

# The Good Shepherd Multi Academy Trust

## Capability Policy for Support Staff

May 2019



**The Good Shepherd  
Multi Academy Trust**

<b>Date of Adoption</b>	<b>January 2016</b>
<b>Reviewed</b>	<b>Sept 2017</b>
<b>Updated in line with CCC</b>	<b>May 2019</b>
<b>Date of Next Review</b>	<b>May 2022</b>

## Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

### **1. Introduction**

The Capability Policy is designed to assist employees to meet and maintain a satisfactory level of performance when they fail to reach the standard for reasons associated with skill, aptitude or physical or mental ability. The emphasis in dealing with capability issues should be open and honest communication backed up by jointly agreed support mechanisms that aim to enable the employee to reach the required standard of performance.

This policy has been developed not only to provide assistance for employees who are unable to meet the requirements of their existing post but also to recognise the changing nature and standards of performance required in the jobs employees undertake. It also seeks to ensure that the Trust meets its legislative responsibilities including those associated with equality and diversity, health and safety and dismissal procedures therefore should capability procedures be instigated the Trust should be informed.

### **2. Scope**

This policy applies to all support staff employed by the Trust. Teachers Capability Procedure is laid down in the Burgundy book.

This policy does not apply to cases involving ill health or conduct issues which are covered by the Absence & Wellbeing Policy, Bullying & Harassment Policy or the Disciplinary Procedure.

This policy does not apply to employees whose employment is to end during or at the conclusion of a fixed term/temporary contract or a probationary period of service, where dismissal arises from unsuitability for confirmation of appointment, or those subject to redundancy.

### **3. Principles**

The Trust seeks to achieve and maintain high standards of service delivery through its employees. In order to achieve this it has established standards and monitors performance whilst providing employees with appropriate support to meet those standards. This may include a review of the job requirements and working arrangements, counselling, training and coaching, and, in cases of sickness or medical incapacity, occupational health assessments.

In dealing with cases of poor performance the Trust distinguishes between:

- negligence, lack of application or attitudinal problems, where the **Disciplinary Procedure** is applicable
- health, where the **Absence and Wellbeing Procedure** is applicable
- lack of required training, or the changing nature of the job, where the **Capability Procedure** applies.

It is expected that managers meet with staff on a regular basis throughout the working relationship through supervision/one-to-ones and appraisals. This is an opportunity for both parties to raise issues and concerns which can be addressed at the earliest opportunity with support. It is also important that these opportunities are used to provide positive feedback to the employee.

There is an expectation that any difficulties would be addressed and resolved as part of these processes and that the Capability Procedure should only be used when such efforts have been undertaken and a more formal approach is deemed appropriate.

Should concern be raised regarding the relationship between the line manager/Headteacher and employee, advice should be sought from the Trust HR Provider, in order to ascertain if any other support is appropriate. In addition, if concerns over performance are connected to management issues, the case should be escalated to a relevant senior manager.

#### **4. Responsibilities**

It is everyone's duty to ensure that acceptable levels of performance are achieved and maintained and to take steps to rectify any shortfall.

Employees are expected to:

- Notify their line manager/Headteacher, in writing, if they are unsure of what is expected of them or having difficulty in meeting the required standards of performance
- Undertake any reasonable request to take part in training, coaching, counselling or other support offered to enable them to reach the required standard
- Attend interviews, hearings or appeals as required.

Line managers/headteachers are expected to:

- Provide appropriate support to enable employees to achieve the required standard
- Set appropriate and achievable standards of performance through the Trust Appraisal Procedure for Teachers and the Appraisal Process for Support Staff
- Provide supervision and undertake regular appraisals of employees' performance in accordance with the Appraisal Procedure
- Notify employees when they do not meet the required standard & investigate the causes
- Review the requirements of the post and consider whether more flexible working arrangements could be applied without detriment to the service level required
- Arrange meetings, hearings and appeals as required under the procedure
- Ensure that accurate records are maintained and secured in the employee's file
- Maintain confidentiality
- Respect employees' rights to representation and encourage this
- Provide suitable learning and development opportunities to enable employees to perform their duties to the required standard
- Inform the employee that the capability procedure may result in dismissal
- Liaise with HR to seek alternative employment if an employee is unable to achieve the required standard in their current position.

The Trust will:

- Advise managers/headteachers on all aspects of this policy
- Review the policy to meet the requirements of new legislation and operational needs.

