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**HARROW SCHOOLS CAPABILITY TOOLKIT**

**MODEL LETTERS AND FORMS**

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**PLEASE ADAPT THESE MODEL LETTERS AND FORMS FOR USE BY YOUR SCHOOL.**

**PLEASE READ THE CAPABILITY TOOLKIT FOR FURTHER INFORMATION WHERE. THE ENCLOSED MODEL LETTERS AND FORMS CAN BE FOUND AS APPENDICES.**

# APPENDIX – 1

**INFORMAL CAPABILITY GUIDANCE MEETING – INVITATION LETTER**

Address

Date

Dear

**INFORMAL CAPABILITY GUIDANCE MEETING**

I am writing to confirm my concerns, previously raised with you at 1:1 /supervision meetings, regarding aspects of your performance which need improvement. In light of this, your performance will be addressed, initially informally, through the Capability Policy and Procedure (copy attached).

I would, therefore, like to meet with you to conduct an informal Capability Guidance Meeting as detailed below:

Venue: ……………………….

Date: ……………………….

Day: ……………………….

Time: ……………………….

The purpose of the meeting is to identify what measures are necessary for you to achieve the satisfactory performance standards required and identify what support mechanisms are available. During the meeting we will review examples of where improvement is required and/or where you are experiencing difficulties. This may involve looking at notes of 1:1 /supervision meetings/lesson observations. We will also develop and agree a Performance Improvement Plan.

The following performance issues that are causing concern that will be discussed are:

**Please Note**: *Performance issues should be measured against the General Standards and the D f E’s detailed Teacher’s Standards comprising of 8 New Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 8 within this toolkit.*

Please confirm that the date and time are convenient for you and that you will be able to attend.

For your information, I have enclosed a copy of the School’s Capability Policy and Procedure.

*If you find this process stressful and you may wish to contact the School’s Confidential Employee Assistance Programme on* ***0800 1116 387***

Yours sincerely,

Line manager

# APPENDIX 2

 **GUIDANCE ON HOW TO WRITE A PERFORMANCE IMPROVEMENT PLAN (PIP)**

**Step 1:**

* Ensure that the employee is fully engaged in the process
* Explain in detail how important this PIP is in managing and monitoring progress against the areas of concern in performance
* Set aside sufficient time to undertake the activity

**Step 2:**

* Discuss in detail the areas for improvement
* Explore all the training issues that have been identified and what resource/support is necessary to ensure success
* Identify any blockages in understanding or ability to achieve possible objectives

**Step 3:**

* Explain what a SMART objective means and how valuable they are in managing performance
* S = specific - ‘answer the phone in four rings
* M = measurable – have a system in place that measures this happening
* A = achievable – question: is this possible given volumes of work?
* R = realistic – do they have access to a phone?
* T = time – steady improvement expected within the next 6 months

**Specific** objectives have a much greater chance of being accomplished than a general goal. Consider who is involved. What do you want to accomplish, and why?

**Measurable** objectives allow you establish a criterion for measuring progress towards the attainment of each objective set and assists in a feeling of achievement.

**Attainable** objectives help you identify those objectives that are most important to the role and allow consideration to be given to potential constraints that may hinder success.

**Realistic** objectives are those that can be achieved but do not limit the element of challenge.

**Time**-related objectives ensure that a clear time frame is established and that consideration is given to implementing a phased approach but is sensitive to what is **realistic, achievable, measurable and specific.**

**Step 4:**

* Determine the objectives using the above process
* Record on the PIP
* Agree when a review will take place
* Ensure that the employee knows the consequences of not achieving the PIP

# APPENDIX – 3

**PERFORMANCE IMPROVEMENT PLAN**

**Name: Date:**

**Job Title: Line Manager:**

|  |  |
| --- | --- |
| **PERFORMANCE IMPROVEMENT PLAN****To cover period from: \_\_\_\_\_\_\_\_\_\_\_\_\_to\_\_\_\_\_\_\_\_\_\_\_\_** | **Progress****(to be discussed at agreed intervals throughout the review period)** |
| **Areas of Underperformance** | **Agreed Action / Planned Objectives** | **Support Required** | **Measures of Success** | **Target Date(s)** | **Comments on Progress / Outcome** | **Date** |
|  |  |  |  |  |  |  |

**Agreed by:**

**Teacher signature: Date:**

**Line Manager Signature: Date:**

**Performance Standards Achieved? Y ES/NO Date:**

# APPENDIX – 4

**INFORMAL CAPABILITY GUIDANCE MEETING – OUTCOME LETTER**

Address

Date

Dear

**INFORMAL CAPABILITY GUIDANCE OUTCOME MEETING**

I am writing to confirm the outcome of your recent Informal Capability Guidance meeting held on XXX

During the meeting we discussed the following areas of concern:

1.
2.
3.
4.

and agreed a Performance Improvement Plan (PIP).

