



Triumph Learning Trust

Aspiration - Collaboration - Innovation

Capability Policy and Procedure

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1. Introduction

This policy is designed to help and encourage all employees to achieve and maintain appropriate standards of performance and to encourage improvement where necessary.

Capability is defined as meaning the ability of an employee to carry out the duties and responsibilities of their post “assessed by reference to skill, aptitude, health or any other physical or mental quality and qualifications or other academic, technical or professional qualification relevant to the position which the employee held”.

The Capability Procedure establishes a mechanism to follow in terms of identifying and addressing capability issues. Its primary aim is to promote remedial and supportive action before any other consideration is carried forward and for the employee to have fair input and representation, where required throughout a structured process.

This policy will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status.

The policy is written in line with the Advisory, Conciliation and Arbitration Service (ACAS) guidance on performance management, as well as applicable legislation, including the Equality Act 2010.

This policy is managed through the JCNC process and forms part of an employee’s terms and conditions of employment.

All proceedings under this policy shall be held in private and shall be confidential.

An overview of the process contained within the policy can be found in Appendix 1. This flowchart may be a helpful resource for employees when going through the process.

2. Scope of Policy

The formal capability procedures will only be instigated when there are serious concerns about an employee’s performance that informal guidance and support under the appraisal procedure have been unable to address as per the Professional Growth and Appraisal Policy (TLT-NSP-009-I).

Where an employee is working their probationary period, this policy should be read in combination with the Trust Probation Policy (TLT-SP-003-I).

This policy does not apply to Newly Qualified Teachers (except in exceptional circumstances) who have separate support and assessment arrangements in place during their induction year.

Where poor performance arises through misconduct, that is where the employee is capable of meeting the required performance standards but knowingly fails to do so, or is negligent, then disciplinary processes would normally be applied. In this instance conduct should be dealt with through the Disciplinary Policy (TLT-SP-001-I).

3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with capability. The Trust recognises that capability rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Headteacher has overall responsibility for promoting and maintaining standards of work performance within each school and the Trust CEO has overall responsibility for promoting this across the Trust. They will be one of the panel members for a capability hearing and be responsible for the final decision.

The Trust HR team are responsible for providing advice on this policy and overseeing the effectiveness of action being taken.

Line Managers are responsible for taking action through the Professional Growth process and supporting the employee to reach the expected levels of performance, before resorting to the capability process. They are responsible for initiating and taking informal action through this process and managing formal monitoring and review stages.

The appeals process will be managed by the Chair of Trustees and coordinated by the Clerk to Trustees. The appeal panel will be made up of three trustees.

All efforts should be made by employees to attend meetings that constitute part of this policy. When there are valid reasons to reschedule meetings, these should be rearranged within five working days where possible.

4. Review

To ensure that we are meeting our public sector equality duty, we will monitor the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation). The results will be shared (anonymised where appropriate) with the recognised Trade Unions.

This policy will be reviewed jointly by The Trust and the recognised Trade Unions on a regular basis.

5. Representation

Employees have a statutory right to be accompanied at formal capability meetings/hearings by their trade union representative or a workplace colleague. The Trust will extend this right and allow for employees to be accompanied at all informal meetings as part of the capability procedure.

The employee is responsible for arranging their representation, including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time.

The Trust should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on their behalf.

The Trust will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need.

6. Standards

Employees have a responsibility to achieve a satisfactory level of performance and should be given help and encouragement to reach it.

The issue of capability arises because of an employee's inability to perform their work to a required standard. When management believe that an employee's performance is not meeting requirements in post the primary objective will be to support the employee to improve performance to a level that meets required standards. Poor performance may arise for a variety of reasons.

It is management's responsibility to ensure that reasonable standards of performance are set for individual employees. They should be realistic and measurable in respect of quality, quantity, time and cost.

Headteachers/Line Managers, who require it, will receive appropriate training in order to carry out their responsibility to establish the performance requirements and standards for a job and for an employee, which are reasonable and fair. Headteachers/Line Managers need to ensure that employees receive appropriate induction, supervision, training and development to perform their duties and responsibilities to an acceptable standard.

