

Capability Policy

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Original Issue date	AUH & RLBUHT previous date applies		
Issue Date:	June 2023	Review Date:	June 2025
Approval Group	Staff Partnership Forum		
Consultation	Joint Policy Group		
Location of Staff applicable to	Applies to all permanently employed staff across the Trust. In certain circumstances it may apply to staff on a fixed term contract	Staff groups applicable to	All Staff
Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
To be read In conjunction with / Associated Documents:	<ul style="list-style-type: none"> ▪ Equality & Diversity Policy ▪ Agenda for change terms & conditions of employment 	Information Classification Label	<input type="checkbox"/> Unclassified
Access to Information	To access this document in another language or format please contact the policy author.		

Document Change History (changes from previous issues of policy:

Version number	Page	Changes made with rationale and impact on practice	Date
1	4	Addition of Just and Learning Culture – Guiding Principles Reformatting of sections to give them numbers	July 2021
2	7	Addressing unsatisfactory work performance	June 2023

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1. Purpose

The purpose of this policy is to:

- Assist and encourage all employees to achieve and maintain effective standards of job performance.
- Provide managers with a framework and guidance to improve the performance of employees and encourage personal development.
- Ensure consistent and fair treatment for all employees who experience difficulties in performing satisfactorily the duties required of the post or attaining the standard required through examination or other formal assessment to satisfactory and lawfully undertake the job.

Appendix 3 contains a flowchart of the process

2. Just and Learning Culture – Guiding Principles

1. Everyone should be encouraged to live the values of compassion and kindness with colleagues, every day
2. Colleagues should be able to work in an environment where they feel supported and empowered to learn when things don't go as expected, through restorative practice
3. Colleagues should be encouraged to speak the truth about something which didn't go to plan, without fear of punitive individual repercussions
4. In the case of an adverse event, employers should not instinctively ask 'who' was to blame but 'what' led the event to occur
5. Formal capability processes and suspensions should be avoided wherever possible, in favour of explorative conversations, to include discussions about all personal responsibility processes, which are informal and fair, adhering to just and learning principles
6. It is never too late to reconsider the correct approach to an employment relations issue, and consider alternative resolution outside of formal disciplinary and grievance processes
7. When there is a need for formal processes, they should be undertaken compassionately, begin with an investigation of the facts around what went wrong and be undertaken in a timely manner
8. Just and learning culture should not be mistaken for an uncritical culture where 'anything goes' – which can be as harmful and inexcusable as a 'blame culture'
9. Whilst the concept of just and learning culture pre-dates the pandemic, COVID-19 has only further emphasised the importance of treating people as human beings, and a just culture naturally aligns with this mindset
10. In addition to creating the culture we aspire to for the good of our colleagues; employers should recognise the potential to save time and money that can be reinvested, as a result of reduced disciplinarys, suspensions and workforce turnover
11. Wherever possible, the natural links and alignment should be drawn between the development of just and learning restorative culture locally, and the national expectations around culture as directed by NHS Chief People Officer.

3. Introduction

3.1 Background

The Trust recognises the need for a policy to help and encourage all employees to achieve and maintain effective work standards. All Trust employees must be clear about the standard of work expected during the course of their employment. An up to date job description, person specification, and the appraisal process will promote this and provide the framework, but in some cases, an employee may not be able to carry out the responsibilities/duties of the job to an adequate standard. This policy has been developed and jointly agreed between management and trade unions

Principles:

- Consistent and fair treatment for all employees who experience difficulties in performing satisfactorily the duties required of the post; or in attaining the standard (whether required through examination or other formal assessment) to satisfactorily and lawfully undertake the job.
- The procedure should be applied in situations where an individual's competence is preventing them from carrying out their role to the required standard. A list of circumstances where the Capability Policy should be applied is listed under Section 4.2.

3.2 Definition of Capability

The Employment Relations Act (ERA) 1996 states that "Capability is assessed by reference to skill, aptitude, health or any other physical or mental quality". It also indicates that "incapability must relate to the work or the kind of work that the employee was employed by the employer to do". This must be determined in accordance with employee's current contractual obligations.

3.3 Scope

This procedure applies to all employees of the Trust with the exception of Doctors and Dentists. In all cases regarding the professional competence of Doctors or Dentists, managers are required to refer to the national Department of Health framework: "Maintaining High Professional Standards in the Modern NHS". In all cases regarding all other professional staff, the professional head of service must be informed and may be requested to provide advice to any stage of the Capability procedure.

