

POLICY

# Capability Policy

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# Capability Policy

- 1.1 The Capability Policy is designed to ensure that all employees comply with acceptable standards of service to PHSO, including quality and quantity of work, attendance and punctuality. All employees, agents, contractors to PHSO premises are expected to give an acceptable standard of service. It is impossible to set out in a policy the complete range of what is and is not an acceptable standard of service in all given scenarios and for all employees. The Capability Procedures cover a number of different scenarios which must be applied to each employee, depending on their specific circumstances. The goal, however, is the same, the effective management of poor quality or quantity of work and attendance/punctuality of employees' which ultimately has the potential to impact on the quality of the service and reputation of PHSO and the work of colleagues.

This policy is not contractual and may be amended by PHSO at any time and may be adapted where necessary or appropriate in the particular circumstances of a case. Eg changes to legislation and in line with 3 year review process. Any changes will be notified.

- 1.2 Our Equality, Diversity and Inclusion strategy sets out the organisation we want to be. We aim to foster a culture of diversity and inclusion. To develop and nurture our workforce to excel, making the most of their unique backgrounds and experiences. To operate with integrity, respect and empathy for colleagues, and people and organisations we work with.
- 1.3 The Capability Policy and the Capability Procedures are applicable to all circumstances where the quality of an employee's work and/or the amount of an employee's work and/or their attendance/punctuality fall below acceptable standards. The Capability Policy covers the following issues.
  - 1.3.1 Quality or quantity of work; and
  - 1.3.2 Attendance, including ill health, and punctuality.
- 1.4 It is important for managers and employees to appreciate that careful recruitment, good management and appropriate training should be used in a timely manner to achieve satisfactory levels of service from all employees and to prevent capability issues occurring or escalating to formal procedures. The Capability Policy and Capability Procedures will complement the PDRS Policy as it applies to a particular employee. They are not, however, mutually exclusive and information obtained in one process will help to inform the other process and will often be progressed together. The formal Capability Procedures are intended to protect the interests of both the employee and PHSO, and

managers should not hesitate to use them where necessary or appropriate. This can be due to the serious nature of the capability issue, or an accumulation of concerns about the employee's quality or level of service. Where formal procedures are necessary, managers should use the PHSO Capability Procedures.

- 1.5 Even where formal procedures need to be applied, it is expected that managers will use them to improve the standard of work of the employee by a package of guidance, training and support. Employees will need to be aware of the standards required, where they are failing to meet those standards and what they need to do to achieve the required standards. This can be managed informally under the PDRS Policy, but should also be considered during the formal Capability Procedures. A Supportive Improvement Plan should be used to identify the issues and the measures which are needed to improve the employee's level or standard of work and the consequences of failure which can be similar to the graded warnings in the Disciplinary Procedures:

**written warning** - to confirm the standards for work performance and/or reliability have not been met. The warning will normally stay in place for 9 months.

**final written warning** - to confirm serious cases of poor work or reliability or repeated cases of not meeting the required standards. The warning will normally stay in place for 12 months.

**Dismissal, Summary Dismissal or other action** normally where poor work or reliability or serious failings have continued despite warning or warnings or where the employee is guilty of gross misconduct, as detailed in the Code of Conduct.

The time period for the life of a warning will not, necessarily, be the same period identified in the Supportive Improvement Plan for any necessary improvements to be achieved and maintained.

Managers must be aware that the language of warnings will be different where the standard of work or reliability of the employee is due to ill health. However, employees must still be clearly advised that their employment is ultimately at risk. Warnings are not merely warnings of the possibility of dismissal, but also information to be used by the employee to achieve and maintain a satisfactory standard of work and/or reliability in the future. Each case will be decided on its unique circumstances and escalation through the warnings and consequences, whilst usual, is not automatic. For example, a second written warning can be issued even where there is a live written warning, or the written warning can be extended. Equally, however, managers can enter at any stage they consider appropriate. In very serious cases, or where there are repeated concerns which cannot be

managed, dismissal, with notice, may be necessary. Even in those circumstances, PHSO might be able to consider transfer and/or demotion, by mutual agreement, as an alternative to dismissal. If an alternative position is agreed, it will normally be in conjunction with a written or a final written warning and possibly a further period of probation.

In reaching a decision, the Manager must take account of all relevant circumstances of the offence and the employee's record.

Whilst only live warnings should be considered in escalating the level of action, the fact that a previous warning has been given, whether live or not, for the same or similar issue, can be taken into account, in the same way that training in a particular subject may be relevant. Other factors may include; training, length of service, good record, acceptance of responsibility, the seriousness of the failure, the seniority or state of knowledge of the employee, any live warnings for capability and/or other issues, or the employee's likely future standard of work.

- 1.6 Whilst this policy is intended to address capability, the issue is not always straightforward and circumstances can arise where there are concerns about the quality of work and attendance, or even conduct or a grievance concerning the same employee. The manager will determine the appropriate procedure or procedures to be applied and, if in doubt, advice from HR, People & Talent should be obtained. It is in everybody's interests to have all employees delivering satisfactory levels of service and for all relationship issues between employees and PHSO to be resolved efficiently and effectively, therefore, where necessary, or appropriate, issues can be dealt with together.
- 1.7 If the circumstances of a grievance overlap with those of the capability or other proceedings, they will normally be dealt with together. If they do not overlap, they do not have to be dealt with together, but the parties can agree to do so.

The relationship between PHSO and probationary employees is necessarily on a trial basis and any concerns about the quality or quantity of their work, or their reliability, should be dealt with through the probationary review process.

If it becomes apparent to the line manager that a probationer is unlikely to be confirmed in post at the end of the probation period, the decision can be made before the end of the probation period. In this instance the procedure would be to move directly to a formal capability meeting.

Agency staff and contractors are not PHSO employees. Whilst the principles of a right to a reasonable opportunity to achieve and maintain satisfactory standards of work and reliability, and to have an

opportunity to be heard and to make representations, where practicable, they will not be entitled to the escalating of warnings or a right of appeal.

Agency staff and contractors will be dealt with under the particular terms of the contractual arrangements which PHSO has with the company.

## Policy information

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**Related policies and guidance:** Capability Procedure

## Managers' Training Notes

## Version control

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31/03/19	1.0	Final	AD HR
16/01/19	0.4	Draft	AD HR

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Date	Owner of review
April 2022	AD HR

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