

# St Andrew's CE Primary School



## Capability Policy

Review: Summer 2023  
Next Review : Summer 2024

## **IMPROVING EMPLOYEE PERFORMANCE – MANAGERS GUIDE**

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### **1. INTRODUCTION**

The Policy on, and the Procedure for, Improving Employee Performance are designed to be used in cases where employees are not achieving the standards of work expected of them due to poor performance/lack of capability.

They should be used where employees are unable to carry out the duties of their post to an acceptable standard because they lack the necessary skills and/or aptitude to do their job or where their skills/aptitude deteriorate. They should be used with the aim of being supportive and for positive action to be taken to bring about an improvement in performance.

Employees do not have to be incapable of doing every aspect of the job; one or more key aspects are enough to justify using the procedure.

### **2. WHY DEALING WITH CAPABILITY PROBLEMS IS IMPORTANT**

The success of the Council depends on the effective performance of its employees. It is essential, in best value terms and cost effectiveness, that all employees provide an effective service to the public. The individual effectiveness of each employee is therefore important.

It is essential that capability problems are tackled. Evading a problem never resolved it. This guide explains how to deal constructively with these problems and try to resolve them.

### **3. CONTENT OF GUIDELINES**

The guidelines are designed to:-

- Provide advice on how to prevent capability problems arising.
- Remind managers to use the probationary period effectively
- Give advice on dealing with promotion.
- Advise on handling problems caused by changing requirements in the post. These may result from the introduction of new technology or the need to provide best value services.
- Explain how to use the Policy and Procedure.
- Detail Roles and Responsibilities for Improving Employee Performance (see Appendix 1)

### **3. MATTERS OUTSIDE THE SCOPE OF THE PROCEDURE**

Where it is found that problems are connected to other Council policies, then these should be used instead. For example:-

- Problems related to an employee's physical or mental health or regular/long term absences from work – Policy on Sickness Absence and/or the Policy on the Employment of Disabled People.
- Inadequate performance caused by negligence, carelessness or lack of application – Disciplinary Policy and Procedures.
- Welfare related issues - Welfare Policy, Occupational Health and Safety Services, Substance Misuse Policy etc.

### **5. WHEN IS “CAPABILITY” REALLY MISCONDUCT?**

Inadequate performance caused by negligence, carelessness or lack of application is a form of misconduct. The employee can do the job but has chosen not to, through laziness, lack of interest, etc. These problems should be dealt with under the Disciplinary Procedure.

In most cases, where poor work performance results from misconduct, one incident of inadequate performance would not result in dismissal unless the consequences were extremely serious. You will need to refer to the Disciplinary Policy and Procedure for further information on conduct issues.

### **6. PREVENTING CAPABILITY PROBLEMS**

Before discussing how to deal with capability, it would perhaps be helpful to remind managers of various measures which may be taken to minimise the number of capability problems arising.

### **7. RECRUITMENT AND SELECTION**

It is essential that recruitment and selection decisions are based on a thorough assessment of the applicant. It is vital that the right person for the job is selected to minimise the likelihood of any subsequent problems in performance. For further details you may wish to refer to the Council's Recruitment and Selection Policies and Procedures.

### **8. USING THE PROBATIONARY PERIOD**

#### **8.1 Standards of Work**

When employees start working for the Council the standards of work required and the consequences of failing to meet these standards should be fully explained to them. The conditions attached to probationary periods should also be explained to new employees and you should set realistic targets of performance.

For further details you may need to refer to the Council's Probationary Policy.

## **9. DEALING WITH PROMOTION**

It is important to attempt to assist and encourage newly-promoted employees to reach the required standards, through the provision of adequate training ('on' and/or 'off the job'), supervision and feedback. You should explain the standards of work now required to newly-promoted employees and set realistic targets.

In the first 6 months following promotion, it is good practice for the line manager to regularly interview employees regarding their performance. Strengths and weaknesses should be identified and action agreed to build on strengths and deal with weaknesses.