4. Policy Content

4.1 Managing Capability: Related Factors

4.1.1 Stress

Managers must consider that stress can be an important factor in an individual's performance. In addressing unsatisfactory work performance caused by stress, managers must consider a range of options including temporary adjustments to the job and other factors identified in Section 4.6 of the procedure (Stage 1- Informal Action). For guidance regarding the management of Stress please see the Trust's Managing Stress at Work Policy.

4.1.2 Sickness absence

Where ill health is the reason for unsatisfactory work performance, the Trust's Sickness Management Policy should be followed, in conjunction with the Capability Procedure. Capability and sickness issues are often linked and managers should ensure that the issues are dealt with under the appropriate policy, seeking advice from the Business HR Services department as appropriate.

4.1.3 Disability

A disabled employee may be successfully recruited to an existing vacancy within a team; or an existing member of a team may become disabled, during employment.

In managing a disabled employee's performance, all managers are required to be aware of their responsibilities under the provisions of the Equality Act 2010. Managers are required to consider 'reasonable adjustments' to the workplace or working arrangements.

Where a disabled employee is declared medically unfit for work in their original role, but fit for work in a potentially different role (e.g. a sedentary post), the duty to make reasonable adjustments may necessarily include consideration to 'slotting-in' a disabled employee to another existing post if they are qualified and suitable for the vacancy in question. There is no onus on the Trust to create a new vacancy.

Specialist advice must be taken from a Business Human Resources Representative and the Equality and Diversity Lead.

4.1.4 Misconduct

Where misconduct is deemed to be the reason for unsatisfactory work performance, the Trust Disciplinary Policy should be followed.

4.1.5 Appraisal Process

It is an expectation that all employees participate in the appraisal process. Managers are required to conduct an annual review with their staff, to appraise individual's performance against their objectives for the post and identify any development needs of the employee. Individuals need to be clear about what is expected of them and how they will be supported to meet their objectives. Please refer to the Pay Progression Policy for further detail on the Pay Progression Process 2023.

Unsatisfactory work performances should not be discussed for the first time in an appraisal. This should be raised and discussed as close as possible to the time the poor performance originally occurred.

4.1.6 Patient safety incidents

Where concerns arise as a result of a patient safety incident(s), before determining whether action under this policy may be appropriate, Managers are advised to make use of the National Patient Safety Agency (NPSA) Incident Decision Tree (see Manager's Toolkit for Managing Employee Performance). Where any member of staff is concerned about an individual's capability that may impact on patient safety, they should act in accordance with the Trust's Raising Concerns Policy.

4.1.7 Restriction of duties

Where the nature of the concern suggests that patient safety or the safety of others may be compromised, options available include:

- Providing supervision of practice until the matter is resolved.
- Removing the member of staff from some duties.
- Temporary redeployment.
- Excluding the member of staff from the workplace.
- Informing the appropriate regulatory body.
- Reporting to the Police or Counter Fraud and Security Management Service where appropriate to the circumstances.

Unsatisfactory work performance

Unsatisfactory work performance may be due to the following:

- Lack of aptitude, skill, ability or experience (and any related failure to meet requirements for the job role).
- Reorganisation or redefinition of role.
- Poor overall organisation of work.
- Changes in the nature and allocation of work.
- Inadequate supervision.
- Organisational change.
- Absence of facilities crucial to the employee's performance.
- Absence of or delays in training provision.
- Personal problems.
- Health problems (e.g. stress).
- Problem drinking/substance misuse (please refer to the Alcohol and Substance Misuse Policy).
- Disability and those who are covered by the Equality Act 2010 (If a disability is identified as a reason for capability, the Trust's Reasonable Adjustments Policy must be applied).
- Bullying/harassment at work.

Addressing unsatisfactory work performance

4.1.8 Assessing the Situation

Monitoring and assessment of performance against the requirements of each post is an ongoing managerial responsibility. Where unsatisfactory work performance arises, the intention is that issues should be dealt with through informal discussions and counselling in private, wherever possible.

There would be an expectation that the colleague is aware of the concerns relating to their performance. The manager should make efforts to try support the colleague with any improvements needed prior to using the capability policy.

