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## Professional Conduct

### CAPABILITY POLICY AND PROCEDURE

#### 1. Introduction

The primary aim of this Procedure is to provide a framework within which we can work with a Board Member to maintain satisfactory performance standards and to encourage improvement where necessary. Table Tennis England recognises the difference between a deliberate or careless failure on a Board Member's part to perform to the standards of which they are capable (in which case the Board Disciplinary Procedure will be used) and a case of incapability, where they are lacking in knowledge, skill or ability and so cannot perform to the standard required (in which case the Capability Procedure will be used) in an attempt to improve the Board Member's performance.

Table Tennis England also recognise that during a person's time as a Board Member their capability to carry out their duties may deteriorate. This can be for a number of reasons – the most common ones being that either the role changes over a period of time and the Board Member fails to keep pace with the changes, or they change and can no longer cope with the commitment that being a Board member requires.

#### 2 Procedure

Minor capability issues will be dealt with informally through counselling and training. Informal discussions may be held with a view to clarifying the required standards and the level of performance expected of a Board Member, identifying areas of concern, establishing the likely causes of poor performance, identifying any training or supervision needs, setting targets for improvement and agreeing a time-scale for review.

In cases where informal discussion with the Board Member does not lead to a satisfactory improvement in performance, or where the performance issues are more serious, the following Capability Procedure will be used. At all stages of the Procedure an investigation will be conducted.

At all stages the Company will give consideration to whether the unsatisfactory performance is related to a disability and, if so, whether there are any reasonable adjustments that could be made to the requirements of the Board Member's role or other aspects of the working arrangements.

We will notify the relevant Board member in writing of the concerns over their performance and the basis for those concerns. The Board Member will be invited to attend a Capability Hearing to discuss the matter. Table Tennis England will provide sufficient information about the poor performance and its possible consequences

to enable the Board Member to prepare to answer the case. This will include the provision of written evidence where appropriate.

Having given the Board Member reasonable time to prepare their case, a formal Capability Hearing will then take place, conducted by the Senior Independent Director, at which the Board Member will be given the chance to respond. The Board Member has the right to be accompanied, if requested, by another Board Member of their choice. The Board member must make every effort to attend that Hearing.

The purposes of the Capability Hearing include:

- to set out the required standards that Table Tennis England considers Board Member should meet.
- to establish the likely causes of poor performance (including any reasons why any measures taken so far have not led to the required improvement).
- to allow the Board Member the opportunity to explain the poor performance; and
- to ask any relevant questions.
- to discuss measures, such as additional training or supervision, which may improve the Board Member's performance.
- to set targets for improvement; and
- to set a reasonable time-scale for review (reflecting the circumstances of the case).

In a case where dismissal is proposed, the purposes of the Capability Hearing also include:

- to establish whether there are any further steps that could reasonably be taken to rectify Board Member's poor performance.
- to establish whether there is any reasonable likelihood of the required standards of performance being met within a reasonable time; and
- to discuss whether there is any practical alternative to dismissal.

Following the Capability Hearing, Table Tennis England will decide whether or not formal performance action is justified and, if so, the Board Member will be informed in writing of Table Tennis England's decision in accordance with the Stages set out below and notified of the Board Member's right to appeal against that decision.

### **2.1 Stage 1: First Capability Warning**

This will set out the areas which have not been met for the required performance standards and targets for improvement. It will also include any measures, to be taken with a view to improving the performance, such as additional training or supervision, and a timescale for review and the likely consequences of failing to improve to the required standards within the review period. The First Capability Warning will be recorded but nullified after six months, subject to satisfactory performance.

The Board Member's performance will be monitored and, at the end of the review period, Table Tennis England will write to the Board Member to advise of the next stage. If Table Tennis England are satisfied with the performance, no further action will be taken. If Table Tennis England are not satisfied with the performance, the matter may be progressed to Stage 2 or, if Table Tennis England feel that there has been a substantial but insufficient improvement, the review period may be extended.

### **2.2 Stage 2: Final Capability Warning**

Failure to improve performance in response to the Procedure so far or a first instance of serious poor performance will result in a Final Capability Warning being issued. This will set out the areas in which the Board Member has still not met the required performance standards and targets for improvement. It will also include any measures, to be taken with a view to improving the performance, such as additional training or supervision, a further timescale for review and the likely consequences of failing to improve to the required standards within the review period. i.e., that dismissal maybe a possible outcome. The Final Capability Warning will be recorded but nullified after 12 months, subject to satisfactory performance.

Board Member's performance will again be monitored and, at the end of the further review period, Table Tennis England will write to the Board Member to advise of the next stage. If Table Tennis England are satisfied with the performance, no further action will be taken. If Table Tennis England are not satisfied with the performance, the matter may be progressed to Stage 3 or, if Table Tennis England feels that there has been a substantial but insufficient improvement, the review period may be extended.

### **2.3 Stage 3: Dismissal**

Failure to improve performance in response to the Procedure so far may result in the Board invoking Article 26.1 where a majority of the Board request the Board Member to resign.

