

Surrey County Council Performance Capability Policy

This Issue	Last Issue	Review Date
March 2019		February 2021



SURREY

Performance Capability Policy

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Policy Scope and Purpose	
Scope and Purpose:	<p>This policy outlines Surrey County Council's approach to managing underperformance, once it has been established that this is due to an employee's performance capability in their job role, which is not associated with reasons related to either their conduct or medical condition.</p> <p>Aims and Objectives</p> <ul style="list-style-type: none"> • To support, guide and advise employees who may be experiencing difficulties in performing their duties to the required standard; • To provide line managers with a clear framework to manage employees who may be underperforming in their role in a fair and consistent manner; • To support a culture of continuous development and improvement.
Start point of the Policy:	When an employee's work performance is unsatisfactory, potentially due to a lack of capability in their job role.
End Point of the Policy:	<p>The outcome may either be one of the following:</p> <ul style="list-style-type: none"> • That work performance has reached a satisfactory level during the informal or formal procedure however employees may return to the policy at the point they left if performance deteriorates. • It may end when it is identified that another policy or procedure is more appropriate e.g. sickness absence policy. • Dismissal if work performance fails to reach a satisfactory standard by within the timescales of the formal procedure.
Legislative requirements:	Effective performance management will support the achievement of the Council's strategic goals as well as helping to encourage and develop employees who may be experiencing performance difficulties at work.
Who uses this Policy:	<p>Although in principle this policy applies to all employees of Surrey County Council, it will not apply to employees in the following situations:</p> <ul style="list-style-type: none"> • Teachers employed in schools and fire fighters, who have separate arrangements. • those who are within their probationary period of employment
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and procedures • Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members

	<ul style="list-style-type: none">• The Human Resources team will be responsible for providing guidance and direction• All parties will be expected to apply the policy correctly
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

1. Introduction

- 1.1 The Council understands that employees may, from time to time, encounter difficulties in performing their duties to the required standard and attaches great importance to supporting its employee's to overcome these issues and sustain satisfactory levels of performance. In the majority of cases this can be done through peer or line manager coaching and additional support, but in some cases a more structured approach is required that clearly indicates the implications of the continued unsatisfactory performance. The primary objective is supporting and encouraging employees so that they may achieve improved levels of performance, with dismissal being the last resort.

2. Guiding Principles

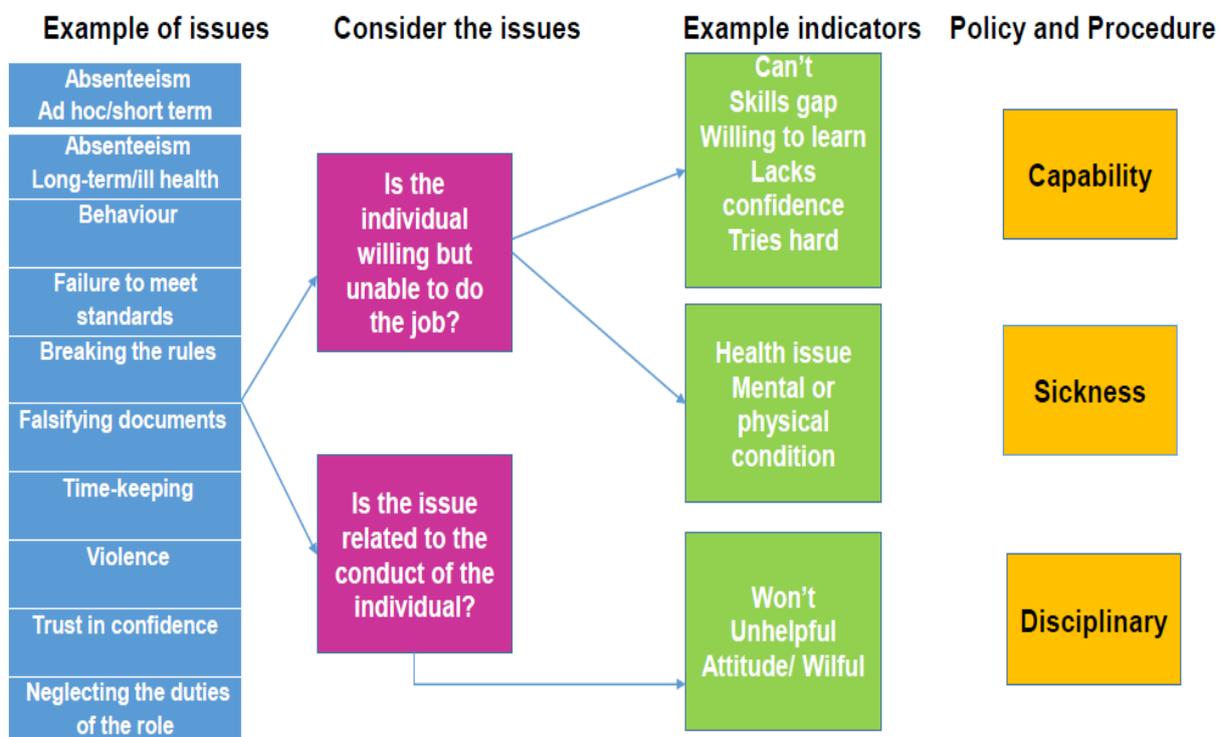
- 2.1 The following guiding principles underpin the Performance Capability Policy and should be observed in order to maximise overall benefit for the Council and its employees:
1. The application of the Performance Capability Procedure should be fair, transparent and consistent; providing sufficient evidence for assessing an employee's performance
 2. Employees will be given the opportunity to challenge claims of poor performance at an early stage, additionally the right of appeal is included when any formal sanction is applied. For formal action the employee will:
 - *Be informed of the nature of the issue(s) of concern against them.*
 - *Be given the opportunity to offer an explanation before any decision is made.*
 - *Be given reasonable notice of any formal meeting or hearing.*
 - *Be given the right to be accompanied to any formal meeting by a Union Representative or Work Colleague.*
 - *Be notified of the outcome of any formal meeting or hearing in writing within the timescales set out in the Performance Capability procedure.*
 3. Employees will be committed to achieving and maintaining required levels of performance, and support such standards being maintained;
 4. Employees to co-operate with any action taken under this policy and the associated procedure
 5. Line Managers play a fundamental role in driving performance capability – this includes making the necessary time required to apply this procedure and supporting the employee who is experiencing difficulties
 6. This policy and procedure should support and develop those that have been identified as not meeting agreed expectations or who are underperforming in their job role

