



Grassroots

Day Nursery

Your child's gateway to great things ahead

CAPABILITY

Policy

Grassroots Day Nursery seeks to provide each employee with the direction, development and support necessary to assure a productive and rewarding career. Before employees can be expected to reach appropriate standards of job performance, **Grassroots** accepts employees should be provided with appropriate training, guidance and support. Employees have a contractual responsibility to perform at a satisfactory level and are therefore expected to be committed to achieving such levels of performance. This policy aims to help protect the nursery, its employees and children/parents/carers, from the consequences of poor work performance.

A work performance issue may arise when an employee is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner due to capability, (would but cannot) or as a result of misconduct (can but will not). In cases of misconduct the Disciplinary Policy will come into effect.

In exceptional cases where a performance error or defect has serious consequences (i.e. if it is a safeguarding concern or if it results in the serious jeopardy of the health and safety of children or other employees) dismissal from work may be pursued, in accordance with the Dismissal section of this handbook

Initial identification of an employee's failure to meet the required levels of performance, often arises, through normal performance management meetings i.e. one-to-ones, supervisions, appraisals. It is expected that the majority of performance related issues will be resolved promptly at this level, except where there is evidence that such an approach has proved ineffective already. If this is the case, the Manager should then invite the employee to attend:

Stage 1 - Informal Capability Meeting.

The discussion should alert the employee to the concerns and give the Manager the opportunity to assess the situation, on the basis of the information provided. Any issue or concern regarding capability should be recorded whether they take place as part of supervision, appraisal or any other meetings, including specifying any targets, monitoring, support given/offered and relevant time scales. Copies of such records will be maintained. An employee will be clearly advised in writing if they are to be subject to the Capability Process. Once an employee has been placed in the Capability Procedures all associated notes will remain in an individual's record for a period of 12 months. Progress made by the employee will be recorded within a Performance Improvement Plan (PIP) and will be reviewed on a regular basis. The outcome of these reviews will depend upon whether it is necessary to progress to:

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Stage 2 – Formal Capability Meeting

Employees have the right to appeal against any formal sanctions given and to be accompanied at any Capability meeting. If the employee wishes to appeal they must do so in writing, following the Appeals Section of this document.

Stage 1 - Informal Capability Meeting

The employee will be notified in writing of the date, place and time of the initial meeting. The Centre Manager will collate any necessary information, where appropriate, to demonstrate to the employee where they are not meeting the required standards of performance, e.g. job description/person specification, competencies, supervision notes, appraisals, observation reports, Learning Journeys, etc.

During the meeting the Manager will present the evidence of the performance issue(s) to the employee and express their concerns being sensitive at all times to the fact that unless otherwise identified, issues of performance are not disciplinary in nature, and that the correct approach is therefore one of constructive support, guidance, coaching and encouragement. The employee will be given a full opportunity to respond and explain any factors affecting his/her current performance levels. If any underlying medical or health issues are suggested, it may be appropriate to refer the employee to seek medical advice.

The employee should be aware that if their level of performance is not acceptable and does not improve by the end of the review period disciplinary action which could ultimately lead to dismissal with contractual notice is an option for Grassroots Day Nursery to take. Similarly, should the process move to Stage 2 dismissal on the grounds of capability is a potential outcome.

The Manager will give thorough consideration to all the responses made by the employee. As a result of the discussion several options can be followed:

- (1) If underlying medical issues are suspected or reported, the process should be suspended until medical advice can be gained. Reasonable adjustments and recommendations can then be put in place to support the employee following medical advice. If the employee is deemed to be medically unfit to undertake their roles then Grassroots Day Nursery will determine the way to proceed.
N.B. Where an employee declines to seek medical assistance, decisions will be made using the information available and the matter will continue to be managed under the Capability Policy and Procedure.
- (2) Confirm with the employee that their work performance will be monitored and a Performance Improvement Plan (PIP) will be developed with the employee, stating specific targets, training, support and time frames (generally between 1 – 3 months in duration), including dates of review meetings. Every effort should be made where possible to agree the details of the plan.

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- (3) Employee may be offered a different role within Grassroots Day Nursery, if appropriate and viable.
- (4) Consideration will be given to any extenuating circumstances and these will be dealt with on a case by case basis.

At the end of the agreed monitoring period the Manager will meet with the employee to discuss the progress and inform them of the outcome of the review period. There are several possible outcomes; the selected one should be confirmed to the employee in writing after the meeting:

- Where performance has reached the required standards an agreement to maintain the standard of performance should be made including how this will be measured, no further formal action is to be taken. However the decision will remain “live” for 12 months, therefore if satisfactory improvement proves only to be of a temporary nature, Grassroots Day Nursery has the option of returning immediately to this point in the process if the performance concerns are of a similar nature. Where a new area of performance concern has been identified the process should start from the beginning.
- Where performance has partially improved, a further review period can be agreed.
- If the performance level remains unsatisfactory; the employee will progress to Stage 2 of the Capability Procedure
- Dismissal with contractual notice, in exceptional circumstances, the employee will not be required to attend work during their notice period.

Stage 2 – Formal Capability Meeting

This aspect of the process will be led by the Manager. The employee will be advised in writing, giving at least 10 working days’ notice, of the date and time of the formal meeting. The employee should be given a copy of the PIP and review meeting notes. Any documentation that the employee/representative wishes to submit should be provided no later than 5 working days before the meeting. The letter to the employee should contain the following information:

- a clear statement of the employee's failure to meet the required standards of performance and the Performance Improvement Plan
- records of monitoring/progress to date (including a copy of all correspondence from Stage 1, non-confidential medical advice if appropriate)
- the date, time, and location of the meeting
- names of the person who will conduct the meeting and names of attendees
- whether Grassroots Day Nursery intends on calling any witnesses and the employee's entitlement to call witnesses
- the employee's right to be accompanied
- alert the employee that a decision may be taken to dismiss on the grounds of capability
- the employees right of appeal.

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The outcome of the Stage 2 – Formal Capability Meeting should be confirmed to the employee in writing by the Chair of the meeting. Where an employee is dismissed on the grounds of capability, the letter should include their right of appeal.

Grassroots Day Nursery reserves the right not to follow these procedures for staff who have been with Grassroots for a period of 12 months or less.

Policy/Procedure name: Capability Policy	
Publication Date: May 2021	Date for Review: May 2022
Signed:.....(Proprietor/Manager)	
Signed:.....(Deputy Manager)	