

Date Adopted:



City of
Stoke-on-Trent

Support Staff Capability Procedure

For School based Support staff

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N.B For the purposes of clarity, references to;

- Governing Body may mean Board of Directors
- Governors may mean Directors and/or Local Academy Representatives (In accordance with the relevant Scheme of Delegation of Authority).

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Glossary:

This procedure applies to school based support staff. Unless otherwise indicated the following terms are interchangeable:

Headteacher – applies to Headteacher or Line Manager

Governors – applies to members of the schools Governing Body

Appeal Governors – applies to members of the schools Governing Body

Capability Procedure

1.0 Introduction

1.1 This procedure has been adopted by the Governing Body of _____ School on _____ (date) for the purposes of managing capability of support staff.

2.0 Purpose

2.1 The purpose of the Capability Procedure is to improve performance through support and monitoring and applies where concerns have been raised about employee's performance which has not been able to be rectified during the Appraisal Process.

2.2 This procedure details arrangements which will apply when Support Staff have not been able to achieve the objectives set in the appraisal process at the level expected of them. It provides a framework to support those employees in such cases to improve performance.

2.3 This procedure is not intended to address issues of willful under-performance; these cases should be addressed using the Disciplinary Procedure, nor should it be applied to cases of unsatisfactory performance due to absence which should be dealt with using the Supporting Attendance Policy.

3.0 Principles

3.1 If sickness absence appears to have been triggered by the commencement of this procedure, the case will be dealt with in accordance with the Supporting Attendance policy and the employee will be referred immediately to Occupational health service.

3.2 All formal capability meetings will be arranged with a minimum of 5 working days' notice in writing and with the right to be accompanied by either a Trade Union Representative or colleague. A record will be kept of all formal meetings.

4.0 Overview

4.1 It is expected that the Formal Capability process will take no more than twelve working weeks however each review period should be no less than four weeks to allow time for improvements to be made. An overview of the process and timescales can be found in appendix 5.

4.2 A stress risk assessment (found in appendix 1) should be completed on commencement of formal Capability procedures and is revisited as necessary throughout the monitoring and review process.

6.0 Informal stage

5.1 If concerns with an employee's role become apparent, the informal stage of this procedure will commence. This should take the form of a confidential discussion to encourage the employee to identify problems or constraints which are preventing them from carrying out their duties to the required standard, and to check the person's understanding of their job.

5.2 Where inadequate training or instruction; faulty systems or inadequate equipment; difficult working conditions (environmental or work related); or lack of support from colleague(s) are identified as being the underlying cause(s) of poor performance, the Headteacher or nominated member of the Senior Leadership Team, must take appropriate measures to redress the situation, in conjunction with the employee if appropriate.

5.3 The main points of the discussion should be documented, to clarify the required standards and detail the areas of concern, indicate specific performance objectives, the dates on which any action was taken (for example dates any training took place; new equipment was installed etc.), and a timescale for review, to help the employee to perform their duties to the required standard. The length of this period should be proportionate to the required improvements but should not exceed six weeks. This should be agreed and confirmed in writing to the employee. The Performance Improvement and Support Plan template can be found at appendix 5

5.4 At an appropriate point of the informal review period, performance targets should be assessed and discussed. Where sufficient improvement has been made, the initial stage will come to a satisfactory conclusion and the employee will be informed of this, in writing. Should there be a requirement to continue to monitor performance for a longer period on an informal basis, to ensure that improvement can be sustained, this should also be discussed and confirmed to the employee in writing.

5.5 Where there has been little or no improvement and there is no acceptable reason for this, it will be necessary to commence Formal stage of this Procedure. If it is intended to progress an employee to the Formal Stage, the employee must be advised of this in writing. This written confirmation should set out the concerns about the employee's performance, the reasons for those concerns and should also include a summary of the informal discussions that have taken place thus far, along with any action that has already been taken. Although, where possible, the emphasis must remain one of encouragement and assistance, the letter should also ensure that the employee understands that continued poor performance could result in dismissal. It is advisable to contact HR for guidance before commencing a Formal stage.