## 5. Process

When the employee's manager/headteacher recognises that the employee's performance is unacceptable he/she will hold an informal capability meeting with the employee to try to establish the reason(s). The employee may be accompanied at this meeting by a co-worker or trade union representative if he or she wishes and be given 5 working days' notice of this meeting, clearly stating that it is a meeting under the Capability Procedure of which a copy must accompany the letter.

The line manager/headteacher should consider the following actions:

1. Ascertain if there are any specific reasons/problems behind the poor performance.
2. Review the standards of the post if they are not reasonably attainable.
3. Explain the new standards and provide help and retraining if the employee's problems arise from a change in the role or standards required in the post.
4. Provide counselling and support where the employee's problems relate to their personal life.
5. Provide additional support in the form of training, retraining or coaching where the poor performance is related to the lack of training or supervision.
6. Seek medical advice and referral to occupational health, as detailed in the **Absence & Wellbeing Policy**, if the poor performance is related to the employee's state of health.
7. Consider the provision of reasonable adjustments in accordance with the requirements of the Equality Act 2010.
8. Invoke the **Alcohol and Substance Abuse Policy** if the poor performance appears to be related to alcohol or drug issues.
9. Invoke the **Disciplinary Procedure** if the employee's poor performance appears to be for reasons of conduct.

As a result of this meeting the manager/headteacher may need to undertake an investigation to determine which procedure is appropriate. **If, during the course of following the actions outlined in 1 to 8 above a manager/headteacher realises that they have chosen the wrong procedure they must notify all concerned and adopt the correct one.**

If the reason for poor performance is for any of the reasons 1 to 4 above the employee will be provided with relevant support and their performance will be monitored by the manager/ headteacher for an appropriate period of time. The circumstances of each case will be different and an appropriate timescale will be agreed with the employee and their representative at this meeting. This will usually be six to eight weeks, however this may be amended if required. *Details of this will be recorded in writing and a copy provided to the employee and their representative.* Managers/headteachers should seek advice from the Trust HR Provider at the earliest opportunity.

Employees should be provided with an action plan (see Appendix 1 - template CA2) containing details of the levels of performance required. This must be evidential and linked to specific required outcomes that can be measured in relation to the employees' job specification and role profile. The plan must also detail the support that will be provided to assist them in achieving this in the required timescales, for example training/support/mentoring.

This should form part of the above discussion and the employee should be given the opportunity to provide input into the action plan, including any support they feel may assist them. The action plan must be agreed and any support employees feel may assist them must be recorded, considered and if not provided, an explanation must be given. The targets set should be SMART – Specific, Measurable, Achievable, Realistic, Time constrained.

Details of the action plan and the discussion that has taken place with the employee will be recorded in writing as an advisory note that improvement is required (see Appendix 1 - template CA3). A copy of this will be provided to the employee and their representative.

Normal supervision/one-to-ones will continue throughout the duration of the action plan in order to ensure that the employee feels supported and receives timely feedback in relation to their role. Should appraisal targets require any adjustments in line with the action plan and support provided, this should be amended where appropriate.

If the action plan is completed successfully the employee will be informed of this and the importance of maintaining the required standard of performance.

If there is some improvement that the line manager/headteacher feels would benefit from an extension to the monitoring period this can be implemented with agreement from the employee. A minimum period for this is two weeks, however the agreed timescale will depend on the individual circumstances of the case.

If there is no significant improvement in the employee's performance (as determined by progress made against the targets set on the agreed action plan) the manager/headteacher will arrange a formal interview with the employee to review the situation. The employee must have five working days' notice of this meeting. The manager/headteacher will inform the employee, in writing, of the expected standards of performance and where these are not being met and notify them of their right to be accompanied by a co-worker or trade union representative at the meeting. (see Appendix 1 - template CA4).

It is recognised that this may be a difficult time for the employee therefore a referral could be made to the occupational health provider if required at any time during this process.

## **6. Formal Interviews**

At the formal interview the manager/headteacher will seek to:

- Explain clearly the shortfall between the employee's performance and the required standard
- Identify the cause or causes of the poor performance and to determine what, if any, remedial action e.g. training, support, can be given
- Obtain the employee's commitment to reaching the standard by setting realistic targets
- Inform the employee what will happen if that standard is not met and that dismissal may be an outcome
- Set a reasonable period for the employee to reach the standard and agree on the operation of a monitoring system during that period, usually 6 weeks.

