

Capability Policy and Procedure

Board library reference	Document author	Assured by	Review cycle
P083	Director of HR	Quality & Standards Committee	3 Years

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1. Introduction and scope

This policy and procedure applies to all employees of Avon and Wiltshire Mental Health Partnership NHS Trust, except as directed by the Department of Health document “Maintaining High Professional Standards in the Modern NHS” for medical staff, which sets out separate procedures and criteria for their application in certain circumstances.

Other workers will be subject to the procedures laid out in any written agreement that exists between the Trust and/or the worker and/or the agency through which they work. This procedure will not apply to agency workers and independent contractors, including Bank workers.

Separate procedures exist for managing employees under managing absence and attendance and for managing conduct.

2. Purpose

Managers have responsibilities for the careful selection and induction of new members of staff, for ensuring that all employees are aware of the standards required of them in terms of work performance and for ensuring they are adequately trained for the jobs they are employed to perform.

Employees have a responsibility to achieve and maintain the standards that have been outlined to them, to co-operate with their managers in identifying development needs and to act on them. The policy intends to ensure that any performance concerns are addressed using a fair and supportive approach with an aim to resolving issues if possible.

This policy is not intended to prevent the normal supervisory process where managers allocate work, draw attention to errors and poor quality, monitor performance and, more importantly highlight high standards of work. This process may include informal assistance in achieving improvement to the required standard.

3. Definition of capability

Capability refers to an employee's skills, aptitude, ability and knowledge in relation to the job that they are employed to do. Lack of capability will normally lead to unsatisfactory performance and it is therefore important to ensure that any capability issue is identified and rectified quickly. This procedure is designed to assist where poor performance indicates a lack of ability or skill and to provide an environment in which such issues can be addressed constructively and in the interests of all parties.

Capability is different from misconduct, in that it refers to situations where an employee is genuinely trying to perform to the required standard but is incapable of doing so. It is not a deliberate failure to perform, poor attitude, or failure to meet standards as a result of carelessness, negligence or idleness; these matters are matters of misconduct. Where poor performance is considered to be due to unwillingness to carry out duties properly, rather than inability to do so, it is appropriate to follow the [Disciplinary Policy and Procedure](#). Where poor performance relates to ill health, the [Managing Attendance and Absence Policy and Procedure](#) should be followed.

4. Deciding whether the matter is one of capability or conduct

Sometimes it can be difficult to establish whether the matter relates to a person's conduct or their capability. In these circumstances, the person's manager will need to establish the answer through investigation or counselling. There should be no automatic assumption that the matter relates to a person's conduct.

In some circumstances, an employee may have both capability and conduct issues. In these circumstances, the manager should keep the issues separate and deal with each issue under the appropriate policy. Advice should be sought from the HR team.

5. Possible causes of incapability and solutions

Early intervention where poor performance is identified is essential as it enables a supportive approach to be taken.

In order to effectively manage incapability, managers should attempt to ascertain the cause of the problem. Causes can include:

- Inadequate or insufficient training, systems, policies and procedures, tools/equipment, supervision/support
- A lack of clarity about the job role, objectives, management instructions
- Excessively high workloads
- Poor working relationships or bullying/harassment
- Ill health or personal problems

Possible solutions, therefore, may include coaching the employee, reviewing systems, policies, procedures, supervision and support, fixing faulty equipment, reviewing workloads, clarifying job roles/instructions, providing additional training to the employee or training their supervisor on particular aspects of people management.

6. Supporting high performance

All new starters should receive an appropriate induction to the Trust, through the [Trust Induction programme](#) followed by a local induction to their team and their role.

All new employees of Trust, except for medical staff, are subject to a six month probationary period in line with the [Probationary Period Policy](#).

Managers should ensure that the [appraisal process](#) is followed for all staff and used to review performance and the achievement of agreed objectives.

