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The John Moore Primary School

## ***Appraisals / Capability of Staff***

### Statutory Policy

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## **1 Appraisal Policy**

Appraisal in The John Moore Primary School will be a supportive and developmental process designed to ensure that all staff have the skills and support to carry out their roles effectively. It will help to ensure that all staff are able to continue to improve their professional development and practice.

The policy sets out the framework for a clear and consistent assessment of the overall performance of staff and how this will be measured against the expected standards and link to decisions about pay.

Objectives and development must be within the context of the school's plan for improving educational provision and performance.

When the appraisal process does not resolve concerns which arise about performance, it becomes necessary to manage improvement through the Capability procedure set out within this Policy

This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the school at any time.

This policy applies to teachers and support staff ('green book').

### **1.1 Appraisal Process**

An appraisal is a regular review of performance against a set of agreed criteria, objectives or standards.

Employees should have an appraisal once a year.

It enables the employee and the appraiser to discuss how the job is met, how the employee can contribute to the aims and success of the school and the right outcomes for pupils. It will also provide a regular opportunity to discuss with the manager/head teacher any difficulties that may be affecting work, and what support can be given to make changes.

It applies to all staff in the school, excluding those on contracts of less than one traditional term or two new terms; those undergoing induction (probationary period for support staff and NQT period for teachers); and staff who are subject to the capability procedure.

It is good practice to meet regularly throughout the year to discuss how staff are performing, and whether they are on track to meet the objectives set.

At a minimum the head teacher and employee should meet halfway through the year at six months, but it may be termly or monthly depending on the role and the objectives.

The school has decided that the annual appraisal cycle will be:

- 23<sup>rd</sup> October for teachers
- 7<sup>th</sup> October for the headteacher
- 27<sup>th</sup> January for support staff

The school expects all staff to participate in the appraisal process. For teaching staff in a maintained school, there is a statutory requirement for the governing body to have an appraisal policy. It is also a statutory requirement that it enables performance to be linked to pay. For further information on this, please refer to the school's pay policy.

For support staff, although not a legal requirement, appraisal is part of good management practice to enable staff members to have a regular discussion about their work.

The headteacher will be appraised by a sub-group of the governing body, supported by a suitably qualified and/or experienced external adviser who has been appointed by the governing body for that purpose. The sub-group will normally consist of 2 or 3 members of the governing body, who will not be members of the school staff.

The headteacher will decide who will appraise other teachers and support staff. The appraiser will be either the employee's manager or someone appropriate with equivalent or higher status in the school's staffing structure. For teachers, the appraiser will have qualified teacher status.

If the member of staff has an objection to the allocation of an appraiser, they should explain their reasons, in writing, to the headteacher (Chair of Governors in the case of the headteacher), who will consider the situation. However, the decision lies with the headteacher (Chair of Governors).

Appraisal information and documentation will remain confidential to the employee and the appraiser, line manager and the headteacher. In certain circumstances, such as concerns about performance or an appeal, it may be necessary to share the documentation on a confidential basis with those involved in taking the matter forward under the terms of this or a related policy e.g. a governors' panel.

OFSTED is entitled to see anonymised appraisal information, as is the governing body, for monitoring purposes.

## **1.2 Support staff appraisal**

For support staff there will be a discussion regarding the role(s) in school. This may cover how the role has changed or may change but there will be:

- A review of the standard of work and whether or not it meets expectations
- Unless this is the first appraisal, a review of how well last year's objectives have been completed
- If the role supports pupils' learning, a review of how well this is working
- Consideration of any training or development needs
- Objectives for the coming appraisal period

### **1.3 Teachers appraisal**

For teachers the appraisal will consider the whole role undertaken in school. Teachers who hold additional responsibility, for example, a Teaching and Learning responsibility (TLR), as SENCO, or on the Leadership pay range, (including the headteacher), will have these duties and responsibilities included, and it could form the basis for one or more of the objectives. The discussion will also consider:

- How the role has changed or may change
- Unless this is the first appraisal, the appraiser will review performance in completing last year's objectives
- Assessment against the Teachers Standards, or appropriate standards if the employee does not hold QTS
- Any training and development to meet the needs of the service and support the teacher's continuous professional development
- The progress of pupils assigned to the employee
- Objectives for the coming appraisal period
- Whether objectives and relevant standards have been successfully met, and how this will affect pay.

Teacher observations will be included as evidence in the appraisal process.

The headteacher will set up a programme of regular monitoring of teaching across the school. Unless this is the first observation in the school, the observation will be taken together with previous observations to form part of an overall picture of performance.

A single lesson observation on its own will not be used to judge the quality of teaching. As pupils are assessed over time, so will the quality of teaching. The school will also consider pupils' work, marking, assessment and progress, and the understanding of the pupils about their work, progress and achievement.

