**Capability – Informal Procedure**

Under performance issues identified.

Invite employee to an informal meeting. Manager to take notes of the meeting, including:
1. Identify any support or training required to meet the required standards.
2. Agree a Performance Improvement Plan (PIP) (if appropriate).

If at the meeting a suspected health issue is contributing to an employee’s under performance.

**Yes**
The manager is to speak to HR for advice to decide the appropriate course of action. Dependent on the circumstances, a referral to Occupational Health maybe required and proceed with the **Sickness Absence Policy and Procedure** or **Capability Procedure** where deemed appropriate.

**No**
Manager to review whether employee’s performance improves over the specified period set out in the employees PIP.

Performance improved
No requirement for any further action.

Performance not improved
Manager to proceed to the **Stage 1 of the Formal Procedure** by inviting the employee to a **First Formal Meeting**.

Under performance issues are considered sufficiently serious or relate to the loss of an employee’s essential qualification.

Manager to speak to HR for advice to decide the appropriate stage of the procedure and/or relevant procedure.
Stage 1 – First Formal Meeting (First Written Warning)

The manager should write to the employee requesting that they attend a formal capability meeting to discuss the recognised under performance/failure to keep a satisfactory attendance. The employee should receive at least 5 working days’ notice and be informed of their right to be accompanied.

1st Formal Meeting
Meeting takes place with manager and employee to discuss the underperformance and decide a way forward. HR will be in attendance to ensure the University Capability Procedure is followed.

- Evidence found to justify formal action. Employee should be informed of their right to appeal.
- Employee appeals decision.
- No evidence found to justify formal action.
- Employee should be issued with first written warning (which is live for 12 months) along with a PIP.
- Employee performance should be reviewed in line with the employee’s PIP.
- On completion of the timeframe given for the employee’s performance to improve (set out within their PIP) the manager should write to the employee to confirm whether they have met the performance standards set or not.

- Yes
  End of capability procedure.
- No
  To proceed to Stage 2.
Stage 2 – Final Formal Meeting (Final Written Warning)

Where the employee has failed to meet the performance targets set out in their PIP from the First Formal Meeting, or there is further under performance whilst their first written warning is still active.

The manager should write to the employee requesting that they attend a formal capability meeting to discuss the recognised under performance. The employee should receive at least 5 working days’ notice and be informed of their right to be accompanied.

2nd Formal meeting
Meeting takes place with manager and employee to discuss the issue of concern and decide a way forward. HR will be in attendance to ensure the University Capability Procedure is followed.

- Evidence found to justify formal action.
  - Employee should be issued with a final written warning along with a PIP.
    - Employee performance should be reviewed in line with the employee’s PIP.
      - On completion of the timeframe given for the employee’s performance to improve (set out within their PIP) the manager should write to the employee to confirm whether they have met the performance standards set or not.
        - Yes
          End of capability procedure.
        - No
          Proceed to Stage 3.
  - Employee appeals decision.
    - Appeal not upheld
    - Appeal upheld
      - No evidence found to justify formal action.
        - Employee should be notified in writing of the outcome including and a PIP if relevant.
Stage 3 - Dismissal

Where the employee has either:

- Failed to meet the performance targets set out in the Final Formal Meeting.
- There is further under performance whilst their final written warning is still active.
- Where the performance is deemed sufficient to warrant Stage 3.
- In ill health capability cases such as, where the employee is ineligible for Ill Health Early Retirement/their application has been rejected.

The manager should write to the employee requesting that they attend a Stage 3 capability meeting to discuss the recognised under performance. The employee should receive at least 5 working days’ notice and be informed of their right to be accompanied.

Stage 3 Capability Meeting
Meeting is heard by a panel of 3 managers as determined by the Pro-Vice Chancellor or Chief Operating Officer with advice from the Director of Human Resources.

Evidence found to justify dismissal. Employee should be notified of their right of appeal as per the Appeals Policy.

Employee should be dismissed with contractual notice and confirmed in writing.

No evidence found to justify dismissal. Employee should either:

- Receive an extended final written warning with a further review period set with a warning that if improvements aren’t made within the set time the employee may be dismissed.
- Where appropriate the panel may offer redeployment to a suitable available post within the University.