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PARKWOOD HALL CO-OPERATIVE ACADEMY

Parkwood Hall

Co-operative Academy

"Growth through Personal and Social Learning"

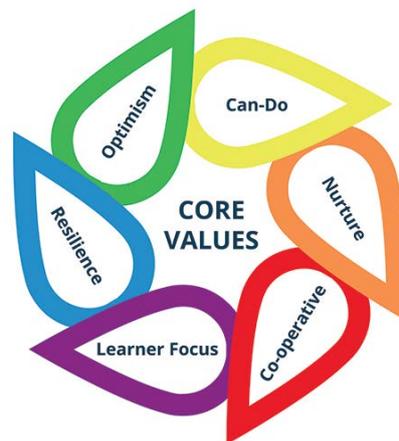
Statutory Policy File

CAPABILITY PROCEDURE

Index No: 02

Parkwood Hall Co-operative Academy is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'

Our Core Values



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CAPABILITY PROCEDURE

This policy is based on the guidance and model policies issued by the Tri –borough Local Authorities, which have been subject to consultation with support staff unions in the three authorities.

1. THE CAPABILITY PROCEDURE

If the appraiser/line manager is not satisfied with an employee's progress under the appraisal/supervision system the employee will be notified in writing that the appraisal procedure no longer applies and their performance will be managed under the capability procedure.

This procedure applies only to employees about whose performance there are serious concerns, which the appraisal/supervision process has been unable to address.

2. STAGE 1- FORMAL CAPABILITY MEETING

Notification

The employee will be invited in writing to a formal capability meeting. They must receive at least five working days' notice of the meeting.

This written notification will:

- Contain detailed information about the concerns about performance and their possible consequences to enable the employee to prepare to answer the case at a formal capability meeting.
- Contain copies of any written evidence
- Confirm the details of the time and place of the meeting
- Advise the employee of their right to be accompanied by a companion who may be a colleague or a trade union representative.
- Advise the employee of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
- Advise the employee who will be conducting the meeting. In the majority of circumstances this will be one of the following members of the School Leadership Team, as the employee's head of section: Deputy Principal, Head of Business Resources; it will not usually be the Principal.

3. PURPOSE OF THE FORMAL CAPABILITY MEETING:

This meeting is intended to establish the facts. It is essential that it is made clear to the employee exactly how he or she has failed to meet expectations and states clearly the standard of performance that is expected. The purpose of the meeting is to allow the employee, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end and the appraisal process will be reinstated; no formal record of the capability proceedings will be made.

The person conducting the meeting may also adjourn the meeting; for example, if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

4. STRUCTURE OF THE FORMAL CAPABILITY MEETING

The person conducting the meeting will:

- Identify clearly how the requirements of the job are not being met and show the evidence to support the concerns.
- Ask the employee to respond to the concerns being raised.
- Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures. This will form the action plan, setting new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made.
- Explain the support that will be available to help the employee improve their performance. This may include mentoring, observing effective practitioners, training and partnership working.
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case. The school should set the review period having taken into account what is reasonable and proportionate and gives sufficient time for improvement. The maximum timescale for a review period should be ten weeks.
- Formally warn the employee that failure to improve within the set period could lead to further formal action, which could result in dismissal.

- Confirm that the employee will receive notes of the meeting and that the employee will be informed in writing of the matters covered in the bullet points above (i.e. a formal written warning) and given information about the timing and handling of the review stage. They will also be given details of how to appeal against the written warning, should they decide to do so.

There may be occasions when an employee is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or a refusal to face up to the issue. All the facts will be considered and a reasonable decision will be made on how to proceed. Considerations may include:

- the seriousness of the capability issue under consideration
- a medical opinion on whether the employee is fit to attend the meeting

Where an employee is persistently unable or unwilling to attend a meeting without good cause the matter should be referred to the Principal, who will take advice from HR consultants within the local authority and then make a decision as to how to proceed on the basis of the evidence available.

5. MONITORING AND REVIEW PERIOD FOLLOWING A FORMAL CAPABILITY MEETING

A performance monitoring and review period agreed above will follow the formal capability meeting. The agreed formal monitoring, evaluation, guidance and support will take place during this period. Depending on the circumstances, it may be appropriate for a member of the School Leadership Team to monitor progress.

