



## Capability Policy Police Staff

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**Important notice:** During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

# Capability Policy Police Staff

## 1. Policy statement

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This policy is designed to help and encourage all Police Staff employees to achieve and maintain acceptable standards of performance or attendance: capability.

This policy applies to all Police Staff employees (including those employed within the Office of the Police and Crime Commissioner for Cleveland) who have satisfied their probationary period. Its main aim is to help and encourage all employees to achieve and maintain acceptable standards of capability. It provides a method of dealing with shortfalls in capability and can help an employee to become effective again.

This policy must be applied fairly, equally and consistently to all employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

## 2. Purpose

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The following procedure sets out the action to be taken when the required standards of performance or attendance have not been attained.

An employee who is not achieving the required standard of work because of performance or attendance issue(s) will be dealt with under Cleveland Police Capability Procedures. This policy does not apply to dismissals due to redundancy, unsuccessful completion of probationary period, or the non-renewal of fixed term contracts on their expiry.

## 3. Underpinning procedures

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### 3.1 Definitions

Improvement action on the grounds of capability may be for unsatisfactory performance, or as a result of unacceptably high levels of absence

Unsatisfactory performance can include behaviour such as:

- Inability to work as part of a team
- Inability to behave appropriately towards colleagues in accordance with the PSC standards of professional behaviour;
- Inability to perform the role in accordance with the requirement(s) of the job description

Where unsatisfactory performance is a symptom of possible alcohol or substance abuse, professional counselling may be considered appropriate. For further guidance please refer to the Wellbeing Team.

### **3.2 Resolving Capability Issues Informally**

The capability procedure will normally apply to situations in which an improvement in an individual's ability to carry out their role has not occurred, i.e. unsatisfactory performance. Equally, an individual may have an unacceptable high level of absence, or frequent periods of short-term absences, or there is a pattern to the absences which is of concern. If a potential capability situation arises the relevant line manager must seek advice from a representative from the Employee Relations team.

Where a member of Police Staff has committed a minor infringement of unsatisfactory performance or attendance line managers may utilise management action as appropriate, which may include guidance, advice, positive instruction, or prohibition (which is an instruction to stop undertaking an action which may be seen as an act of unsatisfactory performance or attendance).

The purpose of the informal procedure is to ensure that problems are discussed at an early stage with the objective of encouraging and helping employees to improve and to warn that if advice, guidance, instruction or prohibition is not observed formal action may follow.

Timely and positive discussions with a member of Police Staff to highlight problems may avoid formal action at a later time. Line managers may, where appropriate, from time to time informally advise a member of Police Staff of matters of concern, or issue advice and guidance designed to help them meet required standards.

Such informal advice and guidance is not part of the formal capability procedures and the member of Police Staff should be informed that this is the case.

Whenever a line manager gives informal advice, guidance, instruction, or prohibition to a member of Police Staff, the individual should be informed that a note of this will be placed on their personal file or relevant IT systems for a period of 12 months, after which the note will be destroyed. In accordance with subject access procedures individuals will have the opportunity to view what has been written and included on their personal file / IT systems.

### **3.3 Designation of Formal Capability Powers**

The Chief Constable has overall responsibility for the management and discipline of Police Staff in their employment, but may delegate full responsibility for the management of staff capability to members of the Executive or Heads of Command / Service Unit Managers, with advice from the Employee Relations team.

Capability meetings or hearings will be carried out by an Officer or Manager of an appropriate level of seniority.

The power to issue a stage one First Written Improvement Notice, as outlined in Section 3.6 below, can be delegated by a Head of Command / Service Unit Manager to the appropriate line manager to act on their behalf and they must seek appropriate advice from the Employee Relations team. In exceptional circumstances it may be necessary to delegate the capability procedure to another Manager in a different Command / Service Unit.

Heads of Command / Service Unit Managers can issue up to and including a Final Written Warning, again with appropriate advice. Where a hearing could result in a decision to dismiss; only the Chief Constable (CC), Deputy Chief Constable (DCC), Assistant Chief Constable (ACC), Assistant Chief Officer (ACO), and substantive Chief Superintendents and/or police staff equivalent will carry out the hearing. Any subsequent appeal would be heard by an appropriate member of the Executive team who was not involved in the capability dismissal.