Staff should be given regular specific and constructive feedback on their performance and feedback should not be limited to the annual appraisal. All staff should receive regular supervision in line with the [Staff Supervision Policy](#). Any performance deficiencies or omissions identified should be discussed with the member of staff at the earliest opportunity so that these can be corrected quickly and as such prior written notice of a meeting is not required. However, it is important that the employee is aware that these informal discussions are a part of the performance management process and represent the Informal Stage. This should be documented in correspondence to the employee.

7. Informal performance management

Managers should continually monitor the performance of all members of their staff.

Where the performance of an employee is deemed to be inadequate, the manager should arrange to meet with the employee informally in the first instance. The purpose of the meeting is to discuss the poor performance with the member of staff, in order to:

- Make the employee aware of the issues and the effect on the organisation
- Attempt to establish the cause/s
- Obtain the employee's perspective on the matter
- Clarify expected standards
- Identify solutions
- Identify realistic, measurable targets and the period over which these should be achieved and sustained (normally between 6 and 12 weeks) to achieve a satisfactory improvement in the employee's performance and conclude the process at this stage.

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- Confirm what methods will be used to assess the employee's performance
- Confirm when the performance standards will be reviewed and the frequency of reviews (i.e. weekly, monthly, etc).
- Confirm that formal action could be taken if the required improvement is not satisfactorily achieved and sustained.

An example outline of such a meeting is set out at Appendix 1. A note will be kept of the meeting and the solutions/other outcomes identified. This note will be made available to the employee. In addition, an action plan should be agreed and copy given to the employee (see Appendix 3 for example action plan).

Some possible solutions are detailed in section 5. The solutions should, where possible, be agreed between the employee and the manager. Where it is not possible to reach agreement, the manager will need to carefully assess the situation and decide what solutions are appropriate in the circumstances, taking account of the employee's perspective on the matter.

It is important that after the informal stage, the manager continues to provide day-to-day management and ensures that the employee is appropriately supported to help them achieve and maintain the required standard.

In exceptional circumstances, it may be possible to proceed directly to the formal/final formal stage without having completed the preceding steps. This might occur where the employee's performance has had, or is liable to have, a serious or harmful impact on the organisation.

8. Formal performance management

If, despite support the employee is unable to reach and/or maintain the required standard of performance, the consequences of failure to do so should be set out in writing to the employee, using a series of formal stages, which are cumulative and follow the sequence set out below:

- Formal Stage One and Development Phase
- Final Formal Stage Two: Possible Dismissal/Alternatives to Dismissal

The flowchart at Appendix 2 shows an overview of the capability management procedure.

The Formal Stage will consist of an action plan, setting out the actions required by both the employee and their manager to bring about an improvement in the situation. There will be a development phase that will continue during the period that the formal action is active. This phase will be for the employee to demonstrate sustained improvement and for the manager to ensure they continue to assess the employee's needs, providing tailored support to the individual and continually assessing their capability.

Formal action will normally remain active for between 3 and 6 months and, once expired, will be removed from an employee's formal record.

In order to progress to the next increment on the pay scale or maintain the spine point at the top of Bands 8c, 8D and 9, all staff need to demonstrate that they have met the objectives set out in their previous appraisal. Where formal performance issues are in place at the time of the appraisal, increment progression will be deferred.

8.1 Formal stage one and development phase

If, despite support being provided during the informal stage of the procedure, the employee is unable to reach and/or maintain the required standard of performance, the manager may convene a formal performance review meeting.

If, having taken account of all the circumstances, the chair of the performance review meeting considers it appropriate, the employee may be placed on the Formal Stage One of this procedure. The decision will be confirmed in writing, setting out the nature of the problem, and an action plan (see Appendix 3), detailing the action required of both the employee and the manager, including details of the improvement required, the targets and timescales for review,

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clarifying the fact that the employee may be dismissed at the next stage of the procedure if the employee does not attain the required standard of performance and sustain this. The possible actions should have been discussed in the meeting and should be agreed by both parties.

