

Capability Policy and Procedure



Approved by:	The Trust Board	Date: September 2020
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Recognised unions have been consulted on this document via the Unity Schools Partnership Joint Consultation and Negotiation Committee. It was accepted by Unity Schools Partnership on:	Date: September 2020
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Last reviewed in:	September 2020
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Next review due by:	September 2021
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1. Introduction

Unity Schools Partnership (“the Trust”), subscribes to a set of shared values, principles and operational processes that ensure quality education for all our young people. The Trust is committed to ensuring that positive steps are taken to provide a working environment for all staff colleagues which is safe, supportive and treats everybody in a way which is fair, open and transparent. Every job carries standards of performance that employees are expected to achieve, but occasionally an employee’s performance may fall short of the standards expected.

The Trust seeks to provide each employee with the direction, development and support necessary to assure a productive and rewarding career. This procedure ensures that the school has a fair and consistent framework for dealing with capability matters effectively, consistently and in a timely manner.

This policy sets out the procedure that applies in cases of capability and its emphasis is one of support and positive action to help the employee reach and maintain the required standards of work performance.

The Capability Procedure is designed to:

- Encourage staff to meet agreed standards of behaviour, conduct and job performance
- Deal fairly and consistently with staff who do not improve to meet those standards and identify ways to help them improve
- Be applied in a consistent, fair prompt and supportive way.

The work performance of an employee may give rise to concern because the evidence suggests that they are not performing the duties and responsibilities of their post to a professionally acceptable standard, through lack of capability, aptitude, skill or ability and not through any lack of willingness or effort on their part. One important factor will be the impact of the employee’s performance on pupils’ achievement, progress and well-being.

Concerns about performance may arise because of an employee’s genuine but unacceptable absence due to ill-health. This may affect the long-term ability for the employee to continue to carry out the requirements of the role. In such circumstances, the issues should be addressed through the Staff Absence and Attendance policy and procedure.

This policy has been subject to full and meaningful consultation with the recognised Trades Unions. The policy will be reviewed as may be required by legislative or organisational change.

2. Scopes

This Capability policy and procedure will apply to employees where there are serious concerns about their performance and it is separate from the Appraisal procedure. If an employee enters the formal Capability procedure however, performance management under the Appraisal procedure will be suspended until the Capability issue(s) have been resolved.

Where the concerns relate to the Headteacher, the Chair of Governors will manage the procedure with advice sought from the Head of HR. Where concerns persist, will convene a Special Committee of the Governing Body (which should not include any governors from the Appeals Committee) to determine what action should be taken. The Committee will proceed in all other stages of this procedure and will carry out those functions normally undertaken by a Headteacher, senior leader or line manager. A Headteacher who is the subject of this procedure will have all the rights accorded to other employees at the various stages.

Where the concerns relate to a member of the Trusts central team, their line manager will manage the procedure and where concerns persist will seek advice and input from the relevant Executive Director who may manage the procedure going forward or may convene a Special Committee of the Trust's Executive Leadership group.

Where the concerns related to an employee who is an Executive Director, the CEO will manage the procedure and where concerns persist, will convene a Special Committee of the Trust's Board of Directors.

An employee working within a school but employed on another organisation's terms and conditions of employment should be managed under their appropriate policy/procedure. Advice should be sought from the Trust's HR team in these circumstances.

3. Exclusions

Disciplinary procedures exist to deal with misconduct, wilfully deficient performance, refusal to follow instructions, negligence and other similar situations, and should be used where such considerations form a significant part of any complaints.

The assessment and treatment of employees undergoing an induction or probationary period (including Newly Qualified Teachers), or similar, will be dealt with according to the terms of their probationary period, unless the employee's performance falls so far below professionally acceptable standards as to require immediate action.

Separate guidance also exists for dealing with problems arising from alcohol dependence. However, this procedure may be applied where this or substance abuse has a significant effect on the employee's performance.

4. Purpose

The Trust recognises that while it is important to deal with Capability issues fairly, it will always seek to preventing problems escalating to formal Capability action, for example, through:

- Careful recruitment, selection and training
- Clear standards, expectations and effective communication
- Regular supervision and performance development reviews.
- Identification and, where appropriate, early intervention and assistance in resolving underlying problems through informal programmes of informal action, monitoring and support, within the context of normal Performance Management.