The following principles should be observed when employment begins:

- All employees' performance should be reviewed through regular supervision or review arrangements. There should also be in place regular (at least annual) opportunity for the employee to discuss their training and development needs.
- The standard of work required should be explained and employees should be clear about what is expected of them. Special attention should be paid to ensuring that standards are understood by employees whose first language is not English and by young people with little experience of working life.
- Job descriptions should accurately convey the main purpose and scope of each job and the tasks involved. Where necessary, on the job instruction should be provided initially to set standards.
- Employees should be made aware of the conditions, which attach to any probation period, or trial period.

- The consequences of any failure to meet the required standards should be explained.

7. Capability in a Redundancy Situation

Capability issues should not be clouded by redundancy decisions.

8. Supervision (Informal) Capability Procedure

It is the Trust's responsibility to identify any performance issues as early as possible and take steps to resolve these issues informally by providing support and training to enable the employee to meet the standards required.

The supervision or review process must be in place before invoking the formal procedure. This is detailed within the Professional Growth and Appraisal procedure (TLT-NSP-009-I) or where employees are on probation the probation policy should be followed.

Through the supervision or review process an employee will be made aware of any dissatisfaction with their performance. At this stage there is no representation but Headteachers/Line Managers should keep records of issues that have required their attention. Underperformance should not be a surprise to the employee and clear and effective feedback from their line manager through the performance management procedure is important to agree improvement needs and actions.

It is at this stage Headteachers/managers must meet with the employee and make them aware of the consequences of not addressing the problem areas within their performance and agree a timescale for improvement before the capability procedure is invoked.

A record should be kept of this meeting, a copy kept by both parties. An employee is not able to opt-out of either discussions with their Headteacher/manager on performance related issues or of the capability procedure itself, should it be invoked.

It may be beneficial to increase the frequency of performance conversations where concerns around performance are raised to provide effective support to the employee.

9. Formal Capability Procedure

Where improvement is not achieved through the informal procedure then the Line Manager may consider the need to initiate formal proceedings. It is recommended that this step is discussed with the employee during their performance management conversations once it is determined that the informal process is not achieving the expected result.

For teaching staff, only the Headteacher may initiate the formal capability procedure. For all other staff it may be the Headteacher or another member of the Executive Trust Leadership Team.

Stage 1

Before formally meeting with the employee, the Headteacher/Line Manager will have considered the nature of, and possible reasons for, the poor performance. They will have established what performance standards would normally apply to the job and how these

would be measured and assessed. What skills and experience the employee held and whether these together with the training support the employee has received have been sufficient for the employee to carry out their job effectively and efficiently.

The manager will have previously made the employee aware of the problem areas of performance, the consequences of not addressing the problem areas and agreed a timescale for improvement. A record of this meeting will have been kept and copied to both parties.

An employee will be given written notice that the Capability Procedure is being invoked, the meeting arrangements and the purpose of the meeting will be explained. Employees will also be advised of their right to representation from a recognised Trade Union Representative or a colleague/friend.

The outcomes of any employee's development interviews or supervision/review meetings that have taken place will have been used to assess and monitor performance in some detail and can therefore be of assistance at this stage.

The Headteacher/Line Manager must explain to the employee the areas of work where they are failing to achieve the necessary standards and levels of performance.

The Headteacher/Line Manager should encourage, as far as it can be achieved, positive and open discussion of the issues and give information on factors which have contributed to the performance issues identified. These will include:

- the reason(s) why the meeting was called, the nature of the continued poor performance, the expected standards of performance, and how this has been measured and assessed;
- identification of the support, advice and assistance already given;
- the employee being given the opportunity to offer an explanation regarding their failure to meet the expected standards of performance.

A representative from Trust HR can be requested to attend by either party to offer further advice during the process. The Headteacher/Line Manager should ensure that procedures are applied correctly and fairly and ensure all necessary documents and correspondence are available.

The employee will be provided with the opportunity to rectify matters, and consider with their Headteacher/Line Manager if there is any further help and assistance, which might improve performance.

After discussing matters with the employee, the Headteacher/Line Manager will need to consider whether improvement can be brought about by:

- a) further support through training and development or additional supervision or instruction,
- b) changes in the method of management or supervision of the employee concerned,
- c) where possible and appropriate, changes in the work context of the post.

The Headteacher/Line Manager will seek agreement, where possible, from the employee to any outcomes from a)-c) above and that they recognise the shortfall in performance.

Details on the support measures being agreed should be recorded in a Performance Support Plan (PSP). A template can be requested from Trust HR.

