

# **Greenshaw Learning Trust**

## **Staff Capability Procedure**

**May 2018**

This Greenshaw Learning Trust Procedure applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the GLT Human Resources Policy. The Greenshaw Learning Trust, including all the schools and services within the Trust, their Trustees, governors and staff, must abide by this GLT Procedure.

The Greenshaw Learning Trust is the single employer of all staff within the Trust's schools and in its central services.

This Procedure sets out how the Trust will manage employees' performance, to ensure that the performance of employees contributes to the goals of individual schools and the Trust as a whole; and that employees have the skills and support they require to carry out their role effectively, and are able to continue to improve their professional practice and develop in their professional roles.

It is the responsibility of the local governing body and Headteacher of each school, and the Board of Trustees and Executive Headteacher for Trust central services, to ensure that their school/service and its staff adhere to this Procedure; in implementing this Procedure the local governing body, Headteacher and Trust staff must take account of any advice given to them by the GLT Head of HR the Executive Headteacher and/or Board of Trustees.

This Procedure is subject to the Scheme of Delegation approved for the school or service. If there is any ambiguity or conflict then the Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT Head of HR should be consulted.

### **Approval and review:**

This Procedure is the responsibility of the GLT Head of HR.

This Procedure was approved by the Board of Trustees on: 23 May 2018.

This Procedure is due for review by: May 2021.

This Procedure was approved following consultation with Trade Unions. It will be reviewed from time to time in full consultation with Trade Unions.

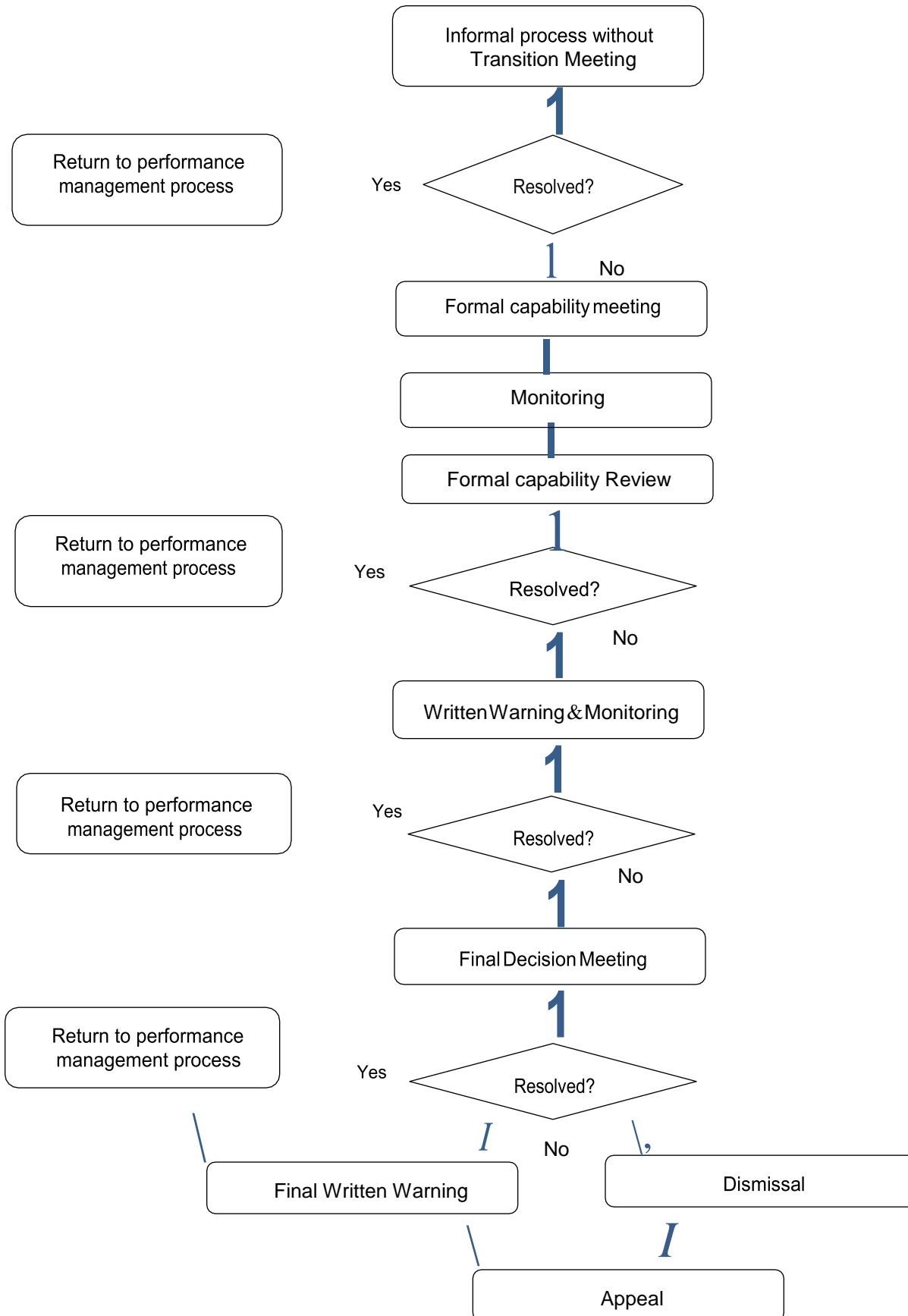
The Greenshaw Learning Trust is a charitable company limited by guarantee registered in England & Wales. Company number 7633694, registered office Greenshaw Learning Trust, Grennell Road, Sutton, Surrey, SM1 3DY.

