

Capability Policy

Version number:	Version 1	Document owner:	HND Children's Care Ltd.
Version Date: Review Date:	January 2026 January 2027	Document ID number:	1.9 Capability Policy
Version expiry:	January 2027	Document classification:	Final
Version status:	Live document		

Contents:

1. Introduction
2. Action
3. Notes

1. Introduction:

HND Children's Care Ltd capability procedure (for responding to an employee's unsatisfactory performance at work). Action in response to breaches of disciplinary rules are likely to be taken in accordance with the '*Disciplinary Policy*', but HND Children's Care Ltd recognises that there may be instances when unsatisfactory performance by an employee should more appropriately be dealt with outside the '*Disciplinary Policy*'. Accordingly, the company provides a fair and effective procedure to enable management to respond to unsatisfactory performance by an employee at work.

They are not intended to exclude other measures which in any instance may be considered appropriate for the purpose of encouraging an employee to improve his or her performance, but they represent a set of stages which, whatever else is done in that respect, will provide the employee with opportunities to hear how and why his or her performance is considered unsatisfactory and to offer any explanation about this which he or she wishes to put forward.

A formal warning stage is provided in this procedure. If an employee is given a formal warning under this procedure, the warning may also be considered if there are any disciplinary findings against the employee under the '*Disciplinary Policy*' while the warning is still extant. Similarly, any current disciplinary warning can be considered at the final stage of this Capability Procedure.

In addition to matters appropriate for the '*Disciplinary Policy*', this capability procedure does not apply to:

- Termination of a fixed-term contract of employment where the term of that contract expires without being renewed.

- Termination of a temporary appointment where the reason for termination is that the requirement for the employee's service has ceased or diminished or is expected to cease or diminish.
- Termination during or at the end of a probationary period of service, whether or not extended beyond its originally specified duration.
- Termination of employment by reason of redundancy, whether or not competence and performance are criteria considered when selecting for redundancy.
- Inadequate performance believed to be attributable to a wilful refusal to work satisfactorily, which is liable to be regarded as a matter for action under the disciplinary procedure, within senior management grades within the company.

2. Action:

When a line manager considers that action should be taken to encourage an employee to improve, he or she may conduct an informal discussion / supervision with that employee. This will be used to bring to the employee's attention the area in which it is thought that the employee is not performing satisfactorily, to ascertain whether the employee accepts that there is a problem, to listen to any explanations or statements made by the employee, and to discuss how the employee should seek to improve.

Following the discussion appropriate arrangements will be made to supervise and monitor the employee's continuing performance, usually by the employee's immediate supervisor, with the employee being required to co-operate in this monitoring process.

If, after allowing a reasonable time for improvement, the manager considers that the employee has failed to achieve a satisfactory level of performance, the employee will be required to attend a formal interview to discuss the matter. He or she will be given a minimum of five working days' notice of the date and time of the interview, informed of the reason for it and be told that he or she will have an opportunity at the meeting to put forward an explanation, either personally or through a representative. The representative, if the employee requires one, may be a work colleague or an accredited Trade Union Representative.

At the interview, the presiding manager will remind the employee of the steps taken to encourage improvement and will tell the employee as precisely as possible of the complaints about his or her performance and the results of the monitoring. The employee will have an opportunity to raise any points which he or she wishes to have considered. If no acceptable explanation is given by the employee, he or she will be liable to be told that a formal written warning will be issued as soon after the meeting as possible. Such a warning should inform the employee that his or her continued employment may be at risk if satisfactory performance is not achieved and sustained.

Appropriate supervision, monitoring and records of the monitoring will continue.

If after a reasonable time has been allowed for improvement, the responsible manager



considers that the employee's performance remains less than satisfactory, a further formal interview will be convened and conducted. At the end of that interview, a decision will be made; as to whether or not to allow more time for improvement, whether a further warning is considered necessary, or whether to dismiss the employee.

If dismissal is decided upon, the employee will be dismissed with notice or with Payment In Lieu of Notice (PILON). If further time for improvement is allowed and sufficient improvement is not forthcoming; the interview process will then be repeated.

At the time a dismissal notice is given the employee will be told that he or she has a right to have an appeal heard by a director / alternative manager.

An appeal will be heard by a director / manager within 14 days of receipt of the employee's written notice of appeal. At the appeal, the Director / manager who made the dismissal decision will explain why he or she reached the decision and will answer any questions which may arise. The employee or his or her representative will be entitled to ask any questions and to make a submission on the employee's behalf.

At the completion of the appeal, the Director / manager hearing it will announce his or her decision. No further right of appeal will be available to the employee within the company.

3. Notes:

If at any stage the employee's explanation is accepted, the procedure will be re- started from section 2, if after a reasonable time sufficient improvement has not resulted.

If at any stage the employee's performance improves to an acceptable level, he or she will be told of this, preferably in writing, and encouraged to sustain it, with any warnings being disregarded after this improvement has been achieved.

The Director / manager will keep a record of all interviews with the employee, starting with a note of the date, time, and explanation (if any) provided at the informal meeting in section 2.

If at any point during the procedure management consider that it would be appropriate to offer alternative (not necessarily equivalent) employment to the employee, this will be done in writing, with the letter explaining why the offer is being made and the possible consequences if the employee refuses it and is unable to achieve satisfactory performance in his or her present job.

End.