



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Capability Policy

Document Control and Overview

Organisation(s)	Cherwell District Council
Policy Title	Capability Policy
Author	Human Resources
Owner	Human Resources
Version	2.0
Document Reference	
Approval Date	24/06/2026
Policy Review Cycle	3 years
Latest Review Date	24/06/2029

Document Revision History

Revision Date	Reviser	Previous Version	Description of Revision
24/06/2026	Human Resources	1.0	Three-year review.

Document Approvals

This document has been approved by:

Approval	Date
Personnel Committee	24 June 2026

Document Distribution

Name	Job Title
All employees of Cherwell District Council.	

Contents		Page
1	Scope	4
2	Introduction	4
3	Definition of capability	4
4	Roles and responsibilities	4
5	Information stage (early support)	5
6	Consideration of other factors	5
7	Formal capability process	5
8	Stage 1 – First formal capability meeting	6
9	Stage 2 – Second formal capability meeting	6
10	Stage 3 – Final capability meeting	6
11	Appeals	7

1 Scope

- 1.1 This policy applies to all employees of Cherwell District Council. It does not apply to agency workers, consultants, contractors, volunteers, or interns.
- 1.2 Employees who are covered by a separate policy include the Chief Executive, Monitoring Officer and Section 151 Officer.
- 1.2 This policy is not appropriate for:
 - Performance concerns during a probationary period (see Probation Policy)
 - Misconduct, behavioural issues or gross negligence (see Disciplinary Policy)
 - Short-term performance dips which can reasonably be resolved informally
 - Absence-related capability due to ill health (see Sickness Absence Policy)

2 Introduction

- 2.1 The purpose of this policy is to provide a fair, consistent, and supportive framework for managing situations where an employee is unable to meet the required standards of performance due to capability.
- 2.2 The Council is committed to supporting employees to succeed in their roles and will take reasonable steps to support improvement before formal action is considered.
- 2.3 This policy will be applied fairly and without discrimination. Reasonable adjustments and individual circumstances will always be taken into account.

3 Definition of capability

- 3.1 Capability refers to an employee's skill, ability, knowledge, or aptitude to perform their role to an acceptable standard.
- 3.2 Performance will be assessed against:
 - The requirements of the employee's role
 - The Council's competency framework
 - The Council's values and expected standards of conduct at work
- 3.2 Indicators of a capability issue may include:
 - Failure to meet key objectives or KPIs
 - Consistent errors or poor quality of work
 - Inability to keep up with role requirements despite guidance and support
 - Lack of necessary technical competence or skills
 - Failure to improve following informal support

4 Roles and responsibilities

- 4.1 Managers will:
 - Identify performance concerns promptly
 - Provide clear feedback and support

- Apply the policy fairly and consistently
- Maintain appropriate records

4.2 Employees will:

- Engage constructively with the process
- Take reasonable steps to improve performance
- Raise concerns or support needs promptly

4.3 HR will:

- Provide procedural and fairness advice
- Support managers and employees throughout the process

5 Informal stage (early support)

5.1 Where performance concerns arise, managers should address them as early as possible through informal discussions.

5.2 The informal stage may include:

- Clarifying role expectations and standards
- Coaching, mentoring or additional supervision
- Training or refresher support
- Adjusting objectives or timescales
- Providing regular feedback

5.3 The purpose of this stage is to support improvement without invoking the formal process. Informal discussions should be documented for reference but do not constitute formal capability action or a warning.

5.4 The timescales adopted during this stage will vary depending on the nature of the role and the seriousness of the concern.

6 Consideration of other factors

6.1 Before progressing to the formal stages of this policy, the line manager must consider whether:

- There may be an underlying health condition or disability
- Reasonable adjustments are required under the Equality Act 2010
- Personal circumstances or workload issues are impacting performance
- Additional support or occupational health advice is appropriate

6.2 Where managers have concerns regarding an employee's performance and are considering whether the formal capability process may apply, they are encouraged to speak to their HR Business Partner at an early stage for advice and guidance. This will help ensure that concerns are addressed appropriately, consistently and in line with this policy.

7 Formal capability process

7.1 Where informal support has not resulted in sufficient improvement, the formal capability process may be initiated.

- 7.1.1 It may be legally possible to move directly to the formal stage of the capability procedure without first following an informal stage, provided this approach is reasonable and proportionate in the circumstances. While informal support is normally best practice, there may be situations where this would add no value or is not appropriate. Examples include cases of serious or sustained underperformance that presents an immediate risk to service delivery, safety, regulatory compliance or public confidence; where there has already been significant prior support, coaching or clear performance feedback (even if not formally labelled as “informal capability”); or where the employee holds a senior, specialist or professional role with clearly defined standards and expectations.
- 7.2 The employee will be notified in writing of the concerns, including relevant evidence and examples, and invited to a formal capability meeting.
- 7.3 At each stage of the process, the employee will be given five working days’ notice of the meeting and the right to be accompanied by a trade union representative or work colleague.
- 7.4 Where an employee chooses to be accompanied, it is the employee’s responsibility to make the necessary arrangements and ensure their chosen companion is available to attend the meeting as scheduled.
- 7.5 Capability meetings will normally be held in person, as this allows for effective discussion and engagement. Where this is not practicable or appropriate, alternative arrangements such as remote meetings may be agreed.
- 7.6 A Human Resources representative may attend formal capability meetings where appropriate. Human Resources will normally attend meetings from Stage 2 onwards, to provide procedural advice and support. At Stage 1, managers are encouraged to seek advice from their HR Business Partner as required.

8 Stage 1 – First formal capability meeting

- 8.1 The purpose of a first formal capability meeting is to clearly outline the performance concerns and agree a structured improvement plan.
- 8.2 The meeting will:
- Review performance concerns and supporting evidence
 - Explore reasons for underperformance
 - Agree a Performance Improvement Plan (PIP)
- 8.3 The PIP will include:
- Clear performance objectives linked to role requirements, competencies and values
 - Support and training to be provided
 - Timescales for improvement (typically 4–8 weeks)
 - Review arrangements
 - The consequences of insufficient improvement
- 8.4 A first capability warning may be issued, which will normally remain live for 12 months.

9 Stage 2 – Second formal capability meeting

- 9.1 Where performance has not improved sufficiently, a second formal capability meeting may be held.
- 9.2 The meeting will:
- Review progress against the PIP
 - Consider whether further support or adjustments are reasonable
 - Assess whether improvement is achievable within a reasonable timeframe
- 9.3 A final capability warning may be issued, which will remain live for 12 months. The warning will confirm final expectations and the possibility of dismissal if improvement is not achieved.

10 Stage 3 – Final capability meeting

- 10.1 Where performance remains unsatisfactory, the Council may proceed to a final capability meeting.
- 10.2 The meeting will consider:
- All support and adjustments provided
 - The length and impact of underperformance
 - The likelihood of sustained improvement
- 10.3 Possible outcomes include:
- Extension of the review period in exceptional circumstances
 - Demotion or redeployment, where suitable roles exist
 - Dismissal with notice on the grounds of capability
- 10.4 Dismissal will only be considered where all reasonable support options have been exhausted.

11 Appeals

- 11.1 Employees have the right to appeal any formal capability warning or dismissal.
- 11.2 Appeals must be submitted in writing to the Assistant Director of Human Resources within five working days of receipt of the outcome.
- 11.3 Appeal hearings will be chaired by a senior manager not previously involved, supported by Human Resources.
- 11.4 If an employee's appeal against dismissal is successful, the employee will be reinstated with no loss of continuity or pay.