

# **Capability Policy**

Capability refers to an employee's ability to perform the work expected of them to the standard required of them.

The purpose of the capability policy is to provide a framework for managing underperformance in a fair and consistent manner.

Harvey Bears has a responsibility for setting realistic standards of performance.

All members of staff are required to perform their duties to an acceptable standard. Whilst the majority of staff meet or exceed these standards performance problems may arise. All managers, deputies and chair people should be aware of the terms of this capability policy and ensure they understand it. It is the managers and chairpersons responsibility to identify underperformance.

It is recognized that capability problems may result from underlying work problems or personal problems outside the setting. There is a need to treat all capability issues with care and sensitivity.

## ***Statement of Policy***

The aim of Harvey Bears is to offer the highest possible standards. We are committed to ensuring that all employees are given the opportunity and support to deliver and maintain a high level of performance at work.

All staff should be aware of the standards expected of them and have regular supervisions to discuss their performance.

It is the responsibility of the Manager to ensure that any underperformance is addressed quickly and, if possible, resolved informally.

## ***General Principles***

Managers should be supportive of employees, help them to take action to improve their performance and consider any mitigation circumstances that may be affecting them.

All employees are responsible for co-operating with the manager, if their performance does not improve then a meeting will be arranged.

All employees involved in the procedure have the right to be accompanied, to any formal stage, by another person.

All those involved must treat any information shared with confidentiality. Employees will not normally be dismissed for performance reasons without previous improvement notices, unless it is a safeguarding issue.

### ***Conducting Informal Discussions***

In the first instance managers should deal with underperformance informally in the setting.

Informal discussions should;

- Explain the nature of the concerns providing specific examples.
- Set out expected standards of performance.
- Establish the likely cause of underperformance and identify ways to help e.g. training.
- Set targets and timescales for improvement and a review date.
- Notes of any meeting should be kept and shared with the employee.

### ***Conducting Formal Meetings***

If performance does not reach expected standards following an informal meeting, the manager may see reason to call a formal capability meeting.

The employee should receive two working days' notice of the meeting with a written invitation to attend. The letter should outline the reasons for the meeting. It will inform the employee of the date, time and place of the meeting and the employee's right to be accompanied.

At least one working day prior to the meeting the employee must inform the manager the name of anyone accompanying them and any documentation they wish to be considered.

The meeting will be attended by a note taker.

The aims of this meeting will include;

- Setting out the expected standards of performance.
- Giving the employee opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- Establish the reasons for underperformance and why measures carried out before the meeting have not led to improvement.
- Identify whether closer supervision, or further training will aid improvement.
- Discuss and agree on targets for improvement, and a timescale for review.

A meeting may be adjourned to gather more information relevant to the meeting.

The employee will be informed in writing of the outcome of the meeting.

### ***Formal Meeting Stages***

#### **Formal stage 1**

An improvement notice will be served. This will be kept on the employees file. The manager will review performance and hold review meetings. A Performance Improvement Plan should be drawn up. On completion of the review period the manager will write to the employee outlining the next steps.

#### **Formal stage 2**

If the employee has failed to reach the review targets in the First Improvement Notice the employee will be invited to a second meeting. If following this meeting the employee's performance has not significantly improved, then a third formal meeting will be called following the same procedure.

### Formal stage 3

This meeting will be conducted by the chairperson and the manager, who will be accompanied by a note taker. The employee has the right to be accompanied.

Following the meeting if it is decided that performance is still unsatisfactory then the committee may consider;

To dismiss on the grounds capability and consider an alternative.

To issue a Final Improvement Notice.

Any dismissal will be with full notice or payment in lieu of notice unless the employees'

Behaviour causes danger to staff and children of Harvey Bears.

The decision will be confirmed in writing within three working days of the meeting. The letter should outline the employees right to appeal against any sanction,