The amount and type of classroom observation will depend on the individual circumstances of the teacher and the needs of the school. To ensure the standards of teaching, and the general smooth running of the school, the headteacher or other designated person, may also undertake "drop in" observations.

Where a lesson has been observed, teachers will receive constructive feedback shortly after the observation takes place as part of the normal management process, and this will aim at being balanced and supportive, raising areas of strength as well as considering areas needing development.

### **1.4 Objective setting**

Objectives set will be appropriate to the role the employee holds in school, their career aspirations and the level of skills and experience. An objective may be about doing the job better, or it may be a particular project or task, but it should contribute to educational

provision, pupil outcomes, and continuous school improvement, either directly or indirectly, depending on the role.

For teachers there will normally be three objectives, set before or as soon as practicable after the start of the appraisal period. One of the objectives should focus on CPD. Objectives for support staff are not as prescriptive, but it would be appropriate to follow the same pattern as for teachers.

Whilst the appraiser will look to agree the objectives with the employee, if this is not possible, the final decision will be with the appraiser.

### **1.5 Absence and the appraisal**

Attendance may be an area of concern and can affect the outcome of the appraisal. However, the circumstances for each individual will be different and these will need to be taken into consideration.

If an employee is on maternity leave, the school should take into consideration the performance, both prior to and on return from maternity leave. Where there has normally been good or better performance whilst at work, it is reasonable to expect that this would have been the case had the employee not been away from work.

With sickness absence not related to maternity the situation is more complex. Intermittent or long-term absence is likely to impact on individual and school performance, and may need to be dealt with as a performance issue under the school's sickness absence or attendance policy. The school will have due regard to any disability or other condition which affects attendance and performance at work. Employees should ensure that their line manager or headteacher is made aware of any such condition as it arises.

### **1.6 Inadequate appraisal ratings**

As part of the regular meetings the employee has with their appraiser, they will be made aware of the areas they need to improve and what they need to do to meet expectations.

When a concern arises, if a meeting is not scheduled, then the line manager or headteacher should arrange a meeting as part of the appraisal process to discuss the concerns.

The following should be completed at the meeting (This list is not exhaustive):

- Revise objectives to reflect areas of development
- Agree appropriate support and how it will be put in place
- Timescales for improvement will be agreed including a date for the next meeting

This will be part of the normal appraisal process. It will review whether or not the employee has addressed the areas of concern. If they have, then the appraisal process can continue.

If concerns remain, the line manager or headteacher will arrange a structured meeting to establish an action plan. The meeting will:

- Give clear feedback about the nature and seriousness of the concerns
- Clarify what action and support has already taken place
- Give the employee the opportunity to comment and discuss the concerns
- Agree any support that will be provided to help address the concerns
- Make it clear how progress will be monitored and when it will be reviewed
- Explain what will happen next if no, or insufficient, improvement is made.

If after the monitoring period there has been insufficient, improvement, the employee will be notified in writing and invited to a formal meeting under the capability procedure.

Depending on how serious the concerns are (including recurring concerns about performance) the line manager/headteacher may decide to move straight to the capability procedure as soon as the concerns have been identified.

## **1.7 Pay and appraisals**

For teachers, pay will be linked to the appraisal. Targets will be set in the first academic term for assessment the following October. The Pay Policy sets out the criteria required to achieve a pay increase and progress through the pay range, or achieve a change in pay range. Broadly this means that the teacher will need to achieve the objectives and the teacher standards, with teaching judged to be consistently good or better.

Teachers are entitled to receive an annual statement of pay and this will confirm any change as a result of the appraisal.

Support staff receive an increment on 1st April each year until the maximum of the grade is reached. Particular arrangements apply for support staff that commence their employment on or after 1st October. Should performance fall below the expected standard and the employee become subject to formal performance (including capability) procedures, incremental progression is likely to be withheld. Please note, this may not apply to all Academies.

For all staff, the appraiser/headteacher should inform the employee that pay may be affected when serious concerns are raised about performance.

## **1.8 Appealing an appraisal outcome**

The first stage is to discuss with the appraiser the decisions about performance that have been made and to understand the evidence on which those decisions are based. If the employee can demonstrate that evidence used for the appraisal was inaccurate or incomplete, the employee should make this information available to the appraiser, who can review the assessment and decide whether or not they need to change the appraisal outcomes.

If the employee remains unhappy with the decision, they can write to the headteacher (Chair of Governors in the case of the headteacher) who will arrange for the situation to be reviewed.

If the employee is unhappy about a pay decision arising out of appraisal this can be dealt with through the pay appeal process as detailed in the pay policy.

### **1.9 The Governing Body role**

The Governing Body will appoint a pay panel (committee) and an appeals panel. The panels' roles are described in the pay policy. Additionally, the governing body will monitor the operation and effectiveness of the school's appraisal arrangements.

