TrustEd Schools Alliance
Professional Support &
Capability Procedure for Support Staff

This Policy has been consulted on with the recognised Trade Unions set out below and through the Trust Forum Group, which includes Support Staff and Teacher's representation for all schools within our Trust.

- Association of School and College Leaders
- GMB
- National Association of Headteachers
- National Association of Schoolmasters Union of Women Teachers
- National Education Union
- Unison

FREQUENCY OF REVIEW: Every two years

COMMITTEE: PPMP Committee

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AUTHOR: Shropshire HR

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Adopted by the Board of TrustEd Schools Alliance

Signed_____ Dated _____
Chair of Trust Board

Signed_____ Dated _____
Chief Education Officer (CEO)

CONTENTS

		Page
1.	Purpose	3
2.	Application of the Procedure	3
3.	Roles & Responsibilities	4
4.	Professional Support Procedure	5
5.	Professional Support Meeting	5
6.	Stage 1 – Formal Capability Meeting	7
7.	Monitoring and review period following a Stage 1 Formal Capability Meeting	8
8.	Stage 2 – Formal Capability Review Meeting	9
9.	Monitoring and review period following a Stage 2 – Formal Capability Review Meeting	10
10.	Stage 3 – Formal Capability Decision Meeting	10
11.	Stage 4 – Formal Capability Dismissal Meeting	11
12.	Appeals	12
13.	Other Considerations	12
14.	Monitoring and Review	

Appendices

1.	Action Plan Template
2.	Procedure at Formal Capability Review/Decision Meetings
3.	Appeal Hearing Procedure
4.	Staff Dismissal Committee Procedure
5.	Performance Improvement Plan Template

TrustEd School Alliance Professional Support & Capability Procedure for Support Staff

1. Purpose

1.1 All Trust Support Staff are expected to demonstrate consistently high standards of personal and professional conduct. This procedure has been adopted for use in managing serious concerns over the performance of a member of Support Staff employed within the Trust, which also includes the Trust's Central Teams. Its aim is to help staff to improve their performance in order to achieve the professional standards expected of them and to ensure fairness and consistency in the treatment of staff who are subject to action considered necessary to address unsatisfactory performance.

1.2 The procedure does not deal with misconduct, which may be defined as 'an act or omission which is considered to be unacceptable professional behaviour, or capability which is related to ill health.' Whilst all staff have a duty to safeguard pupils' well-being, in accordance with statutory provisions, matters relating to safeguarding will be considered under alternative procedures, such as Low-Level Concerns, Disciplinary and Allegations of Abuse Against Staff.

1.3 The procedure has been drawn up to ensure compliance with the ACAS Code of Practice on Disciplinary and Grievance Procedures, the Employment Rights Act 1996, Section 98(3)(a) the School Staffing (England) Regulations 2009, relevant regulations relating to school governance and any guidance issued by the Department for Education (DfE).

2. Application of the Procedure

2.1 This procedure covers **all** Support Staff employed by the Trust, except for casual staff working on a truly casual basis, and voluntary workers. Reference to 'Headteacher' throughout this procedure may include the Line Manager, Executive Headteacher and Chief Education Officer (CEO) of the Trust. This procedure also applies to staff who are in Leadership roles and who has delegated the task of managing performance issues.

2.2 Any performance issues which arise during a staff member's probation period should be addressed under the Trust's Probationary Procedure.

2.3 The Trust is committed to ensuring that this Procedure will be applied fairly and consistently and in a non-discriminatory way, in accordance with the Equality Act 2010.

2.4 The Trust will ensure reasonable adjustments are considered, where appropriate, in the operation of this procedure and at all stages.

2.5 Confidentiality will be maintained throughout all stages of the procedure, wherever possible.

2.6 Support Staff are encouraged to contact their Trade Union representative as soon as concerns are discussed. Under this procedure if a Trade Union representative cannot attend a set meeting date the Trust will commit to rearranging any meeting within five working days of the original date. If a representative is still unavailable, meetings **will** proceed and it will be the employee's responsibility to make the necessary arrangements for them to be accompanied or represented appropriately.

