

Parcelforce Capability Procedure (CWU)
(For responding to an employee's unsatisfactory
performance at work -
Non-Culpable Inefficiency Procedure)

Introduction and Background

1. Parcelforce recognises that there may be occasions when, neither through laziness nor misconduct an employee's ability to do the job efficiently falls below an acceptable standard. Accordingly, Parcelforce provides a fair and effective procedure to enable management to respond to unsatisfactory performance by an employee at work. This applies to all staff (except casuals), but those on trial will normally be dealt with under separate rules for that group (currently PI PAA0020). The stages of this procedure set out below are not intended to exclude other measures which in any instance may be considered appropriate for the purpose of encouraging an employee to improve his or her performance, e.g. redeployment to another suitable duty where one is available. They represent a series of steps which, whatever else is done in that respect, will provide the employee with opportunities to understand how and why their performance is considered unsatisfactory and to offer any explanation about this which they wish to put forward. However, if at any time there is reason to believe that the poor performance is deliberate it must be dealt with as misconduct under the terms of the discipline code.
2. It is recognised that the procedure needs to cater for a wide range of situations. For example, it covers the short service employee whose performance has dipped following completion of trial or acceptance of a long-term contract to the over 30 years satisfactory service employee having to cope perhaps, with a serious family illness. Such factors must be taken into account when a reasonable time for improvement is being determined but it is emphasised that neither the minima nor the maxima times set out in the following procedure are included for purely cosmetic reasons. The right balance also needs to be struck between giving the employee a reasonable time to improve and leaving him or her with the pressure of monitoring for an unacceptably long period.

3. It is also recognised that age can be a factor in achieving high performance levels. In particular a young employee may be capable of, and wish to, work long hours at high productivity while older staff may not be able to maintain such standards – even if they had been able to at one time. Such “slowing up” does not automatically require action, but this procedure should be used where there is a regular deterioration in performance to below an acceptable level.
4. Throughout this procedure a full record must be kept of any discussions/meetings and of any help given to the employee to achieve improvement. At each stage performance will be monitored and it is important that the employee understands how this will be undertaken and accepts the method, or that any concerns expressed are properly recorded. The actual method of monitoring will need to take account of the job content, any reasons identified for failure to reach an acceptable level, and help/training being given. Managers must use all available evidence to produce the most rounded picture of the employee's performance, which can be obtained. In respect of measured incentive schemes, it is recognised that their main aim is to reward good performance but they also identify the standards achieved by poor performers. The employee is required to co-operate in the monitoring process wherever that is used.

Copies of all relevant documentation must be provided to the employee at all steps.

5. Where an employee's performance has been unacceptable for a number of years but no action has been taken, a preliminary discussion to identify shortfalls and appropriate action to encourage improvement must precede Step 1 below. This must be followed by a period of monitoring set so as to give the employee the time to adjust to the new requirements.

Action: Step 1

6. When a manager with responsibility for initiating action under this procedure (normally an employee's immediate line manager) considers that action should be taken to encourage an employee to improve, he or she must discuss the matter with the employee. This will be used to bring to the employee's attention

the respects in which it is thought that the employee is not performing satisfactorily, ascertain whether the employee accepts that there is a problem, listen to any explanations or statements made by the employee. At that stage the manager may:

- accept the employee's explanation and take no further action
- accept the employee's explanation and take no further action under the capability procedure but to discuss how the employee could do better as part of an ongoing manager/staff relationship
- decide that further action is required within the capability procedure and carry out any necessary investigation taking into account a person's age, disability and any other medical condition that may be contributory to a person's deterioration in performance.

7. Where the manager decides that further action is appropriate he or she will discuss with the employee how performance needs to improve including any training required which the employee feels would be beneficial. At this stage the employee may request the presence of a friend who must be a Post Office employee, the local unit CWU representative or the functional representative. This must not delay the process by more than 24 hours. This discussion may then progress to cover the arrangements to supervise and monitor the employee's continuing performance, usually by the employee's immediate line manager. If the employee considers that the problem relates to a duty/route being a factor of poor performance then a review/test of that duty should take place. The monitoring period will normally be six weeks but it may be reduced where it becomes clear that the employee is making no effort to improve. The six week period should not commence until after any training identified and agreed has been undertaken.

Action: Step 2

8. If after allowing a reasonable time for improvement within the timeframe at paragraph 7 above, the responsible manager considers that the employee has failed to achieve a satisfactory level of

performance, the employee will be required to attend a formal interview to discuss the matter. He or she will be given a minimum five working days' notice of the date and time of the interview, informed of the reason for it in writing and be told that he or she will have an opportunity at the meeting to put forward an explanation, either personally or through a representative who must be a Post Office employee, local unit representative, the function representative, or the Regional Organiser.

