



Capability Policy

Last approved: 17th July 2023

Approved by: Chairs Actions

Next review due: July 2026

Safeguarding Statement

BN1 Arts is a post-16 specialist provider, specialising in Music and the Creative and Performing Arts. All staff, volunteers and partners are committed to safeguarding the welfare of every person within BN1 Arts. Our mission is to help young people to engage and achieve within a safe and inclusive environment.

Introduction

BN1 Arts accepts that there may be situations where an employee cannot achieve the standards required from the role because their skills or abilities are not sufficient to fulfil their job to the required standards. Every effort will be made to understand the causes for this and find remedies which will enable them to achieve the required standards.

A fair procedure will be followed to ensure you are given feedback on your performance and an opportunity to improve. A supportive and positive approach will be adopted throughout this procedure and as far as is reasonably practicable, every attempt will be made by your line manager to provide appropriate training, knowledge, and supervision to achieve the accepted standards of performance.

In cases where it is considered that your performance, conduct, or behaviour is unacceptable and falls outside the scope of this procedure, it may be appropriate to consider disciplinary procedures as an alternative. If this is the case, this will be made clear to you.

Depending on the nature, cause and severity of the situation, this procedure can be commenced at any stage. The timescale allowed for improvement may vary and will be determined considering the reason for the incapability, and the impact of this on business operations.

You have the right to be accompanied to any formal meeting held as part of the formal procedure by a fellow colleague or trade union representative.

Informal discussions:

First Informal Discussion and Warning

Where there are minor issues, such as small but repeated errors in work, an informal discussion about the causes and what can be done to provide support will often result in an improvement. The discussion should normally bring to your attention the aspects of the job in which you are not performing satisfactorily, and it is hoped that in most cases this will be sufficient action.

Appropriate arrangements (including an informal performance improvement plan and/or mentoring) may be put in place to train, support, and assist you and to supervise and monitor your performance.

Second Informal Discussion and Warning

If after the first informal discussion no significant improvement is seen, your line manager will progress to a second informal discussion with you. The second informal discussion and warning will follow the same steps as the previous informal warning.

Any secondary informal discussions will be backed by an email to you and disregarded after 6 months satisfactory service.

Formal procedures:

First Written Warning

Where there are major issues, or, despite informal support, you are unable to reach the required standard of performance, you will be invited to attend a formal meeting to discuss your performance, specifically the areas of concern, including any evidence or examples of unsatisfactory performance that will be discussed. If during the meeting there is no satisfactory explanation given for your performance, the following action will be taken:

- A first written warning will be issued, and A performance improvement plan (PIP) will be drawn up and agreed, with a timescale for improvement and a date set for review.
- Your performance will be closely monitored during the review period.
- The meeting will be documented, and a formal record placed on file for a period of 12 months and will remain a part of your employment history with BN1 Arts.
- If progress has been made and the required standard has been met by the end of the review period, the matter is then closed.

Final Written Warning

If there is no improvement or insufficient improvement at the end of the review period, a further formal meeting will take place. If during the meeting there is no satisfactory explanation given for your performance, the following action will be taken:

- A final written warning will be issued informing you that your continued employment may be at risk if satisfactory performance is not achieved or sustained and; A further performance improvement plan will be drawn up and agreed, with a timescale for improvement and a date set for review.
- Your performance will be closely monitored during the review period.
- The meeting will be documented, and a formal record placed on file for a period of 12 months and will remain a part of your employment history with BN1 Arts.
- If progress has been made and the required standard has been achieved by the end of the second review period, the matter is then closed.

It is expected that the improvement in performance will be sustained. Any deterioration in the standard of performance may reactivate this procedure at the stage where it was closed, or at a more advanced stage of the procedure.

Dismissal / Demotion

In circumstances where the Capability Procedure has been exhausted and there is still no improvement or insufficient improvement after a final warning, you will normally be dismissed with notice or pay in lieu. Alternatively, at the company's discretion, alternative work elsewhere in the organisation may be offered to you if any suitable posts are available.

Appeals

You may appeal against any formal action taken under this policy and such an appeal should be submitted (clearly stating the grounds of appeal) in writing within five days to the line manager nominated by the person who has taken the action. The person nominated will hold an appeal hearing. You may be accompanied at the appeal by a work colleague or trade union representative. You will be notified of the decision reached at an appeal in writing and this decision will be final.

This procedure is entirely non-contractual and does not form part of your contract of employment. BN1 Arts reserves the right not to follow this procedure during the first two years of employment.

Appendix A

Performance Improvement Plan Template

Name:

PIP Start Date:

Job Title:

PIP Review Date: (typically 4-6 weeks)

Manager:

Performance Standards

In bullet points, outline the performance standards / expectations of the role. This can be taken from a JD or key responsibilities of the role.

Performance Concerns

In bullet points, outline areas where performance is not meeting the standards / expectations outlined above. Where possible include specific details and reference to work that fell below standard.

Goals / Objectives

In bullet points, outline the goals the employee should be working towards to remedy their performance. Ensure these are SMART - Specific, Measurable, Achievable, Realistic and Time bound. Add details of support (training, mentoring etc.) that will be given to the employee.

The performance improvement plan period will last a total of **XX** weeks, with a review meeting being held in the week commencing **[insert date]**.

Each week **[employee name]** will meet once with his/her manager to discuss progress, ask questions, and receive feedback. **[employee name]** can also use this meeting to discuss additional reasonable support with their manager.

(Each meeting should be followed up in writing, confirming what was discussed, where progress has been made and where additional focus needs to be paid.)

Acknowledgements:

Please note, if you do not show an immediate and sustained improvement in the areas of unsatisfactory performance as outlined above, you may be subject to additional performance

management action. This Performance Improvement Plan may serve as a written warning regarding your job performance, and it will be placed in your personnel file.

You acknowledge that you understand and agree to the expectations outlined in this Performance Improvement Plan and will abide by the arrangements set forth in this plan.

Signed by the Manager:_____

Signed by the employee:_____