

<b>Capability</b>	<b>Policy</b> <b>Register No: 04012</b> <b>Status: Public</b>
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Developed in response to:	Staff/Management need Best Practice
Contributes to CQC Regulation	20

Consulted With	Individual/Body	Date
Human Resources	Sarah Stewart	May 2016
<b>Professionally Approved By</b>	Bernard Scully, Director of Human Resources	May 2016

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Author/Contact for Information	Nona Stevenson
Policy to be followed by (target staff)	All Trust Staff except Medical Staff
Distribution Method	Intranet & Website
Related Trust Policies (to be read in conjunction with)	Disciplinary Policy Sickness Absence Policy Grievance Policy Agenda for Change Handbook Knowledge and Skills Framework Equality & Diversity Policy

**Document Review History**

Version No	Authored/Reviewed by	Issue Date
2.0	Rob Jarvis	August 2005
3.0	Debbie Sinclair	August 2011
3.1	Colleen Hart	November 2014
4.0	Nona Stevenson	7 June 2016
4.1	Agusta Wickenden - 6 month extension request due MSB standardisation	28 <sup>th</sup> May 2019

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## **1. Purpose**

- 1.1 The purpose of the policy is to ensure that the Trust behaves in a fair and consistent manner when dealing with instances of unsatisfactory work performance. It has a positive emphasis – its aim is to support the employee, through guidance, encouragement and training, in making such improvements needed to reach the required standard of performance.

## **2. Aims**

- 2.1 This policy will ensure that capability issues are dealt with in a fair and consistent manner.
- 2.2 The policy provides assistance to employees to improve performance wherever possible when such deficiencies exist.
- 2.3 To have a Trust process which is firm but fair and provides a consistent means of dealing with capability problems.

## **3. Scope**

- 3.1 The policy applies to all employees who are working under a contract of service with the Trust other than doctors and dentists for whom there are separate arrangements, in the Trusts Handling Concerns about Doctors and Dentists policy. This policy does not form part of the employee's contract of employment unless where it is required by legislation.
- 3.2 This policy does not cover circumstances that are more appropriately dealt with under other procedures, such as:
  - 3.2.1 Failure to meet the required performance standards through carelessness, negligence, idleness or deliberate intent will be considered as misconduct and the Disciplinary Policy should apply;
  - 3.2.2 When ill-health affects capability the Sickness Absence Policy should be used;
  - 3.2.3 For employees with disabilities, and whose shortfall in performance is connected with their disability, then advice must be sought from the Human Resources department;
  - 3.2.4 Instances of substances misuse which impact on performance should be managed through the Alcohol, Drugs & Substance Misuse policy.
- 3.3 Where managers are unclear as to which is the appropriate procedure to apply in any specific circumstances they are advised to discuss the matter with their Human Resources department.

## **4. Roles and Responsibilities**

- 4.1 Managers, Employees, Human Resources, Staff Representatives and Occupational Health Services all have key roles in the management of the capability policy and procedure.

### **4.2 Manager**

- 4.2.1 Ensuring that they understand the policy and procedures and are able to use them effectively and obtain training from Human Resources if necessary.

- 4.2.2 Ensuring that this Policy is applied fairly and consistently and in a way that does not discriminate.
- 4.2.3 Ensuring that procedures are used primarily to help and encourage employees to improve. This policy should not be used as a vehicle to impose punishment.
- 4.2.4 Consider whether the matter would be more appropriately dealt with under another Trust policy, eg Disciplinary, Bullying and Harassment in the first instance.
- 4.2.5 Keeping written records as appropriate ensuring confidentiality.
- 4.2.6 Ensuring that employees who report to them, and have responsibility for recruitment and selection are properly trained so that prospective employees are properly assessed against the person specification and KSF outline requirements.
- 4.2.7 Ensuring that new employees receive proper induction to the Trust.
- 4.2.8 Ensuring that all employees are aware of the specific requirements of their job, providing clear job descriptions, person specification and KSF outlines for new and existing job roles.
- 4.2.9 Ensuring that employees receive initial and ongoing job training and that training needs are reassessed following any job changes.
- 4.2.10 Ensuring that all staff are aware of this Policy and understand the importance of achieving required standards of performance and the likely consequences of not meeting these standards.
- 4.2.11 Ensuring that managers who report to them are trained to carry out appraisals effectively and that employees are kept informed of their progress in meeting required standards via the appraisal process and ongoing reviews.
- 4.2.12 Informing Human Resources when a formal meeting is due to be held and seeking advice from Human Resources when necessary.
- 4.2.13 Initiating a management referral to Occupational Health if underperformance may be linked to ill health or disability.
- 4.2.14 Ensuring that employees are informed at the earliest opportunity of any concerns about their performance and the seriousness of the matter, and are given the opportunity to respond to such concerns.
- 4.2.15 Hold regular 1:1s with staff so that performance issues can be discussed and resolved swiftly
- 4.2.16 Ensure that employees are offered support to facilitate improved performance.
- 4.2.17 Ensure that employees are given the right to be accompanied at formal meetings by a Trade Union Representative or colleague.
- 4.2.18 While it would not normally be necessary for a staff representative or work colleague to be present during informal counselling, a request to be accompanied during informal counselling will however be considered.

