



University of Essex



# CAPABILITY PROCEDURE

---

HUMAN RESOURCES

# CAPABILITY PROCEDURE

---

## AIM

The aim of the capability procedure is to help and encourage employees to achieve and maintain required standards of performance. Employees who are performing well are more likely to experience job satisfaction and be fully engaged in their work for the University. As part of their role, line managers will routinely be providing guidance and support on performance. Where formal action needs to be taken to address capability issues, it should be done with consistency and fairness in every case, in line with this procedure.

## SUMMARY

Guidance and coaching on performance should be routinely provided by line managers. Where a capability problem is identified, it should first be addressed informally using the structured approach set out in this procedure and, if appropriate, using a performance improvement plan. If there is no improvement following the performance improvement plan, an informal verbal warning should be given, including a clear indication that formal action under the capability procedure may follow.

Where performance does not improve to a satisfactory standard, formal action under the capability procedure will be invoked in consultation with Human Resources. The stages outlined below will be followed:

- First formal written or oral warning
- Final formal written warning
- Dismissal

Employees have the right of appeal against any formal sanctions issued. Employees with prolonged ill health where there is no realistic prospect of them returning to work would be managed under the final stage of this procedure, which includes the right to appeal.



# CONTENTS

---

- 1 INTRODUCTION
- 2 SCOPE
- 3 DEFINING CAPABILITY
- 4 OBJECTIVE
- 5 ROLE OF THE MANAGER
- 6 AUTHORITY TO TAKE ACTION
- 7 RECORDS
- 8 PROBATION
- 9 DISCUSSION AND INFORMAL WARNINGS
- 10 STAGE 1: FIRST FORMAL WRITTEN OR ORAL WARNING
- 11 STAGE 2: FINAL FORMAL WRITTEN WARNING
- 12 STAGE 3: DISMISSAL
- 13 APPEALS
- 14 APPEALS AGAINST DISMISSAL
- 15 PROLONGED ILL HEALTH