The action plan will be complemented by a development phase, which will continue for the period that the Formal Stage is active (between 3 and 6 months). The purpose of the development phase is for the employee to demonstrate sustained improvement and for the manager to ensure they continue to assess the employee's needs, providing tailored support to the individual and continuous assessment of their capability. Details of this phase, such as supervision meetings, should be planned and set out in the action plan, where possible. Additional action, such as demotion or redeployment, may be taken, as set out in section 14 of this procedure.

8.2 Final formal stage two: Possible dismissal/alternatives to dismissal

If, despite the Formal Stage One and Development Phase and having been offered appropriate support, the employee is unable to reach and/or maintain the required standard of performance, the manager may convene a Final Formal Stage Two performance review meeting, the arrangements for which are set out below at section 14.

If, having taken account of all the circumstances, the chair of the performance review meeting considers it appropriate, the employee may be dismissed and will have the right to appeal against their dismissal. The chair of the panel must have considered alternatives to dismissal and be able to explain why these were not pursued if they decide to dismiss the employee. If a performance review meeting could lead to dismissal, the chair of the meeting must have authority to dismiss. Details of managers with authority to dismiss are set out in the Trust's Disciplinary Policy.

9. Right to be accompanied

At all meetings under the formal action section of this policy and procedure, the employee has the right to be accompanied in line with the Trust's Policy on the Right of Staff to be Accompanied. It is the employee's responsibility to arrange their own representation.

10. Failure to attend meetings

Trust employees will be expected to take reasonable steps to attend all meetings, whether as the employee concerned or as a witness. If the employee concerned fails to attend without good reason the meeting/hearing may take place in their absence if they have failed to attend once before. An employee may nominate a representative to attend in their absence if the nominated representative can fully represent the evidence through personal experience.

If a meeting/hearing is arranged but appropriate representation cannot be obtained, the employee may request the meeting/hearing be rescheduled and they should provide to the manager details of alternative dates and times over the five days following the original date of the meeting/hearing that they and their representative will be available. Failure to do so may mean the meeting/hearing being rescheduled in the absence of information on the employee and their representative's availability.

Appropriate weight shall be given to the evidence of any witness that fails to attend a meeting/hearing and their reasons for non-attendance will be taken into account, if known.

11. Grievances

During the application of this policy and procedure, if a grievance is raised that relates to the employee's capability issues or their management, the Trust will consider how best to proceed. The Trust recognises the merit of resolving all issues as quickly as possible and will therefore normally attempt to deal with both matters at the same time under this procedure and, if necessary, consider appointing an alternative, neutral manager. The Trust may also consider suspending the capability procedure for a short time whilst the grievance is dealt with under the

[Grievance Procedure](#), where applicable. HR advice regarding grievances should be sought and reference should be made to the Grievance Procedure in relation to matters that are specifically excluded from its scope.

12. Witnesses and observers

If the manager is relying upon evidence from a witness, the witness's statement should also be supported by their attendance at the performance review meeting. It is the manager's responsibility to arrange the attendance of their witnesses.

If the employee concerned and their representative wish to call witnesses at the performance review meeting, they will be responsible for arranging witnesses' attendance.

Observers may be present at meetings, for example, for training purposes. However, it will be at the discretion of the Chair whether to admit observers to the performance meeting, with the agreement of all parties. Observers will not be permitted to contribute to the meeting.

13. Documents to be used at performance review meetings

Both the manager and the employee and their representative will have the opportunity to submit documents for use at the performance review meeting/appeal hearing. These documents will be distributed to all attendees within five working days of the meeting/hearing.

The documents submitted by the manager at a performance review meeting should include all the evidence gathered, including the job description and person specification for the role, witness statements, examples of unsatisfactory work, notes of investigation meeting(s) and evidence of having completed earlier stages of the procedure. This information, together with the rationale for the chairperson's decision, should also be submitted by the manager at an appeal hearing.

