

## Proposed Introduction of a Capability Policy

### Report of the Chief Fire Officer

For further information about this report please contact Alan Taylor, Chief Fire Officer, on 01743 260225 or Wendy Edwards, Human Resources Officer, on 01743 260292.

#### 1 Purpose of Report

This report informs the Human Resources (HR) Committee of the progress to date on the introduction of a Capability Policy.

#### 2 Recommendations

The Human Resources Committee is asked to approve the revised Capability Policy.

#### 3 Background

Shropshire Fire and Rescue Service (SFRS) currently do not have a live capability policy that managers and employees can refer to for advice and guidance. There have been previous attempts to introduce such a policy but they were unsuccessful due to the industrial relations climate at the time.

In the modern climate in 2009 however, we recognise the benefits such a policy brings in that a capability procedure enables an open and transparent process for both employees and managers to refer to in order to manage workplace performance issues.

#### 4 Review of Policy

In mid 2008 work began on drafting a new Capability Policy, having recognised the need for this addition to our suite of policies as a result of a grievance dealt with during that year. In addition at HR Committee on 4 December 2008 an independent consultant recommended the introduction of a capability policy following a further grievance situation.

As a result of this recommendation a draft capability policy was completed. It was developed in accordance with best practice guidance and suggested policy from the Chartered Institute of Personnel and Development (CIPD).

Members were asked to consider the draft policy on 26 February 2009. Members approved the draft policy and agreed to issue this for consultation with the executive management board and representative bodies and the final version to be brought back to the HR Committee on 28 May 2009.

The Capability Policy has now been further developed and the completed version is presented to HR Committee for agreement. This policy has been distributed to Policy group for comments on 22 April 2009, which have been taken into consideration and has also been distributed for Union consultation. Members should be aware that although the Capability policy has been out for consultation there is resistance to accept this as policy and should SFRS need to put this process into practice we may encounter dispute from the representative bodies.

## **5 Financial Implications**

There are no direct financial implications arising from this report.

## **6 Legal Comment**

The Employment Rights Act 1996 provides that capability is a potentially fair ground for dismissal. The Act states that acceptable reasons for dismissal include “reasons related to the capability or qualifications of the employee for performing work of the kind which (s)he was employed to do.”

In order that a dismissal is deemed to be ‘fair and reasonable’ by an Employment Tribunal an employer must prove that the procedure leading to the dismissal was reasonable giving consideration to all the circumstances, and that the reason for the dismissal was fair. The minimum expectation is that the ACAS Code of Practice must be followed.

The proposed Capability Policy allows SFRS to deal with issues of capability in an efficient and equitable manner in compliance with the legislation and the ACAS Code of Practice.

## **7 Equality Impact Assessment**

Officers have considered the Service’s Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report.

## **8 Appendix**

Capability Policy

## 9 Background Papers

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial	*	Staff	*
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*



## Human Resources

Brigade Order	Human Resources 5
Part	8
Section	
Title	Capability Policy

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## **Roles, Responsibilities and Review**

The Assistant Chief Officer is responsible for ensuring this Order is implemented across the Brigade.

The HR Manager will be responsible for the day to day operation of the Order.

The HR Officer will review this Order biennially in **April** and as and when organisational changes take place.

# Brigade Order Human Resources 5

## Part 8- Capability Policy

### Purpose

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This Order provides a guidance procedure for Managers and employees on how to effectively manage standards of performance within the workplace.

### Strategic Aims and Objectives

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This Order supports:

Strategic Aim 3 – Secure the highest level of safety and welfare/wellbeing for all staff and Authority Members

- Objective 9 – Maintain and improve the health, safety and wellbeing/welfare of all Members and employees
- Objective 10 – Ensure that all Members and employees are competent and able to perform their role by providing effective leadership and development
- Objective 11 – Ensure the provision and availability of appropriate information, equipment, resources and supplier support

Strategic Aim 4 – Provide a sustainable service that demonstrates quality and best value in service provision

- Objective 12 – Deliver continuous improvement having regard to a combination of economy, efficiency and effectiveness, in partnership where appropriate
- Objective 16 – Ensure provision of a resilient service
- Objective 17 – Manage our information, assets, resources and procurement to maximise value

Strategic Aim 5 – Provide a service committed to the highest levels of equality and diversity

- Objective 19 – Provide a just and dignified place of work for all employees, Members and visitors
- Objective 20 – Recruit, promote and retain a workforce representative of the community we serve

# Introduction

## Policy

Shropshire Fire and Rescue Service employees are our most valuable resource in delivering a high quality community protection and emergency response service to the communities we serve. Competent, motivated and effectively developed employees, able to perform their roles to the best of their abilities are critical to our success.