## ANNEXES

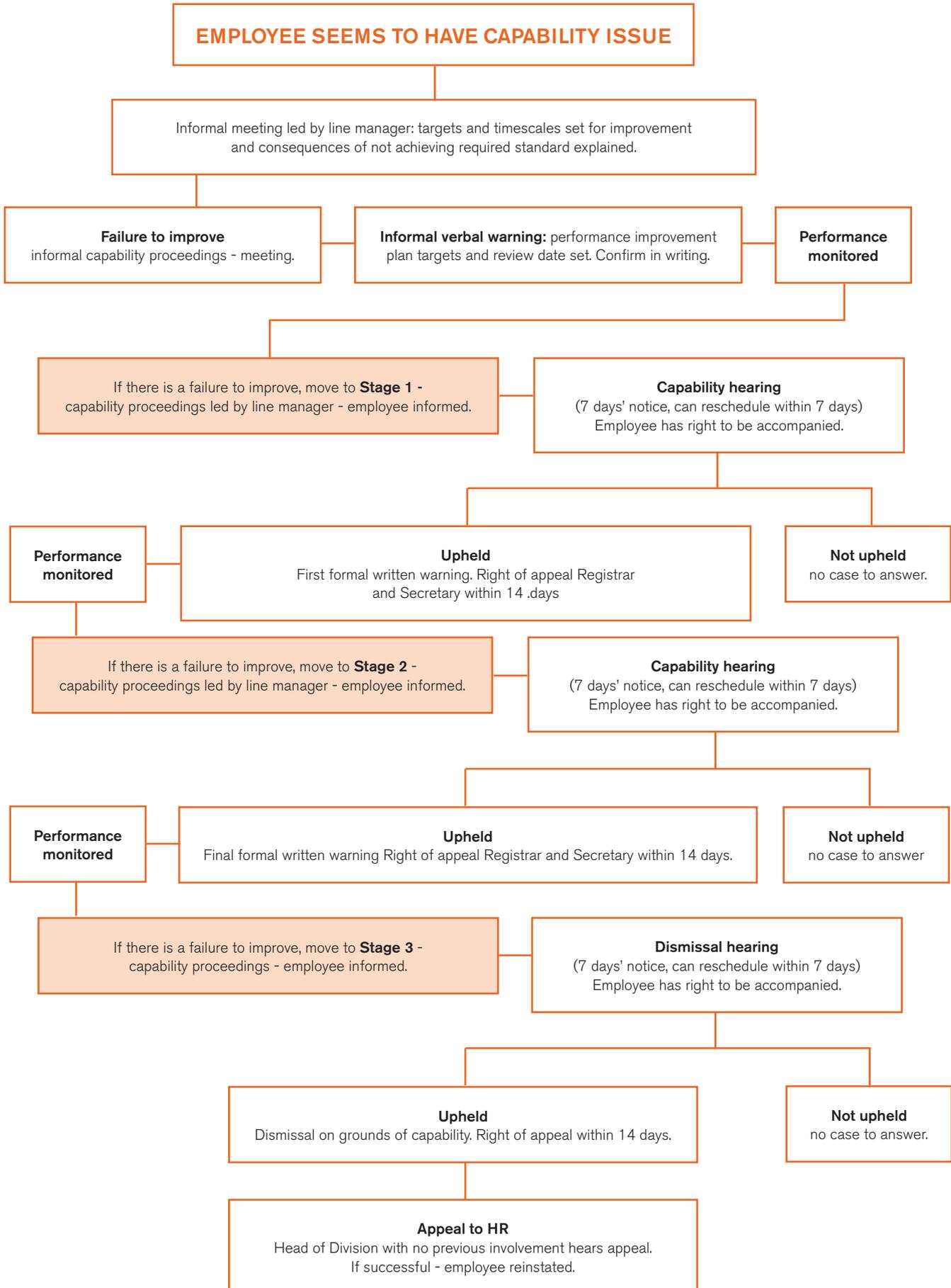
ANNEX 1: PERFORMANCE IMPROVEMENT PLAN

## RELATED POLICIES

ACAS CODE OF PRACTICE ON DISCIPLINARY AND GRIEVANCE PROCEDURES  
ACAS CODE ON MANAGING ATTENDANCE AND EMPLOYEE TURNOVER  
SICKNESS ABSENCE MANAGEMENT – POLICY AND PROCEDURE  
DISCIPLINARY PROCEDURE

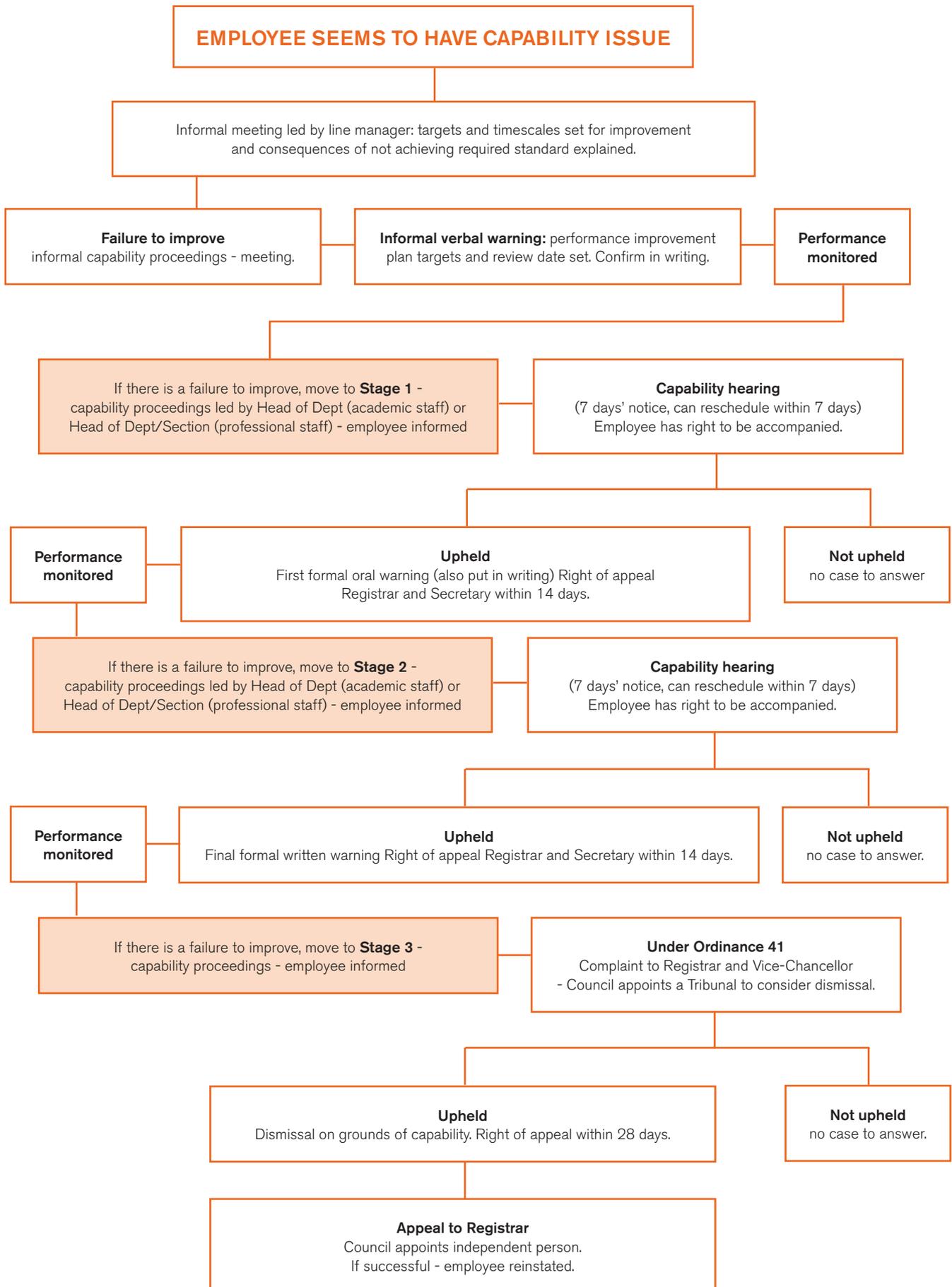
# FLOWCHART (ALL EMPLOYEES, EXCLUDING THOSE COVERED BY ORDINANCE 41)