14. Performance review meetings

14.1 Final stage two performance review meetings

The procedure to be followed at a final formal stage performance review meeting is detailed in Appendix 4.

The final formal stage performance review meeting will be chaired by a neutral manager, who will be assisted by a member of the Employee Relations team. Specialist advisors to the panel may be appointed, for example, if the chairperson is from a non-nursing background and the matters being examined may require specialist nursing advice.

The chairperson and their advisors (this includes HR and any specialist advisors in attendance, as detailed above) will all equally be able to participate in proceedings. However, the responsibility for making the final decision will rest with the chairperson. The chairperson will also be responsible for ensuring the procedure followed is fair and that the circumstances of the matter are appropriately established to enable them to reach an appropriate decision. The HR representative will be able to provide further advice on these points.

The meeting chairperson is responsible for the conduct of the meeting and may at any stage decide to adjourn/adapt proceedings to ensure fairness and clarity on any points.

The chairperson will fully consider all the information presented to them by the employee and their representative and the manager, together with relevant advice from the panel advisor/s in deciding whether to take formal action, no action or to make other recommendations, for example to improve practice or the working environment. In some exceptional circumstances, this may include a recommendation to discuss the possibility of redeploying an individual; however, any move would be made in agreement with the employee.

14.2 Performance review meetings: General information

If the chairperson decides to take formal action, they may also impose one or more of the following outcomes:

- **Redeployment**

Redeployment of the employee concerned to an alternative role/work base, with the agreement of the individual. The process to be followed will emulate the individual consultation and redeployment phase set out in the Trust's Organisational Change Policy. The Trust's Pay Protection Policy on protection of basic pay will also be followed, where applicable. If, following a 28-day period, agreement cannot be reached on a suitable alternative, the employee may be required to move without agreement or returned to their original place of work.

- **Deferral of Incremental Pay Progression**

In accordance with Sections 6.26 and 6.27 of the Agenda for Change: NHS Terms and Conditions of Service Handbook, if there are significant weaknesses in performance that have not been resolved despite opportunities for appropriate training/development and support, pay progression may be deferred until the problems are resolved. Significant weaknesses are defined as those that prevent a staff member from continuing to apply consistently, across a recognised normal workload, the knowledge and skills specified under the essential requirements of the role without continued supervision and support appropriate to the post.

- **Demotion**

Staff who have been promoted and are unable to perform at that level may be demoted without pay protection if, despite being afforded appropriate opportunities to enable them to perform at the higher level, they cannot do so. This option can only be pursued with the agreement of the individual concerned.

- **Appropriate Training and Development**

As detailed in the Appraisal and agreed Action plans.

The outcome of the meeting and reasons for the decision, will normally be set out in writing to the employee within five working days of the review meeting.

The arrangements set out above are the standard arrangements for all performance review meetings. However, at a Final Stage Performance Review Meeting, the meeting chairperson may also consider dismissal as a sanction.

15. Appeals at final formal stage two

Where formal action is taken at the final formal stage, the employee concerned has the right to appeal against the Chair's decision within 21 calendar days of the date of the letter confirming the outcome of the hearing, using the Appeal Proforma at Appendix 5. Both the employee's intention to appeal and their detailed grounds for the appeal must be submitted at this stage. Failure to do so may mean that an appeal is not heard.

The purpose of an appeal hearing is normally to review the decision made by the performance review meeting chairperson. However, in some exceptional circumstances, for example, where the appellant identifies new evidence that came to light after the final performance review meeting or where the appeal panel chairperson has a reasonable belief that the appellant has established a prima-facie case to demonstrate that the final performance review meeting may have been rendered unfair due to procedural irregularities, an appeal may take the form of a re-hearing. The decision on whether to hear a full or part appeal re-hearing rests with the appeal hearing Chair. New evidence may only be submitted at an appeal re-hearing and both parties may only call witnesses to an appeal re-hearing. Requests for a re-hearing and the grounds for such a request should be submitted by the appellant along with their grounds for appeal. The procedure to be followed at an appeal review hearing is detailed in Appendix 6 and that for an appeal re-hearing is detailed in Appendix 7.

