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The Priory Learning Trust , a charitable company limited by guarantee registered in England & Wales

with company number 07698707.

Registered office address:

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1. Introduction

1. Introduction

1.1 The Priory Learning Trust (the Trust) seeks to ensure the effective

performance of all its staff in order to deliver the aims and vision of the Trust.

This policy is designed to support and encourage all employees who are

experiencing difficulties in achieving and maintaining satisfactory levels of

performance through ensuring that performance expect ations and standards

are defined, performance is monitored and employees are given appropriate

feedback, training and support to meet these standards. The Trust will ensure

that all employees are treated fairly and consistently when addressing cases

of underperformance.

1.2 This policy does not f orm part of any employee's contract of employment and

it may be amended at any time following consultation.

2. Scope and purpose

2.1 As part of t he normal management and appraisal process line managers may

from time to time discuss aspects of performance with a member of staff

where there are concerns that an employee may not be performing to an

acceptable standard. Such discussions will take place informally and do not

come within the scope of the Capability Procedure. The status of these

‘informal’ discussions shall be made known to the employee. It is envisaged

that most areas for concern can generally be dealt with through informal

discussion and coaching.

2.2 Informal procedures may include setting objectives in plans such as an

informal support plan (ISP) with additional training, coaching or support

provided by colleagues, line management or another appropriate provider.

2.3 Should an assessment be made that the employee’s performance continues

to be unsatisfactory, despite the employee being supported t hrough the

normal management and appraisal process, and any informal procedures, the

matter should be dealt with in accordance with this Policy.

2.4 The Chief Executive Officer can trigger capability procedures for all staff. The

Principal or appraiser can trigger capability procedures for Teaching staff, and

Teaching & Learning Staff (including, but not limit ed to Learning Support

Assistants and department t echnicians) and t he Chief Operat ions Officer,

Academy Operations Manager or appraiser for Business Staff. During the

capability procedures the appraisal process is halted.

2.5 This Policy will apply where it is identified that an employee has insufficient

skill or aptitude to carry out their duties to an acceptable st andard.

2.6 This Policy does not apply in the following circumstances:

● Where the underperformance of an employee relates to negligence or an

attitudinal problem on the part of the employee (the Trust’s Disciplinary Policy

& Procedure will apply).

● Where the underperformance of an employee is identified during the

employee’s Probationary period (the Trust’s Probationary Procedure will� ��������apply). p

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● Where no employment relationship exists, for example agency workers,

casual/supply workers, volunteers, work experience placements.

● Where the Absence

● Give clear guidance on the improved standard of performance needed

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● The employee is advised that they have failed to reasonably reach

the required standards of performance. They will be advised of the

line manager ’s ongoing concerns. The employee will be issued with a

Final Written Warning. Following the meeting, the person who

conducted the meeting will write to the employee to:

● Confirm with the employee their performance shortcomings

● Give clear guidance on the improved standard of performance

needed to ensure that the employee can be removed from formal

capability procedures (this may include the setting of new

objectives focused on the specific weaknesses t hat need t o be

addressed, any success criteria that might be appropriate and the

evidence that will be used to assess whether or not the necessary

improvement has been made);

● Explain any support t hat will be available to help the employee

improve their performance;

● Set out the timetable for improvement and explain how

performance will be monitored and reviewed. The timet able will

depend on the circumstances of the individual case, should be

reasonable and proportionat e and should provide sufficient

opportunity for an improvement to take place. A timescale by

which to improve which should not normally exceed 4 weeks.

● Warn the employee through issuing a Final Written Warning that

failure to improve within the set period could lead to their

dismissal.

● The employee will have the right to appeal this decision, if they

deem it to be unfair, as set out in section 4.

3.14 At the end of the review period the employee will be invited to a Stage 3

Capabil ity Revi ew Meeting.

3.15 The employee will receive five working days’ not ice of the meet ing.

3.16 The employee may be accompanied t o the meeting by a work colleague or

trade union representative.

3.17 During the meet ing, the employee’s performance will be assessed to establish

whether the concerns t hat have been raised have been adequately

addressed. The possible outcomes of this meet ing are:

● The employee is advised that they have reached the required

standards of performance. They will be advised that they are

required to sustain their improvement. S hould t he employee fail to

sustain their improvement within the f ollowing 12 months, the

employee will be invited to attend a f urther S tage 3 Capability Review

Meeting.

● If, following discussion wit h the employee, the assessment is that the

employee has made some progress and there is confidence that,

given a further reasonable period, they will achieve the standards of

performance required, it may be appropriate to extend the Stage 2

monitoring and review period, normally for up to 4 weeks. At the end

of this extended review period, the employee and “the suitable person

as listed in the scheme of delegation” will hold a Stage 3 Capability

Review Meeting again. The possible outcomes of this meeting are

the same as had the review period not been extended, although it is

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unlikely that a further extension of the review period will be

appropriate.

● The e

● To review the employee’s performance again aft er a specified period of

time at a re-convened Capability Hearing. This may be to allow for

alternative support arrangements to be put in place.

● To dismiss the employee on the grounds of Incapability.

3.26 The outcome of the Capability Hearing will be confirmed in writing to the

employee within five working days. Where a decision to dismiss is taken the

employee will be informed of the reasons for the dismissal, the date on which

the employment contract will end, the appropriate period of notice and their

right of appeal, as set out in section 4

3.27 Where a decision to dismiss the employee is reached, suitable alternative

employment for the employee within the Trust will be sought, where this is

practicable during the employee’s notice period. Where this is a position at a

lower grade pay protection will not apply. In return, the employee has a

responsibility to positively engage with the process of seeking to find them an

alternative role.

4. Appeals

4.1 If an employee considers that a decision to dismiss them, or ot her action

taken against them (written warning or final written warning), is wrong or

unjust, they may appeal, setting out the grounds of their appeal in writing to

the appropriate person detailed in the outcome letter within 10 working days

of the date of the letter confirming the decision to dismiss, setting out at the

same time the grounds for appeal.

4.2 Appeals against written warnings f ollowing the Capability Review Meetings

will be normally heard by the appropriate person detailed in t he scheme of

delegation.

4.3 An appeal must not interrupt t he progress of the procedure, although the

appeal decision could lead to the matter being reconsidered and a lower level

warning being issued or the review process being concluded. Where an

appeal is upheld the matter should be referred back t o the line manager and

the person who conducted the stage 1,2 and 3 meetings for further

appropriate action with recommendations where appropriate.

4.4 Appeal Hearings are restricted to considering the reasonableness of the

decision made. It can consider any relevant new evidence, or representations

about any perceived procedural irregularities.

4.5 The employee will receive 10 working days’ notice of t he appeal hearing.

4.6 The employee may be accompanied t o the appeal hearing by a work

colleague or trade union representat ive.

4.7 The employee will be informed of t he outcome of the appeal hearing in writing

as soon as possible.

5. Currency of Warning s

Should the employee be absent from work long term (4 weeks or more)

during the currency of the warning, the currency of the warning will be

extended for a period that equates to the period of absence. This would apply

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