

# DE LA SALLE COLLEGE



## CAPABILITY PROCEDURE POLICY

*“BUT TEST EVERYTHING; HOLD FAST WHAT IS GOOD.”*

**1 THESSALONIANS 5:21**

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|----------------------------------------|-------------------------------------|
| Compiled by: The Head of College       | Last Reviewed: June 2025            |
| Policy Holder: Mr J. Turner            | Next Revision date: June 2026       |
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## Overview

The College will, at all times, endeavor to ensure that employees achieve and maintain a high standard of performance in their work. The capability procedure addresses poor performance and long-term absence issues. To this end, it will ensure that standards are established, performance is monitored and that employees are given appropriate training and support to meet those standards. At all times, the confidential nature of any problems will be maintained by the employee and the College. Records of minutes of all discussions and meetings will be retained, and the employee will receive a copy.

All reasonable endeavors must be made to attend any capability meetings. Employees have the statutory right to be represented at any formal part of a capability procedure. The representative can be either a work colleague or trade union official. The representative has the right to speak on the employee's behalf, state their case, and summarise the points made. However, they cannot answer questions on their behalf.

### Procedure

#### Stage 1 - Informal

#### Stage 2 - Formal

#### Stage 3 - Dismissal

### Stage 1 - Informal

Where performance falls short of expected standards or where absence issues exist and where there is thought to be cause for action under the capability procedure, an informal discussion will be held to establish the reason with the aim of determining how these expected standards can be attained. The employee will first be asked to attend a meeting to discuss the matter with the relevant Head of Department or Assistant Head, or other appointed line manager.

It is hoped that this informal discussion will resolve any possible difficulties and lead to the required improvement. A file note of the discussion or a Performance Improvement Plan (a PIP) to reflect expectations and measures agreed going forward, will be signed by both parties, retained for the file and the employee will receive a copy.

In circumstances where attempts to find a satisfactory solution informally fail, or the matter is more serious, a formal procedure (as noted below) will normally be implemented from time to time. However, if it becomes apparent that the poor performance constitutes misconduct, the disciplinary procedure will be invoked.

### Stage 2 - Formal

If performance shows no, or insufficient, improvement over the reasonable period agreed, or if absence issues persist and informal discussions or interventions have failed to resolve the matter, then the employee will be invited, in writing, to attend a formal meeting and will be given 72 hours' notice and advised that this may result in a formal action being taken to address the issue. The employee will have the right to request to be represented by either a work colleague or trade union representative. The representative may address the hearing and confer, but may not answer questions on their behalf.

A full discussion will be held with the relevant Department Head or Assistant Head, member of SLT or other appointed line manager, to establish that the performance / absence level is unacceptable and the reasons for this.

The aims of this meeting will be to:

- identify the cause(s) of the poor performance, including health issues and any support that may be required;
- determine what, if any, remedial treatment (e.g. training, retraining, support, etc.) can be provided;
- clearly explain the shortfall between actual performance and the required standard;
- obtain the employee's commitment to reaching that standard;
- set a reasonable period for the employee to reach the standard and agree on a monitoring system, or Performance Improvement Plan (PIP), during that period, and;
- confirm what the likely course of action will be if that standard is not met.

The outcome of this interview will be recorded in writing, signed by both parties, retained for the file and the employee will receive a copy.

At the end of the review period, a further formal interview will be held, at which time:

- If the required improvement has been made, the employee will be advised of this and encouraged to maintain the improvement;
- If some improvement has been made but the standard has not yet been met, the review period may be extended;
- If there has been no discernible improvement, it will be explained to the employee that they have failed to improve. Consideration will be given to whether there are alternative vacancies that the employee would be competent to fill. If there are, the employee may be given the option of accepting such a vacancy (which maybe at a lower salary level), or being dismissed;
- If such vacancies are available, the employee will be given full details of such vacancies, in writing, before being required to make a decision.

### Stage 3 – Dismissal

If the College decides that the performance or attendance has not reached the acceptable level, or in the absence of suitable alternative work, the employee will be invited to attend a hearing chaired by the Head of College, where the outcome could be a dismissal with notice or payment in lieu of notice. The employee will be invited to give their views on this before the final decision is taken.

A formal letter of termination of employment will be issued which will record the reason(s) for dismissal and, where appropriate and relevant, the previous warning(s) given.

If any new allegations or circumstances are raised, whether by the College or the employee, in any capability hearing, the meeting will be adjourned for the allegations or circumstances to be investigated further.

If the employee is not satisfied with any decision, they may appeal, in writing, within five working days of receipt of the original decision to a named person, usually a governor who has not been party to any previous stages. Appeals will be held within a reasonable number of

working days of the appeal being made and the decision provided in writing. Any individual involved in prior capability meetings, will not be allowed to participate in the appeal hearing and this individual may be an independent external person.