



# SOMPTING PARISH COUNCIL

## POLICY ON: Capability

### Introduction

It is important that all employees perform consistently to the standards expected of Parish Council employees in their particular role. Where an employee's performance falls below acceptable standards the Parish Council will take all reasonable steps to seek an improvement in a reasonable manner.

### Scope

This policy applies to all employees. Where an employee's capability to perform all or part of their job is in question, the following procedure, which is designed to identify the cause of any problems and help to resolve them will apply:

### Stage One

The employee's attention will be drawn to the ways in which his/her performance is deficient at a meeting arranged by their manager. The employee will be invited to offer an explanation for their poor performance. The employee will be provided with a copy of their most recent job description.

An action plan mutually agreed by the employee and the manager will be drawn up to address the issues involved. This may include where appropriate training, other development opportunities, closer supervision or receiving greater clarity about standards required.

If at this stage the issue is not one of capability, in the opinion of the manager, this procedure will apply no further and if necessary the matter will be dealt with under the Disciplinary Policy or if appropriate the Sickness Absence Policy.

If insufficient progress is made by the end of the timescales set in Stage One then:

### Stage Two

A meeting will be held with the employee, a companion (either a trade union representative or a work colleague) their line manager, the Parish Clerk. Notice of seven working days should be given to the employee.

The purpose of the meeting is to identify what action has been taken to date and investigate any reasons why the employee's performance has not improved. Essentially the action plan for improvement should be revised; the normal period for any extension should be no more than three months. The employee should be notified that if the required improvements are not attained by the end of the revised action plan then the employee may be dismissed.

If at the end of this process the required improvement has not been attained then the Parish Clerk may decide that the employee be considered for redeployment. This does not have to be equivalent employment.

Where alternative employment is not available or the employee has refused an alternative offer the Parish Clerk in consultation with the Chairman of Finance and General purposes Committee may recommend to full Council that the employee should be dismissed with notice for reasons of capability.

### **Stage Three**

The employee may appeal against their dismissal to the Appeals Panel via the Chairman of the Council. The appeal must set out the grounds on which it is made, and it must be in writing. It must be sent to the Chairman within 10 days of receipt of the dismissal decision.

The Chairman will convene the Appeals Panel. The employee should include all papers and details of any witnesses they wish to use at the appeal hearing.

Within 14 working days of receipt of an appeal, an appeal hearing will be held with the employee and his/her companion. The Appeals Panel is composed of three elected members. It is the final appeal within the Parish Council on capability matters.

The appeal will be a rehearing of the dismissal. Therefore all the evidence which was heard and available at that hearing will be considered by the Panel. Any evidence (either in support of or against the decision to dismiss) which has come to light after the dismissal will also be considered by the Panel.

The Panel will give their decision to the employee as soon as possible. The decision will be confirmed by full Council and in writing within five working days.

It is anticipated that in most situations the capability procedure will start at Stage One. However, where an employee has been subject to this procedure concerning the same aspect of their work within the preceding six months it may be more appropriate to enter the procedure at a later stage.

It is vital that all proceedings and records are confidential. Any reference

to capability issues will remain on the individual's personal file for two years. All documents will be held in accordance with the Data Protection Act 1998.

Any employee who needs assistance with the hearings or investigations will be given assistance by an appropriate person if for example English is not their first language or for reasons related to a disability or if they have reading or writing difficulties.

This procedure will be followed unless the violent, abusive or otherwise unacceptable behaviour of one of party makes it unreasonable to follow it (stress and anxiety about the process is not sufficient).

### **Monitoring and Review**

The policy will be monitored and reviewed on a regular basis by the Parish Clerk