### **3.3.1 The Office of the Police and Crime Commissioner**

The Police and Crime Commissioner for Cleveland has overall responsibility for the management and discipline of Police Staff within the Commissioners employment, but may delegate full responsibility for the management of staff capability to the Chief of Staff or the Deputy Chief of Staff, with advice from the Employee Relations team. Capability meetings or hearings will be carried out by a Manager of an appropriate level of seniority within the Office of the PCC for Cleveland.

The Deputy Chief of Staff or an appropriate Manager can issue up to and including a Final Written Warning, with appropriate advice from the Employee Relations team. Only the Deputy Chief of Staff has the authority to carry out the dismissal stage of the capability procedure. Any subsequent appeal would be heard by either an equivalent or higher member of the Office.

### **3.4 Procedural Guidance**

The formal capability procedure may be implemented following consultation with the Head of People Services or a nominated Deputy, if the alleged performance or attendance warrants this. At all stages within the formal capability procedure the Police Staff member shall:

- a) Have the right to be accompanied by a trade union representative, or a work colleague;
- b) Have no formal action taken against them until the case has been fully investigated;
- c) Be advised of the nature of the performance or attendance issue against him or her and will be given the opportunity to state his or her case i.e. respond to the allegations before any decision is made as to what action will be appropriate;
- d) Be provided, with written copies of evidence and relevant documents in advance of a formal meeting or hearing;
- e) Not be dismissed for a first breach of capability except in the case of an employee who may display unsatisfactory performance or attendance by action or omission which has such serious adverse consequences for the Force that it amounts to gross misconduct. In these circumstances, the Force Disciplinary procedure is activated;
- f) Have the right to appeal the outcome against any formal capability action.

The force reserves the right to move an individual at any stage of the capability procedure to the appropriate stage of the force Disciplinary procedure, including the situation outlined in 3.4e above, where it deems appropriate.

### **3.5 Formal Improvement Procedure**

Line Managers will give informal advice, guidance, positive instruction, or prohibition in the first instance in order to improve unsatisfactory performance or attendance. If, as a result of this course of action there has been no improvement in performance or attendance, the procedure detailed below should be followed:

There are three stages of the improvement notice procedure:

- Stage 1 – First Written Improvement Notice;
- Stage 2 – Final Written Improvement Notice;
- Stage 3 – Capability dismissal

A checklist for managers undertaking a capability meeting or hearing is contained within appendix 1.

### **3.6 First Written Improvement Notice**

If capability does not meet acceptable standards, and informal guidance has failed to improve performance or attendance, then the employee will be invited to attend a formal capability meeting. The outcome could result in the issuing with a First Written Improvement Notice by the manager. A written record will be kept of the capability meeting. The employee will be advised of the reason for issuing the First Written Improvement Notice in writing.

The written improvement notice will include the following detail:

- The reason for the notice;
- An Action Plan (ideally agreed) consisting of expected performance or attendance standards, training or assistance to be given, time limits for improvement, assessment methods and review dates;
- Details of action to be taken if performance or attendance standards are not met

A copy of the written improvement notice should be sent to the employee within ten working days of the review meeting taking place.

The notice will remain live on the employee's record for a period of twelve months. Once spent, the notice will be removed from the record and the individual should be notified when this has taken place.

### **3.7 Review of Action Plan following First Written Improvement Notice**

Following the issue of a Written Improvement Notice, a regular meeting will be held on a monthly basis between the Line Manager and the individual to discuss progress made against the agreed Action Plan. The line manager should continue to take advice from the ER team as necessary. The individual should be given at least five working days'

notice of the meeting and can be accompanied by a trade union representative or work colleague.

#### 3.7.1 Attendance Review Periods

In the case of attendance capability the period for review following a first written improvement notice will be three months. Subject to achieving the action plan there will then be a further 9 month monitoring period. If attendance improves and is maintained at a satisfactory level in line with the attendance absence triggers, there will be no need to commence to the next stage of the capability procedure.

