

UK Capability Procedure

Summary

The Capability Procedure is the formal process followed if an individual is not able to do their job properly. It is separate from the disciplinary procedure.

The types of issues that would be covered by the Capability Procedure include an individual's skill, aptitude, competence, knowledge, health or any other physical or mental quality e.g. if you are not meeting your sales targets; if you are unable to continue in your role due to your health or if you are unable to maintain a regular pattern of attendance.

Zurich's procedure is in line with the Employment Act 2008 effective from 6 April 2009.

- You will be given every assistance to meet the required level of performance or attendance.
- If you meet the required level of performance or attendance, there is nothing to stop you from having a successful career within Zurich.
- You will not be dismissed unless warnings and a chance to improve have been given.
- Where medical evidence indicates that you are unlikely to return to work in the near future we will use the Capability Procedure for long term sickness.
- Reasonable consideration of suitable alternative work will be given if appropriate.
- You have the right to be accompanied at any stage in the formal procedure.
- You can appeal against any capability action i.e. objectives set or timescales arising from a capability meeting.

Zurich Basics and Treating Customers Fairly

Our employment policies and procedures have been reviewed to ensure that they align and support Treating Customers Fairly. In all our employment policies and procedures we seek to demonstrate the values outlined in Zurich Basics.

Zurich Basics provides a strong foundation for our work on ensuring that we treat our customers fairly. In particular with regards to the Capability Procedure we aim to act with:

Integrity	<ul style="list-style-type: none"> • We treat everyone in a fair and honest manner. • We comply with all applicable laws, regulations and internal policies.
Excellence	<ul style="list-style-type: none"> • We aim for the highest quality and strive for continuous improvement in all that we do. • We test what we do and how we do it for fairness, diversity, trust and mutual respect.

Capability can be assessed by looking at an individual's: skill, aptitude, competence, knowledge, health or any other physical or mental quality. The Capability Procedure will be used if there is deterioration or a problem in one or more of these areas or a basic inability to meet the needs of the job.

The overall aim of this procedure is to identify and address areas of concern about your performance preferably at an early stage. Support will be provided to help you improve, so that you can meet and maintain the performance standards of your job.

Many cases of poor performance can be dealt with by informal advice, coaching and counselling. Improvements can often be achieved through continuing feedback and joint discussion between individuals and their managers to identify the problem, establish the reasons for underperformance and agree the action to be taken. It is important that you and the person you report to are clear throughout the process what standards are expected and how and when they will be assessed.

Where the person you report to feels that the matters raised under the informal day to day management, supervision or 1:1s, have not been fully resolved they can instigate the formal Capability Procedure.

During the Capability Procedure, you are encouraged to work with the person you report to, to compile an appropriate set of objectives. If you have suggestions of things you can work on, or what further support you need it is important to raise these.

When attending a formal review meeting, don't rely on other people to provide feedback automatically. If you have produced a good piece of work, or have been given praise from clients or colleagues you should make sure that the person you report to is aware of your achievements. This helps them to build up as full a picture of your performance as possible.

STAGES OF THE CAPABILITY PROCEDURE

You have the right to be accompanied at any stage in the formal procedure. (see details below) You and your companion (if you have chosen to be accompanied) should make every effort to attend all capability meetings. If you are persistently unable or unwilling to attend these meetings Zurich will continue with the Capability Procedure in your absence and make a decision on the evidence available.

First Meeting

You will be notified in writing that you are required to attend a formal capability meeting to:

- discuss the concerns with your performance, approach or attendance,
- identify any immediate problems,
- determine the improvement that is required,
- agree any support that can be provided,
- agree a set of objectives against which your performance will be measured,
- agree a review period for your improvement (a minimum of one month duration) and a date for your stage 1 review meeting. During this period you will have regular meetings with the person you report to, to monitor your progress.

After the meeting the objectives, the time period and the time and date of the stage 1 review meeting will all be confirmed in writing.

Stage 1 Review Meeting

At the stage 1 review meeting you and the person you report to will have a discussion about how things have gone during the review period. You will have an opportunity to discuss your progress, present your evidence and explain how things have gone during the review period and call relevant witnesses. At the end of the Stage 1 review meeting the person you report to will judge the progress that has been made. The potential outcomes from this stage include:

1. Formal capability review ceases.

You have made substantial progress against all of the original objectives set and the formal capability review comes to an end. The person you report to will confirm this in writing.

2. The stage 1 review period is extended

Although you have failed to meet the overall requirements in relation to the stated objectives, you have shown positive progress and the person you report to decides to extend the stage 1 review period to enable you to achieve the capability objectives. A further Stage 1 review meeting date will be set.

The period of extension (a maximum of one month) will be confirmed in writing and regular reviews will continue throughout this period. At the end of the extended period a further stage 1 review meeting will be held. If you have been successful in achieving the objectives, the process outlined in 1 above will be followed. If you have been unsuccessful the process outlined in 3 below will be followed.

3. You are referred to stage 2 of the process.

If the person you report to judges that you have made insufficient improvement and failed to meet the objectives set during the stage 1 review period you can be referred to Stage 2 of the process. After the meeting the objectives, the time period (a minimum of one month) and the time and date of the stage 2 meeting to consider your performance will all be confirmed in writing.

