



# Capability Policy

This policy applies to all companies within the Relyon Group.

## Performance Capability

It is the aim of the Company to maintain good working standards within the workforce. However, it is recognised that occasion may arise where a member of staff is not working to the standards the Company expects of them.

The Company recognises the importance of dealing with capability issues without delay. This policy is designed to provide a framework for dealing with matters in a fair, supportive and consistent manner.

Employees must perform to a satisfactory level. The purpose of this capability procedure is to encourage and help them improve their performance.

## Principles

The Company seeks to ensure when implementing this capability procedure that there is, where possible:

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- a) a full discussion of the situation with you;
- b) identification of any problems or difficulties being experienced by you and an exploration of possible causes of those problems or difficulties;
- c) the provision of help and assistance where practicable to improve the situation;
- d) a full discussion of the possible consequences of there being insufficient improvement in your performance levels;
- e) the provision of a reasonable amount of time to achieve the improvements required by us; and
- f) a review of your progress.

Since the circumstances of each case are likely to be different, the action taken in each case will be that which is appropriate considering the circumstances. The line manager will be involved in any discussions.

There are three levels of action that may result from the formal capability procedure. Other than in rare cases, an employee will not normally be dismissed for a first instance of poor performance.

The Company reserve the right to act at any level, or to skip levels, depending on the circumstances of the case.

## Improvement Notice

In cases of poor performance, the Company will initially give you an improvement notice. This will include a performance improvement plan (PIP), which we will seek to agree with the employee.

It will give the following information:

- a) explanation of the reasons for the improvement notice;

- b) an explanation of the improvements in performance required;
- c) the timescale for making these improvements (the review period);
- d) any support we will provide to assist the employee;
- e) an explanation of the consequences of any repetition of the poor performance or failure to improve the performance to the required level as set out in the PIP; and
- f) advice as to their right to appeal against the decision to issue an improvement notice

During the review period, the performance will be monitored and at the end of the review period, the Company will inform the employee of the next step:

- a) if we are satisfied that the requirements set out in the PIP have been met, no further action will be taken;
- b) if we are not satisfied that the requirements set out in the PIP have not been met, further action may be taken; or
- c) where appropriate, the review period may be extended

An improvement notice will normally remain in force for six months and a copy of the improvement notice will be kept on the employee's personnel record.

It will normally be disregarded for capability purposes after a period of six months, or any other period specified in the improvement notice, subject to satisfactory performance during that time, but will form a permanent part of the employee's personnel record.

## **Final Written Warning**

If there is failure to meet the requirements set in the improvement notice, or where the poor performance is sufficiently serious to warrant, a final written warning may be given.

This will include a PIP which will be agreed with the employee, and which in most cases will be the second PIP implemented by the Company.

It will contain the following information:

- a) an explanation of the reasons for the warning;
- b) an explanation of the improvements required;
- c) the timescale for making these improvements (the review period)
- d) any support we will provide to assist you;
- e) an explanation that any repetition of the poor performance or failure to improve your performance to the required level set in the PIP will make you liable to dismissal; and
- f) advice as to your right to appeal against the decision to give you a final written warning

During the review period given in the final written warning, the employee's performance will be monitored and at the end of the review period, the Employer will inform them of the next step:

- a) if the Employer is satisfied that the employee has met the requirements set out in the PIP, no further action will be taken;
- b) if the Employer is not satisfied that the employee has met the requirements set out in the PIP, further action may be taken; or
- c) where appropriate, the review period may be extended

The final written warning will remain in force for 12 months and a copy of the final written warning will be kept on the employee's personnel record.

The final written warning will normally be disregarded for capability purposes after 12 months, subject to satisfactory performance during that time, but will form a permanent part of the employee's personnel record.

## **Absence Capability**

### **Short-term Absence**

Where an employee has been persistently absent for short periods of time, the purpose of this capability procedure is to encourage and assist the employee to improve their attendance to a level acceptable to the Company.

The Company will ensure when following this capability procedure that there is, where possible:

- a) a full explanation of the situation with the employee;
- b) an identification of any problems or difficulties being experienced by the employee and an exploration of possible causes of those problems or difficulties;
- c) the provision of help and assistance where practicable to improve the situation;
- d) a full discussion of the possible consequences of there being insufficient improvement in the employee's absence levels;
- e) the provision of a reasonable amount of time to achieve the improvements required by the Company; and
- f) a review of the employee's progress

As the circumstances of each case are likely to be different, the action taken in each case will be action that is appropriate taking into account the particular circumstances.

Where possible, the Company will seek to deal with instances of repeated short-term absences informally.

Where absences are more persistent, more serious or informal steps are not enough to bring the employee's attendance to a satisfactory level, formal action will be taken as described in capability – performance (above).

### **Long-term Absence**

This section of the policy and procedure has been created to be applied if an employee has been absent from work due to ill-health, either for a single, long period or for two or more periods which may have been punctuated by unsuccessful attempts to return to work but which, when taken together, amount to a long period of absence. In occasions where formal action is required, the Company will follow the capability procedure, which may result in action being taken.

The purpose of this procedure, if an employee has been on long-term absence due to ill-health, is to assist the employee in returning to work if possible.

The Company, where appropriate, will consider redeployment or retraining and reasonable workplace adjustments.

The Company will maintain regular contact with the employee during the period of absence (subject to any medical evidence that may be received to the contrary indicating that the contact may be harmful).

The Company will establish the reason for the absence from the employee.

If the employee is not at work, the meeting may need to take place at the address of the employee, at a time and date convenient to them. If that is not possible, it may take place via telephone.

### **Medical Reports**

The Company will seek to understand the medical condition of the employee.

This may be done by seeking to obtain a report from:

- a) their GP or consultant; and/or

b) their own doctor, an independent occupational health consultant or another appropriate medical adviser

The Company will comply with relevant data protection laws in seeking to obtain any medical report, and in processing the information contained in the report once it is available.

If the employee is seeking a report from their GP or consultant, they will be informed of their rights under the Access to Medical Reports Act 1988.

The employee will have the opportunity to see the report before it is supplied, and to ask for corrections to be made.

If consent is refused by the employee, or the Company are otherwise unable to obtain a report on their condition, the Company will need to proceed based on the available information.

### **Conducting the Capability Meeting**

The employee will be given reasonable notice of the scheduled capability meeting. No decision will be made as to whether any capability action is to be taken or the nature of any capability action to be taken before the meeting occurs.

The meeting will usually be heard by a manager or HR Consultant of the Company (the Chair).

### **Records**

Records should be kept accurately detailing the nature of any capability meeting, the Company's response, any action required or taken, any appeal and appeal outcome.

These records will be kept confidential and retained in the personal file of the employee.

