# Ulster University

# Line Managers Toolkit

# Guidance Notes on

# Applying the

# Capability Procedure

**September 2011**

**CONTENTS**

|  |  |  |
| --- | --- | --- |
| **Section**  **1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **Appendices**  **1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10** | **Heading**  **Introduction**  **The Scope of the Procedure**  **Responsibilities and Rights of Staff and Line Managers**  **The Role of Human Resources**  **Identifying Underlying Causes of Poor Performance**  **Initial Informal Meeting**  **Guidance Notes on Conducting a Formal Meeting**  **Formal Review Meeting**  **Extension to Formal Review Period**  **Outcome Letter**  **The Keeping of Records**  **Record of Informal Meeting**  **Informal Process – Monitoring Record**  **Performance Assessment Report – Informal Review**  **Invitation Letter to a Formal Meeting**  **Record of Formal Meeting**  **Formal Process – Monitoring Report**  **Performance Assessment Report – Formal Review**  **Invitation letter to a Formal Review Meeting**  **Record of Formal Review Meeting**  **Outcome Letter Template** | **Page**  **3**  **4**  **5**  **7**  **8**  **9**  **10**  **12**  **14**  **15**  **16**  **17**  **18**  **19**  **21**  **22**  **23**  **24**  **26**  **27**  **29** |

1. **Introduction**

This procedure has been adopted by the University of Ulster to establish a framework for dealing with cases where staff fail to achieve the performance standards expected of them and applies to all members of staff. It has been agreed with the recognised trade unions i.e. UCU, UNITE and UNISON.

The procedure addresses the ability to carry out the role to the required standard (the ‘inability’ i.e. can’t) as opposed to issues of wilful inadequacy or misconduct (the ‘refusal’ i.e. won’t) which remain within the remit of the relevant disciplinary procedure.

**The core principles underlying this procedure include the member of staff being:**

* Aware of the required performance standards;
* Aware of any shortfall in meeting the required performance standards;
* Given reasonable and sufficient assistant to meet the required standards; and
* Given reasonable and sufficient time to make the necessary improvements.

Capability is one of the potentially fair reasons for dismissal provided the employer can demonstrate that the reason to dismiss was reasonable. In order to demonstrate the decision was reasonable, the University needs to be able to demonstrate that the member of staff had been provided with the opportunity to improve and that significant improvement did not occur.

**The core principles in applying this procedure include:**

* Use the procedure to primarily help and encourage the member of staff to improve their performance.
* Inform the member of staff of the shortfall in performance in advance and provide them with an opportunity to improve.
* Make sure that action is not taken until all the facts have been established and the action is reasonable in the circumstances.
* Give the member of staff a written explanation outlining what improvement is expected, and the support/interventions provided along with how it will be monitored.
* Deal with issues reasonably and without delay.
* Act consistently.

1. **The Scope of the Procedure**

The Procedure aims to manage under performance by enabling you to identify the causes or contributory factors, and by ensuring that, as far as possible, all staff are enabled to fulfil their responsibilities in line with the aims and objectives of the University.

The procedure does not apply to situations covered by other University procedures, in particular:

* Staff under probation to whom a separate process applies.
* Cases of misconduct which should be handled under the relevant disciplinary procedure.

**In all cases, advice should be sought from Human Resources as to the appropriate course of action. Where the lack of capability may be due solely or partly to disability, or due to ill-health, reference should also be made to the University’s Disability Policy/Procedures and/or Sickness Absence Policy as appropriate.**

1. **Rights and Responsibilities of Staff and Line Managers**

**Members of Staff**

Members of staff are responsible for:

* Ensuring that they are aware of their responsibilities;
* Performing their duties to a satisfactory level;
* Engaging in any reasonable training and development that will enable them to reach the required level of performance for their role;
* Understanding that if their work performance falls below that which is deemed to be acceptable, managers will be required to address this;
* Respond to corrective measures that are identified;
* Familiarising themselves with university procedures relating to their employment; and
* Informing their manager of any issues which could be affecting their work performance. This could include personal issues outside the workplace; health or disability issues.

Members of staff have a right to:

* Be informed of the requirement/performance standards of their role;
* Seek help from their manager if they have their own concerns about anything which may be affecting their performance, without prejudice;
* Be treated with dignity and respect at all times; and
* Be accompanied at all formal stages of the Capability Procedure by a work colleague or trade union representative.