ⓘ Employees on probation or less than 6 months service – use only first formal warning and dismissal stages.



# FLOWCHART (EMPLOYEES COVERED BY ORDINANCE 41)

ⓘ Ordinance 41 applies to academic staff, the Registrar and Secretary, the Librarian, and professional services staff grade 7-11 employed before October 2016.



# INTRODUCTION

## 1. INTRODUCTION

### 1.1

The Strategic Plan of the University of Essex sets out a mission to contribute to society through excellence in education and excellence in research. Achieving these goals is dependent upon all employees of the University performing their roles effectively and being prepared to accept challenge where contribution falls short of expectations.

### 1.2

A guiding principle of this procedure is that all reasonable effort must be made by managers to improve performance before moving to formal procedures. Line managers should explore what might be causing any capability issues. This includes discussions with individuals to consider, where appropriate, whether health or disability may be a contributing factor; and if this is a factor, to decide what support might be appropriate to enable the employee to effectively deliver their role.

### 1.3

The capability procedure reflects appropriate legal requirements, including the procedures in the Employment Act 2002, the ACAS Code of Practice on Disciplinary and Grievance Procedures, and the ACAS Code on Managing Attendance and Employee Turnover.

ⓘ Managers must take prompt action to improve performance and discuss what might be causing a problem – early action might mean avoiding use of a formal procedure.



## 2. SCOPE

### 2.1

This capability procedure applies to all University of Essex employees. It complements and incorporates the provisions of Ordinance 41 for those employees to whom the Ordinance applies but does not replace it. Ordinance 41 applies to academic staff, the Registrar and Secretary, the Librarian, and professional services staff grade 7-11 employed before October 2016.

### 2.2

References to “manager” in this procedure refer to those with management responsibility for others and to the appropriate officer as set out in Part 6 of this procedure.

### 2.3

Employees attending a formal capability hearing have the right to be accompanied by a workplace colleague or trade union representative.

### 2.4

There is a separate procedure to deal with discipline. However, if capability issues arise from a persistent wilful failure to reach appropriate standards the Disciplinary Procedure may be invoked.

### 2.5

The sickness absence management policy and procedure provides the framework for addressing unacceptable levels of sickness absence and this procedure does not replace that. Guidance is also available on managing disability and long term health conditions, including provision of reasonable adjustments. However, where it has been established that no improvement in health or attendance can be expected, and all other avenues have been exhausted, the employee may be dismissed on grounds of capability.

### 2.6

Normal performance standards apply to trade union representatives. However, no action under this procedure shall be taken against an employee who is a recognised trade union representative until the circumstances of the case have been discussed with a full time Trade Union official. This is to ensure that representatives are treated with fairness and not victimised for their representational activities.

## 3. DEFINING CAPABILITY

### 3.1

The Employment Rights Act 1996 provides that the incapability of an employee to perform work of the kind he/she was employed to do may justify dismissal. ‘Capability’ is defined by the Act as “capability assessed by reference to skill, aptitude, health or any other physical or mental quality”.

### 3.2

Incapability is best described as a failure to perform the duties of the post to the standard required by the employer. Left unmanaged, this not only affects the efficiency of a department but may also result in additional burdens on other staff. This in turn can cause frustration, resentment and low morale amongst those staff, while also having a detrimental effect on the person who is not meeting expected standards of capability in delivering their role.

### 3.3

The following may indicate incapability in role:

- Work output is significantly less than that required for the post
- Errors or omissions are made repeatedly
- Failure to meet the deadlines required for the post
- Failure to produce work of a sufficient standard to meet the objectives of the post
- Failure to communicate, in person or in writing, to the standard required to meet the objectives of the post
- Failure to form satisfactory working relationships required to meet the objectives of the post.

This is not an exhaustive list and is provided as a guide only. An employee who is incapable in role may lack the necessary skills, experience and/or knowledge to perform the duties of their post.

### 3.4

Capability should not be confused with misconduct, which occurs when an employee is capable of delivering their role but underperforms because of carelessness, lack of motivation or uncooperativeness. Misconduct is dealt with under the disciplinary procedure.

---

ⓘ Capability is the “skill, aptitude, health or any other physical or mental quality needed to do the job”.