#### 3.7.2 Performance Review Periods

In the case of performance capability the period of review following a first written improvement notice will be agreed when the action plan is formulated, this can range from minimum of 3 months up to a maximum of 6 months depending on the nature of the performance issues and the improvements required. Subject to achieving the action plan there will then be a further monitoring period for which the entire period will not exceed 12 months, i.e. if the agreed action plan is for 3 months the monitoring period will therefore be 9 months.

If attendance / performance improves and is maintained at a satisfactory level in line with the action plan there will be no need to commence to the next stage of the capability procedure.

Should a further occasion of unsatisfactory performance or attendance take place during the monitoring period, there may be a return to the process at the appropriate level.

Failure to continue not to meet the required standards of performance in an Action Plan or as a result of poor attendance will result in a stage 2 meeting which could lead to the issuing of a Final Written Improvement Notice.

### **3.8 Final Written Improvement Notice**

If unsatisfactory performance or attendance persists, following a first written improvement notice and subsequent capability review(s) which will be linked to an Action Plan, then a stage 2 meeting will take place which could result in the issuing of a Final Written Improvement Notice. A written record will be kept of the capability meeting (same details and procedure as a first written improvement notice).

A copy of the improvement notice letter should be sent to the employee within ten working days of the review taking place.

The notice will remain live on the employee's record for a period of eighteen months. Once spent, the notice will be removed from the employee's records and the individual should be notified when this has taken place.

### **3.9 Review of Action Plan following Final Written Improvement Notice**

Following the issue of a Final Written Improvement Notice, a regular meeting will be held on a monthly basis between the Line Manager and the individual with a member of the Employee Relations team present to discuss progress made against the agreed

Action Plan. The individual should be given at least five working days' notice of the meeting and can be accompanied by a trade union representative or work colleague.

#### 3.9.1 Attendance Review Periods

In the case of attendance capability the period for review following a final written improvement notice will be three months. Subject to achieving the action plan there will then be a further 9 month monitoring period. If attendance improves and is maintained at a satisfactory level in line with the attendance absence triggers, there will be no need to commence to the next stage of the capability procedure.

#### 3.9.2 Performance Review Periods

In the case of performance capability the period of review following a final written improvement notice will be agreed when the action plan is formulated, this can range from minimum of 3 months up to a maximum of 6 months depending on the nature of the performance issues and the improvements required. Subject to achieving the action plan there will then be a further monitoring period for which the entire period will not exceed 18 months, i.e. if the agreed action plan is for 3 months the monitoring period will therefore be 15 months.

If attendance / performance improves and is maintained at a satisfactory level in line with the action plan there will be no need to commence to the next stage of the capability procedure.

Should a further occasion of unsatisfactory performance or attendance take place during the monitoring period, there may be a return to the process at the appropriate level.

Failure to continue not to meet the required standards of performance in an Action Plan or as a result of poor attendance will result in a stage 3 meeting which could lead to dismissal on capability grounds.

### **3.10 Capability Dismissal Hearing**

Only a member of the Force Executive can terminate an individual's contract of employment at the capability dismissal hearing. An individual has the right to be accompanied by either a trade union representative or a work colleague. This is only appropriate where there has been a previous notice or notices, and performance or attendance remains unsatisfactory unless it is a case of gross incompetence.

Consideration should be given to redeployment as an alternative to dismissal where there is clear indication(s) that capability is linked to a specific role.

Prior to a capability dismissal hearing on the grounds of attendance consideration should be given to the option of ill health medical retirement, in consultation with the Employee Relations team.

Following the capability dismissal hearing, the employee will be provided, within ten working days, with written reason(s) for termination of employment, the date on which employment will terminate, and the right of appeal.

### **3.11 Gross Incompetence**

Gross incompetence is capability of such a serious and fundamental nature that breaches the contractual relationship between the police staff member and Cleveland Police. In the event that a police staff member has committed an act of gross incompetence, Cleveland Police will be entitled to terminate the employee's contract of employment summarily without notice or pay in lieu of notice.