During this Stage 2 review period your progress against the objectives will continue to be monitored and regular meetings will be held to discuss your progress.

Stage 2 Review Meeting

As a potential outcome of this meeting may be dismissal you will be advised, in writing, of the areas that will be discussed and any supporting information will be provided to you.

During the stage 2 review meeting you and the person you report to will have a discussion about how things have gone during the review period. You will have an opportunity to discuss your progress, explain how you feel things have gone during the review period, present your evidence and call relevant witnesses. At the end of the Stage 2 review meeting the person you report to will judge the progress that has been made. The potential outcomes from this stage include:

1. Formal capability review ceases.

You have made substantial progress against all of the original objectives set and the formal capability review comes to an end. The person you report to will confirm this in writing.

2. The stage 2 review period is extended

Although you have failed to meet the overall requirements in relation to the stated objectives, you have shown positive progress and the manager decides to extend the stage 2 review period to enable you to achieve the capability objectives. A further Stage 2 review meeting date will be set.

The period of extension (a maximum of one month) will be confirmed in writing and regular reviews will continue throughout this period. At the end of the extended period a further stage 2 review meeting will be held. If you have been successful in achieving the objectives, the process outlined in 1 above will be followed. If you have been unsuccessful the process outlined in 3 below will be followed.

3. Dismissal

If you have failed to either attain or show substantial progress towards reaching the objectives set, Zurich reserves the right to terminate your employment on the grounds of capability. If there is a likelihood of you being able to work in another role to the required standard (e.g. via a demotion and/or transfer), this option will be explored. If you are dismissed you will receive written confirmation of this decision and informed of your right to appeal.

APPEALS

Appeals against capability action other than dismissal

If you wish to appeal against the capability action (i.e. objectives set or timescales) taken you must inform the person whose decision you are appealing within 10 working days of the decision being formally notified to you. Your appeal should be in writing and should clearly specify the grounds for your appeal.

A meeting to discuss your appeal will be arranged without unreasonable delay (ideally within 10 working days) of receipt of your appeal at a time and place that are reasonable to you and your companion (if you have chosen to be accompanied).

Appeals will be heard by either a manager of the same grade or a more senior manager who has not previously been involved and a member of HR (if HR deem it appropriate). Those hearing the appeal will have complete discretion to confirm or vary the decisions being appealed against. This decision will be final.

Appeals against dismissal

If you wish to appeal against a dismissal you must inform the person whose decision you are appealing within 10 working days of the decision being formally notified to you. Your appeal should be in writing and should clearly specify the grounds for your appeal.

A meeting to discuss your appeal will be arranged without unreasonable delay (ideally within 10 working days) at a time and place that are reasonable to you and your companion (if you have chosen to be accompanied). The appeal meeting need not take place before the dismissal takes effect.

You should make every effort to attend the appeal meeting. At the meeting you have the right to be accompanied by either a colleague, a trade union representative or an official employed by a trade union.

Appeal meetings are heard by a manager (at grade 5 and above) who has not previously been involved and a member of HR (if HR deem it appropriate).

The decision at this step marks the final stage of the internal Capability Procedure. You will be notified of the final decision in writing.

If an appeal against dismissal is successful and you continue in Zurich's employment, you will be reinstated, your continuous service will be unaffected, and you will be recompensed for any loss of pay. If a decision to dismiss is confirmed then the date of termination of employment shall be as originally stated in the letter of dismissal.

COMPANIONS/TRADE UNION REPRESENTATIVES

You have a statutory right to be accompanied to a capability hearing. A companion can be either a:

- work colleague or
- trade union representative or an official employed by a trade union (the latter must have been certified by their union as being competent to accompany you)

To exercise your right to be accompanied you must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for you to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for you to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available locally.

Companions can address the hearing in order to:

- put forward and sum up your case,
- respond on your behalf to any view expressed at the hearing,
- confer with you during the meeting,
- ask for an adjournment to consult with you.

Companions can't:

- answer questions on your behalf,
- address the hearing if you don't want them to,
- prevent the person conducting the meeting from explaining their case.

Union representatives are trained to perform the companion role and accredited representatives can provide advice on the process and options.

External representation e.g. a solicitor/relative/non employee (other than a trade union representative) will not be permitted.

IMPORTANT CONSIDERATIONS

Notes of any meetings you attend will be provided to you. In certain circumstances e.g. to protect a witness some information may be withheld. We will not permit any other recording of meetings e.g. tape/video recordings.

At any stage in the Capability Procedure your manager may require the presence of a third party e.g. another manager, a member of HR or a note taker.

If you successfully meet your capability objectives, but are unable to maintain the required level of performance in relation to those objectives, there may be a need for further action. If this occurs within 12 months of the objectives being removed we reserve the right to recommence the procedure at the stage you had previously reached.

Copies of all paperwork will be retained on your personal file. Whilst your performance will continue to be monitored through day to day management, supervision and 1:1s, provided this progress is maintained, a record of capability objectives will not detrimentally affect your career.

Zurich reserves the right to withhold pay from anyone not prepared to fulfil the terms of their contract of employment e.g. if you do not attend any capability meetings without good reason.