



ST CATHERINE'S COLLEGE

GUIDELINES RELATING TO MANAGING CAPABILITY AND UNDER-PERFORMANCE

INTRODUCTION

The success of the College depends upon the effective contribution of all staff, and the College recognises that the vast majority of its staff meet or exceed the demands of their respective roles. However, sometimes problems can and do arise which mean that a member of staff may not be performing at the required level.

The primary aim of this document is therefore to provide a framework within which the College can work with its staff to maintain satisfactory performance standards and encourage improved performance where necessary, and to ensure that as far as is reasonably practicable any cases of under-performance are dealt with as consistently and fairly as possible, with the prime objective of improving an individual's performance to the required level.

This policy applies to all non-academic staff who have successfully completed their probation period. It does not form part of the contract of employment between a member of staff and the College.

DEFINITION AND SCOPE

All members of staff have a responsibility to perform to a satisfactory level. The College recognises that there is a difference between a deliberate or careless failure on the part of a member of staff to perform to a required level of which they are capable (in which case such matters of conduct will normally be dealt with using the separate disciplinary policy), and a case of incapability where an individual is simply not able to perform to the required standard (which will be addressed using the following procedures).

The fundamental difference can perhaps best be described as "won't" perform satisfactorily (conduct), as opposed to "can't" (capability); the former therefore implies some degree of control and/ or choice.

For the purpose of this policy, 'capability' in relation to an individual's ability to perform satisfactorily in their role can be assessed with reference to an individual's skills, qualifications, aptitude, ability, health, or any other mental or physical quality.

This policy is not designed to deal with issues of performance falling below an acceptable standard due to the long-term ill-health of an employee. These situations will be dealt with separately under the College's Sickness Absence Management policy.

PROCEDURES FOR MANAGING CAPABILITY ISSUES

The College retains discretion in respect of these procedures to take account of a member of staff's length of service, and to vary the procedures accordingly. Where an employee only has a short amount of service (e.g. less than two years), they may not be in receipt of any warnings prior to dismissal. They will, however, retain the right to a hearing and will have the right to appeal.

The formal Stages One and Two as detailed below may be missed out where perceived serious incapability is occurring.

At all stages the College will endeavour to give consideration to whether the unsatisfactory performance is related to a disability and, if so, whether there are any reasonable adjustments that could be made to the requirements of the employee's job or other aspects of the working arrangements.

(a) Informal Procedures – Day to Day Management and Target Setting

Normal day to day arrangements for handling performance issues are seen as falling within the context of effective working relationships between members of staff and their supervisors.

In most cases this will involve a supervisor meeting informally with a member of staff to identify the specific areas in which the individual's performance is considered to be below expectations (explaining the grounds/ evidence for this view), with a view to agreeing both the action that is required to improve performance and also the timescale within which this should be achieved. Possible actions might include additional training, a review of duties/ responsibilities, providing a mentor, or (by agreement) investigating the possibility of transferring the member of staff to a different role within the College.

Often, the content and outcome of this meeting may be confirmed in writing to the individual, in order to record any targets for improvement, review dates, additional support required, etc. This record should not be regarded as formal disciplinary action, and there is no appeal against such action. However, any failure to achieve and then maintain satisfactory levels of performance may lead to the issue being address formally.

Following a satisfactory outcome to the use of the informal procedure, the matter will normally be considered resolved.

(b) Formal Procedures – Disciplinary Action: Warnings and Dismissal

If, following an informal meeting, a member of staff's standard of performance is still not adequate the College will invite the member of staff to attend a meeting where – if no satisfactory explanation is given - an 'improvement note' may be issued for unsatisfactory performance. This shall have the same effect as a first written warning. The College will also consider the possibility of a transfer to more suitable work if possible.

If performance remains unsatisfactory following the issue of an improvement note, or if the problem is sufficiently serious but falls short of the need to dismiss, the member of staff will be invited to attend a meeting, which may result in a final written warning being issued to inform them that they may be dismissed if the required standard of performance is not achieved and maintained.

If such improvement is not forthcoming after an agree period of time, the member of staff may be dismissed with the appropriate notice.

The College reserves the right to suspend an employee on full contractual pay at any stage during this process. Where this is the case, the period of suspension will normally be kept as brief as possible. Suspension should not be regarded as formal disciplinary action.

If a capability issue relating to a member of staff's qualifications (e.g. the loss of a driving licence) makes it impossible for them to legally carry out their role, the individual may be dismissed without prior warnings if no reasonable redeployment opportunity exists.

APPEALS

- (i) An employee has the right to appeal against any formal action taken under this policy.
- (ii) If the employee wishes to appeal, s/he must inform the Home Bursar in writing (normally within 5 working days) and should state in writing the grounds for their appeal.
- (iii) If the employee informs the College of their wish to appeal, the College will invite them to attend a further meeting. At the start of the meeting, the Chair will agree with all parties the way in which matters will be dealt with, and the meeting should be conducted in such a manner as to allow all parties to explain their case.

- (iv) The individual may be accompanied at this meeting if they so wish.
- (v) In the case of appeal meetings which are not the first meeting, the College should (as far as is reasonably practical) be represented by a more senior manager than attended the first meeting (unless the most senior manager attended the first meeting).
- (vi) The employee must take all reasonable steps to attend the meeting.
- (vii) The appeal meeting need not take place before the dismissal or disciplinary action takes effect.
- (viii) After the appeal meeting, the College must inform the member of staff of its final decision in writing. There will be no right of further appeal against this decision.
- (ix) The College reserves the right to allow a third party to chair any formal capability/appeal meeting.

POLICY REVIEW

The College will review this policy regularly taking into account any developments in the law and practice, and will publish any amendments. The policy may be amended at any time at the College's sole discretion.

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