2.7 The wellbeing of the employee will be a significant consideration and will be monitored during each stage of this procedure. Where appropriate, an Occupational Health assessment will be undertaken, and appropriate measures and support put in place. Headteachers/Line Managers will be mindful of the effect of this procedure on an employee's mental health throughout. Trust HR advice should be sought throughout this procedure.

3. Roles and Responsibilities

3.1 It is the responsibility of the Trust, the Headteacher and members of the senior leadership team to ensure this Procedure is applied fairly and consistently and in a non-discriminatory way across the Trust. The Local Governing Body (LGB)/Trustees should therefore at all times remain mindful of the need not to prejudice their position should there be a need for formal proceedings. To safeguard LGB/Trustees' impartiality, it is essential that any information provided by the Headteacher/Line Manager to LGB/Trustees about members of staff under this Procedure is strictly controlled and provided on a need-to-know basis only.

3.2 The Headteacher/Line Manager is responsible for ensuring that members of staff are issued with clear job descriptions and standards of behaviour so that they are clear about what is expected of them in their role. The Headteacher/Line Manager is responsible for providing guidance and support to a member of staff where they are failing to meet the required expectations.

3.3 It is the responsibility of members of Support Staff to seek to fulfil their contractual obligations and reach the required standards of performance and behaviour, and to work positively and constructively with the Headteacher/Line Manager when standards are not met.

3.5 Trade Union Representatives are responsible for advising and supporting their members during formal processes when requested. Members may also wish to seek advice at the informal stage.

3.6 The Trust's HR Provider (HR) will advise and support both Headteachers/Line Managers and staff members in the application of this procedure.

4. Professional Support Procedure

4.1 The Professional Support Procedure should be implemented where there are serious concerns about the employee's performance. The operation of this procedure can work independently of the Trust's Appraisal procedure. Ideally, Headteachers/Line Managers should address any initial performance concerns using the Appraisal Procedure. The Trust's Appraisal Procedure establishes that Support Staff are subject to assessment of performance against objectives set and any standards relevant to their role within the school.

4.2 An employee's performance should be regularly reviewed and assessed through the appropriate processes agreed at school level. Constructive feedback should be given along with support for any aspects of their performance which need improvement.

4.3 If concerns persist, and where there is evidence of serious concerns about an employee's performance and/or they fail consistently to meet the relevant standards, despite the provision of appropriate support and any training, the Headteacher/Line Manager will

invite the employee to a Professional Support Meeting to consider and discuss the documented evidence and the concerns relating to the perceived lapse in performance.

4.4 The following Professional Support stage of the procedure is **informal support** and **does not** constitute **Formal Capability** which would require disclosure of capability in any reference request.

5. Professional Support Meeting

5.1 The employee will be given five working days' written notice of a Professional Support Meeting. The employee has a right to be accompanied by a colleague or a trade union representative.

5.2 In the written notice, the Headteacher/Line Manager will clearly set out the specific concerns to be discussed.

5.3 During the meeting, the concerns will be discussed which will allow the employee the opportunity to comment on the evidence and offer any explanation for why their performance may be unsatisfactory.

5.4 Prior to any action, the Headteacher/Line Manager will take advice from an appropriate HR Advisor who will also normally attend the Professional Support Meeting.

5.5 Where, at the conclusion of the meeting, the Headteacher/Line Manager is of the view that any concerns may continue to be addressed through the Trust's Appraisal Policy, this will be confirmed in writing within 5 working days of the meeting.

5.6 Where, at the conclusion of the meeting, the Headteacher/Line Manager decides that there are serious concerns, the appraisal process will be suspended, and the employee's performance will be addressed through the implementation of the Professional Support Stage of this procedure.