Many factors can contribute to poor performance, including those which are not directly related to the workplace. Assistance with resolving underlying issues could include:

- Accessing the school's confidential Wellbeing Service
- Referral to Occupational Health (where appropriate)
- Temporary variation to working arrangements / role and responsibilities

Good performance management is an all-year process, with regular supervision and feedback. Concerns about work performance should be address promptly and not left until formal review meetings, particularly if they relate to development needs not directly related to current Appraisal objectives.

Line managers should, in the first instance, seek improvement through normal performance management. Where there are concerns about any aspects of the member of staff's work

performance the individual's line manager will enter into an informal professional dialogue with the employee without delay, the purpose of which will be to:

- Give clear feedback about the nature and seriousness of the concerns
- Give the individual the opportunity to comment on and discuss the concerns
- Agree any support (e.g. coaching, mentoring, structured observations) that will be provided to help address those specific concerns
- Make clear how and when progress will be reviewed.
- Make clear the expectation that significant and sustained improvement will occur during the review period and explain the implications and process if no, or insufficient, improvement is made.

Although there is no right for the employee to be accompanied at this informal meeting, it may be helpful for the employee's Trades Union representative to give assistance. Advice and guidance should be sought from the Trust's HR team before agreeing to a Trade Union representative attending an informal meeting. Additional training, coaching or advice may be agreed and/or an informal programme of action, monitoring and support may be put in place.

When progress is reviewed, if the line manager is satisfied that the member of staff has made, or is making the required progress, no further action will be taken.

If the line manager is not satisfied with progress within the time specified, an informal meeting will be held to review the evidence which has been collected. Following the meeting, the individual will be notified in writing that their performance will be managed under this Capability procedure (see section 5.3 below). Advice should be sought from the Trust's HR team before starting the Capability procedure.

The purpose of the Capability procedure is to:

- 1) Positively and constructively support employees to improve their performance through advice, guidance and support, when it is identified they are not performing to the required standard
- 2) Ensure that all employees are treated in a fair, consistent, understanding and timely manner and in accordance with all relevant legal requirements
- 3) Contribute towards the improvement of the performance and effectiveness of the school
- 4) Support line managers/Headteacher in carrying out their responsibilities for the maintenance of high standards of work performance by all employees
- 5) Ensure the employee is aware of each stage of the procedure and the possible outcomes
- 6) Ensure that all pupils receive the quality of teaching to enable them to achieve the best possible learning outcomes

5. Application of Procedure

5.1 Normal Performance Management Arrangements

Informal feedback on performance for the purpose of the annual Appraisal process does not form part of this procedure as this should be given through 'normal performance management arrangements' i.e. Appraisal planning and review meetings.

Feedback through normal Appraisal arrangements must include positive, proactive feedback on work performance and constructive feedback when the required progress towards overall achievement of objectives is not being made. This must include:

- confirmation of the required standard(s) of work performance;
- assessment of the standard of work performance the employee is currently achieving;

- the consequences if standards are not achieved;

If areas of development need are identified which are not directly related to current Appraisal objectives, the Appraiser (or line manager / Senior Leader / Director / Headteacher if appropriate) should enter into an informal professional dialogue with the individual to address these issues, as indicated in section 4 above. Line managers will work together with the individual to identify the issues and any reasonable support which can be given.

Every effort should be made to resolve work performance issues on an informal basis. See template at Appendix 3.

Where concerns continue, discussions should include clear advice about the improvements needed, support available and how and when the employee's performance will be reviewed. Details of the informal programme of action, monitoring and support should be confirmed in writing and, where this relates directly to current Appraisal objectives, may be linked to the Appraisal Review process and pupil progress evaluation processes. Use of SMART principles may assist in objective setting, i.e.:

- Specific – they are well defined
- Measurable – both quantitatively and qualitatively
- Achievable – they are not set too high to make it impossible to achieve them
- Resourced – the resources necessary are readily available
- Timed – the timescales set are reasonable

5.2 Timescales

Once the formal Capability procedure has been entered into, Capability issues should normally be resolved within two terms, although it is recognised that there may be circumstances when the process may be completed more rapidly. Where this is anticipated, advice must be obtained from the Trust's HR Team.