**Line Managers**

Line managers are responsible for:

* Recruiting, selecting, training and managing staff appropriately thus minimising the risk of poor performance;
* Setting standards of performance, and ensuring that these are communicated and understood. Standards of work performance should be outlined at the start of employment and reinforced through the induction process and training;
* Providing induction to new recruits, staff transferring from another area within the University or who have been redeployed or promoted;
* Providing feedback, as appropriate, on work performance.
* Providing appropriate support and assistance to help staff reach and maintain the required standards of work;
* Dealing with poor performance as it becomes apparent to avoid this having a detrimental effect on the performance of their area of control or on staff morale; and
* Ensuring that matters relating to an individual’s work performance are dealt with sensitively and consistently, maintaining confidentially, dignity and equality of opportunity.

Line Managers have a right to:

* Enquire, where appropriate, and with sensitivity, of issues that may be affecting a member of staff’s work performance; and
* Be treated with dignity and respect at all times.

1. **The Role of Human Resources**

A member of the Human Resources department will be available to advise and support line managers in applying the Capability process.

The role of the HR representative should be to offer advice on:

* The application of the Procedure.
* The need to vary the Procedure

.

* The determination of appropriate interventions e.g. training, mentoring, counselling etc.
* Who should conduct the formal review meeting i.e. the Review Chair.
* How the meeting(s) should be conducted.
* How to keep a record of the meeting(s).
* The documentation of the logic/rationale for the decision.

1. **Identifying Underlying Causes of Poor Performance**

When it becomes apparent that a member of staff is not performing to the standard required it is important to identify the underlying causes for that poor performance.

In reviewing poor performance, considering the following questions can help you to identify its underlying cause.

* How long the member of staff has been underperforming?
* What has been the member of staff’s past work performance?
* Are you aware of any changes in their personal circumstances that could be impacting on their work performance?
* Are you aware of any interpersonal conflict or breakdown of relationships within their team that could have a negative impact on the member of staff’s work performance?
* Has the member of staff been provided with appropriate training to carry out their role?
* Has the member of staff been provided with clear and unambiguous instructions on how to complete tasks?

Considering these factors will enable you to build a more accurate and informed picture of the member of staff’s performance and identify if any internal or external factors could be affecting their performance and to determine what would be the appropriate remedial action.

The next step would be to approach the member of staff requesting them to attend an initial informal meeting with you with a view to clarifying the underlying causes of the decline in their work performance and to establish an appropriate course of action.

1. **Initial Informal Meeting**

Such informal discussions will normally be initiated by the line manager and should be held in private and at the earliest possible opportunity. The purpose of the discussions should be to re-affirm to the member of staff the standards that are expected of them in their role (this should be through reference to their job description, personnel specification, Generic Role Profile and competency indicators (if appropriate) and to ascertain the circumstances which may be impacting upon their performance as objectively as possible.

At this informal stage the member of staff will not be accompanied by a work colleague or trade union representative.

This stage of the Procedure provides an opportunity to encourage open discussion of the issues involved and to seek effective solutions – including the involvement of appropriate support services – such as Staff Development or Occupational Health.

Alternatively, in some instances members of staff, in their preparation for the DAR process, by referencing the Generic Role Profile and competency indicators for their job family and grade, may identify a skills gap which they perceive as impacting upon their performance in their role; they should be encouraged to bring this to the attention of their line manager at the earliest opportunity.

The line manager as an outcome from the informal discussions will establish an agreed appropriate course of action and a time period with the member of staff to afford them the opportunity to improve their performance in their role and this should be communicated to them in writing. (**Appendix 1** – Record of Informal Meeting).

During the informal review period it is good practice to monitor the member of staff’s performance and to keep written records of assessment. (**Appendix 2** - Informal Process - Monitoring Record).

At the end of this informal review period the line manager should complete a performance assessment report **(Appendix 3)**;either to confirm if the required level of performance has now been achieved through this process or if it is now necessary to move onto the formal aspect of this process and the member of staff should be informed accordingly.

These records can be made available if the matter progresses to the formal stage in this process.

Remember the time period for the review of the performance should be reasonable and this would depend upon the nature of the role – e.g. in the case of a role where there are few and simple tasks fundamental to the role, a period of a few days may be reasonable, but where the problem relates to a specific or broader difficulty the review period would need to be longer.