### **6.1 First Formal Interview**

A first formal capability warning will be issued in writing and will remain on file for 12 months. The employee has the right to appeal against this within 5 working days of receipt.

This and the outcome of this interview will be recorded in writing and a copy of this and the agreed action plan will be given to the employee (see Appendix 1 - template CA5). With the employee's permission, a copy will also be sent to their representative should they have one. Again, targets must be SMART and follow the guidance given in Section 5.1.

If the employee believes they are unable to meet the standard required, despite the assistance provided, redeployment, a reduction in hours or other alternative arrangements may be considered by the manager/headteacher in liaison with the employee, their representative and the Trust HR provider.

## 6.2 Second Formal Interview

At the end of the review period a further formal interview will be held between the employee and their manager/headteacher and co-worker or trade union representative. A letter inviting them to attend a second formal meeting will be sent. (see Appendix 1 - template CA6).

At this interview:

- If the required improvement has been made the employee will be informed and encouraged to maintain the improvement. The employee's performance will be monitored and further formal review meetings will be arranged as agreed.
- If there is some improvement that the manager/headteacher feels would benefit from an extension to the monitoring period this can be implemented with agreement from the employee. A minimum timescale for this is two weeks, however the agreed timescale will depend on the individual circumstances of the case. Again, managers/headteachers should seek further advice from the Trust HR Provider.
- If there has been no measurable improvement, the employee's manager/headteacher will explain to them that they have failed to improve. The outcome of this interview will be recorded in writing and a copy will be given to the employee and their representative, if appropriate. At this point a final capability warning will be issued and will remain on file for 18 months (see Appendix 1 - template CA7).
- The steps set out in section 5.1 should be followed for a final monitoring period with action plan. The employee has the right to appeal against this within 5 working days of receipt.
- If, at the end of the final monitoring period, there is no measurable improvement against the final action plan the employee will be subject to the **Capability Dismissal Procedure**.
- The Trust will determine whether there are alternative vacancies that the employee would be competent to undertake and, if there are, give the employee the option of suitable alternative employment. For alternative posts identified, the employee will be able to have a trial period. If, following this, the new post is not suitable the employee will revert back to their original post. If no suitable alternative employment can be found or the employee does not wish to accept the alternative employment offered, the **Capability Dismissal Procedure** will be followed.

## 7. **Capability Dismissal Procedure**

The manager/headteacher must write to the employee confirming the circumstances that are leading to potential dismissal and inviting them to a meeting to discuss the matter

and advising them of their right to be accompanied by a trade union representative or work colleague. The employee will be notified of the meeting as soon as possible but must be given not less than five working days' notice in writing of the date, time and place of the meeting. (see Appendix 1 - template CA8).

The capability dismissal meeting will consist of a panel of LGB members/ Trust directors (as appropriate to the employee being the subject of the capability dismissal procedure) and a representative from the Trust HR provider will attend to provide support & advice. The line manager/ headteacher who oversaw the earlier stages of the formal capability process will also attend to present the case and provide information on what actions have been taken.

The employee must take all reasonable steps to attend the meeting. If the employee has a reasonable excuse for being unable to attend the meeting, or their trade union representative or work colleague is unable to attend, a postponement will be arranged. A new date will be set which does not delay the process unduly.

If an employee first reports sick on the day of the meeting and the employee informs their line manager/ headteacher that they are unfit to attend, the meeting will usually have to be postponed. The matter may need to be referred to the occupational health provider to obtain advice on the employees condition/fitness. The meeting should then be rearranged according to this information. (see Appendix 1 - template CA9).

However, where the employee is persistently unable or unwilling to attend without good cause, a decision will be made on the available evidence. Where an employee simply fails to attend their meeting they will be written to and informed of the following:

- (a) That the meeting has been rearranged for a specific later date and time.
- (b) That if they are unable or unwilling to attend the meeting, without good cause, the meeting will proceed in their absence.
- (c) A representative may attend in their absence to present their case.
- (d) Any written submission which the employee may wish to submit will be considered

The employee and/or their representative will be given the opportunity to state their case. The manager and others who have been involved in providing support to the employee or seeking redeployment will provide information on what actions have been taken.