6.0 Notification of Formal Capability Meeting

6.1 As with all Formal Meetings held under this procedure, at least five working days' notice will be given in writing of a Formal Capability meeting. This will contain sufficient information regarding the concerns about performance, copies of evidence of these concerns and their possible consequences, to enable the employee to prepare.

6.2 Prior to the Formal Capability meeting it is suggested that Headteachers contact HR, who will be able to offer advice and attend the meeting, if required.

6.3 At all meetings the employee may be accompanied by either a trade union representative or a work colleague and should be encouraged to seek support.

7.0 Formal capability meeting

7.1 This meeting will be conducted by the Headteacher or formally nominated member of the Senior Leadership Team.

7.2 During the meeting a discussion should take place between the employee and Headteacher regarding the performance concerns and the employee should be given the opportunity to respond. This may provide new information or a different context to the information/evidence already collected.

7.3 Once all representations have been heard an adjournment will follow to allow the person conducting the meeting to consider the information presented and make a decision on how the case will progress.

7.4 The person conducting the meeting has four options:

- 1) To conclude that there are insufficient grounds for pursuing the formal capability stage and that it would be more appropriate to continue to address the remaining concerns through the informal process. A further meeting may then be arranged to reassess objectives and timescales.
- 2) To choose to suspend the meeting to gather more information in light of the employee's response or to give more time to consider the information. In this case a date for the reconvened meeting should be agreed as soon as possible, but no longer than 10 working days after the original meeting.
- 3) To decide that there is a need to instigate the Formal Capability Process. The Formal Capability meeting will continue following the format at appendix 2 and seek to agree a Performance Improvement Plan (template found in appendix 5); if agreement on this is not possible the person conducting the meeting will determine the content of the plan.
- 4) To decide that there is a need to instigate the Formal Capability Process. However, if issues raised are so serious that the matter will proceed to the Final Formal stage of the procedure. As this is formal action, it is recommended that the advice of HR is sought prior to this action. Where this is the case, the meeting format at appendix 4 should then be followed and should seek to agree an appropriate Performance Improvement Plan, (template found in appendix 5) where agreement is not possible the person conducting the meeting will determine the content of the plan.

7.5 Where a performance improvement plan is established under the formal stage capability process, a review period should be determined. This will usually be a period of 6 weeks at this stage.

7.6 The outcome of this meeting will be confirmed in writing within 5 working days. This letter will also inform the employee of the matters covered during the meeting, (and where appropriate) a copy of the Performance Improvement Plan, details of the timescales and the review stage. A template letter can be found in appendix 3.

8.0 Monitoring and review period following a formal capability meeting

8.1 A performance monitoring and review period will follow the formal capability meeting, in line with the timescales outlined and will reflect the complexity and number of objectives set in the Performance Improvement Plan. Formal monitoring, evaluation, guidance and support will continue during this period.

9.0 Formal review meeting – end of 6 week period

9.1 On conclusion of the monitoring and review period the employee will be invited to a formal review meeting to review their progress and improvement. Appendix 6 details the points to be addressed during this meeting. If the employee was initially placed on the final formal stage due to serious concerns, they will be invited to a Final Review meeting, refer to point 10.

9.2 After reviewing the progress made against the previously agreed targets, a decision should be made as to whether sufficient improvement has been made. There are two possible outcomes:

- 1) If the reviewer is satisfied that the employee has met the targets set out in the Performance Improvement Plan, the capability procedure will cease and the appraisal process will re-start, it may be necessary at this stage to revisit the original appraisal objectives. This decision should be confirmed in writing (appendix 7)
- 2) If the targets in the Performance Improvement Plan have not been met during the monitoring and review period, the employee will proceed to the final formal of the capability procedure.

9.3 Where the matter is subject to final formal stage of the procedure, the employee will receive written information about the further monitoring and review period and informed in writing that failure to meet the Performance Improvement Plan, within the set timescale, may result in dismissal. This monitoring period should be determined with consideration to the targets set in the Performance Improvement Plan. This should be a minimum of four weeks to allow sufficient time for improvements to be made.

