

East Midlands Academy Trust

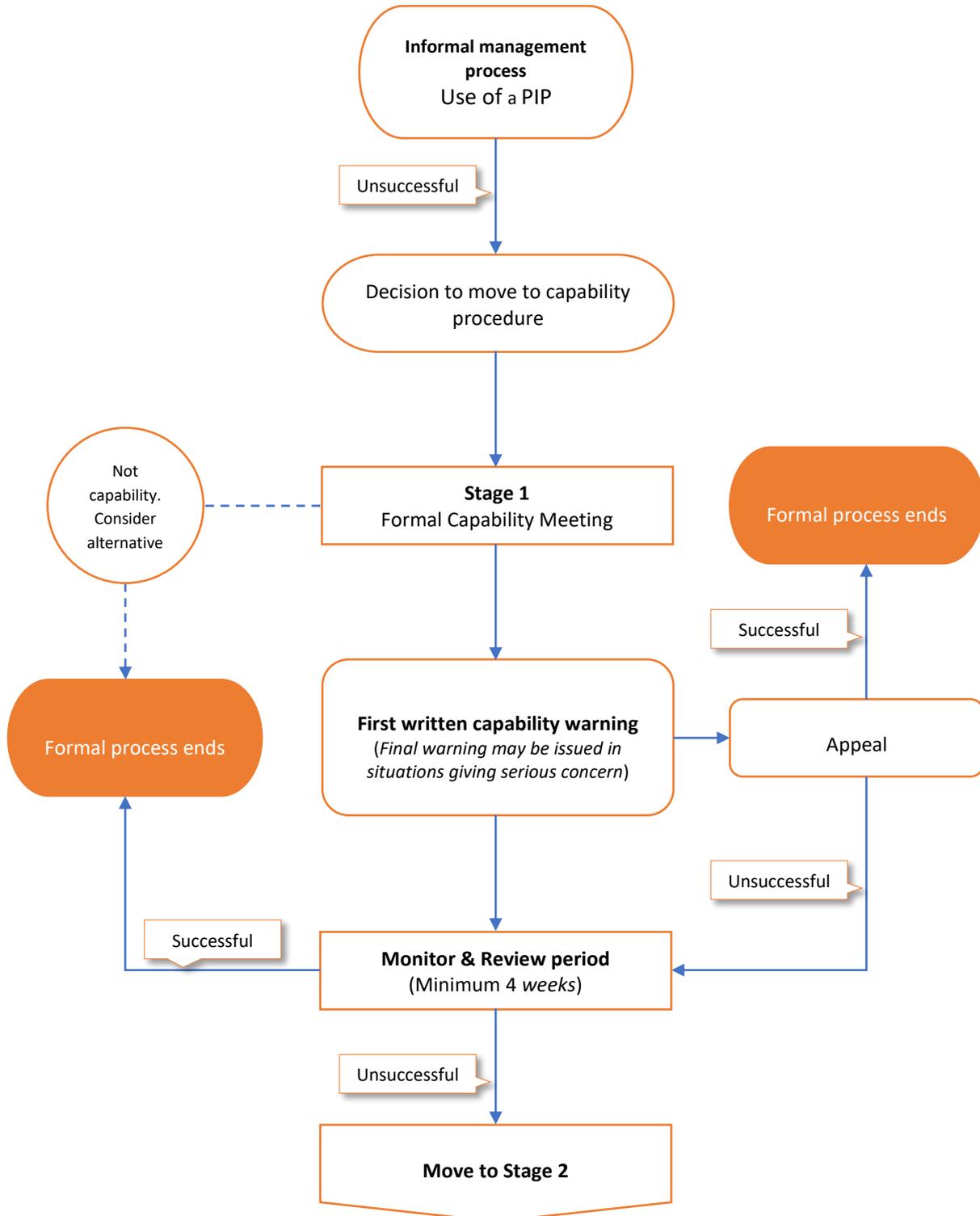
Capability Policy 2021-23

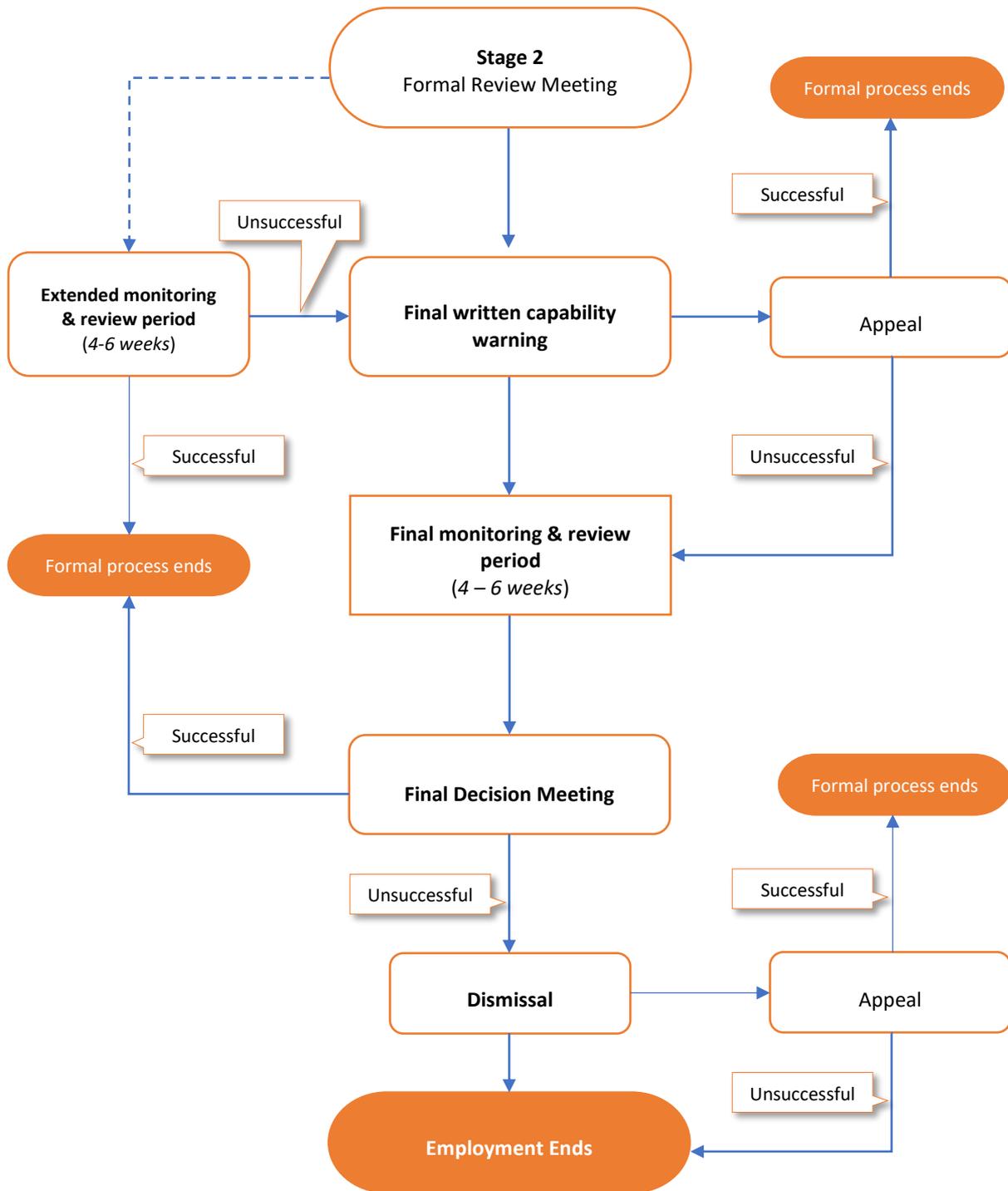
'Every child deserves to be the best they can be'

Scope: East Midlands Academy Trust & Academies within the Trust	
Version: v4 – November 2020 v5 – September 2021	Filename: EMAT Capability Policy
Approval: October 2021	Next Review: October 2023 <i>This Policy will be reviewed by the Trust Board (FHRE) every two years.</i>
Owner: East Midlands Academy Trust Board of Trustees Senior Workforce Planning & HRBP	

Policy type:	
Statutory	Replaces Academy's current policy
Links with other policies	
<ul style="list-style-type: none"> • Appraisal • Grievance • Disciplinary • Sickness and Attendance • Safeguarding Any others that may be required	

East Midlands Academy Trust Capability Process Flowchart





EMAT CAPABILITY Policy 2021 – 2023

1. Introduction

The Capability Process will provide a fair and consistent approach for supporting staff members who are not achieving or maintaining the required standard for the role. This process is not intended to replace the day-to-day support and supervision that is in place to assist all staff members in their work. Appraisal Management and CPD are dealt with under the respective, separate process and policies.

EMAT vision and purpose is “Every child deserves to be the best they can be.” The Trust is driven by a strong moral purpose that every child has the right to outstanding teaching and leadership. The objectives set for all staff members of East Midlands Academy Trust as part of the Appraisal Management process will, if achieved, contribute to the individual academy’s plans for improving educational provision and performance and improving the education of children, students, and young people at that academy.

Any issues in achieving these objectives will be addressed through the usual management process of one-to-ones. The Capability Process will only be used where performance of an individual does not consistently meet the required standards for the role.

This policy does not form part of any employee’s contract of employment and may be amended at any time.

2. Purpose

This policy aims to encourage staff members to achieve and maintain acceptable standards of performance and is designed to ensure fairness and consistency in the management of staff member performance.