After the meeting the person responsible for conducting the meeting must notify the employee in writing of the decision and notify the employee of their right to appeal against the decision (including any sanctions short of dismissal) if they are not satisfied with it. This will include details of who the appeal should be addressed to. (see Appendix 1 - template CA10).

## **8. Appeals**

All employees have the right of appeal against any decision as a result of the capability procedure. Please see the **Appeals Policy** for information on how the appeals process works.

## Appendix 1      Template Letters & Action Plan

### CA1 - Invitation Informal Capability Meeting

#### Private and Confidential

*Name/address*

*Date*

Dear **Name**

#### Informal Capability Meeting

I am writing to invite you to an informal capability meeting, in accordance with the Trust's Capability Procedure.

The meeting has been scheduled for *time/date/venue* and the purpose of this meeting will be to discuss concerns I have with your performance, as detailed below:

- *Details of underperformance*
- *Standards of performance and how they are not being met*
- *Established reasons behind performance concerns if known*

I am enclosing for your attention a copy of the Capability Procedure, which outlines the process to be followed, along with a copy of your *Job Specification/Role Profile*.

This is an informal meeting; however you may be accompanied by a trade union representative or work colleague if you wish. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

I understand this may be a stressful period for you, and we may be able to offer support through an occupational health referral if you feel that is appropriate or from me as your line manager.

I would be grateful if you could confirm receipt of this letter and your attendance at the meeting along with details of who will be accompanying you.

Yours sincerely

## CA2 – ACTION PLAN

<b>Description of performance issue:</b>	<i>[Enter description of the nature of the underperformance.]</i>		
<b>Aim of Performance Improvement Action Plan:</b>	<i>[Enter overall aim of the Performance Improvement Plan.]</i>		
<b>Plan Start Date:</b>	<i>[Enter start date]</i>	<b>Plan End Date:</b>	<i>[Enter plan end date]</i>

<b>Improvement Objectives</b> <i>What, specifically must the individual do to improve their performance to meet expected standards?</i>	<b>Success Criteria</b> <i>What evidence will show when the expected standards of performance have been met?</i>	<b>Additional Support Required</b> <i>What additional development or support does the employee require in order to achieve the required standards?</i>	<b>Review Schedule</b> <i>When will progress against the improvement objective be reviewed? How will evidence of progress be collected? Who will review progress?</i>	<b>Objective Outcome</b> <i>When will the final review of the plan be undertaken and by whom? What is the final outcome? What action will be taken if expected standards are not met?</i>
1.				
2.				
3.				
4.				
<b>Overall outcome :</b>	Achieved/Not achieved by <i>[enter end date of Performance Improvement Plan]</i>			

Line Manager .....Date ..... Employee.....Date .....

## CA3 Outcome of Informal Capability Meeting

### Private and Confidential

*Name/address*

*Date*

Dear *Name*

### Outcome of Informal Capability Meeting

I am writing to confirm the outcome of the informal capability meeting which was held on *time/date/venue*. At the meeting, you chose not to be accompanied/you were accompanied by *name*.

The purpose of the meeting was to discuss my concerns around your performance, specifically:

- *Details of underperformance*
- *Standards of performance and how they are not being met*
- *Established reasons behind performance concerns if known*

During the meeting, I considered all aspects of our discussion and we have agreed the following Action Plan with the improvements that will be required:

- *Detail points of action plan, which should be SMART (Specific, measurable, achievable, relevant and timescale). Action plan points must also be linked to the employees' job specification and role profile*
- *Details of support that will be provided to assist them to achieve Action Plan points and required timescales, for example training/support/mentoring.*

Please find attached a copy of the agreed Action Plan.

I understand this may be a stressful period for you, and we may be able to offer support through an occupational health referral if you feel that is appropriate.

Our regular supervisions/one-to-one meetings will continue during this period, to ensure you are supported throughout. If you find at any point you are struggling or require any further support, please contact me as soon as possible so we can address this and ensure you receive the assistance you need.

A meeting has been scheduled for *time/date/venue* to review the progress of the Action Plan. You may be accompanied by a trade union representative or work colleague if you wish. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

I would be grateful if you could confirm receipt of this letter and your attendance at the meeting along with details of who will be accompanying you.

Yours sincerely

## CA4 Invitation to First Formal Capability Meeting

### Private and Confidential

*Name/address*

*Date*

Dear *Name*

### FIRST FORMAL CAPABILITY MEETING

I refer to our meeting on *time/date/venue* where it was discussed that there had been insufficient improvement in your performance against the agreed Action Plan. I am now writing to invite you to the First Formal Capability meeting, in accordance with the Trust's Capability procedure.