1. **Guidance Notes on Conducting a Formal Meeting**

The Line Manager must prepare for this meeting with a view to knowing what they are trying to achieve.

The Line Manager should request the member of staff to attend a meeting, giving at least 5 working days notice of the meeting and informing them of the right to be accompanied by a work colleague or trade union representative. (**Appendix 4** – letter to request employee to attend a formal meeting)

In order to explain the shortfall between the member of staff’s performance and the required standard as objectively as possible reference should be made to the job description/personnel specification for the post together with the Generic Role Profile and competency indicators (if appropriate) for the job family/grade attached to the post

The format of the meeting should be as follows:

* Begin by outlining the matters to be discussed, providing the member of staff with sufficient background information to clearly explain the shortfall between their performance and the required standard and invite them to comment.
* Obtain the member of staff’s commitment to reaching the standard required. Identify the causes of the poor performance in order to determine the appropriate interventions/support required to enable them to reach the required standard.
* Listen to what the member of staff wants to say in terms of what support/interventions they believe may assist them to meet the required standard.
* Set a reasonable time frame to enable them to achieve the required standard and establish a formal review date along with a monitoring system to assess performance during this period.
* Close the meeting by informing the member of staff what will happen if the required standard is not met i.e. it may lead to the Disciplinary Procedure being invoked.

The line manager should retain a written record of the formal meeting which clearly indicates the outcome of the meeting and the member of staff should be provided with a copy of the record. (**Appendix 5** - Record of Formal Meeting)

During the review period it is good practice to continue to monitor the member of staff’s performance and to keep written records of assessment which can be made available for the formal review meeting. (**Appendix 6** – Formal Process Monitoring Record)

The member of staff should be made aware of further capability/performance issues which may arise at the earliest opportunity during the review period.

At the end of the agreed review period the line manager is required to complete a Performance Assessment Report (**Appendix 7**) for consideration at the Formal Review Meeting.

1. **Formal Review Meeting**

The Review Chair (i.e. the appropriate manager to conduct the formal review meeting as determined by Human Resources) will write to the member of staff to remind them of the date established for the formal review meeting at least 5 working days in advance of the meeting to enable them to arrange to be accompanied by a work colleague or trade union representative at the formal review meeting in order review their performance.

**Appendix 8** provides a model letter to invite member of staff to a formal review meeting.

The Review Chair will be from a different department/school from the member of staff under review and will have no previous involvement in the matter.

The Review Chair and the member of staff are required to be issued with a written performance assessment by the line manager of the member of staff’s performance during the review period. **(Appendix 7)**

The member of staff must be informed that they are required to provide the Human Resources Department with copies of any relevant documents they wish to rely on at least 3 working days prior to the meeting.

At this meeting all records from both the informal and formal stage should be made available for the Review Chair.

A Human Resources representative must be present at the meeting.

At the meeting, the line manager should be invited to present the performance assessment giving evidence in support. The evidence presented should be based upon the criteria discussed and agreed at the previous formal meeting. This should be followed by the employee presenting his/her case. The opportunity should also be provided for either the line manager or employee and/or the representative to ask questions through the Review Chair.

At the conclusion of the meeting, all parties (with the exception of the representative from Human Resources) should be asked to withdraw whilst the Review Chair considers his/her decision.

**A checklist of useful questions to ask before reaching a conclusion include:-**

* Has there been adequate improvement to reach the required standard?
* Have I paid sufficient regard to any explanations offered?
* Do I genuinely believe the member of staff has attempted to improve their performance?
* Do I need to consider extending the review period? If yes, is further support/retraining necessary?
* Have I paid regard to any mitigating circumstances put forward by or on behalf or the member of staff?
* Is my decision within the band of a reasonable response of a reasonable employer in these circumstances?

At the end of this meeting the Review Chair should complete the record of Formal Review meeting **(Appendix 9)** to record the outcome of the review.

1. **Extension to Formal Review Period**

In cases where the Review Chair considers that following the formal review meeting, it is appropriate to extend the formal review period either due to the member of staff making some improvement, but not to the required standard **or** due to mitigating circumstances, the formal review period may be extended to enable the member of staff to reach the required standard.

The time period of the extension should be reasonable and will be determined by such factors as length of service and personal circumstances - the member of staff should be provided with a written explanation outlining what improvement is expected during this extended review period and the support/interventions provided along with how it will be monitored.