### **4.3 Employee**

- 4.3.1 Familiarising themselves with the capability policy and procedure.
- 4.3.2 Ensuring that they understand the required performance standards for their job role, requesting a copy of their job description and/or KSF outline where this has not been made available to them.
- 4.3.3 Performing their tasks and responsibilities of their role in accordance with the required standards.
- 4.3.4 Informing their line manager as soon as possible if they are concerned about their ability to meet the required performance standards or consider that they require more training to fulfil job requirements, or need clarification of job requirements.
- 4.3.5 Actively participating in performance appraisal and personal development planning processes.
- 4.3.6 Participating in corporate Induction and ongoing training programmes.
- 4.3.7 To contact their Trade Union, Staff Association or a colleague within the Trust to arrange any representation that they wish to have during formal stages.
- 4.3.8 To make themselves available either in relation to the ongoing or if appropriate a formal meeting or in relation to other Trust business whether in work or whilst suspended.

### **4.4 Representative**

- 4.4.1 Familiarising themselves with the Capability policy and procedure.
- 4.4.2 Assisting employees at formal meetings or appeals if required.
- 4.4.3 Making every effort to attend formal meetings or appeal hearings.
- 4.4.4 Supporting the correct, consistent and confidential application of this policy.
- 4.4.5 To with line managers to agree arrangements for taking the necessary time as set out in the Time Off and Facilities Agreement for Trade Unions, to enable them to fulfil their responsibilities as a representative.
- 4.4.6 To bring any difficulties in arranging time out to support staff in their capacity as an officially designated Union representative to the attention of the human resources team.

### **4.5 Human Resources**

- 4.5.1 Ensuring that managers are provided with appropriate advice and guidance on the use of this policy and procedure, including training and coaching.
- 4.5.2 Providing overall monitoring of capability cases across the Trust.
- 4.5.3 Providing support to managers in managing individual cases as appropriate.
- 4.5.4 Responding to queries from employees about the capability action.

- 4.5.5 Providing general guidance to employees and information as appropriate.
- 4.5.6 Providing guidance to appeal panels.
- 4.5.7 Providing summary data on appropriate cases to the Human Resources Sub-Policy Group and to JCNC through the staff side chair and/or secretary.
- 4.5.8 Ensuring this policy complies with legislative requirements and good employment practice.

#### **4.6 Occupational Health**

- 4.6.1 Advising whether a health problem or disability is restricting the ability of an employee to perform his/her duties to the required standard.
- 4.6.2 In general cases of poor health, advising what temporary restrictions on performance might be, providing information about timescales for recovery.
- 4.6.3 Advising on what reasonable adjustments need to be implemented to enable the staff member to perform the duties required.

#### **4.7 Definitions regarding Roles and Responsibilities**

- 'The Trust' – Mid Essex Hospital Trust
- 'Employee' – Anyone employed/contracted to Mid Essex Hospital Trust
- 'Trade Union/Staff Representative' – Anyone approved by a nationally recognised NHS negotiating body.
- 'Colleague' – Anyone employed by Mid Essex Hospital Trust
- 'Performance' – Effectiveness or efficiency of an employee to perform their work, assessed by reference to skills, qualifications, competence, aptitude, health, physical or mental impairments.
- 'KSF' – The NHS, Knowledge and Skills Framework.
- 'Working Day' – An employee's normal rostered hours of work, excluding Bank Holidays'.

### **5. Equality and Diversity**

- 5.1 Mid Essex Hospital Services NHS Trust is committed to a Policy embracing the Equality Act 2010 in all its employment practices and strives to eliminate all unfair discrimination, harassment, bullying and victimisation. Equality of opportunity is a high priority within Mid Essex Hospital Services NHS Trust and the Trust will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of gender, marital status, sexual orientation, religion or belief, disability, age, race, nationality or ethnic origin.