5.7 The Headteacher/Line Manager will promptly confirm this, in writing, within 5 working days setting out:

(a) the specific nature of the performance concerns discussed during the meeting,
(b) relevant targets for improvement and action,
(c) the arrangements for providing advice and support, e.g., observation of colleagues, visits to other Trust schools, coaching, training etc,
(d) the arrangements for the monitoring of performance and feedback, including lesson observations, review of other evidence etc. Such monitoring will be reasonable and proportionate to the concerns being addressed,
(e) the period, frequency and format over which performance will be monitored and reviewed (weekly reviews with employee and representative should be discussed),
(f) that at the end of the review period the Headteacher will consider the evidence to determine whether satisfactory improvement has been made or whether action under the formal stage of this Capability Procedure will be necessary. A date for a meeting at the end of the review period will also be confirmed.

5.8 The review period set by the Headteacher/Line Manager should be sufficient to allow reasonable time for improvement but will depend on the circumstances of the individual case. It should be reasonable and proportionate, providing sufficient opportunity for

improvement to take place. The length of time required will depend on the concerns raised, the nature of any support and training required, and allow sufficient time to establish whether performance has improved. The timetable should be no less than 6 weeks and no more than 10 weeks (this does not include any school holidays that fall within the review period).

5.9 Advice and support during the review period may be provided both from within and outside the Trust.

5.10 A meeting will be convened at the end of the review period, at which the Headteacher/Line Manager will review evidence and discuss progress made and decide whether or not satisfactory progress has been made. The employee will have the opportunity to submit any appropriate evidence for consideration.

5.11 The Headteacher/Line Manager will confirm their decision at the end of the review meeting, which will be one of the following:

a) That satisfactory progress has been achieved, the Professional Support stage will cease, and the monitoring and assessment of the employee's performance will resume under the Trust's Appraisal Policy.

b) That some progress has been made and the Professional Support stage will be extended for a further period not exceeding 4 weeks.

c) That unsatisfactory progress has been made, and the employee's performance will be considered at a Formal Capability Meeting (see section 6 below).

5.12 If during the review period set more serious concerns arise, or if the employee fails to engage in the process, the Headteacher/Line Manager may determine that a formal capability meeting will be called, and held, in accordance with section 6 below.

Formal Capability Procedure

6. Stage 1 – Formal Capability Meeting

The employee will be given in writing at least five working days' notice of a formal capability meeting. The notification will contain:

a) sufficient information about the performance concerns and failure to meet the required standards to enable the employee to prepare to answer the case at a formal capability meeting,
b) the possible outcomes of the meeting, i.e., a formal warning,
c) copies of any written evidence,
d) that any information the employee wishes to be taken into consideration be submitted three working days prior to the meeting,
e) the details of the time and place of the meeting,
f) confirmation of the right to be accompanied by a professional association/trade union representative or colleague.

6.2 An HR Advisor will be present to provide procedural advice to the Headteacher/Line Manager at the meeting.

6.3 This meeting is intended to establish the facts and will be conducted by the Headteacher/Line Manager. The meeting is intended to allow the employee to respond to concerns about their performance and their failure to meet the required standards and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

6.4 The meeting will be conducted as follows:

a) The Headteacher/Line Manager will confirm the status and purpose of the meeting and will set out the grounds for concern by reference to the evidence derived from an assessment of performance under the Professional Support stage of the procedure.
b) The employee, together with their representative, may ask questions of the Headteacher/Line Manager.
c) The employee or their representative may provide oral and/or written representations in response to the evidence under consideration.
d) The Headteacher/Line Manager may ask questions of the employee and their representative.
e) The Headteacher/Line Manager will ask the parties present whether there are any final points they wish to be taken into consideration.

6.5 Where the responsibility for the monitoring of performance under the Professional Support stage of this procedure was delegated to another individual (e.g., senior member of staff, appointed Advisor), they will attend the meeting to present the evidence and provide any clarification needed over the evidence under consideration. The process at paragraph 6.4(a) to (e) above will be expanded to allow for their presentation of evidence and questioning by the parties present.