10.0 Final Formal monitoring and Review Period

10.1 Following the final monitoring and review period, a final review meeting will be held, employees should be given 5 working days' notice of this meeting along with the right to be accompanied at the meeting by a Trade Union Representative or a work colleague.

10.2 This meeting will follow the format for the Formal Review meeting as described in appendix 7.

10.3 After reviewing the progress made against the previously agreed targets, a decision should be made as to whether the Performance Improvement Plan targets have been met. There are two possible outcomes:

- 1) If Performance Improvement Plan targets have been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. This decision must be confirmed in writing.
- 2) If Performance Improvement Plan targets have not been met the matter will be referred to the Governing Body for a decision to be made on whether the employee should be dismissed on the grounds of Capability.

10.4 The outcome of this meeting will be confirmed in writing within 5 working days.

11.0 Decision Meeting

11.1 The employee will be given a minimum of ten working days' notice of the decision meeting and will be given copies of any documentary evidence to be referred to during the decision meeting where possible ten days prior to the meeting. Employees should be informed that any documentation they wish to refer to during the meeting should be sent to the Chair of the decision meeting panel no later than two working days before the meeting.

11.2 The decision meeting panel should consist of three members of the governing body, one of whom will act as chair to the meeting. The meeting should follow the format in appendix 8.

11.3 There are three potential outcomes for the decision meeting:

- 1) That the panel determine that performance of the employee, in relation to the targets stated in the Performance Improvement Plan, have been met, therefore the employee should remain in post and the normal appraisal process will resume.
- 2) That the panel determine that performance of the employee, in relation to the targets stated in the Performance Improvement Plan have not been met due to exceptional circumstances and as such progress toward meeting those targets will be reviewed again after an agreed period.

- 3) That the panel determine that the employee has failed to make sufficient improvement in relation to the targets set in the Performance Improvement Plan and that the employee should be dismissed.

11.4 Within five working days of the decision meeting, an employee will be informed in writing of the outcome. If a decision to dismiss has been taken, the employee will receive appropriate contractual notice.

12.0 Appeal

12.1 An employee has the right of Appeal against their dismissal. Any appeal should be in writing to the Chair of Governors within ten working days of receiving the letter confirming the decision to dismiss, clearly stating the grounds for appeal.

12.2 Appeals will be heard without unreasonable delay and will be heard by three Governors who have not previously been involved in the case. The meeting will take the format as describe in appendix 9.

12.3 The employee will be informed in writing of the outcome of the appeal hearing within ten working days

12.4 Any decision made as a result of the appeal will be deemed final.

13.0 Absence during the capability process

13.1 Where an employee is absent during the capability process the Performance Improvement Plan will recommence from the same point, ie. the process will not restart. Consideration will be given to absence due to exceptional circumstances.

13.2 If an employee returns after a period of absence on a phased return as advised by Occupational Health, it may be appropriate to consider whether the process should be recommenced during a phased return.

13.3 If the absence commences at the end of the support plan but prior to a review meeting being held, it may be appropriate, subject to sufficient evidence being available, to conclude the process.

14.0 Probationary periods

14.1 New entrants to local government service are subject to a six month probationary period, where an Academy has alternative probationary arrangements, these will apply.

14.2 Continuous assessment will be undertaken during this period, and it is the Manager's responsibility to ensure an employee is suitable for the post. A formal probationary review should be carried out once the employee has completed 3 months service and again at 5 months.

14.3 If performance is not to the required standard, a meeting must take place promptly to discuss the matter with the employee and give sufficient time to address any specific problems before the probationary period expires.

