

<b>Reference:</b>	FOI.4610.20
<b>Subject:</b>	Administration of the Capability Policy
<b>Date of Request:</b>	25 November 2020

**Requested:**

Could you please provide the information requested below:

1. Confirmation of the number of staff within the Hywel Dda Health Board who have been managed through the Capability Policy within the period spanning January 2015 to the present date (25-Nov-2020)
2. A breakdown of those numbers across individual teams/disciplines (i.e. paediatrics/dental/podiatry/midwifery/nursing) and particularly the data relating to the podiatry group.
3. A breakdown of the ethnic backgrounds of those subjected to the Capability Policy overall within the health board and within the relevant individual disciplines, again particularly with reference to the podiatry group.
4. Provide copies of the guidelines/protocols against which individuals that are subject to the policy are managed, in order to ensure that there is consistency in the way that evaluations are undertaken and reported, along with evidence of the level of appropriate training given to managers charged with administering the policy.

**Response:**

1. Hywel Dda University Health Board (UHB) provides, within the table below, the number of staff that have been managed in line with the UHB's Capability Policy, by calendar year, from 1 January 2015 to 25 November 2020.

Calendar Year	2015	2016	2017	2018	2019	2020	Total
Number	11	*	17	13	13	16	75

Please note, the above figures represent those starting the capability process in respective years. Where the process spans more than one year, the staff members have only been included in the year in which the capability process commenced. It should also be noted that the number of staff managed under the capability policy is low and represent a very small proportion of the workforce in any year; around 0.15%.

Where the figures in the table have been replaced with an asterisk (\*), the UHB is applying a Section 40 exemption, see full exemption explanation below.

2. & 3. The UHB is unable to provide you with the exact number of staff and their ethnicity that have been managed in line with the UHB's Capability Policy, broken down as requested, due to the low numbers of cases (5 and under), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the Data Protection Act 2018/ General Data Protection Regulations 2016 (GDPR), as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles 6 and 9 of

the GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the Data Protection Act 2018/General Data Protection Regulations 2016 defines personal data as data, which relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

Whilst operating in accordance with the Chancellor's Code of Practice under Section 45 of the Freedom of Information Act 2000, the UHB has a duty to provide advice and assistance.

Therefore, the UHB can confirm that seventy five (75) members of staff have been subject to the UHB's Capability Policy. Of those, sixty eight (68) were white and seven (7) were Black, Asian, Minority Ethnic (BAME) ethnicities, during the period 1 January 2005 to 25 November 2020.

The UHB has provided, within the table overleaf, a list of the departments that the staff were working in.

<b>Department</b>
Acute Nursing
Blood Sciences
Community
Corporate Services
Estates & Facilities
Mental Health
Occupational Therapy
Pharmacy
Physiotherapy
Podiatry
Radiology
Sexual Health
Speech Therapy
Women & Children

4. The UHB provides a copy of the All Wales Capability Policy Procedure. This policy has been agreed in an All Wales basis, in partnership with Trade Unions, to provide a consistent approach across all Health Boards in Wales

The policy provides a framework where managers can work with employees to support and encourage improvement where necessary, as well as maintaining satisfactory performance standards. It outlines the stages employees may go through, with an emphasis on resolving any issues informally, as part of day-to-day management. Any support identified in relation to performance, i.e. training needs or action plans, will be highly specific and as such, managers will tailor these to the individual and their role. However, if satisfactory improvement has not been forthcoming following these discussions and actions, then a more formal course of action will be considered in line with the policy, ensuring staff wellbeing at all times.