EMPLOYMENT POLICIES & PROCEDURES

The Beacon
Pupil Referral Unit

Capability (Performance)

Policy & Procedure for Support Staff in Schools and Academies
2025

worcestershire county council

WORCESTERSHIRE CHILDREN FIRST

Contents

POLICY 3
1. Introduction 3
2. Scope 3
3. Equality and Diversity 3
4. Principles 4
5. Right to be accompanied 4
6. Responsibilities 5
PROCEDURE 5
7. Informal Monitoring 5
8. Formal Procedure 6
9. Formal Procedure – Stage 1 – General Principles 6
10. Formal Procedure Stage 1 – Assessment Meeting 7
11. Formal Procedure Stage 1 – First Performance Improvement Warning 8
12. Formal Procedure Stage 1 – Review Meeting 8
13. Formal Procedure Stage 2 – Final Performance Improvement Warning 9
14. Formal Procedure Stage 2 – Review Meeting 9
15. Formal Procedure Stage 3 – Dismissal Hearing 9
16. Formal Procedure – Pay Decisions 11
17. Appeals Procedure – Formal Stage 1 and 2 11
18. Appeals Procedure – Formal Stage 3 – Dismissal 12
19. Pay Progression 12
20. Further Advice 13
21. Policy History 13
APPENDIX 1 14
Flowchart of Formal Capability Procedure (Support Staff) – Schools 14
APPENDIX 2 15
Performance Improvement Action Plan - Template 15
APPENDIX 3 16
Delegation of Authority for Dismissal 16
APPENDIX 4 18
Recommended Procedure for a Dismissal Hearing 18
APPENDIX 5 20
Appeal Form 20
APPENDIX 6 22
Recomended Procedure for Hearing of Appeals 22

POLICY

1. Introduction

1.1. The Beacon recognises that employees perform at their best when they know what is expected of them, have clear objectives and understand their job role. Employees also need to understand the aims of their team and School, and how their job supports these.

1.2. This policy sets out the school's approach to performance capability matters where an employee appears to be not performing to the required standard due to a lack of knowledge, skill or ability. Its aim is to help employees improve their performance so that they can successfully undertake the role for which they are employed.

1.3. This policy does not deal with performance issues during an employee's probation period. Concerns about lack of capability or underperformance during the probation period should be referred to the Probation Policy and Procedure for Support Staff (Schools).

1.4. The Disciplinary policy and procedure will be used where there is an allegation of unacceptable behaviour or conduct, examples of which are listed, including gross misconduct, in the Beacon's Code of Conduct.

2. Scope

2.1. This policy and procedure applies to all support staff employees except those in their probation period or where an employee's contractual terms and conditions provide otherwise. This policy and procedure does not apply to Teaching staff within schools, there is a separate Capability procedure for Teachers (Professional Performance) available.

3. Equality and Diversity

3.1. Equality and diversity underpin all our employment policies, procedures and practices. The Beacon actively promotes equality of opportunity and values diversity among its employees.

3.2. Employees with disabilities are assured of receiving fair treatment and will be considered on their ability to do their job following implementation of reasonable adjustments to their role or workplace where appropriate.

Where an employee considers they have a disability (see paragraph 3.4) they should declare this to their line manager/headteacher, so that adjustments can be considered and agreed/implemented where reasonable to do so. It is recommended that any adjustments are fully recorded, the Workplace Adjustments Passport is a useful tool to record such discussions and is available on HR Sharepoint. A risk assessment may also be required.

Under the Equality Act 2010, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. Long -term means the condition must last, or is likely to last, for more than 12 months, or is likely to last for the rest of the life of the person affected.

Headteachers are encouraged to seek advice from the Schools HR Consultancy Team and/or Occupational Health where a performance concern may relate to an employee's disability.

4. Principles

4.1. For the purposes of this policy 'performance' is both what an employee does (i.e. progress against their objectives) and how they do their jobs (i.e. their behaviours). Successful performance is where an employee:

- Consistently meets and occasionally exceeds expectations/objectives/delivers successful results; and
- Demonstrates behaviour that is mostly in keeping with the standards and values of the Beacon.

4.2. The Capability Procedure - Support Staff will involve both informal and formal processes. Formal action will not be instigated until after the informal process has been concluded, with a view of supporting the employee to improve their underperformance. When targets are set under informal or formal stages, they should be SMART - Specific, Measurable, Achievable, Result-focused and Time-bound.

4.3. The Beacon reserves the right to enter the process at any formal stage (subject to the informal procedures having been exhausted) depending on the severity of the performance concerns or circumstances of a particular case.