The governors will also monitor the appraisal arrangements to ensure that the appraisal procedures are conducted fairly and without unfair discrimination.

The headteacher will present an annual report to governors summarising the main outcomes, or issues that may require review, including matters affecting standards, curriculum or resource planning.

## **2 Capability Policy**

The Governing Board at The John Moore Primary School recognises the importance of good working relationships with its employees and seeks to ensure that concerns with capability are dealt with in a fair and timely way.

When an employee is not meeting the performance standards of their role or is not doing so consistently, this procedure provides a framework to manage employees' work to an acceptable standard in a consistent and supportive manner, and ensure these standards are sustained. Managers are responsible for the successful operation of this procedure with the school.

This policy sets out the measures available to managers in cases where the appraisal procedure has failed to achieve sufficient improvement in performance or where the matter is so serious that formal action is required.

It is based on the principles of the ACAS Code of Practice on disciplinary and grievance procedures and current employment and educational legislative requirements.

This policy applies directly to the following employees:

- Support staff: where there are concerns which informal action has been unable to address or which are serious enough to require formal action.
- Teachers: where there are concerns which the appraisal process has been unable to address, or which are serious enough to require formal action.

This policy does not form part of an employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the school at any time.

### **2.1 Governing Board expectations**

#### **2.1.1 Headteacher / school managers:**

- Regularly review the performance of employees and respond to any situations where an employee's performance is unacceptable
- Give employees regular feedback
- Have early discussions with the employee about problems, possible causes and solutions
- Support the development of employees

#### **2.1.2 Employees:**

- Maintain acceptable standards of attendance, job performance and conduct
- Take responsibility for their own development
- Raise with their manager any problems that are affecting their work as soon as possible
- Accept responsibility for their own work performance

- Respond constructively to advice, guidance and development provided by their manager
- Are flexible and cooperate with changing work requirements

## **2.2 Capability expectations**

Capability is an employee's capacity to apply appropriate knowledge and skills in order to achieve effective and efficient work standards and practices.

Employees should have a clear understanding of what is required of them to meet work standards and practices, with the first point of reference being their job description and person specification, although these documents should not be regarded as exhaustive.

Managers should give regular feedback on how well an employee is fulfilling the requirements for their post and it is recommended this is a minimum of an annual formal review. For teachers, this will be the appraisal period and it is recommended there is a similar arrangement in place for support staff. Teachers and headteachers should be assessed against their relevant Professional Standards.

The headteacher or Governing Board (as appropriate) should consider whether certain teachers should also be assessed against other relevant sets of standards.

## **2.3 Capability concerns**

A capability concern is when expected work standards are not achieved or maintained. This could include when an employee:

- Does not make sufficient progress towards the objectives set in their appraisal review
- Does not meet the professional standards required for their teaching status
- Does not carry out the duties and responsibilities of the post to an acceptable standard
- Is unable to carry out their duties effectively due to long-term absence or frequent absences (unacceptable absence is dealt with under the school's attendance policy)

Capability differs from conduct, with capability relating to inability to reach required performance standards and conduct normally relating to an employee's behaviour. For instance, it is usually a conduct issue if the employee has control over their actions e.g. deliberately not following a process, versus lacking the skill to sufficiently perform said process which would be a capability concern.

## **2.4 Informal action**

Informal action would normally be taken:

- When the employee has a previous good work standard and the matter appears easily rectifiable and

- When an observation (normally teachers) has taken place or other evidence has come to light, which indicates less-than-acceptable performance

Issues should be addressed using normal management processes (normally the appraisal process) in the first instance. These should not be left until the next planned meeting but addressed as soon as possible.

Informal action could include an informal action plan with planned support and/or training for the employee.

## **2.5 Formal action**

Formal action should be taken when the employee has:

- Repeated occasions of poor performance or where matters have not improved following informal action
- Performance concerns that are so serious they cannot reasonably be addressed through informal action
- Previous formal warnings on file for any reason that are still current and there is a continued or new performance concern

No formal action should commence against a trade union representative until the circumstances of the case have been discussed with the appropriate branch or full-time officer, with the prior permission of the employee. If the employee does not wish there to be any prior discussion with the branch or full-time officer, then formal action will proceed in the normal way under this procedure.

Although there is an expectation that formal action is generally progressive, in some situations the initial formal meeting could be under stage two, dependent on the severity of the situation and the circumstances.

At each stage, a formal meeting will be arranged with the employee.

If the concern is established the outcome would normally result in a warning and sanction or ultimately dismissal. The maximum warning for each stage is detailed in the table below, however the chair has the flexibility to apply lesser sanctions if appropriate (i.e. issuing a first written warning at a stage two meeting, if the concern was not enough to warrant a final warning as detailed).

Sanctions (including associated financial outcomes) will not disproportionately impact employees covered under the Equality Act 2010, and will be considered on a case by case basis.

