

# **The Parish of St Mary Magdalene, Yarm**

## **CAPABILITY POLICY**

The following policy was agreed at the Parochial Church Council (PCC) meeting held on 26<sup>th</sup> June 2023.

### **Capability Procedure Purpose and Scope**

- The aim is to encourage improvement where necessary in individual performance of paid employees and office holders working on behalf of the parish.
- These procedures do not apply to clergy or Churchwardens for whom other procedures are in place.
- This procedure sets out the action which will be taken when it is considered that performance is not up to the standard required.
- At all stages the investigation and panel hearings must be kept strictly confidential and the content and process must not be discussed outside the hearings.

### **Principles**

The procedure is designed to establish the facts quickly and to deal consistently with capability issues. No action will be taken until the matter has been fully investigated. At every stage the employee or office holder who is the subject of the Capability procedure will have the opportunity to state their case and to be accompanied at the hearings, if they wish, by a friend or by a fellow employee. The subject of the procedure has the right to appeal against any capability penalty.

### **The Procedure**

1 Investigation: In all cases of alleged unsatisfactory performance an investigation will be carried out usually by one of the Churchwardens who will inform the employee of the fact that an investigation is being carried out. Once the investigation has been completed the employee and the incumbent will be informed of outcome and of the recommended action.

2 Informal action: Cases of unsatisfactory performance will initially be dealt with informally by the Incumbent\*. The employee or office holder will be encouraged to make the necessary improvement and offered additional guidance, support, training and supervision as appropriate. The employee or office holder will be informed orally and in writing that, should the required improvement be achieved, that will be the end of the matter. There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement the matter will be dealt with under the following formal procedure.

#### **3 Formal Action**

a. Stage 1 – Written Warning: If there is no improvement in standards, the employee or office holder will be given a WRITTEN WARNING by the Incumbent\*, which will include the reason for the warning, an agreed action plan and a note that, if there is insufficient improvement in performance in the agreed timescale (usually 6 months) a final written warning will be given. The performance of the offending person will be reviewed after the agreed period in order that encouragement and help to improve can be given. A Review Date meeting will be held at the end of the designated period at which the decision will be discussed. If it is determined that sufficient improvement has been made, the Written Warning will be deemed to have lapsed.

b. Stage 2 – Final Written Warning: If performance is still unsatisfactory a FINAL WRITTEN WARNING with an extended action plan will be given by the Incumbent\*, making it clear that any recurrence of poor performance within a period of 12 months will result in dismissal.



## The Parish of St Mary Magdalene, Yarm

### CAPABILITY POLICY

c. Stage 3 – Dismissal: If there is no satisfactory improvement the employee or office holder will normally be DISMISSED from the office they hold. Any decision to dismiss will be taken by a panel appointed by the PCC, chaired by a Churchwarden and consisting of two members of the PCC all of whom should not have been involved in the process. The panel will receive in advance from the Incumbent\*, all the documentation relating to the poor performance under consideration. The documentation will also be made available in advance to the subject of the capability procedure. At the hearing the panel will hear evidence from the Incumbent\* and subsequently from the subject of the hearing; witnesses may be called by both parties. The panel will then form a judgement as to whether the poor performance is proven on the balance of probability. If so, the panel will then receive evidence as to any previous warning given regarding performance which has not yet expired. The panel will then make a decision regarding the dismissal or otherwise of the employee or office holder and orally inform them of their decision at once. The decision will take effect immediately and will be confirmed in writing by the Chair of the Panel within 7 days.

#### 4 Appeals

If the employee or office holder wishes to appeal against any capability decision, they must do so in writing to the PCC Secretary, stating the reasons for the appeal, within one week of the decision being conveyed to them in writing. Within 7 days of receiving an appeal the PCC Secretary will convene a Panel chaired by the Areal Dean or Archdeacon and consisting of three PCC members appointed by the PCC, not including anyone who has been involved in the process thus far to hear the appeal. The employee/office holder may make representations to the PCC, about the constitution of the panel if he or she feels that there may be bias. The PCC will decide whether there is a case for change or not and this decision will be final. The Appeals panel will decide the case as impartially as possible. The panel will receive all the documentation from previous stage of the capability procedure; the documentation will also be made available in advance to the subject of the capability procedure. The panel will then convene an appeals hearing which will hear evidence from the line manager and subsequently from the subject of the hearing; witnesses may be called by both parties. The panel will then form a judgement and make a decision regarding the dismissal or otherwise of the employee or office holder.

The Appeal panel's decision will be final.

Chair:  .....

Date: 26th June 2023 .....

\* For the purpose of this document "Incumbent" means the RECTOR or during a vacancy the AREA DEAN