



West Yorkshire
Fire & Rescue Service

Capabilities Procedure (Green) HRNFG001

OFFICIAL

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1 INTRODUCTION

- 1.1 West Yorkshire Fire Authority will endeavour to ensure that all employees are adequately trained and competent to undertake their duties. Where an employee's ability to perform the duties of his/her post, in terms of skill, aptitude, qualifications, or mental or physical qualities is giving rise to concern, the situation will be investigated and action taken including the normal sort of informal guidance given by a supervisor on a day-to-day basis.
- 1.2 The Capability Procedure covers all 'Green Book' employees of the Authority and forms part of their contract of employment.
- 1.3 This procedure does not apply to those matters of conduct which are dealt with under the terms of the Disciplinary Procedures (Green).

2 PROCEDURE - STAGE 1

- 2.1 Where an employee's ability to perform the duties of his/ her post is in question the Unit Head or Station Manager, will arrange a meeting to discuss the matter with the employee.
- 2.2 The employee will be given notice of the nature of the proposed meeting and will be allowed every opportunity during the meeting to state his/her point of view. This meeting may highlight other factors for consideration that had hitherto not been available.
- 2.3 At this meeting the employee may be accompanied by a trade union representative or work colleague.
- 2.4 Management will state in clear terms the details, (including examples), of inadequate performance in the letter inviting the employee to the meeting.
- 2.5 If, during the meeting, the inadequate performance is identified as arising from an identifiable or suspected physical or mental condition, management may refer the matter to the Authority Medical Adviser (AMA) for an opinion on the condition and ask for a prognosis on duration and/or rehabilitation.
- 2.6 Should the AMA identify illness, injury or other physical or mental cause for the incapability of the employee, but expresses the opinion that it is short term in nature, management should proceed to paragraph 2.9 and produce an action plan designed to support the employee whilst affected by the condition.
- 2.7 In cases where an employee is diagnosed as suffering from a long term medical disability management may consider the termination of the contract in accordance with the ill health capability procedure.
- 2.8 Where inadequate performance is identified in the meeting as arising from a lack of ability or ineffectiveness, management should agree a specific action plan, with the employee, for dealing with this incapability problem.
- 2.9 The purpose of the agreed action plan will be to;
 - make the employee aware of the standard to be achieved
 - set a realistic timescale within which an improvement is to be achieved, with due regard to the employees age, length of service and particular problem

- identify all the necessary training and supervision to be provided to assist in effecting an improvement
- ensure that all staff involved implement, and are fully briefed on their part of the action plan
- plan regular review meetings with the employee concerned and
- agree an appropriate method of monitoring

2.10 Managers should consult with the Corporate Human Resources Manager to discuss appropriate timescales with regard to the action plan in order that consistency of application is achieved.

2.11 Management will make an agreed record of the initial meeting, action plan and subsequent interviews/review meetings, and make a copy available to the employee to ensure there is clarity about the exact terms of the agreement. This will also be placed on the employee's Personal Record File (PRF)

3 PROCEDURE - STAGE 2

3.1 At the conclusion of the agreed timescale a review meeting will be held with the employee concerned who may be accompanied by a trade union representative or a work colleague.

3.2 The meeting will take place within 5 working days of the conclusion of the timescale specified in the agreed action plan. The employee concerned will receive adequate notice of the proposed meeting, which will include details of any specific issues to be discussed.

3.3 If the satisfactory improvement required within the terms of the action plan is achieved then following the meeting, the employee will be informed in writing that he/she has reached the required level of capability. A copy of this letter will also be placed on the employee's PRF.

3.4 Should the standard required not be achieved by the employee, consideration may be given to the extension of the action plan or an alternative action plan may be drawn up.

3.5 The employee will be informed personally and in writing of any proposed action.

4 PROCEDURE - STAGE 3

4.1 After the above processes have been exhausted, and it is identified that the required improvement will not be achieved, then it will be necessary to progress the matter to the Area Manager or Executive Officer of the appropriate function group who will arrange a meeting with the employee.

4.2 The Area Manager or Executive Officer will consider whether any further action should be taken which may include dismissal on capability grounds.

4.3 The employee will be informed in writing of the date, time and venue of this meeting.

4.4 The employee will have the right to be accompanied by a trade union representative or work colleague and to call witnesses and produce further relevant information.

4.5 Any documentary evidence, produced by either party, will be made available prior to the meeting.

- 4.6 The Area Manager or Executive Officer will listen to representations from both management and the employee, and consider any documentary evidence. A written record will be kept of the meeting and may be referred to in the event of an appeal.
- 4.7 If the Area Manager or Executive Officer decides that the employee is not capable of undertaking the duties and responsibilities of the post held, despite all measures to facilitate improvement, then he/she will consider the following alternatives.
- Transfer the employee to suitable alternative employment elsewhere in the Authority
 - Demotion of the employee to a lower graded post
 - Dismissal on the ground of incapability with an appropriate contractual period of notice under the Employment Relations Act 1999
- 4.8 The employee will be notified in writing of the Area Manager or Executive Officer's decision, together with reasons for that decision, its consequences and the right of and procedure for appeal.

5 APPEALS PROCEDURE

- 5.1 An employee has the right of appeal against dismissal, demotion or transfer for reasons of incapability to a Director.
- 5.2 If the employee wishes to appeal he/she must do so within 10 working days of the receipt of the written notification of the decision.
- 5.3 Appellants will have the right of appearing before the Director accompanied by their trade union representative or a work colleague. They will be able to call witnesses and produce any relevant information.
- 5.4 Documentary evidence produced by either party will be made available for the other party as soon as is reasonably practicable in the circumstances.
- 5.5 Appellants will be given in writing at least 10 days' notice in advance of the time and place of the appeal hearing.
- 5.6 The decision of the Director will be communicated to the appellant in writing as soon as is practicable.
- 5.7 If the appeal is not upheld, the decision of the Area Manager or Executive Officer, will become effective and there is no further right of review.
- 5.8 Dissatisfaction with the appeal decision does not entitle the appellant to invoke a separate grievance procedure.