### **3.12 Appeals**

There shall be a right of appeal against all written improvement notice(s) and dismissal. If a Police Staff member wishes to appeal an improvement notice, they must do so in line with the improvement notice letter. Appeals against dismissal will be to the appropriate level of the organisation.

Appeals must be submitted in writing within fourteen calendar days of receipt of the written notification of the capability finding and should be based on one or more of the following grounds;

- The perceived unfairness of the decision;
- The severity of the decision;
- New evidence coming to light;
- Procedural irregularities.

The Chair hearing the appeal against a First or Final Written Improvement Notice should consult with a member of the Employee Relations team. The appeal should be heard within one month of receipt of the notice of appeal but in exceptional circumstances this may be extended to two. The Police Staff member will be given at least ten working days notice of the date of appeal. Exchange of papers will take place no later than five working days on both sides.

Dismissal appeals will be considered by the Executive within one month of receipt of notice of the appeal in consultation with the Head of People Services.

The Chair hearing an appeal will have the authority to either confirm the original decision appealed against, or overturn that decision and replace it with an appropriate alternative, the sanction at an appeal cannot be to increase. Their decision will be final. They will not re-hear the whole case. They will listen to the individual or their representative setting out the reason for the capability action and the appellant's reason for appeal based on their previous written submission.

If fresh evidence which could not have been reasonably known at the time of the formal meeting or hearing is introduced prior to, or during the appeal, the matter should be referred back to the Authority who made the original decision for him/her to reconsider this in the light of the fresh evidence. If, subsequently, the Police Staff member still wishes to appeal against any further decision based on the new and additional evidence, or the original decision, where this has not changed, the Appeal hearing will be reconvened.

### **3.13 Sickness Capability Procedure**

Cleveland Police may terminate employment for capability which includes problems

that arise because of persistent, intermittent absences from work for minor illnesses or for more prolonged absence. The approach of the organisation should be based on empathy, understanding, and compassion. Line Managers should be cognisant of the Equality Act 2010 and its provisions surrounding Disability Discrimination, particularly if an individual, if referred to the Wellbeing team, is covered by the Equality Act. Advice should be sought from the Employment Relations team prior to commencement of sickness capability procedures.

In all sickness cases, Line Managers must obtain a medical report from the Wellbeing team or Force Medical Adviser (FMA). Line Managers are entitled to request that an employee attends a medical examination through the Wellbeing team. If an individual refuses, they should be informed that, in the absence of a medical report, action will be taken on the information available at the time.

### **3.14 Attendance Capability**

Formal consideration of commencing the capability procedure on the grounds of attendance should take place on a case by case basis, depending upon the nature and circumstances behind the specific case. However, the following principles which are in line with the Attendance Management policy should be applied:

1. Short Term Absence: If the issue is short-term absences rather than long-term absence, the commencement of the sickness capability procedure should be initiated as soon as a short term sickness pattern has been identified and after an attendance support plan and all supportive measures have failed to lead to improvements in attendance.
2. Long Term Absence is an absence of more than twenty eight calendar days. The sickness capability procedure should be initiated after an attendance support plan and all supportive measures have failed to lead to improvements in attendance.

In both cases prior to the commencement of formal capability procedures on the grounds of poor attendance the case should be discussed with the Employee Relations team.

For further information pertaining to the Attendance Management policy please refer to the policy site on the intranet for further details.

### **3.15 Role of the Wellbeing Team / Force Medical Adviser (FMA)**

Upon the commencement of any stage of the formal capability procedure on the grounds of poor attendance, the manager must have sought and have a copy of the latest up to date medical advice from the Wellbeing Team or FMA concerning the individual.