---

ⓘ Not addressing capability early can have a detrimental impact on the individual, their colleagues and on the performance of the Department as a whole.

---

ⓘ Capability covers the quality and output of work but also communication and working relationships.

## 4. OBJECTIVE

### 4.1

The objective of the procedure is to restore a satisfactory standard of performance where the required standards have not been maintained. To achieve this objective, there are four main aims when undertaking capability meetings:

- **To set the standard** – to bring to the attention of the employee how they are failing to meet the required performance standards.
- **To seek an explanation** – to provide the employee with an opportunity to explain why they are not meeting the standard.
- **To require improvement** – to tell the employee what they are expected to do to bring about improvements in performance, outline any support and give a time period for review.
- **To warn of the consequences** – to warn the employee about the consequences of failure to improve and meet and sustain the standard of performance required.

## 5. ROLE OF THE MANAGER

### 5.1

It is the responsibility of line managers to confront problems as they arise. Line managers are expected to regularly review the performance of employees for whom they are responsible, giving timely feedback, and providing support, training and resources as appropriate. This should include:

- Providing full and clear information about the nature of the job, and the competences/ skills/aptitude required to perform it, to all candidates at the recruitment stage.
- Selecting the candidate best able to deliver the role during the recruitment process.
- Introducing the employee to the duties and requirements of the post in a properly planned manner, and giving clear expectations of performance.
- Giving regular support and feedback about how the employee is doing, and discussing any shortcomings constructively as they arise.
- Ensuring that the probationary period is used effectively to identify problems and to deal with these appropriately.
- Identifying development needs and providing appropriate support to meet them, such as training.
- Enabling staff to acquire new competences if/when the requirements of the post change to meet new circumstances or new technology
- Providing on-going feedback and practical support as part of normal line-management oversight responsibilities.

### 5.2

The employee has a responsibility to undertake the duties of the post to the standard reasonably required. This responsibility includes the employee:

- Ensuring they have a full grasp of what is expected in the post and of the standards of performance required.
- Undertaking any appropriate training or development opportunities.
- Alerting the line manager to any concerns or doubts about the work when they occur, together with suggestions of support that might be useful.
- Alerting the line manager to any additional factors if these impact on capability.

### 5.3

If required standards (whether expressed or implied) are not maintained, prompt corrective action must be taken by the line manager. This will usually be done through informal coaching. If, following informal support, the required standard is still not met, further action will be taken through the formal procedure.

ⓘ In any meeting, the guiding objective is to:

- Set the standard
- Seek an explanation
- Require improvement
- Warn of the consequences

ⓘ Managing performance is particularly important during the probation period.

ⓘ Individuals have a responsibility to seek support to maintain and improve their performance.



## 6. AUTHORITY TO TAKE ACTION

	ALL EMPLOYEES (EXCEPT THOSE COVERED BY ORDINANCE 41)	EMPLOYEES COVERED BY ORDINANCE 41
INFORMAL	Manager	Head of Department (Line manager for professional services staff)
STAGE 1 (FIRST FORMAL ORAL / WRITTEN WARNING)	Manager	Head of Department (Line manager for professional services staff)
STAGE 2 (FINAL FORMAL WRITTEN WARNING)	Manager	Executive Dean (Head of Section for Professional Services staff)
STAGE 3 (DISMISSAL)	Head of Division, usually the Registrar and Secretary	Vice-Chancellor Council appoints a tribunal
APPEAL	To HR Director. Appeal to be heard by a senior member of staff with no previous involvement.	Pro-Vice-Chancellor
APPEAL AGAINST DISMISSAL	To HR Director. Appeal heard by a Head of Division with no previous involvement	To Registrar. Council will appoint a person not employed by the University who has held judicial office or is a barrister or solicitor of ten years standing.

ⓘ Line managers must take prompt action if standards are not maintained. Link HR managers and officers can provide advice and support to managers.

ⓘ Depending on the stage of the capability procedure, there will be a difference in who has authority to take action. HR Managers and Officers can advise on the appropriate officer.



### 6.1

Action should be taken in consultation with the Link Human Resources Manager/Officer.

### 6.2

For those employees not covered by Ordinance 41, all stages of disciplinary action, including dismissal, may be taken by the Vice-Chancellor, Registrar and Secretary, Executive Deans, Heads of Professional Services in consultation with the relevant Human Resources Manager/Officer. The Director of Human Resources may authorise other named managers to take defined levels of disciplinary action in accordance with this procedure.

### 6.3

References to “manager” in this procedure refer to the appropriate officer as set out above.

## 7. RECORDS

### 7.1

Records of capability action will be placed on the individual's personal file. .

## 8. PROBATION

### 8.1

Employees with less than 6 months service or who are on probation will be subject to regular reviews of progress in line with the University's probation policies. Should capability action become necessary they will be dealt with at the first formal warning and dismissal stages (with a right of appeal). The informal warning and final formal warning stages will not apply. Employees on academic probation will be managed through Academic Staffing Committee.