The employee will be notified in writing within five days of the outcome of the meeting. This must include a summary of the issues raised, the standards and expectations expressed, monitoring and assessment arrangements, the employee's response, the action to be taken, and the timescale for this to be achieved which should be agreed with the employee and their Trade Union Representative/friend or colleague. The timescale should be long enough to give the employee suitable opportunity for improvement, but not too long that the underperformance continues to negatively impact the Trust. A guideline would be between 4 and 12 weeks. The timescale should be no more than 4 weeks where the employee's capability is deemed to be jeopardising the education of a child.

The employee should be reminded verbally and in the note of the meeting of the consequences and possible outcomes should there be no marked improvement in performance. Headteachers/Managers should check the contents of this letter with Trust HR as it may be viewed as the equivalent of a final warning at a later stage in the process. A copy of the correspondence will be placed on the employee's Personal File and forwarded to their representative.

A progress meeting(s) will be scheduled during the timescale referred to above.

If there is sufficient improvement, this should be recorded and confirmed in writing following the review, a copy being placed on the employee's personal file. If there is some improvement but there is still cause for concern, the Headteacher/Line Manager should assess, with input from Trust HR, whether there is sufficient cause to conduct a second interview, or whether further actions outlined in a) - c) should be applied.

If there is insufficient improvement and the agreed actions have been taken to support the employee as agreed at the first interview, the second Capability stage should be invoked.

Stage 2

Where there continues to be a problem associated with an employee's capability or performance in post the second stage of the capability procedure will be arranged.

The employee will be given written notice of a meeting including the matter(s) to be considered and notification of the right to representation and be informed that one of the possible outcomes is termination of employment. The meeting will be conducted in line with that outlined in Stage 1. A representative from Trust HR will attend these interviews.

If dismissal or redeployment are possible outcomes then the interview must be conducted by a panel with the authority to dismiss as defined by the disciplinary procedure. This should include a member of the Trust Executive Leadership team, and a member of the School Senior Leadership Team, ideally the Headteacher unless they have been directly involved in Stage 1.

The Headteacher/Line Manager will present the information to the panel concerning the employee's capability.

Possible outcomes to the second stage meeting include:

- Where there is clear evidence of incapability, which has not been remedied, there is no reasonable explanation for continued poor performance, and the commitments made under the Capability Procedure have been seen through, redeployment or termination of employment should be considered. The decision to terminate should not be given immediately but a suitable adjournment should be allowed for the employee to make representation in respect of a capability termination. Redeployment must be at the level that an employee is adjudged capable of performing.
- Where there is improvement, but there is still a cause for concern the Headteacher/Line Manager should assess, with input from Trust HR, whether there is sufficient cause to terminate employment or whether additional time and investment should be made.
- There may be reasonable explanation why commitments to the employee relating to further support or development have not been delivered, or why the employee has not been able to commit to the process. In these circumstances a further final review period should be scheduled for up to one month, in exceptional circumstances this may be extended to a maximum of three months. In these circumstances the outcome of the Capability review will be confirmed in writing and issued to the employee, a copy being placed on their personal file, as previously mentioned in the document.

Further guidance for managers undertaking capability proceedings can be found in Appendix 2 and 3.

10. Termination of Employment

Termination will be classed as termination on the grounds of incapability. This will be confirmed in writing to the employee outlining the areas where they failed to achieve the required standard. Statutory notice must be given or payment in lieu at which time appeal rights will also be set out.

11. Redeployment

The availability of alternative work must be considered wherever possible before dismissal action is taken. Any alternative work must be at the level that the employee is adjudged capable of performing. There are no salary protections. There is no redeployee status. If the employee is demoted as a result of the Capability Process then appeal rights are the same as if they had been dismissed.

Employees who unreasonably refuse alternative employment will have their contract of employment terminated on the grounds of incapability. Advice should be sought from the Trust HR in respect of proceeding in this manner.

Where the employee decides to terminate the alternative employment within the trial period, or where after careful review and assessment the employee is deemed to be unsuitable for the post the employee will have their employment terminated on the grounds of incapability.

The existence of long-term illness or disability, whilst not being material to the reason for invoking the Capability Procedure, may need to be considered when identifying alternative employment. There would be a requirement to consider reasonable adjustment to take account of the impairment but not, of course, of any capability problem not related to the impairment.

