Title of Policy:	**Capability - Illness and Disability**
Section:	**Human Resources**

Purpose

In certain circumstances, under-performance may be due to issues which are largely out of the employee's control, such as sickness and ill-health. Carers Choices' disciplinary process is aimed more at poor conduct and is therefore not entirely appropriate for dealing with under-performing employees who are unwell. This policy outlines how Carers Choices aims to deal with such matters.

Statement

Carers Choices requires every employee to give their best at all times. Unfortunately, this is not always possible, and problems can arise through no fault of their own. This policy specifies the approach to be taken in circumstances where an employee is incapable of performing his or her role as a result of long-term illness or disability, with the result that he or she may be transferred to another role or dismissed on grounds of capability. Managers should ensure that appropriate steps under Carers Choices' absence management policy and procedure have been taken before applying the capability policy.

Procedure and Guidance

Alternative employment

If an employee is unable to continue carrying out his or her existing duties due to ill health or disability, and adjustments cannot be made to his or her role, efforts will be made to find suitable alternative employment within Carers Choices. Retraining will be provided as necessary. The terms and conditions of employment in the alternative role may vary from the employee's original role.

Ill-health dismissal

This course of action may be appropriate if a suitable alternative role cannot be found for an employee who is unable to carry out his or her existing duties. Prior to contemplating dismissal, Carers Choices will:

- consult with the employee
- take medical advice
- consider whether the current job can be adapted in any way, particularly with regard to any reasonable adjustments under the Equality Act, or whether there is another role within Carers Choices that might be suitable

Dismissal meeting

The employee will be sent a letter inviting him or her to a formal meeting and indicating that dismissal is contemplated on the grounds of capability. The employee has the right to be accompanied at the meeting by a trade union official or a work colleague. At the meeting, the manager should:

- clarify the nature of the absence and the reasons for it
- review the steps that have been taken to accommodate the health of the employee
- offer the employee the opportunity to make representations, for example, dispute the facts or add any new information
- discuss the reasons why alternative work is not available or appropriate
- ensure detailed notes of the discussion are taken

The meeting should be adjourned to consider any new information, then reconvened to advise the employee of the decision. Any decision to dismiss will be confirmed in writing. Employees will have the right to appeal against any decision to dismiss, and further details are set out in the disciplinary procedure.

CQC Registration and Inspection Compliance

Key Questions and Quality Statements applicable to this Policy	Care Quality Commission (Registration) Regulations 2009 applicable to this Policy
Effective • Delivering evidence-based care and treatment • How staff, teams and services work together • Monitoring and improving outcomes • Consent to care and treatment **Well-Led** • Governance, management and sustainability • Capable, compassionate and inclusive leaders	

Legislative Compliance

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 applicable to this Policy	Other legislation relevant to this Policy
Regulation 12: Safe care and treatment Regulation 18: Staffing Regulation 19: Fit and proper persons employed	

Policy Reviewed on Date of Implementation by the Following Company Officer:

Full name:

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Job Title:

CEO

Signature:

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