



BDEF CIO Capability (Performance) Policy (including probation)

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Introduction

It is BDEF's aim that all staff are clear about the requirements of their role, feel included in their working environment, and can carry out their job and contribute to BDEF as soon as possible and throughout their employment.

Furthermore, we aim to ensure that new employees are supported throughout their probationary period, provided with feedback and reviewed in a manner which enables them to successfully complete it and to remain in our employment. Incapability is where an employee has received all necessary training but still cannot achieve a satisfactory level of performance through no fault of their own, for example, not being able to meet the level of skill required for the role.

This policy does not cover incapability through ill health.

If an employee fails to reach the required standard of performance as a result of carelessness, negligence or lack of effort, this will be treated under the Disciplinary Procedure as misconduct.

This policy is applicable to all employees and workers at BDEF CIO.

The Board of Trustees are responsible for this policy, but the management of the policy is delegated to the Director. Managers have a particular responsibility for the implementation of this policy to ensure that staff are safe.

All staff at BDEF CIO are expected to be familiar with and follow this policy. You are responsible for making sure that you have read and understood this policy and are aware of your responsibilities within it. Any questions or queries should be directed to your line manager in the first instance.

Informal Discussion

If you are not meeting the level of performance expected, your line manager will discuss with you the possible causes of your unsatisfactory performance. Causes could include lack of skills, inadequate training, lack of resources, lack of communication or problems with working relationships. Your line manager will give you examples of your unsatisfactory performance, and you will have the opportunity to provide an explanation.

Where the reason for unsatisfactory performance is lack of the required skills, you will, where possible, be assisted through training and be given reasonable time to reach the required standard of performance. If it is identified that there is a lack of resources or facilities, assistance will be provided as appropriate.

You will be informed of the level of improvement required and within what timescales. This will be in line with the expectations and duties as outlined in the contract of employment. You will also be advised of the consequences should there be no improvement or insufficient improvement in the timescale agreed. This will be confirmed in writing.

A consequence of not achieving the required improvements could be that the line manager initiates the formal procedure as outlined below.

Formal Procedure: General Principles

At all stages of the formal procedure, you will have the right to be accompanied by a work colleague, or trade union work colleague or Trade Union Work colleague or Trade Union Representative, as appropriate. A formal meeting, called a 'hearing', may be delayed by up to ten working days to allow your work colleague or Trade Union Work colleague or Trade Union Representative to attend.

You must take all reasonable steps to attend any meetings. If you fail to attend a meeting without good cause a decision may be made in your absence.

If you repeatedly fail to attend meetings, a decision may also be made in your absence.

You will be informed in writing of the outcome, normally within five working days.

You will have the right to appeal against any warning imposed (see below).

A copy of any warning and notes given to you will be kept 'live' on your personal file for a period of up to twelve months, after which they will be viewed as spent (subject to satisfactory performance).

At the hearing the line manager, or other appropriate manager, may be accompanied by another manager, or an appropriate member of the Trustee board. They shall discuss with the member of staff, who shall be given the opportunity to respond in writing or verbally but recorded.

Notification of Hearings

The line manager or an appropriate member of the Trustee board shall inform the member of staff in writing, at least five working days in advance, that there is to be a hearing. The letter shall include:

- a) A statement of the grounds (reasons) that have led to a 'stage one' (see below) action being contemplated, including full details of the perceived inadequate performance.
- b) Supporting information and evidence.
- c) The date, time and location of the hearing meeting.
- d) The fact that the hearing is taking place under Stage One of this procedure.

- e) The right of the member of staff to attend and to be accompanied by a work colleague or a trade union work colleague or Trade Union Work colleague or Trade Union Representative.
- f) A copy of this procedure.

Formal Warnings

Where, despite support, you are unable to reach the required standard of performance, the following procedure will apply:

Stage one – first written warning

If there is not improvement or insufficient improvement in performance following informal discussions, you will be given a first written warning setting out the precise nature of the unsatisfactory performance, the level of improvement required and the time limit for achieving that improvement, review periods throughout the duration of the warning, the consequences of failure to achieve or maintain improvement, the length of time the warning will remain 'live' for on your file, before it is viewed as spent and how you may appeal the decision.

Stage two – final written warning

If there is no improvement or insufficient improvement after a stage one warning, or if improvement is not maintained for the period stated in the stage one warning, you will be given a final written warning setting out the details as outlined above in the first written warning. There will also be an offer to hold another meeting to discuss why the warning is being issued and get an initial response or explanation from the employee. This is optional. The stage two warning will include a statement that a failure to improve to the required standard is likely to result in dismissal.