There is an expectation that timescales will be agreed at the start of the process. The period of monitoring under a first or final written warning will not normally exceed 12 weeks (excluding school closure periods where appropriate) and there may be circumstances where the monitoring period will be shorter, according to the needs of the individual and the school. Whilst every effort should be made to agree the appropriate length of this period of monitoring, where agreement cannot be reached, it will set by the line manager/Senior Leader/Director/Headteacher.

5.3 Entry to procedure

Before action is taken under the Capability procedure, the employee should be informed in writing that this will be considered if there is the required improvement is not achieved and sustained through an informal programme of action, monitoring and support. At the end of the informal programme of action, monitoring and support, the employee will be invited to a final informal meeting, still within the context of normal performance management, to discuss the evidence in more detail.

In many circumstances, significant evidence will have already have been gathered as part of the informal programme of action, monitoring and support, which the school will collate and summarise as evidence.

The collated evidence will clearly indicate the support and advice offered to date and make a recommendation for one of the following:

- No further action,

- Further support as part of normal performance management
- Formal action under this procedure

In all cases, the outcome will be confirmed in writing to the employee.

Where the decision is made to take formal action under this procedure because the employee has made insufficient improvement despite the support and monitoring, the employee will be invited to a formal meeting under Formal Stage 1 of the procedure.

All employees should normally progress through each stage of the procedure, and in accordance with agreed timescales.

Exceptions can apply in the following circumstances and consequently decisions can be made to progress to the next stage of the procedure earlier than agreed.

- 1) Deterioration in performance
- 2) Not meeting the targets in the agreed Development Plan.

Advice must be sought from the Trust's HR team before progress is made to the next stage earlier than agreed.

6. Formal Stage 1

6.1 Purpose and Procedure

The purpose of Formal Stage 1 is to support the employee in improving their performance to meet the required standard against an agreed Development Plan.

Advice and guidance should be sought from the Trust's HR team as to who should conduct the meetings at each stage of the Capability procedure. This will be dependent upon who has been involved in managing and making decisions with regard to the employees' performance prior to this point. It may be that the headteacher delegates the responsibility to the employee's line manager or a senior leader, leaving the Headteacher available to conduct any later meetings during the procedure if required.

Regular line management meetings should continue to be conducted between any formal meeting under the Capability procedure.

6.2 Stage 1 Formal Capability Meeting (first warning)

At least 10 working days' notice will be given of the Formal Capability meeting. The notification will contain sufficient information about the performance concerns and their possible consequences to enable the employee to prepare to answer the case. It will contain copies of any written evidence; the details of the time and place of the meeting, and will advise the employee of their right to be accompanied by their accredited Trades Union Representative, or a work colleague.

This meeting is intended to establish the facts. In addition to the chair of the meeting (who may be the Headteacher, senior leader and line manager for example). A member of the Trust's HR team will be present to advise on procedural matters. It is recommended a notetaker is also present to take non-verbatim notes of the meeting which will be shared with all attendees. The meeting allows the employee 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.

This is the start of the performance monitoring and review period. Formal monitoring, evaluation, guidance and support will continue during this period. The employee will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

Agenda for the Formal Capability meeting

The chair of the meeting will:

- a) Confirm that the employee has the right to representation;
- b) Confirm that the meeting is being held under the school's capability procedure and explain the process that will be followed and the possible outcomes;
- c) Confirm the expected standard of performance and the standard at which the employee is currently performing, i.e. identify the professional shortcomings, e.g.
 - for teachers, which of the Teachers' Standards or pupil progress targets are not being met;
 - for support staff, which elements of their job description are not being met;
- d) Ensure the employee has the opportunity to respond to and explain any factors affecting their current performance and consider this when determining the appropriate course of action (it is not anticipated that any information that was not shared during normal performance management arrangements will be disclosed);
- e) Confirm the risks to the school and pupils of the underperformance;
- f) Confirm the options available to support the employee in improving their performance (i.e. support, development, training, etc.);
- g) Ensure the employee is aware of what support is available to them e.g. the Trust's Wellbeing Service, Trades Union support, etc.;
- h) Confirm that Formal Capability meeting constitutes a 'written warning' which if no further action is taken, will remain active for 6 months from the end of Formal Stage 1.