As part of their day-to-day management, Line Managers may from time-to-time have discussions about performance with a member of staff. These discussions do not form part of a Capability Process and are covered in the Appraisal Management and CPD policies.

The capability policy and procedures differ from the disciplinary procedure and sickness and absence policies, as its focus is on improving performance. This policy will apply where, for reasons other than ill health, the performance of a staff member falls below an acceptable standard over a sustained period.

3. Scope

This procedure applies to all staff members (teaching, support staff, Headteacher, Head of School and including other members of the Executive Leadership team) employed by East Midlands Academy Trust where there are concerns about their performance. It excludes agency staff and those who are in probationary period. This policy has been written and is compliant by using ACAS code of practice, good management practice and employment legislation.

4. Principles

Academies will adhere to a number of principles which ensures that any individual who is subject to the Capability Process will receive consistent and fair treatment. These principles are as follows:

- a) The process will be applied objectively to all members of staff concerned and is designed to ensure that all members of staff are treated consistently and in accordance with Equalities Legislation.
- b) Line Managers will clearly define the Trust's agreed standards of performance and ensure members of staff are aware of them.
- c) Any decision to take formal action against a member of staff will only be taken after a period of agreed supportive action, unless there are exceptional circumstances, and it may be appropriate to move to the fast-track procedure.
- d) The Capability Process should only be invoked where there is clear, triangulated evidence of sustained underperformance and where the Appraisal Management process has failed to provide a solution following an agreed support plan. The instigation of a Capability Process should not come as a surprise to the staff member concerned.
- e) Every staff member has the right to be accompanied to formal capability meetings by an official Trade Union official or by a work colleague of their choice who does not normally have any line management responsibility for the member of staff concerned (Employers Relations Act 1999).
- f) The staff member will be advised to contact their union whenever the Capability Process may be invoked, and representation is permitted at all formal capability meetings.
- g) There is no statutory right for staff members to be accompanied at the informal stage. If, however, a staff member perceives that they would benefit from further support at this stage of the policy, EMAT may consider a request to be accompanied by either a workplace colleague or an official trade union representative.
- h) The staff member should make their own arrangements to be represented or accompanied. Where the chosen representative or workplace colleague is not available at the proposed time and date set for any formal meeting, the staff member may propose an alternative date as long as this date is within 5 working days of the original date. Staff members must let the Senior Workforce Planning & HRBP know if they intend to be accompanied and who this representative will be at least 5 working days before any meeting under this policy.
- i) If a process under this policy is being contemplated in respect of a work-place trade union representative, the relevant manager will notify the Senior Workforce Planning & HRBP, so that they can make reasonable attempts to discuss this with a relevant union official in advance.
- j) If the staff member's actions have had, or are liable to have, a serious or harmful impact upon the academy or Trust, consideration may be given to following the Disciplinary Policy.
- k) In accordance with the ACAS Code of Practice, where a staff member is persistently unable or unwilling to attend a capability meeting without good cause, the employer should consider this under the Disciplinary Policy.

All members of staff have the right of appeal against any action taken against them at the formal stages of this process.

5. Responsibilities

The Trust is responsible for implementing this process when required.

Only the Headteacher/CEO can commence the Capability Process. Please seek HR support at all times.

The Headteacher and Line Managers are responsible for ensuring staff members receive appropriate training and support and receive clear written feedback on performance.

Staff members are responsible for performing the duties of their post to the best of their abilities and in accordance with any specified regulations or agreed professional standards. Staff members are also responsible for complying with the process.

6. Definitions

Where the term 'Line Manager' is used this is applicable to staff employed as Headteacher, Head of School, Executive Headteacher, CEO and other Line Managers for example Heads of Departments etc.

7. Capability – Informal Performance Improvement Plan (PIP)

Prior to commencing the formal capability process, a bespoke informal Performance Improvement Plan (PIP) should be implemented, developed in conjunction with the staff member. This will summarise the areas of concern, based on robust triangulated evidence (**see 3d**) which is linked to relevant professional standards and/or job descriptions and illustrates the support that the staff member will be provided with in order to get to the required standard (see appendix C for PIP template).

For the avoidance of doubt, this PIP is not classed as formal capability and is therefore not subject to being disclosed to a potential employer in a reference.

Where the Line Manager has concerns about the performance of a staff member, they should initially manage these as part of the normal day to day Appraisal Management process. In such circumstances, the Line Manager should explain where the performance falls below standard, discuss this with the staff member in order to identify the cause of the concerns and agree the appropriate means of support for improving performance.

However, raising these concerns should not be unnecessarily delayed and in line with the EMAT's ethos is that there should be "no surprises" for staff members and that issues affecting EMAT's ability to provide a high-quality provision are addressed promptly and effectively.

The use of a PIP will ensure the staff member has received all the support, guidance, and time any reasonable employer would give to a staff member in these circumstances. Staff members should be made aware of any concerns at the earliest opportunity and given practical advice and support about how to address these issues.

