Managing Unsatisfactory Performance and Capability Procedures

Model Letters

For Employees in LDBS Voluntary Aided Schools

Autumn 2021

1. Request to attend the first formal capability meeting

Sent by r/headteacher or line manager

Strictly Private & Confidential

Employee Name

ADDRESS

Date

Dear .........................

Re: Stage 1: First Formal Meeting Relating to Capability

You will be aware from our informal discussions over the past half term that I have a number of concerns about the standard of your performance as [ENTER ROLE HERE]. I need to meet with you to discuss the situation. The aim of the meeting is to agree strategies which will provide an opportunity for you, with appropriate counselling, support and training, to achieve the required standard of performance.

You may be accompanied by your trade union representative or a work colleague. Please notify me the day before the meeting of the name of any companion you may be bringing

The meeting will take place at [TIME] on [DATE] (*at least five clear school days' notice)* and be held in at [SCHOOL NAME]. This will be a formal meeting as set out in the governing body's capability procedure.

Yours sincerely

[TYPED NAME]

Line Manager/ SLT/ Headteacher/ Head of School

1. Outcome of first formal capability meeting

Sent by Headteacher/ or Line manager

Strictly Private & Confidential

Employee Name

ADDRESS

Date

Dear

Re: Stage 1: Outcome Of First Formal Capability Meeting

Thank you for attending the meeting on [ENTER DATE] where we discussed issues relating to your work performance

As I discussed with you, I am concerned about the standard of your work and your ability to [ENTER DETAILS ON THE AREAS IN WHICH THE EMPLOYEE HAS NOT MET THE REQUIRED PERFORMANCE STANDARDS]] ]. This is having a serious effect upon [your pupils' work and the delivery of the National Curriculum or effectiveness of the school].

Outcome Options

if the employee’s performance has been found to be unsatisfactory this could result in one of the following:

A change in working practices within the terms of reference of the employee’s responsibilities;

Referral to OHU for medical advice;

Relevant training;

Advice and support from within the school and also external expert advisers if appropriate;

Closer and supportive supervision for a fixed period;

If dismissal is a possibility, deciding whether there is likely to be any significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment;

Issuing a a first written warning in accordance with the School Capability Procedurewhich will remain on file for 12 months.

Targets for improvement (targets may be adjusted throughout the process until the required standard has been achieved)

Any measures which will be taken with a view to improving performance

A period for review

The consequences of failing to improve within the review period or further unsatisfactory performance

In order to help and support you in achieving improved performance we agreed some strategies. These are attached, together with details of the support you will be given. It was agreed at the meeting that your performance during the next four/ six weeks would be monitored, during which time it was hoped that there would be a marked improvement in your work performance.

I hope that any further action will not become necessary, and that your performance will improve. A meeting will be arranged at the end of this time to assess your performance and decide on future action.

I understand this may be an unsettling time and therefore if you would like clarification on any of the details in this letter or anything else around this subject, please do not hesitate to contact me as soon as possible to discuss.

Yours Sincerely,

Line Manager/ SLT/ Headteacher/ Head of School

encl.

1. Request to attend a review meeting

Sent by Executive headteacher/headteacher/ Head of School

Strictly Private & Confidential

Employee NAME

ADDRESS

Date

Dear .........................

Re: Stage 2/3: Review Meeting Relating To Capability

You will recall that, in Stage 1/ Stage 2 formal capability meeting on [ ENTER DATE] , I expressed my concern at your level of performance and you were issued with a first written warning in accordance with the School Capability Procedure. We agreed that your performance would be monitored against targets during a four / six\* week period, and it was hoped that there would be a marked improvement in your work performance.

However, my monitoring over the last four / six\* weeks has indicated insufficient improvement in [DETAIL AREAS OF CONCERN HERE], I now need to move to the next stage of the formal capability procedures.

The meeting will take place at [TIME] on [DATE *- at least 5 clear school working days' notice*] and be held in at [SCHOOL NAME].

You may be accompanied by a companion, who may be a member of a trade union or work colleague. Please notify me the day before the meeting of the name of any companion you may be bringing.