I have arranged a formal meeting on *time/date/venue*. The purpose of this meeting is to review your action plan, discuss your shortfall in performance and to discuss what support you need to reach the standards of performance required, specifically:

- *Details of Action Plan points that have not been completed or met*
- *Detail areas of performance that have not met the required standard, ensuring these are relevant and linked to the job role/post specification*
- *Details of the support they have received in this time period*

I must advise you that as this standard has not been met, you will be progressed through the Trust's Capability Procedure and dismissal may ultimately be an outcome.

I am enclosing for your attention a copy of the Capability Procedure, which outlines the process to be followed, along with a copy of your *Job Specification/Role Profile* and a copy of your Action Plan.

You have the right to be accompanied by a Trade Union representative or co-worker at the meeting. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

I would be grateful if you could confirm receipt of this letter and your attendance at the meeting along with details of who will be accompanying you.

Yours sincerely

## CA5 Outcome of First Formal Capability Meeting

### Private and Confidential

*Name/address*

*Date*

Dear *Name*

### OUTCOME OF FIRST FORMAL CAPABILITY MEETING

I refer to the meeting which was held on *time/date/venue*. Present at the meeting were: *detail all present*.

You were notified prior to the meeting that the purpose of was to review your Action Plan and discuss your performance, and as I informed you during the meeting, you have failed to meet the required improvement. I have continued concerns with your performance, specifically:

- *Detail areas of concern with performance, ensuring these are relevant and linked to the employees' job specification and role profile.*

During the meeting we agreed the following amendments to your Action Plan, including the improvements that will be required and the support that you will be provided with:

- *Detail updated points of action plan, which should be SMART (Specific, measurable, achievable, relevant and timescale). Action plan points must also be linked to the employees' job specification and role profile*
- *Details of support that will be provided to assist them to achieve new Action Plan points and required timescales, for example training/support/mentoring.*

I advised you that if these standards are not met, you will be progressed through the Trust's Capability Procedure and dismissal may ultimately be an outcome. In accordance with this procedure, I consider it appropriate in the circumstances to issue you with a first Formal Capability Warning.

This warning will remain on your file for a period of 12 months. You have the right to appeal against this decision if you chose. If you wish to appeal you must inform me, in writing, within 5 working days of this notification, stating the grounds on which you wish to appeal.

I am enclosing for your attention a copy of the Capability Procedure, which outlines the process to be followed, along with a copy of your **Job Specification/Role Profile** and a copy of your Action Plan.

Once again, I wish to remind you that I am fully aware that this may be a stressful period for you and those close to you. We may be able to offer support through an occupational health referral if you feel that is appropriate. Our regular *supervisions/one-to-one* meetings will continue during this period, to ensure you are supported throughout this process.

A meeting has been scheduled for *time/date/venue* to review your progress against the Action Plan. You have the right to be accompanied by a Trade Union representative or co-worker at the meeting. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

I would be grateful if you could confirm receipt of this letter and your attendance at the meeting along with details of who will be accompanying you.

If you require any further support during this time, please do not hesitate to contact me.

Yours sincerely

## CA6 Invite to Second Formal Capability Meeting

### Private and Confidential

*Name/address*

*Date*

Dear *Name*

### **SECOND FORMAL CAPABILITY MEETING**

Further to our previous meetings on *time/date/venue of previous meetings*, I have concluded that there has not been the required improvement in your performance. This also follows an Action Plan, which was in place for *timescale*. I am now writing to invite you to a Second Formal Capability Meeting, in accordance with the Trust's Capability Procedure.

I have arranged the meeting for *time/date/venue*. During this meeting we will review your amended action plan, consider the support you have been provided with and what further support you may need, and we will discuss the continued issues I have with the standards of your performance, specifically:

- *Detail the areas of the Action Plan that have not been completed or met the required standard*
- *Detail the issues with performance, ensuring they are relevant and refer to the employees' job specification and role profile*

I must once again advise you that if the required standard is not met, you will be further progressed through the Trust's Capability Procedure and dismissal may ultimately be an outcome.

I have previously provided a copy of the Capability Procedure, your Job Specification/Role Profile and your previous Action Plan, however if you require further copies please let me know.