3. The Performance Capability policy sets out:

- How performance Capability is defined;
- What is expected when standards of performance give rise to concerns that cannot be resolved through the normal performance conversations arrangements with training or increased support; and
- How it will be applied when an employee is failing in a significant or persistent way to carry out their duties in a satisfactory manner due to capability.

4. Defining capability

- 4.1 Performance capability can be referred to as an employee's inability to perform work which is expected as part of their job role to a required standard due to insufficient skill level or aptitude. It can also include capability issues where the employee is failing to perform their duties due to poor attendance caused by sickness, ill health or disability. However, sickness/disability related capability should be managed under the formal stages of the Council's Sickness Absence Policy.
- 4.2 The Council has separate Disciplinary, Capability and Sickness procedures, it is important to understand when each procedure would apply. The illustration below provides an outline of when each should be applied:



4.3 This policy and its associated procedure will only apply in cases of performance capability. In circumstances where there are concerns about the performance and capability of an employee arising due to ill health or disability, these should be managed using the Surrey County Council [Sickness Absence Policy and Procedure](#).

4.4 Also where an employee's poor performance is believed to be the result of deliberate negligence or misconduct, or where serious errors have been made by them to the detriment of the Council, managers should use the SCC [Disciplinary Policy and Procedure](#).

5. Normal Performance conversations and supervision

5.1 The [Performance Conversations Framework](#) provides a structure for addressing performance in general through open and honest coaching conversations. It is expected that issues or concerns with performance will be picked up during these conversations or through normal supervision/one to ones and tackled as early as possible. In cases where the performance requires further support for improvement then the [Performance Improvement Plan \(PIP\)](#) should be applied prior to instigating the formal approaches of this policy and the procedure.

5.2 It is important that one to ones/performance conversations not only focus on the issues but also take into account the possible reasons around the unsatisfactory performance. For example, whether or not the employee may be experiencing personal problems, or if they have recently moved into the role, or where there may have been significant changes in their role etc. Consideration should also be given as to whether or not there is an underlying medical condition. HR should always be contacted if in doubt.

6. Performance Capability Policy and Procedure

6.1 The Performance Capability Policy allows for a formal approach to be taken to address the issues of performance. Implementation of the Capability Policy and procedure should not be seen as a forerunner to dismissal, although there may be instances where ultimately dismissal is applied due to no improvement.

6.2 Once it has been established with HR that the approach under the normal performance conversations framework/supervision has been exhausted, then the [Performance Capability Policy and Procedure](#) should be applied.

7. Partnership working

7.1 If a capability issue impacts on more than one employer, every effort will be made to agree an approach that reflects best practice across the organisations involved. Managers from partner organisations will be expected to implement this policy and associated procedure when they are managing Surrey County Council (SCC) employees, with support from SCC management or HR.

8. Employee Support

All employees, subject to performance capability, can access the [Employee Assistance Programme](#) for additional support. They also have the right to request a trade union representative's attendance at formal meetings.

9. Equalities impact and review

- 9.1 HR is responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups. Reports showing the Equality & Diversity breakdown of cases in a Directorate should be shared at least annually with Directorate management teams. The policy will be kept under regular review and amended every 3 years.