The stages of formal action and potential sanctions are given below:

Formal stage	<b>Maximum</b> level of sanction at each stage	Suggested period of review
One – formal capability meeting	First warning. Withholding an increment for support staff or preventing progression to the next pay point/grade for teachers	Between four and ten weeks
Two – formal review meeting (this stage only applies if a first written warning was issued at stage one)	Final written warning Withholding an increment for support staff Preventing progression to the next pay point/grade for teachers	Between four and ten weeks
Three – decision meeting (will normally progress to this stage after a final written warning has been issued at stage one or two)	Dismissal	

#### 2.5.1 Stage one:

- The warning cautions the employee that if their capability does not improve, it may be necessary to consider further formal warnings, up to and including dismissal
- A decision can be made to issue a first written warning at stage one depending on the severity of the issue
- If improvement is not achieved at this stage or sustained thereafter, then it is likely to result in progression to stage two
- A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date

#### 2.5.2 Stage two:

- A decision can be made to go straight to stage two (without a first warning being in place) depending on the seriousness of the issue. This might occur where the employee's unacceptable performance has had, or is liable to have, a very serious or harmful impact on the school and/or pupils
- The maximum sanction at this stage is a final written warning
- A decision can be made at this stage to withhold any incremental or salary progression at the next salary review date

#### 2.5.3 Stage three:

- An employee can only progress to this stage if a final written warning is already in place
- The maximum sanction at this stage is dismissal
- Any notice will be in line with normal contractual arrangements or statutory notice depending on which is greater

The start date of the formal warning will commence when the related action plan and support programme is finalised. Therefore, any outcome will be confirmed in writing to the employee within three working days of the decision, including as appropriate:

- The nature of the concern

- The required improvement
- Support arrangements including any additional training if appropriate
- The monitoring arrangements and handling of the formal review stage (only applicable after a first written warning) including the review date
- What will happen if there is no, or insufficient, improvement and the further formal action that could be taken as a result
- How long the warning will remain in force
- Any effect on pay
- Action plan
- Details of how the employee can appeal

A written warning will remain live for the duration as set out in the outcome letter, usually 12 months.

If an employee appeals against an outcome, the sanction will remain in place until the outcome of the appeal is known.

## **2.6 Investigation**

An investigation is the gathering of information relating to a capability issue which the manager will normally arrange. An investigation must be carried out before calling a formal meeting and will usually include a discussion with the employee about the issue.

Following the investigation, a decision will be made as to whether to drop the matter, provide informal support or, in cases which require action under the Capability Policy, to arrange a formal meeting.

All parties to the proceedings have an obligation to co-operate to ensure that processes and timescales are followed without delay.

## **2.7 Right to representation**

The employee has a right to be represented/supported by a trade union representative or workplace colleague during formal capability meetings.

If the employee's representative is unavailable for any of the formal meetings, an alternative date (usually within five working days) will be arranged. There will normally be only one postponement allowed for this reason. If the representative subsequently becomes unavailable for the re-arranged meeting the employee may be advised they will need to find a different representative and it is the union's responsibility to ensure an alternative representative is provided.

The employee does not have a specific right to be accompanied at an informal meeting by a trade union representative or workplace colleague. However, it is recommended they be given the opportunity to be accompanied if there is the possibility of formal action being taken at a later date.

## 2.8 Formal meeting

The headteacher and/or a governor, or a panel of governors can conduct a formal meeting. The Governing Board may delegate responsibility to the head teacher for formal action including the decision to dismiss.

For the formal stages up to stage two, the holding of formal meetings and the issuing of warnings may be delegated to an appropriate member of the leadership team e.g. business manager.

Where the headteacher is the subject of the formal meeting, the Governing Board may delegate responsibility for formal action to one (usually the chair of governors) or more governors.

However, the headteacher or same governing board representatives cannot take dismissal decisions if they have been directly involved in making decisions on previous formal warnings. And where practicable, different people should carry out the investigation and disciplinary hearing.

The manager should make it absolutely clear to the employee that formal action is being taken:

- At least five working days' notice will be given to the employee attending the formal capability meeting. For a formal meeting where dismissal is being considered, at least 10 working days' notice should be given.
- The letter should include details of the right to representation, the Capability Policy and the documents to be discussed at the meeting (i.e. documentation about the performance concerns). There should be an additional copy for the representative that the employee can send, or it can be sent directly to the representative if the employee has advised the school who their representative is, provided the employee has agreed.
- The letter must state the formal stage at which the meeting is being held and the possible outcome/sanction that may result.
- The employee must be given a date by which to provide any documentation to support their case (five working days). Sufficient time should be given to allow papers to be distributed to the chairperson/panel to be read prior to the formal meeting. If this is not possible, they should contact a relevant person to make appropriate arrangements.
- For a formal meeting where dismissal is being considered, the employee must ensure the school receives any documents at least five working days before the meeting to ensure all parties receive the documentation at least three working days before the formal meeting to allow time to read and understand the content.
- Any formal action taken and the reasons for the decision will be confirmed in writing to the employee, including details on how they can appeal. The employee should be

informed of the consequences of failing to improve sufficiently within the set period following a final warning, including confirmation that it may result in dismissal.