6.6 The Headteacher/Line Manager conducting the meeting may conclude that it would not be helpful to continue under this Procedure and that it would be more appropriate to continue to address any remaining concerns through the Appraisal process. In such cases, this Procedure will be concluded. This decision will be confirmed in writing within 5 workings day of the meeting.

6.7 The Headteacher/Line Manager conducting the meeting may also adjourn the meeting, for example if they decide that further investigation is needed or that more time is needed in which to consider any additional information. If the meeting is adjourned, this decision will be confirmed in writing. The meeting should be reconvened within 10 working days wherever possible.

6.8 Where at the conclusion of the formal capability meeting the Headteacher/Line Manager considers that there are grounds for the employee's performance to be managed under the formal stage of this Procedure, they will confirm this in writing within 5 working days:

a) issue the employee a formal warning or, exceptionally in very serious cases, a final written warning; and
b) identify the performance concerns, for example which standards are not being met; and
c) give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures (which guidance should be set out in an action plan - see Appendix 1 - and must include the setting of new objectives focused on the specific weaknesses 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); and

d) explain the support that will be available to help the employee improve their performance,
e) set out the timetable for improvement; and
f) explain how performance will be monitored and reviewed (which could include the involvement of an independent External Advisor); and
g) warn the employee formally that failure to improve within the set period could lead to dismissal.

6.9 The timetable for improvement will depend on the circumstances of the individual case. It will be reasonable and proportionate providing sufficient opportunity for improvement to take place. The timetable will be no less than **6 weeks** and no more than **10 weeks** (this does not include any school holidays that fall within the review period).

6.10 An appropriate notetaker will be appointed to take notes of formal capability meetings and a copy promptly sent to the member of staff. The member of staff will have opportunity to comment on the notes for accuracy and any disagreements will be noted.

6.11 Where a warning is issued, the employee will be informed in writing of the matters covered in paragraph 6.8 and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

7. Monitoring and review period following a Stage1 – Formal Capability Meeting

7.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period and will be reflected in the action plan (see Appendix 1 & 5 for an example action plan). At the end of the review period the member of staff will be invited to a stage 2 formal capability review meeting unless they were issued with a final written warning, in which case they will be invited to a stage 3 formal capability decision meeting (see paragraph 10 below).

8. Stage 2 – Formal Capability Review Meeting

8.1 As with formal capability meetings, at least five working days' notice of the review meeting will be given in writing. The notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a colleague or a Trade Union representative. Any information the employee wishes to be taken into consideration must be submitted three working days prior to the meeting.

8.2 An HR Advisor will be present to provide procedural advice to the Headteacher/Line Manager.

8.3 Any Independent External Advisor who has been monitoring and evaluating performance will also be in attendance.

8.4 This meeting will be conducted in accordance with the procedure set out at Appendix 2.

8.5 If the Headteacher/Line Manager conducting the meeting is satisfied that:

a) The employee has made sufficient improvement; the capability procedure will cease, and the appraisal process will re-start; **or**

b) If some - but not sufficient - improvement has been made but the Headteacher/Line Manager is confident that more is likely, the first monitoring and review period will be extended; **or**
c) If no, or insufficient improvement has been made during the first monitoring and review period, the employee will receive a final written warning and will commence a second period of monitoring after which the employee will be invited to a decision meeting.

All of the above decisions will be confirmed in writing within five days of the end of the meeting.

8.6 An appropriate notetaker will be appointed to take notes of formal capability meetings and a copy promptly sent to the member of staff. The member of staff will have opportunity to comment on the notes for accuracy and any disagreements will be noted.

8.7 Any final written warning will mirror any previous warnings that have been issued, as set out in section 6.8 above.

8.8 Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal. This will include information about the handling of the second monitoring period and the procedure and time limits for appealing against the final warning.

8.9 If a final warning was issued, at the end of the second monitoring period the employee will be invited to a formal capability decision meeting.

8.10 When a final written warning is issued, careful consideration will be given to the timetable set for improvement which will depend on the circumstances of the individual case. It should only be in exceptional circumstances that this final timescale for improvement be longer than 6 weeks.

