



HR EXPERTISE & SERVICES
Delivered by Kingston and Sutton Shared Services

**PERFORMANCE CAPABILITY
POLICY AND PROCEDURE
FOR SCHOOLS**

CONTENTS

1. INTRODUCTION	3
1.1 Aims of the Policy	3
1.2 Responsibilities	3
1.3 Delegation for Authority	4
2. MANAGING POOR PERFORMANCE	5
2.1 Management Responsibility	5
2.2 Informal Stage	5
2.3 Serious Cases	6
2.4 Performance Improvement Plan	6
3. PERFORMANCE CAPABILITY PROCEDURE	6
3.1 Stage 1 Performance Capability Meeting	7
3.2 Stage 2 Performance Capability Meeting	8
3.3 Stage 3 Formal Performance Capability Meeting	9
3.4 Appeal Rights	11
4. APPENDICES	12
4.1 Appendix 1	12
4.2 Appendix 2	13
4.3 Appendix 3 - Meeting Record	14
4.4 Appendix 4 - PERFORMANCE IMPROVEMENT PLAN (PIP)	14
5. TEMPLATE LETTERS	15
5.1 INVITE TO ATTEND STAGE 1 MEETING	15
5.2 STAGE 1 MEETING OUTCOME	16
5.3 INVITE TO ATTEND STAGE 2 MEETING	17
5.4 STAGE 2- OUTCOME LETTER	18
5.5 INVITE TO ATTEND STAGE 3 MEETING	19
5.6 STAGE 3 DISMISSAL/REDEPLOYMENT	20
5.7 STAGE 3 NO REDEPLOYMENT/DISMISSAL	22
5.8 INVITE TO APPEAL MEETING	23
5.9 OUTCOME OF APPEAL MEETING	24

1. INTRODUCTION

1.1 Aims of the Policy

This policy sets out the steps to be used where any school employee (with the exception of support staff during their probationary period or to Newly Qualified Teachers during their induction year, see below) displays poor performance due to lack of capability to carry out their duties. All Schools and Academies are committed to supporting and encouraging employees to improve their effectiveness and to achieve and maintain the standards of performance required. They are also committed to ensuring that performance capability concerns are managed fairly and consistently. The Policy therefore aims to:

- Support employees who are experiencing difficulties with performing their duties to the required standard.
- Provide a procedure to enable Headteachers and Line Managers to address problems of performance capability.
- Provide Governing bodies with procedural steps if the Headteacher is experiencing difficulties in performing to the required standard.

Any performance concerns with support staff during their probationary period and Newly Qualified Teachers during their induction year, will be dealt with outside this procedure, in accordance with other relevant procedures or in keeping with the spirit of this procedure.

Employees have the right to confidentiality at all stages of this procedure, both informal and formal. The utmost care must be taken to maintain the security of information whether written or verbal in accordance with the General Data Protection Regulation (GDPR) 2018.

1.2 Responsibilities

The Governing Body is responsible for setting the overall standards of performance expected by employees within the school. The Headteacher and line managers have a responsibility to ensure that the standards of performance are clearly defined, that employees are aware of the standards required, and that standards are met.

Employees have a responsibility to follow the procedures laid out in this policy.

Data Protection

The organisation processes any personal data collected during the performance capability procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance capability procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

1.3 Delegation for Authority

Delegation for Authority for action under the School's Performance Capability Policy.

ACTION	AUTHORITY
Informal stages; Performance Improvement Plans; Stage 1 and 2 Capability meetings Stage 1,2 and 3 Review meetings	<ul style="list-style-type: none">● Line Manager, or Headteacher (where they are the line manager).● A member of the governing body, in the case of Headteacher performance concerns (ideally not the chair of governors or a staff governor).
Formal Stage 3 Meeting	<ul style="list-style-type: none">● Line Manager or Headteacher presents to:<ul style="list-style-type: none">○ A panel of two consisting of :<ul style="list-style-type: none">○ Head Teacher and 1 governor, (where the Headteacher has had no previous involvement)○ A panel of 2 governors (ideally not chair of governors, or a staff governor)
Appeal Formal Stage 3	<ul style="list-style-type: none">● To be considered by a panel of 2● governors (not previously involved and not staff governors, but can include chair of governors)

The line manager is advised to seek HR advice throughout the informal stages, but should be advised by HR throughout the formal process.