It is good practice to make a note of performance reviews and informal meetings to inform future proceedings. Where a formal meeting takes place, minutes must be taken. Where dismissal is a potential outcome, minutes should be kept and consideration should be given to having note-taker present. Employees are not permitted to make their own audio recording of a capability meeting.

## **2.9 Action plan**

Action plans are developed to suit individual circumstances but would normally include clear expectations regarding work standards and practices, the criteria for success, time scales for improvement and any agreed support and review arrangements. The employee may be given the opportunity to discuss the content of this plan with their trade union representative before agreeing to it.

Whilst it is for the manager to determine the criteria it is important that the employee understands what is required of them and to help identify potential support. Employees are expected to co-operate with the process and engage fully with any agreed support.

Should the employee not achieve a successful outcome following the action plan they would normally progress to the next stage of the capability policy, and ultimately could be dismissed.

Arrangements for monitoring and review will be agreed as part of the action plan.

## **2.10 The role of Governors**

The school may delegate the headteacher (or manager), a single governor or a panel of governors to hear a formal case as appropriate (see above).

A panel of governors (up to three) will hear an appeal.

Where collaborative arrangements with another Governing Board are in place regarding staff capability, governors from any of the collaborative schools may be delegated to conduct a formal meeting or appeal.

## **2.11 The role of GCC**

A representative from GCC is entitled to attend and provide advice at all proceedings in Community, Community Special, and Voluntary Controlled schools, relating to any decision dismissal decisions.

The Governing Board or, via delegation, the headteacher (in applicable schools as above or where rights of attendance have been given), must consider any advice given by the GCC before a decision to dismiss is made.

## **2.12 Absence during the capability procedure**

If the employee becomes absent during the capability process the headteacher is advised to contact their HR provider as soon as possible to ensure that the best course of action is followed.

Sickness absence should not normally delay any part of a capability process. If during the process the employee is signed off as medically unfit for work, the employee should be referred immediately for Occupational Health assessment (if available) including in the referral details of the process including the stage reached in the procedure, and the question of whether they are fit to attend formal meetings.

Where the employee is unable to attend capability related meetings for health reasons, the meetings may proceed in the employee's absence, considering all the circumstances of the case. They may submit a written statement and/or their representative may attend on their behalf. It is advised that further guidance is obtained from the school's HR provider if there are difficulties in arranging for an employee to attend meetings.

If the employee is absent during the period of any formal warning being in force, the warning will be extended by a period equivalent to this absence from work. Any such extension must be confirmed in writing to the employee.

The absence will be dealt with in accordance with the school's attendance policy.

## **2.13 Dismissal**

In all Schools, Governors will send the employee a dismissal notice.

However, for Community, Voluntary Controlled and Special schools, the Governing Board will also send an instruction to GCC and the employee will receive a confirmation of dismissal notice from GCC.

Where dismissal is with notice, any notice period will be in accordance with the employee's contractual arrangements, or the statutory period, whichever is greater. The employee will receive normal pay throughout the period of notice.

## **2.14 Right of appeal**

There is a right of appeal at every stage of the formal absence process as specified in the warning or dismissal letter.

The appeal is not a rehearing of the case but is a review of the reasonableness of the decision. Determining reasonableness may include consideration of procedural irregularities or any relevant new evidence which could not have been available at the time of the formal meeting.

Whilst the outcome of the appeal is pending, an action plan, warning or dismissal will remain in force.

The appeal letter must be received within five working days of the date of the outcome letter and should specify the grounds of the appeal including why and in what respects the decision of the original meeting was unreasonable. The appeal needs to be sufficiently clear to enable the initial chair whose decision is being appealed to respond at the appeal hearing.

Any supporting documents or information should be provided with the appeal letter. If this is not possible, documents should be submitted to allow reasonable time for the employer to prepare their case and collate, paginate and distribute the bundle for receipt by all parties at least three working days before the appeal meeting.

Where the appeal period overlaps with a pre-determined holiday period (i.e. out of term-time for term-time only employees), the letter of appeal needs only to register the intention of appeal. A fully detailed letter should arrive within five working days following the end of the holiday period.

A panel of up to three governors not previously involved with the case will conduct appeal meetings. Where there has been an appeal at an earlier stage of the procedure, the same governors may conduct the appeal.

Arrangements for the appeal meeting should normally be notified to the employee within 10 working days of receipt of the request for an appeal. The employee should be reminded of the right to be accompanied by a trade union representative or workplace colleague.