4.4. Where an employee has been subject to formal Performance Improvement Warning in the preceding 2 years, and demonstrated that they could achieve satisfactory performance, but then further performance concerns arise, The Beacon reserves the right to resume performance management at the next formal stage. Depending on the circumstances of the case, it may also be necessary to consider whether action under the Disciplinary policy and procedure is more appropriate. It is recommended that advice is sought from the Schools HR Consultancy Team before a decision is made under this section.

4.5. A flow chart giving an overview of the Capability Procedure - Support Staff procedure/stages is available as an Appendix 1 to this document. The Procedure comprises Informal, Formal and Appeal levels

5. Right to be accompanied

5.1. Employees have the right to be represented by a Trade Union representative or accompanied by a work colleague at a formal meeting and/or appeal hearing. Where a work colleague is also a relative/partner the employee will be asked to select an alternative companion.

5.2. Employees should let the meeting chair know in advance, the name and capacity (Trade Union representative or colleague) of their intended companion to enable their inclusion in the arrangements for the meeting.

5.3. The companion can address the formal meeting, put and sum up the employee's case, respond on the employee's behalf to any views expressed at the formal meeting and confer with them during the formal meeting. They may also request an adjournment and ask questions of anyone present. The companion does not have the right to answer questions on the employee's behalf, address the formal meeting if the employee does not wish it or prevent the employer representative when in attendance from explaining their case.

5.4. Formal capability meetings and/or appeals should not be unreasonably delayed because a chosen companion is unavailable. The employee should liaise with the relevant TU representative or companion to arrange a mutually convenient time. If an employee's TU representative or companion is not available at the time a meeting is scheduled, the meeting can be postponed to a time proposed by the employee, providing the alternative time is reasonable and not more than five working days

after the date originally proposed. If the companion is not available for more than 5 working days afterwards, the Beacon may ask the employee to choose someone else.

5.5. Formal capability meetings and hearings are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend.

5.6. Where the companion is an employee of the Beacon, they may have reasonable paid time off to fulfil the responsibility including time to confer with the employee before and after the hearing and covering attendance at the formal meeting and/or appeal.

6. Responsibilities

6.1. **Headteachers:** Under the Capability Procedure - Support Staff, Line Manager/Headteachers have a number of duties to the employees they manage including:

- Being clear about what they expect from the employee, agreeing the objectives, competencies and any development needs to enable them to fulfil their role
- Raising any concerns relating to unsatisfactory performance as they occur
- Monitoring an employee's performance against their objectives to check whether the required standards have been achieved and maintained
- Providing objective feedback – including praise to encourage progress and recognise achievements, but also highlighting if performance needs to improve
- Providing support to help an employee improve their performance if they appear to be underperforming – this might include learning and development, coaching, mentoring and advice
- Instigating the formal procedure where an employee's performance doesn't meet the required standards and informal action has failed

6.2. **Employees**: Employees must take ownership of their own performance. This includes:

- Taking an active role in reviewing their own performance and suggesting objectives.
- Talking to their Line Manager/Headteachers in a timely fashion about support and the resources they need to perform.
- Taking up relevant learning and development opportunities.
- Managing their continuous professional development.

6.3 If there is any doubt with respect to roles and responsibilities, particularly under the formal stages the School Scheme of Delegation must be referred to.

PROCEDURE

7. Informal Monitoring

7.1. The day-to-day interaction between the Line Manager/Headteacher and an employee is key to picking up concerns relating to an employee's level of knowledge, skill or ability, against the expected standard and/or the requirements of their role.

7.2. Line Manager/Headteachers are required to keep thorough records of any concerns raised and discussed with the employee, support offered, improvements required and timescales for improvement.

7.3. Where there are concerns raised an improvement should be seen within a reasonable period, not normally exceeding 6 weeks. If this isn't achieved the formal stage will be instigated.

7.4. Line Manager/Headteachers should make every effort to support employees to improve performance. This list is not exhaustive, and Line Manager/Headteachers do not have to evidence every point, but examples include:

- Day to day management, and regular supervision/1:1 meetings with employees
- Being clear on expected standards and objectives
- Discussing possible shortcomings, and giving feedback/encouragement to employees, and listening to any concerns/limitations they might have relating to their ability to achieve the required standard
- Providing support to employees (e.g. coaching/mentoring/learning and development /counselling/advice etc.)
- Being clear about what is needed if improvements required, and any time frames/reviews
- Meeting regularly with employees to review progress

7.5. Line Manager/Headteachers can use a **Performance Improvement Action Plan (PIAP)** Appendix 2 to set out and evidence the performance standards/expectations and objectives, support the outcomes and detail the action points arising from informal performance discussions:

- **SET** performance standards and objectives with employee
- **DO:** employee performs
- **REVIEW**: Line Manager/Headteacher regularly meeting with employee

8. Formal Procedure

8.1. Where action through informal management of an employee's performance has been exhausted, and not led to sustained performance improvement to the standard required, the Formal Procedure should commence.