Consideration should be given whether an occupational health referral needs to be made or if any reasonable adjustments are required.

The Line Manager should invite the staff member to an informal capability discussion to discuss their performance. Notes of this meeting will be kept using the Performance Improvement Plan (PIP) proforma that documents the following:

- The areas of performance needing improvement; and
- The level of improvement required; and
- The support that the staff member will be provided with; and
- The target time frame for reaching the required standard.

If appropriate, other suggestions or support mechanisms will be agreed, which may include:

- Providing appropriate training or development opportunities; and/or
- Reviewing the duties, responsibilities, reporting line or other aspects of the job; and/or
- Shadowing team members or peers across EMAT; and/or
- Transferring the staff member to a suitable alternative post within the academy/EMAT subject to mutual agreement.

At the end of the agreed review period, the senior leadership team should review the informal PIP and progress made and a meeting should be held with the staff member to decide if the necessary improvements have been made.

The Line Manager has 3 options at this stage, which will depend on the individual circumstances:

No further action/Sufficient Progress made – transition back to appraisal process

If sufficient progress has been made such that the staff member is performing at a level that indicates that there is no longer a possibility of the formal capability stage being required currently, the staff member should be informed of this at the meeting. The matter will be considered resolved and the staff member will transfer back to the relevant cycle of check-ins under the appraisal process. If, however, similar performance concerns come up within 12 months of this meeting, EMAT reserves the right to commence the process at Stage 1 – Formal Capability, rather than starting again at the informal PIP stage. This will be decided on a case-by-case basis in discussion with the staff member.

Inadequate improvement – Transition to Stage 1 Formal Capability and formal PIP issued (see 8)

If the informal process does not produce the required improvements to performance within the agreed reasonable timescale, then the manager will explain to the staff member that they will now be moving to Stage 1 Formal Capability, which is the first formal stage of this policy (see 8 below). This process will not start at the review meeting where the decision is communicated to the staff member. Instead, the staff member will be invited to a new meeting, with the right to be accompanied, during which this process will start and a formal PIP agreed.

Some progress made – extension of informal PIP and monitoring period

If the evidence shows that some progress has been made but there are still some areas of performance that have not reached the required level of performance, then consideration may be given to extend the review period for a further reasonable period. This will be discussed and will be subject to EMAT's discretion, evidence, and the individual's circumstances on each case. Please speak to the Senior Workforce Planning & HRBP who can advise.

Consideration should be given whether an occupational health referral needs to be made or if any reasonable adjustments are required. Examples could include redeployment by agreement should there be a vacancy available in a suitable alternative role; the removal of some duties or relinquishing a TLR or leadership post for an agreed alternative.

The formal capability process applies where there are serious concerns that the performance improvement plan has not been able to address the issues raised. The Line Manager may seek advice from the Headteacher and/or the Senior Workforce Planning & HRBP who will decide whether to move to the Capability Process.

8. Formal Capability Procedure – Stage 1

The staff member will be notified in writing of the decision to stop the informal process and move to the Capability Process. The notification will include an invitation to attend a formal capability meeting with the Headteacher/Line Manager at a mutually agreed time, date and venue. At least five working days' notice will be given of the date of the proposed meeting.

The notification will contain specific information regarding the concerns about performance and the possible consequences to enable the staff member to prepare to answer or refute the concerns at a formal capability meeting.

The staff member will also be informed in writing of their right to be accompanied, if they so wish, by a companion, who may be a qualified trade union representative or work colleague.

Meetings associated with any stage of the Formal Procedure will normally only be postponed once. A postponed meeting will be re-arranged within 5 working days.

If the staff member, their qualified trade union, or work colleague is unable to attend on the revised date, the meeting will take place as scheduled.

At least five working days prior to the meeting the staff member will receive copies of all documentation to be presented by the Line Manager. This should include:

- documents to evidence the concerns;
- details of support already given including notes from one-to-one meetings, feedback from lesson observations, Appraisal Management documentation and any other evidence deemed appropriate.

Three working days prior to the meeting the staff member must provide the name of the qualified trade union representative or work colleague who is to attend the meeting with the staff member, if applicable. The staff member may provide additional evidence to support their case and this should be submitted three working days prior to the meeting.

Formal Capability – Stage 1 Formal Capability Purpose of the meeting

This meeting is to establish the facts, review any evidence, identify the on-going areas of concern and to agree a way forward. It is essential that it is made clear to the staff member exactly how they have failed to meet expectations and what standard of performance is expected. The purpose of the meeting is to allow the staff member, accompanied by a work colleague or a qualified trade union representative if they wish, to respond to concerns about their performance and to make relevant representations.

The Line Manager will present the case, explaining how the staff member's performance has been assessed as unsatisfactory and what support/actions have been taken during the informal process of the performance procedure.