At appeal, the original sanction will be reviewed and may be amended or withdrawn but it cannot be increased.

The decision of the appeal panel will be final and will be confirmed in writing to the individual within three working days. Should the outcome of the appeal change the original decision, the panel will need to make clear the terms and reasons of that decision.

If an appeal is successful, any outcome will be amended or withdrawn without detriment to the employee. In the case of dismissal, there will be no detriment to pay or continuous service.

### **3 Other linked policies**

- Child Protection and Safeguarding Policy
- Staff Discipline, Conduct and Grievance Policy

## 4 Appendix 1 – Stage 1, Capability Hearing Proforma

### Private and Confidential (Special or Hand Delivery)

[Please edit, insert or delete as applicable, change blue text to black]

Dear [Name]

### Stage 1 – Formal Capability Hearing

Further to our discussion on [insert date of meeting], the investigation conducted by [insert name of investigating manager] into concerns about your performance has now been completed. There are sufficient concerns following the introduction of the informal action plan to consider formal capability measures. Therefore, you are required to attend a Stage 1 Formal Capability Hearing on [Date] commencing at [Time] and [Venue], at [Location]. You should report to reception on arrival and ask for [manager/contact].

The meeting is to be held in accordance with Stage 1 of the School's Capability policy. The meeting will be chaired by [Name and Post Title of Chair]. The purpose of this meeting is to discuss formally with you the concerns regarding your performance. The concerns are outlined in full in the Investigation Report, which will be considered at the meeting. A copy of the report and of the procedures is enclosed for your reference, together with a copy of the suggested format for the structure of the meeting. [Name of note taker] will also be present to take notes.

You are entitled to be accompanied at the meeting by a representative of a trade union or by a work place colleague (i.e. an employee of XXXX School). If you do wish to be accompanied at the meeting, I would suggest you share this letter and the enclosed documents with your chosen representative and I have enclosed a duplicate of the paperwork for that purpose. I would be grateful if you could advise me of your chosen representative's name by [insert same date as submission of any supporting documentation].

If you intend to submit any documents for consideration at the meeting these must be received by me by [insert date – (suggest 5 days) need enough time to copy and distribute bundle to all parties].

Although it is not a procedural requirement, you may present a written statement setting out your responses to the issues raised in the report. If you decide to do this it should be submitted to all parties as above.

[If applicable, insert the following – Please ensure that you, or your representative, let me know as soon as possible if you wish to ask questions of any of the witnesses who have provided written statements. This will enable me to make the necessary arrangements for those people to attend the meeting on [Date] to answer any questions in relation of their statements. You or your representative should also inform me of any witnesses you may be intending to call in support of your case by [Date] so that I can ensure the availability of rooms and make any other necessary arrangements.]

[Please note that management intends to call the following witnesses to the meeting:

[List names of Witnesses]

OR

The management side does not intend to call witnesses.]

As a result of this Stage 1 Meeting, you may be issued with a first written warning. If the outcome of the meeting results in your receiving a formal warning, you will not receive [an increment on 1 April 201X, in line with the school's Salary Progression Scheme [support staff] **OR** progression to the next pay point/grade [teachers] on 1 April 201X] if eligible for one.

Please could you advise me by [date] if you have any special requirements that need to be considered to enable you to participate in the meeting.

Please contact me as soon as possible should you have any queries.

Yours sincerely

**[Manager's Name]**

**[Manager's Title]**

Copies to: [Insert Name/Title] - Chairperson (if applicable)  
[Insert Name/Title] - HR Adviser

Enclosures: Capability Policy  
Investigation Report  
Agenda

## 5 Appendix 2 – Stage 1, Capability Hearing Outcome Proforma

**Private and Confidential** (Special or Hand Delivery)

[Please edit, insert or delete as applicable, change blue text to black]

### Stage 1 Capability – Outcome Letter – First Written Warning

Dear [Name]

Following the First Stage Capability Hearing on [insert date], I am writing to confirm the decision to issue you with a first written warning. The warning was issued in respect of the substantiated concerns about your levels of performance.

This warning will remain 'live' for [twelve] months, after which time it will be discarded for disciplinary purposes but will remain on your file. As a result of this outcome, an Action Plan will be developed which will outline to you the areas requiring improvement in your performance, and the timeframe for you to reach an acceptable level in these areas. A Stage 2 Capability meeting will be arranged following the conclusion of that action plan to establish if the required improvement has been achieved. I must advise you that a failure to improve your performance sufficiently within the timescale outlined in the Plan could result in a Final Written Warning and ultimately dismissal.

As a result of this warning being issued, you will not receive [an increment on 1 April 201X, in line with the school's Salary Progression Scheme [support staff] **OR** progression to the next pay point/grade [teachers]].