6. STAGE 2 - FORMAL REVIEW MEETING

At the end of the agreed monitoring and review period, the employee will be invited in writing to a formal review meeting. They must receive at least five working days notice of the meeting. This written notification will:

- Contain detailed information about the concerns about performance and their possible consequences to enable the employee to prepare to answer the case.
- Contain copies of any written evidence and details of who (if anyone) will be giving oral evidence at the meeting.
- Confirm the details of the time and place of the meeting
- Advise the employee of their right to be accompanied by a companion who may be a colleague or a trade union representative.
- Advise the employee of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.

- Advise the employee who will be conducting the meeting; it will normally be conducted by the Principal.

7. STRUCTURE OF THE FORMAL REVIEW MEETING

This meeting will follow the same structure as a formal capability meeting.

- If the person conducting the meeting is satisfied that the employee has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:
- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- If no, or insufficient, improvement has been made during the monitoring and review period, the employee will receive a final written warning.
- The final written warning will clearly state the improved standard of performance required, the evidence that will be used to assess whether or not the necessary improvement has been made and the support that will be available to help the employee improve their performance. It will also set out the timetable for improvement and explain how performance will be monitored and reviewed and confirm the procedure and time limits for appealing against the written warning.
- The final written warning will inform the employee that failure to achieve an acceptable standard of performance (within the set timescale) may result in the requirement to attend a Decision Meeting and possibly dismissal from their post. The employee will also be given details of how to appeal against the final written warning, should they decide to do so.

8. MONITORING AND REVIEW PERIOD FOLLOWING A FORMAL REVIEW MEETING

A performance monitoring and review period agreed above will follow the formal review meeting. The agreed formal monitoring, evaluation, guidance and support will take place during this period. Depending on the circumstances, it may be appropriate for the Principal or another senior member of staff to monitor progress. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start.

If performance remains unsatisfactory, the employee will be invited to a decision meeting held by a panel of three governors. This meeting has the authority to make the decision whether or not the employee should be dismissed or required to cease working at the school.

9. STAGE 3 DECISION MEETING

Notification

The employee will be invited in writing to the decision meeting. They must receive at least five working days' notice of the meeting.

This written notification will:

- Contain detailed information about the concerns about performance and their possible consequences, to enable the employee to prepare to answer the case.
- Contain copies of any written evidence, including previous warnings.
- Confirm the details of the time and place of the meeting
- Advise the employee of their right to be accompanied by a companion who may be a colleague or a trade union representative.
- Advise the employee of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
- Advise the employee who will be conducting the meeting.

Structure of a Decision Meeting

This meeting will follow the same structure as a formal capability meeting. However the meeting must be held by a panel of three governors, acting on behalf of the full governing body, who have the authority to dismiss someone from their post in the school. Guidance is given below:

Decision to dismiss

As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. Otherwise a decision will be made that the employee should be dismissed or required to cease working at the school.

The employee will be informed of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Power to dismiss

The power to dismiss staff in Parkwood Hall Co-operative Academy rests with the governing body, who will delegate this power to a panel of three governors. Any recommendation to dismiss will be made by the Principal, who will present the management case.

Dismissal

If a decision to dismiss is taken, the employee will be informed, in writing, within 5 days of the meeting.

Appeal

If an employee feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days of the decision, setting out at the same time the grounds for appeal.

Appeals will be heard without unreasonable delay and, wherever possible, at a mutually agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the employee.

The appeal will be dealt with impartially by either the Principal (for appeals against Stage 1 action) or a panel of three governors (for appeals against action at Stages 2 and 3. Wherever possible, the appeal will be heard by people 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.

Authorised Signature:  (Principal) on 21/1/2016

Authorised Signature: _____ (Chair of Governors) on _____

Date Reviewed:	Document Control:	Updated by:	Next Review:
01/10/2013	Originally written	Nick White	01/09/2015
01/01/2016	-Parkwood Hall School replaced with Parkwood Hall Co-operative Academy -Reference to informing LA (as employer) removed.	Nick White	01/01/2017