Title of Policy:	**Capability and Performance**
Section:	**Human Resources**

Purpose

Carers Choices aims for the highest standards of conduct and performance. This policy outlines Carers Choices' approach in assessing performance, and dealing with those employees who consistently underperform, and to the detriment of Carers Choices' reputation.

Statement

Carers Choices has the greatest opportunity to flourish when it has earned a reputation for high quality performance and service. Its employees are key to this objective and Carers Choices will ensure that steps are taken, by reference to this policy, when an individual's performance falls below the required expectations.

Procedure and Guidance

"Capability" is the ability of the employee to perform the job s/he is employed to do in an effective manner.

Performance management

This capability policy forms part of the total performance management approach used within Carers Choices. The aim of this policy is to improve the capability of employees at work, hence making them work more effectively. It is hoped that this can be achieved without any disciplinary action – but it is accepted that, in certain cases, this will be necessary as a final resort. This policy, therefore, links to other policies within Carers Choices including policies relating to:

- Performance Improvement Programme (Appraisals)
- Induction
- Discipline
- Learning and Development

Assessment of capability

The assessment of capability is an ongoing process within Carers Choices. It starts at the stage of recruitment, when the employee is assessed as being capable of doing the job. It is often likely that the employee will need additional training when first employed – and this will be addressed during the induction process. On an on-going basis, capability is assessed through the performance management process. If any capability difficulties are identified during this process the manager and the employee are required to draw up an action plan together to address the issue.

Induction

All new employees should receive appropriate induction. The details of the induction process are addressed in the induction policy. It is important, however, that any learning and development interventions which address capability are identified and addressed during the induction process.

Responsibilities of the employee

The employee is required to work effectively, and to perform to the highest standard achievable. If the employee is struggling in any area of his/her work that employee should speak to the line manager and ask for assistance.

Admitting the need for assistance is not seen as a weakness. The employee is responsible for working with the line manager to agree an appropriate way to address any capability difficulties. The employee is responsible for attending any learning and development activities that are planned to enhance his/her performance at work. The employee is also responsible for identifying any learning and development activities which might enhance work performance. The employee must be aware that the line manager has a limited budget for learning and development events, and hence it might

not always be possible to give permission to pursue a learning and development activity.

Responsibilities of the line manager

- The line manager is responsible for identifying any training or other interventions that are required to help the new starter work effectively within the team
- The line manager is responsible for carrying out reviews with all his/her team, in accordance with the performance improvement programme
- If any capability issues are identified during the performance improvement programme the line manager is responsible for working with the employee to draw up an appropriate action plan to address the issue(s) that have been identified
- The line manager is responsible for setting appropriate targets for the employee to achieve
- The line manager is responsible for monitoring the progress of any employee who is working in accordance with an action plan, and identifying and addressing any issues that arise which mean the targets within that plan are not being met
- The line manager is required to support all employees in his/her team to ensure that they all perform to the best of their ability

Succession planning

The purpose of succession planning is to identify employees who show potential capability for promotion in the future. If an employee is placed on a succession plan Carers Choices will identify what additional abilities the employee will need to be capable in the more senior role in the future. To achieve those additional abilities the employee might need:

- To attend appropriate training courses
- Coaching or mentoring
- Opportunities to deputise for their manager
- Other opportunities

Carers Choices will work with the employee to design a programme of activities which allow the employee to develop the required capabilities. In doing this, it is important that no promises are made of certain promotion unless they can be guaranteed.

Promotion

If an employee is promoted at work, then the new line manager of that employee should meet with the employee to discuss any additional training or other learning and development that is required to ensure the capability of the employee in the new role. Carers Choices is responsible for the careful consideration of all promotions and should not promote employees unless they have the necessary abilities.

Monitoring of capability issues

The line manager is responsible for monitoring the performance of employees.

Performance management review procedure

Carers Choices operates a performance management procedure which works in parallel with the disciplinary procedure. Although it is not always appropriate to label incapability and poor performance as misconduct warranting disciplinary action, it may be necessary at times.

Informal performance management procedure

If Carers Choices considers that an employee's performance is unacceptable, the employee will be notified in writing of Carers Choices' concerns and the employee will be invited to attend an initial meeting with their line manager, to try to establish the reasons.

The employee will be given the opportunity to respond to the complaints or concerns about their performance.