You have the right of appeal against this decision. If you wish to appeal you should write to the Head Teacher, copied to the Chair of Governors, within five working days of the date of this letter. The appeal letter should specify clearly the full grounds of the appeal including why and in what respects the decision of the original meeting was unreasonable. The appeal needs to be set out clearly to enable [manager/head/governor/chair], whose decision is being appealed, to know what they will need to respond to at the appeal meeting.

Please contact me as soon as possible should you have any queries.

Yours sincerely

**[Chairperson's Name]**

**[Chairperson's Title]**

Copies to: [Insert Name/Title] - Manager (if applicable)  
[Insert Name/Title] - HR Adviser

The default of a warning is 12 months. A longer duration is never appropriate. A shorter duration may be considered if there are explicit and exceptional reasons for doing so

## 6 Appendix 3 – Stage 2, Review Meeting Proforma

### Private and Confidential (Special or Hand Delivery)

[Please edit, insert or delete as applicable, change blue text to black]

Dear [Name]

### Stage 2 – Formal Review Meeting (Capability)

Further to the Stage 1 Formal Capability Meeting held on [insert date of meeting], I am writing to invite you to a Stage 2 Formal Review Meeting on [Date] commencing at [Time] and [Venue], at [Location]. You should report to reception on arrival and ask for [manager/contact].

The meeting is to be held in accordance with the formal stages of the School's Capability policy and procedure. The meeting will be chaired by [Name and Post Title of Chair], who will consider if the required improvement to your performance has been achieved since the First Formal Warning was issued at the Stage 1 Meeting. A copy of the policy and procedure is enclosed for your reference. [Name of note taker] will also be present to take notes.

You are entitled to be accompanied at the meeting by a representative of a trade union or by a work place colleague (i.e. an employee of XXXX School). If you do wish to be accompanied at the meeting, I would suggest you share this letter and the enclosed documents with your chosen representative and I have enclosed a duplicate of the paperwork for that purpose. I would be grateful if you could advise me of your chosen representative's name, if different from your companion at the Stage 1 Meeting, by [insert same date as submission of any supporting documentation].

If you intend to submit any documents for consideration at the meeting these must be received by me by [insert date (suggested at least 5 days prior to the meeting) – need enough time to copy and distribute bundle to all parties].

[If applicable, insert the following] Please ensure that you, or your representative, let me know as soon as possible if you wish to ask questions of any of the witnesses who have provided written statements. This will enable me to make the necessary arrangements for those people to attend the meeting on [Date] to answer any questions in relation of their statements. You or your representative should also inform me of any witnesses you may be intending to call in support of your case by [Date] so that I can ensure the availability of rooms and make any other necessary arrangements.

[Please note that management intends to call the following witnesses to the meeting:

[List names of Witnesses]

### OR

The management side does not intend to call witnesses.]

As a result of this Stage 2 Meeting, if it is found that sufficient improvement in your performance has not been achieved following the Action Plan implemented at the Stage 1 meeting, you may be issued with a final formal written warning. [If an increment/pay point was not, for whatever reason, withheld at a Stage 1 Meeting – If the outcome of the meeting

results in you receiving a formal warning, you will not receive [an increment on 1 April 201X, in line with the school's Salary Progression Scheme [support staff] **OR** progression to the next pay point/grade [teachers] on 1 April 201X].]

Please advise me by [date] if you have any special requirements that need to be considered to enable you to participate in the meeting.

Please contact me as soon as possible should you have any queries.

Yours sincerely

**[Manager's Name]**  
**[Manager's Title]**

Copies to: [Insert Name/Title] - Chairperson (if applicable)  
[Insert Name/Title] - HR Adviser

Enclosures: Capability Policy  
Investigation Report  
Agenda

## 7 Appendix 4 – Stage 2, Review Meeting Outcome Proforma

### Private and Confidential (Special or Hand Delivery)

[Please edit, insert or delete as applicable, change blue text to black]

### Stage [1/2] Capability – Outcome Letter – Final Written Warning

Following the Capability Hearing on [insert date], I am writing to confirm the decision to issue you with a final written warning. The warning was issued in respect of the continuing concerns about your levels of performance.

This warning will remain 'live' for [twelve] months, after which time it will be discarded for disciplinary purposes but will remain on your file. As a result of this outcome, an Action Plan will be developed which will outline to you the areas requiring improvement in your performance, and the timeframe for you to reach an acceptable level in these areas. A Stage 3 Capability meeting will be arranged following the conclusion of that action plan to establish if the required improvement has been achieved. I must advise you that a failure to improve your performance sufficiently within the timescale outlined in the Plan could result in your dismissal.

As a result of this warning being issued, you will not receive [an increment on 1 April 201X, in line with the school's Salary Progression Scheme [support staff] OR progression to the next pay point/grade [teachers]].