14.4 Where it is apparent that an employee may not successfully complete their probationary period, the Manager should explore the reasons with them, and provide guidance and counselling, in accordance with this procedure, while considering the following:

- (i) extending the probationary period for up to a further six months ie in cases where someone is simply having difficulties in settling into their new job or environment
- (ii) terminating the contract of employment

14.5 Where dismissal takes place within the probationary period the employee has the right of appeal, in accordance with paragraph 12.0

Appendix 1 – Generic Stress Risk Assessment: Capability Procedures in schools

SCHOOL: EMPLOYEE: JOB TITLE: SIGNATURE (EMPLOYEE):			NAME OF ASSESSOR/LINE MGR: JOB TITLE: DATE OF ASSESSMENT: SIGNATURE (ASSESSOR):		<i>Once the Risk Assessment is complete a copy should be placed on the employee's Personal File. A copy should also be sent to the employee & their union representative.</i>
N o.	Potential Hazards	Who is affected?	Control Measures to Eliminate / Minimise the Risk	Further Action Required?	
1	DEMANDS Feeling that capability procedure is an added and excessive demand. Feeling that the targets are unachievable, feels they are being set up to fail. <hr/> Extra demands of arranging/providing support, observing/monitoring etc. <hr/> Feeling under pressure to meet targets/deadlines, feeling that the workload is excessive. <hr/> Feeling that resources are insufficient, or the environment unsuitable, to meet targets.	Employee/colleagues Employee <hr/> Headteacher/Line Manager/Colleagues providing support/Mentor (where app.) <hr/> Employee/Mentor/Line manager <hr/> Employee/Mentor/Line manager	Ensure targets are agreed (wherever possible) through discussion with the employee. Targets must be reasonable, in line with expectations of the post/grade. Encourage the employee to talk to the Headteacher at an early stage if they have concerns about the agreed targets. <hr/> Colleagues providing support should agree when and for how long support is to be provided. The Headteacher may delegate observation and monitoring duties as appropriate to minimise impact on workload (with the consent of the staff member being observed). If a mentor is provided they must be carefully selected to ensure they have sufficient capacity. Specific time should be set aside for mentoring duties. Headteacher is aware of support available from HR, LA Advisors, SIP, etc. <hr/> Regular discussions regarding workload should take place between the employee and their line manager or mentor, including; volume of work, deadlines, hours worked, breaks taken etc. <hr/> The employee should report immediately any concerns regarding resources or the environment to the Headteacher.		

2	CONTROL The employee feels they have no say in how the capability process is managed, e.g. how many/when observations are carried out.	Employee	Discuss and agree (wherever possible) with the employee in the meeting exactly how performance will be monitored. Where appropriate agree in advance when and how observation/monitoring will take place.	
	Feeling that have no say in what targets are set or the associated deadlines.	Employee	See No. 1.	
3	SUPPORT Lack of knowledge of available support and how to access it.	Employee/Headteacher/ Line Manager/Mentor	Ensure support is thoroughly discussed in meetings, formal or informal. Headteachers, managers and mentors should ensure they are aware of support options through speaking to HR and LA Advisors. Information about counselling services and other pastoral support options should be provided early in the process.	
	Concern that the support provided/planned is not sufficient to enable satisfactory improvement.	Employee	The employee should be made aware of the process for raising concern about the support provided. This would normally be through the line manager or Headteacher.	
	Not made aware of how progressing against targets.	Employee	The employee should receive regular feedback from all involved in monitoring performance.	
	Feeling isolated and self-conscious, may result in low self-esteem.	Employee	Knows how to use mentor and access support from Dove and Occupational Health. Aware of other support, e.g. Union.	
4	RELATIONSHIPS The employee feels bullied and/or harassed and this impacts on performance.	Employee/Colleagues	Policies are in place to address unacceptable behaviour which staff are aware of.	

5	ROLE Feeling that expectations are unclear or unrealistic.	Employee	See No. 1. Also hold regular one-to-one meetings to discuss progress against the targets and to offer additional clarification.	
	Unclear about their role and responsibilities, potentially conflicting roles.	Headteacher/ Line Manager/Mentor	Clarification should be provided at the start of the process as to responsibilities to support, observe, monitor etc. Clear parameters must exist between, for example, the role of Mentor and Reviewer. Further advice should be sought from HR.	
6	CHANGE Unsure about how capability procedure changes daily work.	Employee / colleagues	Clarification about role and targets should be provided at informal and formal meetings. If any duties are changed this must be made clear.	
	No influence over these changes.	Employee	See No. 2.	
	Unsure of timing of procedure and of potential future impact.	Employee	Copy of the policy provided at early stage. Timings and potential impact should be discussed in all informal and formal meetings.	
	Negative perception of the capability process.	Employee	The employee is made aware that the capability procedure is a supportive process aimed at helping them improve. They are provided with a copy of the policy at an early stage.	

