



Federation of St Mary's Priory Catholic Infant and Junior Schools
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'where great lives begin'

CATHOLIC SCHOOL CAPABILITY POLICY AND PROCEDURE
TEMPLATE LETTERS October 2016

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NOTES TO USER:

You must either complete or delete information which is highlighted in yellow in these template letters before sending to the employee. Please ensure that you remove the note on letter 6 regarding the power to terminate employment *before* it is sent to the employee.

1. LETTER – INVITE TO FIRST CAPABILITY MEETING

Dear **NAME**

First Capability Meeting

I am initiating a First Capability Meeting under the School's Capability Policy and Procedure. Please find enclosed:

1. A copy of the School's Capability Policy and Procedure;
2. Performance Report dated **[INSERT DATE]**.

You are required to attend a First Capability Meeting with me on **DATE** at **TIME** at **VENUE** (which is at least 5 working days from today's date). The enclosed Performance Report sets out the aspects of your performance causing concern, the standards that are expected of you and the support provided to you so far.

The purpose of the meeting is for you to have an opportunity to comment upon the Performance Report. Any evidence you intend to present at the meeting must be provided to me at least 1 working day in advance of the First Capability Meeting.

You may be accompanied at a meeting by a Companion who is either:

- (a) an accredited trade union representative;
- (b) an official employed by a trade union; or
- (c) a willing work colleague.

Please note that your Companion is not permitted to answer questions for you. You must notify me of their identity by at least the working day before the meeting.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to the operation of the Capability Policy and Procedure, please do let me know as soon as possible.

You may be able to obtain support from the Teachers' Support Network, who can be contacted on **[England: 08000 562561] [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF]**.

Yours sincerely

NAME

**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

Enc. Capability Policy and Procedure

2. LETTER – OUTCOME OF FIRST CAPABILITY MEETING

Dear **NAME**

Outcome of First Capability Meeting

OPTION A:

Following our First Capability Meeting I have concluded that your performance is satisfactory and, therefore, you are no longer subject to the School's Capability Policy and Procedure. The School's Appraisal Policy and Procedure will resume with immediate effect.

Yours sincerely

NAME

**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

OPTION B:

Following our First Capability Meeting I have concluded that your performance is unsatisfactory and I am issuing a First Written Warning in accordance with the School's Capability Policy and Procedure. Your performance will be subject to assessment and I have set an Assessment Period of **INSERT** working weeks commencing today and ending on **DATE**.

Professional shortcomings

INSERT

Sustainable standard of performance needed to exit capability procedure

INSERT

Support available during Assessment Period

INSERT

Mechanism for monitoring your performance during the Assessment Period

INSERT

Timetable for improvement

INSERT

There will be a Second Capability Meeting on **DATE** at **TIME** at **VENUE** to formally assess whether your performance has improved sustainably to the required standard. I will be submitting an Updated Performance Report to you on or after the last date of the

Assessment Period and, in any event, at least 5 working days before the Second Capability Meeting is scheduled to take place.

You may be accompanied at a meeting by a Companion who is either:

- (d) an accredited trade union representative;
- (e) an official employed by a trade union; or
- (f) a willing work colleague.

Please note that your Companion is not permitted to answer questions for you. You must notify me of their identity by at least the working day before the meeting.

You have the right of appeal against my decision. If you wish to appeal, you should notify the Clerk to Governors within 5 working days of the date of this letter.

Yours sincerely

NAME
[Line Manager][Headteacher][Chair of Governors]
Capability Manager

3. LETTER – SECOND CAPABILITY MEETING – UPDATED PERFORMANCE REPORT

Dear **NAME**

Second Capability Meeting – Updated Performance Report

Ahead of the Second Capability Meeting on **DATE**, I enclose my Updated Performance Report which, in addition to my earlier Performance Report, sets out the assessments, support and evaluation undertaken during the Assessment Period.

Yours sincerely

NAME

**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

4. LETTER – OUTCOME OF SECOND CAPABILITY MEETING

Dear **NAME**

Outcome of Second Capability Meeting

OPTION A:

Following the Second Capability Meeting on **DATE**, I have concluded that the standard of your performance is satisfactory and you are, therefore, no longer subject to the School's Capability Policy and Procedure. The School's Appraisal Policy and Procedure will resume with immediate effect.

[IF APPROPRIATE - The First Written Warning issued on **DATE** remains live until **DATE**; in the event that the standard of your performance falls to an unsatisfactory level, the School's Capability Policy and Procedure will recommence at the stage at which it was concluded.]

Yours sincerely

NAME

**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

OPTION B:

Following the Second Capability Meeting on **DATE**, I have concluded that, whilst some progress has been made, the standard of your performance still remains below the required standard. I believe that with a further period of monitoring an acceptable level of performance will be achieved. As such your performance will be subject to further assessment and I have extended the Assessment Period by **[up to 4 working weeks]** which will expire on **DATE** following which we shall meet again to review your performance

If you do not make sustainable improvement to the required standard during this Assessment Period, you are at risk of dismissal.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to the operation of the capability procedure, please do let me know as soon as possible.

You may be able to obtain support from the Teachers' Support Network, who can be contacted on **[England: 08000 562561]**. **[INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF]**.

Yours sincerely

NAME

**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

OPTION C:

Following the Second Capability Meeting on **DATE**, I have concluded that you have made no, or insufficient, improvement and that your performance remains unsatisfactory. Therefore, I am issuing a Final Written Warning in accordance with the School's Capability Policy and Procedure. Your performance will be subject to further assessment and I have extended the Assessment Period by **[up to 4 working weeks]** which will expire on **DATE**.

