**Summary of capability process**

**To be read in conjunction with PM 1 (SCC 017) - Model Procedure**

**Supporting documents can be obtained from Schools Choice HR team**

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| **Summary of process** | **Supporting documents** |
| **Normal Performance Management (5.1)**:* Positive and proactive feedback on performance - includes informal feedback, one-to-one meetings and performance reviews
* Where performance does not meet required standard, constructive feedback should include:
	+ Confirmation of the required standard
	+ The standard the employee is currently performing at
	+ An agreement of how the required standard will be achieved
	+ How and when performance will be reviewed
	+ The consequences if standards are not achieved.
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| **Informal Capability Meeting (5.3)*** Consider seeking advice from your HR provider before moving into this stage
* Ensure you set aside sufficient time to discuss with the employee in a confidential setting
* Even though performance concerns have been raised in the course of normal performance management, many employees are shocked to hear that the capability process is being applied. So, prepare your feedback thoroughly with examples and evidence to support your points; consider well-being support; advise employees they can seek support from their professional association.
* No right to be accompanied but may be helpful.
 | PM 2 (SCHRC 069) - Confirmation of advice and support offered under normal performance management PM 3 (SCHRC 070) - Example format for record of weekly review meetings  |
| **Before action under formal stages of the procedure is considered (5.3):*** Confirm in writing this will be considered if there is no improvement within the agreed review period and invite to a **meeting to discuss the evidence** in more detail
* Collate and summarise evidence - clearly indicating the support and advice offered to date and making a recommendation for one of the following:
	+ No further action, or
	+ Further support as part of normal performance management, or
	+ Formal action – move to Formal Stage 1 - first warning is confirmed
 | PM 4 (SCHRC 071) - Invite to meeting to consider evidence regarding performance and to advise possible outcome is first warning |
| **Formal Stage 1 Meeting (constitutes a ‘written warning’) (6.):*** About supporting the employee to meet the required standard against an agreed Development Plan:
	+ Normally at least 10 days’ notice of meeting
	+ Invitation in writing, detailing right to representation
	+ Confirms Formal Stage 1 constitutes a ‘written warning’
	+ Second part of this meeting seeks agreement on expected levels of performance, the objectives for the Development Pan, reasons the employee is not meeting expected standards, when review meetings will be held and any reasonable adjustments to be made under the Equality Act 2010. This meeting can take place at same time or soon after the formal meeting.
* Right of appeal, within 10 working days of date of letter issuing warning
* Letter confirming outcome of Formal Stage 1 meeting will include an invitation to a formal review meeting
 | PM 5 (SCHRC 072) – Outcome of meeting - notification of move to Formal Stage 1 (constituting a ‘written warning’) PM 6 (SCHRC 073) – Invite to formal meeting to consider performance and to advise possible outcome is final warning PM 7 (SCHRC 074) – Example format for Development Plan  |
| **Formal Stage 1 Review Meeting (6.3):*** Review of progress against the Development Plan
* Right to representation
* Possible outcomes:
	+ The required standard of performance has been met
	+ The required standard of performance has not been met or significant progress has not been made towards meeting the standards, in which case the employee will be progressed to Formal Stage 2 of the procedure (constituting a **‘Final Written Warning’**)
* Right of appeal, within 10 working days of letter confirming outcome of meeting
 | PM 8 (SCHRC 075) - Outcome of Formal Stage 1 Review MeetingAs necessary, includes notification of move to Formal Stage 2 (constituting a ‘final written warning’) and invite to Formal Stage 2 Decision Meeting |
| Legal advice MUST BE sought before the hearing meeting that could result in DISMISSAL or where any risks to the LA are identified**Formal Stage 2 – Decision Meeting (Hearing) (7.):*** Normally at least 10 days’ notice of meeting
* Invitation in writing, detailing right to representation
* Meeting follows “Procedure for a hearing”, Schedule 2 within the LMS Model Disciplinary Procedure
* Possible outcomes:
	+ The required standard of performance has been met -> managed under normal performance management
	+ The required standard of performance has not been met but it has been determined that the required standard can be met within a short period -> further review period
	+ The required standard of performance has not been met -> a decision will be made to dismiss
* Right of appeal, within 10 working days of letter confirming outcome of meeting
 | PM 9 (SCHRC 076) - Outcome of Formal Stage 2 Decision Meeting (Hearing)Follow SCHRC 135 Process for Dismissals and Issue of Termination Letters Local Authority Schools: Internal guidance |

Footnotes: In the main and for ease of use, the following template letters assume sequential progress through each stage of the capability procedure is required. Where improvements are achieved and this is not necessary, the template letters can be adapted accordingly, with the support of the Schools’ HR Team as necessary. If there is evidence within six months (for a first written warning) or within twelve months (for a final written warning) of the procedure ceasing that the employee has not sustained the level of performance required, the procedure may be resumed at any stage up to and including that stage previously reached. In exceptional circumstances, the school may proceed directly to the consideration of final written warning or dismissal, as appropriate (see 5.3 and 9).