2. MANAGING POOR PERFORMANCE

2.1 Management Responsibility

Performance issues should initially be raised during normal day to day management discussions and any shortcomings brought to the attention of the employee without delay. These discussions should be two way, enabling the line manager to outline the concerns regarding performance and allowing the employee the opportunity to respond. It is important to ensure that the employee understands where performance is falling below the required standard and the improvement that is required. The school has a duty to provide appropriate support and training and to allow reasonable time for improvements in performance to be achieved.

It may be useful, at this stage, to use a performance improvement plan (PIP), see below and appendix 4 (section 4.4, page 14) this can be helpful in setting appropriate targets for the employee to achieve and agreeing review periods.

2.2 Informal Stage

If performance becomes a problem, the informal stages of this procedure should be followed.

Arrange to meet with the employee to review performance and explain that their performance is not satisfactory. Ensure that you explain you are now following the informal stages of this procedure and provide a copy for them. This should be a two-way conversation.

To aid the discussion the manager should have a copy of the current job description, any performance management/appraisal records and examples of where the employee's performance is giving cause for concern and failing to meet the required standards. Regular review meetings should take place and the first review should not normally be less than 4 weeks or more than 8 weeks after the introduction of the plan.

A PIP (see below and appendix 4) must be implemented at this point, if it has not already been used.

During the informal process there is no requirement for the employee to be represented, however, if the employee requests to have a colleague or union representative with them, it is good practice to agree.

2.3 Serious Cases

In exceptional cases where the actual or potential consequences of the employee's actions/inactions are very serious and the implementation of a programme of professional support or training would be inappropriate, the immediate implementation of stage 3 of this procedure may be appropriate.

Where it is considered that the education of pupils is seriously jeopardised by an employee's actions/inactions, the period given for improvement will be a minimum of 4 weeks. Failure to achieve satisfactory improvement after this period can lead to immediate implementation of stage 3 of this procedure.

2.4 Performance Improvement Plan

A Performance Improvement Plan (PIP) sets out:-

- Area requiring improvement
- Objectives (SMART - Specific, Measurable, Achievable, Realistic and Timed).
- Measures
 - How will the objectives be met?
 - Evidence gathering for assessment
- Timescale
- Training and Development

3. PERFORMANCE CAPABILITY PROCEDURE

The following applies to meetings at all stages of the Performance Capability Procedure:

- **Written notification:** The employee should be advised in writing, by the line manager, that they are required to attend a meeting under the Performance Capability Procedure. In the case of an employee with a disability, it may be necessary to make appropriate adjustments.
- **Meeting organisers:** Meetings at stages 1 and 2 are held by the line manager (or headteacher if they are the line manager). Whilst stage 3 meetings are held by the headteacher and a governor or a panel of 2 panel of governors. HR will attend the meetings at stage 3 of the procedure.

- **Representation:** The employee is encouraged to have a companion or representative with them at all meetings under the Performance Capability Procedure. The companion may be a work colleague within the school or trade union representative. In exceptional cases an employee's disability may require attendance of a support worker or relative to assist during such meetings. An employee's request to have an additional support worker present must be made to the line manager, in advance of the meeting, in all cases.
- **Meeting record:** A record of all meetings must be kept. A template form is available below under appendix 3 (section 4.3, page 14).
- **Access issues:** The manager organising the meeting should ensure that access issues have been considered and that reasonable adjustments have been made for all parties.
- **Non-attendance:** Should the employee fail to attend the meeting, without advising the meeting organiser or sending a representative or provide written representation, the line manager/Governor/Panel of governors is/are entitled to reach conclusions on the basis of the information and evidence at their disposal at the time.
- **Review periods:** When setting review periods account should be taken of any reasonable adjustments agreed for employees with a disability.

3.1 Stage 1 Performance Capability Meeting

Aims of the Meeting

At the Stage 1 meeting, the informal PIP process will be discussed, including the following:

- The details of the performance concern(s).
- The objectives set and how improvement has been measured
- The employee's performance in relation to the objectives
- The support and training offered to the employee to help them meet the objectives
- The level of concern over the employee's performance and the impact this is having on the school.
- The timescale for achieving sustained performance improvement.
- The employee should have the opportunity to respond.