It is not enough to promote employees and then fail to monitor subsequent progress/lack of progress. It is easier to take constructive action to resolve problems of promoted employees at an early stage. If no action is taken the employee assumes their performance is satisfactory.

Where the performance of an employee is unsatisfactory, they should be interviewed without delay. Constructive action such as further training and supervision should be attempted and where appropriate, warnings should be given in accordance with the Policy and Procedure for Improving Employee Performance. For advice and assistance, please contact Human Resources.

You will also need to consider whether the unsatisfactory performance was as much a failure of the selection system as of the employee themselves. A review of the selection criteria, procedure etc. may be needed.

## **10. DEALING WITH CHANGE AS A RESULT OF BUSINESS PROCESS RE-ENGINEERING**

As a result of Business Process Re-engineering across the Council, new ways of working are being developed in order to improve service delivery and provide a more customer focused environment. Because of this changing environment, employees' skills may become outmoded by new technology, reorganisations or changing patterns or work. Where employees are unable to adapt and cope with the changes, unsatisfactory performance may occur. In these circumstances, where changes are as a result of the Council's actions, the Council has a duty to help employees. This will include applying the Retraining and Redeployment policy. It may also be necessary to enable employees to acquire new skills and adapt to new situations through training, supervision and encouragement.

Sometimes, where this action fails, a reduction in the level of duties and responsibilities might be appropriate on a temporary basis following discussions with the employee. Sometimes a temporary reduction in duties followed by a gradual increase may have the desired effect. In other cases a permanent reduction in the level of responsibility may be considered.

However this will not always be possible from an operational point of view. Where a permanent reduction in the level of responsibility is made, consideration must be given to reviewing the grade of the job. Where these circumstances arise, please contact Human Resources for advice.

## **11. PROBLEMS CAUSED BY PRESSURE OF WORK**

It is important to assess whether the employee is indeed incapable of carrying out their duties or whether there are other reasons for poor performance, e.g. the organisational structure is inadequate, the design of the job impractical, the workload is excessive, there are issues related to a disability etc. It is important to interview the employee and to investigate to find the true causes of their problems. Constructive action can then be taken to deal with the problem.

If the employee is considered to be capable, it may be the case that additional staff are genuinely required. If this is not possible, is this particular function organised in the most effective way, does the job need re-designing or does the employee need guidance on priorities?

Frequently there may be a mismatch between what you and the employee consider to be the priorities. It is important that joint priorities are agreed, deadlines given which may be reviewed, if appropriate, and guidance given on delegation of work to subordinates (e.g. what the employee should do personally and what they should delegate).

If it appears an employee may be suffering from stress and may need help to cope with this please contact Human Resources for advice.

Sometimes pressure levels increase as a result of poor management. It is your responsibility to provide adequate support, supervision etc. and to ensure that employees are not put under undue pressure so as to cause stress. Management training, time management and stress management courses are available and should be used where needed.

## **12. THE PROCEDURE**

### **12.1 Identify the Problem**

Where an employee's capability is causing concern, it is important to identify what the required standards of performance are and in what specific respects the employee fails to meet them. It is important to tackle these problems immediately and not let them build up. You should monitor the employee's performance and keep records of specific examples of poor performance. It is important that standards of performance set are consistent for employees carrying out work of the same/similar level of responsibility in the same occupational group to avoid unfairness. You may need to liaise with other managers to ensure that this is the case. The standards set should not be unrealistically high.

## **13. INFORMAL ACTION**

Many aspects of inadequate performance can be dealt with informally and corrected without the need to start the formal Procedure. In the first instance you would normally raise your concerns with the employee over a relatively short period, no more than 2-3 months. You must meet the employee and advise them that you have concerns about their performance, giving specific details of the inadequate performance.

The employee should be advised that they may be accompanied by a trade union

representative or work colleague. You must give them the opportunity to state their point of view and agree a programme of positive action. This should be confirmed in writing to the employee. (See Appendix 2 for sample letter A).