Every effort should be made by both the manager and the employee to resolve issues of poor work performance at an early, informal stage. However, where sustained improvement in performance does not occur, the formal stages of this procedure will be invoked.

The employee should be advised of their right to be accompanied by a trade union representative or workplace colleague throughout the formal stages of this procedure. A Business HR representative will also be in attendance at any formal meeting.

Paid suspension from duty will occur in such cases where it is deemed unsafe for the employee to work in any capacity. (Refer to guidance on Suspension in the Disciplinary Policy).

Downgrading or redeployment by mutual agreement may be considered as an option at any stage of this procedure.

4.1.9 Temporary Redeployment

It may be necessary to temporarily redeploy an employee, where serious or unsafe work performance becomes apparent, prior to finding a long-term solution. The length of redeployment should be kept to a minimum wherever possible, accompanied by an agreed action plan and reviewed at agreed intervals.

If it not suitable for the colleague to remain in their substantive post whilst on a capability plan, but is fit to carry out some duties which will allow them to return to work and aid their recovery, then a temporary redeployment may be considered.

A temporary may be an identified vacancy not yet filled, a post which needs cover due to sickness or maternity leave or a created post which fulfils service need in a certain area, but which will not be filled substantively. This would be an agreement for no longer than 3 months.

A temporary redeployment may be a lower band and fewer hours than the substantive role, but the employee's contractual pay will not be affected. A temporary redeployment does not need to be in the same department, Care Group or Division.

Any placement would need to be made with the agreement of the employee concerned and the receiving manager, if different. An employee's fitness to carry out restricted or alternative duties should also be supported by a Fit Note from their GP.

The manager for the colleague would need to ensure regular catch ups are held with the colleague on the action plan and the manager in their redeployed area. This is to ensure the colleague has the best outcome and 'wrap around support' whilst on their action plan.

Stage 1 – Informal Action

A thorough review must be conducted. The line manager must assess whether the employee is fulfilling his/her responsibilities in accordance with their job description. If a problem continues, the manager should counsel the employee informally. This should be a positive and constructive discussion to provide the employee with an opportunity to express their opinion and for the line manager to consider factors (including any external factors), which may be contributing to their current performance. If there are any external factors

contributing to an employee's health and wellbeing, the line managers should ensure that the employee is offered appropriate support including staff support information.

The purpose of the meeting is to ensure a clear understanding of the standard(s) required and an identification of areas in which this is not being achieved.

At the meeting an action plan must be agreed. The action plan could include the following:

- Whether further training is required
- Whether there needs to be redistribution of workload;
- Whether the colleague needs shadowing/ a buddy system with another experienced colleague is needed;
- Whether the amount of supervision needs to be adjusted;
- A regular one to one with the colleague and line manager;
- Any other relevant factors (e.g. resources, ways of working etc)
- Whether the colleague needs to work supernumerary
- Whether working patterns may change, this could be to provide better support on the day shift.

The action plan must detail in writing the improvements required, the targets and timescale. Where there are clinical/professional issues, any action plan should be agreed in conjunction with the relevant professional lead. The colleague will be provided with a copy of the action plan.

Continuous monitoring and assessment should take place over a predetermined period of time (depending on the required improvement) which will not normally be more than 3 months following the meeting; unless the review period is triggered by an event rather than a timescale (e.g. examination failure). The action plan will be confirmed to the employee in writing. Any necessary required support should be provided to the colleague during this time.

Occupational Health: In the main, compassionate and supportive discussions would identify support mechanisms that may be required for employees to enable them to do their role as best they can. However, the Occupational Health service can provide additional support and recommendations with the aim to continue to support employees at work as much as reasonably possible.

Note: If manager has already undertaken an action plan with the staff member and employee is unable to demonstrate competence, manager should invoke capability policy at Stage 2 below.

Stage 2 – Formal Action

Before taking any formal action, the line manager must inform the Business HR Services Department to ensure a fair and consistent process.

The employee should also be advised of their right to be accompanied by a trade union representative or workplace colleague throughout the formal stages of this procedure. A Business HR representative would also be present at the meeting.

4.1.10 First Formal Meeting

Where work performance remains unsatisfactory following counselling, a formal review meeting should take place, no later than 3 months after the informal action.