Shropshire Fire and Rescue Service will at all times endeavour to ensure that employees achieve and maintain a high standard of performance in their work. To this end the Service will establish standards and monitor performance, and provide employees with appropriate training and support to meet those standards.

There will be times when employees do not perform at the levels required by the organisation and we need to be able to support employees who are identified as not meeting the standards required for competent performance in their roles. This procedure provides a fair, open, and reasonable way to respond where the capability of an employee to perform his/her job gives rise for concerns.

In dealing with cases of poor performance, the organisation distinguishes between those where the reason is within the employee's control and those where it is not. For the purpose of this procedure poor performance/capability refers to an employee failing to produce satisfactory work standards and/or meet performance targets and objectives where they may lack the necessary skill, aptitude or qualification to do the job for which they are employed.

Where poor performance arises from the employee's carelessness, negligence or apathy rather than lack of ability to carry out their role and responsibilities, this will normally be dealt with under the disciplinary procedure (Brigade Order Human Resources 10 Part 1 – Disciplinary Policy and Procedures)

In cases of sickness absence, the procedure below should be read in conjunction with Brigade Order Human Resources 7 Part 1 - Control and Monitoring of Sickness Absence.

For cases related to alcohol and drugs dependency, see Brigade Order Health and Safety 10 Part 1 - Alcohol and Drugs Policy.

## Principles

In managing employee's performance at work and in tackling issues of unsatisfactory performance the following principles will be applied:

- The standards of performance required of employees in their role will be clearly defined and communicated via individuals job descriptions and discussions with their line managers.
- Managers are responsible for the assessment of employee's performance.
- Managers should be receptive to employee's ideas for improved work methods.
- Managers should identify agreed learning and development needs with employees' who maintain satisfactory performance and they should ensure that these needs are met.
- Managers are responsible for regularly discussing performance with their employees at 1-2-1's throughout the year and at annual IPDR.
- Issues of poor performance will be tackled promptly with clear outcomes at each stage of the process. The focus of the Manager's and employees efforts must be to work together to improve work performance.
- Managers and employees should focus on tackling issues in relation to performance as soon as they arise. Often by early, appropriate and sensitive intervention this will ensure the employee is supported to achieve and sustain the performance standards required in his/her role.
- Employees will be supported to achieve and maintain the required performance standards in their role. However where an employee consistently fails to reach and/or maintain a satisfactory standard of performance they may be dismissed from his/her employment with the Service. This will only happen where the employee has been given an opportunity to improve with the appropriate support.
- Dependant upon the seriousness of the poor performance this procedure may be implemented at any stage if the employee's alleged performance warrants such action. Such an approach will only be taken following discussion with Human Resources.
- If at any stage in this procedure it becomes apparent that the matter is actually one of discipline rather than capability, it is appropriate to switch to the application of the disciplinary procedure.

## What is poor performance?

Examples of poor performance may include (the list is not exhaustive):

- Poor quality work.
- Low output.
- Consistent/repeated failure to meet realistic deadlines or targets.
- Consistent inability to recognise common problems and/or find appropriate solutions.
- Continuing inability to change e.g. Working practices and targets despite appropriate training or coaching.



- Significant or frequent mistakes despite receiving coaching and support.
- A demonstrable lack of skill, knowledge or ability to learn despite appropriate coaching, training and support.

In dealing with issues of poor performance within the parameters of this procedure, Managers need to establish that the incidences of poor performance are the result of the employee's lack of capability i.e. a lack of skills or aptitude or qualifications or any other quality needed to do the job they are employed to do to the required standard of performance.

Sufficient investigation will be required to establish if there is an issue regarding poor performance and that the likely reason for the poor performance relates to the employee's lack of capability.