9. Monitoring and review period following Stage 2 – Formal Capability Review Meeting

9.1 A performance monitoring and review period will follow a stage 2 formal capability review meeting. Formal monitoring, evaluation, guidance and support will continue during this period and will be reflected in the action plan. At the end of the review period the employee will be invited to a stage 3 formal capability decision as set out in Section 10 below.

10. Stage 3 - Formal Capability Decision meeting

10.1 As with formal capability meetings and formal capability review meetings, at least five working days' notice will be given in writing and the notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied. Any information the employee wishes to be taken into consideration must be submitted three working days prior to the meeting:

The notification will contain:

a) sufficient information about the performance concerns and support provided to the employee to improve performance to enable them to prepare to answer the case,
b) the possible outcomes of the meeting i.e., dismissal
c) copies of any written evidence,

d) that any information the employee wishes to be taken into consideration must be submitted 3 working days prior to the meeting,
e) the details of the time and place of the meeting,
f) confirmation of the right to be accompanied by a professional association/trade union representative or colleague.

10.2 An HR Advisor will be present to provide procedural advice to the Headteacher/Line Manager. Any independent External Advisor who has been monitoring and evaluating performance will also attend the meeting.

10.3 An appropriate notetaker will be appointed to take notes of formal capability decision meetings and a copy promptly sent to the member of staff. The member of staff will have opportunity to comment on the notes for accuracy and any disagreements will be noted.

10.4 The meeting will be conducted in accordance with Appendix 2.

10.5 If an acceptable standard of performance has been achieved following the stage 2 process, the capability procedure will end, and the appraisal process will re-start. Only in very exceptional circumstances should the monitoring and review period be extended further at the decision meeting stage.

10.6 If performance remains unsatisfactory, the Headteacher/Line Manager will suspend (in accordance with usual suspension protocols) the employee and refer the matter for consideration by the Trust's Staff Dismissal Committee, with a recommendation that the employee be dismissed on capability grounds.

10.7 The Headteacher/Line Manager will confirm the decision to refer and the reasons in writing within five working days.

11. Stage 4 – Formal Capability Dismissal Meeting

11.1 As soon as practicable a meeting of the Staff Dismissal Committee will be convened, giving all parties at least ten working days' notice, in writing. All appropriate and previous documentation will be provided to the Committee. Any information the employee wishes to be taken into consideration must be submitted three working days prior to the meeting.

11.2 An HR Advisor will be present to provide procedural advice to the Committee. An appropriate notetaker will be appointed to take notes of formal capability meetings and a copy promptly sent to the member of staff. The member of staff will have opportunity to comment on the notes for accuracy and any disagreements will be noted.

11.3 The meeting will normally be held within school working hours.

11.4 The procedure to be followed will be in accordance with Appendix 4. The member of staff may be accompanied by a **workplace colleague, or professional association/trade union representative** at the meeting.

11.5 The Committee will decide whether:
a) the member of staff's performance is unsatisfactory; and
b) the capability procedure has to date been applied fairly and correctly.

11.6 The decision of the Staff Dismissal Committee will wherever possible be communicated verbally at the end of the meeting and must be confirmed in writing within five days of the end of the meeting.

11.7 Any decision of the Committee must be confirmed by the Chair in writing promptly sent to the member of staff and in the case of dismissal must state the reasons for the dismissal and right of appeal.

11.8 The Chair of the Staff Dismissal Committee will notify the Trust's HR Advisor in writing of its decision to dismiss and the reasons for it. The employee must then receive confirmation of dismissal, giving the appropriate contractual notice, within fourteen days of the date of the notification.

11.9 If the Staff Dismissal Committee decide not to dismiss, the Chair of the Committee will write to the employee confirming the appropriate outcome. This will either be a limited extension to the final capability review stage or that the Formal Capability Procedure will end and that the Trust's Appraisal Process will restart.