The chair of the meeting may decide to adjourn the meeting if they decide that further investigation is needed, or that more time is need in which to consider any additional information

The Chair of the meeting and employee will discuss:

- a) The employee's current and required levels of performance;
- b) The objectives for the Development Plan, how they will be achieved, the timescales for achieving them and when progress against each objective will be reviewed;
- c) The reasons the employee is not meeting the expected standards (which may be as a consequence of personal issues);
- d) When review meetings will be held;
- e) Warn the employee formally that failure to improve within the set period could ultimately lead to dismissal. (In very serious cases, this warning could be a final written warning);
- f) Write, agree and sign the Development Plan (if agreement cannot be reached, the final decision regarding details of the Development plan rests with the Headteacher/Manager);
- g) Any agreed reasonable adjustments to be made under the Equality Act 2010

At the end of the meeting the chair of the meeting will:

- a) Summarise the meeting;
- b) Ensure the employee understands what is expected of them, the process that will be followed and the possible next stages of the procedure, including the right of appeal against the warning (any appeal must be lodged, in writing, within 14 calendar days of the date of the letter issuing the warning. The grounds of the appeal must also be detailed at this stage);

- c) Agree what support, development and reasonable adjustments (if appropriate) will be put in place

After the meeting the chair of the meeting will:

- a) Confirm the outcome of the meeting in writing, including that a written warning has been issued; Ensure that the employee receives the support agreed in the Development Plan;
- b) Ensure that the agreed review meetings and any further review meetings deemed necessary take place;
- c) Continue to monitor the employee's progress against the Development Plan and progress the employee through the procedure as appropriate and in line with this procedure;
- d) Ensure that any agreed support, development or reasonable adjustments are put in place in a timely manner.

After the meeting the employee will:

- a) Make every effort to meet the objectives agreed in the Development Plan;
- b) Attend the agreed review meetings and any further review meetings deemed necessary;
- c) Give honest feedback on their current performance and progress against the Development Plan and pupil progress targets (where applicable).

6.3 Stage 1 Formal review meeting

The letter confirming the outcome of the Stage 1 Formal Capability meeting and a copy of the Development Plan will be sent to the employee and will invite the employee to a formal review meeting at the end of the agreed review period (this can be brought forward if necessary). The employee has the right to be accompanied at the formal review meeting by their accredited Trades Union Representative, or a work colleague. A member of the Trust's HR team will be present to advise on procedural matters. It is recommended a notetaker is also present to take non-verbatim notes of the meeting which will be shared with all attendees.

At the formal review meeting, the manager and employee will review the employee's progress against the Development Plan and the manager will confirm one of the outcomes stated below.

Possible Outcomes of Formal Stage 1

The chair of the meeting will confirm one of the following outcomes:

1) The required standard of performance has been met

The employee's performance will revert to management under normal performance management arrangements and the written warning will remain active for 6 months from the date of the Formal Review Meeting.

2) The required standard of performance has not been met or little or no significant progress has been made towards meeting the required standards

The employee will be progressed to Formal Stage 2 of the procedure (see section 7) and a 'final written warning' will be given. Until the hearing takes place, the employee will continue to be supported to meet the requirements of the Development Plan.

3) The required standard of performance has not been met, but some significant progress has been made.

A further development plan will be put in place (lasting no longer than six weeks) and a 'final warning' will be given. A final Stage 1 Formal Review meeting will be scheduled and the outcome of that meeting will be either:

- The required standard of performance has been met and the employee's performance will revert to management under normal performance management or
- The required standard of performance has not been met or significant progress has not been made towards meeting the required standards and the employee will be progressed to Formal Stage 2 of the procedure (see section 7).

The outcome of the Stage 1 Formal Review meeting will be confirmed to the employee in writing. If the employee has been progressed to Formal Stage 2 of the procedure, the letter will include an invitation to a hearing (see section 7).

Confirmation will be given that a final written warning has been issued, which if no further action is required, will remain active for 12 months from the end of Formal Stage 2, and warning the employee that failure to achieve an acceptable standard of performance (within the set timescale) may result in dismissal. The letter will also give information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning.