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## Capability Procedure – Workflow outline

*It is good practice to allow the employee to be accompanied at all stages of the disciplinary process by a trade union representative or work colleague.*



## Part A - Capability Resolution Procedure

### 1. Introduction

The Greenshaw Learning Trust will ensure that managing employees' performance is a continuous process that involves making sure that the performance of employees' contributes to the goals of individual schools and the Trust as a whole.

The use of this Capability Procedure will be a supportive and developmental process designed to ensure that employees have the skills and support they need to carry out their role effectively. It will help to ensure that employees are able to continue to improve their professional practice and to develop in their professional roles. Wherever possible, any issues of underperformance should be addressed through the Appraisal process, and as such this policy will only be invoked where there is clear, triangulated evidence of underperformance that the appraisal process had been unable to address.

This Procedure is based upon principles of natural justice, fairness equality and reasonableness as underpinned by legislation. The Procedure will always be applied with these principles in mind.

The aim is to continuously improve the performance of individual employees and that of the Trust. A good appraisal process helps everyone in the Trust to know:

- What the Trust is trying to achieve.
- The employee's role in helping the Trust achieve its goals.
- The skills and competences employees require to fulfil their role successfully.
- The standards of performance required.
- How employees can develop their performance and contribute to the development of the Trust.
- How employees are progressing and to advise employees when there are performance problems and discuss how to improve them.

If there is any question or doubt about the interpretation or implementation of this Procedure, the GLT Head of HR should be consulted.

#### Designated persons

- **GLT Head of HR:**  
Jenny Cain Email: [jcain@greenshaw.co.uk](mailto:jcain@greenshaw.co.uk) , telephone: 020 8715 1078
- **GLT legal Advisors:**  
Stone King. Email: [lisasaggers@stoneking.co.uk](mailto:lisasaggers@stoneking.co.uk) telephone: 020 7324 3327
- **Clerk to the Trust:**  
Susanne Wicks. Email: [swicks@greenshawlearningtrust.co.uk](mailto:swicks@greenshawlearningtrust.co.uk) telephone: 020 8715 1078

Other appropriate persons in the Trust central service should be contacted via the GLT Head of HR and the Chair of the Board of Trustees should be contacted via the Clerk to the Trust.