This may provide new information or a different context to the information/evidence already collected. The Line Manager, or Chief Executive of East Midlands Academy Trust in the case of a Headteacher, will chair the meeting and may be accompanied by a member of the HR team.

The Line Manager may adjourn the meeting if it is decided that further investigation is required or if more time is needed to consider any additional information.

Structure of the Meeting

The Line Manager conducting the meeting will:

- Identify clearly how the standards are not being met and show evidence to support the concerns.
- Define which areas of the staff member's role and/or relevant standards are not being met (these could be new concerns identified or those which the staff member has already received informal support for), and the effect this is having on students; staff and the provision of education or service in the academy or EMAT.
- Give the staff member the opportunity to respond to the concerns being raised.
- Give clear guidance on the improved standard of performance needed to ensure that the staff member can be removed from formal Capability Process. This will form the formal PIP/action plan, setting new objectives focused on the specific areas of concern/weakness that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made.

- Explain the support that will be available to help the staff member improve their performance. This may include monitoring, observing effective practitioners, training, and partnership teaching. This list is not exhaustive.
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case. Where there are serious concerns that have been identified, a review period of four weeks will be appropriate. This may occur where the staff member's actions have had, or are liable to have, a serious or harmful impact on the school. In other cases, the Line Manager will set a review period having taken into account what is reasonable and proportionate and gives sufficient time for improvement. The maximum timescale for review should be six weeks from the date of the meeting.
- Inform the staff member that failure to improve within the set period could lead to a final written warning which then could lead to dismissal. This constitutes a **first warning** under the procedure. In very exceptional circumstances the decision may be to issue a final written capability warning and invite the staff member to a decision meeting. Advice must be sought from the Senior Workforce Planning & HRBP if such action is contemplated.
- Advise the staff member of their right of appeal within five working days of written confirmation being received of any decision issued.
- Confirm that the staff member will receive notes of the meeting and will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage. Where a warning is issued, the staff member will also be advised of the procedure and time limits for appealing against the warning. This will be provided to the staff member within five working days as it would be required for any possible appeal.

Following the meeting there may be no concerns and therefore no further action/formal monitoring will be taken at this stage under the capability procedure, and that the staff member's performance will be monitored under the appraisal process. However, the staff member will be warned that if new or existing concerns are raised about their performance within 12 months of this meeting, the Line Manager may continue with formal capability monitoring from the stage that they reached previously under this procedure.

There may be occasions when a staff member is repeatedly unable or unwilling to attend a meeting. The Headteacher/Line Manager will need to consider all the facts and take advice from the Senior Workforce Planning & HRBP and come to a reasonable decision on how to proceed.

Where a staff member is persistently unable or unwilling to attend a meeting without good cause the Headteacher/Line Manager should make a decision based on the evidence available.

Sickness Absence during the process

If the staff member is signed off by their GP at the start of, or during, any stage of the Formal Capability Process, the East Midlands Academy Trust Sickness and Attendance policy will commence. An Occupational Health Referral should be made to seek medical opinion on the staff member's fitness for continued employment and the appropriateness of continuing with the formal process.

If the staff member is not fit to attend meetings, it may be appropriate for subsequent monitoring and/or meetings to proceed in their absence or with a qualified trade union representative attending on the staff member's behalf. In this case, the Line Manager will take due account of the medical condition and will write to the staff member to confirm the outcome of the meeting and ask the staff member to comment if they wish. There may be a need to refer to Occupational Health Service in these cases.

The Headteacher will confirm in writing the performance issues causing concern, the levels of support to be maintained or put in place, the targets set, and the period set for review. A copy of any actions agreed should be enclosed. The letter will give details of the length of time the staff member has to reach the required standard and will confirm whether a written capability warning has been issued, together with the length of time this will remain on their personnel file. The staff member must be warned that failure to improve could lead to dismissal.

If during the review period the staff member has concerns about any issues which may impact on their ability to meet or sustain the set targets, they should discuss these with, or provide a written statement to, the named support, the Headteacher or their Line Manager as soon as possible and not wait for the review meeting.

Monitoring and review period following a formal capability meeting

An agreed performance monitoring and review period, normally of not less than 4 working weeks, will follow the formal capability meeting. The agreed formal monitoring, evaluation, guidance, and support will take place during this period. Depending on the circumstances it may be appropriate for the Headteacher or another senior manager to monitor progress. A mid-point review meeting will be agreed to support the staff member in reaching the required standard.

9. Stage 2 - Formal Review Meeting

At the end of the agreed monitoring and review period the staff member will be invited to a formal review meeting at a mutually agreed time, date, and venue. They must receive at least five working days' notice of the meeting.