The aim of the meetings is to concentrate on trying to bring the employee's work up to the required standard by talking through the problems with the employee, identifying potential constructive action which may be taken and warning the employee of the implications if an improvement does not ultimately occur.

A decision on when to start the formal Procedure will very much depend on the case and the tasks involved. If there has been no or insufficient improvement within the agreed timescales you will need to start the formal procedure as continuing to raise issues in an informal way will no longer be appropriate.

The Council's Occupational Health (OH) which includes an external counselling service, is available to employees who feel they need support during the application of the Procedure. However, any referral to the OH should not stop you managing the situation. The aim of a referral is to obtain support for the individual and to obtain advice for management and not for OH to carry out your role as the manager. You will only be able to act on information that is shared with you and you will therefore need to ensure that there is an open flow of communication between you and the employee at all times. In some cases an employee may discuss issues on a confidential basis with OH and unless the employee discusses these issues with you, you will not be in a position to act on them. You need to be aware that such issues are often raised at a later stage when perhaps earlier action would have been more appropriate. You should therefore try and achieve open communication with the employee, wherever possible, so that you are in possession of all the facts and can then best assess the situation.

## **14. STRUCTURE OF FORMAL CAPABILITY INTERVIEW**

### **14.1 First Formal Interview**

The first stage of the formal Procedure is for you to hold an interview with the employee to discuss the problem(s). Reasonable notice (at least 5 working days) of the interview must be given in writing and will include details of the inadequate performance and the nature of the proposed discussion (see Appendix 2 for sample letter B). The letter should not come as a surprise to the employee as you will already have discussed your concerns with them and informed them of the need to formalise these concerns in accordance with the Procedure for Improving Employee Performance.

The employee has the right to be accompanied by a trade union representative or work colleague to the interview for support and should be reminded of this. It is good practice to organise the date of the interview to coincide with the employee and their representative's availability wherever possible.

Issues of confidentiality must be considered. It is important to ensure that interviews take place in a private room where there will be no interruptions and adequate time is allowed for the interview. You should ensure that telephones are diverted for the duration of the interview, and 'Do Not Disturb' notices etc. are clearly displayed.

At the interview you should refer to previous informal meetings about the employee's unsatisfactory performance and the action that had been agreed to try to improve this.

You should also explain:-

- Your concerns regarding the employee's standard of performance.
- The specific areas in which performance is below standard and in what respects.
- The standard of performance required.

The employee should be asked to explain the reasons for the poor performance and the explanation should be considered against the facts.

The interview should be carried out in a supportive and constructive way rather than judgemental. It is important to encourage the employee to have a positive attitude so that if they are capable of reaching the required standards they will do so.

The interview has 3 main objectives:-

- To attempt to fully identify the reasons for poor performance.
- To find constructive solutions wherever possible to bring performance up to satisfactory standards, i.e. to design a further programme of action, preferably one agreed by the employee.
- To warn the employee of the ultimate consequences of failure to improve performance.

(N.B. The main emphasis of the interview should, however, be constructive).

Although broad terms may be used when discussing areas of concern, these must be followed through with specific examples to which the employee can relate. Emphasis should be placed on explaining to the employee what the Procedure entails and how you intend to address your areas of concern.

Any reasons for poor performance should be discussed and constructive action identified to help the employee improve. A programme of this constructive action should

be drawn up in consultation with the employee. The employee should be asked what they think would be useful in terms of constructive action to help them improve.

Ownership of the action plan by the employee is essential.

(an example framework which you may wish to use as a starting point for an improvement programme is attached at Appendix 3).

Appropriate action could range from guidance to additional training, either from the service area or through the Human Resources, Learning and Development team, closer

supervision and feedback, rearrangement of workload, reallocation of duties etc. or referral to Occupational Health if this is considered necessary. You may need to consider making other 'reasonable adjustments' where poor performance may be

related to an employee's disability.