The appeal hearing panel shall consist of a chairperson, who will usually be more senior than the chairperson of the performance review meeting, against whose decision the employee is appealing. The chairperson should not have been involved in the preceding stages of the

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procedure. The chairperson will be assisted by the Director of HR (or their nominated representative).

Specialist advisors to the panel may be appointed, for example, if the chairperson is from a non-nursing background and the matters being examined may require specialist nursing advice.

The chairperson and their advisors (this includes the HR advisor and any specialist advisor in attendance, as detailed above) will all equally be able to participate in proceedings. However, the responsibility for making the final decision will rest with the chairperson. The chairperson will also be responsible for ensuring the procedure followed is fair and that the circumstances of the matter are appropriately established to enable them to reach an appropriate decision. The HR representative will be able to provide further advice on these points.

The chairperson will fully consider all the information presented to them by both the employee and their representative and the manager, together with relevant advice from the panel members and advisor/s in deciding whether to uphold the decision of the performance review meeting chairperson.

The chairperson may decide to uphold/overturn the decision of the performance review meeting chairperson and may reduce/increase the level of sanction and/or remove/add other requirements, for example, redeployment, training/development, or some other intervention, as detailed above in section 14.

The appeal hearing chairperson is responsible for the conduct of the meeting and may at any stage decide to adjourn/adapt proceedings to ensure fairness and clarity on any points.

The decision of the appeal hearing chairperson will be final and the employee will have no further recourse to have the matter further examined under any Trust procedures.

16. Review of this policy

This policy will be reviewed every three years by the Human Resources Department in conjunction with Staff Side Representatives.