I shall be accompanied by [ENTER DETAILS HERE]. *[PLEASE Note: Headteacher needs to attend if the meeting is called by the Line Manager, and they will make the decision]. HR representation is also required.*

The meeting represents Stage 2 / 3 \* of the governing body's formal capability procedure. A copy of the procedure is enclosed with this letter for your information.

I understand this may be an unsettling time and therefore if you would like clarification on any of the details in this letter or anything else around this subject, please do not hesitate to contact me as soon as possible to discuss.

I would also like to let you know that www.educationsupport.org.uk provide advice and emotional support to all education staff and have a free, confidential helpline available on 08000 562 561.

Yours sincerely

Exec Headteacher/ Headteacher/Head of School

encl.

\* Delete as appropriate

4. Letter confirming outcome of review meeting relating to capability

Strictly Private & Confidential

Employee NAME

ADDRESS

Date

Dear .........................

Re: Stage 2/3: Confirmation of Improvement Plan/Final Warning\* Relating to Capability

Following the review meeting held on [ENTER DATE] attended by [ENTER DETAILS HERE], I write to confirm that you were given a performance improvement plan and a final written warning that your work must improve to a standard acceptable to the headteacher. [*Final warning only If targets are not met by the agreed date],*

I attach details of targets set for improving your performance, together with dates by which these are to be met, additional assistance and support to be given, the arrangements for conducting interim reviews and monitoring of progress.

A formal meeting to review progress made and any subsequent appropriate action will be held on [ENTER DATE].

I have to advise you that failure to achieve required standards could result in your job being at risk.

If you would like clarification on any of the details in this letter or anything else around this subject, please do not hesitate to contact me as soon as possible to discuss.

I would also like to let you know that www.educationsupport.org.uk provide advice and emotional support to all education staff and have a free, confidential helpline available on 08000 562 561.

Yours sincerely

Exec Headteacher/ Headteacher/Head of School

5. Request to attend capability hearing

Strictly Private & Confidential

NAME

ADDRESS

Date

Dear .........................

Re: Formal Capability Hearing With Governors

As a result of the outcome of earlier stages in the capability procedure I regret that it has become necessary for me to ask you to attend a formal capability hearing. The purpose of the hearing is to consider the progress you have made under the capability procedure and whether or not any action should be taken against you up to and including dismissal.

The hearing will take place on [DATE – AT LEAST 10 DAYS FROM THE DATE OF THE LETTER] at [PLACE] at [TIME]. A copy of the agenda for the hearing is enclosed, together with documents currently available. The hearing will be chaired by , will also be present and . A Human Resources representative will be present to support proceedings.

During the meeting you may be accompanied by a companion, who may be a member of a trade union, or work colleague. The Executive headteacher/headteacher will be accompanied by [NAME/DETAILS/ROLE HERE].

If you have any documents you wish to be considered at the hearing, please ensure that I receive copies as soon as possible and at least five clear school days before the hearing. Similarly, at least five clear school days before the hearing I will send you copies of the written documents which the headteacher will be presenting to the hearing.

The following information should be supplied to me as soon as possible and no later than five school days before the date of the hearing:

1. name of any companion who will be with you during the hearing;

2. any documents you wish to be considered;

3. names of any witnesses and copies of written statements detailing their evidence.

The Executive headteacher/headteacher will be calling the following witnesses to the hearing:

[ENTER NAMES HERE]

I would also like to let you know that www.educationsupport.org.uk provide advice and emotional support to all education staff and have a free, confidential helpline available on 08000 562 561

Yours sincerely

Clerk to Governors)

6: Letter stating outcome of capability hearing

Strictly Private & Confidential

EMPLOYEE NAME

ADDRESS

Date

Dear .........................

Re: Outcome Of Capability Hearing

I am writing to confirm the outcome of the formal capability hearing in relation to your performance in the workplace. [The outcome of the hearing will be notified to the employee in writing within 5 working days}

At the hearing you were accompanied by , the meeting was chaired by were also present. The minutes were taken by and a representative from Human Resources was present to support proceedings.

This meeting considered the following points:

Reason for meeting

Summary of concerns regarding capability:

The areas in which the employee has not met the required performance standards

Management view



Employee response

Capability Committee Findings

On the evidence presented to the capability committee, it was found that [ENTER DETAILED FINDINGS HERE].