The essential elements of any programme, which must be set out in writing and given to the employee, are:

- a statement giving details of the inadequate performance;
- the target level of performance to be achieved (i.e. the standard required);
- the action you intend to take and that expected of the employee;
- a realistic timescale within which an improvement is to be achieved, with due regard to the particular problem;
- the monitoring arrangements.

External or other contributory factors to the poor performance should also be explored.

## **15. CONSTRUCTIVE ACTION**

There are many possible reasons for poor performance – inadequate training or supervision, poor recruitment decisions, problems with colleagues or problems outside work to which practical solutions may be found: - e.g. a confidential welfare interview can be arranged to help an employee with personal problems.

Sometimes the problem in performance may result from excessive workload, poor work organisation by the employee or you, unrealistic work targets set by you, or inadequate resources. In these cases, you have a responsibility to deal with these problems.

In other cases, the job itself may have been poorly designed and the full responsibilities for the job may be difficult to fulfil. Where this is the case, consideration should be given to re-designing the job. If this is the case, remember that the grading of the job may require consideration as a result of changes in the duties and possibly the level of responsibility.

In some cases improved training, or more supervision from an experience employee, may help the employee to improve.

Where an employee has a disability, you will need to explore whether any 'reasonable adjustments' can be made to the job, working environment etc. that would help the employee improve their performance. However, any such issues should normally have already been dealt with through the supervision process and through discussion at Personal Growth and Performance Reviews. You will need to be aware that sometimes employees choose not to disclose that they have a disability and this may be the first time you are made aware of it. Careful consideration will need to be given to what steps you can take to support the employee.

### **15.1 Review Periods**

At formal interviews under the Procedure, it is important, where possible, to set realistic



work targets and review dates at which the employee's achievement or non-achievement of these targets can be discussed. The review meetings should take place regardless of whether there has been an improvement or otherwise. During the review periods, the employee's performance should be monitored carefully.

The length of review periods will vary according to the circumstances of the case, but should normally be between 3 – 8 weeks. For jobs involving basic skills two or three weeks may be appropriate.

Factors which may need to be taken into account in determining the length of a review period are:-

- complexity of the job, i.e. the more complex the job, the longer the review period. (However this factor must be balanced against the potential consequences of error and the degree of apparent incompetence).
- the importance of the post, i.e. where the post is of a key nature and the consequences of lack of capability greater, the shorter the review period.
- the length of service of the employee. If a capability problem has not been tackled in the past, a longer review period may be appropriate.
- the availability of any formal training needs identified to assist the employee.
- whether any aspects of poor performance are related to a disability.

At the interview you should issue the employee with a formal warning that their performance is unsatisfactory and that failure to improve their performance to the required standard will result in further formal action being taken in accordance with the Procedure. The formal warning should be confirmed in writing to the employee with a copy letter placed on the employee's personal file (see Appendix 2 for sample letter C).

Progress should be reviewed continuously throughout the duration of the improvement programme and issues discussed with the employee and modifications made where necessary. The aim is for improvements to be made and to be maintained. If these issues appear to be substantial, then the employee may be accompanied by the trade union representative or work colleague to any discussions held.

At the end of the review period a review meeting should be held. The date for the review meeting should be set at the end of the first interview to avoid unnecessary delays.

## **15.2 Second Formal Interview**

Where there is little or no improvement in the employee's performance, the review meeting will form the second stage of action and the procedure outlined in paragraphs 34-37 should be followed. The employee again has the right to be accompanied by a trade union representative or work colleague. They must

therefore be reminded of this right at this stage and details of the time, place etc. of the interview confirmed in writing (see Appendix 2 for sample letter D).

This formal review meeting must also take place when there has been an improvement in performance.

You may need to consider whether you have authority to act at this stage or whether you will need to refer the case to a more senior manager for consideration. You may also wish to seek advice from Human Resources before proceeding.

In some cases new areas of concern may arise at this or later stages and should not be ignored. You do not need to go back to the beginning of the Procedure to address the new issues as it is 'capability' for the job not one individual task that is being addressed. In these circumstances you may, however, need to extend the review period to allow for the new issue to be dealt with.