### **3.16 Inability to Attend Meeting / Hearing**

If an individual is on sick leave and unable to attend a capability meeting or hearing due to illness the following guidance must be followed:

- 1) A referral should be made to Wellbeing via the appropriate member of the Employee Relations team to ascertain fitness to attend;
- 2) Consideration should be given to holding the meeting or hearing at a convenient neutral base;
- 3) The meeting or hearing should be delayed once only on medical grounds for a period not exceeding one month (in the case of serious illness) but usually less. In exceptional circumstances where additional medical reports have been sought, the delay may be longer;
- 4) The meeting or hearing will take place in the absence of the individual if they remain unfit to attend but the individual should be given the opportunity to forward any written material they wish to be considered to a nominated trade union representative or work colleague who will present their views on their behalf.

### **3.17 Other considerations**

When carrying out any capability meeting(s), managers should ensure that no member of Police Staff is placed at a disadvantage on account of gender, race, religion or belief, sexual orientation, age, gender reassignment, marital or civil partnership status, pregnancy or maternity or disability. This means that any capability meeting(s) may need to be adjusted to cater to the specific needs of an individual. The nature of any reasonable adjustments due to disability should be considered in consultation with the individual concerned.

### **3.18 Procedure for conducting a formal capability meeting or hearing**

#### **The formal capability procedure**

In investigating a Police Staff member's alleged unsatisfactory performance or attendance, the line manager will:

- Consult with the Employee Relations team;
- Examine all relevant written records;
- Analyse all relevant computerised systems data;
- Where necessary consult any other managers with whom the Police Staff member has come into contact in order to establish relevant facts;
- Organise a formal capability meeting or hearing with the Police Staff member offering them the option to be accompanied by a Union representative or a work colleague;
- Conduct the formal capability meeting or hearing with the employee, making sure that the employee knows prior to attendance at the meeting or hearing, the purpose of the formal capability meeting or hearing and the available outcomes as a result of the meeting or hearing;
- Take an objective and balanced view of any information that comes to light, and avoid allowing personal views, opinions, likes and dislikes, to influence the assessment of the Police Staff member's capability.

## **Formal capability meeting or hearing with the Police Staff member**

The Police Staff member will be invited to attend a formal capability meeting or hearing with the case being heard by the appropriate manager (Chair). The Police Staff member will be advised that they can be accompanied by a trade union representative or a work colleague prior to the meeting or hearing.

To aid with effective note taking the meeting or hearing will be recorded. A transcript will be provided within ten working days. The individual will be required to advise the Employee Relations team within five working days of receiving the transcript, whether it accurately reflects the meeting or hearing.

### **The right to be accompanied**

The Capability policy states that all Police Staff members will be advised that they can be accompanied by either a trade union representative or a work colleague at a formal capability meeting or hearing. The Police Staff member must be afforded reasonable time to make arrangements to be accompanied and subject to the exigencies of the service, accompanying Police Staff members will be released to attend during normal working hours.

### **Formal capability meeting or hearing process**

The person leading the meeting or hearing (the Chair) will introduce the meeting or hearing, and explain its purpose and how it will be conducted. The purpose of the meeting or hearing will be to establish facts and determine on conclusion of the meeting or hearing, whether there are proper grounds to take formal action against the Police Staff member.

Throughout the meeting the Chair will be advised on procedure by an Employee Relations representative. For hearings the Chair will be advised on procedure by a Senior HR Business Partner.

The parties present at the meeting or hearing will introduce themselves and confirm their respective roles in the meeting or hearing. The Police staff member will be entitled to be accompanied, if they wish, by a trade union representative or a work colleague of their choice.

The Chair will state that the meeting or hearing is being conducted as part of the Capability procedure and confirm that a record of the meeting or hearing will be made.

The Chair will also confirm if both parties have received all relevant documents.

The Management case will be set out by an appropriate Manager. All the relevant facts and documentation relating to the issue(s) of capability, including specific examples where possible, will be provided to the meeting or hearing.

The Police staff member or their representative will be allowed a full opportunity to question the Manager on the Management case and to raise any relevant points about any information provided.

The Chair will also be allowed an opportunity to question the Manager on the Management case and to raise any points about any information provided.

The Police staff member will be allowed a full and fair opportunity to state their side of events, explain their position and state any mitigating factors. They may do this personally, or the Police Staff member's representative (if they have elected to be represented) may do this on their behalf.