If you do not make sustainable improvement to the required standard during this Assessment Period, you are at risk of dismissal.

You are required to attend a Final Capability Meeting on **DATE** at **TIME** at **VENUE**. This meeting will be conducted by **NAME[s]** as Final Capability Manager appointed in accordance with the School's Capability Policy and Procedure.

I will submit my Final Performance Report to you on or after the last day of the Assessment Period and, in any event, at least 5 working days before the Final Capability Meeting.

You have the right of appeal against my decision to impose a Final Written Warning. If you wish to appeal you should notify the Clerk to Governors within 5 working days of the date of this letter.

You may be accompanied at a meeting by a Companion who is either:

- (g) an accredited trade union representative;
- (h) an official employed by a trade union; or
- (i) a willing work colleague.

Please note that your Companion is not permitted to answer questions for you. You must notify me of their identity by at least the working day before the meeting.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to the operation of the capability procedure, please do let me know as soon as possible.

You may be able to obtain support from the Teachers' Support Network, who can be contacted on **[England: 08000 562561]**. **[INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF]**.

Yours sincerely

NAME
**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

5. LETTER – FINAL PERFORMANCE REPORT

Dear **NAME**

Final Performance Report for Final Capability Meeting

I attach my Final Performance Report ahead of the Final Capability Meeting on **DATE**. This report set out the assessments, support and evaluation undertaken during the extended Assessment Period.

Yours sincerely

NAME

**[Line Manager][Headteacher][Chair of Governors]
Capability Manager**

6. LETTER – OUTCOME OF FINAL CAPABILITY MEETING

Dear **NAME**

Outcome of Final Capability Meeting

OPTION A:

I am writing further to the Final Capability Meeting on **DATE**. I have concluded that the standard of your performance is satisfactory and you are, therefore, no longer subject to the School's Capability Policy and Procedure. The School's Appraisal Policy and Procedure will resume with immediate effect.

[IF APPROPRIATE - The Final Written Warning issued on **DATE** remains live until **DATE**; in the event that the standard of your performance falls to an unsatisfactory level, the School's Capability Policy and Procedure will recommence at the stage at which it was concluded.]

Yours sincerely

NAME

[**Headteacher**][**Chair of Governors' Capability Panel**]
Final Capability Manager

OPTION B:

I am writing further to the Final Capability Meeting on **DATE**. I have concluded that your performance remains below the required standard and is not capable of sustainable improvement.

Accordingly, your employment is terminated in accordance with your contract of employment. Your employment will end on **DATE**.

[You will be required to attend work as normal during that period.]

OR

[You will not be required to attend work as normal during that period. You should not contact any person connected with the School without my permission but should make yourself available to answer queries on the telephone during your normal working hours.]

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to Governors within 10 working days of the date of this letter.

Yours sincerely

NAME

**[Headteacher][Chair of Governors' Capability Panel]
Final Capability Manager**

[NB: ONLY THE GOVERNING BODY HAS THE POWER TO TERMINATE STAFF EMPLOYMENT. THIS POWER MAY HAVE BEEN DELEGATED TO A COMMITTEE OR TO AN INDIVIDUAL. PLEASE ENSURE THAT THE LETTER GIVING NOTICE OF TERMINATION OF EMPLOYMENT IS SIGNED BY THE BODY/PERSON WITH AUTHORITY TO EXERCISE THE POWER TO TERMINATE EMPLOYMENT.]

7. **LETTER FROM CLERK TO GOVERNORS TO THE EMPLOYEE – RECEIPT OF APPEAL**

Dear **NAME**

Receipt of Appeal

Thank you for your letter of appeal against the decision of **NAME** to [issue a First Written Warning] [issue a Final Written Warning] [terminate your employment on notice].

The appeal meeting will take place on **DATE** at **TIME** at **VENUE**. The Appeal Manager will be the [Chair of Governors] [a non-staff Governor nominated by the Chair of Governors, namely **INSERT NAME**] [the Governors' Appeal Panel who shall comprise **INSERT NAMES**].

You may be accompanied at a meeting by a Companion who is either:

- (j) an accredited trade union representative;
- (k) an official employed by a trade union; or
- (l) a willing work colleague.

Please note that your Companion is not permitted to answer questions for you. You must notify me of their identity by at least the working day before the meeting.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to the operation of the capability procedure, please do let me know as soon as possible.

You may be able to obtain support from the Teachers' Support Network, who can be contacted on [England: 08000 562561]. [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF].

Yours sincerely

NAME

Clerk to Governors

8. LETTER FROM APPEAL MANAGER –REJECTION OF APPEAL

Dear **NAME**

Outcome of Appeal

Further to the appeal meeting held on **DATE**, I am writing to confirm that your appeal was rejected and that the **[First Written Warning] [Final Written Warning] [termination of your employment]** stands.

There is no appeal against this decision.

Yours sincerely

NAME

**[Chair of Governors][Governor][Chair of Governors' Appeal Panel]
Appeal Manager**

9. LETTER FROM GOVERNORS' APPEAL PANEL – OUTCOME OF APPEAL – FURTHER ASSESSMENT PERIOD

Dear **NAME**

Outcome of Appeal

Following the appeal meeting on **DATE**, it has been decided that your dismissal on notice should be revoked and that you should be placed in a further Assessment Period of **X** weeks pending a further Final Capability Meeting.

Please note that this process has not affected your continuous employment.

Yours sincerely

NAME

**Chair of Governors' Appeal Panel
Appeal Manager**