7. Formal Stage 2 – Capability Hearing

At least ten working days' notice will be given. The notification will give details of the time and place of the Hearing and will advise the employee of their right to be accompanied.

7.1 Purpose

The purpose of the Formal Stage 2 Capability Hearing is to determine:

- a) If the school has exhausted all options in supporting the employee to improve their performance;
- b) What the outcome of the procedure should be.

7.2 Procedure

The procedure for the Hearing will follow the procedure set out in Appendix 2 "Procedure for a Hearing".

The outcome of the Hearing will be one of the following:

- 1. The required standard of performance has been met**
The employee is performing to the required standard and will be managed under normal performance management arrangements.
- 2. The required standard of performance has not been met but it has been determined that the required standard could be met within a short period**
The Hearing will be adjourned pending the outcome of a Stage 2 further review period (it is recommended this is no more than two working weeks from receipt of the extended Development Plan), which will be implemented under Formal Stage 2 of this procedure.

In these circumstances:

- a) The additional support to be given to the employee and the duration of the extended review period will be explained to the employee verbally at the Hearing and a development plan detailing this will be forwarded to them with the letter confirming the arrangements.
- b) The Stage 2 Capability Hearing will be re-convened at the end of the Stage 2 further review period.

3) The required standard of performance has not been met and the panel has determined:

- a) The required standard cannot be met within a short period
OR
- b) The employee is capable of performing at the required standard but does not due either to negligence or carelessness or idleness, or a combination of some or all of these.

If the outcome of the hearing is either a) or b) detailed in 3) above, a decision will be made that the employee should be dismissed or required to cease working at the school. The employee will be dismissed with notice (unless their performance has been so negligent so as to amount to gross misconduct, in which case they may be dismissed without notice). However, it may be agreed that the employee will not return to work at the school in a capacity which directly affects the education of pupils, or they may be granted paid leave for the duration of their notice period.

The outcome of the hearing will be confirmed to the employee and their Trade Union representative (if applicable) in writing as soon as possible, and will include information about the employee's right of appeal. If a further review period has been granted (see outcome 2 above), the letter will include an invitation to the re-convened hearing. A copy of the hearing outcome will be provided to the Trust's HR team.

8. Return to Earlier Warnings

If there is evidence within six months of the procedure ceasing (for a first written warning) or within twelve months (for a final written warning) that the employee has not sustained the level of performance required, the procedure may be resumed at any stage up to and including that stage previously reached. Advice must be sought from the Trust's HR before resuming a procedure at any stage in these cases.

9. Exceptional circumstances

In exceptional cases where the level of performance could have serious consequences successive warnings may not be appropriate. For example;

- where the employee's performance falls so far short of an acceptable standard, that improvement to an acceptable level may reasonably be deemed impossible; or
- where a lack of competence has a seriously detrimental effect on the education of pupils and students; or
- where the employee's lack of competence could have other serious consequences, e.g. safety considerations

In such circumstances, it may be possible to proceed directly to consideration of a final written warning or dismissal, as appropriate. Advice must be sought from the Trust's HR team before taking such a decision.

10. Appeals

Employees have the right to appeal against the first written warning, final written warning and any outcome of the Formal Stage 2 Capability Hearing. Any appeal must be received within 10 working days of the date of the decision letter. The procedure for any appeal will follow that set out in Appendix 2, "Procedure for a Hearing", except that the running order will be reversed.

Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for meeting notification, the right to be accompanied by a colleague or trade union representative and meeting notes will apply as for other formal meetings under this procedure.

The appeal will be dealt with impartially and, wherever possible, by individuals who have not previously been involved in the case.

The employee will be informed in writing of the results of the appeal hearing as soon as possible.

11. Headteachers

In the event that there are concerns about the capability of the Headteacher, it would clearly be inappropriate for them to carry out the roles normally assigned to the Headteacher in this procedure. This section sets out how these roles may be appropriately reassigned, within the spirit and intent of this procedure.

Concerns about the performance of a Headteacher may emerge from either the Director of Education, the Governing Body or the Trust's Executive Leadership team or Board of Members.