The Chair will then have the opportunity to question the Police Staff member on their evidence. Although the Police Staff member may confer with their representative at any time during the meeting or hearing on request, the Chair has the right to require the Police Staff member to answer any questions put to them personally.

The Manager will sum up the key points of the evidence.

The Employee will sum up their key points of the evidence.

The Chair will then adjourn the meeting or hearing before making a decision.

When making a decision about whether or not to impose a written improvement notice or a dismissal the Chair will take account of any mitigating factors put forward by or on behalf of the Police Staff member and also any capability action that was current at the time of the alleged or suspected unsatisfactory performance or attendance.

The Chair will reconvene the meeting or hearing and will inform the Police Staff member whether any formal written improvement notice or dismissal will be imposed and if so, the level of that decision. The Police Staff member will be notified that the decision will be confirmed in writing.

The Chair will inform the Police Staff member that they will have the right to appeal against any formal notification or dismissal imposed on them.

The Chair will close the meeting.

At any point during the meeting or hearing the Chair may adjourn the proceedings to enable the Police Staff member to confer with their representative or if it appears necessary or desirable to do so, including the purpose of gathering further information.

### **Following the capability meeting or hearing**

At the conclusion of the formal capability meeting or hearing the Chair will recommend one or more of the following:

- A. no further action;
- B. an extended action plan to be developed if attendance / performance standards are not met;
- C. First written improvement notice or final written improvement notice
- D. Explore ill health retirement

- E. Redeployment (alternative option to dismissal).
- F. Dismissal (if capability hearing);

The Police staff member will receive no later than ten working days after the conclusion of the meeting or hearing the outcome in writing together with a copy of the full transcript. The individual will have the right to appeal the decision of the Chair.

### **3.19 Procedure for conducting an Appeal**

#### **Introduction**

As part of the Capability procedure Police Staff members issued with a formal written improvement notice or a capability dismissal notice have the right to appeal the warning or dismissal outcome. The purpose of this procedure guidance is to ensure that Police Staff members and management understand and follow the formal proceedings for an appeal. This will help to ensure a fair and consistent process is being adhered to and is in line with both organisation and ACAS capability procedures and guidance.

#### **Appeal procedure**

- The person leading the appeal (the Chair) will introduce the appeal hearing, and explain its purpose and how it will be conducted. The Chair will also explain the level of authority and decision making they have in respect of the potential outcome of the appeal procedure. The Chair will receive advice from a representative from the Employee Relations team against written improvement notices and a Senior HR Business Partner for dismissals.
- The parties present at the appeal hearing will introduce themselves and confirm their respective roles in the hearing. The Police staff member will be entitled to be accompanied, if they wish, by a fellow work colleague or a trade union official of their choice.
- If any new evidence is to be introduced prior to or during the appeal it should be referred back to the Manager who made the original decision for them to reconsider this in light of the fresh evidence.
- The Chair of the appeal hearing will then ask the Police Staff member to confirm why they are appealing to ensure they have the opportunity to then state their case and comment on it.
- The Chair of the Appeal Panel may ask questions of the Police staff member and/or their representative.
- The Police staff member and/or their representative will have the opportunity to sum up their case if they so wish.
- The Chair will then adjourn the appeal hearing before making a decision.
- The Chair will reconvene the appeal hearing and will inform the Police Staff member whether they confirm the original decision appealed against or

overturn the original decision and replace it with an appropriate alternative outcome.

- Any decision made will be final and this decision will be confirmed in writing within 5 working days.

### **3.20 Record Keeping**

All records relating to both informal and formal capability procedures must be returned to the Employee Relations team to be retained in accordance with relevant timescales. Under no circumstances will copy files be kept in departments.

When there is a minor infringement of capability a Manager may decide that the issue can be resolved informally. In such cases guidance, advice, positive instruction, or prohibition can be issued as appropriate. This information should be recorded in the employee's records for a period of 12 months. In accordance with subject access procedures individuals will have the opportunity to view what has been written and included on their record.