We discussed the level of support you need and this has been incorporated into the PIP.

Your progress will be monitored over a period of XXXXX weeks/months, and during this time regular 1:1 /supervision meetings will be held to support you to reach the performance standards required.

You should be aware that if there is insufficient improvement in your level of performance during the agreed monitoring period, the formal Capability Policy and Procedure may be instigated, which could result in a First warning being issued to you. I will meet with you again on [date and time] to discuss your level of improvement.

I should also advise you that a copy of this letter will remain on your personal file for the next 12 months and may therefore be referred to again after the monitoring period, if further concerns arise regarding your performance

I hope that any further action will not become necessary, and that your performance will improve.

*If you find this process stressful and you may wish to contact the School’s Confidential Employee Assistance Programme on* **0800 1116 387**

Yours sincerely,

Line Manager

# APPENDIX – 5

**STAGE 1 FORMAL CAPABILITY MEETING – INVITATION LETTER**

Address

Date

Dear

**STAGE 1 FORMAL CAPABILITY MEETING**

I am writing to confirm that following your informal review period, there are continued concerns regarding your performance that have not been resolved through the appraisal, day-to-day management processes or the additional support you have been receiving. Your performance will now be addressed through the Capability Policy and Procedure (copy attached). In view of this you are required to attend a Formal Capability Meeting as detailed below:

Venue: ……………………….

Date: ………………………. (Allow 5 working days notice)

Day: ……………………….

Time: ……………………….

The following performance issues that are causing concern that will be discussed are:

**Please Note**: *Performance issues for Teachers should be measured against the General Standards and the DFE’s detailed Teacher’s Standards comprising of 8 Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 8 within this toolkit.*

\*I shall conduct the meeting/.The meeting shall be conducted by ……………(insert name and position) and a note taker will also be present. The purpose of the meeting is to establish the facts concerning your performance that are giving cause for concern. \*To enable you to prepare for the meeting, copies of the documents (e.g. PIP, notes of supervision meetings/lesson observations/examples of where work not met a satisfactory standard) that may be referred to are attached and listed below:

1. Document 1
2. Document 2 etc.

**Please Note*:*** *Any manager who has been directly involved in the events leading up to the formal capability action should not be involved at this stage but may appear as a witness.*

You have the right to be accompanied by a trade union representative or work colleague during this meeting. I have attached a copy of this letter and attached documentation for you to give to your trade union representative or work colleague.

\*The following witnesses shall attend the meeting:

1. Witness 1
2. Witness 2 etc.

\* Amend/delete as appropriate throughout.

I will confirm the outcome of the meeting to you, in writing, within 5 working days, as follows:

* That there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to address the remaining concerns through the appraisal process.
* That there has been insufficient improvement in your level of performance during the agreed monitoring period and as a result you may be issued with a First Warning.
* That a further monitoring and review period will be set to assess your performance.

Throughout the course of the capability process, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved, their trade union representative or work colleague.

You have already received a copy of the School’s Capability Policy and Procedure but if you require a further copy, please let me know.

If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Line Manager**

**Name and Designation**

# APPENDIX – 6

**STAGE 1 FORMAL CAPABILITY MEETING – OUTCOME LETTER**

Address

Date

Dear

**STAFE 1 FORMAL CAPABILITY MEETING – OUTCOME LETTER**

I am writing to inform you of my decision following formal capability meeting which I conducted on ………………………….(insert date and place) under the Capability Policy and Procedure for Schools. This meeting was also attended by ……………….(insert name) as note taker. You \*were/were not accompanied at the meeting by ……………(insert name) your trade union \*representative/work colleague.

