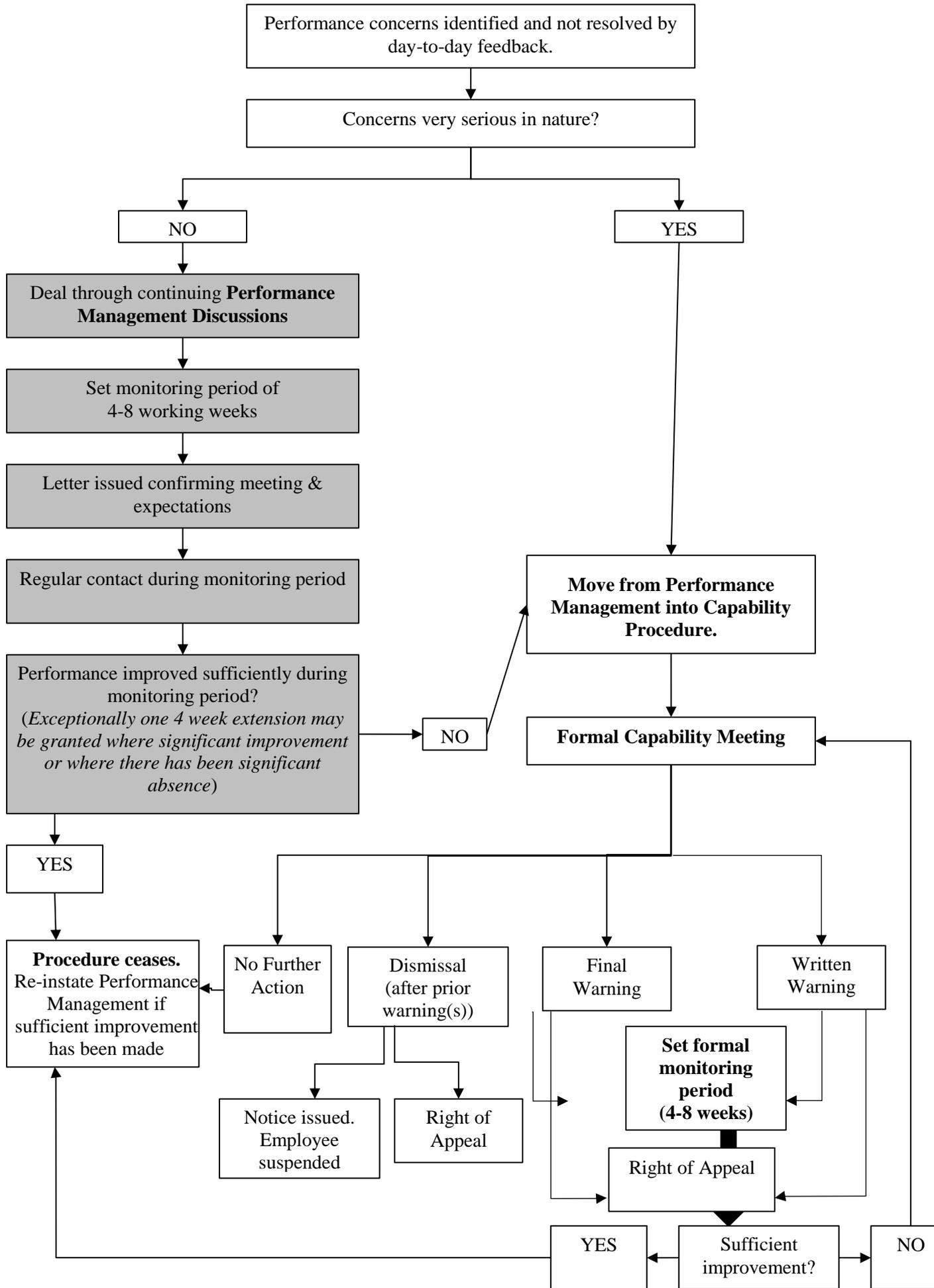


# SUMMARY CAPABILITY PROCEDURE



## Capability

Where there is concern about performance, the Line Manager, or a more senior Line Manager will draw the member of staff's attention to the perceived shortcomings at the earliest opportunity.