9. At the interview the manager (at the level set out in Annex A), will remind the employee of the steps taken to encourage improvement and will tell the employee as precisely as possible of the concern about his or her performance and the results of the monitoring, including any relevant factors which have arisen since the interview as fixed. The employee will have an opportunity to raise any points, which he or she wishes to have considered. If no acceptable explanation is given by the employee, the presiding manager will issue a written warning as soon after the meeting as possible. Such a warning should inform the employee that his or her continued employment will be at risk if satisfactory performance is not achieved and sustained within the timescale covered at paragraph 10 below.
10. Appropriate supervision, monitoring and records of the monitoring will continue on the same basis as set out in paragraph 7 above for a further six weeks. Any identified further help/training must also be given. As at paragraph 7 above, the monitoring period will only commence when any training identified and agreed has been completed.

Action: Step 3

11. Following evaluation of the monitoring results, the responsible manager considers that the employee's performance remains less than satisfactory, a further formal interview will be convened and conducted as in **paragraphs 8 and 9** above. The presiding Manager as set out at Annex A, will take a decision on whether or not to allow more time for improvement, backed by a further warning if this is considered necessary or whether to dismiss the employee.

12. If the dismissal is decided upon, the employee will be dismissed with appropriate notice or with pay in lieu of notice. If further time for improvement is allowed and sufficient improvement is not forthcoming, the interview process in **paragraph 9** will then be repeated.
13. At the time a dismissal notice is given the employee will be told that he or she has a right to have an appeal heard by a member of senior management. Any request for an appeal must be made within three working days of the dismissal notice being issued, indicating whether it will be made orally or in writing. In the latter case, a written submission must be received by the responsible manager within a further five working days.
14. An oral appeal will be heard by an independent Appeals Manager from outside the Business unit/SHQ in which the individual works, normally within 10 working days of receipt of the employee's written notice of appeal. At the appeal the dismissing manager will explain why he or she has reached the decision and will answer any questions and to make a submission on the employee's behalf. The representative may be a Post Office employee, the local unit representative, the functional representative, Regional Organiser or a nationally elected official of the CWU.
15. The final stage in the procedure, following the completion of the appeal, requires the manager hearing it to reach his or her decision - taking into account an individual's good service record where applicable - and convey it to the appellant. It follows that either the dismissal will be upheld or the employee reinstated.

General

16. Where poor performance is the result of personal problems, either at work or at home, the employee must be offered the help of Employee Support Services. Should health factors be considered to be the sole or a contributory cause, the employee should be advised to consult his/her own doctor. Advice **must** be sought from the Occupational Health Service.

17. Personal problems should be regarded as mitigating poor performance where they are likely to be of relatively short duration, after which the employee can reasonably be expected to meet the required standards (i.e. performance was up to standard beforehand and there is no reason to believe it will not improve once the difficulty has passed/been resolved). A specific example of this could be say a child of an employee facing 3 months hospitalisation.
18. If at any stage the employee's explanation is accepted, the procedure should be re-started at the stage it had reached if after a reasonable time sufficient improvement has not resulted or been maintained. If at any stage the employee's performance improves to an acceptable level, he or she must be told of this, in writing, and encouraged to sustain it, with any warnings being disregarded after this improvement has been achieved for three months.
19. At any point during the procedure if management considers that it would be appropriate to offer alternative (not necessarily equivalent) employment to the employee, this should be done in writing, with the letter explaining why the offer is being made. This could, for example, be redeployment to a job regarded as more within the individual's capability. The possible consequences if the employee refuses such an offer and is unable to achieve satisfactory performance in his or her present job must be made clear.
20. Decision levels are set out at Annex A. These are interim pending a review of the discipline procedures. It is agreed that whatever decision levels are set for discipline following that review or subsequently, will be read across to this procedure. This Agreement does not alter existing agreements covering discipline, sick absence, irregular attender, or retention after 60.
21. Dismissal under this procedure will trigger retirement in the interests of efficiency terms, where the employee is otherwise eligible.

Signed for Parcellforce

Signed for CWU (O&C)

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Date :

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Date :

ANNEX A

CAPABILITY PROCEDURE MINIMUM AUTHORITY LEVELS

First Stage

<u>Employee</u>	<u>Decision Maker</u>
Mails 1 - 4 (Note 1)	DSM
Mails 1 - 4	PED/PEC
Admin Levels 1 - 3 (Note 2)	Admin Level 5
Admin Level 5	PED

Second Stage

<u>Employee</u>	<u>Decision Maker</u>
Mails 1 - 4 (Note 1) Manager	Depot
Mails 1 - 4	PEC
Admin 1 - 3	PEC
Admin 5	PEC

Final Stage

<u>Employee</u>	<u>Decision Maker</u>
Mails 1 - 4 (Note 1)	C&D Manager
Mails 1 - 4	PEB
Admin 1 - 3	PEB
Admin 5	PEB

Notes

1. In delivery depots
2. Where supervise own staff
3. Decision will not be taken at lower levels than those set out above: they may be taken at high levels where necessary.