Outcome of the Meeting

At the end of the meeting the line manager will set:-

- a date for a review meeting and
- the objectives which will need to have been met by this time.

This will be confirmed in writing, including an updated PIP.

Review Meeting

During the process of the PIP agreed above it is good practice to hold regular informal meetings to monitor progress against objectives. At the end of the review period the line manager should arrange to meet the employee to discuss the current situation. The purpose of this meeting is to decide whether it is necessary to progress to Stage 2 of the procedure, or whether a further review period would be appropriate in the circumstances. In cases where all the objectives of the PIP have been met successfully, a further review period of at least 4 weeks should be given to ensure the improvement is sustained.

3.2 Stage 2 Performance Capability Meeting

Aims of the Meeting

At the Stage 2 meeting, the informal PIP process will be discussed, including the following:

- The details of the performance concern(s).
- The objectives set and how improvement has been measured
- The employee's performance in relation to the objectives
- The support and training offered to the employee to help them meet the objectives
- The level of concern over the employee's performance and the impact this is having on the school.
- The timescale for achieving sustained performance improvement.
- The employee should have the opportunity to respond.

Outcome of the Meeting

At the end of the meeting the line manager will set:-

- a date for a review meeting and
- the objectives which will need to have been met by this time.

This will be confirmed in writing, including an updated PIP.

The employee should be informed that if their performance continues to be of concern and objectives are not met a Stage 3 meeting will be held which could potentially lead to their dismissal on the grounds of incapability.

Review Meeting

During the process of the PIP agreed above it is good practice to hold regular informal meetings to monitor progress against objectives. At the end of the review period the line manager should arrange to meet the employee to discuss the current situation. The purpose of this meeting is to decide whether it is necessary to progress to Stage 3 of the procedure, or whether a further review period would be appropriate in the circumstances. In cases where all the objectives of the PIP have been met successfully, a further review period of at least 4 weeks should be given to ensure the improvement is sustained.

3.3 Stage 3 Formal Performance Capability Meeting

NB During this stage 3 formal meeting and any appeal, the employee has the right of representation by a colleague from within the school or a Union representative.

Before the Meeting

The Headteacher or line manager is required to produce a Report for the meeting. This should include up-to-date evidence of the employee's performance against objectives and the impact this is having on the school. The employee must receive a copy of the Report 7 school days in advance of the meeting and may submit written information to the meeting a minimum of 3 school days in advance.

A panel consisting of the Headteacher and one governor, or of 2 Governors, will act as the panel of decision makers for the Stage 3 Meeting. At this meeting a representative of HR will be present to provide advice to the panel.

Aims of the Meeting

The meeting will consider the Report and any evidence submitted by the employee. Any decision regarding termination of employment will take into account the following factors:

- The overall performance record.
- The likelihood of a sustained improved performance record being achieved by the employee in the future.
- The needs of the service and the effect of the employee's performance on the service, taking account of; educational outcomes, operational and financial impact on the school.
- Consideration of redeployment within the school if available and suitable.
- Appointment to a lower graded role if one is available

The outcomes available to the Governors, when deciding on action to be taken at this stage, are as follows:

- To keep the matter under review for a further period, at the end of which a further stage 3 meeting will take place if appropriate. *
- Consideration for the employee to be redeployed to a suitable alternative role, or appointed to a lower graded role (if either are available within the school).
- To terminate the employment contract on the grounds of incapability. This will be in cases where the overall impact of the performance concerns on the school cannot be tolerated and there has been no sustained improvement in line with the PIP by the individual.

* A further review will only be appropriate where the governing body/headteacher believe that this further review period (4 - 8 weeks) could lead to the required improvement in performance.

The agenda to be used for this meeting is at appendix 1 (section 4.1, page 12).

Outcome of the Meeting

Wherever possible the employee will be told of the Panel's decision at the end of the meeting. If this is not possible, the chair of the panel must write to the employee *within 5 working days of the meeting* to inform them of their decision.

If the decision is to have a further review period, this must be included in the outcome letter including the timing of the review period and the standards of performance, which the employee is required to achieve during this period.