The capability committee had the following reasons for reaching its decision [ENTER REASONS HERE WITH DETAILS].

Outcome Options

if the employee’s performance has been found to be unsatisfactory this could result in one of the following:

Giving a final written warning (where no final written warning is currently active)

Extending the final written warning and setting a further review period [DELETE [A copy of the targets with timescales is attached.] APPROPRIATE

[The consequence of failure to meet the agreed targets could be possible future dismissal.] \* (If this is a final written warning, notice must be given of possible future dismissal.) [DELETE AS APPROPRIATE].

Redeployment to another suitable job within the school.

Dismissal- where the panel are satisfied there has been insufficient progress and that all reasonable efforts to support the employee have been made

[PLEASE NOTE \*\*\* Schools are advised to ensure they have received LDBS HR and Legal advice before confirming a dismissal]

Dismissal with notice

Having reviewed all the evidence presented, the panel concluded to issue a dismissal with notice effective from the date of notification of this decision.

You are being dismissed on the grounds of your capability, Following the final written warning issued on , you were informed that any further instances of misconduct could result in further disciplinary action being instigated. This has resulted in a situation sufficiently serious enough to allow us to dismiss you.

You will be entitled to pay in lieu of your notice period.

You have the right to appeal against this decision. If you wish to appeal you must submit the grounds of your appeal to the Clerk to Governors by the [ENTER DATE HERE – 10 school days from the date of the letter] by either email to [ENTER ADDRESS HERE] or by post to [ENTER DETAILS HERE]. Any appeal will be heard by the Governing Body’s Appeal Committee.

Yours sincerely

*(typed name)*

Executive/Headteacher/Head of School/ Chair of the Disciplinary Panel

[DELETE AS APPROPRIATE]

7. Letter notifying an appeal hearing

Strictly Private & Confidential

Employee NAME

ADDRESS

Date

Dear .........................

Re: Formal Capability Appeal Committee Hearing

In response to your letter of [ENTER DATE] stating that you wish to appeal against the decision of the capability committee of the governing body notified to you on [ENTER DATE], I write to inform you that the appeal hearing will be held at [ENTER TIME] on [ENTER DATE] and be in [ENTER LOCATION]. The hearing will be chaired by , will also be present and . A Human Resources representative will be present to support proceedings. [*The appeal committee shall normally meet within 15 school days of receipt of the written notice of appeal.*]

During the meeting you may be accompanied by a companion, who may be a member of a trade union, or work colleague. The school will be represented by [ENTER NAME], chair of first committee and the headteacher accompanied by [ENTER NAME & ROLE].

I enclose an index of the documents to be presented to the appeal committee. This index lists all the documents which were considered by the capability committee and new documents which the school intends to present to the appeal committee. I enclose copies of all the documents. The school will be calling the following witnesses to the hearing [ENTER NAMES HERE]*.*

If you wish to submit any new papers, please supply the following information as soon as possible and no later than five school days before the date of the hearing:

1. name of any companion who will be with you during the hearing;

2. any new written evidence or relevant documents you wish to be considered;

3. names of all witnesses you intend to call together with copies of any new statements.

Yours sincerely

Clerk to Governors

1. Notification of outcome of Appeal Hearing

Strictly Private & Confidential

NAME

ADDRESS

Date

Dear

Outcome Of Capability Appeal Hearing

Following the Appeal Hearing held on [DATE HERE]*,* I write to inform you of the outcome of the meeting. On the evidence presented to the Appeals Panel, it was decided that:

*Select wording as appropriate:*

(a) the decision made by the Committee/Exec Headteacher (delete as appropriate) at the Capability Hearing is upheld and your dismissal is confirmed

or

(b) the Appeal Panel decided not to uphold the decision of the Committee/Exec Headteacher at the Capability Hearing. [Enter new decision]

[PLEASE NOTE \*\*\* Schools are advised to ensure they have received LDBS HR/ Legal advice before confirming a dismissal]

The committee considered the evidence presented to the hearing and had the following reasons for reaching its decision [ENTER COMMITTEE FINDINGS HERE].

The decision of the Appeals Panel is final.

Yours sincerely

Exec Head teacher/ Chair of Appeal Committee

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