Each school within the Trust will have a designated School HR Manager and will have their own designated Clerk to the LGB (please refer to the School Headteacher or School Business Manager for further information).

## **2. Application of the Procedure**

**2.1** This Procedure is drafted to make it directly applicable to the capability of an employee in a school (except the Headteacher), and the responsible persons to carry out the key stages are shown as:

- The informal stage will be carried out by the employee's Line Manager supported by the School HR Manager.
- ☒ The Formal Capability Meeting will be carried out by the appropriate senior Manager supported by the School HR Manager.
- ☒ The formal monitoring and review stage will be managed by the appropriate senior Manager supported by the School HR Manager.
- ☒ The Formal Review Meeting will be carried out by the appropriate senior Manager supported by the School HR Manager.
- The formal review period will be managed by the employee's the appropriate senior Manager, supported by the School HR Manager, with advice provided by the GLT Head of HR.
- ☒ The Final Decision Meeting will be heard by a committee of the Local Governing Body supported by the GLT Head of HR
- ☒ An Appeal will be heard by a Capability Committee of the Local Governing Body; administered by the Clerk to the Local Governing Body, supported by the School HR Manger, with advice provided by the GLT Head of HR.

## **Exceptions and Modifications to the Procedure**

Where the subject of the Procedure is a person other than an employee in a school, the Procedure will be followed except that the responsible persons shall be read as specified below.

**2.2** Where the Headteacher is subject to capability, in this Procedure:

- 'Employee' will be read as 'Headteacher'.
- 'Line Manager' will be read as 'appropriate GLT Director of Education'.
- 'Headteacher' will be read as 'Chair of the Local Governing Body'.
- 'School HR Manager' will be read as 'GLT Head of HR'
- ☒ An Appeal will be heard by a Capability Committee made up of the Chair of the Local Governing Body and Trustees.
- ☒ When arranging a Capability Committee for an Appeal, the Clerk must advise the Chair of the Board of Trustees who will recommend appropriate Trustees to sit on the committee.

**2.3** Where the Executive Headteacher is subject to capability, in this Procedure:

- 'Employee' will be read as 'Executive Headteacher'.
- 'Line Manager' and 'Headteacher' will be read as 'Chair of the Board of Trustees'.
- 'School HR Manager' will be read as 'GLT Head of HR'.
- 'GLT Head of HR' will be read as 'GLT HR Advisors'.
- 'Capability Committee of the LGB' will be read as 'Capability Committee of the Board of Trustees'.

- 'Clerk to the Local Governing Body' will be read as 'Clerk to the Trust'.

**2.4** Where a member of the Trust central service is subject to capability, in this Procedure:

- 'Headteacher' will be read as 'Executive Headteacher'.
- 'School HR Manager' will be read as 'GLT Head of HR'.
- 'Capability Committee of the LGB' will be read as 'Capability Committee of the Board of Trustees'.
- 'Clerk of the Local Governing Body' will be read as 'Clerk of the Trust'.

**2.5** Where the School HR Manager is subject to capability, in this Procedure:

- 'Employee' will be read as 'School HR Manager'.
- 'School HR Manager' will be read as 'GLT Head of HR'.
- 'GLT Head of HR' will be read as 'GLT HR Advisors'.

**2.6** Where the GLT Head of HR is subject to capability, in this Procedure:

- 'Employee' will be read as 'GLT Head of HR'.
- 'Line Manager' will be read as 'GLT Director of Resources'.
- 'Headteacher' will be read as 'Executive Headteacher'.
- 'GLT Head of HR' will be read as 'GLT HR Advisor'.
- 'Capability Committee of the LGB' will be read as 'Capability Committee of the Board of Trustees'.
- 'Clerk of the Local Governing Body' will be read as 'Clerk of the Trust'.

**2.7** Where the Line Manager's Line Manager is the Headteacher, in this procedure;

- 'Headteacher' will be read as 'Appropriate Director of Education'.