If the decision is to redeploy/appoint the employee to an alternative position within the school, this decision will be confirmed in the outcome letter. However, a further letter will be sent to the employee confirming the variation of employment from the original post, to the new position. This letter will be sent by the Headteacher; a redeployment to a new post within the school will be subject to a 4 week trial period. The point of the trial period is for both sides to see if the new post is something that is going to work out in the long run.

If a decision to dismiss on the grounds of incapability is made, written notice of termination shall be given in accordance with statutory provisions and with the individual's contract of employment. The employee will have the right of appeal.

Dismissals – Maintained/ Community Schools

The panel will produce the decision outcome letter which should state the following:

- The date on which the employment contract will be terminated, including an appropriate period of notice.
- The employee's right of appeal.
- A written statement of the reasons for dismissal.

This letter will be copied to the local authority. The Local Authority as the employer will then issue the official notice of dismissal.

Dismissals – Voluntary Aided Schools

The Governing Body, as the employer, must give notice of dismissal. The outcome letter should state the following:

- The date, on which the employment contract will be terminated, including an appropriate period of notice.
- The employee's right of appeal.
- A written statement of the reasons for dismissal and a copy of the panel rationale sheet for the decision.
- The dismissal letter should be copied to Human Resources.

3.4 Appeal Rights

The employee has a right of appeal against formal action taken at stage 3 of this procedure. The decision of the Appeal Panel is final.

Written notification of the employee's reasons for appeal must be received no later than 5 working days after the date of the outcome letter. The grounds for an employee's appeal must be detailed into the categories of a procedural flaw (not following the policy) and/or severity of sanction.

If the employee does give notice of intention to exercise their right of appeal, the matter will be referred to a meeting of an Appeal Panel. This panel will be made up of two members of the governing body.

The Appeal Panel shall meet as soon as possible after notice of appeal is given by the employee concerned. The employee shall be given at least 5 working days' notice in writing of the date of the meeting.

The employee has the right to be accompanied at the appeal panel meeting by a work colleague within the school or trade union representative.

A representative of HR will be present to provide advice to the Appeal Panel.

4. APPENDICES

4.1 Appendix 1

Agenda for the Formal Stage 3 Meeting

- The panel will elect a chair for the meeting.
- Management will present the case detailing the employee's performance (Headteacher/Line Manager).
- Management may call witnesses to support their case.
- All parties may question any witnesses.
- There will be an opportunity for questions to be asked of management by the employee and the panel.
- The employee and/or representative will present his/her case.
- The employee may call witnesses to support his/her case.
- All parties may question any witnesses.
- There will be an opportunity for questions to be asked of the employee by management and the panel.
- Closing statements will be made by management and the employee.
- All present, other than the panel and adviser, shall withdraw. The panel shall then reach its decision by completing the panel rationale sheet.

4.2 Appendix 2

Agenda for the Appeal Meeting

- The employee and/or representative will present the grounds of appeal.
- There will be an opportunity for questions to be asked of the employee by the Appeal Panel.
- There will be an opportunity for questions to be asked of the Stage 3 panel representatives by the Appeal Panel.
- Closing statements will be made by the employee and the Stage 3 panel representatives.
- All present, other than the Appeal Panel shall withdraw. The Appeal Panel shall then consider all the information and record their rationale as to their decision on the outcome.
- The Appeal Panel shall then advise the employee of the decision reached.
- Formal notes of the meeting will be taken.

The Appeal Panel have the following range of options available to them:-

- The appeal is upheld (*the employee is reinstated back to work with immediate effect*).
- The appeal is dismissed and the decision of the stage 3 panel remains.

The Appeal Panel decision shall be communicated in writing to the employee by the chair of the panel no later than 5 working days after the decision is made.

There is no further right of appeal.

4.3 Appendix 3 - Meeting Record

For a copy of the Meeting Record document, please click [here](#).

4.4 Appendix 4 - PERFORMANCE IMPROVEMENT PLAN (PIP)

For a copy of the Performance Improvement Plan (PIP), please click [here](#).

5. TEMPLATE LETTERS

5.1 INVITE TO ATTEND STAGE 1 MEETING

PERFORMANCE CAPABILITY PROCEDURE STAGE 1 MEETING

STRICTLY CONFIDENTIAL

Dear x

PERFORMANCE CAPABILITY INVITE TO STAGE 1 MEETING

Following our recent discussions about your performance capability and assessment of your performance using the Performance Improvement Plan (PIP) I am writing to confirm that you are required to attend a meeting under stage 1 of the Performance Capability Procedure.

