

## Non-contractual

### FN&HC Capability policy and procedure

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Approved By: K Huchet, Director  
Date Approved: 21 June 2006  
Date for Review: 22 June 2009

Relevant FN&HC Policies:

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#### ***Statement of Intent***

To enable Family Nursing and Home Care to fulfil its duty of care towards its service users and its employees regardless of their status or work discipline, the Association is required to deliver their services to a measurable standard of work performance.

To this end the Association will at all times endeavour to ensure staff maintains the highest standard of service delivery required to ensure:

- Criteria and competencies for performance are established
- Appropriate training is available according to the work required
- Performance is measured and monitored against agreed competencies
- Support is given to assist staff in achieving their competencies

Patient and service user care is of the utmost importance and all the criteria and competencies to be attained are necessary in order to meet statutory, regulatory and health and safety or hygiene requirements.

It is the Association's intention to support staff at all times to enable them to maintain and develop their competencies through training, mentoring, peer and individual encouragement.

If individual staff experience difficulties in meeting or maintaining their competencies, support and help will be provided through the following procedure.

#### ***Scope/Responsibility***

This applies to all staff

#### ***Process***

The intent of the document is to provide help and assistance to any employee whose work performance for whatever reason has fallen below the required level. This will be achieved by the following;

#### ***PROCEDURE***

1. Where the manager/supervisor first establishes that the employee's performance is falling below the required performance levels, an informal discussion will be held with the employee to try to establish the reason. Should this discussion determine that the established criteria are not reasonably attainable, the criteria will be reviewed.
2. Should the discussion establish that the performance problems are related to the employee's personal life, any appropriate necessary counselling/support will be offered.
3. If it is decided that the poor performance results from a change in our criteria, these criteria will be explained to the employee and help will be offered to assist them to conform to the criteria.
4. If it becomes apparent that the poor performance constitutes misconduct, the disciplinary procedure will be invoked.
5. Should the employee show no (or insufficient) improvement over a reasonable period agreed with them, a formal interview will be arranged between the employee (together with a choice of Family Nursing Staff Association Representative, colleague or HR Officer if so desired) and either their Team Leader, Office Co-ordinator or Divisional Manager
  - 5.1.1. The aim of this interview will be to:
    - Identify the cause(s) of the poor performance
    - To determine what, if any, remedial treatment (e.g. training, retraining, support, etc) can be given
    - Clearly explain the shortfall between their performance and the required standard
    - Obtain the employee's commitment to reaching that standard
    - Set a reasonable period for the employee to reach the standard and agree on a monitoring system during that period
    - Confirm to the employee what will happen if that standard is not met.
    - The outcome of this meeting will be recorded in writing and a copy will be given to the employee.
6. At the end of the review period a further formal interview will be held, at which time:
  - If the required improvement has been made, the employee will be told of this and encouraged to maintain the improvement.
  - If some improvement has been made but the standard has not yet been met, the review period will be extended.
  - If there has been no discernible improvement, it will be explained to the employee that they have failed to improve. Consideration will be given to whether there are alternative vacancies that the employee would be

competent to fill. If there are, they will be given the option of accepting such a vacancy or being dismissed.

- If such vacancies are available, the employee will be given full details of such vacancies, in writing, before being required to make a decision.
- In the absence of suitable alternative work, the employee will be told that there is no alternative but to dismiss them. The employee will be invited to give their views on this before the final decision is taken.
- The employee's dismissal will be confirmed in writing.
  
- Employees may appeal against their dismissal by writing to the Director at Family Nursing and Home Care (Jersey) Inc, Le Bas Centre, St Saviour's Road, St Helier, Jersey. JE2 4RP, stating the reasons for their appeal. The appeal must be made within 5 working days of the date of the correspondence re dismissal.

### ***CAPABILITY- PROLONGED / PERSISTENT INTERMITTANT ABSENCE***

All prolonged or frequent absence from work and its effect on your department will be kept under review.

- If prolonged, the Association will contact the employee to ascertain the current situation and prospects of returning to work. This discussion may take place at the workplace but if the employee is not yet mobile, the employee, following mutual agreement may be visited at home. If intermittent, the employee will be required to attend a meeting to which they may bring a work colleague or Family Nursing Staff Association Representative.
- If these discussions do not clarify the position, the Association will ask for a report from the employee's doctor stating when the employee will be fit to return to work. The Association may also ask the employee to undergo a medical examination by an Association nominated doctor.
- Medical reports and Association requirements will then be considered and before any decision to dismiss is taken, the employee will be given the opportunity to make representations. If the employee is unable to attend personally, a representative may attend in their place.
- If the employment contract is to be terminated, full notice entitlement will be given. If recovery seems possible during notice the Association reserves the right to reconsider its decision to dismiss, but does not undertake to rescind its decision.
- Generally, no decision to dismiss will be taken until you have exhausted any right to contractual sick pay.

***Document history***

<b>Version</b>	<b>Who Changed</b>	<b>Date</b>	<b>Approved by</b>
2	Barbara Bell/ June Summers Shaw	21 <sup>st</sup> June 2006	Karen E Huchet
<b>Version</b>	<b>Narrative</b>		
0.1	Drafted capability policy and procedure		
0.2	Drafted revised doc		