You have the right of appeal against this decision. If you wish to appeal you should write to the Head Teacher, copied to the Chair of Governors, within five working days of the date of this letter. The appeal letter should specify clearly the full grounds of the appeal including why and in what respects the decision of the original meeting was unreasonable. The appeal needs to be set out clearly to enable [manager/head/chair], whose decision is being appealed, to know what they will need to respond to at the appeal meeting.

Please contact me as soon as possible should you have any queries.

Yours sincerely

[Chairperson's Name]  
[Chairperson's Title]

Copies to: [Insert Name/Title] - Manager (if applicable)  
[Insert Name/Title] - HR Adviser

The default of a warning is 12 months. A longer duration is never appropriate. A shorter duration may be considered if there are explicit and exceptional reasons for doing so

## 8 Appendix 5 – Stage 3, Capability Decision Meeting Proforma

### Private and Confidential (Special or Hand Delivery)

[Please edit, insert or delete as applicable, change blue text to black]

Dear [Name]

### Stage 3 – Decision Meeting (Capability)

Further to the Stage 2 Formal Review Meeting held on [insert date of meeting], I am writing to invite you to a Stage 3 Decision Meeting on [Date] commencing at [Time] and [Venue], at [Location]. You should report to reception on arrival and ask for [manager/contact].

The meeting is to be held in accordance with the formal stages of the School's Capability policy and procedure. The meeting will be chaired by [Name and Post Title of Chair], who will consider if the required improvement to your performance has been achieved since the Final Formal Warning was issued at the Stage 2 Meeting. A copy of the policy and procedure is enclosed for your reference. A record of the meeting will be taken and [insert name], HR Adviser, will be present to advise the [chair/panel] on the process.

You are entitled to be accompanied at the meeting by a representative of a trade union or by a work place colleague (i.e. an employee of XXXX School). If you do wish to be accompanied at the meeting, I would suggest you share this letter and the enclosed documents with your chosen representative and I have enclosed a duplicate of the paperwork for that purpose. I would be grateful if you could advise me of your chosen representative's name, if different from your companion at the Stage 2 Meeting, by [insert same date as submission of any supporting documentation].

If you intend to submit any documents for consideration at the meeting these must be received by me by [insert date- at least 5 days prior to the meeting] to allow these to be collated and distributed to all parties in advance of the meeting.

*[If applicable, insert the following – Please ensure that you, or your representative, let me know as soon as possible if you wish to ask questions of any of the witnesses who have provided written statements. This will enable me to make the necessary arrangements for those people to attend the meeting on [Date] to answer any questions in relation of their statements. You or your representative should also inform me of any witnesses you may be intending to call in support of your case by [Date] so that I can ensure the availability of rooms and make any other necessary arrangements.*

Please note that management intends to call the following witnesses to the meeting:

[List names of Witnesses]

### OR

The management side does not intend to call witnesses.]

As a result of this Stage 3 Meeting, if it is found that sufficient improvement in your performance has not been achieved following the Action Plan implemented at the Stage 2 meeting, consideration will be given to your future employment and may result in your dismissal from the school.

Please advise me by [date] if you have any special requirements that need to be considered to enable you to participate in the meeting.

Please contact me as soon as possible should you have any queries.

Yours sincerely

**[Manager's Name]**

**[Manager's Title]**

Copies to: [Insert Name/Title] - Chairperson (if applicable)  
[Insert Name/Title] - HR Adviser

Enclosures: Capability Policy  
Investigation Report  
Agenda

## 9 Appendix 6 – Stage 3, Capability Hearing Outcome Proforma

**Private and Confidential** (Special or Hand Delivery)

[Please edit, insert or delete as applicable, change blue text to black]

Dear [Name]

### Stage 3 – Formal Capability Hearing – Outcome Letter – Dismissal

Following the Stage 3 Decision Meeting on [insert date], I am writing to confirm the decision to dismiss you on the grounds of capability. This decision has been taken in respect of the continuing concerns about your levels of performance.

Your dismissal will be in line with normal contractual arrangements or with statutory notice, whichever is greater, and you will receive your normal pay throughout the period of notice. As a result, your final day of employment with [name] School will be [date].

[For Community and Voluntary Controlled Schools include] – This decision will be confirmed in writing by the Local Authority.

You have the right of appeal against this decision. If you wish to appeal you should write to the Head Teacher, copied to the Chair of Governors, within five working days of the date of this letter. The appeal letter should specify clearly the full grounds of the appeal including why and in what respects the decision of the original meeting was unreasonable. The appeal needs to be set out clearly to enable [manager/head/governor/chair], whose decision is being appealed, to know what they will need to respond to at the appeal meeting.

Please contact me as soon as possible should you have any queries.

Yours sincerely

[Chairperson's Name]  
[Chairperson's Title]

Copies to: [Insert Name/Title] - Manager (if applicable)  
[Insert Name/Title] - HR Adviser