

MANAGERS GUIDE ON CONDUCTING A CAPABILITY ASSESSMENT MEETING

GENERAL

Except in cases of ill-health retirement, Capability Assessment Meetings (CAM) are only convened following a Capability Assessment Review Meeting (CARM), where the Head of Service, HR and your line manager or another authorised officer attend to discuss whether a CAM meeting is necessary or a management discretion is more appropriate.

A Capability Assessment Meeting (CAM) is the final formal stage under the Supporting Attendance at Work. A CAM should be convened either where:

- An employee's absence has reached the corporate action trigger point in the monitoring period following an Stage 2
- An employee has reached 9 months of continuous absence, despite all reasonable adjustments having been considered
- A combination of intermittent and continuous absences that have reached the corporate action points over the rolling 12 months

The purpose of a Capability Assessment Meeting is for the Head of Service to consider all relevant information prior to making a final decision as to where or not the employees level of absence can continue to be sustained.

The employee's absence record, the nature of the employee's medical condition and the recommendations of the Occupational Health's reports are crucial factors in determining if there are any alternatives to dismissal, which that the Council could consider at this final stage of the process.

Discuss the content of the Occupational Health Adviser's report (where applicable) and explore ways of supporting the employee in improving their attendance or in continuous absence cases, supporting their return to work.

Where there are no alternative courses of action exist, the only remaining option is to terminate an employee's contract; consequently, it is very important that all available information is taken into account before making that decision.

The appropriate Head of Service must chair a Capability Assessment Meeting. An HR representative will also attend the meeting in an advisory capacity

As this constitutes the final formal stage of the [Policy & Procedures for Supporting Attendance at Work](#), an employee is entitled to be accompanied by a Trade Union representative or some other person of their choice.

PREPARING FOR A CAPABILITY MEETING

The Capability Absence Meeting should be held no later than 4 weeks from receipt of the Occupational Health Advisers report. An Occupational Health report must be obtained in all cases prior to convening a capability absence meeting.

As a Capability Absence Meeting is a formal meeting, the employee should be given a minimum of 5 working days' notice of the meeting, in writing. This should be done by using the template letter from the managers toolkit, which can be found at

<http://www.westlothian.gov.uk/article/2195/HR-Forms>

CONDUCTING A CAPABILITY ASSESSMENT MEETING

The scope of a Capability Assessment Meeting will vary depending on the circumstances of each case but the key topics to be covered during the meeting are as follows:

Capability Assessment Meeting - Employee Permanently Unfit

Where an Occupational Health Physician advises that the employee has become permanently unfit to carry out their job, it is unlikely that there will be any adjustments or supports that can be put in place to allow the employee to return to work.

It is nevertheless still important to consider and discuss the following points during the meeting:

- Nature of the condition that has led to the employees period of absence and specifically whether or not this condition is covered by the Equality Act 2010
- Support measures or adjustments that have previously been considered and/or implemented to help the employee to return to work
- Operational impact of the employees continued period of absence
- Views of the employee regarding their ability to return to work and any indicative timescales

If, having considered all the relevant information, the Head of Service concludes that dismissals is not appropriate at this time the employee should be advised of any relevant adjustments or review/monitoring arrangements to be put in place.

Where the Head of Service concludes that dismissal is appropriate, the employee will be informed that their employment will be terminated on the grounds of ill health.

Where the employee has been a member of the local government pension scheme for two years continuously, the employee should be informed that their employment will be terminated on the grounds of permanent ill health at the appropriate tier as advised by the Senior OH Adviser.

Capability Assessment Meeting – Corporate Action Point (intermittent and/or continuous)

Where an employee has reached the corporate trigger level during a Stage 2 monitoring period, either through recurring absences or from a period of continuous absence or a mixture of both, the Capability Assessment Meeting will normally result in dismissal on the grounds of unsustainable absence. However, a Head of Service has discretion to determine that a decision to dismiss is inappropriate in the circumstances.

In determining whether or not to exercise discretion, the Head of Service should conduct a full review of the employee's past absence history and in particular those absences that have resulted in the Capability Assessment Meeting.

The following factors may also be relevant considerations:

- Advice received from Occupational Health in relation to the employees continuing absence and/or previous absence(s)
- Nature of the condition that has led to the employee's period of absence and specifically whether or not this condition is covered by the Equality Act 2010
- Support measures or adjustments that have previously been considered and/or implemented to help the employee to improve their attendance
- Any demonstrable improvement in the employee's pattern of attendance over the most recent monitoring period
- Evidence to indicate that the employee historically had a satisfactory attendance record but has experienced an unprecedented period of absence over recent times, and if so, the reasons
- A positive medical prognosis going forward that would lead to an expectation of a sustained improvement in attendance

If, having considered all the relevant information, the Head of Service concludes that dismissal is not appropriate at this time the employee should be advised of any relevant adjustments or review/monitoring arrangements to be put in place.

Where a decision to dismiss is not taken in these circumstances, the employee will normally be placed onto Stage 2 of the Policy & Procedures for [Supporting Attendance at Work](#) with effect from the date of the meeting and the consequences of any future periods of absence explained.

Where a decision to dismiss is not taken due to the employee becoming fit for work, the employee will be placed onto the appropriate stage of the Policy & Procedures on [Supporting Attendance at Work](#) their return to work.

Where the Head of Service concludes that there are no grounds on which to apply discretion, the employee should be informed that their employment will be terminated on the grounds of unsustainable absence.

ACTION REQUIRED FOLLOWING A CAPABILITY ASSESSMENT MEETING

Where a decision to dismiss is not taken, the employee should be provided with written confirmation of the basis for that decision and the arrangements to be put in place to monitor their performance going forward.

Confirmation should be provided within 10 working days, using the appropriate letter from the Managers Toolkit. A copy of this letter should be forwarded to the Human Resources Sickness Absence Team.

Where a decision to dismiss is taken, the employee should receive written confirmation of the decision within 10 working days using the appropriate template letter from the Manager's Toolkit. In addition, the Head of Service should complete a Notification of Termination/Transfer form and forward to the Human Resources Sickness Absence Team together with a copy of the confirmation letter.