17. Associated & related procedural documents

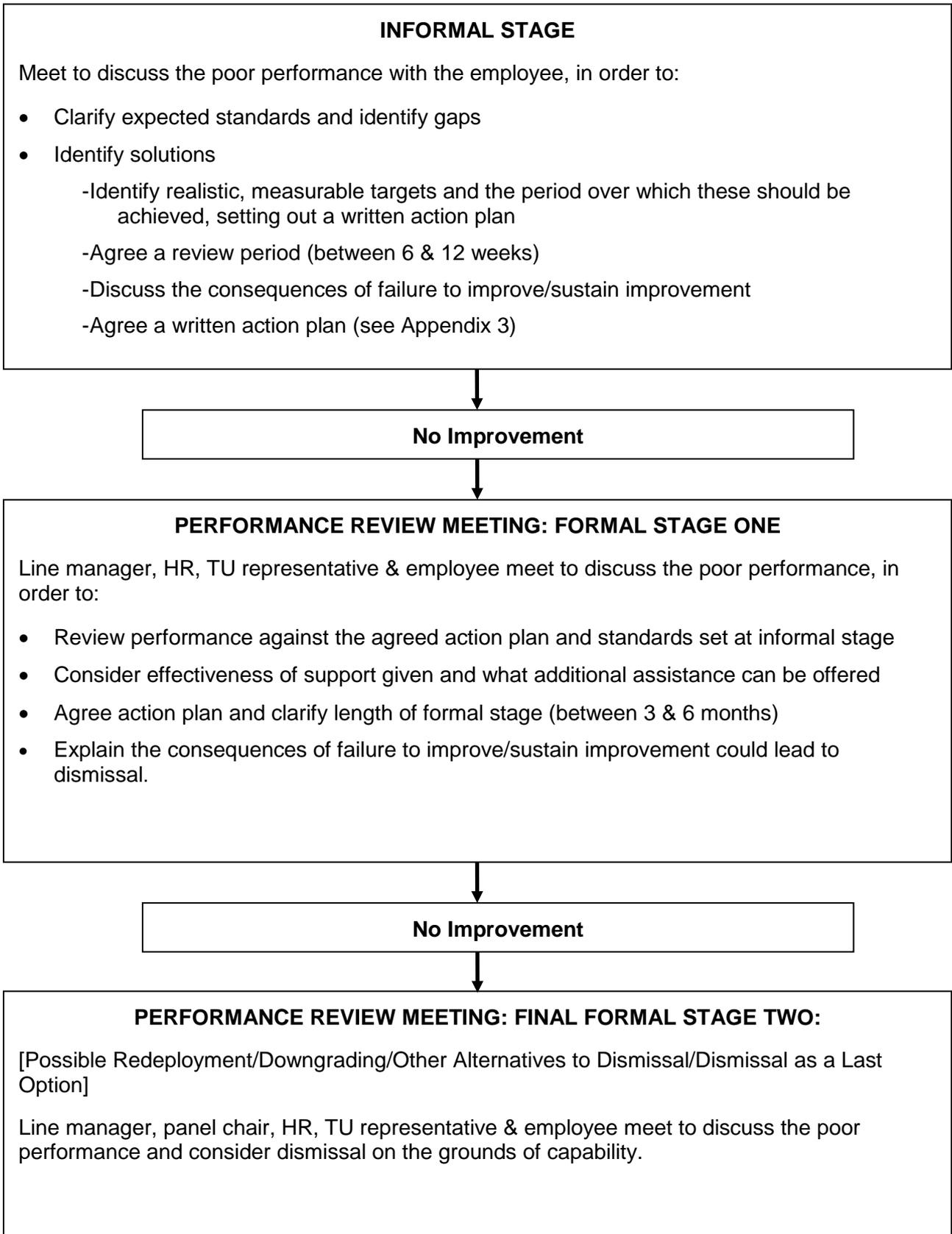
- [Appraisal Policy](#)
- [Staff Supervision Policy](#)
- [Induction Policy](#)
- [Probationary Period Policy](#)
- [Managing Attendance and Absence Policy](#)
- [Disciplinary Policy and Procedure](#)
- [Grievance Policy and Procedure](#)

Appendix 1: Outline of Informal Meeting

The following is an example outline of an initial, informal stage meeting:

- Explain that the meeting is to discuss the employee's job performance and that the meeting is of a counselling and investigatory nature, and not part of the disciplinary procedure.
- At the meeting, clearly state the nature of the problem and explain why it is a problem, for example the consequences for the Trust when the employee makes mistakes or misses deadlines.
- Give the employee specific examples of instances where their performance has fallen below the required standard or where tasks have not been completed on time or satisfactorily.
- Remind the employee that they are not being blamed for the problem and that you are on the employee's side.
- Seek the employee's agreement that there is a problem with certain aspects of their performance.
- Ask the employee what they think the root cause of the problem is.
- Consider any mitigating factors put forward, for example problems in the employee's personal life.
- Restate what is expected in terms of job duties, outputs and targets. Avoid assuming that the employee knows everything that is expected of them.
- Ask the employee's opinion on what they can do to achieve improvement in performance.
- Seek to agree specific action points with the employee, the details of which will depend on whether or not any specific cause of unsatisfactory performance has been identified.
- Agree a timescale for the improvement to be achieved (between 6 and 12 weeks).
- Arrange training and development where appropriate.
- Schedule a follow-up meeting to review the employee's performance and make sure that the meeting takes place.
- Keep a record of the meeting and what has been agreed and write up and agree an action plan (see Appendix 3).

