
REPORT TO:	FINANCE & MANAGEMENT COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	15 th FEBRUARY 2005	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	B NICHOLLS – PERSONNEL OFFICER (595789)	DOC:
SUBJECT:	CAPABILITY PROCEDURE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM05

1.0 Recommendations

1.1 The Council formally adopts that the proposed Capability Procedure attached at Annexe A of this report.

2.0 Purpose of Report

2.1 To obtain Committee approval for this new procedure.

3.0 Detail

3.1 The proposed procedure is designed to deal with concerns related to an individual's capability to do their job. In this context, capability is assessed by reference to an individual's skill, aptitude and competence. The procedure's aim is to help manage occasions where an employee may not be performing to the required standard expected in their post. "Health" capability is excluded from this procedure as the Council's Sickness Absence Management Procedure is designed to deal with this.

3.2 It is considered inappropriate to use a Disciplinary Procedure to manage capability issues. This is because a concern about someone's capability requires a more supportive and constructive approach. When dealing with capability, employers are expected to give support to the employee to help them to develop the required standard of performance in their job. It is, therefore, best practice to have a separate Capability Procedure.

3.3 The proposed procedure provides a fair, consistent and transparent framework to deal with cases where capability and job performance fall below an expected and acceptable standard. Its overall aim is to provide a reasonable opportunity for an employee who is under-performing to improve to the standard required.

3.4 The Procedure enables managers to deal with capability issues initially through an informal route. The informal procedure is used to make all appropriate efforts to assist the employee to achieve the required level of performance.

- 3.5 Where the manager considers that the informal procedure has not resulted in the required improvement the formal procedure will then be used. However, the manager should be able to demonstrate that they have given the employee appropriate assistance and support to improve their performance before the formal procedure is used.
- 3.6 Employees are entitled to representation during the formal process.
- 3.7 The proposed procedure recognises that each case should be treated individually in terms of time scale and the assistance provided to the employee.

Consultation

- 3.8 The Joint Negotiating Group has considered the proposed procedure. It agreed that it be recommended to Committee for adoption by the Council. If adopted, the procedure may then be reviewed at any time in consultation with the appropriate trade unions.

Statutory Dismissal and Disciplinary Procedures

- 3.9 The statutory procedures, which cover dismissal on capability grounds, are embodied in the proposals. These are basically:
- The employee must be informed of the employer's concerns and be invited to a meeting to discuss those concerns.
 - The meeting must take place before the employer takes any action.
 - The employee is informed of the employer's decision following the meeting.
 - The employee is given a right of appeal against the employer's decisions.

4.0 Financial Implications

- 4.1 None arising from this report.

5.0 Corporate Implications

- 5.1 The proposed procedure provides a corporate framework for dealing consistently and fairly with cases where an individual's job performance is not to the required standard. It will form another element of the Council's Performance Management framework.

6.0 Conclusion

- 6.1 The proposed procedure promotes best practice when dealing with performance issues. It will assist managers to deal with such issues fairly and consistently and help ensure that employees are provided with reasonable support, time and opportunity to improve job performance before dismissal is considered.