### **Is there a performance issue?**

A Manager will need to decide if a problem does exist in relation to an employee's performance. The following questions will assist in making that initial judgment:

- What are the indications that the employee is not measuring up to the requirements of the job?
- Have there been evidence based complaints about the employee's work?
- Are there factual grounds to indicate inadequate performance, such as poor results?
- Does the Manager's own observations of the employee at work indicate dissatisfaction with their performance?
- Has the employee asked for help to overcome a problem?
- Has an appropriate period of time elapsed to decide whether a problem exists in answering the above questions?

The aim should be to encourage the employee to improve their performance to an acceptable level. It should be possible to assess by how far the employee is performing below standard and how to ascertain when the employee improves to the standard required. As part of the process of encouraging an employee to improve performance, the provision of training necessary to enable the employee to carry out the required duties may be important.

Managers will need to decide what further training and/or other support might be appropriate. The employee's response to an offer of further training in order to improve performance should be monitored and recorded.

Where it appears that there is an issue of poor performance; fairness will not be achieved unless the employee is given:

- The opportunity to explain why he or she is not measuring up to the requirements of the job.
- The opportunities and assistance to improve and
- Has been advised about the risks to their continued employment if satisfactory improvement has not been achieved and sustained.

Where an employee's standard of work may be attributable to the conditions in which they are required to work, management should assess the working conditions and the possible relevance of these to the employee's unsatisfactory performance.

It may be that the main cause of the poor performance or lack of capability is a change in the nature of the job. In such an event consideration should be given as to how the situation might properly be treated rather than as a poor performance/capability issue in the first instance.

Advice and guidance on identifying and managing issues of poor performance and on the application of all the stages of this procedure are available from HR.

## **Employees subject to a probationary period.**

Newly appointed employees who are subject to a contractual probationary period, will have their performance monitored during their period of probation.

The Line Manager will regularly monitor the employee's performance during this period. **A final review must take place 4 weeks before the expiry of the probationary period.** Following the final probationary review, the Manager will notify the HR team of the outcome of the review. The HR team will send written confirmation of successful completion of the probationary period to the employee.

Where concerns arise during the probationary period, the Line Manager will follow the approach outlined in the informal stage of this procedure and a review meeting should be held and written records kept. Timescales for a review meeting will normally be a maximum of 6 weeks from the initial discussion about poor performance.

Following the review meeting where the employee has achieved a satisfactory level of performance no further action will be necessary. HR will send written confirmation of successful completion of the probationary period to the employee.

Where the employee has failed to meet the required standards of performance the Line Manager may decide to choose one of the following courses of action:

- Provide additional time for improvement.
- Provide additional appropriate training.
- Implement any other actions to support the employee to improve their performance.

If performance does not improve the Line Manager may choose to extend the probationary period, this will be done within a reasonable timeframe in consultation with the HR department. However, the employee must be made aware that the failure to meet the required standards of performance and/or to sustain improved performance may result in their employment being terminated.

The Line Manager must comply with the requirements in relation to recording and notifying employees as indicated in the informal stage of the procedure. Written notification to the employee must identify any extension to the probationary period. It must also indicate that their employment may be terminated if they fail to achieve the required standard of performance.

Where the employee's performance has not improved sufficiently and they fail to sustain the required improvement the Line Manager, following discussions with HR, will conduct

a formal interview meeting in line with the principles of the third formal stage of this procedure.

The outcome of the meeting will be formally recorded in a letter to the employee. Where the decision is to dismiss the employee the termination letter will inform them of notice arrangements and their right of appeal.

## Right to be accompanied

At all formal stages of this procedure the employee has the right to be accompanied by a trade union representative or a work colleague. Employees in the probationary period may be accompanied by a trade union representative or work colleague at a meeting where their continued employment is to be discussed.

Employees have the right to be accompanied by a workplace colleague or an accredited trade union representative. Where the person accompanying an employee is unable to attend a scheduled meeting the meeting may be postponed for up to five working days unless such action would cause unreasonable delay in the process.