Appendix 2 - Guidance Note: Conducting a Formal Capability Meeting

- Advise the employee of nature of the meeting and that they have the right to be represented.
- Ensure the employee is provided with a copy of this policy, if not already provided.
- Give clear feedback to the employee about the nature and seriousness of the concerns
- Ensure the employee has the opportunity to respond, provide reasons/explanation etc for the performance shortfall.
- Ask the employee if there are any underlying issues that may impact on performance, e.g. health, issues outside work etc. If health is a concern advise the employee that you will arrange an appointment with Occupational Health.
- On hearing all representations either party may request an adjournment to consider information presented (refer to 13.4, Part B). Following this there are four options:
 - 1) *To conclude there are insufficient grounds to pursue formal capability and therefore cease resume support under the informal process*
 - 2) *Suspend the meeting to gather more information*
 - 3) *To instigate Formal Capability follow this format of remainder of meeting.*
 - 4) *To instigate Formal Capability however due to seriousness of concerns, instigate the Final Formalstage. Refer to Appendix 9 for format of remainder of meeting.*

If continuing Formal Capability:

- Advise the employee that the formal capability process has commenced and that this will be confirmed in writing.
-
- Agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns, performance measures and timescales. Agree interim review meetings if appropriate.
- Advise the employee that they may seek support from Dove (staff counselling service), or their trade union.

- Advise the employee that if performance doesn't meet the required level within the review period, the matter may proceed to the next stage of the procedure and that ultimately the Capability process can lead to dismissal.

Appendix 3 – Outcome of Formal/Final Formal Capability Meeting Letter

Your reference

Our reference Letter – outcome of formal meeting

Date

[Name]

[Address]

Dear XXXX,

Outcome of *Formal/Final Formal* Capability Meeting

Thank you for attending the meeting on XXX at which you *chose/chose not* to be accompanied by your Union representative XXXX to discuss your performance. This meeting was held in accordance with the Capability Procedure.

At the meeting I explained to you that the purpose of the meeting was to discuss concerns regarding your performance and to hear your responses in relation to these.

During the meeting I explained that *(insert details of concerns and evidence)*. You were given the opportunity to respond to these, you explained that *(insert details of response)*.

Having considered the points raised I concluded that: *(delete as appropriate)*

- a) *That whilst there are issues with aspects of your performance, it would be more appropriate to address these concerns through the informal process. A further meeting will be arranged to reassess your objectives.*
- b) *The meeting should be suspended to allow time to collect/consider further information. (insert details of reconvened meeting)*
- c) *That significant performances concerns exist and as such it is appropriate to continue with the Capability process as such you were advised that Formal capability has commenced*
- d) *That performance concerns exist which are serious in their nature, as such it is appropriate to continue with the Capability process as such you were informed that the matter has progressed the final formal stage of the procedure*

In light of this decision I then explained you will be subject to a monitoring period of XX weeks (minimum 4) and discussed the Performance Improvement plan with you to highlight your targets, measures and agreed support. (insert summary of agreed plan). A copy of the revised plan is enclosed.

Following this period you will be reviewed again. Failure to make sufficient improvements during this review period will result in the matter being progressed to the final formal stage of the procedure / your case being referred to Governors for a decision to be made on your ongoing employment.

I am sorry that this has become necessary however I would encourage you to contact me should you need any clarification on the issues raised or require additional support and hope that you will be able to make and sustain the necessary improvements.