### **Timescales and Definition of a Working day**

**2.7** For the purposes of the operation of this Procedure, timescales are expressed in working days. For employees who are contracted to work term time only, a working day should be reckoned as a day that the school is open. Where issues arise just before a school holiday, arrangements to resolve the matter speedily should be discussed between the parties. An intervening school holiday should not of itself be a cause for an undue delay in resolving the matter.

For employees contracted to work all year round, a working day is defined as Monday to Friday calendar days, except bank holidays.

### **3. Stage One – Informal**

**3.1** When there are concerns regarding an employee's performance Line Managers should seek to resolve these performance issues informally and expediently whenever possible. This includes ensuring that prior to commencing formal action consideration is given, in liaison with the School HR Manager, to ensuring that all appropriate informal means of resolution have been considered, depending upon the individual circumstances of the case.

**3.2** Examples of underperformance could be:

- Low expectations of pupils.
- Unsatisfactory progress made by pupils.
- Poor quality work.
- Consistent/repeated failure to meet deadlines or objectives.
- Consistent inability to recognise common problems and find appropriate solutions.
- Consistent failure to accept or adapt to changing work priorities.
- Continuing inability to adapt to change.
- A demonstrable lack of skill, knowledge and/or ability to learn.

**3.3** An informal meeting will be arranged and conducted by the employee's Line Manager. The Informal Meeting will provide an opportunity to review progress towards meeting the targets for improvement.

The process for the Informal meeting will be as follows:

- Employees have the right to be accompanied by a work colleague or trade union representative or official at the meeting.
- A summary of the concerns will be provided at the meeting.
- The employee will be provided with an opportunity to respond.
- The employee may make representations regarding their performance and targets set and progress made in meeting the targets.
- The employee and Line Manager will discuss support, mentoring and relevant training requirements.

**3.4** The Line Manager should make and retain notes of any issue raised and discussed including any agreed outcomes, support and any timescales for assessment period. These notes should be kept securely and confidentially in accordance with data protection principles.

**3.5** During the informal stage the timescales for improvement and review periods will be dependent on individual circumstances. However, as a guide the informal procedure should not exceed 3 months and should include regular scheduled review meetings to provide the opportunity for constructive support and training.

**3.6** If informally agreed action and support fail to remedy the performance issue within the agreed assessment period, a Formal Capability Meeting will be arranged in accordance with stage two of this procedure.

## **4. Stage Two – Formal**

### **4.1 Notification of a Formal Capability Meeting**

If there hasn't been sufficient and sustained improvement during the informal stage, the employee's Line Manager will seek advice from the School HR Manager prior to commencing the formal stage. The GLT Head of HR must be notified at this point.

The employee will be invited by the School HR Manager in writing to attend a Formal Capability Meeting. The notice will usually be provided no later than 10 working days in advance of the meeting; should this fall during a school holiday period, an alternative date may be mutually agreed.

The employee will be advised in the letter of the details of the performance concern, the standards that they should be reaching, the nature of the proposed discussion and possible outcomes, which may include a formal remedy/ action. The employee has the right to be accompanied to this meeting by a colleague or trade union representative.

No less than 10 working days in advance of the meeting the employee will be provided with all the evidence that will be referred to during proceedings. This may include written documents and witness statements, depending upon the details of the case. The exact material to be provided to the employee shall vary according to the details of the case.

The meeting will be chaired by an appropriate senior manager. The intention of the meeting is to:

- Establish the facts.
- To detail the areas of the performance concerns.
- To discuss any contributing factors.
- To discuss any steps taken to address the performance issues e.g. training, coaching mentoring etc.

The employee/their representative will be allowed to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The evidence presented will be examined and discussed and, after a brief adjournment, the chair may decide either:

- i. That there are insufficient grounds to pursue formal capability proceedings and that the matter should either be dropped or continued to be dealt with informally. In these circumstances the meeting will end and use of the formal procedure will cease; or
- ii. To agree a suitable period of formal monitoring, evaluation, guidance and support.