During this period it is good practice to continue to meet with the member of staff to monitor and record their progress by completing **Appendix 6** (Capability Procedure – Monitoring Record) and to complete **Appendix 7** (Performance Assessment Report) for consideration at the subsequent Formal Review Meeting.

The subsequent review meeting will have the same status of a Formal Review Meeting, with the Review Chair being unchanged and required to follow the same process as outlined in terms of convening a formal review meeting and recording the outcome.

**10. Outcome Letter**

Following the formal review meeting a written response should be provided to the member of staff normally within 5 working days of the conclusion of the meeting or any adjourned meeting (this should be drafted by Human Resources for the Review Chair to agree).

The letter should specify:

* If the required improvement has been made and encouragement to maintain the improvement.
* If it is concluded that some improvement has been made during the review period, but not to the required standard, or where new issues have arisen during the review period and it is considered reasonable, that a further review period has been set and the date for the next formal review meeting.
* If it is concluded that there has been no significant improvement but this is due to mitigating circumstances and it is considered reasonable, that another review period has been set and the date for the next formal review meeting.
* If there has been no significant improvement and it is considered not reasonable for another review period to be set, that the matter has been referred for consideration under the relevant disciplinary procedure for the staff category which may result in disciplinary action being taken up to and including dismissal.

**Appendix 10** includes examples of the model outcome letter.

**11. The Keeping of Records**

All proceedings and records of matters dealt with within the scope of the Capability Procedure must remain confidential and be retained – they are a management tool to provide evidence:

* Of an agreed appropriate course of action and time period afforded to the member of staff to improve their standard of performance.
* Of the performance assessment by the line manager.
* Of any mitigating circumstances taken into consideration.
* To assist the Disciplinary Chair in the event the matter is referred for consideration under the relevant Disciplinary Procedure for the staff category.

The member of staff at both the informal and formal stages within this process should be given a written copy of the agreed course of action and timeframe to improve their performance.

As the process moves from the informal to the formal stage, (including the formal review meeting) all records should be made available to the Review Chair in order to have an overview of the identified areas of underperformance, actions agreed and monitoring of progress.

**Appendix 1**

**Record to be completed by Line Manager**

**Capability Procedure - Record of Informal Meeting**

|  |  |
| --- | --- |
| **Name:** | **Department:** |
| **Post Title:** | **Date of Appointment:** |
| **Date of Meeting:** | |

|  |
| --- |
| **Performance Standards/Skills Required**  **(These must have been identified through reference to the Job Description, Personnel Specification and Generic Role Profile/Competency Indicators (if appropriate) for the job family and grade attached to the post)** |

|  |
| --- |
| **Agreed Action Plan**  **(Include agreed support to facilitate improvement in performance e.g. additional training, mentoring or counselling and time period)** |

|  |
| --- |
| **Agreed Review Dates**  **(Include dates to review progress against actions required)** |

**I understand that should the issues identified above not be addressed by the agreed course of action within the required timescale it will be necessary to invoke the formal aspect of the Capability Procedure.**

**Member of Staff’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Line Manager’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 2**

**To be completed by line Manager**

**Capability Procedure**

**Monitoring Record (Informal Process)**

|  |  |
| --- | --- |
| **Name:** | **Department:** |
| **Post Title:** | **Date of Appointment:** |
| **Date of Meeting:** | |

**Standard of Work: Satisfactory Unsatisfactory**

|  |
| --- |
| **Line Managers Comments/Recommendations**  **(These must be based upon the performance standards and skills identified at the initial informal meeting**  **Should any deficiencies in performance be identified these must be recorded along with the actions required to enable the skills and performance standards to be achieved.)** |

|  |
| --- |
| **Comments from member of staff** |

**Member of Staff’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Line Manager’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 3**

**To be completed by Line Manager**

**Capability Procedure - Informal Review**

**Performance Assessment Report**

|  |  |
| --- | --- |
| **Name:** | **Department:** |
| **Post Title:** | **Date of Appointment:** |
| **Review Meeting Due:** | |

|  |
| --- |
| **Performance Standards/Skills Required**  **(These must have been identified through reference to the Job Description, Personnel Specification and Generic Role Profile/Competency Indicators (as appropriate) for the job family and grade attached to the post)** |

|  |
| --- |
| **Agreed Action Plan**  **(Include agreed support to facilitate improvement in performance e.g. additional training, mentoring or counselling and time period)** |

|  |
| --- |
| **Progress Monitored**  **(enter summary of monitoring record and outcomes)** |
| **Line Managers Comments**  **These must be based upon the performance standards and skills identified at the initial informal meeting.**  **Should any deficiencies in performance be identified these must be recorded along with the actions required to enable the skills and performance standards to be achieved.)** |