Stage three– dismissal

If there is still no improvement or insufficient improvement after a stage two warning, or if improvement has not been maintained for the period stated above, dismissal will normally result. Alternatively, at BDEF's entire discretion, alternative work elsewhere in the organisation may be offered to you if any suitable posts are available.

Long term capability management

Where management under this policy successfully bring an improvement in performance or capability, a longer-term goal will be set to ensure the improvement is sustainable. Failure to achieve a sustainable improvement may result in BDEF CIO re-starting the capability management process at the formal stage.

Appeals

You have the right of appeal against any formal sanction. The main grounds for appeal could be incorrect application of performance management policy, decision-maker has a conflict of interest or providing further evidence to make the case that performance is in fact up to standard among others. You will be informed of the arrangements for appeal hearings and of your right to be accompanied.

If you wish to appeal against a decision, you should appeal to the Director in writing within five working days of any action being taken, specifying the grounds for appeal. You should also include Chair of Trustees in the email (within the Cc box – chair@bristoldef.org.uk). The decision of the appeal hearing will be final and will be confirmed in writing. If you are directly line

managed by the Director, you may, if you feel appropriate, submit your appeal directly to the Chair of Trustees. See above for contact details.

Probation

All employees are subject to a probationary period when they start their employment with BDEF CIO. The length of this probationary period is outlined in your terms and conditions of employment.

The probationary period starts from the employee's first direct day of employment with BDEF CIO.

The purpose of the probationary period is to give both the organisation and the employee the opportunity to ensure that the job is right for the person, and vice versa – it is a two-way process.

During the probationary period BDEF CIO will assess the employee's capability, performance and suitability to the role and the organisation.

BDEF's induction programme will ensure that employees have the full induction into the organisation and their role and will equip (give) employees with the information they need to carry out their role effectively. This process usually runs alongside the probationary period.

At regular intervals throughout your probationary period your manager will review your performance and highlight any areas for improvement, providing training and support where necessary. There will be a formal mid-probation (usually three months into a six month probation) review meeting where the job description and the employee's ability to carry out the role will be considered, and targets will be set to be completed by the end of the probationary period, or sooner if required.

The line manager should provide feedback on performance and skills, using specific examples to ensure that feedback provided is meaningful.

The employee should raise any areas they have identified where they feel they require more feedback, information or training and the line manager should agree with them what this looks like and over what timescale it will take place.

An end of (usually six-month but not always) probationary review must be held. There are three potential outcomes of your probationary period:

- a) Satisfactory completion – this will be confirmed to you in writing and the probationary conditions of your employment will no longer apply.
- b) Extension of probation – this will usually be due to concerns about performance and will be discussed with you at the earliest possible opportunity by your line manager. Your probationary period may also be extended if you are away from work for a significant amount of time during this period (e.g. on sick leave). The probationary period can normally be extended up to a maximum of three months and the employee would have this confirmed in writing following a meeting. This is unless circumstances dictate that a different period must be agreed between the employee and Director.
- c) Failure of probation – failure of probation will lead to dismissal.

Failure of probation

If your line manager has concerns about your performance during your probationary period, they will initially raise this with you informally through 1:1 and/ or probationary processes as soon as they arise. In this meeting your line manager will highlight what the issues are, what the expected improvements are and when the next review meeting will be.

They will also discuss with you what support/ training you may need in order to make the improvement.

If, following this, performance does not improve then your line manager will invite you to a formal performance meeting. You will receive at least 5 days'

notice of this meeting and you have the right to be accompanied by a work colleague or Trade Union work colleague or Trade Union Work colleague or Trade Union Representative.

At this formal meeting your line manager will outline the key issues and targets that have not been met and may issue you with a formal written warning. A further review date will be set.

If, at the second review meeting, it is evident that there is no improvement, or insufficient improvement or that improvement has not been maintained for the specified time period, then dismissal may be the outcome.

You will be informed in writing of the outcome of this meeting within 48 hours of its occurrence.

You have a right to appeal any probationary decision. If you wish to appeal you should appeal to the Director, or to the Chair(s) of Trustees if the original decision was made by the Director, in writing within five working days of the decision being made. You must specify clearly your grounds for appeal (some examples cited earlier). The decision of any appeal hearing will be final.

Versions

There is an Easy Read version of this document in development. When it is finalised and signed off, it will be linked to here.

Review

This procedure shall be reviewed every 2 years upon its adoption. An earlier review may take place if:

- We approve a proposal that changes the policy
- There's a change to the organisation that will change the policy

BDEF CIO (Bristol Disability Equality Forum)

Agreed by Board: November 2025 Signed: 19th November 2025

To be reviewed: November 2027



- There's a change in the law that affects the policy