## **4.2 Monitoring**

The period of formal monitoring, evaluation, guidance and support should start as soon as possible after the Formal Capability Meeting, and be for a minimum of 10 working weeks but no longer than 13 working weeks. The duration of the monitoring period must be long enough to allow the employee to reasonably be able to demonstrate an improvement.

During the monitoring period the Line Manager with support from the School HR Manager will ensure that the agreed support is provided and will monitor performance against the target improvements to be made. The format of the support and monitoring will depend of the job role and the nature and scale of the underperformance identified.

## **4.3 Formal Review Meeting**

At the end of the monitoring period a Formal Review Meeting will be convened to consider the outcome. The employee will be notified in writing at least 10 working days before the date and time of the meeting, unless a shorter period is mutually agreed.

The Line Manager's Line Manager will consider the evidence gathered during the monitoring period, and any evidence presented and other representations from the employee or their representative, before reaching a decision. The decision may be that:

- i. The employee has made sufficient improvement. In this case the capability procedure will cease and the performance management process will re-start.
- ii. Some progress has been made and there is confidence that more is likely. In this case the monitoring period may be extended for a period of up to 8 working weeks.
- iii. No, or insufficient, improvement has been made during the monitoring and review period. In this case the employee will be issued with a written warning.

## **4.4 Issue of written warning**

Where a written warning is to be issued, the Formal Review Meeting will continue and the chair will:

- a) Identify the area(s) and nature of the underperformance (for teachers, this may include which of the standards expected of teachers are not being met).
- b) Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures (this may 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).

c) Explain the support that will be available to help the employee improve his/her performance, including who will be involved in providing the support. This might include:

- Changes to working practices within the terms of the employee's job description.
- Increased supervisory support or mentoring for a specified period of time.
- Feedback from classroom or other observation.
- Work shadowing a competent employee which could include visits to other schools/workplaces.
- Modified workload or tasks for a specified period of time.
- Further training in the area(s) of deficiency.

The support to be offered will be agreed with the employee.

d) Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but will normally be extended for no more than 12 working weeks in straightforward cases. The monitoring period should be reasonable and proportionate, and should provide sufficient opportunity for an improvement to take place, and

e) Warn the employee formally that failure to improve within the monitoring period could lead to dismissal.

**4.5** If following a further period of monitoring the employee has still not achieved an acceptable standard of performance the employee will receive a Final Written Warning.

The employee will receive written notification of the Final Written Warning. The notification will summarise the content of the Formal Review Meeting and include details of:

- The areas and nature of the underperformance identified.
- The standard of performance to be achieved during the monitoring and review period and any success criteria.
- How progress towards achieving these standards will be monitored and assessed.
- The support that will be made available.
- The timescale for improvement, no less than 6 working weeks.
- The procedure and time limits for appealing against the final written warning.
- The employee will be invited to a Final Decision Meeting.

Where a Final Written Warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale) may result in dismissal, and given information about the handling of the final period of monitoring, including any support which will continue, and the procedure and time limits for appealing against the final warning (within 10 working days or receiving the outcome in writing).

## **4.6 Final Decision Meeting**

The employee will be provided at least 10 working days' notice of the date of the Final Decision Meeting (unless a shorter period is mutually agreed), which will be at least four weeks after the Formal Review Meeting at which the written warning was issued.

A management case will be presented by the appropriate senior manager based on the evidence from previous meetings.

The Chair of the Committee of the meeting will consider the evidence gathered during the monitoring and review period, and any evidence presented and other representations from the employee, before reaching a decision. The Chair may decide that:

- i. An acceptable standard of performance has been achieved during the final monitoring and review period. In this case, the capability procedure will end and the performance management process will re-start.
- ii. That performance remains unsatisfactory however there has been some improvement, in this case the employee will be issued with a final written warning.
- iii. That performance remains unsatisfactory, In this case, a decision to will be made that the employee should be dismissed or required to cease working at the school.

