

TITLE: Capability Policy Support Staff15
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Policy Statement

The School, Local Authority and Trades Unions recognise the need to ensure employees are offered all necessary training and guidance to carry out their duties. Appropriate competent supervision from properly trained managers is seen as an essential requirement in achieving this objective.

However, if questions are raised about an employee's capability then the individual concerned will have the right to be accompanied by a trade union or other representative and will be offered all appropriate facilities to help equip the employee for the better performance of existing or possible future responsibilities in the service of the local authority.

In clear cases of a discernible and continued lack of improved performance, utilisation of the Local Conditions of Service may be considered.

Procedure for Dealing with Lack of Capability

Preamble

This procedure deals with an employee's failure to achieve a satisfactory level of performance and does not apply to cases of incapacity due to ill health or to employees who are within their probationary period which are dealt with under separate procedures for resolving such matters.

At the informal stage, the employee may be accompanied by a trade union representative or colleague if he or she so wishes.

All formal action should be undertaken by reference to the details contained within the agreed disciplinary procedure.

Informal

Where an employee's capability is in question, the attention of the employee must be drawn informally to the area in which performance is deficient. An opportunity should be offered to the employee to identify areas of dissatisfaction in relation to training, support duties and responsibilities, etc.

- 1 Management should ensure that the employee received the training and other support necessary to do the work at the required performance. The employee's duties and responsibilities should be identified in a job description and someone competent and experienced in the work should supervise the employee.
- 2 A review should be mutually agreed between management and the employee.

Formal

- 1 If, despite the above steps the employee's performance is still inadequate, the employee should be interviewed in accordance with the disciplinary procedure. If there is evidence of lack of capability the employee should receive a written warning requiring the employee to show a specified improvement in the standard of work within a given period of time (normally not less than 3 months).
- 2 If there has been no or insufficient improvement following the warning, the employee should be interviewed in accordance with the disciplinary procedure. If there is clear evidence of lack of capability the employee should receive a final written warning. This warning should indicate clearly that dismissal will follow if, within a given period of time (normally not less than 3 months), there has been insufficient improvement.
3. If there has been no or insufficient improvement following the final written warning, the employee should be interviewed in accordance with the disciplinary procedure.

Before dismissal, the Director or nominated officer, in consultation with the employee and representative should consider the possibility of a suitable alternative post within the Service if necessary on a different grade. In such circumstances the employee will have no rights of personal grade protection.

4. If no suitable alternative post is available or an offer has been refused, the employee should be dismissed in accordance with the disciplinary procedure.
5. The employee will have a right of appeal against the dismissal to the Employment Appeals Committee and will be afforded the conditions as detailed in the disciplinary procedure.