CAPABILITY POLICY AND PROCEDURE

Introduction

IJ Tours t/a International House Manchester places great importance on supporting staff members to maintain levels of performance at an acceptable standard. This capability procedure provides a fair and objective process to enable managers to ensure that those standards are met in every aspect of the company's operations.

DEFINITION

For this Capability Procedure, capability is defined as:

"Where a member of staff 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 member of staff may have their employment terminated on the grounds of incapacity".

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

- A means of monitoring performance and establishing performance criteria.
- A degree of consistency in how staff with widely differing responsibilities and duties are given opportunities to attain satisfactory levels of performance.
- Assistance in identifying the most appropriate form(s) of support and providing that support.

If a member of staff fails to overcome their difficulties, any consequent action will be based on:

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

Procedure

STAGE 1 - INFORMAL PROCEDURE

Where an employee of the Company exhibits an inability to perform their duties satisfactorily, the Company 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 should be informed that they may be accompanied at any meetings by a trade union representative or work colleague.

At this meeting, the line manager will agree performance standards with the member of staff, and a period (normally three months) over which improvement will be expected. They will also agree how the individual's performance will be monitored.

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If the individual's 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 by the Line Manager as set out in stage 2.

STAGE 2 – FORMAL PROCEDURE – INFORMATION COLLECTION

A senior manager or director will undertake to collect information from all relevant parties. They are expected to interview the member of staff concerned and the Line Manager, as well as any other appropriate individuals. The member of staff should be informed that they may be accompanied at any meetings by a trade union representative or work colleague.

A written report based on evidence gained e.g. by interviews and observation of performance will be prepared by a senior manager or director. The report should be precise and specific in the observations and comments it makes and shall contain clear information on:

- areas where the member of staff is failing to perform adequately
- actions already taken by management to address these failings and whether these actions were adequate - i.e. were clear performance standards set and monitored
- whether the member of staff acknowledges a problem and shows a willingness to improve
- the impact of the individual's failings on colleagues and work output
- any other mitigating factors

The report should be given to the member of staff, who may record in writing any comments on the observations contained within the report.

A senior manager or director will consider the report, and may opt to take one of the following options:

- no further action
- instruct the line manager to set reasonable performance standards for the individual and monitor these for a set period.
- convene a formal capability hearing to consider the matter further.

STAGE 3 - CAPABILITY HEARING

A senior manager or director will write to the member of staff informing 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 fully comprehends their nature, extent and seriousness.

- The time, date and venue of the interview.
- The person who will conduct the interview, usually the Principal / Director
- A statement that all employees have the right to be accompanied by a trade union representative or work colleague 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 will be given the opportunity to put forward a defence, to bring witnesses in support of their defence, to present 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 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 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 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 of incapability despite support and prior warnings, a final warning 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 Company will convene a final meeting at which it will consider terminating the contract of the member of staff involved on the grounds of capability.

STAGE 5 - THIRD CAPABILITY HEARING

The appropriate senior manager or director will conduct the third hearing at which if previous advice, training and warnings have not had the desired effect, he/she will terminate the contract of the employee concerned. The procedures outlined in Stage 3 will be followed.

Appeals

An appeal against any decision to terminate the employee's contract of employment on the grounds of capability may be made in writing to the HR Department / Head Office within 14 days of the decision. The employee's appeal will be heard by the appropriate Director. Decisions made on appeal shall be final.

Disciplinary Policy, Misconduct and Gross Misconduct

The company reserves the right to implement the Disciplinary Policy in cases of poor performance which it deems to constitute misconduct or gross misconduct. For more information, please see the Disciplinary Policy.