



Woodside Group Capability Procedure

Introduction

This policy should be used when an employee's performance or attendance has been identified as falling below an acceptable level. Its purpose is to provide a framework for resolving the issue, ideally through the improvement of the employee's performance or attendance. As a last resort, the policy specifies the circumstances in which the employee may be redeployed to more suitable work or dismissed on the ground of capability.

Before this procedure is engaged, the employee should receive feedback from his/her manager setting out the concerns about the employee's performance or attendance and how his/her performance or attendance can be improved. The formal procedures are designed to be used when informal discussions do not lead to the employee improving his/her performance or attendance to an acceptable level.

Where an employee's poor performance or attendance is believed to be the result of deliberate negligence, or where serious errors have been made by him/her to the detriment of Woodside Group, the company may decide to use its disciplinary procedure instead.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.

i. Informal Management of performance/attendance issues

When an employee's performance has been identified as falling below an acceptable level or when an employee's attendance has been identified as hitting one or more of the following trigger points:

- Three separate occasions of absence in any 6-month period.
- Six separate occasions of absence in any 12-month period
- 10 working days' absence in any 12-month period; or

the employee's line manager should meet with them and implement an informal attendance or performance improvement action plan.

If the employee's attendance or performance does not improve and/or the improvement is not immediate and sustained following the implementation of the performance or attendance improvement action plan, then the employee may be referred to formal stage 1 of either the short-term sickness absence capability procedure for their attendance or formal performance capability procedure for their performance. For Long term sickness absence of

Date of issue: Jan 2017

Last reviewed: June 2020

Next scheduled review: June 2021

Document Owner: Director of Operations



Woodside Group Capability Procedure

28 days or more, the formal long term sickness absence capability procedure should be used.

ii. **Implementing a performance or attendance improvement action plan**

A performance or attendance improvement action plan, is a series of measures designed to help improve the employee's performance or attendance. Each measure will ideally be agreed with the employee, although the organisation reserves the right to insist on any aspect of the performance or attendance improvement action plan in the absence of such agreement.

Each performance or attendance improvement action plan will be tailored to the situation, but will contain the following elements:

- **Timescale**
The overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.
- **Targets**
The performance or attendance improvement action plan will specify the areas in which improved performance or attendance is needed and set out how, and on what criteria, the employee's performance or attendance will be assessed. Where appropriate, specific targets will be set that will need to be achieved either by the end of the performance or attendance improvement action plan or at identifiable stages within it.
- **Measures**
The performance or attendance improvement action plan will specify what measures will be taken by the organisation to support the employee in improving his/her performance or attendance. For performance, such measures may include: training; additional supervision; the reallocation of other duties; or the provision of additional support from colleagues. For attendance such measures may include reasonable adjustments or completion of a stress risk assessment.
- **Feedback**
As part of the performance or attendance improvement action plan, the employee will be given regular feedback from his/her line manager indicating the extent to which the employee is on track to deliver the improvements set out in the performance/attendance improvement action plan. If, at any stage in the informal process, the organisation feels that the performance or attendance improvement action plan is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue. As a result of such a



Woodside Group Capability Procedure

meeting, the employer may amend or extend any part of the performance or attendance improvement action plan.

- **Review**

The employee's performance or attendance will be reviewed during and at the end of the performance or attendance improvement action plan. If satisfactory progress has been made, the employee will be notified of this fact in writing. However, if the manager feels that progress has been insufficient, he/she may decide to extend and/or amend the performance or attendance improvement action plan to such extent as the manager considers appropriate. Alternatively, he/she may decide to refer the matter to a meeting under formal stage 1 of the appropriate procedure.

- **Ongoing review**

Following the successful completion of a performance or attendance improvement action plan, the employee's performance or attendance will continue to be monitored. If, at any stage during the following 6 months, the employee's performance or attendance again starts to fall short of an acceptable standard, his/her line manager may decide to initiate formal stage 1 of this procedure.

Attendance Capability

- iii. **Formal short term absence capability procedure**

Managers responsible for staff are expected to manage and control their employees' attendance.

This procedure has three stages and involves the application of absence "trigger points". This procedure is intended to manage short term sickness absences.

It also involves the allocation of responsibility to individual line managers to interview any employee whose level of absence has reached a defined trigger point and, depending on the circumstances, issue a warning about unsatisfactory attendance.