The purpose of the meeting was to establish the facts concerning your performance that were giving cause for concern which are listed below:

**Please Note**: *Performance issues for teachers should be measured against the General Standards and the DFE’s detailed Teacher’s Standards comprising of 8 New Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 7 within this toolkit.*

I carefully considered the performance issues, the supporting documentation, your response \*and the information provided by the witnesses before reaching my decision.

\* Amend/delete as appropriate throughout.

**In the next part of your letter:**

* Identify the professional shortcomings, for example which of the standards expected of teachers are not being met.
* For non teaching staff Identify areas of work where performance unsatisfactory

Having completed this process my decision is:

\*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 view of this the capability procedure has now ended.

OR,

That your performance is not acceptable and I have decided to issue you with a First Formal Written Warningwhich will remain on your personal file for 6 months. There will be a further Monitoring and Review Period which will end on …………(insert date) and you will be required to attend a Stage 2 Formal Capability Meeting with \*me/enter manager’s name as detailed below:

Venue: ………………………..

Date: ………………………..

Day: ………………………..

Time: …………………………

You have the right to be accompanied by a trade union representative or work colleague during this meeting.

OR,

As discussed, you have made some progress towards reaching the required performance standards but further improvement is still required. However, I believe that, with continued support and development, you have the potential to achieve the required performance standards and, therefore, I am extending the current Monitoring and Review Period until …………(insert date), following which you will be required to attend a further Stage 1 Formal Review Meeting

**APPEAL**

You have the right of appeal against a First Written Warning issued by the Head Teacher, to a Panel of 3 governors, not previously involved in the case. If you wish to exercise this right, your appeal should be sent in writing to…………….(insert name the name of the person who confirmed the decision) within 10 working days of the date of this letter. You should state the grounds for your appeal which may be one or more of the following:

* Procedure – failure to follow the School’s Capability Policy and Procedure had a material effect on the decision
* Decision – the evidence did not support the conclusion of the hearing officer
* Warning – too severe given the circumstances of the case
* Alternative action – should (or should not) have been considered.

If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Line Manager or equivalent**

**Name and designation**

**Copy to:** Manager

Headteacher

 HR

 Chair of Governors and members of the committee

 Trade Union Representative/Work Colleague – ask employee first

# Appendix – 7

**STAGE 2 FORMAL CAPABILITY MEETING – INVITATION LETTER**

Address

Date

Dear

**STAGE 2 FORMAL CAPABILITY MEETING**

I am writing to confirm that following the Stage 1 Formal Capability Meeting held on ………………(insert date) and a further review period to assess your performance against the Performance Improvement Plan (PIP), there are continued concerns regarding your performance. In view of this, under the Capability Policy and Procedure (a copy of which has been provided to you), you are required to attend a Stage 2 Formal Capability Meeting as detailed below:

Venue: ……………………….

Date: ………………………. (Allow 5 working days notice)

Day: ……………………….

Time: ……………………….

The following performance issues that are causing concern that will be discussed are:

**Please Note**: *Performance issues for Teachers should be measured against the General Standards and the DFE’s detailed Teacher’s Standards comprising of 8 Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 8 within this toolkit.*

\*I shall conduct the meeting/.The meeting shall be conducted by ……………(insert name and position) and a note taker will also be present. The purpose of the meeting is to establish the facts concerning your performance that are giving cause for concern. \*To enable you to prepare for the meeting, copies of the documents (e.g. PIP, notes of supervision meetings/lesson observations/examples of where work not met a satisfactory standard) that may be referred to are attached and listed below:

1. Document 1
2. Document 2 etc.

**Please Note*:*** *Any manager who has been directly involved in the events leading up to the formal capability action should not be involved at this stage but may appear as a witness.*

You have the right to be accompanied by a trade union representative or work colleague during this meeting. I have attached a copy of this letter and attached documentation for you to give to your trade union representative or work colleague.

\*The following witnesses shall attend the meeting:

1. Witness 1
2. Witness 2 etc.

\* Amend/delete as appropriate throughout.

I will confirm the outcome of the meeting to you, in writing, within 5 working days, as follows:

* That there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to address the remaining concerns through the appraisal process.
* That there has been insufficient improvement in your level of performance during the agreed monitoring period and as a result you may be issued with a Final Warning.
* That a further monitoring and review period will be set to assess your performance.

Throughout the course of the capability process, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved, their trade union representative or work colleague.

You have already received a copy of the School’s Capability Policy and Procedure but if you require a further copy, please let me know.