A full and thorough review will take place of the continuing unsatisfactory performance. The employee must be given an opportunity to state their case. Where work related circumstances outside the individual's control have caused or contributed to the unsatisfactory work performance, it is the managers' responsibility to identify a solution in consultation with employee.

A first formal warning will be issued for unsatisfactory performance. The employee will receive confirmation of the decision in writing, including the following information:

- An action plan clearly outlining the improvement in performance required.
- Timescales and reviews
- Any support to be given (Including staff support details).
- Failure to improve could lead to a final written warning.
- Their right to appeal against the decision.
- A record of the warning will be kept, but should be disregarded for disciplinary purposes after a period of 12 months.

In situations where performance is inconsistent, a formal review meeting must take place within 12 months of the informal action.

4.1.11 Second Formal Meeting

Failure to improve following the first formal interview will be followed by a repeat of the procedure. This interview should take place no later than 3 months after the first formal interview. In situations where performance is inconsistent, this meeting must take place within 12 months of the first formal interview.

A full and thorough review of continuing poor work performance will take place. The employee must be given an opportunity to state their case.

A final formal warning will be issued for unsatisfactory performance where there has been a failure to improve in the timescale set out at the first formal stage.

The employee will receive confirmation of the decision in writing, including the following information:

- An action plan clearly outlining the improvement in performance required.
- Timescales and reviews.
- Any support to be given. (Including staff support)
- Failure to improve could lead to a final written warning.
- Their right to appeal against the decision.
- A record of the warning will be kept, but should be disregarded for disciplinary purposes after a period of 12 months. This may be extended to 18 months in exceptional circumstances.

Stage 3 – Final Formal Meeting

Where there is a failure to improve within the specified time period or a further significant failure has occurred, a final formal interview will take place. The employee must be given a final opportunity to state their case.

4.1.12 Deciding on an Outcome

Redeployment:

Any available suitable opportunities for redeployment will be discussed. Any role within the same banding or below, will be explored. The Trust will endeavour to make such opportunities available, but can only do so if a suitable vacancy exists.

The outcome of the Final Formal Meeting will stay on file for 12 months following the colleague moving across to their new role. If the colleague does not perform in their new role, the sanction may be considered when considering the next steps, this could result in potential dismissal.

Dismissal:

If no redeployment opportunity is available within 4 months, or one is not accepted, notice of termination of contract will be given at this final formal interview.

The decision to dismiss should only be taken by a manager with the relevant authority to do so, and they should be present at this meeting. Refer to Appendix 4 of the Disciplinary Policy – Management Authority to Issue Disciplinary Sanctions.

The employee will receive confirmation of the decision in writing, including the following information:

- The reasons for their dismissal (i.e. capability).
- The date on which their contract of employment will be terminated.
- Their notice period.
- Their right to appeal against the decision.

Whilst the employee is under notice, opportunities for suitable redeployment will continue to be sought so that dismissal is the final option. It is also recognised that there may be circumstances where it would not be appropriate to require a member of staff to work their notice.

Downgrading:

Downgrading is an alternative to dismissal and managers should consider this option. Employees are not afforded pay protection as a result of downgrading under this procedure.

In exceptional circumstances, where it is deemed that the above options are not appropriate and a decision is made to extend Stage 3 of the action plan, an appropriate extension period and review mechanism will be agreed at the meeting.

Appeals against Dismissal

An employee is entitled to appeal against dismissal. The appeal must be made in writing to the Chief People Officer stating the grounds for appeal, and sent within 14 days of the date of the letter *Outcome* confirmation of the decision.

The format for appeals against dismissal is that contained in the Trust Disciplinary Policy.

Action in Serious Cases

Where an employee commits a single error and the actual or potential consequences of that error are extremely serious, this policy will not normally be appropriate. The Trust's Disciplinary Policy will normally be invoked in these circumstances.

Keeping Records

Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. All action plans should be signed and agreed by both the manager and the employee.

5 Exceptions

There are no exceptions

6 Training

The Business HR Team can provide advice and guidance to all staff and managers across the Trust in relation to the application this policy.