The constructive action agreed at the interview, together with details of a review period, should be confirmed in writing to the employee. At this stage you should issue a final formal warning which should be confirmed in writing (see Appendix 2 for sample letter C) and a copy letter retained on the employee's personal file.

## **16. ALTERNATIVE WORK AND TRIAL PERIODS**

In certain circumstances it may be appropriate at this stage, to consider moving an employee to alternative work which may be more in line with their capabilities. This should be discussed fully with the employee before taking any action. You should attempt to locate alternative work within your service area. You will need to liaise with your Assistant Director and Human Resources on this matter. If this is not possible because no similar posts actually exist in the service area, an alternative post within a similar generic group elsewhere in the Council may be considered. The employee must meet the essential criteria for any alternative post being considered, or could do so with reasonable training.

You will need to allow a reasonable amount of time for alternative work to be found, but this must be within the previously agreed review period. The employee must be advised that the capability procedure is still ongoing and exploring this option will not delay the process.

The time needed may depend on the type of work being sought, the degree of turnover in this type of work and its likely availability (weeks rather than months).

When trying to find alternative work you should also consider temporary duties or vacancies. Provision of temporary duties must be within existing budget provision. You must make clear to the employee how long the temporary duties are likely to last and continue to look for alternative permanent vacancies in the meantime.

If alternative employment is located and offered, any offer of employment should be made in writing and should outline the terms and conditions attached to it.

Sometimes a trial period in the alternative post will be appropriate. In these cases, a trial period of no more than 4 weeks may be agreed. During any trial period earnings will remain at their current level.

During the trial period you should arrange for joint review meetings to take place, as a minimum one meeting at the end of each week of the trial period.

In cases where an employee is absent during the trial period, consideration may be given to extending the trial period accordingly. This will depend on the circumstances of the case and the length of the absence.

If the trial period is successful the employee will be confirmed in the new post and their redeployment will be on the salary and conditions applicable to the new post.

If after a trial period the post is found to be unsuitable the employee will return to their substantive post and further alternative work opportunities may need to be explored whilst the employee returns to the previously agreed improvement programme and their performance continues to be monitored. You should remind the employee that their employment is still at risk.

In cases where alternative work cannot be located or where the employee does not wish to accept the alternative work available, and the employee's performance remains unsatisfactory, you should reconvene the second formal interview and discuss the situation with the employee. You will reconfirm the final warning at this interview and continue the second review period.

### **16.1 Third Formal Interview**

At the end of the second review period (normally 3 – 8 weeks), you should see the employee again and review their performance. The review meeting will form the third stage of action and the employee again has the right to be accompanied by a trade union representative or work colleague. They must therefore be reminded of this right at this stage and details of the time, place etc. of the interview confirmed in writing (see Appendix 2 for sample letter D).

You may need to consider whether you have authority to act at this stage or whether you will need to refer the case to a more senior manager for consideration. You may also wish to seek advice from the Human Resources team before continuing.

In cases where an employee is absent during the review period, for example through illness, consideration may be given to extending the period accordingly. This will depend on the circumstances of the case and the length of the absence.

### **16.2 Dismissal**

If no, or insufficient, improvement has occurred and no alternative work is available, or acceptable to the employee, they will normally be dismissed on the grounds of capability.

An employee should not be dismissed because of poor performance unless warnings And an adequate chance to improve have been given and any appropriate 'reasonable adjustments' for an employee with a disability have been made. Dismissal must always be confirmed in writing (see Appendix 2 for sample letter E).

The situation should be fully and sympathetically explained to the employee before dismissal. Where an employee is dismissed on the grounds of capability, they are given notice, but is not required to attend work during the notice period.

### **16.3 Right of Appeal**

At each stage of the formal procedure, prior to dismissal, employees have the right of appeal to their Assistant Director against any warning issued or alternative work identified. Such an appeal must be made in writing and be received by the Assistant Director within 10 working days of the date of the warning letter.