8.2. Where an employee has been subject to formal Performance Improvement Warning in the preceding 2 years and demonstrated that they could achieve satisfactory performance, but then further performance concerns arise, the School reserves the right to resume performance management at the next formal stage. Depending on the circumstances of the case, it may also be necessary to consider whether action under the Managing Conduct policy is more appropriate. Advice should be sought from the Schools HR Consultancy Team before a decision is made under this section.

8.3. Points Applicable to all formal stages:

- Line Manager/Headteacher must always explain concerns about employee's performance and show supporting evidence for the concerns
- Employee has a right to be accompanied at formal meetings given it could result in action leading to dismissal
- HR consultant will normally attend in an advisory capacity
- Employee will always be given a chance to explain why they feel they are not meeting the standard/offer any mitigating circumstances
- Line Manager/Headteacher to provide feedback on performance, focussing on ways to improve and any support available (e.g. learning and development, coaching, mentoring, advice, etc)
- Line Manager/Headteachers must consider requests for reasonable adjustments where an employee is disabled
- Employees may appeal against any warning issued during the formal stages.

9. Formal Procedure – Stage 1 – General Principles

9.1. Stage 1 is the first referral to the formal procedure. This stage comprises of an Assessment Meeting, Warning and Improvement Review Meeting and is not started until after informal action has been exhausted. The Line Manager/Headteacher will consider:

- The employee's performance in relation to other employees
- Action taken in similar cases
- Employee's work record, role and length of service
- Whether special circumstances apply
- Whether the employee is disabled and the need for reasonable adjustments

10. Formal Procedure Stage 1 – Assessment Meeting

10.1. **Preparation** – Line Manager/Headteacher must establish the facts and produce a report collating evidence supporting concerns of unsatisfactory performance. This should relate to skill, knowledge or aptitude and action at informal level /any support given and which continue to not appear to be intentionally poorly performed by the employee.

10.2. **Meeting invitation** – Written invitation sent by the Line Manager/Headteacher should include:

- A copy of the report detailing the performance concerns
- Capability Procedure - Support Staff Policy and Procedure (Schools)
- Confirmation of the date, time and place of the meeting giving at least 5 working days' notice, and that a HR consultant will be present in an advisory capacity
- Confirmation of the employee's right to be accompanied (see section 5)

10.3. **Meeting takes place** – Purpose is to discuss and clarify the performance concerns, and discuss further measures that could be put in place to improve performance. Meeting will cover:

- Line Manager/Headteacher's summary of their report and the performance concerns
- How current level of performance differs from the required standards, including impact of this on service etc.
- Review of support already in place from informal performance management (including reasonable adjustments if appropriate)
- Opportunity for employee to explain any difficulties/challenges or concerns and why they feel that they are not meeting the required standards
- Measures and support that could be put in place to improve the employee's performance, including any reasonable adjustments if relevant

10.4. **Adjournment** – Before making a decision, the Line Manager/Headteacher considers:

- the evidence included in the report /discussed
- any mitigation put forward by the employee
- if further information is required, such as obtaining other documentation or medical advice from Occupational Health
- Time scale/date needed for improvements in performance

10.5. **Possible outcomes** – Line Manager/Headteacher to confirm decision after adjournment:

- **Formal action not considered justified** – continue to monitor performance as per the informal stage of the policy. Confirm any support agreed e.g. coaching/mentoring and use of informal Performance Improvement Action Plan (PIAP). Line Manager/Headteacher to confirm the outcome in writing within 5 working days.
- **Formal action justified** – First Performance Improvement Warning issued (live for 3 months) alongside formal Performance Improvement Action Plan (PIAP). Line Manager/Headteacher to confirm the outcome in writing within 5 working days, including details of employee's right of appeal.

11. Formal Procedure Stage 1 – First Performance Improvement Warning

11.1. A First Performance Improvement Warning will be issued following a decision that formal action is justified at a stage 1 Performance Assessment Meeting (see section 10), alongside a formal Performance Improvement Action Plan (PIAP).

