

## **EHA CAPABILITY POLICY**

### **Introduction**

This policy is designed to be used where an employee is giving cause for concern for reasons outside the individual's control, for example prolonged or regular absence which may be due to genuine health reasons, or inability to do the job due to lack of capability.

It may be necessary to change to the disciplinary procedure at any stage if the facts suggest that a different approach is appropriate. In these cases the EHA will not be obliged to commence the disciplinary procedure from the beginning.

At all stages of the procedure the employee has the right to be accompanied by a work colleague or a trade union representative. In cases of long-term ill health they may also be accompanied by a close family member if they prefer.

This procedure does not apply during the first 12 months of service, when employment may be terminated due to unsatisfactory attendance or performance without reference to the procedure.

### **Procedure in cases of ill-health**

If attendance due to ill-health gives cause for concern, a supervisor or manager will speak to the employee informally to explain the problem and to discuss ways in which this may be overcome. If there is insufficient improvement within a reasonable time the employee will be invited to attend a meeting with their manager. The aims of the meeting will be:

- To enquire into the reasons for the absence or poor attendance and the progress of any treatment.
- To ascertain whether the condition may have been caused or exacerbated by any work-related factors, and if so to discuss how these can be eliminated or reduced.
- To discuss what reasonable adjustments and support the EHA can give to enable the employee to return to work and/or achieve a satisfactory attendance record.
- To agree appropriate actions and set a date to review the situation. The employee may be asked at this stage to consent to a medical report to enable the EHA to obtain a clearer picture of their condition and the likely timescale for recovery.

The outcome of this meeting will be confirmed to the employee in writing.

A review meeting will take place after the agreed period of time in order to :

- Review progress and to identify any improvement in the condition and/or attendance.
- Discuss further any adjustments which may be made to enable the employee to return to work or reach the required level of attendance.

- Inform the employee of the possible consequences if they are unable to return to work or achieve the required attendance level within a reasonable period. The options available will depend on individual circumstances. This may include a transfer to alternative employment if this is available, but may ultimately include dismissal. If transfer to alternative employment is possible and acceptable to the employee it may involve lower pay.
- Appropriate actions and a review date will be agreed and the outcome of the meeting will be confirmed to the employee in writing.

At the review date, if there has been no return to work or insufficient improvement in attendance since the previous meeting the employee will be invited in writing to attend a meeting in order to ascertain whether:

- all alternatives have been considered fully and every assistance which is reasonably practicable has been offered to them.
- whether there is any prospect of their returning to work or achieving the required standard within the foreseeable future, taking into account all the information available.

If any option is agreeable to both the employee and the EHA at this stage, such as reduced hours or alternative work, a trial period may be agreed and a review date set.

If there is no prospect of satisfactory attendance within the foreseeable future, and in the absence of any options acceptable to both the employee and the EHA, you will be dismissed on the grounds of capability.

The outcome of the meeting will be confirmed in writing and the employee will have the right of appeal against the decision within 5 working days of receipt of the letter.

### **Procedure in cases of poor work performance**

If work performance becomes unsatisfactory, a supervisor or manager will speak to the employee informally to explain the problem and to discuss ways in which this may be overcome. If there is insufficient improvement within a reasonable time the employee will be invited to attend a meeting with their manager. The aims of the meeting will be :

- To enquire into the reasons for the poor performance.
- To discuss what support, such as additional training, the EHA can give to enable the employee to achieve the required standard.
- To set targets and timescale for improvement.

The outcome of this meeting will be confirmed to the employee in writing.

A review meeting will take place after the agreed period of time. The aim of this meeting will be:

- To review any improvement in performance and to discuss if additional support is necessary.

- To inform the employee of the possible consequences if they are unable to achieve the required performance level within a reasonable period. This may include a transfer to alternative employment if this is available, but may ultimately include dismissal. If transfer to alternative employment is possible and acceptable to the employee it may involve lower pay.
- To set further targets and a review date which is reasonable in all circumstances.

The outcome of the meeting will be confirmed to the employee in writing.

At the review date, if there has been insufficient improvement in performance since the previous meeting the employee will be invited in writing to attend a meeting, in order to ascertain whether:

- every assistance which is reasonably practicable has been offered to them to enable them to reach the required standard, taking into account their length of service, previous performance and the extent of under-performance.
- there is any prospect of them achieving the required standard within a reasonable time.

If there is little prospect of them achieving satisfactory performance within a reasonable time, and in the absence of any transfer to alternative work which is acceptable to both the employee and the EHA, they will be dismissed on the grounds of capability.

The outcome of the meeting will be confirmed in writing and the employee will have the right of appeal against the decision within 5 working days of receipt of the letter.