

## Battle Scars CIO Capability Policy

<b>Policy information</b>	
<b>Organisation</b>	Battle Scars
<b>Scope of policy</b>	Applies to all staff
<b>Policy operational date (original)</b>	04/01/21
<b>Policy prepared by</b>	Jenny Groves – CEO
<b>Reviewed:</b>	03/01/23
<b>Amended</b>	No
<b>Date approved by Board</b>	09/01/23
<b>Policy review date</b>	By 31/01/25 Every 2 years
<b>Distributing</b>	This policy will be available on the Battle Scars website. It will be a requirement for all trustees and staff to read the policy after appointment or after its review. A summary of all relevant policies will be included in the volunteer handbook with clear signposting to the full text. Volunteers will be kept up to date with any changes that might affect their role.
<b>Introduction</b>	
<b>Purpose and scope of policy</b>	<ul style="list-style-type: none"> <li>• The overall aim of the capability policy is to assist employees who have difficulty achieving the required standards of job performance. The key objective is to encourage and support improvement rather than to punish failure.</li> <li>• The purpose of the capability procedure is to provide a fair and consistent process to enable the employee to achieve an acceptable standard of performance. The process involves progressive levels of review and target setting to establish the required standard of performance and to identify any training and support which can be given.</li> <li>• Continued failure to achieve the required standards of work performance will lead to the termination of employment although Battle Scars will try to avoid this happening and may consider any suitable alternative positions that may be available.</li> <li>• In cases where the actual or potential consequences of substandard performance are very serious, Battle Scars may choose to invoke its disciplinary procedure.</li> <li>• This procedure does not form part of the employment terms and conditions.</li> </ul>
<b>Informal capability procedure</b>	
<b>Informal discussion</b>	<ul style="list-style-type: none"> <li>• If the employee's performance is causing concern, the employee's manager will normally have an informal</li> </ul>

	<p>discussion with you with the aim to ensure that the employee is aware of their manager's concerns regarding performance and to discuss ways of trying to resolve the problem without the necessity for the formal procedure.</p> <ul style="list-style-type: none"> <li>• Such informal discussions may occur during the performance appraisal process or at a separate meeting held to discuss the standards expected.</li> <li>• The aim of the informal discussion is to make sure that you understand what is required and to identify any training and development needs or personal circumstances which could be contributing to the poor performance. Appropriate solutions will be discussed with you and you will be given targets and timescales for improvement.</li> <li>• Notes of what was discussed and what was agreed will be kept on the employee's personnel file.</li> <li>• If after one or more such discussions the employee fails to make a reasonable improvement to their performance, the decision may be taken to progress the matter using the formal capability procedure.</li> </ul>
<b>Formal capability procedure</b>	
<b>When?</b>	<p>The formal capability procedure is appropriate when:</p> <ul style="list-style-type: none"> <li>• targets set during an informal discussion have not been met</li> <li>• targets set during an informal discussion have been met but the level of improvement and performance has not been sustained</li> <li>• there has been a significant failure in performance which warrants entry into the formal procedure without any previous informal warning.</li> </ul>
<b>Which stage?</b>	<p>The formal procedure consists of 3 stages. Employees will normally enter the formal procedure at Stage 1 although the process can be entered into at any stage depending on the seriousness of the poor performance.</p>
<b>Monitoring and review</b>	<ul style="list-style-type: none"> <li>• Following a Stage 1 or Stage 2 meeting the employee's performance will be monitored throughout the formal procedure and review meetings will be held with the employee after a reasonable period of time has been given for them to demonstrate an improvement.</li> <li>• If the employee has reached an acceptable level of performance, the decision will normally be taken to remove the employee from the formal capability procedure. Alternately, Battle Scars may extend the review period where there has been some improvement and the indication is that the standards will be achieved in the very near future.</li> <li>• If standards have not been achieved, the decision will be taken to escalate the matter to the next stage of the formal capability procedure.</li> </ul>
<b>Stage 1 – First Formal Warning</b>	<ul style="list-style-type: none"> <li>• If it is considered that formal action is appropriate, the employee will be notified in writing of the nature of the complaint against them. Such a complaint can only be</li> </ul>