Woodside Group Capability Procedure

Where an employee hits a trigger point, they will be referred to the appropriate stage of the Capability procedure by their line manager and an attendance improvement action plan will be implemented by their line manager.

iv. Stage 1 of the formal short term absence capability procedure

Stage 1 of the formal attendance capability procedure is activated if the line manager deems that the employee has failed to achieve the objectives of their attendance improvement action plan or has hit one or more of the following trigger points:

- Three separate occasions of absence in any 6-month period.
- Six separate occasions of absence in any 12-month period
- 10 working days' absence in any 12-month period; or

The result of an employee reaching stage 1 of the capability procedure will be an attendance formal stage 1 review meeting with the line manager, which will normally result in a first written warning for unsatisfactory attendance and an attendance improvement action plan being implemented.

The employee is responsible for ensuring they attend the meeting at the specified time. If they're unable to attend because of circumstances beyond their control, they are responsible for informing their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The employee will be given an opportunity to respond to any criticisms of his/her attendance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor attendance.

The warning will explain the nature of the improvement that is required in the employee's attendance and state that the improvement must be immediate and sustained. It will also explain that, if the necessary improvement does not take place, the employee may be referred to formal stage 2.



Woodside Group Capability Procedure

The warning will remain current for a period of 12 months, after which it will cease to have effect.

Where an employee is issued with a first formal written warning in accordance with this procedure, he/she will have a right of appeal.

The employee will be entitled to be accompanied by a fellow employee or trade union official

v. Stage 2 of the formal short term absence capability procedure

Stage 2 of the procedure is activated if at any time during the following 12 months the employee has:

- 8 working days' absence in any 12-month period; or
- Two separate occasions of absence in any 6-month period.
- Four separate occasions of absence in any 12-month period

The result of reaching stage 2 will be an attendance formal stage 2 review meeting with the line manager, which will normally result in a second written warning for unsatisfactory attendance and an attendance improvement action plan being implemented.

The employee is responsible for ensuring they attend the meeting at the specified time. If they're unable to attend because of circumstances beyond their control, they are responsible for informing their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The employee will be given an opportunity to respond to any criticisms of his/her attendance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor attendance.

The warning will explain the nature of the improvement that is required in the employee's attendance and state that the improvement must be immediate and sustained. It will also explain that, if the necessary improvement does not take place, the employee may be referred to formal stage 3, which may result in the employee's dismissal from Woodside Group.

The warning will remain current for a period of 12 months, after which it will cease to have effect.



Woodside Group Capability Procedure

Where an employee is issued with a second formal written warning in accordance with this procedure, he/she will have a right of appeal.

The employee will be entitled to be accompanied by a fellow employee or trade union official

vi. Stage 3 of the formal short term absence capability procedure

Stage 3 of the procedure involves a repeat of the stage 2 trigger points. Reaching stage 3 of the procedure will normally result in referral to an attendance formal stage 3 hearing and the employee's dismissal, unless there are mitigating factors making it reasonable for the employer to decide not to dismiss.

The employee is responsible for ensuring they attend the meeting at the specified time. If they're unable to attend because of circumstances beyond their control, they are responsible for informing their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The employee will be given an opportunity to respond to any criticisms of his/her attendance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor attendance.

The employer may decide not to dismiss an employee who has reached stage 3 of the procedure if there are special circumstances justifying this course of action.

The matter should be referred to the Head teacher who will, in conjunction with the line manager, consider whether or not the employee should be dismissed.

Again a formal stage 3 attendance review hearing should still be held and a record should be made of the reasons for the decision.

Where an employee is issued dismissed in accordance with this procedure, he/she will have a right of appeal.

The employee will be entitled to be accompanied by a fellow employee or trade union official

vii. Formal long term sickness absence capability procedure



Woodside Group Capability Procedure

This procedure should be used to manage absences of 28 days or more. Employees may be requested by their manager to consent to be examined by the occupational doctor (at the organisation's expense) and to agree to allow the doctor to provide a medical report to the organisation. The terms of all employees' contracts are that they must give such consent when reasonably asked to do so by the organisation.

The organisation will not consider terminating the employment of an employee who is absent from work due to genuine sickness or injury during the first six months of absence. Thereafter, the position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the organisation will:

- Review the employee's absence record to assess if it is sufficient to justify dismissal;
- Consult the employee;
- Obtain up-to-date medical advice;
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility;
- Meet with the employee to discuss the options and consider the employee's views on continuing employment;
- Review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss;
- Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health; and
- Arrange a further meeting with the employee to determine any appeal;
- Following this meeting, inform the employee of its final decision; and
- Act reasonably towards the employee at all times.