12. Appeals

12.1 If the individual feels that a decision to dismiss them, or other formal action taken against them under the Formal Capability Procedure (not Professional Support stage), is wrong or unjust, they may appeal in writing against the decision within ten working days of the decision, setting out at the same time the grounds for appeal. The letter must be addressed to the Clerk to the Trustees.

12.2 Appeals will be heard without unreasonable delay (within 20 working days wherever possible) and, where possible, at an agreed time and place.

12.3 The same arrangements for notification and right to be accompanied will apply as with formal capability and review meetings. Any information the employee wishes to be taken into consideration must be submitted three working days prior to the meeting.

12.4 As with other formal meetings, notes will be taken, and a copy sent to the employee. An appropriate notetaker will be appointed to take notes of formal capability meetings and a copy promptly sent to the member of staff. The member of staff will have opportunity to comment on the notes for accuracy and any disagreements will be noted.

12.5 The appeal will be dealt with by a committee with delegated responsibility (normally the Trust's Staff Discipline/Dismissal Appeals Committee) made up of Trustees who have not been party to the decision against which the appeal has been made.

12.6 The procedure to be followed at the appeal hearing will be in accordance with Appendix 3 attached where it is an appeal against action short of dismissal. The procedure to be followed for an appeal against dismissal will be in accordance with Appendix 4 attached. The employee will be informed in writing of the results of the appeal hearing within five working days.

13. Other Considerations

Role of the LGB/Trustees during the Capability Procedure

13.1 Members of the LGB/Trustees have key roles in the operation of the capability procedures at the stages of appeals and dismissal hearings. LGB/Trustees should therefore at all times remain mindful of the need not to prejudice their position in such formal proceedings. To safeguard LGB/Trustees impartiality, it is essential that any information provided by the Headteacher/Line Manager to LGB/Trustees about members of staff under this Procedure is strictly controlled and provided on a need-to-know basis only. Whilst reporting to LGB/Trustees it may be judged necessary to specify the name of an individual member of staff, detailed information should not be given, nor should discussion ensue on the matters of concern. Any such report by the Headteacher/Line Manager should be recorded as a confidential item in the minutes.

13.2 On applying these procedures the Headteacher/Line Manager will have made professional judgements, taking advice as appropriate, as the lead professional within the school. LGB serving on the relevant committees must consider whether the action taken by the Headteacher/Line Managers is reasonable and whether these procedures have been correctly applied.

Written Records and Removal of Warnings

13.3 Written records relating to action under these procedures must be maintained and held confidentially on file. This includes records of meetings and decisions as well as documents relating to evidence presented. Such records remain 'live' whilst this procedure is in progress.

13.4 Where in the light of performance improving to a satisfactory level, and there being confidence that this can be maintained, a decision is taken by the Headteacher/Line Manager or Chair of Governors to bring capability procedures to a close, records will remain 'live' on a member of staff's personal file for a further specified period as follows:

(a) following the issue of a formal warning for a period equivalent to three school terms (1 year) but

(b) following the issue of a final warning for a period equivalent to up to six school terms (2 years).

13.5 Where at the end of the periods specified above the Headteacher/Line manager or CEO makes a decision that satisfactory performance has been sustained, the previous action or warning will be disregarded for the purpose of any further action which may subsequently arise under these procedures and that decision will be confirmed in writing to the employee and a copy of the letter will be held on the member of staff's personal file.

13.6 Where during the periods specified above further concerns about the employee's performance result in the need for a further capability meeting, then an unexpired previous warning may be taken into consideration when determining any further warning and the timetable set for improvement under this procedure.

13.7 In accordance with its legal obligations, when asked to provide a reference for a previous employee the Headteacher/Line Manager or CEO will confirm whether or not they have been the subject of formal capability procedures within that period and, if so, the details of

the concerns which gave rise to this, along with the duration of the proceedings and the outcome.

Staff Absent through Illness during the Procedure

13.8 Cases of absence arising from action under these procedures and which the Headteacher/Line Manager believes may be long-term, should after no less than 4 weeks absence be referred to the Trust's Occupational Health provider for assessment of whether the member of staff is fit for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures.