12.Appeals

An employee can appeal against any formal capability action. The appeal must be made in writing to the Chair of Trustees via the Trust Clerk (kelly.goddard@coventry.gov.uk) within 10 working days of receipt of the decision letter.

Capability appeals will usually be conducted and determined by a panel of three members of the Trust Board.

Appeals against the fairness and reasonableness of any capability action may be considered by the appeals panel in relation to one or more of the following grounds:

- The procedure – the grounds of appeal should detail how any procedural irregularities prejudiced the capability decision.
- The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
- The decision – the grounds of the appeal should state how the performance levels did not justify the level of capability action taken or that not enough time or support was given, i.e. the severity of the action is too great.

Wherever possible the appeal should be heard within 20 working days of the lodging of the appeal, and the employee should have at least ten working days' notice of the appeal hearing.

No member of the capability hearing panel shall be a member of the appeal panel. All documentation presented to the hearing, together with the decision of the chair of the panel, as well as any subsequent correspondence, must be made available to the appeal hearing panel. Any new evidence should be copied to all parties at least five working days before the appeal hearing.

Dismissal and notice periods are effective from the initial dismissal decision. Should the appeal be successful, reinstatement will also be from the original date with no break in employment continuity.

13.Appeal hearing

The appeal panel will deliberate in private, paying particular attention to any new evidence that has been introduced by the employee as well as hearing representations from both the Trust and the employee or representative, in order to determine whether the decision of the

hearing was fair and reasonable in view of the evidence available. The appeal panel cannot increase the sanction but they may confirm, revoke or substitute the decision. The decision of the appeal panel is final and binding on all parties.

Minutes of the appeal hearing will be taken by the Clerk to Trustees or another suitable person, as arranged by the Trust. Copies of the notes will be circulated to all parties within two working days of the hearing.

14. Grievance

Sometimes an employee may raise a grievance during the course of the capability procedure. Where this happens, and depending on the circumstances, it may be appropriate to suspend the capability process for a short period until the grievance can be considered. Grievances relating to the process may be heard during the capability hearing or the appeal hearing.

15. Disability

Under the Equality Act 2010 a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing duties or providing additional equipment or training. An employee who wishes to discuss or inform the Trust about any medical condition should contact their Line Manager or the Headteacher.

16. Long-Term 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 Managing Health and Absence Policy (TLT-I-NSP-008) and the employee 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.

Occupational health will be asked specifically whether the employee is fit to attend and participate in formal proceedings at work whilst they are off sick and if not, what the timeframe would likely be for them to be able to attend and what, if any, adjustments can be made to assist the employee in continuing with the proceedings. The view of the Occupational Health practitioner will be taken into account before any decision is made regarding extending the review period in the capability procedure.

Only where the medical evidence suggests that the employee is fit to participate in capability proceedings should the proceedings continue during a period of sickness absence.

Where the employee is not deemed fit to take part in formal proceedings, they will be made aware that any capability proceedings will be postponed and not cancelled until they are fit enough to proceed.

17. Early Career Teachers (ECTs)

In a few particularly serious cases it may be necessary to instigate capability procedures, which may lead to dismissal before the end of the probationary period. If this is the case, for as long as the ECT remains at the Academy, the induction and probationary processes will continue in parallel with the capability procedure. The appropriate body will be consulted with prior to any formal capability process commencing and prior to any dismissal taking place.

