Policy and Procedure on Capability

Policy purpose and scope

This policy outlines the process to be taken when an employee is incapable of carrying out their job role due to a long-term illness or a disability, the outcome of which could be a transfer to another position or a dismissal on the grounds of capability.

Managers should ensure the Company's absence management policy and procedure has been followed prior to commencing the capability policy, and HR should be consulted with at this stage.

Alternative employment

If an employee is unable to continue in their current role due to ill health or disability, and no adjustments can be made, then the Company will make reasonable efforts to find suitable alternative employment within the Company. In these cases, the employee's terms and conditions may change from the current role to the alternative role and necessary training will be provided.

Permanent health insurance scheme

The employee may qualify for benefits from the Company's PHI scheme and their entitlement will be taken in to consideration when making a decision under this policy. The HR Department can be contacted to discuss this in more detail.

Ill-health retirement

In certain cases it may be more beneficial for the employee to take the ill-health retirement provisions in the Company's pension scheme. The HR Department can be contacted to discuss this in more detail.

Ill-health dismissal

This process would be considered if the employee is unable to carry out their current duties and there are no suitable alternative roles identified within the Company.

Prior to considering dismissal, the Company will:

- discuss the process with the employee
- obtain medical opinion
- consider any adaptations that can be made to their current role. In line with the requirement to make reasonable adjustments under the Equality Act, or any other suitable roles in the Company.

Protecting your data

A capability procedure may include the processing of data about your health. At the start of the process, employees will be informed of the reason for the Company processing the data, what the data is used for and what the lawful basis for processing that data is. All data will be processed in line with the Company's data protection policies.

Dismissal meeting

A formal invite letter will be sent to the employee inviting them to attend a dismissal meeting, informing them that a possible outcome of this meeting is a dismissal based on capability. The employee has the right to be accompanied at the meeting by a trade union official or a colleague.

At the meeting, the line manager will:

- discuss the reasons for the employee's absence
- review the process so far in terms of support offered to allow the employee to continue in the role
- offer the employee the opportunity to raise any concerns with the process, provide evidence or make representations
- discuss the lack of availability of alternative roles
- ensure detailed notes are taken in the meeting.

If any new information comes to light in this meeting, the meeting will be adjourned to allow a full consideration of this information. The meeting will then be reconvened to inform the employee of the decision. Where a decision to dismiss is reached, this will be confirmed to the employee in writing.

Employees have the right to appeal against any dismissal decision. Further details on this right are set out in the Company's disciplinary and dismissal appeals procedure.