You have the right to be accompanied by a Trade Union representative or co-worker at the meeting. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

As these discussions are ongoing, this will understandably be a stressful time for yourself and those close to you. We may be able to offer support through an occupational health referral if you feel that is appropriate.

I would be grateful if you could confirm receipt of this letter and your attendance at the meeting along with details of who will be accompanying you.

Yours sincerely

## CA7 Outcome of Second Formal Capability Meeting

### Private and Confidential

*Name/address*

*Date*

Dear *Name*

### OUTCOME OF SECOND FORMAL CAPABILITY MEETING

I refer to the meeting which was held on *time/date/venue*. Present at the meeting were: *detail all present*.

#### 3 OPTIONS FOR THIS TEMPLATE:

1.) I am writing to inform you of the outcome of this meeting, in which we discussed your most recent action plan and the support that has been provided to you during (*timescale*). You have met the required levels of improvement and I thank you for your hard work during this period. I encourage you to maintain this level of improvement, and in accordance with the Trust's Capability Procedure, a further formal review meeting will be held on *time/date/venue* to ensure the continued standard of performance.

2.) I am writing to inform you of the outcome of this interview, in which we discussed your most recent action plan and the support that has been provided to you during (*timescale*). You have improved on some areas of performance, and I thank you for your hard work during this period. I feel that an extension of the monitoring period would be beneficial to ensure you fully meet the required standards, specifically:

- *Detail areas of continued concern*

*Please seek advice from the Trust HR Provider regarding an appropriate length of extension.*

During this extension, we agreed that the following Action Plan amendments must be met and the following support will be provided to you:

- *Detail updated points of action plan, which should be SMART (Specific, measurable, achievable, relevant and timescale). Action plan points must also be linked to the employees' job specification and role profile*
- *Details of support that will be provided to assist them to achieve new Action Plan points and required timescales, for example training/support/mentoring.*

A further review meeting will be held on *time/date/venue*.

3.) I am writing to inform you of the outcome of this interview, in which we discussed your most recent action plan and the support that has been provided to you during (*timescale*). You have failed to meet the required improvement and I have continued concerns with your performance, specifically:

- *Details of continued issues with underperformance, referring back to the employees' job specification and role profile, or any other relevant employee documentation*
- *Details of Action Plan points that have not been met*

I advised you that if these standards are not met, you will be progressed through the Trust's Capability Procedure and dismissal may ultimately be an outcome. In accordance with this procedure, I consider it appropriate in the circumstances to issue you with a Final Formal Capability Warning.

This warning will remain on your file for a period of 18 months. You have the right to appeal against this decision if you chose. If you wish to appeal you must inform me, in writing, within 5 working days of this notification, stating the grounds on which you wish to appeal.

I have previously provided a copy of the Capability Procedure, your Job Specification/Role Profile and your previous Action Plan, however if you require further copies please let me know.

A meeting has been scheduled for *time/date/venue* to review the completion of your Action Plan. You have the right to be accompanied by a co-worker or trade union representative at this meeting. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

Support services are available to you, as I fully understand this is a stressful time and those close to you. We may be able to offer support through an occupational health referral if you feel that is appropriate.

Yours sincerely

## CA8 Invitation to Capability Dismissal Procedure Meeting

### Private and Confidential

*Name/address*

*Date*

Dear *Name*

### CAPABILITY DISMISSAL MEETING

On *(date)* you met with *(name of Manager)* to discuss their initial concerns with your performance. Following this I am aware that you have had several meetings and have been progressed through the Trust's Capability Procedure.

During the meeting on *(details of Second Formal Capability Meeting)*, you were given a Final Formal Capability Warning and you and *(name of Manager)* discussed whether you had met the required standards of performance. Unfortunately you have still not met these, specifically:

- *List areas of continued concern*

As a result, I am writing to inform you that a Capability Dismissal Meeting has been arranged for *time/date/venue*. I will be chairing the panel *of directors/ LGB members* which will also include a representative from the Trust's HR provider *(name, job title)* to offer advice. I have also asked your manager *(name, job title)* to attend in relation to the above to present details of previous actions and support throughout this process and to respond to any further questions which may arise

You are required to attend the meeting and you may, if you wish, be accompanied by a Trade Union Representative or co-worker.

During this meeting, you will have the opportunity to state your case. If you have any documents you wish to present these should be sent to me not less than 5 working days in advance of the meeting.