7 Monitoring of compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan
Annual	Internal Review Commissioned by Workforce Committee	Deputy Director of Workforce	Annual	Workforce Committee	Deputy Chief People Officer

8 Relevant regulations, standards and references

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Act 2008
- ACAS Code of Practice 2015 (rights to be accompanied)

9 Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

10 Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

11 Appendices

Appendix 1: Equality Impact Assessment

Title	Capability Policy
Strategy/Policy/Standard Operating Procedure	Policy
Service change (Inc. organisational change/QEP/ Business case/project)	
Completed by	
Date Completed	

Description *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

The purpose of this policy is to assist and encourage all employees to achieve and maintain effective standards of job performance and to provide managers with a framework and guidance to improve the performance of employees and encourage personal development. Appendix 1 contains a flowchart of the process.

Who will be affected *(Staff, patients, visitors, wider community including numbers?)*

All Staff (Non-Medical)

The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
 - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
 - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
 - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

Section 1 – Initial analysis

Equality Group	Any potential impact? Positive, negative or neutral	Evidence <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
Age <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>	Neutral	
Disability <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>	Neutral	
Gender Reassignment <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>	Neutral	
Marriage & Civil Partnership <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>	Neutral	
Pregnancy & Maternity <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>	Neutral	
Race <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>	Neutral	
Religion or belief <i>(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)</i>	Neutral	

<p>Sex <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)</i></p>	Neutral	
<p>Sexual Orientation <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)</i></p>	Neutral	

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<p><u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u></p>	Y/N
<p>Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?</p>	Y/N
<p>Who and how have you engaged to gather evidence to complete your full analysis? (List)</p>	
<p>What are the main outcomes of your engagement activity?</p>	

What is your overall analysis based on your engagement activity?

Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 2: Roles and responsibilities

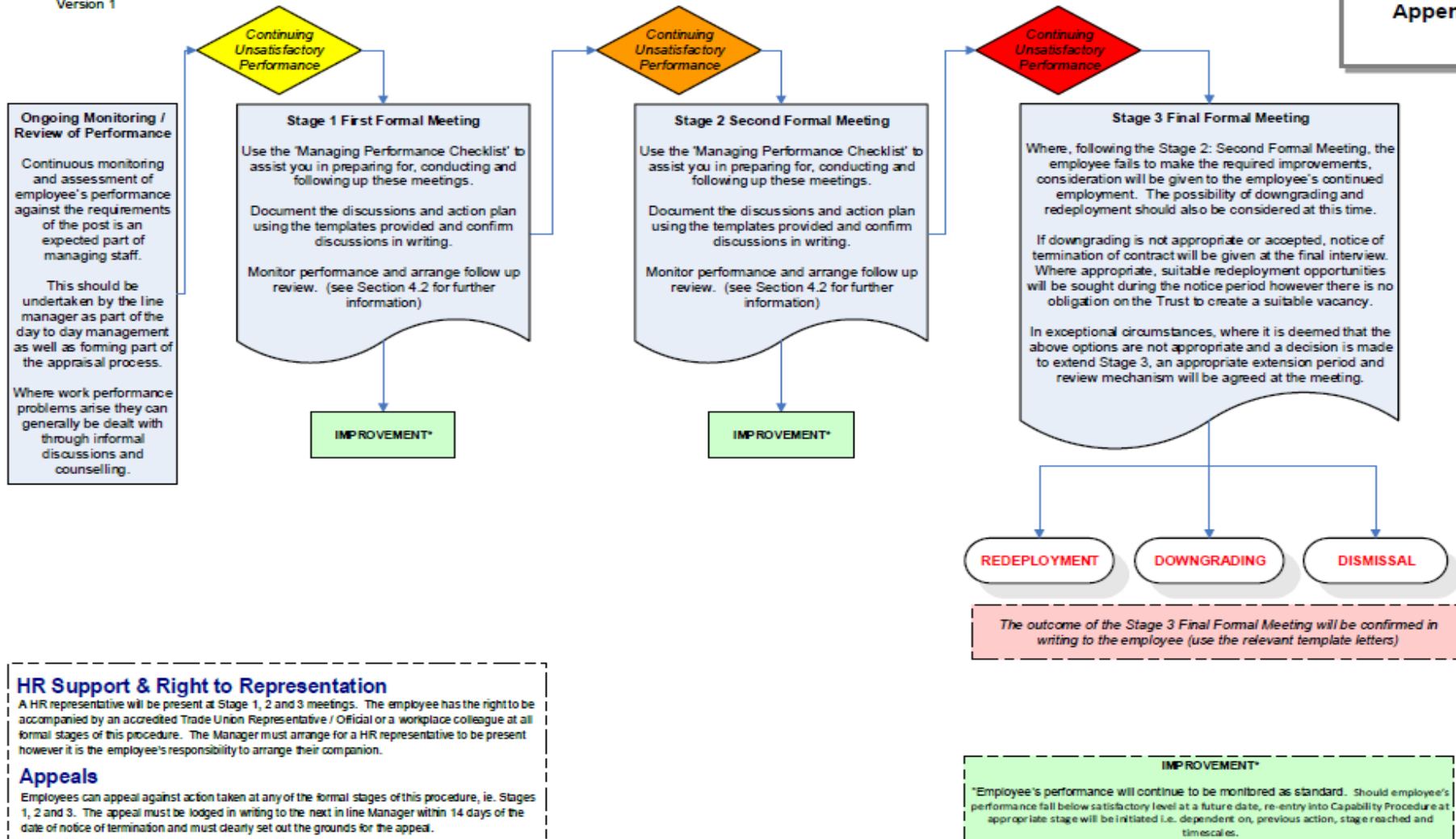
Role	Responsibility
<p>Employee</p>	<p>The Chief People Officer is responsible for ensuring that an appropriate Capability policy and procedure is in place, which supports all employees to achieve and maintain effective work standards. The Chief People Officer is also responsible for ensuring that managers are supported in the implementation of the policy and procedure and that it is reviewed and monitored regularly.</p>
<p>Line Manager</p>	<p>Managers have a responsibility to ensure:</p> <ul style="list-style-type: none"> • New appointees have been properly assessed against the person specification for the job • The employee is given proper induction with regard to the Trust/Department/Directorate and the job itself. Please refer to Induction Policy which outlines both local and corporate induction responsibilities • The employee receives initial and ongoing job training and that training needs are re-assessed following any job changes. • The appropriateness of job content is applicable to the grade. • The expectation of work performance is realistic. • The volume of work is reasonable. • Adequate advice and supervision is available. • Staff are fully supported and if managers identify and issues they sign post staff appropriately to support services and ensure stress risk assessments are carried out if necessary. • It is expected that staff are regularly assessed and that a formal annual appraisal takes place. • That reasonable adjustments have been identified, considered and implemented, particularly in the case of staff who are, or have become disabled. • Managers must ensure that employees have a reasonable and realistic chance of succeeding in the job with appropriate training and development identified.