Employees dismissed on capability grounds have a right of appeal to the Appeals Committee of the Council. All such appeals must be made in writing to the Assistant Director and be received by them within 10 working days of the date of the dismissal. On receipt of an appeal against dismissal, the Assistant Director will arrange, through the Assistant Director HR & OD, for the Appeal to be heard by an Appeals Committee.

An appeal will not prevent you from continuing to manage the situation and continuing with the Procedure.

## **17. IMPROVEMENT IN PERFORMANCE**

Where satisfactory improvement has occurred by the end of a review period, the employee must still be interviewed and informed that their performance has improved to the standard required. A letter informing the employee of this should be sent to them (see Appendix 2 for sample letter F).

However you must continue to monitor the employee's performance but there is no need to undertake a formal review unless deterioration occurs. If, after a period of twelve months, the required standard of performance has been maintained, a letter informing the employee of this should be sent to them (see Appendix 2 for sample letter G).

## **18. DETERIORATION IN PERFORMANCE**

Where deterioration in performance does occur within a reasonable timescale of an earlier improvement (within 12 months of previous action under this policy and procedure) then the employee should be interviewed again and formal action under the procedure continued.

Where deterioration in performance occurs, following an initially successful move to an alternative post, careful consideration will need to be given as to how to deal with the performance issues identified. You will need to consider whether the deterioration is due to conduct, new issues or issues that have already been addressed. The circumstances of each case will need to be considered and you may wish to seek further advice from the Human Resources team on how to proceed.

## 19. CONCLUSION

In determining the fairness of a dismissal on the grounds of capability, Employment Tribunals would question whether:

“the employer honestly and reasonably held the belief that the employee was not competent and whether there were reasonable grounds for that belief”.

If you have consistently followed a fair procedure, identifying the standards required and the ways in which the employee falls below these standards; have given the employee an opportunity to explain and to improve their performance and taken reasonable steps to encourage and assist the employee to reach those standards offering alternative work where possible; and have made appropriate ‘reasonable adjustments’ for an employee with a disability, then dismissal on the grounds of capability should be held to be fair.

## **Roles and Responsibilities for Improving Employee Performance.**

The Council's Policy, Procedure and Guidance on Improving Employee Performance are designed to ensure that all employees have the resources, training, supervision and support to enable them to achieve high standards in their work. All Officers of the Council have responsibilities within this process and shown below is a broad outline of these responsibilities.

### **Role of Management**

- Minimise capability problems by selecting the right person for the job when vacancies occur.
- Use the probationary period effectively to avoid retaining employees who are not suited to their post.
- To identify when 'capability' problems are really 'misconduct'.
- To ensure that any capability problems are tackled and resolved as soon as possible.
- Identify training needs of employees within the team and ensure adequate training is given to carry out roles effectively.
- Provide adequate training, supervision and feedback to newly promoted employees.
- Manage effectively to ensure that employees are not put under undue stress as a result of poor management.
- Monitor employees' performance and keep records of specific examples of poor performance.
- Ensure standards of performance set are consistent for all employees carrying out work of the same/similar level of responsibility.
- In the first instance, deal informally with poor performance.
- Decide when, if necessary to start the formal procedure for improving performance. The Human Resources, can give advice on this.
- Liaise with your Assistant Director and the Human Resources, where alternative work is being sought within the service area or, in a similar generic group elsewhere in the Council (i.e. when no similar post actually exists in the service area).

### **Role of Employee**

- Consistently achieve standards of work expected of employees by the Council.
- Where poor performance has been identified, receive constructive criticism and act upon help and encouragement given by manager.
- Agree an action plan with the manager identified at informal and/or formal interviews.
- Take ownership of any action plan agreed and actively work to achieve its aims.
- Attend any remedial training and supervision identified as a result of poor performance.
- Acquire new skills and adapt to new situations as changes in working practices occur.

