deliver tasks and projects effectively and to required standards
spot and improve poor performance.

1.4 We expect that everyone who works for us perform their work at a standard which

performance;
To consistently maintain the required levels of performance.

## 4.0 General Guidance

4.1 Those involved in capability issues should remember that the vast majority of employees make an

circumstances of the case. For example, it would not be reasonable for an employee to request that they are accompanied by a companion whose presence would prejudice the hearing.

4.15 Companions will be entitled to address the hearing in order to put forward and summarise the behalf of the employee to any views expressed at the hearing and to confer with the employee throughout the hearing. However, they will not have these rights where the employee does not wish it or if it will prevent the employee from explaining their case themselves.

## 5.0 Equality Act 2010

Where employees are disabled, reasonable adjustments should be made to retain them in their original job, or redeploy them to a suitable alternative post, in line with the requirements of the Equality Act 2010.

## 6.0 Record Keeping

6.1 Accurate and timely records must be kept of all formal meetings and correspondence. As far as possible, notes of capability meetings will be agreed with the employee concerned. Where agreement is not possible, both sets of the notes will be kept on the capability file. Records must include details

all correspondence.

6.2 These records must be kept confidential and retained in accordance with the Data Protection Act 2018

6.3 Copies of any meeting records should be given to the individual concerned, although in extreme circumstances specific information may be withheld. In certain cases, anonymised statements may be used (for example to protect a

## 8.0 Formal Capability Action

8.1 Each case will be considered on its merits and in the context of the circumstances relevant at the time.

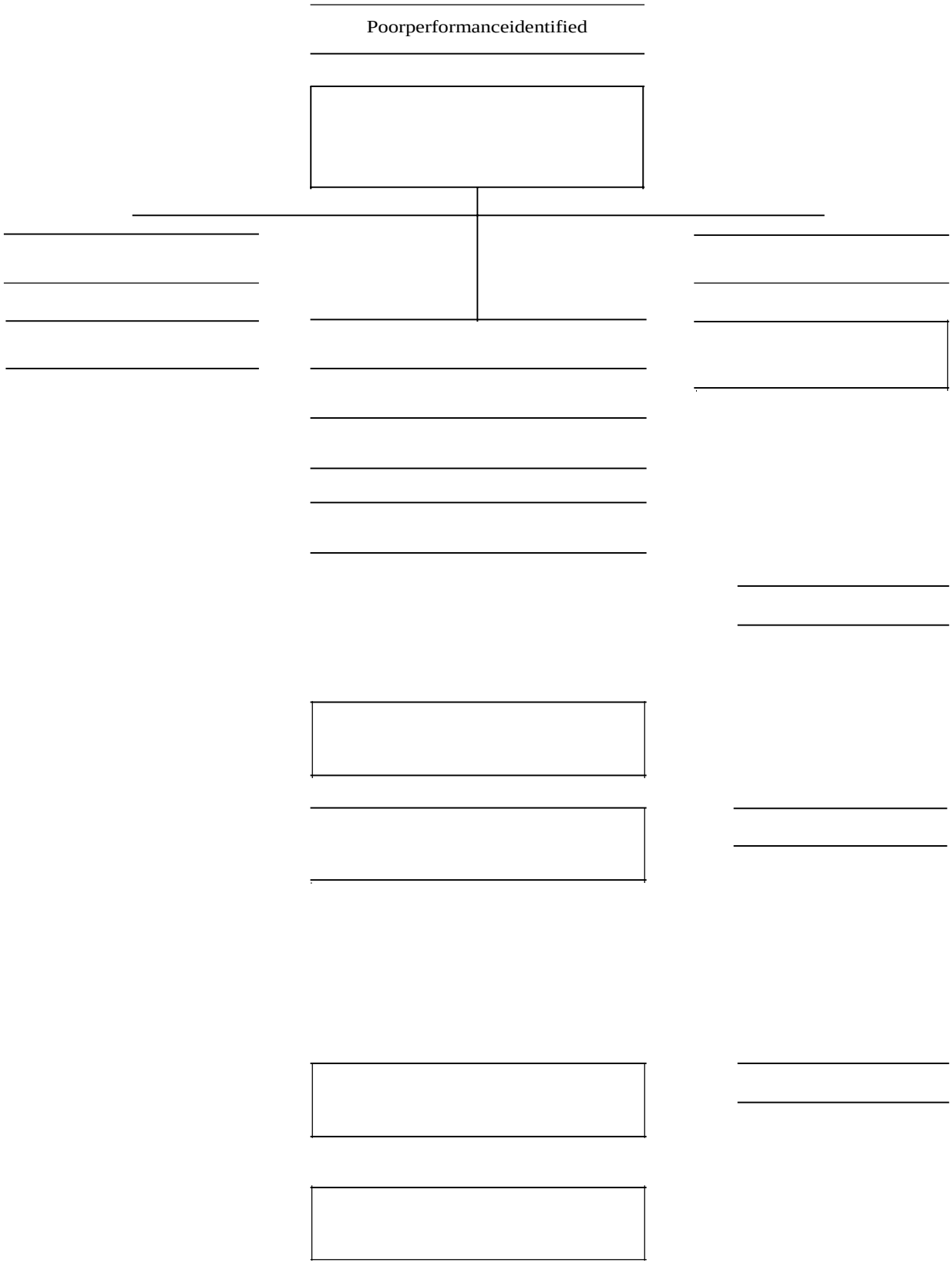
8.2 If minor lapses from acceptable standards of performance reoccur or if the matter is more serious, then the following capability penalties may be applied.

8.3 Where it is decided that there is a capability case to consider, the employee should be notified of this in writing. This

## 11.0 Dismissal

11.1 The employee may be dismissed if they have failed to comply with the terms of a current Final Written Warning or they have been given a Final Written Warning and their performance has still not improved to an acceptable standard.

11.2 The employee will be provided with written confirmation of the action within **five working days** of the Capability Hearing, including the reason for dismissal, the appropriate period of notice (or pay in lieu of notice), the date on which employment was terminated, and the right of appeal together with the date by which the appeal must be submitted.

11.3 Any decision to dismiss shall only be carried out by a manager with authority to do so.

Appendix 1: Overview of Capability Procedure