**Line Manager’s Recommendation**

**Standard of Work: (i) Satisfactory**

**Or**

**(ii) Unsatisfactory**

**If the Line Manager’s recommendation is option (ii) - as the issues identified above have not been fully addressed by the agreed course of action within the required timescale - it will be necessary to invoke the formal aspect of the Capability Procedure.**

**Line Manager’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Line Manager’s Job Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 4**

**Letter to invite employee to a formal meeting – capability procedure**

**Personal & Confidential**

Dear

As there has been no/insufficient\* improvement relating to your ability/knowledge to perform in your post within the period of time as agreed in our informal discussions, I am writing to inform you that you are required to attend a formal meeting under the Capability Procedure on       at       am/pm in     .

At this meeting, in accordance with the University’s Capability Procedure (copy attached), the shortfall between your performance and the required standard will be explained; and we will explore if any further interventions or support can be given to you to facilitate the achievement of the required standard.

You are entitled, if you wish, to be accompanied by a work colleague or a trade union representative.

Please confirm your attendance at this meeting by contacting     , email      or by telephone on     .

Yours sincerely

\*Delete as appropriate

**Appendix 5**

**To be completed by Line Manager**

**Capability Procedure - Record of Formal Meeting**

|  |  |
| --- | --- |
| **Name:** | **Department:** |
| **Post Title:** | **Date of Appointment:** |
| **Date of Meeting:** | |

|  |
| --- |
| **Performance Standards/Skills Required**  **(These must have been identified through reference to the Job Description, Personnel Specification and Generic Role Profile/Competency Indicators (if appropriate) for the job family and grade attached to the post)** |

|  |
| --- |
| **Agreed Action Plan**  **(Include agreed support to facilitate improvement in performance e.g. additional training, mentoring or counselling and time period)** |

|  |
| --- |
| **Agreed Monitoring Review Actions/Dates**  **(Include actions/dates to review and monitor progress against actions required)** |

|  |
| --- |
| **Formal Review Date** |

**Member of Staff’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Line Manager’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 6**

**To be completed by Line Manager**

**Capability Procedure – Monitoring Record (Formal Process)**

|  |  |
| --- | --- |
| **Name:** | **Department:** |
| **Post Title:** | **Date of Appointment:** |
| **Date of Meeting:** | |

**Standard of Work: Satisfactory Unsatisfactory**

|  |
| --- |
| **Line Managers Comments/Recommendations**  **(These must be based upon the performance standards and skills identified at the initial formal meeting**  **Should any deficiencies in performance be identified these must be recorded along with the actions required to enable the skills and performance standards to be achieved.)** |

|  |
| --- |
| **Comments from member of staff** |

**Member of Staff’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Line Manager’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 7**

**To be completed by Line Manager**

**Capability Procedure**

**Performance Assessment Report (Formal Process)**

|  |  |
| --- | --- |
| **Name:** | **Department:** |
| **Post Title:** | **Date of Appointment:** |
| **Formal Review Meeting Due:** | |

|  |
| --- |
| **Performance Standards/Skills Required**  **(These must have been identified through reference to the Job Description, Personnel Specification and Generic Role Profile/Competency Indicator (if appropriate) for the job family and grade attached to the post)** |

|  |
| --- |
| **Agreed Action Plan**  **(Include agreed support to facilitate improvement in performance e.g. additional training, mentoring or counselling and time period)** |

|  |
| --- |
| **Progress Monitored**  **(enter summary of monitoring record and outcomes)** |
| **Line Managers Comments**  **These must be based upon the performance standards and skills identified at the initial formal meeting.**  **Should any deficiencies in performance be identified these must be recorded along with the actions required to enable the skills and performance standards to be achieved.)** |

**Line Manager’s Recommendation**

**(Choose one of the following statements)**

**1. The employee has made the required improvement. Yes**

**Or**

**2. The employee has made some improvement but the required standard of performance has not yet been met. Yes**

**Or**

**3. There has been no significant improvement and this matter should be referred to the relevant disciplinary procedure for the staff category under consideration which may result in disciplinary action being taken up to and including dismissal.**

**Yes**

**Line Manager’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Line Manager’s Job Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 8**

**Letter to invite employee to a Formal Review Meeting – capability procedure**

**Personal & Confidential**

Dear

I am writing to inform you that you are required to attend a Formal Review meeting in accordance with the Capability Procedure on       at       am/pm in     .