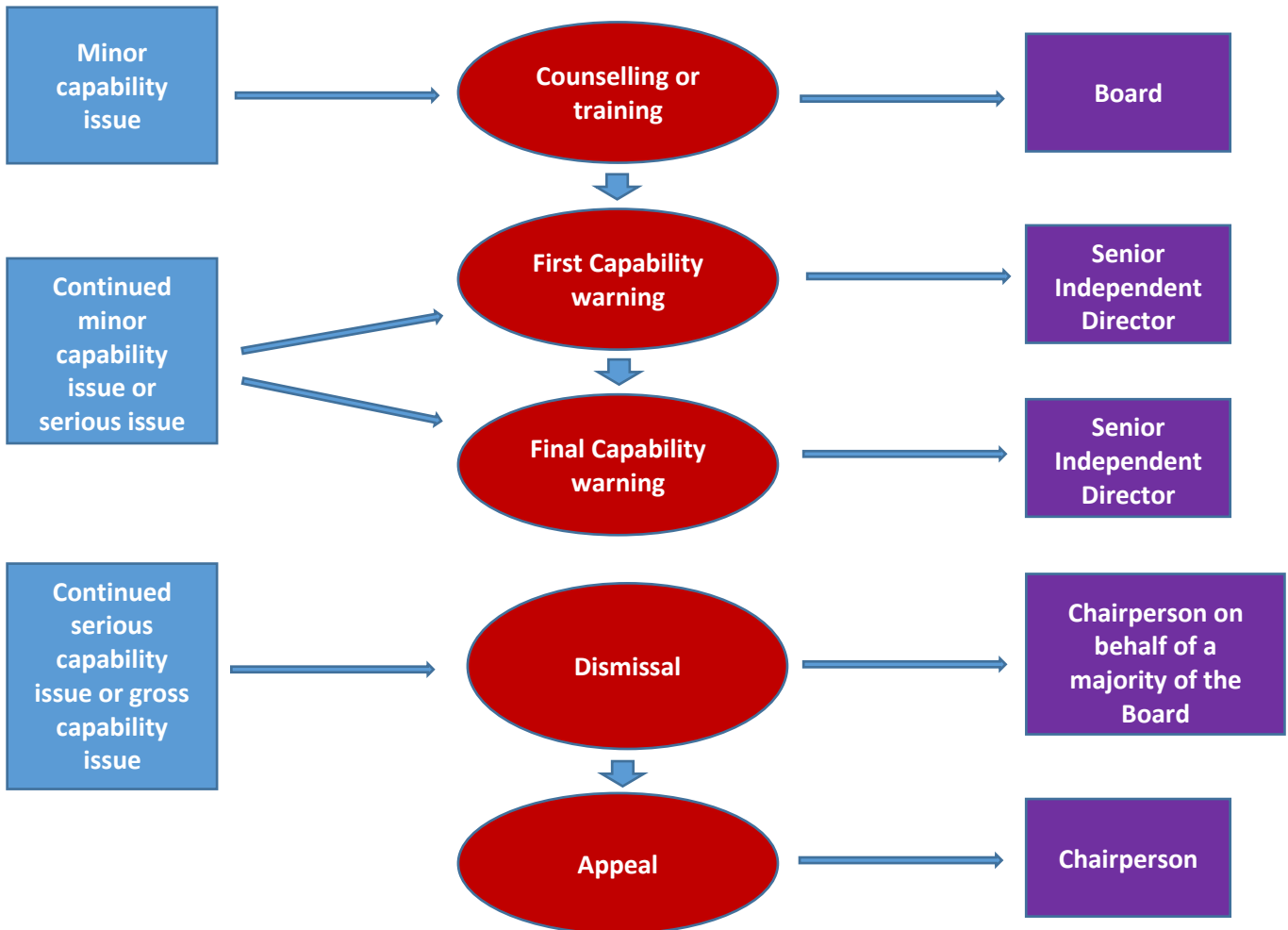
### **2.4 Appeals**

The Board Member may appeal against any decision under this Capability Procedure, including dismissal. The Board Member must write to the Chairperson, within five working days of the decision, and state the grounds for appeal.

The Board Member will be invited to attend an appeal hearing chaired by the Chairperson. At the appeal hearing, the Board member will again be given the chance to state their case and will have the right to be accompanied by a Board Member of their choice. Following the appeal hearing the Board Member will be informed in writing of the results of the Hearing.

The Company's decision on an appeal will be final.

## Summary



## Detail

Associated Documentation	
1	Board Guidance Pack
2	Board Disciplinary Procedure
3	Board Grievance Procedure
Associated Guidance / Legislation	
1	n/a
2	

### Training on this procedure is required for:

- All Board members

**Review:**

The procedure is reviewed every two years or updated as and when necessary. The next review is: *insert date*

**Procedure Updates**

Issue No.	Description	Date	Action By
1 draft	New procedure		