## **6. Procedure**

### **6.1 Overview**

- 6.1.1 Lack of capability, as defined in this policy, implies that there is no element of choice in the employee's failure to meet the required standards. This may be due to a lack of ability, skill or experience, or to a lack of adequate training and/or supervision. In these cases, employees will be given reasonable help and encouragement to reach a satisfactory level of performance, as detailed in this policy, before any formal action is considered.
- 6.1.2 The timescales for improvement, dependant on the type and seriousness of the shortfall in performance will be reasonable and SMART, (Specific, Measurable, Achievable, Realistic and Timebound). The procedure allows for progressive levels of review in order to assist the employee achieve acceptable standards of performance.

### **6.2 Definition**

- 6.2.1 The Employment Rights Act (ERA) 1996 states that capability is assessed by reference to skill, aptitude, health or any other physical or mental quality. It also indicates that "incapability must relate to the work or the kind of work that the employee was employed by the employer to do". This must be determined in accordance with employee's current contractual obligations.
- 6.2.2 This policy and procedure is intended to comply with employment legislation and the ACAS (Advisory, Conciliation and Arbitration Service) code of Practice on Disciplinary and Grievance Procedures (2015). The Policy has been developed in consultation with the Joint Consultation and Negotiation Committee.

### **6.3 Stage 1 - Informal monitoring, coaching and counselling**

- 6.3.1 This would normally be undertaken in a one to one meeting. On each occasion, the manager identifies that an employee's work performance is unsatisfactory; they should immediately bring this to the attention of the individual in as constructive a manner as possible.
- 6.3.2 Performance standards in terms of quality and quantity of work should be discussed and set down between the employee and their line manager at the Stage 1 meeting. The purpose of this 'informal' stage is for the manager to set out clearly for the employee how their performance is falling short of the required standard, what improvements are expected, and what support and training may be available.
- 6.3.3. The discussions during this meeting should concentrate on:
- Clarity as to what is being used as the measure of performance (e.g. job description, KSF outline, appraisal objectives, professional code of conduct)
  - Identifying any circumstances that could possibly be contributing to the employee's failure to meet standards
  - Obtaining the employee's commitment to reaching the required standards
  - Reaching an appropriate solution with the employee
  - Offering appropriate support and training
  - Agreeing any identified training or development needs
  - Establishing standards and reasonable time scales for improvement
  - Agreeing dates for interim review meetings

- 6.3.4 A copy of the agreed action plan (Appendix 1) must be given to the employee to help them to focus on the steps they need to take to improve. The agreed action plan must include the review periods in which to monitor the employee's performance, this should be confirmed in writing within 7 calendar days of the meeting. There are no set rules as to the period for improvement, and the timescale will depend on the particular employee, their status, position, service, past performance, and the degree to which they are underperforming; however this period will be not less than 6 weeks and no more than 3 months.
- 6.3.5 Where, after reasonable opportunity for improvement, the employee's performance remains below the required standard, or having met improved standards, the employee does not sustain the acceptable level; the manager should consider formal action. Prior to progressing to Stage 2 the manager should first discuss the issue with the Human Resources Department.
- 6.3.6 At the Stage 1 review meeting, the employee should be informed if their manager's continued concern in the shortfall in performance. The manager will then write to them, giving 14 calendar days' notice, clearly outlining the purpose of the Stage 2 interview and reminding them of their right to be accompanied.
- 6.3.7 There is no right of appeal at this stage.
- 6.3.8 If at the end of the period allowed for improvement the employee has reached the required standard of performance, then no further action need be taken and this fact should be confirmed at a meeting with the employee and also in writing, written confirmation will be provided within 7 calendar days of the meeting.

Performance will continue to be monitored as part of the normal management processes.

**6.4 Stage 2 – Formal Interview (this is the commencement of the formal stages and therefore staff have the right to be accompanied – see paragraph 8. below)**

- 6.4.1 The Stage 2 formal meeting is designed to identify the capability problems and agree plans for their resolution. At this meeting:
- 6.4.2 The manager must clearly identify and explain the nature of the shortfall in performance
- 6.4.3 The employee should use the opportunity to provide any reason(s) they believe may be responsible for their underperformance
- 6.4.4 The manager must clarify the future performance standards that need to be attained
- 6.4.3 Both should agree the support and training that is required and can reasonably be provided, including appropriate supervision and the allocation of a mentor where appropriate;
- 6.4.6 Both parties must agree a reasonable timescale for improvement, set objectives, a process and timescale for the interim reviews;
- 6.4.7. A final review date must be set to assess whether or not the required improvement in performance has taken place.