If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Line Manager or equivalent**

**Name and Designation**

# Appendix – 8

**STAGE 2 FORMAL CAPABILITY MEETING – OUTCOME LETTER**

Address

Date

Dear

**STAGE 2 FORMAL CAPABILITY MEETING OUTCOME**

I am writing to inform you of my decision following the formal capability meeting which I conducted on ………………………….(insert date and place) under the Capability Policy and Procedure for Schools. This meeting was also attended by ……………….(insert name) as note taker. You \*were/were not accompanied at the meeting by ……………(insert name) your trade union \*representative/work colleague.

The purpose of the meeting was to establish the facts concerning your performance that were giving cause for concern which are listed below:

**Please Note**: *Performance issues for teachers should be measured against the General Standards and the DFE’s detailed Teacher’s Standards comprising of 8 New Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 7 within this toolkit.*

I carefully considered the performance issues, the supporting documentation, your response \*and the information provided by the witnesses before reaching my decision.

\* Amend/delete as appropriate throughout.

**In the next part of your letter:**

* Identify the professional shortcomings, for example which of the standards expected of teachers are not being met.
* For non teaching staff Identify areas of work where performance unsatisfactory

Having completed this process my decision is:

\*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 view of this the capability procedure has now ended.

OR,

That your performance is not acceptable and I have decided to issue you with a Final Formal Written Warningwhich will remain on your personal file for 12 months. There will be a further Monitoring and Review Period which will end on …………(insert date) and you will be required to attend a Stage 3 Formal Capability Meeting with \*me/enter manager’s name as detailed below:

Venue: ………………………..

Date: ………………………..

Day: ………………………..

Time: …………………………

You have the right to be accompanied by a trade union representative or work colleague during this meeting.

OR,

As discussed, you have made some progress towards reaching the required performance standards but further improvement is still required. However, I believe that, with continued support and development, you have the potential to achieve the required performance standards and, therefore, I am extending the current Monitoring and Review Period until …………(insert date), following which you will be required to attend a further Stage 2 Formal Review Meeting

**APPEAL**

You have the right of appeal against a Final Written Warning issued by the Head Teacher, to a Panel of 3 governors, not previously involved in the case. If you wish to exercise this right, your appeal should be sent in writing to…………….(insert name the name of the person who confirmed the decision) within 10 working days of the date of this letter. You should state the grounds for your appeal which may be one or more of the following:

* Procedure – failure to follow the School’s Capability Policy and Procedure had a material effect on the decision
* Decision – the evidence did not support the conclusion of the hearing officer
* Warning – too severe given the circumstances of the case
* Alternative action – should (or should not) have been considered.

If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Line Manager or equivalent**

**Name and designation**

**Copy to:** Manager

Headteacher

 HR

 Chair of Governors and members of the committee

 Trade Union Representative/Work Colleague – ask employee first

# Appendix – 9

**STAGE 3 FORMAL CAPABILITY MEETING – INVITATION LETTER**

Address

Date

Dear

**STAGE 3 FORMAL CAPABILITY MEETING**

I am writing to confirm that following the Stage 2 Formal Capability Meeting held on ………………(insert date) and a further review period to assess your performance against the Performance Improvement Plan (PIP), there are continued concerns regarding your performance. In view of this, under the Capability Policy and Procedure (a copy of which has been provided to you), you are required to attend a Stage 3 Formal Capability Meeting as detailed below:

Venue: ……………………….

Date: ………………………. (Allow 5 working days notice)

Day: ……………………….

Time: ……………………….

The following performance issues that are causing concern that will be discussed are:

**Please Note**: *Performance issues for Teachers should be measured against the General Standards and the DFE’s detailed Teacher’s Standards comprising of 8 Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 8 within this toolkit.*

\*The Staff Dismissal Committee shall conduct the meeting/.The meeting shall be conducted by ……………(insert name and position) and a note taker will also be present. The purpose of the meeting is to establish the facts concerning your performance that are giving cause for concern. \*To enable you to prepare for the meeting, copies of the documents (e.g. PIP, notes of supervision meetings/lesson observations/examples of where work not met a satisfactory standard) that may be referred to are attached and listed below:

1. Document 1
2. Document 2 etc.

**Please Note*:*** *Any manager who has been directly involved in the events leading up to the formal capability action should not be involved at this stage but may appear as a witness.*

You have the right to be accompanied by a trade union representative or work colleague during this meeting. I have attached a copy of this letter and attached documentation for you to give to your trade union representative or work colleague.

