HR COMMITTEE

DATE:	May 2022
TITLE OF REPORT:	25-22 Draft Capability Procedure
AUTHOR AND CONTACT DETAILS	Gary McIntosh, Head of Human Resources gary.mcintosh@slc.ac.uk
PURPOSE:	Discussion and approval of the draft Capability Procedure.
KEY RECOMMENDATIONS/ DECISIONS:	Members are recommended to: 1. Note content of the draft Capability Procedure. 2. Note that this paper has been considered at the HR Committee. 3. Note that the College has consulted trade union colleagues. 4. Endorse the Procedure.
RISK	1. Currently the College has no Capability Procedure in place. An "Employee Competence" procedure which is no longer fit for purpose will be deleted when this is procedure is approved.
RELEVANT STRATEGIC AIM:	Successful Students – skilled & knowledgeable staff Highest Quality Education & Support – Valued & enthusiastic staff; high-quality support services; productive partnerships Sustainable Behaviours – effective leadership and management; excellent governance; continuing professional learning and development; appropriate risk management
SUMMARY OF REPORT:	The following is the draft Capability Procedure.

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South Lanarkshire College
East Kilbride

CAPABILITY PROCEDURE

Supporting your performance

Version Number: 1.0

Document Information

Procedure Published/Created:	TBC
Reviewed Date:	TBC
Owner:	Human Resources
Approved by:	HR Committee (pending)
Equality Impact Assessment:	TBC
Next Review Date:	TBC –review every 2 years or earlier should circumstances require

Version History

Version Number	Date	Author	Rationale
1.0	TBC	G McIntosh	

Quick Links

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1.0 Introduction

South Lanarkshire College seeks to ensure that all employees are successful in their roles and that we provide feedback, resources, training and other support to ensue this happens.

To enable this, the Capability Procedure is designed to ensure a fair, transparent and consistent treatment of all employees when handling issues related to performance. This procedure reflects the expectations of the College as detailed in the “Staff Governance Standard”.

The College is committed to investigating all situations before undertaking any steps to address performance matters.

Should the performance concern be as a direct result of a behavioural issue, this will be deemed as “conduct” and will be dealt with under the Disciplinary Procedure.

Otherwise, if the performance concern is about an employee’s ability to perform their job role effectively, then this will be deemed as “capability” and will be dealt with under this procedure.

During the implementation of this policy, the College may defer to another policy depending on what evidence is shared, for example the Absence Policy or the Reasonable Adjustments Policy.

This procedure aligns with the ACAS guidelines on managing capability concerns. Should the ACAS guidelines or legal requirements change this procedure will be updated to account of these revisions.

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2.0 Objectives

The objectives of this policy are:

- Provide a structured and transparent approach to enable employees to correct or improve performance areas which have fallen below an acceptable level.
- Ensure a fair and consistent approach to clarifying performance standards expected of employees and subsequently a reasonable opportunity to achieve these.
- Identify opportunities for the College to remove barriers or provide additional support or training to enable improvement in performance.

3.0 Procedure

The College follows a 3-Stage Process to Performance Improvement.

3.1 Stage 1 – Informal Approach

All line managers are required to provide regular feedback to team members, and, in almost all cases, this is successful in correcting any performance concerns and/or allows the College to remove barriers or implement other support or training to support the performance of employees.

On these occasions, where the performance of an employee falls below a satisfactory level, the employee and their line manager should hold informal conversations and agree on the required support and/or an improvement plan.

3.2 Stage 2 – Formal Approach

If the performance of the employee does not improve to a satisfactory level following the first stage 1 it will be necessary to move to a formal process.

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A member of the Human Resources team and the Line Manager will have a formal Performance & Capability Hearing with the employee. A minimum of 5-working days' notice will be given for this Hearing and the employee can be accompanied by a local Trade Union Representative or a colleague. The College should be informed in advance if the employee wishes to be accompanied.

Prior to the meeting, any evidence supporting the performance concerns will be gathered and shared with the employee. The employee is responsible for sharing these with the Trade Union Representative or colleague, should they decide to do so.

The outcome of the meeting will include details of any content for a Performance Improvement Plan inclusive of the timeline and the number of reviews to be considered. Whilst each situation is different, it is anticipated that in most situations, an employee will be given three attempts at each performance objective. In exceptional situations, where the impact of poor performance is deemed to have significant damage to the College or colleagues, or in situations where the informal approach has documented more than two performance opportunities, there may only be one opportunity to achieve each performance objective during this step.

