

Frithville Primary School  
*Federated with*  
New York Primary School

## Capability Policy and Procedure.

Policy approved by the **Governing Body**

Review in **Autumn 2019**

Signed on behalf of the **Governing Body** \_\_\_\_\_ Date \_\_\_\_\_  
presented to the Governors for approval.

The Governing Body is committed to the safeguarding of children and young people across the Federation and the wider community.

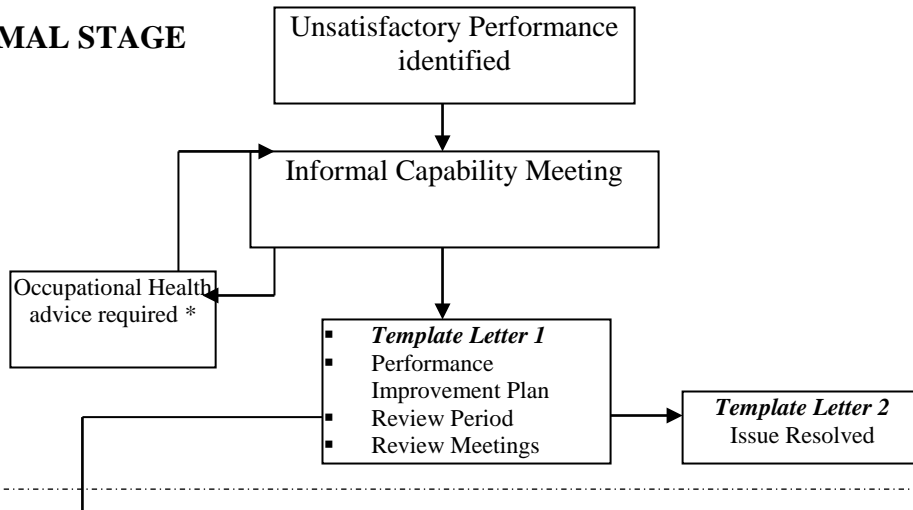
The Frithville and New York has adopted the Lincolnshire County Council Capability Policy and Procedure, **July 2018.**

### Contents:

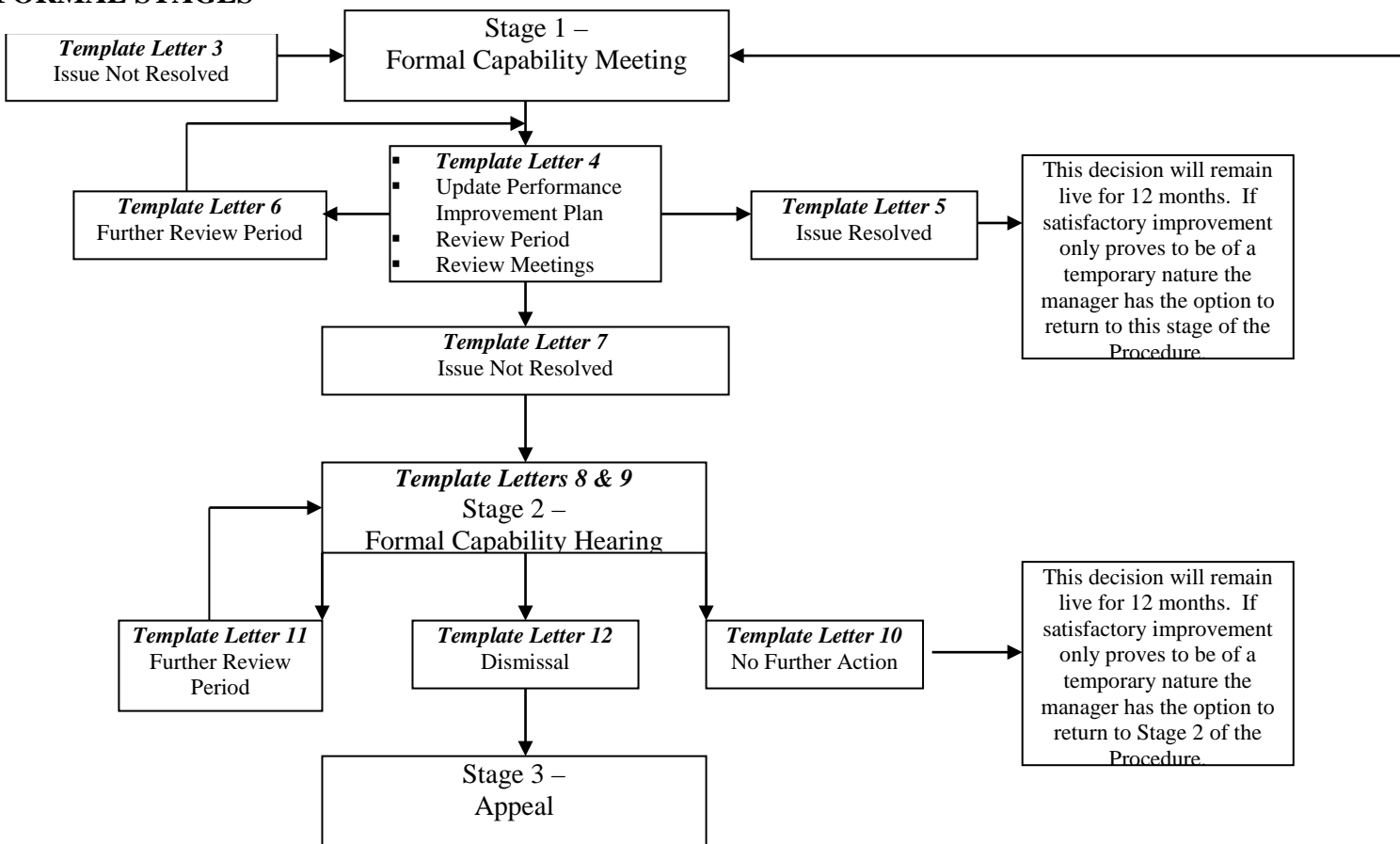
1. Capability Policy and Procedure – Employment Manual.
2. Appendix 1 – Actions and Flowchart.
3. Appendix 2 – Performance Improvement Plan
4. Appendix 3 – Formal Capability Hearing Procedure
5. Appendix 4 – Formal Capability Decision Record.