When there is a more serious breach of capability and a formal improvement notice is issued the following time periods will apply:

First Written Improvement Notice – valid for 12 months and then removed from their record;

Final Written Improvement Notice – valid for 18 months and then removed from their record;

Records will not be taken into account for capability purposes after the above time periods have been exhausted providing that no further issues have taken place during the life of the notice period.

If the capability issue is so severe and the result is dismissal, the record will be held for a period of two years after termination of the individual's employment. At the point of dismissal the Directorate of Standards and Ethics must be informed so that the necessary notifications are made to the college of policing for the Police Barred List.

## **4. Appendices**

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<b>Appendix</b>	<b>Description</b>
1.	Formal Capability Meeting / Hearing Checklist

## **5. Compliance and monitoring**

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All Police Staff capability actions will be logged and monitored by the Employee Relations team on a monthly basis to ensure the procedures are being applied consistently, fairly, and in line with timescales outlined in the procedures.

Monitoring of outcomes will be reported via the Strategic People Intelligence Board

## 6. Version control

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This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	01.04.11	Update policy	████████
0.2	May 11	Updated following consultation feedback	████████
1.0	June 2011	Published policy	████████
1.1	Nov 2012	Policy amended to reflect introduction of PCC, statement only	████████
1.2	19.11.12	Policy amendment as a result in the changes to delegation of authority as a result of the election of the Police and Crime Commissioner (PCC)	████████
1.3	01.04.14	Policy amendment to incorporate Office of Police and Crime Commissioner for Cleveland	████████
1.4	22.06.15	Policy amendment to include delegation of dismissal now to include substantive Chief Superintendents (Police Staff) equivalent and appendix documents now in body of policy.	████████
1.5	01.02.17	Policy checked for updating and for e-form introduction, also addition of need to refer to intranet for any supporting documents	████████
1.6	30.09.18	Policy Review	████████
1.7	21.2.19	Policy Review	████████
1.8	17.11.19	Amendment to clarify who has the authority to dismiss section 3.3	████████
1.9	Feb 2020	Change of owner dept. name	████████
2.0	Apr 2020	Addition of COVID 19 message	████████

**Employee Name:**

**Collar Number:**

<b>Preparation Checks</b>	<b>Yes/No</b>	<b>Date</b>
Have you read the relevant case notes?		
Have you checked the employee's employment history for any previous relevant capability action?		
Have you considered the employee's employment service history for any relevant factors which should be taken into account?		
Has the employee been notified of the meeting / hearing in writing at least five working days in advance of the meeting / hearing date?		
Does the employee know that this is a formal capability meeting / hearing?		
Is the individual aware of the allegations made against them?		
If the alleged performance is serious enough for dismissal to be a possible outcome was the employee informed that dismissal could be an outcome?		
Have you confirmed when and where the meeting is to be held?  When:  Where:		
Have you organised a Dictaphone?  Who:		
Has the employee been offered the right to representation?		
Has the correct evidence been made available to all parties prior to the meeting?		
Do you have a HR representative available to provide advice?  Who:		

<b>Meeting / Hearing Checks</b>	<b>Yes/No</b>	<b>Date</b>
Did you ensure that the employee knew this was a capability meeting / hearing?		
Ensure those present introduce themselves and explain their roles.		
Check they understand the right of representation if they have waived this.		
Check understanding.		
Get the Investigator to go through their evidence.		
Give the employee and/or their representative the opportunity to ask the Investigator any questions.		
Check their understanding of events so far.		
Give the employee the opportunity to present their evidence and challenge the case.		
Ask the question if there are any mitigating circumstances.		
Adjourn to make a decision – if unsure/new evidence/take advice.		
Reconvene to give decision.		
Explain the right of appeal if appropriate.		

<b>Post Meeting / Hearing Checks</b>	<b>Yes/No</b>	<b>Date</b>
Have you drafted and checked the letter to be sent to the employee following the decision taken? Has an action plan been drawn up?		
Is there an appeal?		
Is there a review date?		
What plans are in place to monitor and review the employee?		
Have you considered any briefing needs for staff (colleagues) affected by the decision?		
Have you forwarded all notes and evidence to HR for appropriate record keeping?		