The meeting will take place at *(time)* on *(date)* in *(place)*. If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make the necessary arrangements.

I will conduct the meeting and have asked *(insert name)* to attend as a note taker. I will consider the informal PIP process.

The purpose of the meeting is to agree;

- A date for a review meeting and
- Renew the objectives which will need to have been met by the review date.

This will include an updated PIP.

You are encouraged to bring a work colleague or trade union representative to the meeting. If you are unable to attend, and do not make contact with me to explain why and request an alternative date, the meeting may proceed in your absence. In such circumstances your case will be considered and conclusions may be reached on the information available.

Should you feel the need for additional support, may I remind you that the Council has a Wellbeing service who can be contacted on *(please insert details of contact)*.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Line Manager

Copy to: HR Consultant

STRICTLY CONFIDENTIAL

Dear x

**PERFORMANCE CAPABILITY PROCEDURE
OUTCOME OF STAGE 1 FORMAL MEETING**

Thank you for attending the Stage 1 meeting under the Performance Capability Procedure, I am writing to confirm the outcome of this meeting.

At the meeting I considered your progress in respect of the objectives identified on your Performance Improvement Plan (PIP), *(include a summary of the relevant information including training and support offered, review meetings, acknowledge any progress attained)*. I explained the impact your performance is having on your colleagues, pupils and on the school.

You explained *(include a summary of the points made by the employee)*.

We agreed an updated PIP with renewed objectives and that a review meeting would be held on *(date)*.

During the period prior to this meeting I will continue to review your PIP and will arrange to meet you informally to discuss your progress.

Please note that if *there is no improvement in your performance at the end of the review period* a Stage 2 meeting will be held, in accordance the Performance Capability Procedure.

Should you feel the need for additional support, may I remind you that the Council has a Wellbeing service who can be contacted on *(please insert details of contact)*.

Yours sincerely

Line manager

Copy: HR Business Partner/Consultant
Trade Union Representative

STRICTLY CONFIDENTIAL

Dear x

**PERFORMANCE CAPABILITY
INVITE TO STAGE 2 MEETING**

Following our recent discussions about your performance capability and assessment of your performance using the Performance Improvement Plan (PIP) I am writing to confirm that you are required to attend a meeting under stage 2 of the Performance Capability Procedure.

The meeting will take place at *(time)* on *(date)* in *(place)*. If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make the necessary arrangements.

I will conduct the meeting and have asked *(insert name)* to attend as a note taker. I will consider the informal PIP process.

The purpose of the meeting is to agree

- a date for a review meeting and
- renew the objectives which will need to have been met by the review date.

This will include an updated PIP.

You are encouraged to bring a work colleague or trade union representative to the meeting. If you are unable to attend, and do not make contact with me to explain why and request an alternative date, the meeting may proceed in your absence. In such circumstances your case will be considered and conclusions may be reached on the information available.

Should you feel the need for additional support, may I remind you that the Council has a Wellbeing service who can be contacted on *(please insert details of contact)*.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Line Manager

Copy to: HR Consultant and TU representative if relevant

STRICTLY CONFIDENTIAL

Dear x

**PERFORMANCE CAPABILITY PROCEDURE
OUTCOME OF STAGE 2 MEETING**

Thank you for attending the Stage 2 meeting under the Performance Capability Procedure, I am writing to confirm the outcome of this meeting.

At the meeting I considered your progress in respect of the objectives identified on your Performance Improvement Plan (PIP), *(include a summary of the relevant information including training and support offered, review meetings, acknowledge any progress attained)*. I explained the impact your performance is having on your colleagues, pupils and on the school.

You explained *(include a summary of the points made by the employee)*.

We agreed an updated PIP with renewed objectives and that a review meeting would be held on *(date)*.

During the period prior to this meeting I will continue to review your PIP and will arrange to meet you informally to discuss your progress.

Please note that if *there is no improvement in your performance within the review period* a Stage 3 meeting will be held, in accordance with the Performance Capability Procedure.