## Managing poor performance procedure

### Informal Meeting

When it first becomes clear that there are concerns about an employee's performance, the line manager should meet with the employee as part of the normal supervisory process to try and establish the reason or reasons. The purpose of the meeting is to:

- Explain the problem – why the work performance is unsatisfactory, and what standard is expected from the employee.
- Be constructive – pointing out shortcomings but explaining how these can be put right and encourage improvement.
- Give the employee the chance to explain or reply and to put forward his/her views.
- Agree appropriate remedial action such as additional on or off the job training, counselling and support.
- Agree a reasonable timescale for improvement. As a general guide this should be a minimum of 8 weeks.
- Agree performance monitoring and review arrangements including a date for a review meeting.
- Ensure the employee is aware of the possible consequences of continued poor performance, that is, the matter being dealt with under the next step in the procedures i.e. Stage 1 first formal interview.

Any explanation given will be investigated after which the following outcomes (although not exhaustive) and actions are possible:

<b>Managers decision on reason for poor performance (the issue)</b>	<b>Actions</b>
a) The established standards are not reasonably attainable	<i>The standards will be reviewed.</i>
b) The employee's problems emanate from a change in the organisation's standards	<i>The new standards will be explained to the employee, and</i>

	<i>help and retraining will be offered, as appropriate.</i>
c) The employee's problems are related to his or her personal life	<i>The necessary counselling and support will be provided where possible.</i>
d) The employee's poor performance is related to a lack of training or supervision	<i>Additional support in the form of training or coaching will be provided.</i>
e) The employee is suffering from a medical condition which affects his or her performance, but the condition has not yet resulted in a poor attendance record	<i>Medical advice will be sought before determining a plan of action.</i>
f) The employee's performance problems are related to his or her state of health and have resulted in frequent and persistent short-term sickness absences or a longer period or periods of absence	<i>Refer to the ill-health section of this policy.</i>
g) The employee's poor performance results from and may even constitute misconduct	<i>The disciplinary procedure will be invoked.</i>
h) The Employee's failure to maintain appropriate physical fitness level results in poor performance	<i>Medical advice sought before determining a course of action</i>

Where the employee has a disability, Managers will need to consider any reasonable adjustments that may be required in supporting the employee to improve their performance. Advice must be sought from HR and Occupational Health on how to best meet the needs of the employee.

- i) If concerns arise regarding the capability of an employee, in the first instance his or her line manager will hold an informal discussion. The purpose of the discussion will be to confirm the standard of performance required of the employee; examine the capability and performance of the individual and to try to agree how this might be improved. The employee is encouraged to comment and to explain his/her position so that the manager can consider ways that the Service can contribute to an improvement in the situation. Points for discussion may include, but will not be limited to:

- An explanation as to why the employee's performance is not up to an acceptable standard.
- An exploration of ways that the employee's performance could be improved (this may or may not include setting a period for review).
- An explanation from the manager as to how the individual's performance disrupts the organisation.
- An explanation from the manager of this capability improvement procedure.

- ii) The line manager may record the outcome of any discussion in writing although it would not form part of the employee's EPR

There is no right for an employee to be accompanied to an informal discussion with his/her line manager.

The outcome of the meeting will be recorded in writing. This should detail:

- The standards of performance expected.
- The areas of improvement required.
- Any areas of work-related training to be provided.
- The increased supervision arrangements if appropriate.
- Agreed timescales for review.

The note must indicate that every reasonable opportunity will be given to the individual to improve however; failure to meet the required standards within the timescales may result in the issues being dealt with under the appropriate formal stage of the procedure.

Following the meeting, a copy of the above must be given to the employee.

### **Formal Procedure – Stage 1 First Formal Interview**

An employee's performance will be reviewed under the Service's capability procedure where:

- The employee fails to reach/maintain a satisfactory standard of performance following an informal discussion.
- The seriousness and/or impact of the employee's poor performance on the organisation is such that it is necessary to move straight to a formal procedure.

Where a decision has been made to move to the first stage of the formal procedure the employee will be notified in writing that they are required to attend a formal interview to discuss the concerns regarding their performance at work.

The letter will specify the following details and give a minimum of 7 days notice:

- Time and Date of Venue.
- Details of who will be present.
- Concise details of the perceived areas of poor performance/lack of capability.
- The right to be accompanied.

At the meeting the Line Manager and HR Officer will explain the need to move to the formal stage and that the purpose of the interview will be to:

- Consider the evidence regarding the employee's performance.
- Ensure that performance expectations and standards have been set and that they are reasonable and that the employee understands them.