Appendix 2: Flowchart of the Capability Management Procedure



Appendix 3: Example Action Plan

Target Area	Expected Standard/level of Proficiency	Gap	Agreed Actions	Who Will Provide Support?	Timescale	Review Date	Date to Achieve Expected Standard/Level of Proficiency
Completion of care plan details on Rio	Record detailed updates of all contact on RIO within 24 hours, including assessment details and agree plans	50/80 records currently incomplete 20/80 records not updated No consistent record for other practitioners to refer to regarding the outcomes of the reviews or the agreed action plans	Further training on RIO Protected time each day to complete records and familiarise self with the new system Support from designated RIO lead Commence and complete ECDL training to improve IT literacy	L&D Department Line Manager to arrange Local RIO Lead L&D Department	Within 1 month Ongoing for one month Ongoing Commence course within 3 months and complete within a year	1 month 1 month 3 months 3 months	Within 3 months

This action plan has been agreed by:

Name of Manager:..... Signed:..... Dated:.....

Name of Employee:..... Signed:..... Dated:.....

Appendix 4: Procedure at a Final Stage Two Performance Review Meeting

At a final stage performance review meeting the following procedures shall be observed:

- The investigating manager shall state the case in the presence of the employee and their representative and may call witnesses.
- The employee and/or her/his representative shall have the opportunity to ask questions of the investigating manager and their witnesses.
- The members of the performance review meeting panel shall have the opportunity to ask questions of the investigating manager and witnesses.
- All parties shall have the opportunity to cross-examine the witnesses on any matter referred to in their examination by members of the panel, the investigating manager and the employee or their representative.
- The employee and/or their representative shall put their case in the presence of the investigating manager and may call witnesses.
- The investigating manager shall have the opportunity to ask questions of the employee, their representative and their witnesses.
- The members of the panel shall have the opportunity to ask questions of the employee, their representative or their witnesses.
- All parties shall have the opportunity to re-examine her/his witnesses on any matter referred to in their cross examination by members of the panel, the employee/their representative or the investigating manager.
- The investigating manager and the employee or their representative shall have the opportunity to sum up their cases if they so wish. The employee and/or their representative shall have the right to speak last. In their summing up neither party may introduce any new matter.
- Nothing in the foregoing procedure shall prevent the panel from questioning witnesses, management and staffside as appropriate to clarify issues or seek supplementary information, manage the conduct of the case presenters or to amend proceedings to ensure fairness, clarity and the ability to hear the matters appropriately.
- If at the outset, the employee concerned admits the matter and does not contest the evidence presented by the investigating manager, the panel chairperson may decide, with the agreement of all parties, to amend the procedures and hear evidence solely relevant to the level of sanction, for example, on mitigating circumstances and the seriousness/consequences of the underperformance, in order to determine the appropriate outcome.
- The panel may, at its discretion, adjourn the meeting in order that further evidence may be produced by either party or for any other reason. If further evidence is produced then both parties will have the opportunity to test the evidence put before the panel.
- The investigating manager, the employee and their representative shall withdraw. Witnesses will only have been present whilst giving their evidence and will leave the meeting immediately afterwards.
- The panel shall deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.

Appendix 5: Appeal Proforma

Important: You are required to complete this form and send it to the Director of HR within 21 calendar days of the date of the letter confirming the outcome of the final performance review meeting.

(Please complete the form using BLOCK CAPITALS)

Please State The Grounds Of Your Appeal

Please continue on a separate sheet if necessary.

Please State Your Name, Address & Telephone Number(s)

Name:

Address:

.....

Telephone:

Please State Your Job Title, Grade & Your Department/Locality

Job Title:

Grade:

Department:

Locality:

If A Representative Has Agreed To Act For You In This Case, Please Give His/Her Name And Address Below

Name of Representative:

Union or Organisation:

Address:

.....

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Telephone:
<i>Please note you are advised to consult your representative before submitting this completed form.</i>
Signed:
Date:

Once you have formally lodged your Appeal, it will be acknowledged in writing.