This written notification will:

- contain detailed information about the concerns about the performance and their possible consequences to enable the staff member to prepare to answer the case;
- contain copies of any written evidence;
- confirm the details of the time and place of the meeting;
- advise the staff member of their right to be accompanied by a companion, who may be a work colleague or a qualified trade union representative;
- advise the staff member of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting prior to the meeting (at least two working days before the meeting is due to take place);
- advise the staff member who will be conducting the meeting. It will be conducted by the Chief Executive of East Midlands Academy Trust for Headteacher capability or the Headteacher and Line Manager for other staff members.

If the staff member was issued with a final written capability warning, they will be invited to a decision meeting, for which they must receive at least five working days' notice (*see Stage 3 – Decision Meeting*).

Structure of the Formal Review Meeting

This meeting will follow the same structure as a formal capability meeting.

If the person conducting the meeting is satisfied that the staff member has made sufficient improvement, the Capability Process will cease and the appraisal management process will re-start; the staff member will resume their normal duties.

In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period.
- If no, or insufficient, progress has been made during the monitoring and review period, the staff member will receive a second and final written capability warning.

The second and final written capability warning will clearly state the improved standard of performance required, the evidence that will be used to assess whether or not the necessary improvement has been made and the support that will be available to help the staff member improve their performance. It will set out the timetable for improvement and explain how performance will be monitored and reviewed and confirm the time limits for appealing against the warning.

The second and final written capability warning will inform the staff member that failure to achieve an acceptable standard of performance (within the set timescale), may result in the requirement to attend a decision meeting and dismissal from their post.

Monitoring and review period following a review meeting

A performance monitoring and review period agreed as above will follow the formal review meeting. The agreed formal monitoring, evaluation, guidance, and support will take place during this period. Depending on the circumstances, it may be appropriate for the Headteacher or another senior member of staff to monitor progress. If an acceptable standard of performance has been achieved during the further monitoring and review period, the Capability Process will end and the Appraisal Management process will restart; the staff member will resume their normal duties. Any warnings issued either at Stage 1 or Stage 2 of the process will remain on file from the date that they were issued.

If performance remains unsatisfactory, the staff member will be invited to a decision meeting conducted by the Headteacher. The meeting will make the decision that the staff member should be dismissed or required to cease working at the academy. Please ensure you have sought advice from the Senior Workforce Planning & HRBP.

10. Stage 3 - Decision Meeting Notification

The staff member will be invited to a decision meeting. They must receive at least five working days' notice of the meeting.

The written notification will:

- contain detailed information about the concerns about performance and their possible consequences to enable the staff member to prepare to answer their case;
- contain copies of any written evidence including previous written capability warnings;
- confirm the details of the time and place of the meeting;
- advise the staff member of their right to be accompanied by a companion, who may be a work colleague or a qualified trade union representative;
- advise the staff member of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting prior to the meeting;
- advise the staff member who will be conducting the meeting and provide details of anyone else attending, for example the Headteacher/Line Manager and East Midlands Academy Trust representative.

Structure of a Decision Meeting

This meeting will follow the same structure as a formal capability meeting; however, the meeting must be held by whoever can make the recommendation to dismiss to the Trust, Headteacher or CEO.

Dismissal

Before the decision to dismiss is made, the Headteacher will discuss the matter with the Senior Workforce Planning & HRBP.

The staff member will be informed in writing within five working days of the decision of the meeting of the reasons for dismissal, the date on which their employment contract will end, and the appropriate period of notice and their right of appeal.

11. Appeal

If a staff member feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days of the decision, setting out at the same time the grounds for the appeal. Appeals must be submitted to the HR team at hr@emat.uk. Appeals will normally be heard by the CEO without unreasonable delay and where possible within ten working days from the date of the appeal being lodged. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings. As with other formal meetings, notes will be taken, and a copy sent to the staff member.

The appeal will be heard by the Appeal Committee and not by members who have been involved with the case previously. The Committee will have the option to overturn or confirm the dismissal.

Appeal against capability outcomes will usually be considered in relation to one or more of the following grounds:

- a) **The procedure:** the grounds of appeal should detail how procedural irregularities prejudiced any decision.
- b) **The facts:** the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered, where relevant.
- c) **The decision:** the grounds of the appeal should state how the level of action taken was unreasonable and unjustified.

The grounds of appeal should be accompanied by any additional evidence to be presented in support of the appeal. There is no requirement to submit any documentation if the staff member does not wish to. The staff member will not be able to use at the appeal any evidence not previously circulated to the parties in advance.

The appeal letter will be sent from the HR team and shall give all participants five working days' formal notice of the date, time, and location of the appeal. All documents relevant to the appeal should be enclosed with the letter. The staff member/trade union representative may suggest an alternative time and date as long as it is reasonable and is not more than five working days after the original date. If an unreasonable suggestion is made, the appeals committee having rejected it, may proceed to hear the appeal in the absence of the staff member or their representative. Advice must be sought from the Senior Workforce Planning and HRBP beforehand if this is likely, so that they can advise on the reasonableness of approach, based on the circumstances of each case.