- Ensure that the employee understands where their performance falls short of the standards.
- Review the action taken to support their improved performance.
- Consider if any remedial action already taken should be continued or changed.
- Identify and agree any additional training or other action or improve performance.
- Set reasonable timescales for improvement and set a review meeting.
- Ensure the employee is aware of the consequences of continued poor performance.

Regular performance monitoring arrangements will be put/kept in place in order to provide feedback to the employee on progress to date and to address any concerns. Timescales should be agreed with the individual eg, weekly / monthly 1-2-1's as appropriate and on the advice of HR. There should be no surprises at the formal review meeting relating to the employee's progress.

At the formal interview, if the employee's performance has not improved to the required standard and/or there has been no sustained improvement and it is appropriate; then the Line Manager may consider issuing a written warning which will remain on the employee's record for 6 months.

The employee will be notified of the decision which will be confirmed in writing within 7 days of the conclusion of the first formal interview. This letter will remind the employee that failure to improve and sustain improvements may result in the matter being dealt with at the next formal stage of the procedure and that their employment may ultimately be at risk if they fail to achieve the required performance standards. The right of appeal against this decision will also be confirmed.

At the first formal interview a timescale will be set for the employee's performance to be reviewed. After the agreed timescale a review meeting will be held to discuss the employee's performance and any further action required.

If the Line Manager is satisfied that the employee's performance now meets the required standards a letter will be sent to the employee to confirm this is the case and that, subject to the employee maintaining a satisfactory standard of performance, no further action will be taken under this capability procedure. The first formal capability warning will remain on the employee's EPR file until the expiry of the 6 month period.

Where the employee has failed to meet and sustain a satisfactory standard of performance the employee will be informed that the terms of the first formal capability warning have not been met and so his/her performance will be considered at Stage 2 of the formal procedure.

## **Stage 2 – Second Formal Interview**

The employee will be notified in writing that they are required to attend a second formal interview to discuss the issues and concerns regarding their performance at work. The letter will indicate that a failure to improve his/her performance to the required standard may result in a final written warning and remind him/her that failure to improve or sustain improved performance may ultimately result in their dismissal from the Service.

The employee will be given a minimum of 10 days notice of the interview.

The Line Manager and HR Manager will meet with the employee and the purpose of the interview will be similar to that of the first formal stage. The Line Manager needs to consider all of the matters as outlined in the first formal stage and also:

- They will explain the reasons for moving to the second formal interview.
- They will give consideration to the issue of a final written warning.
- Timescales for any review will be a matter for the Line Manager's judgement taking account of all the circumstances of the case.

The outcome of this meeting may include:

- The employee has reached the standards.
- The issue of a final written warning which will remain Live on their personal file for 12 months.

The outcome will be confirmed in a letter to the employee and their right of appeal (if appropriate) within 7 days of the meeting.

If the employee has not reached the standard required then a review meeting will be set. The employee should be informed of the consequences of failure to improve and to sustain performance improvement within that review period, that is, the matter will be dealt with at the next stage of the procedure and may put their continued employment at risk.

### **Stage 3 - Third Formal Interview**

The employee will be notified in writing that they are required to attend a third formal interview to discuss issues/concerns about their performance at work. The employee will be given 21 days notice of the interview and the right to be accompanied.

The Area Manager or higher or the equivalent non uniformed level of Management (Hearing Manager) and the HR Manager will attend the hearing and subsequent review meeting where applicable. The purpose of the interview will be to explain the reasons to the employee for considering the matter at the third formal stage of the procedure.

This meeting will also consider the evidence regarding the performance of the employee and explore with the employee why their performance is regarded as unsatisfactory. Performance will be reviewed and expectations and standards that have been set will also be reviewed. The employee will be given the chance to discuss these matters and a review period (if appropriate) will be set. The employee's continued employment will also be considered at this meeting . The Hearing Manager will consider all available information about the employee's performance, the employee will be given the opportunity to explore any evidence provided and to explain his or her case.

The Hearing Manager will consider the range of options available, these include:

- The employee has reached the required standards.
- Further time should be allowed to enable the employee to reach the required standard if sufficient improvement has been achieved and there are reasonable

grounds to believe that the employee will reach a satisfactory standard within a short timescale (up to 6 weeks).