## 9. RECORDS

### 9.1

Before taking formal action, the line manager will have raised concerns with the employee and will arrange an interview regarding their capability. At least two days' notice should be given. The purpose of the meeting is to alert the employee to the concerns and to consider any factors that might be contributing, such as domestic difficulties or inadequate training. Line managers should also discuss with the individual if any health or disability issues are a contributory factor, and consider what support is available or whether any reasonable adjustments should be made. This meeting will be conducted in as informal and constructive a way as possible, to encourage the employee to discuss matters openly.

### 9.2

The line manager should ensure that the employee:

- Is aware of the concerns.
- Knows what is required to meet expected standards of performance.
- Is supported in trying to achieve the expected standards of performance.
- Is made aware of the timescale over which an improvement is required.
- Is made aware of the consequences of not achieving the required standard.

### 9.3

Following the discussion, the line manager and employee will agree a performance improvement plan (Annex A) or similar written agreement on improvement. Every effort should be made to agree an improvement plan but if it is not possible to agree a plan, the line manager will need to impose a plan that takes reasonable account of the discussions that have taken place. This will set out the improvement needed, the support to be provided, and when review will take place. A reasonable review period would usually be between one and three months but this will depend on the specific issues to be addressed. If specific training needs are identified, the line manager should ensure this is arranged as soon as possible and that advice is taken from HR.

### 9.4

The performance improvement plan is intended to help and encourage the employee to improve by setting a clear standard of expected performance and supporting delivery of the necessary standard of performance. Regular review meetings should take place to ensure that guidance and support are provided, and improvement monitored.

### 9.5

If the plan does not lead to improvement, the line manager will have a further meeting with the employee and may issue an informal verbal warning about their performance. The line manager will make it clear that the warning will be active for 12 months but will be disregarded after this time unless further action is taken, and that performance will be monitored, and that unless there is improvement the next stage is likely to be formal action in accordance with this policy. It must be clear to the employee that they are being given a verbal warning. A note of the purpose and outcome of the meeting will be given to the individual and will remain on the file as part of the employees overall record of employment. The performance improvement plan can be reviewed and if necessary revised at this stage and the timescale for review of improvement agreed.

### 9.6

This is not a stage in the formal capability procedure.

---

⚠ A key step in managing performance is ensuring that concerns are raised with the employee at an early stage to ensure that they understand the standard - and before any formal action.

---

⚠ Regular reviews are important to ensure that the individual understands what is expected and can be given appropriate support.

---

⚠ An informal verbal warning is not part of the formal process but it is important that it is recorded and placed on file – so there is no misunderstanding about what is required and the potential consequences.

## 10. STAGE 1 – FIRST FORMAL WRITTEN OR ORAL WARNING

### 10.1

If, following informal action, the line manager considers that there has been insufficient improvement in performance, action will be taken under the formal capability procedure.

### 10.2

When a formal warning is contemplated, the line manager will ensure that the following procedure is observed:

- The matter is discussed with an HR manager/officer to ensure consistency of approach.
- The line manager must give notice (of not less than 7 calendar days) of the hearing in writing to the employee, covering:
  - the date, time and venue of the hearing;
  - the concerns about their performance
  - any relevant documents
  - the possible outcomes under the capability procedure
  - the right to be accompanied at a hearing by a workplace colleague or trade union representative (if they are a member of a trade union).

### 10.3

A hearing is held where the shortcomings in performance are explained. The employee must be given an opportunity to respond and to provide any explanation.

### 10.4

Confirmation of the outcome of the hearing will be given in writing within 7 calendar days. Where, after due consideration of the evidence, it is decided that a formal warning is necessary, the line manager will issue a first formal written warning to the employee. This reminds them of the standard of performance expected and informs them that further action will be taken if there is no improvement which may lead to eventual dismissal.

### 10.5

The outcome letter should cover:

- The level of action taken (or the fact that no formal action was taken) and the reasons for that action.
- The improvement required by the employee and the consequences of any failure to improve. A performance improvement plan will be agreed along with regular dates for review.
- That the employee has a right of appeal and how to exercise that right.
- That the warning will be active for 12 months but will be disregarded after this time unless any further action is taken. This means that if the capability issue reoccurs during this period, the next stage of action may be taken. If an issue relating to capability reoccurs, it is not necessary to wait until the end of the 12 month period before taking further action. Once expired, the warning will remain on the file as part of the employee's overall record of employment.

### 10.6

Where a first formal written warning has been issued, the line manager will need to ensure that a performance improvement plan (or similar written agreement on improvement required) is in place and regular review meetings occur. A period of 1-3 months should be sufficient to ascertain if the required improvements are being made and sustained but this will depend on the specific issues to be addressed. If there is insufficient improvement in the agreed timeframe, then the manager must move to the next stage of action under this procedure. As the warning will remain active for 12 months, if an initial improvement is made but the capability issue recurs, the next stage of action may be taken.