	<p>raised by management. They will be provided with details of any supporting evidence which may be available and they will be invited to attend a capability meeting. They will be advised that disciplinary action may be taken as a result of this meeting and of their statutory right to bring a companion.</p> <ul style="list-style-type: none"> <li>• This meeting will be conducted by the CEO or the chair of the board of trustees (a note-taker may also be present).</li> <li>• At the meeting the employee's performance will be reviewed against the required standards and they will have an opportunity to discuss any training needs or personal circumstances which could be contributing to the poor performance.</li> <li>• The employee will be issued with a First Formal Capability-related Warning and will be informed of the period for which the warning will remain in place. The warning will confirm the improvement that is expected and the timescales for improvement. They will be notified of the consequences of a continued failure to improve and of their right to appeal against the warning.</li> <li>• A copy of the warning will be kept on the employee's personnel file. If their job performance has reached an acceptable level after the specified period, the warning will be disregarded for disciplinary purposes but will remain on the employee's personnel file.</li> </ul>
<p><b>Stage 2 – Final Written Warning</b></p>	<ul style="list-style-type: none"> <li>• If the breach of organisational standards is more serious, or there is still no improvement in the employee's job performance, they will be notified in writing of the nature of the complaint against them. Such a complaint can only be raised by management. They will be provided with details of any supporting evidence which may be available and they will be invited to attend a capability meeting. They will be advised that disciplinary action may be taken as a result of this meeting and of their statutory right to bring a companion.</li> <li>• This meeting will be conducted by the CEO or the chair of the board of trustees (a note-taker may also be present).</li> <li>• At the meeting the employee's performance will be reviewed against the required standards and the employee will have an opportunity to discuss any training needs or personal circumstances which could be contributing to the poor performance.</li> <li>• The employee will be issued with a Final Written Capability-related Warning. This will include the reason for the warning, giving details of how they employee should improve and remind them that if there is no improvement within the specified period, they may be dismissed.</li> <li>• A copy of the warning will be kept on the employee's personnel file. If their job performance has reached an acceptable level after the specified period, the warning will</li> </ul>

	<p>be disregarded for disciplinary purposes but will remain on the employee's personnel file.</p>
<p><b>State 3 – Dismissal</b></p>	<ul style="list-style-type: none"> <li>• If the breach of organisational standards is very serious, or there is still no improvement in the employee's job performance, they will be invited to a capability meeting. They will be informed in writing of the grounds for the meeting and advised that this may result in dismissal. They will be advised of their statutory right to bring a companion.</li> <li>• This meeting will be conducted by the CEO or the chair of the board of trustees or another trustee who, wherever possible will have had no other involvement in the case. A note-taker may also be present. The employee's level of performance against the agreed standards will be reviewed, as well as the support which the organisation has given the employee.</li> <li>• If, after careful consideration of all the facts, it is decided that the employee is unable or unlikely to meet a satisfactory standard of performance, or that the consequences of their poor performance warrants termination, dismissal notice will normally be applied.</li> <li>• Battle Scars may consider alternatives to dismissal, for example transfer to another position which may be more suitable to the employee's level of skill and ability. Such considerations will be dependent on the circumstances and the opportunities available. The employee's current level of pay and benefits could be affected.</li> <li>• The employee will be informed in writing of the decision, given details of the reason(s) for the dismissal or an offer of suitable alternative employment, their termination date (if relevant), the appropriate period of notice or amount of pay in lieu of notice, their right of appeal and details of the appeal process.</li> <li>• If they are dismissed under this policy, their employment will terminate on the date specified in writing. Their employment will <u>not</u> be suspended pending the outcome of any appeal procedure. Should an appeal reverse the decision to dismiss them, they will be reinstated with no break in service and any monies owing to them will be paid.</li> </ul>
<p><b>Appeal</b></p>	
<p><b>Procedure to appeal</b></p>	<ul style="list-style-type: none"> <li>• The employee can appeal against any level of warning or against the decision to dismiss them or transfer them to another position.</li> <li>• If the employee wishes to appeal, their appeal must be made in writing within 5 working days of the decision being communicated to them in writing and they should detail their reason(s) for appealing against the organisation's decision.</li> <li>• The employee's appeal will be considered by a trustee who, when practicable, will not have had any previous involvement in the case, within 10 working days of receiving the employee's appeal.</li> </ul>

	<ul style="list-style-type: none"> <li>• If it anticipated that the appeal process will take longer than 10 working days from receipt of the employee's appeal, they will be informed of this and of the expected timescale.</li> <li>• The employee will be notified of their statutory right to bring a companion. If additional issues or new evidence arise during this meeting, an adjournment may take place to allow for these to be investigated.</li> <li>• After considering the employee's appeal, a decision may be taken to uphold the dismissal or other disciplinary action or to overturn the organisation's earlier decision. The employee will be informed of the outcome of the appeal and the reason(s) for the decision in writing as soon as possible.</li> <li>• The decision which is reached is final. There is no further right of appeal.</li> </ul>
<b>Policy review</b>	
<b>Responsibility</b>	It is the responsibility of the CEO to review this policy unless the task has been delegated to an appropriate volunteer or employee before the policy review date.
<b>Procedure</b>	All volunteers and employees can have input in this policy's review via their supervision.
<b>Timing</b>	The review must be completed within a month of the review date.