Where the decision is to dismiss, the employee will be informed in writing as soon as possible:

- Of the reasons for the decision to dismiss.
- The date on which the employment contract will end.
- The appropriate period of notice and their right of appeal.
- The School HR Manager will arrange for the notice of dismissal to be issued.

The period of notice will be the statutory minimum or contractual notice (for teachers, this will be notice in accordance with the Burgundy Book), whichever is the longer.

## **5. Stage Three - Appeal**

**5.1** Where the employee is not happy with the outcome of the Final Decision Meeting they may appeal.

The Appeal must be submitted in writing to the Headteacher within 10 working days, setting out the grounds for the Appeal. The Headteacher will immediately inform the GLT Head of HR and the Clerk to the LGB.

**5.2** The Appeal will be heard by a meeting of a second Capability Committee of the Local Governing Body.

**5.3** On receipt of written notice of an Appeal from an employee, the Clerk to the LGB will arrange a meeting of a Capability Committee of the Local Governing Body, without unreasonable delay and ideally within 15 working days of the receipt of the written notice.

**5.4** The Clerk of the LGB will establish a second Capability Committee by drawing members from the

appropriate panel and avoiding conflict of interest.

**5.5** The Clerk to the LGB will notify the employee and Headteacher of the arrangements for the meeting of the Capability Committee and provide them with copies of all relevant documentation prior to the meeting.

**5.6** The Capability Committee will select a chair for the meeting from amongst its members.

**5.7** The employee will attend the meeting to present the case, together with their companions. Employees have the right to be accompanied by a work colleague or trade union representative or official at the meeting.

**5.8** The employee, Headteacher and their companions will leave the meeting and the Capability Committee will consider the facts and reach their decision.

**5.9** The possible outcomes of the Appeal are for the Capability Committee to decide:

- To uphold each of the grounds for appeal.
- To fully or partially uphold the appeal.
- Dismiss the appeal.
- Lessen the penalty that was awarded.
- The committee may not increase the penalty.

**5.10** The employee and the Headteacher will be notified of the outcome of the Appeal in writing within 5 working days.

**5.11** There is no further right of appeal.

## **Part B - Capability Resolution Guidance**

### **1. What is Capability?**

Capability is a person's aptitude, ability, talent or skill that has potential to be developed in order to carry out the job or to meet the objectives they have been set. A lack of capability can lead to unsatisfactory performance which will cause difficulties to both the employee and the employer. The Employment Rights Act 1996 indicates that incapability must relate to the kind of work that the person has been employed to undertake.

Examples of lack of capability could be:

- Poor quality work
- Low output
- Consistent/repeated failure to meet deadlines or objectives
- Consistent inability to recognise common problems and find appropriate solutions
- Consistent failure to accept or adapt to changing work priorities
- Continuing inability to adapt to change
- A demonstrable lack of skill, knowledge and/or ability to learn

These examples are not exhaustive.

### **2. Disability or medical issues**

Should the employee highlight that there is an impairment (disability or medical) that may be identified as a contributory factor in the performance issue, the procedure will be paused for consideration of the next appropriate steps. The School HR Manager will take the following action;

- Referral to occupational health (if referral has not yet taken place)
- Discuss with the employee what reasonable adjustments, if any, could be (or have been) put in place. This can include any support or development needs identified either for the employee or others in relation to the impairment. Records of Reasonable adjustments considered and put in place should be documented and kept securely.
- Agree meetings at an appropriate date to review the effectiveness any reasonable adjustments have had on mitigating the disadvantage caused by the impairment.

If, having paused the procedure the actions taken, including any reasonable adjustments, have resolved the performance issue then action under this procedure will cease.

