

**SUBJECT: CAPABILITY / PERFORMANCE PROCEDURE**

**JOINT REPORT OF THE CHIEF FIRE OFFICER, CHIEF EMERGENCY PLANNING OFFICER, CLERK TO THE AUTHORITY, THE FINANCE OFFICER AND PERSONNEL ADVISOR**

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**1 INTRODUCTION**

- 1.1 Whilst careful recruitment and induction procedures, together with the continuous development of employees, all contribute to the reduction of the risk of poor performance, there will be occasions where poor performance and capability issues will require managing.
- 1.2 To ensure effective management of capability and poor performance issues, the existing guidance to managers has been revised and extended to reflect current best practice, and developed into a procedure which is relevant to all employees of the Authority. The Capability / Performance procedure can be found in Appendix A of this report for consideration by Members.
- 1.3 Following due consideration, Members are requested to approve the Capability / Performance procedure, where after it will be implemented.

**2. THE CAPABILITY PROCEDURE**

- 2.1 The proposed Authority's Capability Procedure is designed to effectively manage capability and poor performance issues in respect of individual employees, in a fair, consistent and supportive manner. This procedure will run in parallel with, but is not part of, the Disciplinary Procedure.
- 2.2 The primary objective of the capability procedure is to effect an improvement in the employees' work performance through the provision of guidance, advice, training and support.
- 2.3 In the majority of cases poor performance is caused by a lack of competence, where the employee is willing to achieve the required standards but needs assistance and support to do so. However, in some cases poor performance is caused by wilful refusal to perform to acceptable standards i.e. misconduct. In dealing with poor job performance it is essential to identify if the issue is related to capability or misconduct.
- 2.4 A capability problem is where an employee has received all necessary training but still cannot achieve a satisfactory level of performance, for a variety of reasons, for example, poor health. If on the other hand, the employee fails to reach the required standard of performance as a result of carelessness, negligence or lack of effort, this will be treated under the Disciplinary Procedure as misconduct.

- 2.5 It is important to recognise that there may be occasions when it is necessary to move from the capability procedure to the disciplinary procedure, when the employee refuses to perform to an acceptable standard.
- 2.6 This procedure will provide robust guidance for all managers with responsibility for human resources and a process within which the Authority can manage performance and capability issues with its most important asset, its people.
- 2.7 When an employee's work performance gives cause for concern the Line Manager will inform the employee at the earliest opportunity and investigate the matter. The investigation will explore the difference between the expected standards and the actual work performance, the nature of the problem, its seriousness and the causes.
- 2.8 Following completion of the investigation the seriousness of the matter will be considered. Cases involving minor unsatisfactory performance are usually best dealt with informally. The informal approach means that minor problems can be dealt with quickly and confidentially.
- 2.9 The formal stage of the capability procedure should be activated where the problem is deemed to be at a serious level or where there has been no significant improvement in an employee's performance following the informal stage of the procedure.
- 2.10 Where a training need has been identified, a structured Learning and Development Plan will be formulated and the individual will be given the necessary support, guidance training and counselling to assist in resolving the matter.
- 2.11 Each individual case will be dealt with on its own merits and where appropriate, a relevant warning will be prepared. Individuals who demonstrate the necessary improvement will be advised accordingly. Individuals who do not demonstrate the necessary improvement will progress through the formal stages and will be offered the appropriate support, guidance and counselling as appropriate.
- 2.12 Following the issue of a Final Written Warning, where insufficient progress is evident despite the support given to an individual, the individual's employment may be terminated.
- 2.13 It must be emphasised that the primary objective of the procedure is to effect an improvement in the employees' work performance through the appropriate training, support and guidance. Formal proceedings will only be undertaken when the problem is deemed serious or the individual does not demonstrate sufficient improvements in their performance during the informal stage.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no costs envisaged in implementing this procedure.

**4. EQUALITY AND FAIRNESS IMPLICATIONS**

4.1 The procedure has been subject to an Equality Impact Assessment.

**5. HEALTH AND SAFETY IMPLICATIONS**

5.1 There are no health and safety implications in respect of this report.

**6. RECOMMENDATIONS**

6.1 Members are requested to:-

- (a) Approve the Capability / Performance Procedure
- (b) Receive further reports as appropriate.

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***BACKGROUND PAPERS***

- Capability / Performance Procedure (ADMIN 3.15).