The stage 3 meeting will determine the likelihood of your sustained improvement in performance and your capability to meet the requirements of your job. I must inform you that this could, potentially, lead to your dismissal on the grounds of incapability.

Should you feel the need for additional support, may I remind you that the Council has a Wellbeing service who can be contacted on *(please insert details of contact)*.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely
A Senior Manager/Headteacher/A Governor

Copy: HR Consultant
Trade Union Representative
Line Manager

STRICTLY CONFIDENTIAL

Dear x

PERFORMANCE CAPABILITY; INVITE TO STAGE 3 MEETING

Following your recent discussions, with *(line manager)*, about your performance capability and assessment of your performance using the Performance Improvement Plan (PIP) I am writing to confirm that you are required to attend a formal meeting under stage 3 of the Performance Capability Procedure. A copy of the procedure for the meeting is attached.

The meeting will take place at *(time)* on *(date)* in *(place)*. If you require any reasonable adjustments to enable you to attend the meeting, please let me know and I will make the necessary arrangements.

A panel consisting of the headteacher and one governor or of two Governors *(use names and title)* will conduct the meeting and will be supported by from Human Resources. In addition XXX will attend as a note taker. *(Insert name of manager)* will present a summary of the PIP process to date and you will have the opportunity to respond. The panel will give formal consideration to the process and outcome of the PIP. The options open at the conclusion of the meeting are:

- To keep the matter under review for a further period, at the end of which a further stage 3 meeting will take place if there is no improvement.
- Consideration for the employee to be redeployed to a suitable alternative role (if available within the school).
- To terminate the employment contract on the grounds of incapability. This will be in cases where the overall impact of the performance concerns on the school cannot be sustained and there has been insufficient improvement in line with the PIP.

You have the right to bring a work colleague or trade union representative to the meeting. I am enclosing a report on the PIP review process which xxx *(line manager)* has produced and which will be presented at the meeting.

Should you fail to:

- attend the meeting or,
- send a representative to act on your behalf or,
- send a written statement

your case may be considered and conclusions reached on the information available.

Should you feel the need for additional support, may I remind you that the Council has a Wellbeing and Counselling service who can be contacted *(please insert details of contact)*.

Please contact me directly should you have any queries in relation to the above.

Yours sincerely,

Clerk to the Governors, Copy to: Line Manager, HR Consultant and TU representative if relevant

STRICTLY CONFIDENTIAL

Dear x

**PERFORMANCE CAPABILITY PROCEDURE
OUTCOME OF STAGE 3 FORMAL MEETING**

I am writing to confirm the outcome of the stage 3 meeting, under the Performance Capability procedure that you attended on (insert date).

At the meeting a panel of governors comprising of (*insert names*) considered your performance progress in relation to the PIP as presented by (*insert name of line manager*). In particular they noted (*summarise the important outcomes of the PIP progress, both positive and negative*). They also noted the support and training that has been provided for you (*summarise the steps taken*).

You explained (*include a summary of the points made by the employee*).

They concluded that your performance (*include details,*) continues to be of concern and to have a negative impact on the school and that you can no longer remain employed at the school in your position of (*name of position*)

The panel considered the possibility of redeploying you to an alternative position within the school.

Either A or B

A. They concluded that you could be offered the opportunity to be redeployed to the position of (*Job Title, include details of the position, hours, and salary*). You have 10 working days to consider this option. If you choose to take up the offer you will be a trial period of 4 weeks in the role during which time you and the school can consider if this job is suitable for you and the school. If you undertake the trial and it is successful your contract will be varied to confirm your permanent appointment to the new position. If you choose not to undertake the trial, or if the trial is not successful, you will be dismissed from your position of (*name of current position*) within (*name of school*).

OR

B. They concluded that there were no suitable redeployment opportunities available within the school and that they had no option but to dismiss you from your position of (*current job title*) within school (school name).

You have the right to appeal against a dismissal decision. If you choose to do so please write to me, stating your grounds for appeal, within 10 days of the date of this letter. The grounds for appeal must be detailed under:-

- abuse of the process, i.e. failure to follow set procedure and policy;
- and /or severity of sanction (the penalty of dismissal was too harsh).

You are entitled to xx months/weeks' notice from the date of this letter. Therefore your employment with school will terminate on (*insert date*). You will not be required to work during your notice period.