11.2. The warning will remain live for 3 months (unless particular circumstances warrant a shorter or longer period e.g. to accommodate training, and will set out:

- The reason for the poor performance
- The improvement required, support measures to be put in place and timescales
- The employee's right of appeal
- that failure to meet the required standard will lead to their performance being considered under Stage 2 of the policy, which could lead to a Final Performance Warning being issued.

11.3. During the warning period, the Line Manager/Headteacher will continue to monitor the employee's performance and review/discuss progress at regular meetings (i.e. 1:1's and supervisions) against the PIAP to confirm whether their performance is improving and reiterate expectations. Regular review also gives opportunity to the employee to explain any difficulties and to discuss any additional support that might be needed.

11.4 A first performance improvement warning should be extended pro rata to any period(s) of absence of, or aggregating to, 20 or more working days. Consideration may also be given to extending the review date.

12.Formal Procedure Stage 1 – Review Meeting

12.1. At end of the warning period (usually 3 months), the Line Manager/Headteacher will invite the employee to a meeting to review the level/any changes of performance against required standard as set out in the First Performance Improvement Warning.

12.2. The format of the meeting will be as per the stage 1 assessment meeting (see section 10), including written invitation giving at least 5 days' notice and details of the employee's right to be accompanied (see section 5).

12.3. Following review of progress against the objectives laid out in the PIAP, including any information put forward by the employee, the Line Manager/Headteacher will adjourn meeting to consider the evidence.

12.4. Possible outcomes – Line Manager/Headteacher to confirm decision after adjournment:

- **Performance improved to required level** – no further formal action required. Normal informal performance monitoring to resume via 1:1/supervision meetings. Line Manager/Headteacher to confirm the outcome in writing within 5 working days.
- **Performance improved but not to required standards** – Line Manager/Headteacher can consider issuing a 3-month extension to the stage 1 warning, with the process recommencing at section 11. Line Manager/Headteacher to confirm the outcome in writing within 5 working days, including details of employee's right of appeal.
- **Performance not improved and concerns remain** – Line Manager/Headteacher to confirm employee has not reached the required standard, that they will be moving to formal stage 2 and will be issued with a 3-month Final Performance Improvement Warning, alongside a further formal Performance Improvement Action Plan (PIAP). Line Manager/Headteacher to confirm the outcome in writing within 5 working days, including details of employee's right of appeal.

13. Formal Procedure Stage 2 – Final Performance Improvement Warning

13.1. A stage 2 Final Performance Improvement Warning will be issued following a decision (at the stage 1 review meeting) that the employee's performance is not considered to have improved to the required level and will be accompanied by an updated PIAP.

13.2. The warning will remain live for 3 months and will set out:

- The nature of the poor performance, and action taken to-date
- The improvement required, support measures to be put in place and timescales
- The employee's right of appeal
- that failure to meet the required standard will lead to their performance being considered under stage 3 of the policy, which could lead to dismissal

13.3. During the warning period, the Line Manager/Headteacher will continue to monitor the employee's performance and review/discuss progress at regular meetings (i.e. 1:1's and supervisions) against the PIAP to confirm whether their performance is improving and reiterate expectations. Regular review also gives opportunity to the employee to explain any difficulties and to discuss any additional support that might be needed.

13.4. A final performance improvement warning should be extended pro rata to any period(s) of absence of, or aggregating to, 20 or more working days. Consideration may also be given to extending the review date.

14. Formal Procedure Stage 2 – Review Meeting

14.1. At end of the 3-month warning period, the Line Manager/Headteacher will invite the employee to a meeting to review the level of improvement/progress against the objectives set out in the stage 2 Final Performance Improvement Warning and accompanying PIAP.

14.2. The formal will be as per the stage 1 review meeting (see section 12), including written invitation giving at least 5 days' notice and details of the employee's right to be accompanied (see section 5).

14.3. Following review of progress against the objectives laid out in the warning and PIAP, including any information put forward by the employee, the Line Manager/Headteacher will adjourn meeting to consider the evidence.

14.4. **Possible outcomes** – Line Manager/Headteacher to confirm decision after adjournment:

- **Performance improved to required level** – no further formal action or formal monitoring required. Normal informal performance monitoring to resume via 1:1/supervision meetings. Line Manager/Headteacher to confirm the outcome in writing within 5 working days.
- **Performance not improved sufficiently and/or concerns remain** – Line Manager/Headteacher to confirm employee has not reached the required standard, that they will be moving to formal stage 3 and will be invited to attend a Hearing to consider their Dismissal. Line Manager/Headteacher to confirm the outcome in writing within 5 working days, including details of employee's right of appeal (where a sanction has been issued).

