

Capability Meeting Guidance

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Capability meetings are only used when dealing with instances of long term absence as a result of ill health.

It must be noted that a capability meeting is merely a fact finding mission and no decisions will be made as a result of discussions. Although a capability meeting must follow a formal format, it is a fairly low key affair and should in no way be treated as a disciplinary meeting.

The purpose of the meeting is to fully understand the current situation in order for all facts to be considered thus enabling the Company to decide on what action, if any, should be taken.

A capability meeting may be called to discuss an employees absence if they have chosen not to give permission for a medical report or if a report has been received, to decide on the way forward.

Once the capability meeting has been held you may decide to call a formal disciplinary hearing to consider termination of employment. Please refer to the Guidance on Disciplinary Hearings if this is the case.

It is most important that the guidance is followed to the letter to ensure that you are as protected as possible. Some medical conditions may be covered by the Disability Discrimination Act and so afford the employee protection from dismissal. Please seek advice if you are in any doubt as making a mistake in this area of employment can be very costly.

If an employee does not give permission for a medical report you may want to consider a capability meeting to discuss the current situation. To ensure its acceptance as being fair, our recommendation would be to give 48 hours notice in writing (see Letter 1) they will of course have the right to be accompanied. As the employee will be discussing their health issues it may be that they would prefer to be accompanied by a relative or close friend, under the circumstances it would be beneficial to accept this person as their chosen companion. At the meeting we suggest you

Point out that things are more difficult for you to make a reasoned decision as they have refused to allow a medical report. The report you were looking for would not be intrusive but informative. You should show them the sort of questions you would be asking and confirm with them that they still wish to refuse you the right to a report.

Ask them to confirm their current condition and if they can give you a likely date of return to work.

Ask them to clarify if they believe they will be able to return to their original job. If not what adjustments to do they feel need to be made in order for them to return? If no adjustments can be made, what other positions do they feel they may be considered for?

Explain they need to build up as complete a picture as possible for you to base any decisions on.

Once the meeting is complete let the employee know that you will confirm discussions in writing.

If a report has been received from a GP you should invite the employee to a capability meeting to discuss the content. In calling the meeting you should enclose a copy of the report that you intend to discuss. At the meeting you will ask the employee if they agree with the content and if they can provide any further information. Discuss their likely return to work and if they feel they will return to their original post. If they or the GP feel that this is unlikely, discuss reasonable adjustments that may be made to their job. You may also discuss other positions that they may be suited to. Once conversation is exhausted close the meeting confirming that discussions will be committed to writing.

You should by this stage have all the information you need to decide on the next step.

At this point the usual options are

- To take no further action.
- To call to a disciplinary hearing and move towards dismissal on grounds of capability.
- To consider making adjustments to the job to encourage the employee to return to work.