The employee's line manager will investigate the cause of the employee's poor performance. Causes could include, for example, lack of skills, inadequate training, lack of support, tools or other resources, lack of communication or problematic working

relationships. The manager carrying out this initial counselling will provide the employee with examples of the unsatisfactory performance and the employee will be asked for an explanation.

Where the reason for unsatisfactory performance is lack of skills or training, the employee will, where practicable, be assisted through training and be given reasonable time to reach the required standard of performance. If it is a question of lack of support, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate.

The line manager should keep notes of the initial meeting and any agreed actions.

Informal warning

The employee will be fully informed of:

- the precise nature of the poor performance
- the level of improvement required
- the time limit for achieving that improvement
- the consequences of failure to achieve or maintain the improvement

Formal performance management procedure

Carers Choices will take steps to deal with the matter by way of formal performance or disciplinary warnings where:

- an informal warning has been given but improvement has not been maintained
- it is clear that the employee's performance does not arise from any reasons which could be addressed by assistance from Carers Choices
- Carers Choices has taken appropriate steps to assist the employee to improve his or her poor performance and he or she has not improved to the required standard within the specified timescale

The employee will be informed in writing of the concerns about his or her poor performance and will be invited to attend a disciplinary meeting to discuss this with the manager responsible for reviewing his or her performance. The manager will seek to

identify the cause(s) of the poor performance and determine what, if any, remedial action can be taken. The employee will be given the opportunity to respond to the concerns.

The employee must make all reasonable efforts to attend the disciplinary meeting. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause an employer can make a decision on the evidence available.

If at the conclusion of the disciplinary meeting the manager believes that there is a shortfall in the employee's performance which requires further attention, then the employee will be issued with a formal warning.

Formal warnings

The severity of the disciplinary action, if any, will be determined by the severity of the unsatisfactory performance. As the first step of corrective action following unsatisfactory performance Carers Choices will normally impose a written warning. If the unsatisfactory performance continues, Carers Choices may, having followed the disciplinary procedure in each instance, apply a final written warning and eventually dismiss the employee. For more severe cases of unsatisfactory performance, Carers Choices may apply a final written warning if appropriate.

Formal performance warnings will usually set out:

- the nature of the poor performance
- the level of improvement required
- the time limit for achieving the required improvement
- any interim review meetings which will need to be held
- what will happen if the employee fails to achieve or maintain the required standard of improvement
- how long the warning will remain active. This will normally be dependent on the circumstances and will be specified in the disciplinary warning letter

Written warning

If there is no improvement or insufficient improvement after an informal warning, or if improvement is not maintained for the period stated in the Informal Warning, the employee will be given a written warning setting out the details as outlined above.

Final written warning

If there is no improvement or insufficient improvement after a written warning, or if improvement is not maintained for the period stated in the written warning, the employee will be given a final written warning setting out the details as outlined above. The final written warning will include a statement that a failure to improve to the required standard is likely to result in dismissal.

Action short of dismissal

Action short of dismissal such as demotion or transfer to a different post can only be used in exceptional circumstances. This is because a demotion is equivalent in legal terms to a dismissal. An employer must be in a position to 'fairly dismiss' an employee before a demotion can be imposed. However, there may be cases where an employee agrees to a change of duties including a demotion and a reduction in salary/benefits commensurate with a revised role as an acceptable outcome of a formal performance management procedure.

Dismissal

If there is still no improvement or insufficient improvement after a final written warning, or if improvement has not been maintained for the period stated above, the employee will normally be dismissed with notice or pay in lieu. Alternatively, at Carers Choices' entire discretion, alternative work elsewhere in the organisation may be offered to the employee if any suitable posts are available.

Right to be accompanied

Employees have the right to be accompanied at a formal disciplinary meeting by a work colleague or trade union representative. Further detail is provided in the right to be accompanied policy.

Appeals

Employees have the same rights of appeal at each stage of the procedure as detailed in the disciplinary and dismissal appeals procedure.

Carers Choices reserves the right to implement the procedure at any stage should the outcome of the initial review meeting suggest the performance failing warrants it.

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 • Learning, improvement and innovation • Environmental sustainability – sustainable development	Regulation 18: Notification of other incidents

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:

Paul Ramsden

Job Title:

CEO

Signature:

P. Ramsden