At this meeting in accordance with the University’s Capability Procedure, consideration will be given to the performance assessment report completed by your line manager and I enclose a copy of this report detailing your performance during the period under review.

      from Human Resources will be present at the formal review meeting to service the process. You are entitled, if you wish, to be accompanied by a work colleague or a trade union representative.

I would advise that at least 3 working days before the meeting, you should provide the University’s Human Resources department with any relevant documentation upon which you may wish to refer at this meeting.

Please confirm your attendance at this meeting by contacting     , email      or by telephone on     .

Yours sincerely

**Appendix 9**

**To be completed by Review Chair**

**Capability Procedure**

**Record of Formal Review Meeting**

|  |  |
| --- | --- |
| **Employee’s Name:** | **Date of Meeting:** |

|  |
| --- |
| **In attendance:** |

|  |
| --- |
| **Summary of Key Facts:**  ***(This should be a distillation of the key facts which influenced the outcome of this meeting)*** |

|  |
| --- |
| **Other Information relevant to this case:**  **(This will normally be mitigating information considered)** |

**Member of staff provided evidence? Yes No**

**(If yes, please attach)**

**Decision**

**(Choose one of the following statements)**

**The required improvement has been made by the employee. Yes**

**Or**

**The employee has made some improvement but the required standard of performance has not yet been met or new issues have arisen and a further review period is to be set. Yes**

|  |
| --- |
| **These must be based upon the performance standards and skills identified at the initial formal meeting. Should any deficiencies in performance be identified these must be recorded along with the actions required to enable the skills and performance standards to be achieved and the date for the subsequent review meeting to consider progress (if appropriate.)** |

**Or**

**The employee has made no significant improvement but this is due to mitigating circumstances and it is considered reasonable for another review period to be set to enable the required standard of performance to be met. Yes**

|  |
| --- |
| **These must be based upon the performance standards and skills identified at the initial formal meeting. Should any deficiencies in performance be identified these must be recorded along with the actions required to enable the skills and performance standards to be achieved and the date for the subsequent review meeting to consider progress (if appropriate.)** |

**Or**

**There has been no significant improvement and this matter should be referred to the relevant disciplinary procedure for the staff category under consideration which may result in disciplinary action being taken up to and including dismissal. Yes**

|  |
| --- |
| **If it is considered that there has been no significant improvement please state reasons.** |

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name of Review Chair: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Appendix 10**

**Outcome letter from the Formal Review Meeting – capability procedure**

**Personal & Confidential**

Dear

Following our recent meeting held under the University’s Capability Procedure, on     , I have considered the evidence presented to me as part of the formal review process and I am writing to inform you of my decision as the Review Chair based upon this evidence.

(**Select from one of the following options**)

**Option 1**

I am pleased to confirm it has been demonstrated that you have made the required level of improvement in your performance in your post of       and I would encourage you to maintain this improvement.

**or**

**Option 2**

While it is recognised that you have demonstrated some improvement in your performance, it is still falling short of the required level/or it was brought to my attention that the following      \* arose during the review period; therefore I consider it is necessary to set a further review period until      in order to afford you the opportunity to meet the required standard.

During this period you will be required to undertake the following actions to enable the skills and performance standards to be achieved       (**insert extract from report of Formal Review meeting)**

**or**

**Option 3**

While it is recognised that there has been no significant improvement in your performance this has been due to       **(insert mitigating circumstances presented and recorded on the report of Formal Review meeting).** Therefore I consider it necessary to set a further review period until       in order to afford you the opportunity to meet the required standard.

**or**

**Option 4**

I regret to inform you the evidence presented demonstrated there has not been a significant improvement in your performance during the required review period. This evidence includes      **(insert reasons from the Report of Formal Meeting**). Therefore I am referring this matter for consideration under the relevant disciplinary procedure, which may result in disciplinary action being taken up to and including dismissal. Human Resources will be in contact with you in order to confirm the arrangement for the disciplinary hearing.

This decision was reached after full consideration of all the information presented and I would inform you that this decision completes the formal review process.

Yours sincerely

CC Line Manager

Human Resources

\* Delete as appropriate