The person or panel hearing the appeal may a) dismiss the appeal (dismissal still stands), b) uphold the appeal (dismissal no longer stands), or c) substitute the dismissal for a lesser penalty i.e. amend the period defined for a further improvement.

The staff member will be informed of the outcome in writing within five days of the appeal hearing.

12. Fast Track Capability Process

This process is designed for use in exceptional circumstances and where action must be taken as a matter of urgency. Any shortening of the process will only occur in the most extreme circumstances and to address serious issues relating to unacceptable performance.

It is essential that clear and objective facts are gathered and substantiated before making a decision to proceed with the Fast-Track process. In all cases the Headteacher/Line Manager must take advice from the Senior Workforce Planning and HRBP.

Examples could include:

- Non-compliance with legal or statutory requirements;
- Safeguarding issues.

The Fast-Track Capability Process can be invoked at any time during the management of performance. There will be two stages, each of 4 weeks duration. A final written capability warning may be issued at the end of the first review period by the Headteacher/Line Manager.

The meetings in this Fast-Track procedure will follow the same format as outlined in the formal Capability Process.

No action will be taken under the Fast-Track process in respect of a trade union representative until the circumstances of the case have been raised with a senior representative or paid official of the trade union. The Headteacher must take HR advice before taking any action.

13. Grievances arising during the Capability Procedure

If the grievance is related to the case, it will normally be dealt with as part of the formal capability meeting/appeal. Depending on the nature of the grievance, the capability process may be suspended for a short period to deal with the grievance. The staff member will need to raise the grievance in accordance with EMAT's Grievance procedure.

14. Confidentiality and data protection

The capability process will be treated confidentially. However, it needs to be recognised that, in supporting employees through this process, some degree of information sharing is likely to be necessary to quality-assure the operation and effectiveness of the process.

The Headteacher / Line Manager will ensure that all written records are retained in a secure place. As part of the application of this policy, EMAT may collect, process, and store personal data in accordance with the Trust's data protection policy.

15. Review

This policy will be reviewed every two years by the FHRE committee.

APPENDIX A

FORMAT OF FORMAL CAPABILITY MEETING

1. Introductions

The Headteacher/Line Manager/chair of committee introduces him/herself and invites all others to introduce themselves. The Headteacher/Line Manager/chair of committee runs through the agenda.

2. Nature of complaint

The Headteacher/Line Manager/chair of committee specifies that the complaint refers to capability and checks that all parties have the relevant documents.

3. Presentation by management

The Headteacher/senior manager/Line Manager presents the management's case, referring to evidence from the formal stages of the Capability Process. Witnesses may be called.

4. Questions by staff member

The staff member and/or representative may question the person presenting the management's case and each of the management's witnesses after they have given evidence.

5. Questions by Headteacher/Line Manager/committee members

The Headteacher/Line Manager/committee members may question the person presenting the management's case and each of the management's witnesses after they have given evidence and been asked any questions by, or on behalf of, the staff member.

6. Presentation by staff member

The staff member and/or their representative present their case. Witnesses may be called.

7. Questions by person presenting the management's case

The person representing the management's case may question the staff member and each of the staff member's witnesses after they have given evidence.

8. Questions by Headteacher/Line Manager/committee members

Headteacher/Line Manager/trust members may question the staff member, representative and each of the staff member's witnesses after they have given their evidence and have been asked questions by the person presenting the management's case.

9. Final statement by management

The person presenting the management's case may make a final statement.

10. Final statement by staff member

The staff member and/or representative may make a final statement.

11. Withdrawal

Both parties withdraw to allow the Headteacher/Line Manager/committee to discuss findings and come to a decision. The note-taker and/or HR representative remain. The parties may be asked to remain available in case the Headteacher/Line Manager/committee need to clarify any point.

12. Adjournments

Either party may request adjournments during the course of the hearing.

APPENDIX B

FORMAT OF APPEAL HEARING AGAINST DISMISSAL

1. Introductions

The chair of the Appeal Committee introduces him/herself and invites all others to introduce themselves. The chair of the Appeal Committee runs through the agenda.

2. Nature of complaint

The chair of the Appeal Committee specifies that the complaint refers to capability and checks that all parties have the relevant documents.

3. Presentation by staff member

The staff member and/or their representative present their case. Witnesses may be called.

4. Questions by person presenting the management's case

The person representing the management's case may question the staff member and each of the staff member's witnesses after they have given evidence.

5. Questions by committee members

Committee members may question the staff member, representative and each of the staff member's witnesses after they have given their evidence and been asked questions by the person presenting the management's case.

6. Presentation by management

The Chair of the Trust Sub Committee who made the decision to dismiss will present the case, referring to evidence from the formal stages of the Capability Process. Witnesses may be called, which may include the Headteacher/Line Manager who undertook the capability process.