### **Role of Human Resources**



- Give advice and guidance to managers when advertising for vacant posts to ensure the right person is appointed.
- Ensure the probationary period is used effectively and only extended in specific circumstances.
- To give advice and guidance to all parties concerned on any aspect relating to improving employee performance and understand when a 'capability' issue is actually a 'disciplinary' issue.
- To provide advice to managers during the improving employee performance interview process.
- Try to ensure that managers follow the process fairly and consistently to protect the Council from claims of unfair dismissal.

## Procedure for Improving Employee Performance

### Sample Letters

To aid the uniformity of approach in capability matters throughout the Council, the following sample letters have been prepared. Whilst it is unlikely that these letters will cover every eventuality they will be appropriate for use in the majority of cases and can be adapted when necessary.

#### **Letter A – Informal Action – Agreed Programme of Constructive Action**

##### PERSONAL AND CONFIDENTIAL

Dear #

I refer to our informal meeting on #..... at which you were accompanied by # ..... when your performance at work was discussed.

During the meeting, concern was expressed about the problems you were experiencing in (insert details of tasks/areas of work in which capability problems are evident – i.e. a statement giving details of the inadequate performance).

#.....  
.....

After full consideration of the points raised, it was agreed that the following action would be taken in an attempt to resolve these difficulties:-

- (1) (insert details) .....
- (2).....
- (3).....

(insert details of constructive action to be taken by you or the employee to tackle these problems. This could include a referral to OH).

It was agreed that your performance would be reviewed at a further meeting on # (insert date – realistic timescale).....

At the interview it was explained that every effort will be made to assist you to reach the required standard. Failure to do so could lead to formal action under the Procedure for Improving Employee Performance.

(Insert monitoring arrangements).....

If any problems arise during the review period which you wish to discuss please contact me as soon as possible.

Yours sincerely

(Employee's Manager)

**Letter B – Calling an Employee to a First Formal Interview - Stage 1**

**PERSONAL AND CONFIDENTIAL**

Dear #

I write to inform you that in accordance with the Procedure for Improving Employee Performance you are required to attend a formal interview in connection with your performance at work.

The interview will be held at (enter details of venue) #.....  
at #.....(time) #.....on (Date)#.....

Please be prepared to discuss in detail your progress on the programme of positive action agreed at our meeting on #  
.....

You have the right to be accompanied by a trade union representative or work colleague if you so wish.

Yours sincerely

(Employee's Manager)

If the Manager carrying out the interview is different to the one who carried out the initial interviews then the letter will need to state who the interview is being held with and be amended accordingly.

**Letter C – Formal Warning – Stages 1 and 2**

**PERSONAL AND CONFIDENTIAL**

Dear #

I refer to your interview on #.....with #.....at which you were accompanied by #.....and to my previous letter(s) dated #.....regarding your performance.

During the interview, concern was expressed about the problems you were experiencing in (insert details of tasks/areas of work in which capability problems are evident – i.e. a statement giving details of the inadequate performance). #.....

After consideration of the points raised your performance continues to fall below acceptable standards. In view of this I must give you a formal/final warning that your performance is unsatisfactory and that failure to improve your performance by (insert date of end of review period) #.....may lead to \*a final warning/the termination of your contract of employment.

You have a right of appeal against this warning. Any appeal must be made to me in writing and received by me within 10 working days of the date of this letter.

In order to assist you to reach the required level of performance, it was agreed that the following action would be taken .....

- (1) (insert details).....
- (2) .....
- (3) .....etc.

A copy of the agreed Improvement Programme is attached. It was agreed that your performance would be reviewed at a further meeting on # (insert date – realistic timescale)..... The review meeting will be formally notified to you nearer the time and any further action will be determined in the light of your performance. Every effort will be made to assist you to reach the required standard.

(Insert monitoring arrangements) .....

If any problems arise during the review period which you wish to discuss, please contact#.....

Yours sincerely  
(Employee's Manager/Manager who carried out interview)

\* Delete as appropriate

**Letter D – Calling an Employee to further Formal Interviews - Stages 2-3**

**PERSONAL AND CONFIDENTIAL**

Dear #

I write to inform you that in accordance with the Procedure for Improving Employee Performance you are required to attend a formal interview in connection with your performance at work.