The Chair of Governors and Director of Education may discuss concerns about the Headteacher's performance as part of the normal dialogue between the Headteacher and Chair of Governors and Headteacher and Director of Education. Such discussions will precede the informal stages detailed in this procedure.

The Chair of Governors may consult the Trust's Executive Leadership Group and arrange for help and support to be provided. Consultation with the Headteacher's trade union may also assist the process. However, if the matter is, or becomes, sufficiently serious, the Headteacher should be advised that if the identified deficiency persists, it may be necessary to convene a committee of the Governing Body to consider the matter under the formal stages of this procedure. This possibility should be set out in writing.

If the help and support which has been provided within the normal management processes do not lead to the required improvement, the Chair of Governors will request the Trust's Executive Leadership Group to investigate the nature of the problem, its level of seriousness and causes, through a formal investigation

When this investigation is complete, the Chair of Governors will convene a Special Committee of the Governing Body (which should not include any governors from the Appeals Committee), to receive the report and determine what action is appropriate. The Chair of Governors will normally be a member of this committee.

The Committee will consider the report and proceed as described in all other stages of this procedure. The Committee will carry out those functions normally undertaken by the Headteacher/line manager. The Trust's Executive Group and the Trust's HR team will provide appropriate advice, support and monitoring for the Special Committee.

A Headteacher who is the subject of this procedure will have all the rights accorded to other employees.

12. General Principles Underlying this Policy

This policy has been implemented in accordance with the provisions of the ACAS Code of Practice on Disciplinary and grievance procedures.

The capability procedure will be treated with confidentiality. However, the desire for confidentiality does not override the need to quality-assure the operation and effectiveness of the Capability and Performance Management/Appraisal systems.

The Trust is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled staff. The Trust is aware of the guidance on the Equality Act 2010 issued by the Department for Education.

13. Grievances

Where an employee raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently. Advice should be sought from the Trust's HR team before any decision is taken to either suspend or continue the capability procedure.

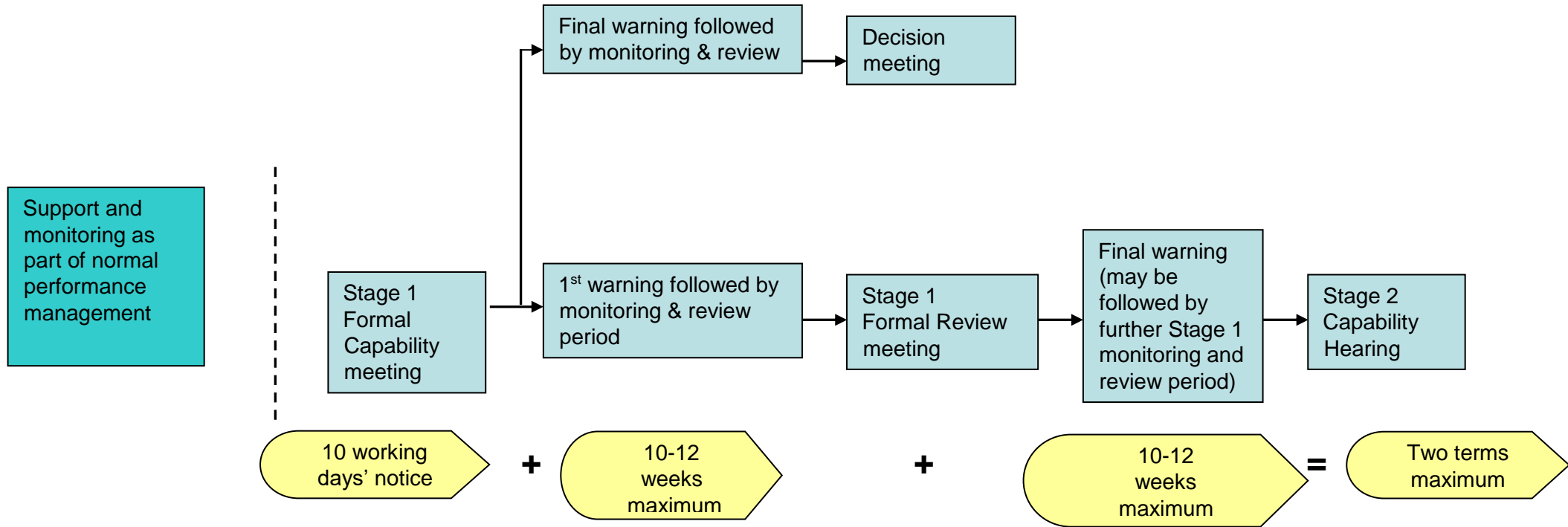
14. Sickness

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the Trust's Staff Absence and Attendance policy and will be referred immediately to the Occupational Health service to assess the employee's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