13.9 In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

13.10 Advice should be sought from an appropriate HR Advisor prior to any decision to proceed with a meeting required under these procedures in the absence of the member of staff concerned.

13.11 Where a member of staff is diagnosed as having a medical condition which is covered under the Equality Act, then consideration will be given, including at the point of any action under this procedure, to 'reasonable adjustments' which may enable them to achieve the satisfactory performance of their duties and responsibilities.

Grievances

13.12 A member of staff may raise a grievance about the behaviour of the Headteacher/Line Manager or other senior member of staff during the course of this procedure.

13.13 Where this relates to the management of the procedure or the exercise of a role within the operation of the procedure, and depending on the circumstances, it may be appropriate to suspend the procedure whilst the grievance is considered. Such a delay should only however be considered where there is clear evidence that the member of staff has grounds for a grievance. It should also be considered whether there is an option to continue the capability procedure through responsibility being transferred to another senior member of staff.

13.14 If appropriate the capability and grievance cases may be dealt with concurrently and the capability process may continue within the same timescale.

Confidentiality

13.15 The capability process will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Headteacher/Line Manager to quality-assure the operation and effectiveness of the capability system. Capability documentation should be regarded as a confidential document other than for the purpose of quality assurance. All parties will ensure they adhere to the schools Data Protection Policy.

14. Monitoring and Review

Trustees will monitor the outcomes and impact of this policy on an a bi-annual basis in conjunction with school representatives and will discuss revisions with their HR provider.

Appendices

Appendix 1: Action Plan Template
Appendix 2: Procedure at Formal Capability Review/Decision Meetings
Appendix 3: Appeal Hearing Procedure
Appendix 4: Staff Dismissal Committee Procedure
Appendix 5: Performance Improvement Plan Template

Appendix 1

STRICTLY CONFIDENTIAL

CAPABILITY PROCEDURE - ACTION PLAN (TEMPLATE)

EMPLOYEE: POSITION:

ASSESSMENT PERIOD:

Standards requiring improvement and objectives set
Indicator(s) of required improvement and achievement of objectives
Arrangements for monitoring and review and person responsible

Means of support for the achievement of improvement/objectives (The person(s) responsible for the provision of support should be indicated)

Signed: …… (Employee)

Signed: …… (Headteacher)

Date: ……..……

PROCEDURE AT FORMAL CAPABILITY REVIEW/DECISION MEETINGS

The procedure set out below will be followed where a formal capability review/decision meeting is called.

An appropriate HR Advisor will normally attend the meeting to provide procedural advice.

The person responsible for the monitoring of the staff member's performance during the review period will be present at the meeting.

Witnesses will not normally be called although documentary evidence presented at the meeting will give sufficient detail of information provided by other parties which is relevant to the proceedings.

1. The Headteacher will introduce the parties present and confirm the status and purpose of the meeting.

2. The Headteacher will present the findings from the review period supported by the Advisor/person responsible for the monitoring of the employee's performance.

3. The employee together with their representative may ask questions of the Headteacher and the Advisor/person responsible for the monitoring undertaken.

4. The employee or their representative may provide an oral and/or written statement in response to the evidence presented.

5. The Headteacher may ask questions of the employee and their representative.

6. The Headteacher will ask the parties present whether there are any final points they wish to be taken into consideration.

   - A written record of the meeting will be made and circulated to the parties.

   - Any party may call for an adjournment during the meeting

   - At the conclusion of the meeting the parties present, with the exception of the HR Advisor providing procedural advice, will withdraw whilst the Headteacher (or Chair of Governors) deliberates.

Appendix 3

APPEAL HEARING AGAINST FORMAL ACTION SHORT OF DISMISSAL: PROCEDURE

Where the appeal is against action by the Headteacher short of dismissal, the appeal will be heard by the Governors' Committee with formally delegated responsibility to hear such an appeal.

Under this procedure the Committee has the power to confirm or vary any decision of the Headteacher, taking into account any advice from a HR Advisor at their meeting. Their decision is final. In varying the decision, the Committee will determine what action is to be taken under the provisions of the procedure.