Yours sincerely

Name

Designation

Name@stoke.gov.uk

telephone 01782 23(ext)

Appendix 4 - Guidance Note: Conducting a Final Formal Meeting

- Advise the member of staff of nature of the meeting and that they have the right to be represented.
- Ensure the member of staff is provided with a copy of policy, if not already provided.
- Highlight clearly the specific areas of performance that are causing concern, and discuss the evidence of this.
- Ensure the member of staff has the opportunity to respond, provide reasons/explanations for the performance shortfall
- Ask the staff member if there are any underlying issues that may impact on performance, e.g. health, issues outside work etc. If health is a concern advise the member of staff that you will arrange an appointment with Occupational Health
- Advise the staff member that the matter is being progressed to the final formal stage in the procedure, and that this will be confirmed in writing.
- Advise the staff member that they have the right of appeal against the Final Formal Warning, and that details of the appeal process will be confirmed to them in writing.
- Advise the staff member that Performance Management under the PM policy is suspended pending the outcome of the informal capability procedures.
- Agree any support (eg coaching, mentoring, structured observations), that will be provided to help address those specific concerns, performance measures and timescales. Agree interim review meetings if appropriate
- Discuss the generic stress risk assessment with the staff member (see Appendix 2). Ask the employee if there are any additional actions that can be taken to support them and to help minimise stress. Record these in the additional information column.
- Advise the staff member that they may seek support from Dove service (staff counselling service), or their trade union.
- Agree a date for review against the targets, minimum of four weeks.
- Advise the staff member that if performance doesn't meet the required level within the review period then the matter may be referred to the Governors with a recommendation for their dismissal.

Appendix 5 – Performance Improvement and Support Plan

To be used in conjunction with the Capability Procedure

Target	Measured by	Support e.g. training, supervision, mentoring etc	Date to be achieved by/ Review Date

Once completed, a copy of the agreed Plan should be sent to the employee with a copy to their representative.

Appendix 6 - Guidance Note: Conducting a Formal Capability Review

- Advise the staff member that this meeting is a Formal Review under the Capability policy, and that they have the right to be represented.
- The Headteacher should present evidence regarding the staff member's performance against the targets specified in the Formal Capability Meeting.
- The staff member should be asked for their opinion regarding their performance against the targets.
- The staff member should be asked if there are any underlying reasons, health, etc, that should be taken into consideration.
- The Headteacher should adjourn the meeting at this point to consider the evidence.
- If the staff member has achieved the targets, and the Headteacher believes this can be sustained, they should be advised that the Capability process is finishing and they should be encouraged to maintain this level of performance. A discussion may take place regarding phasing out of any support.
- A discussion should take place around the re-commencing of normal Appraisal process, and an addendum may need to be made to the Performance Management statement detailing any revision of targets etc.
- If the staff member has not achieved the targets they should be advised that the matter is being progressed to the final formal stage in the procedure which will be confirmed in writing.
- Revisit performance development plan, revise as appropriate and set new targets, measures and timescales as necessary.
- Explain that failure to make improvement after this review period will result in case being referred to Governors for a Decision Meeting.

Appendix 7 – Letter following Formal/Final Formal Review Meeting

Your reference

Our reference Letter – improvement made following capability

Date

[Name]

[Address]

Dear XXXX,

Outcome of Meeting – (*Formal/Final Formal*) Capability Review

Thank you for attending the meeting on XXX at which you *chose/chose not* to be accompanied by your Union representative XXXX to discuss your performance. This meeting was held in accordance with the Capability Procedure.

At the meeting I explained to you that the purpose of the meeting was to review the progress since our *initial meeting/first formal* review meeting that took place on XXXX. At this meeting an action plan of specific performance targets was provided to you in order to help you address those issues and enable you to perform to the required standards.

We reviewed those targets as set out within the agreed action plan which are summarised below;

i. Insert summary of performance improvement support plan

You responded to the review stating xxxxxxxx (*insert summary of response*)

Following consideration of the points raised I concluded that (*delete as appropriate*)

a) That you have made sufficient improvement over the review period, as such the Capability process will now end and you will resume the usual Appraisal Process. As discussed in the meeting any remaining issues (insert detail of issues) will now be addressed using additional objectives and support in the Appraisal Process.