There will be periodic, documented check-ins between the line manager and employee during this process, with at least one check-in per week. The employee is required to prepare evidence of their achievements for consideration during these meetings and also raise any concerns or ways in which the College can support the employee further.

Once the time-period is completed, the Line Manager, employee and HR representative will meet to consider the evidence. The employee can be accompanied by a local Trade Union representative or an employee. During this meeting, a decision will be made to either:

1. Close the process because sufficient or complete improvement has occurred.

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2. Provide a written warning and repeat Stage 2, where partial improvement has been achieved and/or sufficient evidence of effort has been made by the employee and improvements will likely occur soon.
3. Dismiss the employee where no improvements have been made or the improvements have not been sufficient or the employee has not made noticeable effort to achieve improvement(s).

3.3 Stage 3 – Appeal

An employee is entitled to raise an Appeal if the decision of the Formal meeting is wrong or unjust.

An Appeal must be submitted in writing to the Head of Human Resources within 7-working days of receiving the notification letter following conclusion of Stage 2 process. The Head of Human Resources will appoint an Appeal Manager who has not been involved in the case. Both the Appeal Manager and a Human Resources representative will meet the employee without unreasonable delay. The employee can be accompanied by a local Trade Union representative or an employee.

The Appeal Hearing is not a re-hearing of the decision to use the Capability Procedure its purpose is to review the original decision in light of the individual's grounds of appeal.

The Appeal Hearing may be adjourned to allow for further investigation prior to concluding the Appeal.

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4.0 Resources

During the implementation of this policy, a Performance Improvement Plan and a Request for Appeal may be implemented. A copy of each of these are available in Appendix A and Appendix B respectively.

In addition, the College encourages any employee to access available resources to enable their performance, including:

1. Ongoing conversations and/or clarifications with the appropriate line manager.
2. Guidance from colleagues who are familiar or experienced.
3. Coaching from others.
4. Training courses or on-the-job training.
5. HR Department – who may know of other resources to support you.
6. Trade Union, if appropriate.

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Appendix A

Performance Improvement Plan

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Appendix A - Performance Improvement Plan – Capability Procedure

PERFORMANCE IMPROVEMENT PLAN (PIP)

Employee name			***Manager's name***	
Role title			***Role title***	
Department			***Date***	

	Performance issue/concern *Detail specific area where performance standards have not been met. Examples should be provided.*	**Expected improvement actions/performance** *Detail what actions need to be taken/outcomes need to be delivered to achieve the standard expected & timescales set.*	**Support & dependencies** *Detail what support will be provided & if any dependencies*	**Due date**
1	***E.g. Time Management***	***Weekly/Daily***		
2	*Next performance issue in need of addressing ……*			
3	*Next performance issue in need of addressing……*			
4	Next performance issue in need of addressing……			
5	Next performance issue in need of addressing……			
6				

Managers Comments:

Employee Comments
The employee can record any comments/views in this section during the PIP at any meetings held.

This PIP has been agreed by:			
Manager's signature		**Date**	
The reason for the PIP has been explained & I have been issued with a copy of the performance improvement policy.			
Employee's signature		**Date**	

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PIP PROGRESS – SUMMARY

Perf. Concern	Date of Review	Progress Detail the status of the progress made at the review meeting i.e. [Satisfactory improvement, partial improvement] or [Insufficient/No improvement]	Next Action Required	Due Date
1		Choose an item. *Outcome: …….*		
2		*Outcome: …….*		
3		*Outcome: …….*		

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MANAGERS ASSESSMENT /OUTCOME OF PIP

Choose an item.
Comments/Next Steps *Dates of the review meetings held, the progress made during the PIP, next action required and the dates for completion should all be recorded.*

Manager's signature …….. **Date** ……..

Employee's signature …….. **Date** ……..

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Appendix B

Request to Appeal

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Appendix B - Request for Appeal – Capability Procedure

This form is to be used when an employee is submitting an appeal against a decision taken against them under the Capability Procedure. This form should be submitted to the Head of Human Resources within 10 days of receiving the outcome of the Formal Approach of the Capability Policy.

Notification of Appeal Against Capability Policy

Name: _____

Job Title: _____

Department / Faculty: _____

Date of Capability Procedure Outcome: _____

Grounds of Appeal
Please set out the grounds of your appeal. Employees should note that an appeal hearing is not intended to repeat the full, detailed investigation of the Capability Procedure, but to focus on specific factors which you feel have received insufficient consideration, or for consideration of new evidence which has subsequently became available.

Signature: _____

Date: _____

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