- Extension of their final written warning with further time for improvement.
- Consideration of other action should be considered i.e. alternative vacancies that the employee would be competent to fill.
- Dismissal with notice or pay in lieu of notice.

The employee will be notified in writing of the outcome including their right of appeal within 14 working days of the conclusion of the interview.

If following the review period the employee reaches a satisfactory level of performance they will receive written confirmation including details that the final written warning will remain on their employee personal file and include any extensions to the initial period set if applicable. Confirmation will include that any further incidences of poor performance within the period of the final written warning may result in termination of their employment. The individual will also be made aware that their performance will remain subject to regular monitoring during the period of the written warning.

Where the employee has failed to reach the required level of performance in his or her role, and is dismissed, he/she will receive confirmation of this decision in writing including details of notice arrangements and their right of appeal.

### **Ill Health**

For cases where an employee's performance may be due to a medical condition, the employee's Line manager will advise him or her to seek proper medical attention. A medical report from the employee's GP may be requested through occupational health, if appropriate, and/or the employee may be required to attend an examination by the occupational health physician to seek a further medical opinion.

Failure to co-operate in obtaining any medical reports required may hinder or even frustrate the attempts of the service to obtain an accurate view of any medical condition. Such failure by an employee may result in: a decision on the employee's continued employment (including dismissal) being taken on the evidence available; suspension of contractual sick pay entitlements; action (up to and including dismissal) being taken under the disciplinary procedure.

Once it has been established that the employee is receiving appropriate medical treatment, the employee's performance will be reviewed over a reasonable period of time.

If the main cause of the poor performance is a medical one, reasonable adjustments will be considered where appropriate.

The following procedure will be operated where an employee's Line manager establishes that:

- the employee's attendance record is significantly worse than those of comparable employees or creates a particular operational difficulty (refer to *Short-term absences*).



- the employee's absence due to sickness has gone on for a considerable length of time (refer to *Long-term absences*).

### **Short term absences**

Short term absence will be managed in accordance with Brigade Order Human Resources 7 Part 1 – Control and monitoring of sickness absence.

In all short-term absence cases where the formal interview process is applied the employee will be advised to seek proper medical attention. A medical report from the employee's GP may be requested through occupational health, if appropriate, and/or the employee may be required to attend an examination by the occupational health physician to seek a further medical opinion. The employee may also be required to attend an examination by the occupational health physician.

Failure to co-operate in obtaining any medical reports required may hinder or even frustrate the attempts of the service to obtain an accurate view of any medical condition. Such failure by an employee may result in: a decision on the employee's continued employment (including dismissal) being taken on the evidence available; suspension of contractual sick pay entitlements; action (up to and including dismissal) being taken under the disciplinary procedure.

In some circumstances the Service may require the employee to provide private medical certificates for all absences from work due to sickness, regardless of their duration. The organisation will reimburse the employee fully for the cost of obtaining these certificates.

### **Long-term absences**

Long term absence will be managed in accordance with Brigade Order Human Resources 7 Part 1 – Control and monitoring of sickness absence.

In all long-term absence cases where the formal interview process is applied the employee will be advised to seek proper medical attention and if appropriate, a medical report from the employee's GP will be requested via occupational health. The employee may also be required to attend an examination by the Occupational Health physician.

Failure to co-operate in obtaining any medical reports required may hinder or even frustrate the attempts of the service to obtain an accurate view of any medical condition. Such failure by an employee may result in: a decision on the employee's continued employment (including dismissal) being taken on the evidence available; suspension of contractual sick pay entitlements; action (up to and including dismissal) being taken under the disciplinary procedure.

### **Right of Appeal**

An individual has the right to appeal against any formal action taken against them in line with this policy and must do so in writing to the HR Manager, stating the reasons for the

appeal, within 7 days of the receipt of the sanction/dismissal letter. The appeal will be heard in accordance with the organisation's disciplinary appeals procedure.

### **Points to Note**

Employees will be invited to all formal meetings by letter. The letter will set out the reason for the meeting and the arrangements for attendance.

Outcomes of formal meetings will be confirmed to the employee in writing.

The Service reserves the right to seek assistance from external facilitators (arbitrators, conciliators, mediators) at any stage in the capability procedure, in the interests of seeking a satisfactory outcome for all concerned.

