



Q. What should I consider before I have the initial conversation?

A. You should consider all the facts, has the employee been told explicitly what is expected of them? Do they understand what the consequences are from underperforming? Are they given regular and clear training/support? Are you confident that they understand they are under performing?

Q. Who should be invited to an informal capability conversation?

A. An informal conversation should take place between the manager and the individual. If the process moves into a formal conversation the individual may wish to be accompanied by a Trade Union Representative or work colleagues. Managers may also wish to have an HR Representative present at the meeting.

Q. Where do I go for additional training and support?

A. You can access lots of learning resources through the [Leadership and Management Academy](#), training courses are available through [Professional Development](#) The [HR Employment Relations Team](#) can also support and advise you.

Q. Who should I contact in HR for additional advice and guidance?

A. Contact the HR Employment Relations Team, tel: 0115 951 5209 or email: hrer@nottingham.ac.uk

Q. How should I manage a new employee who is underperforming?

A. You should clearly set the standards expected of their role and establish what additional support and/or training can be offered to assist them. Regular monitoring of progress should take place. If, after adequate time, the performance has not improved, contact the HR Employment Relations Team hrer@nottingham.ac.uk for further guidance.

Q. How do I establish which procedure to use?

A. You should consider whether it is a capability issue – normally when a member of staff **cannot** meet the requirements of the role or a conduct issue – normally when someone **will not** do something.

Q. What are reasonable adjustments?

A reasonable adjustment aims to remove any disadvantage that a disabled employee has at work and could include making changes to policies and procedures, making physical adaptations and/or providing additional equipment and support.

Q. When should I consider reasonable adjustments?

A. When performance issues are raised you should consider whether they may be related to a disability and, if they are, what reasonable adjustments could be made to overcome the problem.

Q. What is unconscious bias?

A. Unconscious bias is a terms used to describe the associations that we hold which, despite being outside our conscious awareness, can have a significant influence on our attitudes and behaviour.



Q. What is a protected conversation?

A. Protected conversations aim to make it easier for employers and employees to have open and risk-free discussions about possible termination of employment when things are not working out.

Q. Who can advise me on protected conversations?

A. Before having a protected conversation you should seek advice from the HR Employment Relations team, email: hrrer@nottingham.ac.uk.

Q. What are the likely causes of underperformance?

A. These may include; poor working relations causing the employee worry, upset or stress; bullying or harassment; physical or mental ill health; personal problems; insufficient or inadequate training; tools and equipment that do not work properly or frequently breakdown; poor quality or inadequate supervision and/or support; lack of understanding about the role's duties, priorities and goals; unclear instruction; work overload causing stress and fatigue.

Q. When should the Sickness Absence Procedure be used instead of Capability?

A. During a capability process, ill health or poor attendance can arise. Where this situation occurs, it may be necessary to more appropriately deal with the situation under the sickness absence procedure.

Q. What is the difference between conduct and capability?

A. Conduct usually refers to matters when an individual can do something but does not, whereas capability usually refers to matters when an individual cannot do something. Capability may arise where the individual does not know what is expected of them, they do not have the skills required.

Q. What are SMART objectives?

A. Objectives should be SMART (Specific, Measureable, Achievable, Realistic and Timely).

Q. How should I set performance standards?

A. Generally performance standards should be; based on the position, not the individual; observable, specific indicators of success; meaningful, reasonable and attainable; describe 'fully satisfactory' performance once trained; expressed in terms of quality, quantity, timeliness, cost, safety or outcome.

Q. When performance has not improved informally what should I do next?

A. Capability issues should be discussed informally in the first instance, outlining the gap between performance expectations and current standard. The employee should be given the opportunity, with appropriate support, to improve. If after a defined timeframe (which will be role dependent) there has not been the required improvement then the formal procedure should commence.

Q. What is the formal review meeting stage?

A. The formal review stage begins when capability issues have not been resolved informally. A Progress Review Manager is assigned to the individual and will meet with them to outline where performance is falling short of expectations, set objectives and arrange a review meeting, or series of review meetings. Support including mentoring/coaching/training will be discussed as part of this meeting.



Q. What is a Progress Review Manager?

A. A Progress Review Manager is responsible for managing the capability reviews; holding initial meetings, discussing with the employee the capability concerns and expectations, setting objectives and developing any support plans. The Progress Review Manager will regularly meet with the employee to discuss progress against the objectives set and record progress. At the end of the review period, the Progress Review Manager will recommend whether to refer the matter to a formal Capability Hearing.

Q. How can HR support me through the process?

A. The HR Employment Relations Team is available for advice, guidance and support throughout the informal and formal stages and will be present during all Capability Hearings and Appeals.

Q. What needs to be recorded on the Capability Improvement Form?

A. Details should include the performance improvement required as specifically as possible, outline the expected and required outcome/measurement which should be as explicit as possible, any support/dependencies including required support from colleagues and any training required, review dates and expected outcomes.

It is important these are completed in as much detail as possible to ensure there is an accurate and robust running record of the conversations and outcomes.

Q. Who should have a copy of the notes of formal/informal meetings?

A. Copies should be provided and retained by both the manager and the individual for informal meetings and the Progress Review Manager (if different) and the individual for the formal meetings.

Q. How should I monitor progress against the Capability Improvement Plan?

A. During the initial meeting, there should be a review date or a series of review dates organised to enable the individual to reach the objectives set (or demonstrate incremental improvements towards the overall objective). During the review, the individual should be given the opportunity to demonstrate and provide evidence of the progress they are making.

Q. What happens at the end of the formal review process?

A. The individual will meet with the Progress Review Manager to discuss progress against the objectives. An assessment will be made whether; progress has been made which is significant and sustained to exit the formal process, whether some progress has been made in which case the review process maybe extended, where insufficient progress has been made then the Progress Review Manager may recommend this is referred to a Capability Hearing.

Q. What documentation will be included at the Capability Hearing?

A. The Progress Review Manager should collate all the documents relating to the individual's case including; the capability improvement plans, outcome letters detailing expectations and shortfalls, information relating to support/training/mentoring, any minutes of the meetings between the Progress Review Manager and the individual. A summary of these documents should be provided. All documents should be shared with the individual prior to the Capability Hearing.