At the appeal meeting:

1. The Chair will introduce those present, confirm the purpose of the meeting and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.
2. The employee or their representative will be asked to present the grounds for the appeal (calling such witnesses as may be necessary).
3. The Headteacher may ask questions of the witnesses (where called), and the employee.
4. The employee or their representative may re-examine the witnesses (where called).
5. The Headteacher will present the case (calling any witnesses as may be necessary).
6. The employee or their representative may ask questions of the witnesses (where called) and the Headteacher.
7. The Headteacher may re-examine the witnesses (where called).
8. Members of the Committee may ask questions of the parties or witnesses at any stage but will seek to confine questioning until after questioning of witnesses by the parties is completed.
9. The Headteacher will be invited to sum up the case.
10. The employee or their representative will be invited to sum up the case.
11. At the conclusion of the hearing the parties and any other persons present, with the exception of the HR Advisor providing advice, shall withdraw whilst the Committee deliberates.

- A written record of the meeting will be made and circulated to the parties.
- The Chair of the Committee may during the proceedings above recall witnesses or call for further evidence on specific points but if it becomes necessary to act in this way following the apparent conclusion of the hearing (i.e. at clause 5 above) then both parties must be recalled.
- Either party may present documentary evidence, copies of which shall be served upon the other party at least three working days in advance of the hearing date.
- Witnesses shall only be present whilst giving evidence unless the Chair of the Committee directs otherwise.
- Any party may call for an adjournment during proceedings.
- Whenever possible a room will be provided for the employee and his/her representative for use outside of the hearing.

TRUST STAFF DISMISSAL/APPEAL COMMITTEE
(This procedure applies to meetings of either Committee)

The following procedure will be used where a recommendation for a member of staff's dismissal has been made following a decision meeting held under the Capability Procedure. It will also be used for any appeal against a decision to dismiss a member of staff following operation of the Capability Procedure. In either case, an appropriate HR Advisor will normally attend the hearing to provide procedural advice.

At the dismissal meeting:

1. The Chair will introduce those present, confirm the purpose of the meeting and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.

2. The Headteacher* will be invited to present the case (calling such witnesses as may be necessary).

3. The employee, or their representative, may ask questions of the witnesses (where called) and of the Headteacher*.

4. The Headteacher* may re-examine the witnesses (where called).

5. The employee, or their representative, will be invited to present the case (calling such witnesses as may be necessary).

6. The Headteacher* may ask questions of the witnesses (where called), and the employee.

7. The employee, or their representative, may re-examine the witnesses (where called).

8. Members of the Committee may ask questions of the parties or witnesses at any stage but will seek to confine questioning until after questioning of witnesses is completed and prior to re-examination of the parties.

9. The Headteacher* will be invited to sum up the case.

10. The employee, or their representative, will be invited to sum up the case.

11. At the conclusion of the hearing the parties and any other persons present, with the exception of the HR Advisor to the Committee, shall withdraw whilst the Committee deliberates.

12. The decision will be communicated verbally to the member of staff as soon as possible after the meeting and confirmed in writing within five working days.

(*At an Appeal Hearing against a decision by the Staff Dismissal Committee to dismiss, the Chair of the Staff Dismissal Committee will present the case for dismissal).

- A written record of the meeting will be made and circulated to the parties.
- The Chair of the Committee may during the process above recall witnesses or call for further evidence on specific points but if it becomes necessary to act in this way following the apparent conclusion of the hearing (i.e., at point 11. above) then both parties must be recalled.
- Either party may present documentary evidence, copies of which shall be served upon the other party at least three working days in advance of the hearing date.

- The Headteacher (or Chair of Governors), may receive advice from a HR Advisor if appropriate.
- Witnesses (other than the employee) shall only be present whilst giving evidence unless the Chair of the Committee directs otherwise.
- Any party may call for an adjournment during proceedings.

Whenever possible a room will be provided for the employee and their representative for use outside of the hearing.