Where a meeting is called, the member of staff will be given notice in writing of the date and time of the meeting, such notice to include (i) detail of the performance issues to be discussed; (ii) any documents relating to these issues; and (iii) notice of the member of staff's right to be accompanied at the meeting by a colleague or trade union representative. Should the member of staff have documents relevant to the case he/she should arrange to have them copied to the Line Manager as soon as possible and at least one full day before the meeting. At the meeting the Line Manager will outline the grounds for criticism and ask the member of staff to respond.

At this or any subsequent meeting convened to consider the issue, discussion will take place to establish the best means of eliminating the grounds for criticism. In particular, any support the member of staff may require should be identified and agreed. If no such agreement can be reached, the Line Manager will decide what measures will be introduced to help the member of staff overcome the problem. These measures could include:

- a change in working practices within the member of staff's specific responsibilities;
- counselling, which could lead to reference for medical advice;
- training for which the School will meet some or all of the costs;
- advice and support from within the School or from external advisers;
- closer, supportive supervision for a limited period;
- alternative work within the School.

To address the concerns about the member of staff's performance, and to help him/her achieve an acceptable standard, a clear programme of action will be agreed. This will include realistic review dates. A summary will be made of the discussion and the action plan, with copies to be kept by the Line Manager and the member of staff.

If, after a reasonable period, this programme of support has not led to the elimination of the grounds for concern, the Line Manager may consider initiating the disciplinary procedure.

## LINE MANAGER'S OVERVIEW

### 1 PROCEDURE

#### 1. Identified concerns

Where evidence emerges that an employee's performance has fallen below the minimum standards expected of them, and this has not been resolved through day-to-day feedback and coaching, this will be discussed with the employee, normally as part of the appraisal process.

The line manager or other appropriate manager, will:

- set out the nature and seriousness of the concerns;
- confirm any previous discussions/support;

- give the employee the opportunity to comment and discuss concerns.

## 1.2 Monitoring

A monitoring period will usually be set, in all but the most serious cases (1.3). The line manager will:

- set targets for future performance (in addition to existing Appraisal Targets as appropriate);
- agree any further support with the employee;
- make it clear how, and by whom, progress will be monitored and when it will be reviewed;
- explain the consequences and process if no, or insufficient, improvement is made.

The period of monitoring will normally be between 4 and 8 working weeks and in any case shall only be as long as is necessary to allow reasonable time for improvement and this will depend on the seriousness of the issues and individual circumstances. Exceptionally, an extension of not normally more than 4 weeks may be granted, where there has been significant improvement or there has been significant absence during the monitoring period.

Full detail of this meeting and its decisions will be confirmed in writing to the employee.

Regular contact will be maintained throughout the monitoring period to review and support progress.

## 1.3 The formal procedure

In the most severe cases, and where there has been insufficient improvement following any monitoring period, the Performance Management Process will be suspended and the Formal Capability Procedure will be invoked. The employee will be called to a formal capability meeting. Where a meeting is called, the member of staff will be given notice in writing of the date and time of the meeting, such notice to include (i) detail of the performance issues to be discussed; (ii) any documents relating to these issues; and (iii) notice of the member of staff's right to be accompanied at the meeting by a colleague or trade union representative. Should the member of staff have documents relevant to the case he/she should arrange to have them copied to the line manager as soon as possible and at least one full day before the meeting.

1.3.1 The meeting will be conducted by an appropriate manager. This will be the headteacher where there have been previous warnings and dismissal is therefore a possible outcome.

1.3.2 An employee is entitled to be accompanied by a trade union/professional association representative or colleague, at all stages of the formal procedure. The employee must make his/her own arrangements for this.

1.3.3 At the meeting the Line Manager will outline the grounds for criticism and ask the member of staff to respond.

## 2. OUTCOMES

2.1 Where the concerns are substantiated the following decisions may be made:

2.1.1 (i) Written warning (normally for one year to ensure that the required performance has been maintained) and a formal monitoring period. Where there is serious

concern about the standard of performance or there has been insufficient progress following a period of monitoring (4-8 weeks).