---

⚠ Any formal action should be discussed with the link HR manager or officer. They will advise on the appropriate action and process.

---

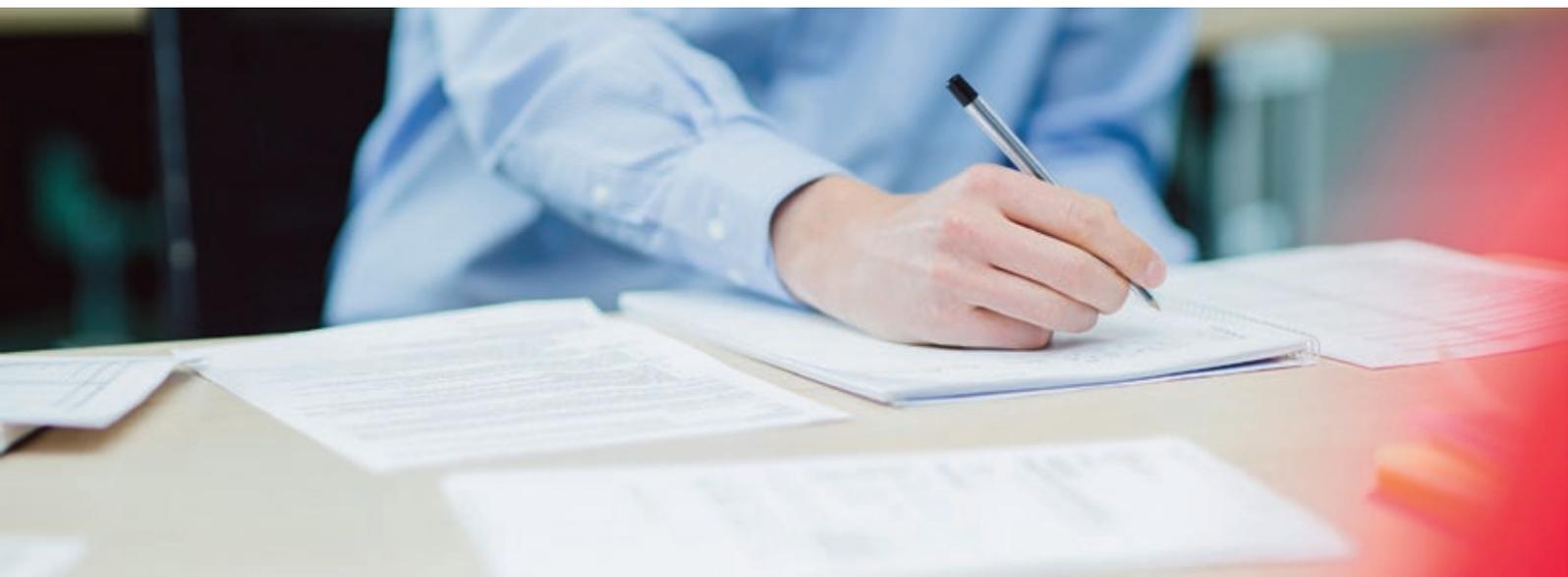
⚠ The employee that is subject to a formal capability hearing has the right to be accompanied by a workplace colleague or trade union representative.

---

⚠ Capability meetings must be held promptly. Although it is a difficult time for the individual, it is for their benefit for the matter to be dealt with promptly.

---

⚠ Where there is formal action a performance improvement plan should be agreed. This provides a means of setting objectives recording support provided, and agreeing review points.



## 11. STAGE 2 - FINAL WRITTEN WARNING

### 11.1

Where an employee's performance has failed to improve to the required standard by the end of the review period set in Stage 1, the employee may be issued with a final written warning. The same procedure is followed as for a first formal written or oral warning, para 10.2. The employee will be informed in writing giving at least 7 calendar days' notice of a further hearing to review performance.

### 11.2

At this stage, the case will be heard by the line manager or, for academic employees covered by Ordinance 41, the Executive Dean. For professional services staff covered by Ordinance 41, it will be the Head of Section.

### 11.3

Confirmation of the outcome of the hearing will be given in writing within 7 calendar days. Where, after due consideration of the evidence, it is decided that the employee is still failing to meet the required standard of performance, the line manager or Executive Dean will issue a final written warning to the employee. This reminds them of the standard of performance expected and informs them that further action will be taken if there is no improvement in the form of dismissal.

### 11.4

The letter should cover:

- The level of action taken (or the fact that no formal action was taken) and the reasons for that action.
- The improvement required from the employee, noting that the consequence of failure to improve will be dismissal. A performance improvement plan will be agreed along with regular dates for review.
- That the employee has a right of appeal, with information on how to exercise that right.
- That the warning will be active for 12 months but will be disregarded after this time unless any further action is taken. This means that if the capability issue reoccurs during this period, the next stage of action may be taken. Once expired, the warning will remain on the file as part of the employee's overall record of employment.