18. References

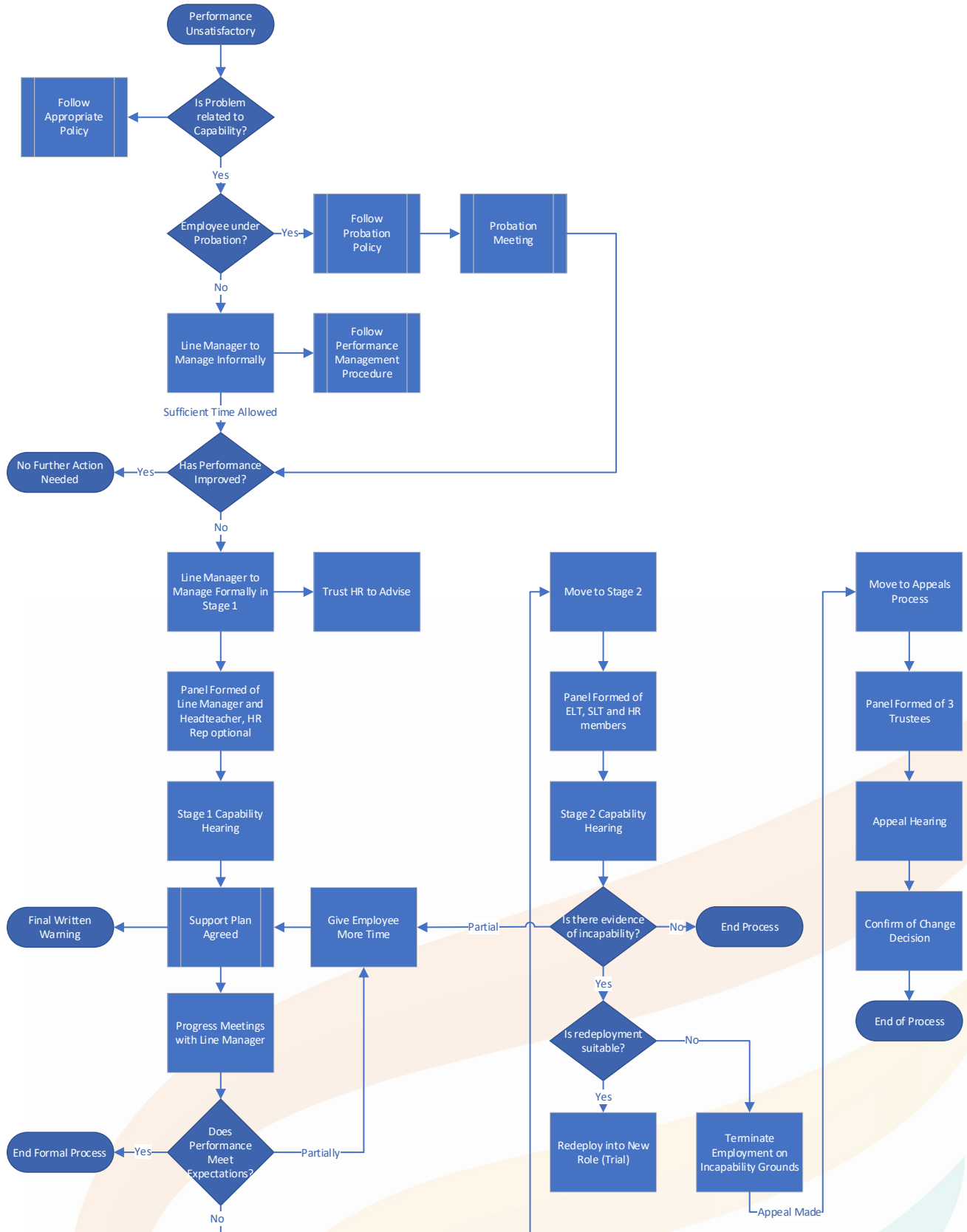
The Trust complies with The School Staffing (England) Regulations 2009, Regulation 8A, paragraph 2.

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

19. Appendices

Appendix 1	Flow Chart of the Process
Appendix 2	Guidance for Managers on the Capability Process
Appendix 3	Guidance for Managers on Presenting Cases at Stage 2
Appendix 4	Performance Support Plan (PSP) Template

Appendix 1 – Flow Chart of the Process



Appendix 2 - Guidance for Managers on the Capability Process

INTRODUCTION

As a manager, one of the most difficult issues you will deal with is where an employee is not able to do their job to a satisfactory level.

The capability procedure has been introduced to help you deal with this issue in a way, which is supportive to the employee concerned and with the minimum of conflict.

A copy of the procedure can be obtained from HR team and is also set out in full on the Intranet. For ease of reference a flowchart showing the stages is also attached at Appendix 1.

These guidelines are intended to supplement the procedure by giving practical advice on how to deal with capability issues.

ASSESSING THE PROBLEM

Before embarking on the capability procedure, you need to be absolutely clear about how the employee is incapable and what constitutes an acceptable performance.

What is the problem?

Is it, for example:

- Poor standards
- Low output
- Failure to meet deadlines and targets
- Lack of initiative or creativity
- Difficulty adapting to change, e.g. higher standards of efficiency, new technology
- Inflexibility
- Approach and attitude incompatible with the Council's values
- Communication difficulties

It is very important to be precise about the nature of the problem and not to make general statements, such as 'he/she/they is just not able to do the job'. If problems stem from the employee's unwillingness to do the job rather than their inability to do it, then this indicates a conduct issue rather than a capability one and the disciplinary procedure should be followed.