This meeting forms the final stage of the Trust's Capability Procedure and I must advise you that a possible outcome could be dismissal. I will be considering all evidence, including:

- *all support provided to employee/who provided it*
- *action plans that have been put in place*
- *seeking redeployment?*
- *any new information that has come to light?*

I attach copies of the relevant documents referred to above. *(Action plans/support and training, if appropriate)*

Please confirm your attendance at the meeting and the name of the person who will be accompanying you. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know.

I am fully aware that this may have been a stressful process for yourself and those close to you. and those close to you. We may be able to offer support through an occupational health referral if you feel that is appropriate.

Yours sincerely

Chair of Panel

Cc TU Rep

## CA9 Rearrangement of Capability Dismissal Procedure Meeting (if failure to attend)

Private and Confidential

*Name/address*

*Date*

Dear *Name*

### REARRANGEMENT OF CAPABILITY DISMISSAL MEETING/HEARING

A Capability Dismissal meeting was arranged for *time/date/venue*. You were unable to attend this meeting due to (*insert reason here*).

As a result, I have rearranged the meeting for *time/date/venue*.

***If employee is absent:*** Also, due to your absence, I would like to offer a referral to the occupational health provider for an assessment to support you during this time.

You are required to attend the hearing/meeting and you may, if you wish, be accompanied by a Trade Union Representative or co-worker. I must advise you that non-attendance to this meeting without good cause will result in the meeting continuing in your absence.

A representative may attend in your absence to present your case, and any written submission you submit in your absence will be considered.

Please confirm your attendance at the hearing and the name of the person who will be accompanying you. If you require any reasonable adjustments in order to attend and take part in the meeting, please let me know

Yours sincerely

Chair of Panel

## CA10 Outcome of Capability Dismissal Procedure Meeting – Confirmation of Dismissal

### **RECORDED DELIVERY + FIRST CLASS**

#### **Private and Confidential**

*NAME AND ADDRESS*

*Date*

Dear *Name*

### **OUTCOME OF CAPABILITY DISMISSAL MEETING - CONFIRMATION OF DISMISSAL**

I am writing to confirm the outcome of the meeting held in accordance with the Trust's Capability Procedure at *time/date/venue*.

Prior to the meeting/hearing you were given a full set of documentation and were informed that you were entitled to be accompanied at the meeting by a Trade Union representative or co-worker. ***You declined to be accompanied/you were accompanied by name/union***. I chaired the meeting/hearing and was supported by ***(name/job title)***. ***(Name/job title) attended to present the case and (name/job title) attended as note taker.***

The meeting was arranged to discuss your continued performance issues and your failure to meet the required standards during the formal monitoring period.

In reaching a decision the panel considered the following information:

- *all support provided to employee/who provided it*
- *action plans that have been put in place*
- *seeking redeployment?*
- *any new information that has come to light?*

The panel considered all the submissions made and the evidence presented very carefully and found as follows:

- *Detail all decisions made and ensure rationale behind each reason*

The panel considered:

- *Your continued failure to meet the required standards*
- *The effect of your continued capability issues on service delivery*
- *The effect of your continued capability issues on your colleagues.*

### ***2 OPTIONS FOR OUTCOME - decide which is appropriate and remove other option***

1. In light of these considerations, the panel decided that your employment as ***(job title)*** should be terminated on the grounds of Capability. In accordance with your contract of employment you are entitled to ***(\*) weeks/months notice***. Salary payment/s will be made at the usual time during the notice period with the final payment will be made on ***(give date dependant on period of notice)*** and your last day of employment will be ***(date)***.
2. In light of these considerations, the panel decided that you are not currently meeting the requirements for ***(job title)*** and as such should be demoted, subject to availability of a suitable position. Your line manager will discuss your options with you.

In accordance with the Trust's Capability Procedure I must inform you that you have the right of appeal against this decision. If you wish to exercise this right you should do so in writing to me, within 5 working days of the date of notification of the decision and should state the reasons for the appeal.

*If you choose not to appeal and you have any personal belongings which you would like to be returned to you, please let me know and I shall make these arrangements. If you have any property belonging to the Trust/school again please let me know and I shall make the arrangements to have these collected from you. Adjust if you expect them to work their notice.*

Yours sincerely

Chair of Panel, Cc TU Rep, Line Manager