\*The following witnesses shall attend the meeting:

1. Witness 1
2. Witness 2 etc.

\* Amend/delete as appropriate throughout.

I will confirm the outcome of the meeting to you, in writing, within 5 working days, as follows:

* That there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to address the remaining concerns through the appraisal process.
* That there has been insufficient improvement in your level of performance during the agreed monitoring period and as a result you may be dismissed on the grounds of capability.
* That a further monitoring and review period will be set to assess your performance.

Throughout the course of the capability process, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved, their trade union representative or work colleague.

You have already received a copy of the School’s Capability Policy and Procedure but if you require a further copy, please let me know.

If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Line Manager or equivalent**

**Name and Designation**

#

# Appendix – 10

**STAGE 3 FORMAL CAPABILITY MEETING – OUTCOME LETTER**

Address

Date

Dear

**STAGE 3 FORMAL CAPABILITY MEETING OUTCOME**

I am writing to inform you of \*my/the Staff Dismissal Committee’s decision following the formal capability meeting which I conducted on ………………………….(insert date and place) under the Capability Policy and Procedure for Schools. This meeting was also attended by ……………….(insert name) as note taker. You \*were/were not accompanied at the meeting by ……………(insert name) your trade union \*representative/work colleague.

The purpose of the meeting was to establish the facts concerning your performance that were giving cause for concern which are listed below:

**Please Note**: *Performance issues for teachers should be measured against the General Standards and the DFE’s detailed Teacher’s Standards comprising of 8 New Standards for teaching and Personal and Professional Conduct. For the full details please refer to Section 7 within this toolkit.*

\*I/the Staff Dismissal Committee carefully considered the performance issues, the supporting documentation, your response \*and the information provided by the witnesses before reaching my decision.

\* Amend/delete as appropriate throughout.

**In the next part of your letter:**

* Identify the professional shortcomings, for example which of the standards expected of teachers are not being met.
* For non teaching staff Identify areas of work where performance unsatisfactory

Having completed this process my decision is:

\*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 view of this the capability procedure has now ended.

OR,

\* That further investigation is needed and so the Stage 3 Formal Capability Meeting was adjourned. You are therefore required to attend a follow up Stage 3 Formal Capability with \*me/the Staff Dismissal Committee as detailed below:

Venue: ………………………..

Day: ……………………….

Date: ……………………….

Time ……………………….

You have the right to be accompanied by a trade union representative or work colleague during this meeting.

OR,

\*That some progress has been made and \*I/the Staff Dismissal Committee am confident that more is likely and so I have decided that it is appropriate to extend your Monitoring and Review Period until insert date. Your performance will be assessed against the Performance Improvement Plan that \*we/was agreed with ……………enter name. To enable your performance to be assessed you are required to attend a follow up Stage 3 Formal Capability Meeting with \*me/the Staff Dismissal Committee as detailed below:

Venue: ………………………..

Day: ………………………..

Date: ………………………..

Time: ………………………..

OR,

Having completed the Stage 3 Formal Capability Meeting \*my/ the Staff Dismissal Committee’s decision is that due to your unsatisfactory performance that it is appropriate to dismiss you on grounds of capability. Under your contract of employment you are entitled to ‘X’ weeks notice (specify number of weeks notice) and so your last day of employment is………….(insert date)

**APPEAL**

You have the right of appeal against a Final Written Warning issued by the Head Teacher, to a Panel of 3 governors, not previously involved in the case. If you wish to exercise this right, your appeal should be sent in writing to…………….(insert name the name of the person who confirmed the decision) within 10 working days of the date of this letter. You should state the grounds for your appeal which may be one or more of the following:

* Procedure – failure to follow the School’s Capability Policy and Procedure had a material effect on the decision
* Decision – the evidence did not support the conclusion of the hearing officer
* Warning – too severe given the circumstances of the case
* Alternative action – should (or should not) have been considered.
* If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Line Manager or equivalent**

**Name and designation**

**Copy to:** Headteacher

 HR

 Chair of Governors and members of the committee

 Trade Union Representative/Work Colleague – ask employee first

# Appendix – 11

**CAPABILITY APPEAL FORM**

**1. REGISTRATION OF APPEAL**

This form is to be used to appeal against the decision to issue a first or final written warning made by Head Teacher, or against the decision to dismiss made by Governors. Appeals against warnings will be considered by the Warning Appeal Committee comprising of 3 Governors not previously involved. Appeals against dismissal will be considered by the Staff Dismissal Appeals Committee comprising 3 Governors, not previously involved. If you wish to exercise this right you must complete and return this form within 10 days of receipt of the letter confirming the decision and you must supply detailed reasons for your appeal (your case statement).