EVIDENCE OF INCAPABILITY

Having evidence of capability issues is an extremely important part of the process and evidence must be available before moving into the formal capability procedure.

Through the supervision and/or review process the employee must be made aware of any dissatisfaction with their performance. At this stage there is no representation but Line Managers should keep records of issues that have required their attention. Managers must meet with the employee and make them aware of the consequences of not addressing the problem areas within their performance and agree a timescale for improvement at a meeting

before the capability procedure is invoked. A record should be kept of this meeting, a copy kept by both parties.

Ask yourself:

“Why was I concerned about the performance?”

“What did I expect from the employee?”

“Why didn’t he/she/they do it that way? – Have I properly informed them?”

“What problems were caused by the poor performance?” and, if relevant,

“What standards are expected by their professional institute?”

Also, be careful that you are not comparing the person with high achievers. Decide what reasonable/satisfactory performance is and be clear that these are not a matter for negotiation.

The Trust provides a template of a document designed to record areas for improvement. This can be requested from HR or found on the Intranet.

STAGE 1 UNDER THE FORMAL CAPABILITY PROCEDURE

Once you have the necessary information/evidence, you should meet with the employee at the earliest opportunity.

Notice must be given in writing of the meeting, the reason for the meeting and that the employee may be represented. At least five working days' notice must be provided.

Try to reach agreement at this meeting, but if it is necessary to adjourn and reconvene for any reason, this should be done as soon as possible – say within 2-3 days as otherwise the momentum may be lost.

During the meeting you will discuss the issues with the employee, illustrating this with the examples you have noted.

For example:

“You have not been meeting deadlines – this can be shown by”

Or:

“You are not demonstrating the initiative I would expect of someone in your position, for example on the following occasions you”

It is very important for you to be honest with the employee about the issues concerned. After you have described the problems, it is important to allow the employee to respond. You should listen carefully, as this is your chance to understand things from their point of view. Maintain an open mind until you feel you have sufficient information with which to come to any conclusions.

You may discover that the poor performance is attributable to factors beyond the employee’s control. There may be a number of reasons, such as:

- Employee has not received adequate instruction, training

- Work allocation difficulties
- Personal domestic circumstances
- Your own style of supervision – have you let things drift?
- Ask yourself: “Is there any way the organisation has helped to cause this problem?”
- By now, you should have a clearer picture about the issues. What you have found out may make a lot of difference to the way you wish to tackle the problem.
- Put your ideas for resolving the problem to the employee and listen to their ideas on how to resolve the problem (you may need time to reflect on what the employee has said, to consult, check facts etc., before you do this.)

SETTING TARGETS

Ensure the employee has a clear idea of what their job is and what is expected of them. Seek their assistance if possible in setting targets for improvement.

In some jobs, performance will be easily measured. In others this is not so easy and you will have to give careful thought to how you intend to set realistic and reasonable targets. Look carefully at the job description, as this will help you pick out the key areas and to concentrate your mind on those areas, which could be measured.

SUPPORT

It may be necessary to provide additional support for the employee in some way, for example:

- Coaching in specific areas
- Further instruction, training, shadowing
- Work closely alongside a more experienced employee
- More personal supervision meetings
- Counselling/support on personal problems

MONITORING PERIODS

The obvious question is, “What is a reasonable improvement period?”

The answer will depend on the individual circumstances of the case.

Relevant factors to consider are:

- Type of work
- Level within the organisation
- Complexity of job and training needed

Suggested timescales could, for example, be one to three months, taking into account the complexity of the tasks to be performed.

ASSESSING PROGRESS

During the review period you must assess performance on a continuing basis giving feedback wherever possible, particularly on the specific areas which have been highlighted as needing improvement.

Make sure you keep on top of the problems – don't let matters drift.

SECOND STAGE OF THE FORMAL CAPABILITY PROCEDURE

If any improvement is such that dismissal or redeployment are possible outcomes at this second stage meeting, then the meeting must be conducted by a Panel with the authority to dismiss as defined by the disciplinary procedure. The Line Manager will present the information concerning the employee's capability.