	<ul style="list-style-type: none"> • Managers must ensure that they share with staff documents relating to their post, including job descriptions, person specifications for the post etc. • Executive Leads must notify the relevant professional body (e.g. NMC, GMC, GDC, HCPC) regarding formal action, as appropriate, that has been taken against a member of staff. This does not mean 'all cases' as managers do not have to report every case. The consideration is whether or not someone is a risk to the public if they continue to practice. Guidance must be sought from the relevant professional body.
<p>Staff</p>	<p>Employees have a responsibility to:</p> <ul style="list-style-type: none"> • Demonstrate the required skills and competence required of the job role. • Raise any concerns if they are struggling to demonstrate competence in their role. • Disclose any impairment or health condition that might be impacting on their role so that any support measures might be identified and implemented. • Undertake initial and ongoing job training, and any re-assessment following job changes. • Engage with appropriate supervision. • It is expected that staff part in regular assessments and a formal annual appraisal review.
<p>Human Resources</p>	<p>The Business HR Team has the responsibility to monitor the implementation of the policy and to ensure that procedures are managed fairly and consistently across the Trust. The Business Human Resources Service will provide guidance and support to line managers on the operation of this policy at all stages</p>

Appendix 3: Managing Performance Capability

Managing Performance / Capability Version 1

Appendix 1



HR Support & Right to Representation
A HR representative will be present at Stage 1, 2 and 3 meetings. The employee has the right to be accompanied by an accredited Trade Union Representative / Official or a workplace colleague at all formal stages of this procedure. The Manager must arrange for a HR representative to be present however it is the employee's responsibility to arrange their companion.

Appeals
Employees can appeal against action taken at any of the formal stages of this procedure, ie. Stages 1, 2 and 3. The appeal must be lodged in writing to the next in line Manager within 14 days of the date of notice of termination and must clearly set out the grounds for the appeal.

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