# APPENDIX 1 - ACTIONS FLOWCHART

## INFORMAL STAGE



## FORMAL STAGES



\* where an employee declines a referral to Occupational Health, the manager needs to explain that without such a report management decisions will be made using the information available to them.

Updated July 2013



## APPENDIX 2 - PERFORMANCE IMPROVEMENT PLAN

Date of review meetings 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_

Identified Areas of Performance Concerns	Targets for Performance (SMART)	Support/Training required	Timescale for tasks to be achieved	Progress against Targets

Signed

Employee \_\_\_\_\_ Date \_\_\_\_\_

Manager \_\_\_\_\_ Date \_\_\_\_\_

Updated March 2012

## APPENDIX 3 - STAGE 2 – FORMAL CAPABILITY HEARING PROCEDURE

Chairperson arranges for the parties to enter and to take designated seats.

Chairperson conducts introductions, explains the protocol for the hearing and responds to any initial procedural questions.

Chairperson reminds parties that electronic, audio or video recording by any device of the hearing will not be permitted.

However, where the nominated notetaker at meetings and/or hearings associated with the process feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

N.B. If the employee is unaccompanied, the Chairperson checks that he/she is happy to proceed without representation, and makes a note to that effect.

When directed by the Chairperson:

- management representative presents the management position in relation to the employee's unsatisfactory performance level, including all relevant performance statistics and the outcome of performance improvement plans to date
- employee/representative puts questions to the management representative
- panel members put questions to the management representative if they wish
- management representative calls in and questions any witnesses whose personal appearance has been requested by management
- employee/representative questions the management witnesses
- panel members question the management witnesses if they wish
- each management witness withdraws after his/her questioning has been completed
- employee/representative presents the employee's responses to the management position in relation to his/her capability and performance levels
- management representative puts questions to the employee/representative
- panel members put questions to the employee/representative if they wish
- employee/representative calls in and questions any witnesses whose personal appearance has been requested by the employee/representative
- management representative questions the employee witnesses
- panel members question the employee witnesses if they wish
- each employee witness withdraws after his/her questioning has been completed
- management representative summarises the management position
- employee/representative summarises the employee's position

- all parties withdraw
- N.B If the panel wishes to put further questions to either party, both parties will be recalled even if the question is to be directed at one party only. At no time should the panel be alone with either the employee/representative, or with the management representative. Chairperson makes a written summary of the decision and related action plans.
- All parties are recalled.
- Chairperson reads out the panel's decision and any related performance improvement plans and/or action plans. This is confirmed in writing to the employee.
- Chairperson brings the hearing to a prompt close, without further discussion or debate.

Updated July 2016

**STRICTLY CONFIDENTIAL**

**APPENDIX 4 - FORMAL CAPABILITY HEARING DECISION RECORD**

Name of Employee: \_\_\_\_\_

Date of Capability Hearing: \_\_\_\_\_

Name of Union Rep: \_\_\_\_\_

Names of Panel Members: \_\_\_\_\_

**DECISION OF THE PANEL**

The purpose of the hearing was to consider and seek your explanation in respect of the following concern(s)

Having taken into account all of the evidence presented at the hearing, the panels findings in relation to this/these concern(s) are:

The decision of the panel therefore is that:

You have the right to appeal against dismissal in accordance with the Appeals Policy.

Both you and your representative will receive written confirmation of the outcome of this hearing.

In order to assist you with significant and sustained improvement in these areas the following action points are to be implemented:

Signed: \_\_\_\_\_ Chair of Panel

Updated March 2012