This form should be submitted to the person named in the outcome letter of your Capability Meeting.

**Employee Details:**

|  |
| --- |
| Name (in full): |
| Post held: | School: |
| Contact Number(s): | Email Address: |

You are entitled to be represented by your trade union representative or work colleague at any stage of the formal procedure.

**Detail of TU Representative or Work Colleague supporting (if applicable):**

|  |  |
| --- | --- |
| Name: | Contact Number(s): |
| If a Trade Union provide details:  |
| Email Address: |

Please confirm, by ticking the relevant box(es) that you agree to your Trade Union or Work Colleague being contacted directly

* regarding arrangements for the Appeal Hearing to take place
* to receive all paperwork related to the case directly.

#### Capability Meeting Details:

|  |  |
| --- | --- |
| Name of Manager/Headteacher/Staff Dismissal Committee who made the decision: | Job Title: |
| Date of Capability Meeting: | Date Outcome Letter Received: |

I wish to register my appeal against the First Warning / Final Warning / Dismissal outcome of the above Capability Meeting.

**Signed ………………………………………………………. Date …………….…………….……….**

**2. GROUNDS FOR APPEAL**

You must provide detailed reasons, in writing, for your appeal (case statement) within 10 days of receiving written notification of the outcome of your Capability Meeting, to the person named in the outcome letter.

Please note: The Appeal is the final stage of the Capability procedure and there is no further appeal through Harrow Council’s internal procedures.

**Please identify whether your appeal relates to one or more of the following reasons – if so, please tick where relevant and provide further details below. If not, please provide full details of the reason(s). This documentation will form your case statement.**

**Continue on a separate sheet if necessary and attach any relevant information/evidence, as appropriate.**

|  |  |  |
| --- | --- | --- |
| Procedure - a failure to follow procedure has had a material effect on the decision. |  |  |
|  |  |
| Please supply details: |

|  |  |  |
| --- | --- | --- |
| Decision - the evidence did not support the conclusion reached by the Head Teacher / Staff Dismissal Committee |  |  |
|  |  |
| Please supply details: |

|  |  |  |
| --- | --- | --- |
| Sanction too severe given the circumstances of the case. |  |  |
|  |  |
| Please supply details: |

|  |  |  |
| --- | --- | --- |
| Alternative Action should (or should not) have been considered |  |  |
|  |  |
| Please supply details: |

# Appendix 12

**APPEAL - ACKNOWLEDGEMENT OF APPEAL LETTER**

Address

Date

Dear

**ACKNOWLEDGEMENT OF APPEAL UNDER THE CAPABILITY POLICY & PROCEDURE**

Dear

I am writing to confirm receipt of your Capability Appeal Form dated [date] against the decision to [issue you with a First / Final Warning or Dismiss you] following the stage [1/2/ 3] Formal Capability Meeting held on [date].

You will receive notification of the date, time, location and officers names of your Appeal Hearing within the next [number of] days.

If you have any queries in relation to your Appeal, please contact me on [telephone number].

Yours sincerely

**Line Manager/Headteacher/Chair of Staff Dismissal Committee**

**Copy to:** Headteacher

 Chair of Governors

 Manager

 HR

 Director of Children’s Services

# Appendix – 13

**APPEAL HEARING – INVITATION LETTER**

Address

Date

Dear

**NOTIFICATION OF APPEAL HEARING UNDER THE CAPABILITY POLICY AND PROCEDURE**

Further to the letter dated [date] confirming receipt of your Capability Appeal Form dated [date], I am writing to confirm that an Appeal Hearing has been arranged for you.

 The details of the appeal hearing are as follows:

\* Amend/delete as appropriate.