15. Formal Procedure Stage 3 – Dismissal Hearing

15.1 The Decision Maker (s) at the dismissal hearing must only be someone/those with the delegated authority to dismiss at the School. See Appendix 3 and the relevant Scheme of Delegation for further guidance.

15.2 Preparation – Following the stage 2 review meeting the Line Manager/Headteacher must produce a report collating the evidence supporting their concerns of ongoing unsatisfactory performance. This should detail the action taken/support given at all stages of the informal and formal procedures, and the outcome achieved at each stage.

15.3. **Invitation to a dismissal hearing** – Written invitation, sent by the Line Manager/Headteacher, should include:

- A copy of the management report detailing the ongoing performance concerns and actions taken
- The agenda for a dismissal hearing (Appendix 4)
- Capability Policy & Procedure for Support Staff in Schools
- Confirmation of the date, time and place of the meeting giving at least 5 working days' notice, and that a HR consultant will be present in an advisory capacity
- Confirmation of the employee's right to be accompanied (see section 5)
- Confirmation that the possible outcome may be dismissal by reason of capability performance.

15.4. **Meeting takes place** – The Decision maker(s) will review/explore:

- The case history and ongoing performance concerns, as laid out in the management report
- How the current level of performance differs from the required standards, including impact of this on service etc.
- The actions taken to support the employee achieve satisfactory performance (including reasonable adjustments if appropriate)
- Any information put forward by the employee to explain any difficulties, challenges or concerns they have, and/or any mitigation to explain why they feel that they are not meeting the required standards

15.5. **Adjournment** – Before making a decision the Decision Maker(s) will consider:

- the evidence included in the report/discussed during the meeting
- any mitigation put forward by the employee
- if further information is required, such as obtaining other documentation or medical advice from Occupational Health, to enable them to make a fully informed decision

15.6. **Possible outcomes** – Following adjournment, the Decision Maker(s) will decide:

- **No further formal action justified** – normal informal performance monitoring to resume via 1:1/supervision meetings. Decision Maker(s) to confirm the outcome in writing within 5 working days.
- **Formal stage 2 warning period extended** – continue to monitor performance as per the stage 2 of the policy (section 13). Confirm any continuing/additional support and use of Performance Improvement Action Plan (PIAP). Chair to confirm the outcome in writing within 5 working days, including details of employee's right of appeal.
- **Decision to dismiss** – with notice or pay in lieu of notice (as appropriate) on the grounds that the employee has demonstrated that they are incapable of meeting/ sustaining the required level of performance within a reasonable time frame and despite support provided. Decision Maker(s) to confirm the outcome in writing within 5 working days, including details of employee's right of appeal.
- Alternatives to dismissal – in exceptional circumstances the Decision Maker(s) will at its/their discretion, consider alternatives to dismissal.

16. Formal Procedure – Pay Decisions

As per the School/MAT/College Pay Policy support staff service increments will usually be paid automatically and are not generally performance related. However, they may be withheld where an employee is going through a formal capability procedure.

17. Appeals Procedure – Formal Stage 1 and 2

17.1. Employees wishing to exercise their right of appeal should do so in writing using Appendix 5 to set out the grounds on which they are appealing. The completed Appeal form should be sent, within 10 working days of receiving the written decision, to the Line manager/Headteacher.

17.2. Appeals against decisions taken at stage 1 or 2 will be heard by a more senior Line Manager/Headteacher (i.e. the next level up to the Line Manager/Headteacher who made the decision being appealed). Where appropriate this may involve Governors/Trustees and possibly a panel of Decision Makers. Please refer to the relevant Scheme of Delegation and seek further advice from the Schools HR Consultancy Team.

17.3. An employee may appeal on the grounds of what they believe to be a wrong or unjust decision taken at stage 1 or 2, seeking a review or a re-hearing depending on the grounds of the appeal.

17.4. The line manager/Headteacher who has been notified of the appeal will liaise with the Schools HR Consultancy Team, and then arrange (without unreasonable delay) a meeting to hear the employee's appeal.