- 6.4.8 The details of the interview must be confirmed in writing, setting out the objectives and required standards of performance, the timescale for the required improvement, review dates, and details of any support or training to be provided.
- 6.4.9 The letter should state that continued failure to achieve a required standard may eventually lead to dismissal. The letter will also state to whom an appeal should be addressed.
- 6.4.10 On the final review date the employee should be given written notice that the Capability Monitoring has come to an end and that the record will be removed from their file after a stated period of time. If by the final review date the employee has failed to meet the required improvement and/or satisfactory performance has not been sustained subsequently the manager may (after seeking advice from the Human Resources Department) move to Stage 3. Where in the reasonable opinion of the manager the employee will not successfully meet the necessary performance standards or further performance issues have arisen that expose the Trust to harm then the manager may (after seeking advice from the Human Resources Department) move to stage 3 prior to the final review date referred to at paragraph 6.4.7 above.
- 6.4.11 At the Stage 2 final review meeting the employee should be informed of the manager's continued concern. This will then be confirmed in writing, giving 14 calendar days' notice, clearly outlining the purpose of the Stage 3 interview and reminding them of their right to be accompanied.
- 6.4.12 If at the end of the period allowed for improvement the employee has reached the required standard of performance, then no further action need be taken and this fact should be confirmed at a meeting with the employee and also in writing. Written confirmation will be provided within 7 calendar days of the meeting.

Performance will continue to be monitored as part of the normal management processes.

## **6.5 Stage 3 – 2<sup>nd</sup> Formal Interview**

- 6.5.1 This interview is a repeat of Stage 2, and in addition to the points for discussion set out previously, the manager should also want to consider:
- Steps taken by the employee to improve their performance
  - The level of improvement attained
  - Any extenuating circumstances
  - The employee's apparent commitment to self-development and to improving their performance.
- 6.5.2 The details of the interview should be confirmed in writing in 14 calendar days, setting out the new objectives and required standards of performance, the timescale for the required improvement, the interim and final review dates, and details of any support or training to be provided. The letter should state that this is a final review period and continued failure to achieve a required standard may lead to dismissal.
- 6.5.3 On the final review date the employee should be given written notice that the Capability Monitoring has come to an end and that the record will be removed from their file after a stated period of time. If, at the final Stage 3 review, the required improvement has not been achieved and or sustained, the manager should ask the Human Resources Department to organise a Stage 4 formal interview to consider

termination of the employee's contract. Within the Trust, only Managers who have the authority to dismiss can conduct a Stage 4 hearing.

- 6.5.4. The details of the interview must be confirmed in writing, setting out the new objectives and required standards of performance, the timescale for the required improvement, the interim and final review dates, and details of any support or training to be provided. The letter should state that this is a final review period and continued failure to achieve a required standard may lead to dismissal. The letter will also state to whom an appeal should be addressed.
- 6.5.5 If at the end of the period allowed for improvement the employee has reached the required standard of performance, then no further action need be taken and this fact should be confirmed at a meeting with the employee and also in writing, written confirmation will be provided within 7 calendar days of the meeting.

Performance will continue to be monitored as part of the normal management processes.

## **6.6 Stage 4 – Dismissal, Demotion and Transfer**

- 6.6.1 Before making the decision to dismiss, the possibility of a suitable alternative employment with the Trust will be considered.
- 6.6.2 The Trust is under no obligation to create a specific job for a member of staff whose performance is unsatisfactory.
- 6.6.3 Any offer of alternative employment will be confirmed in writing, with an explanation of why the offer is being made and of the possible consequences if the member of staff refuses to accept the post.
- 6.6.4 If an offer is made and accepted, the employee's performance will continue to be monitored under the normal appraisal system.

