



# Capability process



# Supporting employees' mental health during capability process

**It is important to support an employee's mental health during a capability process regardless of whether the issue relates to a physical disability or mental health.**

## **Points to consider**

### **1. Communication**

- Ask the employee how they would like to be supported and how much contact they would like while they are off sick. Regular, sensitive contact from a manager can make an employee feel supported and return to work sooner. However, the right level of contact for one employee could be a form of stress for another.
- Ensure the employee understands the process by giving them the relevant policy and taking them through the main points step by step.
- Make sure that throughout the process the employee has a point of contact (usually HR) who can clarify processes and answer questions.

### **2. Consider the employee as an individual**

- While you will be required to follow a standard policy, try to do so in a way which considers the individuals' needs.
- Individuals' needs will vary widely depending on their health condition, and working with them to meet their needs will help them to keep up a good standard of performance when they return to work.

### **3. Think about your wellbeing**

- Being involved in a capability process can be stressful for everyone, so take the time to care for yourself.

### **4. Familiarise yourself with policies**

- Do you understand the relevant HR policies? Make sure you read them thoroughly before you begin the process.
- Ensure everyone has easy access to policies – this may mean giving out printed or emailed copies to staff who do not have access to the company's intranet.

### **5. Support for the employee**

- It is good practice to allow the employee to be supported during capability meetings by an appropriate person. This could include a friend/family member, colleague, union rep or support worker.
- If your company is affiliated to a Trade Union, encourage the employee to contact their union rep to talk through options. Depending on local arrangements, some unions may be able to give limited advice to non-members.



# **Informing the employee that they will be subject to a capability process**

## **1. If the employee is at work**

- Make sure you meet with the employee at a time which allows them to contact you or others later that day if they have questions / need support. For this reason, it is best to hold meetings in the morning. It would not be good practice to hold meetings on Friday afternoons.
- Try to find a space where the meeting can be held discreetly, where the employee can leave quietly afterwards if they choose.

## **2. If the employee is off sick**

- Whenever possible, follow the employee's preferences about communication methods to inform them they will be subject to a capability process. This can be done alongside sending an official letter.

## **3. Clarity**

- Ensure the employee understands the reason for the capability process.
- Take the employee through the process step by step and explain what will happen next. Make sure they have a copy of the relevant procedure for reference and that they understand, at each stage, which point of the procedure they have reached.

# During the capability process

## 1. Capability meetings

- Arrange to meet at an appropriate venue – this might not necessarily be the workplace and could be online if this is what the person prefers. Take the person's needs into consideration. Do they need to be in an environment with minimal distractions? Could there be anything triggering to their mental health? Would it be helpful to meet away from their colleagues to avoid embarrassment and gossip from colleagues?
- Check on the employee's mental health when you meet with them. Reassure them that you care and want to make sure they are happy to proceed with the meeting.
- Do your best not to cancel meetings and give notice and an explanation if a meeting has to be cancelled.
- If the employee requests a postponement of the meeting due to ill health or support not being available on the day, allow a postponement within a timescale of five working days.
- The line manager should attend the meeting themselves and not send a replacement.
- A specific HR representative should be assigned to the case who can attend all the employee's capability meetings and be a neutral party.
- Provide a brief agenda for the meeting in advance, so that the person knows what to expect and can feel prepared.
- Updates should include specific reference to which point in the capability process you have reached.
- Give the employee the opportunity to express their feelings and listen to the employee's point of view.

- Offer to take breaks during the meeting and reassure them that they can stop the meeting at any time if they feel overwhelmed and need to pause.
- The same consideration should be given to timing, support for the employee and clarity about the process and what happens next as detailed above.
- Consideration should be given to how the employee can be supported after the hearing, whether this is by the person who accompanied them or someone else. It may be appropriate to offer to support the employee to contact a suitable person.

## **2. Planning next steps at the end of the meeting**

- Make sure the employee understands what will happen next, for example, “You will be contacted by Occupational Health.” Let them know if this will be by phone, email or letter.
- Arrange the next contact, this could be the next meeting or a phone call to check in.
- Help the employee to think about the support they will need after the meeting. This could involve supporting them to contact a friend / family member. You could ask if there is someone who they would like you to contact if you are concerned about their mental health.
- The main points from the meeting, including what will happen next, should be communicated to the employee in writing, giving contact details of who they can contact if they have any questions, and signposting to support should they need this.

# Further information:

## **Capability and performance issues:**

[www.acas.org.uk/capability-procedures](http://www.acas.org.uk/capability-procedures)

## **Capability and performance when someone is disabled:**

[www.acas.org.uk/supporting-disabled-people/capability-and-performance-when-someone-is-disabled](http://www.acas.org.uk/supporting-disabled-people/capability-and-performance-when-someone-is-disabled)

## **How to look after your workforce's mental health:**

<https://bit.ly/BrightmineInfographic>