### 11.5

Where a final written warning has been issued, the line manager will need to ensure that a performance improvement plan (or similar written agreement on improvement required) and regular review meetings take place. A period of 1-3 months should be sufficient to ascertain if the necessary improvements are being made and sustained but this will depend on the specific issues to be addressed. If there is insufficient improvement in the agreed timeframe, then the manager must move to the next stage of action under this procedure. As the warning will remain active for 12 months, if an initial improvement is made but the capability issue recurs, the next stage of action may be taken.

## 12. STAGE 3 – DISMISSAL

### 12.1

Where an employee's performance has failed to improve to the required standard after a final written warning and subsequent review period, the employee may be dismissed.

### 12.2

A case for dismissal should be considered by a Head of Division, usually the Registrar and Secretary, with support from the link HR Manager/officer.

### 12.3

In cases where dismissal is contemplated, the line manager will send the employee written notice of a hearing at which he/she will be advised to be represented. The hearing should take place promptly. The employee will also be told in the letter that the outcome of the hearing could be dismissal. The letter will refer to the reasons for the hearing and the procedure for arranging the hearing will be the same as those for a final formal written warning (see part 10.2).

### 12.4

If, in the opinion of the dismissing officer with the advice of the link HR manager/officer, any mitigating circumstances put forward at the hearing are not sufficient to warrant reconsideration, the employee will be informed that he/she has been dismissed with contractual notice or payment in lieu of notice.

### 12.5

The dismissing officer will confirm, in writing, within 7 calendar days the dismissal to the employee and send it by recorded delivery.

---

ⓘ Where a final written warning is issued, the confirmation letter must state that failure to improve may lead to dismissal.

---

ⓘ Capability warnings are active for 12 months – if the required improvement is not made in this period or if problems reoccur, action can be taken at the next level.

---

ⓘ Any case to dismiss should be discussed with the link HR manager or officer. They will advise on the appropriate action and process.

**12.6**

In exceptional circumstances, it may be possible to consider redeployment or demotion but only where a suitable opportunity exists at that time and it is considered an appropriate alternative with clear reasons why.

**12.7 Dismissals under Ordinance 41**

Where an employee comes under the remit of Ordinance 41, any case for dismissal after following the procedures for earlier stages under this procedure would be considered by a Tribunal as set out under paragraphs 15 – 19 of the Ordinance. A complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Registrar and Secretary who shall bring it to the attention of the Vice-Chancellor. The Vice-Chancellor may then request Council to appoint a Tribunal to consider the charges and determine whether the conduct constitutes good cause for dismissal. Where the Tribunal upholds the charges, the Vice-Chancellor would take the final decision on dismissal.

**13. APPEALS****13.1**

An employee who has been subject to formal capability action is entitled to appeal. The right of appeal must be exercised within 14 calendar days of the date of the letter of confirmation of a formal warning.

**13.2**

The appeal should be addressed to the Director of HR. For employees covered by Ordinance 41, appeals should be addressed to the Registrar and Secretary. A copy of the letter should also be sent to the relevant HR manager/officer.

**13.3**

Appeals against capability action not including dismissal will be heard by a senior member of staff who has not been previously involved in the case. For employees covered by Ordinance 41, appeals will be heard by a Pro-Vice-Chancellor. Advice on procedure should be taken from the link HR manager/officer.

**13.4**

The appeal hearing will review the decision taken at a previous stage. New evidence can only be presented at the appeal stage if there are exceptional reasons why such evidence or witnesses were not produced at the capability hearing and/or that it is necessary in the interests of fairness for the evidence to be considered.

**13.5**

The appeal hearing should take place within 28 calendar days of the appeal being lodged. HR must give notice (or not less than 7 calendar days) of the appeal hearing in writing to the employee, covering:

- who will hear the appeal
- the date, time and venue of the hearing
- the possible outcomes under the capability procedure
- the right to be accompanied by a workplace colleague or trade union representative (if they are a member of a trade union).

**13.6**

The employee is entitled to offer an alternative time and date so long as it is reasonable, including having regard to the availability of the senior member of staff hearing the appeal. It must be within 7 calendar days of the date originally proposed.

**13.7**

The response to the appeal may be to:

- Uphold the action taken;
- Withdraw the action taken;
- Reduce the level of action taken.

**14. APPEALS AGAINST DISMISSAL****14.1**

Appeals against dismissal will be subject to the following procedure.

**14.2**

An employee who has been dismissed following a capability hearing is entitled to appeal on the grounds that new evidence has emerged or that the procedure which led to the decision to dismiss was so flawed that it rendered the decision unfair. The right of appeal must be exercised within 14 calendar days of the date of the letter of confirmation of capability action.