## **7. Right to be Accompanied**

- 7.1 At Stages 2, 3 and 4 of the procedures, the employee will have the right to be accompanied by a Trade Union/Professional Association representative. This person cannot respond on behalf of the employee; however they can make a statement at the beginning and end of the interview.
- 7.2 They may ask questions of the witnesses and confer privately with the employee by requesting adjournments. There is no right for the employee to be accompanied at the Stage 1 'Informal Monitoring, Coaching and Counselling' meeting, only those that are part of the formal procedures.
- 7.3 Alternatively, an employee can be accompanied by a friend or colleague not acting in a professional capacity. They cannot respond on behalf of the employee but can request an adjournment. The person chosen to be a companion has the right to refuse. If they accept they are entitled to reasonable paid time off to familiarise themselves with the case and to attend the interview and any subsequent appeal.
- 7.4 If an employee's 'companion' is unable to attend interview on the date or time originally proposed (providing that the reason for the companion's unavailability is a reasonable one) the interview will be rearranged for another date.

## **8. Appeal Procedure**

- 8.1 Notification of the right of appeal will be given to the employee after stage 4 of the formal procedure. The employee must appeal in writing to the relevant Human Resources Lead, clearly stating the reasons, to the manager designated in the formal letter within 14 calendar days of receiving the notification of dismissal
- 8.2 The appeal must be based on one, or more, of the following grounds
- The procedures have been incorrectly observed
  - The action plan/timescales imposed are inappropriate
  - There is new, additional evidence to be produced (copies of which should be supplied with the appeal letter)
- 8.3 Disagreement with having shortfalls in performance monitored via an action plan will not be considered as a suitable basis for an appeal.
- 8.4 All appeal hearings will be arranged as quickly as possible, normally within 14 calendar days from the receipt of the appeal letter. This will be conducted by at least one manager with sufficient seniority and independent to the process with a Human Resources representative. The decision made on appeal will be final and will be given to the employee in writing within 7 calendar days of the appeal hearing.
- 8.5 There is a facility for independent arbitration through ACAS if both parties agree.

## **9. Failure to Attend an Interview/Hearing**

- 9.1 The employee must take all reasonable steps to attend the procedural interviews. If there is a justifiable reason for non-attendance then the interview/hearing will be rearranged.
- 9.2 However if the employee fails to attend, the manager conducting the interview/hearing may decide to set an action plan or dismiss without their presence. Decisions will then be taken based on the information available at the time and communicated to the employee in writing, together with details to whom an appeal should be addressed.

## **10. Record Keeping**

- 10.1 Managers are required to keep written records during the capability management process, these should include:
- Job Description, Person Specification and KSF outline
  - Performance Review documents detailing past performance
  - The date and nature of alleged under performance
  - The employees responses
  - Notes of meetings/discussions
  - Copies of letters confirming arrangements for and outcomes of formal reviews
  - The reason for actions taken
  - Whether an appeal was lodged
  - The outcome of the appeal
  - Any grievances raised during the procedure
  - Subsequent developments

- 10.2 Records must be treated as confidential and be kept in accordance with the Data Protection Act 1998. Copies of any meeting records should be given to the employee, although in certain circumstances some information may be withheld, for example to protect a witness.
- 10.3 Any formal notifications of unsatisfactory performance must remain on an employee's personnel file for twelve months after satisfactory performance has been achieved. If there is no subsequent recurrence of underperformance with this twelve month period then the documentation must be removed from personal files.
- 10.4 In serious circumstances, it may be deemed necessary to retain the documentation for a further period in a sealed, signed envelope. This would include all cases where the capability related to clinical actions or omissions or legal action stemming from under performance remains a possibility. In such circumstances, the decision to retain the documentation must be reviewed annually.
- 10.5 Where an employee leaves the Trust before any investigation is completed and it is not possible to determine if there is a case to answer, a file note will be kept to enable any reference provided for the employee to indicate that there is an unresolved investigation into alleged under performance. Such references must be fair and accurate but will state that procedures have not been completed reflecting the position at that time.

## **11. Raising a Grievance**

- 11.1 If the employee has an objection in relation to the manager's attitude or believes that the capability procedures are being applied for other reasons than they are intended, then such concerns should be raised using the grievance procedure. It may be appropriate to suspend the capability procedure for a short period until the grievance can be considered.

## **12. Statutory Bodies**

- 12.1 In the interest of protecting patients, the Trust must report to the relevant statutory body (e.g. NMC, GMC) concerns about an employee's professional unfitness to practise, including concerns about a practitioner's health. This will usually be undertaken by the professional lead, in conjunction with the Human Resources Department.

## **13. Breaches of Policy**

- 13.1 Where there is a significant breach of this policy, the HR Operations Team must consider whether that breach should be reported under the Trust's Datix reporting procedure.