17.5. **Appeal meeting invitation** – The written invitation, may include:

- A copy of the employee's appeal form, and any supporting documentation
- Copies of all information/documents considered as part of the decision being appealed
- The Agenda for an Appeal Hearing (Appendix 6) & the Capability Policy & Procedure - Support Staff
- Confirmation of the date, time and place of the meeting giving at least 5 working days' notice
- Confirmation of the employee's right to be accompanied (see section 5), that a HR consultant will be present in an advisory capacity.
- Confirmation that the Decision Maker (or chair of Decision Makers' panel) who awarded the sanction being appealed will be available during the meeting to assist with questions concerning the process followed and actions taken
- Information about the possible outcomes

17.6. **Appeal meeting takes place** – The Decision Maker(s) will review/explore:

- The employee's appeal form/documentation, and the information/documents considered as part of the decision being appealed
- case history and ongoing performance concerns
- How the current level of performance differs from the required standards, including impact of this on service etc.
- The actions taken to support the employee achieve satisfactory performance (including reasonable adjustments if appropriate)
- Any information put forward by the employee to explain any difficulties, challenges or concerns they have, and/or any mitigation to explain why they feel that they are not meeting the required standards

17.7. **Adjournment** – Before deciding the outcome of the appeal, the Decision Maker(s) will consider:

- the appeal evidence provided by the employee

- representations from the employee/companion made during the appeal meeting, and any new evidence or facts emerging which were not available at the previous stages
- if further information is required, such as obtaining other documentation or medical advice from Occupational Health, to enable them to make a fully informed decision

17.8. **Appeal - possible outcomes** – Following adjournment, the Decision Maker(s) will decide:

- **To uphold the employee's appeal** – overturning the original decision. Normal informal performance monitoring to resume via 1:1/supervision meetings. The outcome will be given verbally at the meeting where possible, and confirmed in writing by the chair within 5 working days.
- **Confirm the original decision** – continue to monitor performance as per the decision that was appealed. The outcome will be given verbally at the meeting where possible and confirmed in writing, by the chair, within 5 working days. The outcome will confirm that a decision at this stage of the procedure is final in respect of stages 1 and 2.
- **Take a different (but lesser)** action – The outcome will be given verbally at the meeting where possible and confirmed in writing, by the chair, within 5 working days. The outcome will confirm that a decision at this stage of the procedure is final in respect of stages 1 and 2.

18. Appeals Procedure – Formal Stage 3 – Dismissal

18.1. Employees wishing to exercise their right of appeal against a decision to dismiss should do so in writing using Appendix 5 to set out the grounds on which they are appealing. The completed Appendix 5 should be sent, within 10 working days of receiving the written decision, to Headteacher.

18.2. The appeal should be a review of the dismissal sanction and will follow the steps laid out above in paragraphs 16.4 – 16.7.

18.3. It is strongly advised that a consultant from the Schools HR Consultancy Team is in attendance at all appeals against dismissal in an advisory capacity to the Decision Making panel.

18.4. **Appeal - possible outcomes** – Following adjournment, the Decision Makers will decide:

- **To uphold the employee's appeal** – overturning the decision to dismiss. Formal performance monitoring to resume, with the stage to be decided by the appeal chair, following discussion with the HR consultant. The outcome will be given verbally at the appeal meeting where possible and confirmed in writing, by the chair, within 5 working days.
- **Confirm the decision to dismiss** – The outcome will be given verbally at the appeal meeting where possible and confirmed in writing, by the Decision Maker(s)/Chair of Decision Makers panel, within 5 working days. The outcome will confirm that a decision at this stage of the internal procedure is final.
- **Apply a different sanction/some other action short of dismissal** – The sanction or other action to be applied will be decided by the appeal Decision Maker(s), following discussion with the HR consultant. The outcome will be given verbally at the appeal meeting where possible and confirmed in writing, by the Decision Maker(s), within 5 working days. The outcome will confirm that a decision at this stage of the internal procedure is final.

19. Pay Progression

19.1. Pay progression may be impacted - please refer to the pay policy of the school/academy/MAT/college, which may have adopted the following clause:

Service increments will usually be paid automatically and are not generally performance related. However, they may be withheld where an employee is going through a formal capability process.

20. Further Advice

20.1. For further advice, please contact the Schools HR Consultancy Team:
Schools HR Consutancy@worcestershire.gov.uk

21. Policy History

Version	1.0
Drafted by LP	8th April 2024
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Last Updated:	

APPENDIX 1

Flowchart of Formal Capability Procedure (Support Staff) – Schools

This process flow outlines the **formal** process, which should not be commenced without informal action being evidenced and it is recommended advice is sought from the Schools HR Consultancy Team

Stage 1 Assessment Meeting

Headteacher/Headteacher/Line Headteacher/Line Manager gives decision verbally and confirms in writing within 5 working days.

Potential Outcomes:

Formal action justified – First Performance Improvement Warning issued (live for 3 months) alongside formal Performance Improvement Action Plan (PIAP).