For employees during their first year of employment, the Service reserves the right to speed up the decision making process and therefore may choose to follow a truncated version of the above procedure.

The Service will throughout take all the individual circumstances of every case into account, particularly in relation to the timing of decisions (including a decision to dismiss) although other factors that are time-dependent (e.g. the exhausting of the statutory sick pay entitlement may or may not be regarded as influential).



# Initial Equality Impact Assessment Form

EQIA Number

Directorate	HR, TR and DEV	Department/ Section	HR
Name of officers completing (minimum of 2)	Wendy Edwards Lisa Vickers	Job title	HRO/HRM
Name of Policy/Service/Activity to be assessed	Capability	Date of assessment	20/4/09
New or existing policy	N		

**1)** Briefly describe the aims, objectives and purpose of the policy/service/activity (referred to as policy in document) and also consider the following:

- What are the key performance indicators?
- Who is intended to benefit or be affected by it? (is this positive or negative)
- What outcomes do you want to achieve from this policy?
- 

Strategic Aims 3,4,5

Order provides a guidance procedure for Managers and employee on how to effectively manage standards of performance within the workplace

**1 a)** Who implements this policy?

Line Managers and HR team

**2)** How does your current policy meet the needs around age, disability, race, religion/belief, gender, sexual orientation and caring responsibilities?

Are there any obvious barriers to accessing the service? E.g. physical or other.

New policy; to cover all staff within the Service. Usage will be monitored to ensure no adverse impact on any specific group.

**2a)** Where do you think improvements could be made?

New policy

**2b)** Have issues of equality been identified in this area of service delivery by SFRS?

New policy, usage will be monitored to ensure no adverse impact on any specific group.

<p><b>3)</b> Have we had any specific feedback or complaints on this area?</p> <p>Is there evidence that this has come from any of these specific groups: race, gender, disability, religion/belief, age, sexual orientation, caring responsibilities?</p>	New Policy		
<p><b>3a)</b> Do we have any feedback from managers or frontline staff on this policy?</p>	New Policy		
<p><b>3b)</b> Is there any feedback from voluntary/community organisations?</p>	no		
<p><b>3c)</b> Is there any research / models of practice that may inform SFRS view?</p>	CIPD model, other FRS, ACAS code of practice		
<p><b>4)</b> Detail the Actions / Improvement areas you have identified, or the need for further research. (These must be put onto the Action and Improvements Form <b>FB 367</b> for consideration by Steering Group)</p> <p>If you have found considerable actions or research this will require you to proceed to a full assessment.</p>			
<p><b>5)</b> Should the policy now proceed to a full impact assessment?</p>	Y	N No	Please detail

**I am satisfied that this policy has been successfully impact assessed.**

**I understand the Impact Assessment of this policy is a statutory obligation and that, as owners of this policy, we take responsibility for the completion and quality of this process.**

Line Manager	Lisa Vickers	Date	21/4/09
Please note that this impact assessment will be scrutinised by the Equality and Diversity Officer.			

**Appendix D**

**Equality Impact Assessment Actions and Improvements Form**

When you have completed the Equality Impact Assessment a number of actions or improvement areas will have been identified, it is important that these are captured and put into normal work activities. In some cases there maybe a few small actions required in other cases you will need to process to a full impact assessment, you will need to complete this form for both of these situations when you identify actions that need completing, or have identified that future investigation will require specific resources that need to be put into the business planning process.

This form is to allow you to record the outcome from your impact assessments so that the actions or improvements can be carried out by your Department and monitored and in some cases approved by the Equality and Diversity Steering Group. Please ensure that this form is given to your line manager for discussion at your team or one to one meetings for incorporation into individual work plans.

<b>Directorate:</b>	<b>Department:</b>
<b>Brigade Order/activity that has identified need, issue/objective:</b>	<b>EQIA No:</b>

Action	Comments inc. Details of Consultations required/carried out	Resources / Finances allocated to this objective/target	How will this be monitored to ensure it is effective	Responsible for this action	Due Date	Progress

<b>Head of Department</b>		<b>Date completed</b>	
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This form must be sent to Management Support when completed for monitoring and/or consideration by the Equality & Diversity Steering Group