If the actions have not resolved the performance issue, then action under the procedure will continue. If a separate procedure would be more appropriate (e.g. the sickness absence management procedure) then the matter will be dealt with under that appropriate procedure.

### **3. Dealing with grievances**

Where a member of staff raises a grievance during the capability procedure, this procedure may be temporarily suspended in order to deal with the grievance under the Trust Grievance Procedure.

Where the grievance is related to the capability case, it will be appropriate to deal with it under the terms of the capability procedure, either during formal meetings or as part of an appeal.

Where the grievance has no direct relevance to the capability procedures then the time table for the capability procedure will continue to apply and the grievance should be dealt with separately.

### **4. Incremental Progression**

Appraisal is integral to decisions regarding pay progression. When an employee is subject to capability procedures, their involvement in the appraisal process is suspended and therefore the incremental progression is suspended at this stage too.

When the employee's performance has improved the incremental progression will be re-instated from the date of the improvement where deemed appropriate.

### **5. Record Keeping/Confidentiality**

A performance improvement plan (PIP) should be completed by the Line Manager (Appendix B). The PIP should include dates of all meetings, detail areas for improvement and list training and support requirements. The PIP should be updated each time the employer and the employee meet.

All information should be treated with confidentiality and all documentary records stored in a secure environment and in accordance with the relevant data protection legislation.

The Headteacher and the School HR Manager must ensure that the GLT Head of HR is informed of all capability issues.

### **6. Establishing the Facts**

Where concerns about an employee's competence or performance occur it is important at the outset that the employee's line manager seeks to raise those issues directly with the employee. This should be done as quickly as practicable and without reasonable delay.

The purpose of the discussion is to identify whether there is substance to the concerns and to identify whether there are any specific problems or underlying issues that can be resolved, including making reasonable adjustments where applicable.

If there are concerns, the employee's line manager should seek to remedy them informally first if possible. Where the employee's line manager feels an employee could benefit from a more structured process of direction and support, then a formal capability meeting will be arranged.

## **7. Conducting a Formal Meeting**

When conducting a Formal Meeting the Chair will:

### **Introduction**

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the Trust expressly prohibits the recording of meetings.
- Introduce those present and their roles (see guidance re: roles/responsibilities); this may include: panel members, HR member supporting panel, note taker, etc.
- Representation of Employee – If accompanied confirm the role of the companion, i.e. that they will be able to address the hearing in order to: put the employee's case forward; sum up the case; respond on the employee's behalf to any view expressed at the hearing; and confer with the employee. However, the representative will not usually answer questions on behalf of the employee, but may do so with the agreement of the Panel.
- If not accompanied note that the employee has been advised of his/her right to be accompanied but has chosen to attend unaccompanied.
- Identify, if appropriate, any other documentation the Panel has at their disposal for reference purposes.
- Ask the employee to introduce themselves and any companion they may have with them. Check whether the participants are happy with use of first names.
- Confirm with the employee that they have received the letter notifying them of the meeting and the associated documentation providing advanced disclosure of the case. Also confirm if the panel received any information/evidence from the employee.
- Confirm with the employee that they understand that it is a formal Capability Meeting which will be conducted in line with the Trusts procedure. [If appropriate, having first sought advice from HR, subject to previous action/warnings, advise that one potential outcome of the hearing could be dismissal due to capability – however in such as case it is essential that delegated authority is provided beforehand]

### **Outline procedure**

- Ask that all communications go through you as the Chair during the meeting.
- Advise of the procedure or invite a HR representative (if applicable) to outline the procedure.
- Adjournments - Advise that should any party consider an adjournment necessary requests should be made via the chair. Identify the location of the rooms available to the employee.
- Taking of Notes – Advise that the note-taker will take summary notes to support the Panel's consideration. Should the employee want a summary of these notes these can be provided on request. Advise that both the employee and their representative would be welcome to make their own notes.

Respond to any procedural concerns/queries that may arise.