As at the first interview, notice must be given in writing of the second meeting, again with a right of representation and at least five working days' notice.

You should have assessed what improvement there has been and explain, if there has been insufficient improvement, why you feel their performance remains inadequate.

Appendix 3 provides guidance on how to approach the second stage meeting of the procedure.

LINKS WITH OTHER PROCEDURES

It is essential that all new employees to the Trust have a thorough induction into both the organisation and their area of work. It is also essential that a new employee's probationary period provides whatever training and support is required and also monitors the employee's performance. Any performance issues, which arise during a probationary period, should be dealt with via the Probation Policy and not the Capability Procedure.

Where an existing employee is moving into another job within the Trust, a thorough induction process must still take place. Although internal transfers are not subject to a formal probationary period, it is still essential that the spirit of a probationary period is adhered to and relevant training, support and performance monitoring takes place.

Appendix 3 – Guidance for Managers on Presenting Cases at Stage 2

Before the Meeting

Make sure you are well prepared. You will need to compose a report as to why you are recommending that the second stage of the Capability Procedure is being invoked.

This will summarise the action you have taken so far and you should attach the letters sent to the employee, which confirmed this action. You should concentrate on the impact the capability problem is causing, e.g. effect on the service, effect on colleagues, etc.

Pay special attention to detail and make sure that any relevant dates or other details are correct.

Make sure that if you have not fulfilled your side of the agreement with the employee there is a good explanation, otherwise expect criticism even perhaps up to the point of having to repeat either one or both of the procedure stages.

At the Meeting

If you are well prepared this will give you confidence. Be calm, keep to the points and make them in the order you have planned. Again, make sure you stress the impact the problem is causing and do not repeat yourself unnecessarily. Be prepared to give examples of the problems if questioned.

Listen carefully to what is being said by the employee and/or their representative and make notes of the questions you need to ask. Make sure you challenge statements, which you feel are untrue, but do this in a polite way. Be assertive but never aggressive.

When summarising your case, bring out the key points taking into account any changes you feel you need to make following the presentation of the employee's case.

Be prepared partly in advance and partly as a result of what is said at the hearing. Remember your last few statements can make an impact on the person(s) hearing the case and help to summarise the issue in their mind.

Appendix 4 - Performance Support Plan (PSP) Template

A copy of this document should be obtained in Word format from your School Operations Manager or from Trust HR (HR@triumphlearning.org)



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Performance Support Plan to support Employee Performance

Employee: (name) (job title)

Job Purpose: To provide an efficient and effective (brief description of role) to the (whomever/whatever).

Manager: (name) (job title) Formal Capability/Support Plan Start Date: (date) Formal Review Period Length: (weeks)

AREA OF PERFORMANCE	STANDARDS TO BE ACHIEVED <i>(what has to be done)</i>	MEASURING, ASSESSMENT, EVIDENCE <i>(how it will be achieved and/or measured)</i>	TRAINING/SUPPORT TO BE PROVIDED AND BY WHOM	REVIEW DATE(S)
<p><i>A summary of the performance concerns</i></p> <p><i>(use one of these 'boxes' for each area of performance)</i></p>	<p><i>Link to the Teacher Standards and/or JD, and the expectations determined by the experience and pay scale of the teacher</i></p>	<p><i>How are you going to measure if and how it has been achieved? (e.g. lesson observations, book reviews, review of lesson plans, achievement of pupil targets etc.)</i></p>	<p><i>What training and support are you going to provide (e.g. coaching, observe other teachers practice, support with planning, weekly meetings with someone etc.)</i></p>	<p><i>Plan in dates in between the final review for feedback to be given on progress.</i></p>
Date	Task	Comment		Outcome
	<p><i>Use each of these boxes to record specific evidence in relation to the performance concern and progress (add as many boxes as necessary)</i></p>			

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AREA OF PERFORMANCE	STANDARDS TO BE ACHIEVED <i>(what has to be done)</i>	MEASURING, ASSESSMENT, EVIDENCE <i>(how it will be achieved and/or measured)</i>	TRAINING/SUPPORT TO BE PROVIDED AND BY WHOM	REVIEW DATE(S)
<i>Date</i>	<i>Task</i>	<i>Comment</i>		<i>Outcome</i>

Note: (special comments including noting any particular (reasonable) adjustments that have been made for this employee)

Signed by (name and signature of employee):

(Name and signature of manager):