The employee will be given an opportunity to respond to any criticisms of his/her attendance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor attendance.

Where an employee is issued dismissed in accordance with this procedure, he/she will have a right of appeal.

The employee will be entitled to be accompanied by a fellow employee or trade union official.

Redeployment

Any offer to redeploy the employee will be entirely at the discretion of Woodside Group. Such an offer will be made only where the Woodside Group is confident that the employee will be able to perform well in the redeployed role. It will normally be offered only as an

Date of issue: Jan 2017

Last reviewed: June 2020

Next scheduled review: June 2021

Document Owner: Director of Operations



Woodside Group Capability Procedure

alternative to dismissal in circumstances in which Woodside Group is satisfied that the employee should no longer be allowed to continue to work in his/her current role. While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

Line Manager quick guide to managing unsatisfactory attendance

Whenever a trigger point is activated, the manager should take the following actions:

- Check the employee's absence record to gain an accurate assessment of the number of days' absence that he/she has had and the number of separate occasions on which he/she has been absent.
- Write to the employee inviting him/her to a formal attendance review meeting, enclosing a statement summarising the employee's periods of absence during the relevant defined time period, and advising him/her of the right to be accompanied by a fellow worker or trade union official at the meeting and of the possible outcomes of the meeting.
- Notify the Operations Manager that an attendance review meeting is being set up with the employee. The Operations Manager may elect to be present at the meeting.
- At the meeting, invite the employee to explain the reasons for his/her absences, and give him/her the opportunity to put forward any mitigating factors.
- Ensure that the employee understands the requirements of the attendance procedure, the reasons why the procedure is in place, the stage that he/she has reached in the procedure, and the possible consequences of a continuing unsatisfactory level of attendance.
- Enquire whether there is anything that the manager can do to facilitate an improvement in the employee's level of attendance.
- Keep a record of the key points discussed at the meeting and the outcome.



Woodside Group Capability Procedure

- After a formal stage 1 or formal stage 2 meeting, issue a written warning for unsatisfactory attendance, unless the circumstances merit a different approach.
- If the hearing was a stage 3 hearing, the matter should be referred to the Head teacher who will, in conjunction with the line manager, consider whether or not the employee should be dismissed.

Performance Capability

Stage 1 of the formal performance capability procedure

This procedure is designed to be used when such informal discussions do not lead to the employee improving his/her performance to an acceptable level.

Where the informal Capability process does not lead to a satisfactory improvement in the employee's performance, the employee will be invited to a performance formal stage 1 review meeting. The employee will be entitled to be accompanied by a fellow employee or trade union official.

The purpose of a performance formal stage 1 review meeting is to discuss the employee's performance and decide what measures should be taken, with a view to securing the required improvement in the employee's performance.

The meeting will be conducted by the employee's line manager. Where it is considered appropriate by Woodside Group a/another member of the SLT may also be present.

The employee is responsible for ensuring they attend the meeting at the specified time. If they're unable to attend because of circumstances beyond their control, they are responsible for informing their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The employee will be given an opportunity to respond to any criticisms of his/her performance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor performance.

The outcome of the meeting may be a decision to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure;



Woodside Group Capability Procedure

- issue a first formal written warning to the employee and a performance improvement action plan to the employee on what he/she needs to do to improve his/her performance.

A first formal written warning will be issued if the hearing concludes that reasonable steps have been taken by the organisation that should have allowed the employee to perform to an acceptable standard, but that these measures have not worked. The warning will explain the nature of the improvement that is required in the employee's performance and state that the improvement must be immediate and sustained. It will also explain that, if the necessary improvement does not take place, the employee may be referred to formal stage 2.

The warning will remain current for a period of 12 months, after which it will cease to have effect.

Where an employee is issued with a first formal written warning in accordance with this procedure, he/she will have a right of appeal.

Review

The employee's performance will be reviewed during and at the end of the performance improvement action plan. If satisfactory progress has been made, the employee will be notified of this fact in writing. However, if the manager feels that progress has been insufficient, he/she may decide to extend and/or amend the performance improvement action plan to such extent as the manager considers appropriate. Alternatively, he/she may decide to refer the matter to a meeting under formal stage 1 of this procedure.

viii. Stage 2 of the formal performance capability procedure

Where formal stage 1 does not lead to a satisfactory improvement in the employee's performance, the employee will be invited to a performance formal stage 2 review meeting. The employee will be entitled to be accompanied by a fellow employee or trade union official.