**14.3**

The appeal should be addressed to the Director of HR. A copy of the letter should also be sent to the relevant HR manager/officer.

**14.4**

Appeals against dismissal will be heard by a Head of Division who has had no previous involvement in the case. Advice on procedure should be taken from a HR manager/officer.

⚠ Appeals against dismissal must be submitted in 14 days. Employees covered by Ordinance 41 have 28 days.

⚠ The appeal hearing must take place promptly and within 28 calendar days.

### 14.5

The appeal hearing will review the decision taken at the previous stage. New evidence can only be presented at the appeal stage if there are exceptional reasons why such evidence or witnesses were not produced at the disciplinary hearing and/or that it is necessary in the interests of fairness.

### 14.6

The appeal hearing should take place within 28 calendar days of the appeal being lodged.

### 14.7

The response to the appeal may be to:

- Uphold the dismissal
- Revoke the decision to dismiss
- Reinstatement the employee with a lesser penalty

## Appeals against dismissal under Ordinance 41

### 14.8

Appeals against dismissal under Ordinance 41 will be governed by Part V of that Ordinance. The appeal shall be made to the Registrar and Secretary within 28 days of the decision being communicated. The Registrar and Secretary will bring the appeal to the attention of the Council, which will appoint a person not employed by the University who holds or has held judicial office or is a barrister or solicitor of ten years standing to hear and determine the appeal.

### 14.9

An appeal hearing must take place where the employee bringing the appeal can bring witnesses and is entitled to be represented by another person. The individual hearing the appeal may refer it back to Council or for a re-hearing by a differently constituted tribunal.

### 14.10

The response to the appeal may be to:

- Uphold the dismissal;
- Revoke the decision to dismiss
- Reinstatement the employee with a lesser penalty.

## 15. PROLONGED ILL HEALTH

### 15.1

Where an individual has prolonged ill health without any realistic prospect of being able to return to work within a reasonable period or is unable to continue or maintain regular attendance (as supported by appropriate medical evidence) it may be appropriate to consider the future employment of the individual, without having gone through all the above capability hearings and stages.

### 15.2

Before this stage is reached, there should be discussion about whether the individual can return to work<sup>1</sup> with appropriate support in the form of reasonable adjustments, which might include a graduated return to work. In such circumstances, a written case will be submitted to the relevant head of department/section or their deputy where this has been properly delegated.

### 15.3

For employees not covered by Ordinance 41, Stage 3 (dismissal) of this procedure will be followed. A case for dismissal should be considered by a Head of Division, usually the Registrar and Secretary, with support from the link HR Manager/officer.

### 15.4

For those employees covered by Ordinance 41, the case for dismissal should be considered by the Vice-Chancellor or an officer acting as his or her delegate. A case for dismissal should be heard by a Board comprising one person nominated by the Council, one person nominated by the employee concerned, and a medically qualified Chair jointly agreed by the Council and the employee concerned (if agreement cannot be reached, the Chair will be nominated by the President of the Royal College of Physicians).

### 15.5

The dismissing officer will ensure that the procedure for arranging a hearing is observed, as set out under Stage 1 (para 10.2). The letter to the employee must make clear that the outcome of the hearing could be dismissal and will seek consent for an application to the employee's doctor for a medical report.

### 15.6

The hearing will consider the medical evidence and the employee will be invited to present any evidence. If there is a decision to dismiss, the dismissing officer will confirm, in writing, the dismissal to the employee and send it by recorded delivery. The decision will be communicated in writing to the employee within 7 calendar days, give reasons and the right to appeal. The appeal process will be that under Part 14 of this procedure 'appeals against dismissal'.

ⓘ Where there is no prospect of someone with ill health returning to work, there is a fair process to consider their future employment.

ⓘ Reasonable adjustments should always be considered but in some cases, this will not be enough.

ⓘ Employees can appeal a dismissal on grounds of ill health – set out under part 14 of this procedure.

<sup>1</sup> Further information about reasonable adjustments is available on the Equality and Diversity webpages

# ANNEX A:

## PERFORMANCE IMPROVEMENT PLAN

Name:
Department:
Plan start date:
Plan end date:

<b>IMPROVEMENT OBJECTIVE</b>	<b>SUCCESS CRITERIA</b>	<b>ADDITIONAL SUPPORT</b>	<b>REVIEW SCHEDULE</b>
What, specifically, must the individual do to improve their performance to meet expected standards	How will you know that the expected standards have been met?	What support does the individual need to meet the standards e.g. regular manager coaching, training	When will progress be reviewed and by whom?
e.g. Ensure that research grant data returns meet the required standard.	e.g. Spreadsheet is complete and all data is correct.	e.g. Coaching from colleague in Finance on spreadsheets.	e.g. Spreadsheet assessed weekly by manager and feedback given.

**POLICY CREATOR: HUMAN RESOURCES**

Created: October 2016  
Review date: October 2017