## **Running Order**

1. The Chair or the employee's manager will outline to the employee: the nature of the performance concerns; the standard of performance expected; and what is expected to bring performance back to the required standard.
2. Employee will be invited to state his/her case.
3. If applicable, where previously agreed with the Chair, relevant witnesses may be called. The Panel will ask questions/seek clarification as necessary.
4. The Panel will then seek to explore with the employee: possible reasons for under-performance; impact/outcome of any training/previous intervention/monitoring or support; and any further interventions or support which may be needed to enable the employee to remedy the situation This might include a discussion about the appropriate length of any potential assessment period and the interval of future review meetings. Giving the staff member every opportunity to put their case forward/ask questions. [NOTE: Allow the individual to: respond to the outcomes of the monitoring process; and raise any relevant factors/ offer proposals, all of which should be taken into consideration when deciding future action].
5. The Panel will adjourn (or close the meeting) for the Panel to consider the decision.

## **Present Case**

- Hear case based on the above running order. If any failure to meet the expectations may have been influenced by illness or disability the Panel should consider whether all reasonable adjustments have been made.

## **Adjournment and decision**

- Panel either adjourns or closes the meeting to consider the case
- If the panel is unable to make a decision as further information/time is required, inform the employee as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)
- When closing the meeting, ensure that everyone understands what is going to happen.
- Panel makes a decision .Should a decision be made after an adjournment resulting in an improvement note/warning/action inform the individual that further action may need to be considered if the individuals performance is not considered to have met or likely to meet the required expectations/targets during the assessment period.
- Advise that the outcome of the meeting should be confirmed to the employee in writing, usually within 7 days of the hearing which includes notification of their right to appeal and to whom any such appeal should be addressed.
- Also advise that failure to improve sufficiently within this timeframe is likely to lead to further formal action up to and including potential dismissal depending upon the circumstances of the case

## **Record**

- Record summary of the discussions, (including any agreed actions and timescales for improvement etc.).
- Ensure that the records are factual and constructive.



- Write to employee summarising the outcome of hearing and any next steps.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties, including the employee.

## **References**

The Trust complies with The School Staffing (England) Regulations 2009, paragraph 2, Regulation 8.

The Trust recognises that it has a duty to other employers to give truthful and balanced references and it is the policy of the Trust regulation, if a staff member had been subject to formal capabilities procedures in the preceding 2 year period.

For the purpose of clarity, it will be deemed that an individual has entered the formal capability procedures once they have attended the Transition meeting to consider the move from Performance Management to Capability.

## Appendix A

### Performance Improvement Plan (PIP)

*This is a template form only and can be changed as necessary to reflect the circumstances/needs of the individual case.*

During the period of the PIP the employee will be monitored to assess if appropriate improvement is being made.

<b>Name of employee</b>			
<b>Job title</b>			
<b>Department</b>			
<b>Date of Initial Meeting</b>			
<b>Name(s) of other attendee(s)</b>			
	<b>Duties &amp; Improvement Required:</b>	<b>Expected Outcome/Measurement</b>	<b>Support &amp; Dependencies</b>
<b>1</b>	<i>E.g. Collection and collation of data to allow contract and performance monitoring and data returns. <b>Time Management:</b> better maintenance of contract spreadsheet.</i>	<b>Weekly:</b> Contract Spreadsheet to be updated weekly by Friday.	<i>No Dependencies Manager to review weekly</i>
<b>2</b>	<i>Next issue in need of addressing</i>		
<b>3</b>	<i>Next issue in need of addressing</i>		

	<b>Review Date:</b>	<b>Met/Not Met/ Partially Met</b>	<b>Review Date:</b>	<b>Met/Not Met/ Partially Met</b>	<b>Review Date:</b>	<b>Met/Not Met/ Partially Met</b>
<b>1</b>	<i>Outcome:</i>		<i>Outcome:</i>		<i>Outcome:</i>	
<b>2</b>						
<b>3</b>						