The purpose of a performance formal stage 2 review meeting is to discuss the employee's performance and decide what measures should be taken, with a view to securing the required improvement in the employee's performance.

The employee is responsible for ensuring they attend the meeting at the specified time. If they're unable to attend because of circumstances beyond their control, they are



Woodside Group Capability Procedure

responsible for informing their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The meeting will be conducted by the employee's manager. Where it is considered appropriate by the organisation, a/another member of the SLT may also be present.

The employee will be given an opportunity to respond to any criticisms of his/her performance and to put forward any explanation he/she may have for the matters identified by the manager as amounting to poor performance.

The outcome of the meeting may be a decision to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure;
- issue a final formal written warning to the employee and a performance improvement action plan to the employee on what he/she needs to do to improve his/her performance.

A final formal written warning will be issued if the hearing concludes that reasonable steps have been taken by the organisation that should have allowed the employee to perform to an acceptable standard, but that these measures have not worked. The warning will explain the nature of the improvement that is required in the employee's performance and state that the improvement must be immediate and sustained. It will also explain that, if the necessary improvement does not take place, the employee may be dismissed.

The warning will remain current for a period of 12 months, after which it will cease to have effect.

Where an employee is issued with a final formal written warning in accordance with this procedure, he/she will have a right of appeal.

Review

The employee's performance will be reviewed during and at the end of the performance improvement action plan. If satisfactory progress has been made, the employee will be notified of this fact in writing. However, if the manager feels that progress has been insufficient, he/she may decide to extend and/or amend the performance improvement



Woodside Group Capability Procedure

action plan to such extent as the manager considers appropriate. Alternatively, he/she may decide to refer the matter to a meeting under formal stage 2 of this procedure

ix. Stage 3 of the formal performance capability procedure

If the performance improvement action plan has not led to sufficient improvement in the employee's performance, the employee will be invited to attend a formal stage 3 performance/attendance management hearing.

The employee will be informed in writing of the grounds on which the hearing is being convened. In particular, he/she will be told of the respects in which his/her performance remains below an acceptable level and that a potential outcome could be their dismissal from Woodside Group.

The hearing will be conducted by a senior manager authorised to make dismissal decision, and may also be accompanied by the Operations Manager. The employee will be entitled to be accompanied by a fellow employee or trade union official.

The employee is responsible for ensuring they attend the meeting at the specified time. If they're unable to attend because of circumstances beyond their control, they are responsible for informing their line manager of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

At the hearing, the employee will have the opportunity to respond to any criticisms made of his/her performance and make representations about how the situation should be treated.

The outcome of the meeting may be:

- a decision to take no further action;
- the issuing of another performance management plan and warning
- an offer to redeploy the employee to alternative work; or
- a decision to dismiss the employee.

Any offer to redeploy the employee will be entirely at the discretion of Woodside Group. Such an offer will be made only where the Woodside Group is confident that the employee will be able to perform well in the redeployed role. It will normally be offered only as an alternative to dismissal in circumstances in which Woodside Group is satisfied that the employee should no longer be allowed to continue to work in his/her current role. While the



Woodside Group Capability Procedure

employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the organisation believes that there is no alternative role available and suitable for the employee, but that he/she has not met an acceptable standard of performance, the organisation may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice. The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee.

Where an employee is dismissed in accordance with this procedure, he/she will have a right of appeal.

Appeal

An employee has a right of appeal against a sanction issued under formal stages 1, 2 and 3 of this procedure. A request for an appeal should be sent in writing to the original stage 3 Hearing Manager and set out the grounds on which the employee believes that the decision was flawed or unfair.

The request should be sent within seven days of the employee receiving written confirmation of the sanction imposed on him/her by the organisation.

An appeal hearing will be convened to consider the matter. It will be chaired by a more senior manager than the manager who conducted the original hearing, e.g., a member of the SLT or the Head Teacher.

The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the appeal hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

The result of the appeal hearing will be either to confirm the original sanction, or substitute any outcome that was available to the stage 3 Hearing Manager conducting the hearing at which the sanction was imposed on the employee.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.