumstances, then monitoring should be discontinued subject to a clear indication to the member of staff that it may be reintroduced if the problem(s) reappear.

**Stage 4 – Second Capability Hearing:-**

If poor performance continues, the process set out in stage 3 should be repeated. The time scale for improvement will depend on the nature of the duties and responsibilities of the employee/volunteer concerned and the seriousness of the complaint(s).

If the conclusion of the second hearing is that performance has not sufficiently improved and that there is still evidence in incapability despite support and prior warnings, a final working should be issued.

The letter confirming the decision as well as covering the points made at Stage 3, should clearly state that if an improvement is not forthcoming, The Alice Cross will convene a final meeting at which it will consider terminating job of the member of staff/volunteer involved on the grounds of capability.

**Stage 5 – Third Capability Hearing:-**

The Chair of Trustees will conduct the third hearing at which if previous advice, training and warnings have not had the desired effect, he/she will terminate the job of the employee/volunteer concerned. The procedures outlined in Stage 3 will be followed.

1. **APPEALS**

An appeal against any decision to discontinue the member of staffs/volunteers employment on the grounds of capability may be made in writing to the Chair of Trustees within 14 days of the decision. The employee’s appeal will be heard by another appropriate Trustee. Decisions made on appeal will be final.

1. **REVIEW**

This policy will be reviewed every two years.

In case of any queries or questions in relation to this policy please contact Centre Manager or Board of Trustees

Signed on behalf of the Board of Trustees by



Name: Sue Halfyard Date: 14 March 2022