(ii) Final Written Warning (normally for one year) and a formal monitoring period: where the concerns are particularly serious or there has been insufficient progress following a previous warning or period of monitoring (4-8 weeks).

(iii) Dismissal with notice: in the most serious cases and where there has been:

- no progress following a previous warning/period of monitoring
- insufficient progress following a final written warning.

2.2 Where a warning is determined, the employee will be informed, normally at the end of the meeting, and in any case, in writing of:

- the nature and seriousness of the concerns;
- the improvement in performance that is required during the formal monitoring period to remove them from the formal process (ie through set targets example Appendix A);
- the support that will be available to help the member of staff improve;
- the end date of the formal monitoring period and how performance will be monitored during this period, including any review dates;
- the consequences of failure to improve to the required standard;
- in the case of a formal warning or dismissal the employee will also be notified of his/her right of appeal.

2.3 In the case of recommendation for dismissal, employees will normally be placed on paid suspension for the period of notice, pending the Hearing.

### 3. APPEALS

3.1 Following formal disciplinary action a member of staff has the right to appeal against any disciplinary sanction that has been imposed. The appeal must be put in writing to the Headteacher and give details of the reason for appeal. The request for an appeal must be received within 7 days of the date when the member of staff was formally notified of the disciplinary sanction. An appeal hearing will be arranged with the purpose of examining the circumstances and procedures leading to the disciplinary action to decide whether it was fair and reasonable. Any appeal panel will consist of three Governors. The outcome of an appeal will be either a decision to vary the sanction either up or down, uphold the decision, or overturn the decision taken at the disciplinary hearing. No person involved in making the original decision to impose a disciplinary sanction will make the appeal decision.

### 4. RECORDS

4.1 Notes of formal meetings and appeal hearings will be taken and shared with the employee as soon as possible after the meeting/hearing. The employee has the right to challenge the accuracy of any minutes and to have these recorded.

4.2 No-one may record meetings or hearings.

4.3 Details of any formal action, including any warnings will be retained on the employee's personal file.

4.4 Details of any current capability procedures and/or warnings, will be referred to when responding to an employee reference request.

## 5. TIMING/LOCATION OF MEETINGS/HEARINGS

5.1 Employers are obliged to deal with performance issues without undue delay. It is expected that employees and their representatives will assist in this aim.

5.2 Where possible, timings of formal meetings and appeal hearings will be agreed with the employee and his/her representative and will normally take place during the working day.

5.3 Employees and their representatives should make themselves available to attend meetings within a reasonable period of time. If however, the employee's chosen companion is not available, for a reason that was not reasonably unforeseeable, at the time proposed for any meeting or hearing, one alternative date will be set, normally no later than five working days from the original date.

5.4 Where possible meetings and hearings will be held at a mutually convenient location, which meet any special needs of attendees and which may sometimes be away from the normal place of work where this is considered to be appropriate.

## 6. GRIEVANCES RAISED DURING CAPABILITY PROCEDURES

If an employee raises a grievance during the course of the capability procedure, related to the case, the grievance will normally be dealt with as part of the formal capability meeting/appeal. If appropriate, given the nature of the grievance, the capability process may be temporarily suspended in order to deal with the grievance.

## 7. ILL HEALTH DURING CAPABILITY PROCEDURES

7.1 While it is recognised that capability procedures can be distressing and may sometimes lead to an employee feeling unwell, the School believes that it is in everyone's best interest to conclude matters as quickly as possible and will work with the employee to achieve this.

7.2 If sickness absence appears to have been triggered by the commencement of the capability procedure, the case will be referred immediately to an occupational health adviser to assess the employee's fitness for participation in the capability. Where an employee remains off sick, the matter will subsequently be dealt with in accordance with the sickness absence procedure.

### Capability Targets

Topic:			
Target	Specific Outcomes Required	Criteria Used To Measure If Targets Met	Evaluation