7. Questions by staff member

The staff member and/or representative may question the person presenting the management's case and each of the management's witnesses after they have given evidence.

8. Questions by committee members

The committee members may question the person presenting the management's case and each of the management's witnesses after they have given evidence and been asked any questions by, or on behalf of, the staff member.

9. Final statement by staff member

The staff member and/or representative may make a final statement.

10. Final statement by management

The person presenting the management's case may make a final statement.

11. Withdrawal

Both parties withdraw to allow the Headteacher/Line Manager/committee to discuss findings and come to a decision. The note-taker and/or HR representative remain. The parties may be asked to remain available in case the Headteacher/Line Manager/committee need to clarify any point.

12. Adjournments

Either party may request adjournments during the course of the hearing.

13. WARNINGS

If an Appeal Hearing is required for a warning, the Headteacher may hear this if they have had no prior involvement in the formal process; otherwise, the appeal will need to be heard by the Appeal Committee. The same format as outlined above will apply.

APPENDIX C

PERFORMANCE IMPROVEMENT PLAN

Key Areas Identified	Improvement Objectives <i>What specifically must the individual do to improve their performance to meet expected standards?</i>	Action Steps <i>What will be done?</i>	Additional Support Required <i>What additional development or support does the individual require in order that they are able to achieve expected standards?</i>	Reasonable Adjustments <i>What advice has been received from OH that will support the employee? List reasonable adjustments which are in place.</i>	Progress Review Meetings <i>When will progress against the improvement objectives be reviewed? How will evidence of progress be collected? Who will review the progress?</i>
1.					
2.					
3.					

INFORMAL/FORMAL CAPABILITY PROCEDURE

Employee Name:		Position:	
Employment start date:		PIP discussion date: <i>Date concerns raised</i>	
Date of Progress Review Meetings	1.	2.	3.
Employee's Signature		Date:	
Manager's Signature		Date:	
HR review <i>Please share with HRBP should an Occupational Health referral be needed and for support</i> <i>EAP etc.</i>		HR Notes:	

High level summary below:

Please note: the action plan detailed below is hypothetical and has been developed as an example only. You should develop an action plan that is specific to the identified areas for improvement for each teacher. The targets should be in line with the teacher standards that apply and their individual job description.

Detailed action plan

Key area identified Target	Action	Timescale	Support from School	Success criteria	Monitoring	Outcome
Classroom practice 1. Manage behaviour effectively to ensure a good and safe learning environment (Teacher Standards 7)	Have clear rules and routines for behaviour in classroom in line with school's behaviour policy	Immediate	School behaviour policy reissued and content discussed on xx Peer lesson observation arranged to demonstrate good practice, held xx INSET training on behaviour management held on xx To attend external training on behaviour management techniques on xx	What does successful achievement of this target look like?	By Who? When? How will it be evaluated?	Has performance target been met or not? If partially met what %? Comments where partially met
	Manage classes effectively, using approaches and interventions which are appropriate to pupils needs in order to involve and motivate them	To demonstrate by XX				
	Establish a framework for discipline with a range of strategies using praise, sanctions, and rewards consistently and fairly	Immediate				
Classroom practice 2. Plan and teach well-structured lessons	Develop lesson plans using the schools template, that are clear and well	By xx	School lesson plan template re-issued and requirements discussed on xx Exemplar lesson	What does successful achievement of this	By Who? When? How?	Has performance target been met or not? If partially met what %?

<p>(Teacher Standards 4)</p>	<p>structured, including lesson aims, objectives, warm up, differentiation, timings, plenary, etc</p>		<p>plans shared on xx 1-1 support arranged to provide constructive feedback on lesson planning held xx INSET training on using schools' lesson planning template held on xx</p>	<p>target look like?</p>		<p>Comments where partially met</p>
	<p>Submit proposed lesson plans for the following week to XX</p>	<p>Submitted by 2pm, Thursday weekly</p>	<p>Feedback on proposed lesson plans given by 3pm Friday</p>		<p>Weekly by XX</p>	
	<p>Teach well-structured lessons</p>	<p>3 weeks</p>		<p>Lessons are delivered in line with structured lesson plan</p>	<p>Lesson observation</p>	
<p>SENCO / Leadership responsibilities</p> <p>3. Effective communication skills (SENCO standards 4c)</p>	<p>Communicate effectively, orally and in writing, to the Headteacher, colleagues, parents, Governors and external agencies</p>		<p>Training on report writing to be held on xx Training on 'effective communication' attended on xx Exemplar SENCO reports shared Effective communication to parents observed on xx SENCO mentor at xx school identified, 2 meetings facilitated on xx and xx</p>	<p>What does successful achievement of this target look like?</p>	<p>By Who? When? How?</p>	<p>Has performance target been met or not? If partially met what %? Comments where partially met</p>