15. Further Advice

If any staff, contractor or visitor requires any further information regarding this policy or support they should either ask their Headteacher **or** contact the HR Helpdesk at hrhelpdesk@unitysp.co.uk or telephone 01440 333401.

Appendix 1: Illustrative Timeline – Capability Procedure



**Note: The timings given above are illustrative only.
Schools will tailor the length of their monitoring and review periods to suit individual circumstances.**

Appendix 2: Procedure for a Capability Hearing

Hearings will be held in as informal a manner as possible and the employee will be afforded every reasonable assistance to put their case forward. The conduct of the hearing is at the discretion of The individual hearing the case or the Chair of the relevant panel/committee, but they will allow the parties every reasonable opportunity to present their case.

In the case of an appeal the order of presentation set out below would normally be reversed, with the employee as appellant presenting their case first. However, by prior agreement or where the appeal constitutes a re-hearing of the full case, the case against the employee may be presented first as at the initial hearing. Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

Introduction

The individual hearing the case or the Chair of the relevant panel/committee will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

Presentation of the Case

The person presenting the case against the employee may make an opening statement outlining the case. The individual hearing the case or the relevant panel/committee and the employee and/or their representative may ask questions.

The person presenting the case against the employee may call any witnesses and ask them to give their evidence. The employee or their representative may then ask questions of each witness. The individual hearing the case or the relevant panel/committee may also ask questions of any witness. The person presenting the case may then re-examine the witness.

Where evidence is presented in the form of documents, the person presenting the case or an appropriate witness will explain the nature and significance of the documents.

The Employee's Case

The employee or their representative may make an opening statement. The individual hearing the case or the relevant panel/committee and the person presenting the case against the employee may ask questions.

The employee or their representative may call any further witnesses and invite them to give their evidence. The person presenting the case against the employee may ask questions of each witness after they have given their evidence. The individual hearing the case or the relevant panel/committee may then ask questions. The employee or their representative may re-examine the witness.

Where there is any documentary evidence, the employee or any witness on their behalf will explain its significance.

Re-examination

Both parties will be asked if they wish to re-examine any evidence. The individual hearing the case or the relevant panel/committee may also do so at its discretion.

Final Statements

The person presenting the case against the employee may make a final statement. The employee or their representative may then also make a final statement.

Adjournment

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the individual hearing the case or the Chair of the relevant panel/committee, who will consider a request in the light of the reason given for it.

Consideration of the Case

All parties will withdraw. The individual hearing the case or the relevant panel/committee will deliberate. The representative from the Trust's HR team may be present at these deliberations to advise on procedural matters.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether or not the point of doubt concerns one party or both.

Decision

If possible, the decision will be communicated orally to the employee on the day of the hearing. The decision will be confirmed in writing to the parties involved as soon as possible after the hearing.

Appendix 3: Template for weekly review meetings (under capability)

Start date for review meetings:		Employee's name:		Line Manager's name:	
Date of reviews:		Signed:		Signed:	

Area(s) for improvement	Action needed	Actions and/or support agreed (with dates)	Notes regarding progress at each weekly review
<p><i>Detail the specific aspects of performance where improvement is sought.</i></p> <p><i>It may be helpful to reference aspects of the employee's job description, their professional duties or the relevant Teachers' Standards contained in the School Teachers Pay and Conditions Document</i></p>	<p><i>Detail the targets, objectives and/or standards the individual must meet to demonstrate improvements in this area, and the consequences if standards are not achieved</i></p>		<p><i>Detail progress achieved by each review meeting, dating each update</i></p>
<p><i>Add further lines of detail as necessary</i></p>			