It is important however that these improvements are sustained, failure to sustain the required level of performance may result in you re-entering the Capability Process.

b) That you have made insufficient/no progress against the agreed targets, as such The matter will be dealt with via the final formal stage of the procedure

In light of this decision I then explained you will be subject to a further monitoring period of XX weeks (minimum 4). During this period you will receive the support as agreed in your revised Performance Improvement Plan and will be assessed against the agreed targets. A copy of the revised plan is enclosed.

Following this period you will be reviewed again. Failure to make sufficient improvements during this review period will result in your case being referred to Governors for a decision to be made on your ongoing employment.

c) That you have made little/no improvement against agreed targets. Your case will now be referred to Governors for a decision to be made on your ongoing employment. You will receive a letter inviting you to this meeting in due course.

(Delete as appropriate)

I am pleased that you have been able to make these improvements and hope that you will be able to sustain these and develop further. Should you require any ongoing support please do not hesitate to contact me.

I am sorry that this has become necessary however I would encourage you to contact me should you need any clarification on the issues raised or require additional support and hope that you will be able to make and sustain the necessary improvements.

Yours sincerely

Name

Designation

Name@stoke.gov.uk

telephone 01782 23(ext)

Appendix 8 - Meeting to consider dismissal on the grounds of capability

1. Introduction by Chairperson; explanation of procedure.
2. The Headteacher should present the case for dismissal.
3. Employee (or representative) may ask questions of Headteacher.
4. The Chairperson/Committee members and Director's representative may ask questions of the Headteacher.
5. Headteacher to call witness(es) if applicable.
6. Employee (or representative) may ask questions of Headteacher's witness(es).
7. The Chairperson/Committee members and Director's representative may ask questions of the Headteacher's witness(es).
8. Employee (or representative) should present his/her case.
9. The Headteacher may ask questions of the employee (or representative).
10. The Chairperson/Committee members and Director's representative may ask questions of the employee (or representative) and ask further questions of the Headteacher regarding the case made on behalf of the employee.
11. Employee (or representative) to call witness(es) if applicable.
12. The Headteacher/Investigating Officer may ask questions of the employee's witness(es).
13. The Chairperson/Committee members and Director's representative may ask questions of the employee's witness(es).
14. Headteacher to sum up case.
15. The employee (or representative) to sum up case.
16. Parties to retire; the Director's representative may remain with the Chairperson/Committee to offer advice. The Chairperson/committee to consider the cases presented. The Chairperson will notify the parties of their decision. This may be conveyed at the conclusion of the hearing but will in any case be confirmed in writing, with information on any further appeal rights where appropriate.

This procedure may be varied by agreement with all the parties.

Appendix 9 - Guidance note:
Meeting to hear an appeal against a formal (or final formal) warning, dismissal
on the grounds of capability

1. Introductions by Chair: explanation of procedure.
2. Appellant or representative to state his/her grounds for appeal.
3. First Committee representative/Headteacher may ask questions of appellant.
4. Appeals Committee members/Director's representative may ask questions of the appellant.
5. Appellant to call witness(es) (if applicable)
6. First Committee representative/Headteacher may ask questions of appellant's witness(es)
7. Appeals Committee members/Director's representative may ask questions of the appellant's witness(es).
8. First Committee representative/Headteacher to state the school's case.
9. Appellant (or representative) may ask questions of First Committee representative/Headteacher.
10. Appeals Committee members/Director's representative may ask questions of First Committee representative/Headteacher.
11. First Committee representative/Headteacher to call witness (es) (if applicable)
12. Appellant (or representative) may ask questions of First Committee representative/Headteacher's witness (es) (if applicable)
13. Appeals Committee members/Director's representative may ask questions of school's witness(es) (if applicable).
14. First Committee representative/Headteacher to sum up case. *
15. Appellant (or representative) to sum up case. *
16. Parties to retire. Director's representative may remain with the Appeals Committee to offer advice.

* N.B. New evidence or material must not be allowed at this stage.

Appeals Committee to consider the case and notify the parties of their decision. This may be conveyed at the conclusion of the Appeal hearing and then confirmed in writing or confirmed in writing at a later date by the Committee.

This procedure may be varied by agreement of all the parties