The interview will be held at (enter details of venue) #.....  
at #.....(time) #.....on (Date)#.....

Please be prepared to discuss in detail your progress on the action plan  
\*agreed/reviewed at our meeting on #  
.....

\*As this is a final review meeting I must warn you that the outcome of the review is that you could be dismissed.

You have the right to be accompanied by a trade union representative or work colleague if you so wish.

Yours sincerely

(Employee's Manager)

If the Manager carrying out the interview is different to the one who carried out the initial interviews then the letter will need to state who the interview is being held with and be amended accordingly.

\* delete as appropriate

**Letter E – Confirming Dismissal**

**PERSONAL AND CONFIDENTIAL**

Dear #

I refer to your interview on #.....with .....  
#.....at which you were accompanied by #.....

At this interview reference was made to the final warning you were given in my letter dated #.....(insert date of final warnings).

In that letter you were informed that if your performance did not improve you were likely to be dismissed.

During the period since your final warning was given, your performance has been monitored and was reviewed at your interview on #.....  
(insert date).

Full consideration was given to the points you raised at this interview. However I am satisfied that you have been given sufficient opportunity to improve your performance to the required standard. Unfortunately you have been unable to reach this standard (insert details  
.....  
.....

Consequently, I confirm that you were dismissed on the grounds of capability.

You are entitled to #.....weeks notice (insert statutory period of notice) and your employment will therefore terminate on #.....  
(end of the notice period).

You will not be required to attend work during your notice period and your salary/wage will be paid at the normal times during this period. If you have any outstanding holiday entitlement you are required to take these holidays during your notice period.

You have a right of appeal against your dismissal to an Appeals Committee of the Council and notice of your appeal must be made to me, in writing and be received within 10 working days of the date of this letter. Any appeal, however, will not delay the date of dismissal.

Yours sincerely

(Manager who carried out interview)

**Letter F - Confirming Improvement to Required Standard (para 77)**

**PERSONAL AND CONFIDENTIAL**

Dear #

I refer to your interview on (date) #.....with #.....  
regarding your performance and my previous letters to you dated #.....  
stating the outcome of previous interviews.

I am pleased to confirm that your performance has improved to the required  
standard and I do not intend taking any further action under the Procedure for  
Improving Employee Performance at the present time.

However, your performance will continue to be monitored. Should any further  
problems in your performance at work arise, action under the Procedure may  
once again become necessary.

I am pleased with the improvements in the standard of your work and if you  
are able to maintain this level of performance it should not be necessary to  
see you under the Procedure again.

If you have any problems/issues at work, please do not hesitate to discuss  
them immediately with  
#.....

Yours sincerely

# (Employee's Manager/Manager who carried out interview)

**Letter G – Confirming Improvement has been maintained for 12 months  
(para 78)**

PERSONAL AND CONFIDENTIAL

Dear #

I refer to my letter to you dated #..... confirming that your performance had improved to the required standard and that no further action would be taken under the Procedure for Improving Employee Performance.

I also advised you that your performance would continue to be monitored and that action under the Procedure may become necessary if you did not maintain improvements in your standard of work.

I am pleased to see that the improvements in your standard of work have been maintained for the last twelve months. I expect that your future performance will remain at this high standard.

If you do have any problems/issues at work, please do not hesitate to discuss them immediately with  
#.....

Yours sincerely

# (Employee's Manager/Manager who carried out interview)



**IMPROVEMENT PROGRAMME**

AREAS OF CONCERN (GIVE SPECIFIC EXAMPLES)	STANDARD REQUIRED	AGREED ACTION TO ACHIEVE STANDARD AND BY WHOM	TIMESCALE	HOW PERFORMANCE WILL BE MEASURED AND MONITORED	SUPPORT REQUIRED	TRAINING AND DEVELOPMENT REQUIRED	GENERAL COMMENTS