



Managing Capability

A Guide for Managers

This guide provides managers with practical information and support in managing capability issues in a fair, consistent and reasonable manner, with regard to statutory requirements (Employment Act 2008) and the Statutory ACAS Code of Practice (2009). The Code is further supported by the ACAS Guide which sets out what should be done to achieve standards of behaviour in the workplace, the principles of which are reflected in this document.

These guidelines must be used in conjunction with the Capability Procedure which covers the University's comprehensive rules on managing under-performance and a genuine lack of capability.

Managing under-performance promptly and effectively enables managers to examine and understand why a staff member may be performing below the standard expected and to use the procedure to set clear expectations about the required level of job performance. All staff members have a contractual responsibility to perform their duties to an acceptable standard and they should be given reasonable support and encouragement to do so.

HR should be consulted on all formal capability issues for Schools and Services. Please contact your HR Partner for further guidance.

Managing Under-Performance

These guidelines outline manager's obligations and responsibilities when staff members fail to reach a satisfactory standard of work.

In most cases issues of underperformance are temporary and maybe informally resolved with the manager's support and guidance.

When dealing with problems of poor performance, managers must decide if the issue is one of capability or discipline. If poor performance is due to misconduct, disciplinary action must be considered. However, if it is due to a lack of capability, the Capability Procedure must be followed with the aim to support the staff member to improve.

When there is evidence that a staff member is not performing at an acceptable standard, the manager should promptly investigate the circumstances and endeavour to identify the reasons for the unsatisfactory performance. A manager should be able to use specific examples to demonstrate instances where the standard of performance is below expectation.

An informal meeting with the staff member will take place to discuss the areas of poor performance and will try to identify any problems or reasons for under-performance which could be resolved. Being specific about the level of improvement required and how this can be achieved is important. Performance improvement standards should be SMART, i.e. **s**pecific, **m**easurable, **a**chievable, **r**elevant/realistic and **t**ime-bound.

The law states that staff members whose work performance or capability falls below the standard expected of them, have the right, as a minimum standard, to be made aware of their shortcomings and to be given appropriate support and advice to improve. The University's Capability Procedure **MUST** be followed and a meeting will be arranged with the staff member where the manager, in conjunction with HR will:

- Make clear the specific areas of concern, with examples and or evidence.
- Aim to identify any problems or reasons for the underperformance
- Agree an action plan for improvement
- Set a reasonable time-frame for improvement (usually no less than 3 months)
- Act reasonably and ensure the staff member has been treated in a fair and consistent manner

Managers should be prepared to develop an action plan aimed at helping the staff member to improve. The plan could incorporate the following key areas: outline the areas of concern, specify the response from the staff member with any mitigating circumstances, identify the performance standards that are required, targets set for improvement, details of any training or support offered, review dates and how the staff member will be monitored during the review.

Keeping proper records of decisions made and reasons why they were made are important, particularly if the final outcome is dismissal.

If there has been no improvement, a formal meeting along the lines of the first meeting will take place and the reasons for the manager's continued concerns will be outlined, together with a reminder of what was agreed at the initial meeting. The staff member may be issued with a formal warning and advised that a continued failure to improve within the specified timescale may place their continued employment at risk.

A further formal meeting will review progress at the end of the agreed period. It may be appropriate to extend the period for improvement due to extenuating circumstances or make a recommendation for dismissal to the relevant Vice-Principal. In the event of dismissal, the staff member will be informed of their right to appeal.

Staff members have the right to be accompanied during formal meetings by a work colleague or Trade Union Representative.