## **14. Audit and Monitoring**

- 14.1 This policy will be subject to an annual audit.
- 14.2 The Director of Human Resources will ensure that the arrangements for reviews are in place.
- 14.3 The policy and procedure may be reviewed through the JCNC, at the request of either party and with a view to reaching agreement.

- 14.4 Feedback received from all users (managers and members of staff) will be collated by Human Resources and discussed at the Policy Sub-Group as part of the review process and will include any relevant Employment Law updates regularly.
- 14.5 Information regarding the underperformance of an employee will be recorded on the Electronic Staff Record (ESR) system under capabilities with reasons, names of those involved, dates and outcome.
- 14.6 Reporting of capability matters will be provided to the Board as required.

## **15. Communication and Implementation**

- 15.1 Staff will be made aware of this policy through reference at Corporate Induction, dissemination via Staff Focus and HR Focus. The document will be stored for access to all on the Trust Intranet under HR Policies.

## **16. Pensions Auto Enrolment**

- 16.1 Since 1<sup>st</sup> July 2013 the Trust has an obligation to assess all workers and their individual position within the organisation. This being the case, staff need to be aware that any changes to pay under this policy may affect their Pensions Auto Enrolment Status.

## **17. Review**

- 17.1 This policy and procedure will be reviewed within 24 months of its agreement and bi-annually thereafter. Any additional amendments will be made in accordance with any changes in legislation.

## **18. Equality Impact Assessment**

- 18.1 The Trust is committed to the provision of a service that is fair, accessible and meets the needs of all individuals. An Equality Impact Assessment is attached at Appendix 2.

## **19. References**

- 19.1 The Employment Rights Act 1996
- 19.2 The ACAS Code of Practice on Disciplinary and Grievance Procedures 2015
- 19.3 Data Protection Act 1998
- 19.4 Equality Act 2010

Appendix 1

Capability Action Plan Record

**Any agreed objectives should be Specific, Measurable, Achievable, Relevant and Time Bound**

<p><b><u>Specific</u></b> Provide details of the agreed objective. What should be achieved?</p>	<p><b><u>Measurable</u></b> What will demonstrate whether an objective has or has not been met?</p>	<p><b><u>Achievable</u></b> How will the objective be achieved? What steps will the staff member need to take to achieve these?</p>	<p><b><u>Relevant</u></b> How will this objective assist the employee in achieving the required standard of performance?</p>	<p><b><u>Time Bound</u></b> Set out the time in which the objective is to be achieved. Will there be review periods? What is the final review date?</p>
<p><b><u>Example</u></b> To impart information in an appropriate and timely manner for their role</p>	<p>That the employee communicates in an appropriate manner for the situation/their grade/role in a timely fashion – the employee will need to evidence this.</p>	<p>This will be achieved by the employee with support from line management taking actions to meet the required standard. E.g Work shadowing a successful communicator.</p>	<p>They will have improved their communication skills, and can demonstrate the required standard for their role.</p>	<p>By XXXX Date First review in 1 month Second review in 2 months Final review 3 months</p>
<p>1)</p>				
<p>2)</p>				
<p>3)</p>				

4)				
5)				

**Signed: (Manager)** \_\_\_\_\_ **Employee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print name: (Manager)** \_\_\_\_\_ **Employee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Equality Impact Assessment (EIA)**Title of document being impact-assessed: **Capability Policy**

<b>Equality or human rights concern. (see guidance notes below)</b>	<b>Does this item have any differential impact on the equality groups listed? Brief description of impact.</b>	<b>How is this impact being addressed?</b>
<b>Gender</b>	Impact of the policy is neutral	
<b>Race and ethnicity</b>	Impact of the policy is neutral	
<b>Disability</b>	Staff with disabilities, including but not limited to learning disabilities, physical disabilities, sensory impairment and mental health problems may unfairly present as having a capability issue.	The Trust will always take account of any disability issues when applying the capability process and involve Occupational Health as appropriate. Additionally, the Trust recognises its duty to make reasonable adjustments to support staff in reducing the impact of their disability in their work environment.
<b>Religion, faith and belief</b>	Impact of the policy is neutral	
<b>Sexual orientation</b>	Impact of the policy is neutral	
<b>Age</b>	Impact of the policy is neutral	
<b>Transgender people</b>	Impact of the policy is neutral	
<b>Social class</b>	Impact of the policy is neutral	
<b>Carers</b>	Impact of the policy is neutral	

Date of assessment: **May 2016**Names of Assessor (s).....**Nona Stevenson**.....  
.....