Yours sincerely

Clerk to the Governing Body

Copy: HR Consultant
Trade Union Representative
Line Manager
Governing Body Panel

STRICTLY CONFIDENTIAL

Dear x

**PERFORMANCE CAPABILITY PROCEDURE
OUTCOME OF STAGE 3 FORMAL MEETING**

I am writing to confirm the outcome of the Stage 3 meeting under the Performance Capability Procedure that you attended on *(insert date)*.

At the meeting a panel of governors comprising of *(insert names)* considered your performance progress in relation to the PIP as presented by *(line manager)*. In particular they noted *(summarise the important outcomes of the PIP progress, both positive and negative)*. They also noted the support and training that has been provided for you *(summarise the steps taken)*.

You explained *(include a summary of the points made by the employee)*.

They concluded that your performance *(include details)* has improved and that it is not necessary to consider your dismissal from the school.

However, *(line manager)* will continue to review your PIP and will arrange to meet you to discuss your objectives and identify any new ones which are relevant, agree any support or training that may be needed and arrange a review date.

Please note that if *there is no improvement in your performance within the review period* a further Stage 3 meeting will be held, in accordance with the Performance Capability Procedure.

Yours sincerely

Senior Manager/Headteacher/Governor

Copy: HR Consultant

5.8 INVITE TO APPEAL MEETING

PERFORMANCE CAPABILITY PROCEDURE APPEAL MEETING

STRICTLY CONFIDENTIAL

Dear x

PERFORMANCE CAPABILITY PROCEDURE

INVITE TO APPEAL MEETING

Further to your request to appeal against the outcome of your recent stage 3 meeting under the above procedure, I am writing to inform you that your appeal will be heard on *(insert date, which should give 5 working days' notice)* at *(insert time)* in *(insert venue)*. This meeting will be conducted by *(insert name(s) of Appeal Panel member(s), 2 members of the Governing body for* and a representative from Human Resources will be present as an adviser and *(insert name)* will attend as note taker. The procedure for this meeting is attached.

You have a right to be accompanied to the meeting by one person who may be a work colleague within the School or a trade union official.

Should you or your representative have a disability and require any reasonable adjustments for the meeting, please advise me as soon as possible, so that I can make arrangements accordingly.

Should you fail:

- to attend the meeting or,
- to send a representative to act on your behalf or,
- to send a written statement

The Appeal Panel may conclude that you have decided not to proceed with your appeal.

I enclose a copy of all the documents that will be considered at the meeting. Should you wish to submit written information to the meeting please send this to me no later than 5 working days in advance.

The decision of this appeal meeting will be final and there will be no further right of review. You will be notified of the outcome of the appeal meeting in writing no later than 5 working days after the decision has been made.

Should you have any queries in relation to the above, please contact me on the above telephone number.

Yours sincerely

Clerk to the Governing Body

Copy: HR Consultant; Manager/Headteacher/panel of governors *(as appropriate, including those hearing the appeal)*

5.9 OUTCOME OF APPEAL MEETING

**PERFORMANCE CAPABILITY PROCEDURE
APPEAL OUTCOME LETTER**

STRICTLY CONFIDENTIAL

Dear x,

PERFORMANCE CAPABILITY PROCEDURE

OUTCOME OF APPEAL MEETING

I am writing to confirm the decision taken by the Panel who conducted your appeal meeting on (*insert date*). At the meeting you appealed against the decision of the *Stage 3 Performance Capability* meeting to (*outcome of meeting*). You were represented at the meeting by (name) from (provide details).

You presented your grounds of appeal (*insert summary*)

Having listened to your representation the Appeal's Panel adjourned to consider all the information presented.

INSERT one of the below

EITHER On reconvening the meeting we informed you that the decision was reached to uphold your appeal against (outcome) The Appeals Panel rationale for this is (*insert rationale*)

You are reinstated back to work with immediate effect. (If relevant)

OR On reconvening the meeting we informed you that the decision was reached to dismiss your appeal and uphold the decision of the stage 3 panel that (*insert stage, 3 outcome*).

You have now exercised your right of appeal under the Performance Capability Procedure and this decision is final.

Yours sincerely

Clerk to the Governing Body

Copy to HR Consultant, Manager/Headteacher/panel of governors