Appendix 6: Procedure at an Appeal Review Hearing

At the hearing of a review of the decision made following a performance review meeting, the following procedures should be observed:

- The appellant and/or their representative shall put their case in the presence of the Trust's representative.
- The Trust's representative and members of the Appeal Panel shall have the opportunity to ask questions of the appellant and/or their representative.
- The Trust's representative shall state the Trust's case in the presence of the appellant and their representative.
- The appellant and their representative and members of the Appeal Panel shall have the opportunity to ask questions of the Trust's representative.
- The Trust's representative and the appellant or their representative shall have the opportunity to sum up their cases. In their summing up neither party may introduce any new matter.
- Nothing in the foregoing procedure shall prevent members of the Appeal Panel from seeking to clarify any points from either party, managing the conduct of the case presenters or amending proceedings to ensure fairness, clarity and the ability to hear the matters appropriately.

Appendix 7: Procedure at an Appeal Rehearing

At an Appeal Rehearing the following procedures should be observed:

- The appellant and/or their representative shall put their case in the presence of the Trust's representative and may call witnesses.
- The Trust's representative shall have the opportunity to ask questions of the appellant, their representative and witnesses.
- The members of the Appeal Panel shall have the opportunity to ask questions of the appellant, their representative and/or their witnesses.
- The appellant and/or their representative shall have the opportunity to cross examine their witnesses on any matter referred to in their examination by members of the Appeal Panel or the Trust's representative.
- The Trust's representative shall state the Trust's case in the presence of the appellant and their representative and may call witnesses.
- The appellant and their representative shall have the opportunity to ask questions of the Trust's representative and witnesses.
- The members of the Appeal Panel shall have the opportunity to ask questions of the Trust's representative and witnesses.
- The Trust's representative shall have the opportunity to cross examine the witnesses on any matter referred to in their examination by members of the Appeal Panel, the appellant or their representative.
- The Trust's representative and the appellant or their representative shall have the opportunity to sum up their cases if they so wish. The appellant or their representative shall have the right to speak last. In their summing up neither party may introduce any new matter.
- Nothing in the foregoing procedure shall prevent the Appeal Panel from questioning witnesses, management side and staffside as appropriate to clarify issues or seek supplementary information
- The Panel may, at its discretion, adjourn the appeal in order that further evidence may be produced by either party or for any other reason.
- The Panel Chair has discretion over the calling of witnesses, the conduct of the case presenters, amending proceedings to ensure fairness, clarity and the ability to hear the matters appropriately and any policy decision arising from the procedure.
- The Trust's representative, the appellant and their representative and witnesses (who will only have been present whilst giving their own evidence) shall withdraw.
- The Panel shall deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.

Appendix 8: Authority to Conduct Final Stage Performance Review Meeting

Officers with the authority to dismiss under this policy are listed as dismissing officers in the Trust Disciplinary Policy.

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Version History				
Version	Date	Revision description	Editor	Status
1.0	24/09/ 2008	Approved by AWP Board	AM	Approved
1.1	01/09/2009	Amendment to passages concerning representation following adoption of Policy Concerning Staff Accompaniment. No change in review date.	AM	Approved
2.0	04/10/ 2011	Amendments approved by QHCG Committee on 4 October 2011	TW	Approved
2.1	21/09/2012	Request to defer policy review date until February 2013 approved by MWMG on 8 August 2013 and noted by ESEC on 21 September 2012.	TW	Approved
3.0	08/03/2013	One year review of policy. Agreed by GNG on 29 th January 2013. ESEC approved amendments on 8 March 2013.	TW	Approved
4.0	08/05/ 2014	<i>Policy previously titled Managing Poor Performance Policy.</i> Policy revised and approved by Employee Strategy and Engagement Committee	ES	Approved
4.1	19/11/ 2015	Corrections to appeal process and amendment to frequency of review at informal review stages. Policy moved to new template on publication.	JB	Approved
5.0	23/06/2107	Policy revised Approved by Deputy CEO & Director of Nursing & Quality	Employee Relations Specialist	Approved