Formal action not considered justified – No further action/normal monitoring to resume.

Stage 1 Review Meeting

Headteacher/Line Manager gives decision verbally and confirms in writing within 5 working days.

Potential Outcomes:

Performance improved to required level – no further formal action/normal monitoring to resume.

Performance improved but not to required standards – 3-month extension to the stage 1 warning, with further stage 1 review meeting at the end of the extension period.

Performance not improved and concerns remain –Final Performance Improvement Warning issued (live for 3 months).

Stage 2 Review Meeting

Headteacher/Line Manager gives decision verbally and confirms in writing within 5 working days.

Potential Outcomes:

Performance improved to required level – no further formal action/normal monitoring to resume.

Performance imporved but not to required standards - 3 month extension to the Final warning with further stage 2 review meeting at the end of the extension period.

Performance not improved and concenrs remain - employee informed they will be invited to a Stage 3 Dismissal Hearing

Stage 3 Dismissal Decision Hearing

Chair gives decision verbally and confirms in writing within 5 working days.

Potential Outcomes:

No further formal action justified – no further formal action/normal monitoring to resume.

Formal stage 2 warning period extended – 3-month extension to the stage 2 final warning, with further stage 2 review meeting at the end of the extension period.

Decision to dismiss – with notice or pay in lieu of notice (as appropriate).

Appeals

Employees wishing to exercise their right of appeal should do so in writing, within 10 working days of receiving the written decision, using the Appeal Form to set out the grounds for their appeal.

Name:

Date:

APPENDIX 2

Performance Improvement Action Plan - Template

For Schools

What is the overall **outcome** you wish to achieve? What **specific** objective needs to be achieved? (task or behaviour)	How will it be **measured?** - **Observed** - **Recorded** - **Evaluated** By whom?	How can this be broken down into **achievable steps?**	What **resources** are required? - People/support - Time - Financial	What is the **overall time frame?** What are the **time deadlines** for the **achievable steps**? What are the **review dates**?

APPENDIX 3

Delegation of Authority for Dismissal

Dismissal of Staff other than Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that any person employed or engaged by the LA to work at the school should cease to work there (Community, Voluntary Controlled, Community Special and Maintained Nursery) or to dismiss its staff (Foundation, Voluntary Aided, Trust, Foundation Special) to:

(a) one or more Governors and the Headteacher which may be called a Staff Dismissal Committee
(b) one or more Governors
(c) the Headteacher.

For the purposes of Appeal rights the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel. The Headteacher may not sit on the Dismissal Appeal Panel.

For ease of understanding, those who have the delegated authority to dismiss will be referred to in these proceedings as 'Decision Makers'.

Rights of Attendance / Advisory Rights

1. Where the Governing Body has delegated dismissal powers of staff other than the Headteacher to one or more Governors, the Headteacher has a right under the 2009 Regulations to attend at and give advice to all relevant meetings / hearings held by those Governors and they must consider that advice in coming to their decisions. That advice shall be given by the Headteacher in the course of the presentation of the case against the employee.

2. For Community, Voluntary Controlled, Community Special and Maintained Nursery schools, the Local Authority has a statutory entitlement to send a representative and offer advice to all proceedings relating to dismissal and those to whom the function has been delegated must consider that advice in coming to their decision. This advice may be provided by an HR Consultant.

Note: Reserves will only be used in emergencies and following consultation with HR Consultancy for Schools and the recognised unions. In the event of the Clerk to the Committee being unavailable, notes may be taken by another person requested by the Committee.

APPENDIX 4

Recommended Procedure for a Dismissal Hearing

1. Pre-meeting of 'Decision Maker(s)', HR Consultant(s) to clarify any procedural matters.

2. Hearing: In addition to those attending the pre-meeting

   Employee and representative
   Headteacher / Line Manager and Adviser (if appropriate) ('Management')
   Clerk

   (Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

   The meeting will be chaired by the 'Decision Maker', where he/she is sitting alone, or, where there is a Staff Dismissal Committee, then the committee should select a Chair from within their number.

Order of Business:

(a) Chair to introduce those present and to outline the order of business.

(b) Chair to remind those present of the confidential nature of the proceedings.

(c) Chair to clarify that it is not intended to make available notes of the meeting. The Clerk will record as necessary for the purposes of the Governors, and no unreasonable restriction will be placed on the employee or representative if they wish to make notes for their own use. The use of tape recorders, cameras, etc. for this purpose is not allowed.

(d) 'Management' will state the case against the employee and may call witnesses.