**Date:**

**Time:**

**Venue:**

The following ground(s) for appeal will be considered:

* ***Detail ground(s) for appeal in full***

EITHER,

Appeals against first and final warnings:

 \*The appeal will be heard by the Warning Appeal Committee comprising of 3 School Governors :…………***(insert the names of the School Governors)***, advised by ***insert name of HR support***. The management case will be presented by ***insert name*** supported by ***insert name.***

**OR**

Appeals against dismissal:

\*The appeal will be heard by the Staff Dismissal Appeal Committee comprising of the following 3 School Governors ………….. ***(insert the names of the School Governors)***, advised by ***insert name of HR support.*** The management *case* will be presented by ***insert name*** supported by ***insert name.***

You are entitled to be accompanied by your trade union representative or work colleague if you wish. I have enclosed a copy of this letter for you to forward to them, if required. I would be grateful if you can notify me of their name in advance of the meeting.

[If relevant: I confirm you have advised that those listed below will be called by you as your witnesses at the Appeal Hearing.

[Names & Job Titles]

[If relevant] The following management witnesses will be called to the hearing

 [Names & job titles].

[If not previously sent – must be sent 5 working days before the hearing] I enclose a copy of the Management Case Statement that will be presented at the Hearing by [name of manager].

Throughout the course of the Capability Policy and Procedure for schools, it is expected that all parties will maintain strict confidentiality and only discuss the case with those directly involved or their work colleague or trade union representative.

You have already been given a copy of the Capability Policy and Procedure for schools, which you should bring with you to the Appeal hearing. If you would like a further copy, please either let me know.

If you have any queries in relation to the Appeal Hearing, please contact me on [telephone number].

Yours sincerely

**Senior Manager/Headteacher /Staff Dismissal Committee**

**Copy to:** Headteacher

 Chair of Governors

 Manager

 HR

 Director of Children’s Services

#

# Appendix – 14

**APPEAL HEARING OUTCOME LETTER**

Address

Date

Dear

**OUTCOME OF APPEAL HEARING UNDER THE CAPABILITY POLICY & PROCDURE**

I write to confirm \*my/the \*Warning Appeal Committee’s/ Staff Dismissal Appeal Committee’s decision following the Appeal Hearing held on insert date in accordance with the Capability Policy and Procedure for Schools.

I chaired the appeal along die members of the appeal committee (name) and (name). You were/were not accompanied at the Appeal Hearing by ………………….your trade union representative/work colleague. This meeting was also attended by ……………….(insert name) as note taker.

The purpose was to consider your ground(s) of appeal against the decision resulting from the stage [1/2/ 3] Formal Capability Meeting held on ……….insert date to issue you with a final warning/dismissal notice. We considered the following ground(s) of appeal which you submitted:

* ***Insert full details of the ground(s) for appeal.***

The \*Warning Appeal Committee/Staff Dismissal Appeal Committee carefully considered the facts presented at your appeal hearing, including supporting documentation, before reaching the following conclusion(s):

1. That your appeal was not upheld and the decision made at the stage [1/2/ 3] Formal Capability Meeting on the …………insert date stands for the following reasons:

[List reasons here] ***State findings – be clear, brief and precise, outline any mitigating circumstances and say if and how they have been taken into account in the decision.***

OR,

1. That your appeal was upheld. On the evidence presented at the Appeal Hearing, it was found that [delete as necessary – reason must fall within one or more of the following categories]:
* There were procedural irregularities which may have prejudiced the decision;
* The Panel took into account and relied upon irrelevant evidence, facts or factors, which may have materially affected their decision;
* The Panel failed to take into account and reply upon relevant evidence, facts or factors, which may have materially effected their decision;
* Criticisms concerning the employee’s Performance concerns were not adequately investigated or sufficiently substantiated;
* New evidence or information has come to light;
* The Panel’s decision was unreasonable given the evidence and facts, mitigating circumstances including your length of service which were presented at the hearing.

This concludes the appeal process as there is no further right of appeal against the decision within the Capability Policy and Procedure for Schools.

If you find this process stressful and you may wish to contact the School Employee Assistance Programme on **0800 1116 387**

Yours sincerely

**Head teacher/ Chair of Warning Appeal Committee/Dismissal Appeal Committee**

**Name and Designation**

**Copy to:** Manager/Headteacher/Chair of Governors

 HR

 Trade Union/Work colleague