(e) The employee and/or his/her representative may ask questions of 'Management' and witnesses.

(f) The 'Decision Maker(s)' may ask questions of the witnesses and 'Management' as appropriate.

(g) Witnesses may be re-examined by 'Management'.

(h) The employee or representative will state the case and may call witnesses.

(i) 'Management' may ask questions of the employee and/or witnesses.

(j) The 'Decision Maker(s)' may ask questions of the employee and/or witnesses as appropriate.

(k) The employee and/or his/her representative may re-examine the witnesses.

(l) 'Management' will conclude with a concise summary of the case but will introduce no new factors.

(m) The employee or representative will conclude with a concise summary of the case but will introduce no new factors.

(n) ‘Management’, employee and representative withdraw while the 'Decision Maker(s)' consider the case.

(o) 'Decision Maker(s)' to consider the action open to them and to reach a decision.

(p) 'Management', employee and their representative to be recalled and informed of the decision by the Chair.

(q) The employee to be informed by HR Consultant of any implications of the decision and any appeal rights.

(r) A formal minute will be made of the outcome of the hearing.

(s) The decision will be confirmed to the employee in writing within 5 working days of the hearing.

Note: The HR Consultant to the 'Decision Maker(s)' may attend any such hearing, ask questions at any point and advise the 'Decision Maker(s)' as appropriate, including during their period of consideration.

APPENDIX 5

Appeal Form

This form is intended to help you make a clear statement of your Appeal.
(PLEASE PRINT)

Your name: .....

Your post: .....

School/Academy/MAT/College: .....

Telephone contact number: .....

Name and address plus contact number of your representative:

.....

.....

What are you appealing against?
[State date and decision of hearing (sanction/dismissal) and name of manager taking action]

.....

.....

.....

State clearly the grounds of your Appeal:
[In particular, are you appealing against the findings of and/or the sanction issued at the hearing? Also, state reasons clearly]

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Describe any additional/new information that you think should be taken into account:

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.....

(Please continue on a separate sheet if necessary)

Signed: …… Date: ……

Please return this form to the Headteacher. If you or your representative are unclear about this, please contact HR Consultancy for Schools.

APPENDIX 6

Recomended Procedure for Hearing of Appeals

1. Pre-meeting of the Dismissal Appeal Panel / Appeals Panel and HR Consultant to clarify any procedural matters.

2. Hearing: In addition to those attending the pre-meeting.

   Employee and representative as Appellant
   Headteacher / Line Manager / Adviser ('Management') as Respondent
   Clerk

   (Any witnesses will be called as required and will be present only during the time in which they give their evidence and answer questions.)

   The Appeal Panel should select a Chair from within their number to chair the meeting.

Order of Business:

(a) Chair to introduce those present and to outline the order of business.

(b) Chair to remind those present of the confidential nature of the proceedings.

(c) Chair to clarify that it is not intended to make available notes of the meeting. The Clerk will record as necessary for the purposes of the Governors, and no unreasonable restriction will be placed on the employee or representative if they wish to make notes for their own use. The use of tape recorders, cameras, etc. for this purpose is not allowed.

(d) The Chair will either read or circulate to all those present a copy of the warning or decision to dismiss against which the appeal is being made.

(e) The Appellant will state his/her case and may call witnesses.

(f) The Respondent may ask questions of the Appellant or witnesses.

(g) The Governors and the HR Consultant may ask questions of the Appellant and witnesses as appropriate.

(h) Witnesses may be re-examined by the Appellant.

(i) The Respondent will state his/her case and may call witnesses.

(j) The Appellant may ask questions of the Respondent and witnesses.

(k) The Headteacher / Governor(s) and the HR Consultant may ask questions of the Respondent and witnesses as appropriate. The Respondent may re-examine the witnesses.

(l) The Appellant will conclude with a concise summary of the case but will introduce no new factors.

(m) The Respondent will conclude with a concise summary of the case but will introduce no new factors.

(n) The Appellant and Respondent (and their representatives) will withdraw while the Appeal Panel consider the case.

(o) The Appeal Panel will consider the case and the actions open to them and reach a decision.

(p) Appellant and Respondent will be recalled and informed of the decision by the Chair.

(q) A formal minute will be made of the outcome of the hearing.

(r) The decision will be confirmed to the employee in writing within 5 working days of the hearing.

(s) If the decision is to rescind a determination that the employee should cease to work at the school, the Local Authority must be informed without delay.

Note: The HR Consultant to the Appeal Panel may attend any such hearing, ask questions at any point and advise the Appeal Panel as appropriate, including during their period of consideration.