



# Woodlane High School

achieving success in a nurturing environment

# Capability Procedure

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**Next Update: March 2029**

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## **1. Purpose**

This procedure sets out the process the school will follow where an employee's performance falls below the standards expected for their role.

The aim of the procedure is to:

- Support employees to improve their performance
- Ensure concerns are addressed fairly and consistently
- Provide a structured framework for monitoring and reviewing performance
- Ensure decisions are made transparently and in accordance with employment law

The school is committed to supporting employees to achieve and maintain the required professional standards.

This procedure operates in line with the Employment Rights Act 1996 and the principles set out in the ACAS Code of Practice on disciplinary and grievance procedures.

## **2. Scope**

This procedure applies to all employees of the school, including teachers, support staff, and senior leaders.

It will normally be used where concerns about performance remain unresolved following support through the school's appraisal or supervision processes.

The procedure does not apply to misconduct, which will be managed through the school's disciplinary policy.

## **3. Definition of Capability**

Capability refers to an employee's ability to carry out their duties to the required standard due to:

- Lack of skill
- Lack of knowledge
- Lack of aptitude
- Consistently poor performance

Capability issues may arise where an employee is unable to meet the professional standards required for their role.

For teachers, performance will normally be assessed against the Teachers' Standards.

#### **4. Informal Support Stage**

Before the formal capability procedure is implemented, the school will normally seek to address concerns through informal support.

This may include:

- Additional professional guidance
- Coaching or mentoring
- Additional training
- Increased monitoring
- Informal targets for improvement

Where the appraiser or line manager concludes that performance concerns remain serious despite this support, the employee will be notified in writing that the appraisal process will cease and the formal capability procedure will begin.

#### **5. General Principles**

The following principles apply throughout the procedure:

- Employees will be treated fairly and consistently.
- Employees will be informed of concerns and given the opportunity to respond.
- Employees have the right to be accompanied at formal meetings by a colleague or trade union representative.
- The school will provide appropriate support to assist improvement.
- Reasonable adjustments will be considered where appropriate in accordance with the Equality Act 2010.

#### **6. Stage 1 – Formal Capability Meeting**

##### **Notification**

The employee will be invited in writing to attend a formal capability meeting with their line manager.

The employee will receive at least five working days' notice of the meeting.

The written notification will include:

- Details of the performance concerns
- Copies of relevant evidence
- The possible outcomes of the meeting
- The date, time and location of the meeting

- Confirmation of the employee's right to be accompanied

### **Purpose of the Meeting**

The meeting will aim to:

- Clarify the performance concerns
- Review the evidence available
- Allow the employee to respond to the concerns
- Identify any underlying issues affecting performance
- Agree actions required for improvement

### **Outcomes**

Possible outcomes of the meeting include:

#### **1. Return to Appraisal**

If concerns are not considered sufficiently serious, the employee may return to the appraisal process.

#### **2. Action Plan and Formal Warning**

Where concerns are substantiated, the employee will normally receive a formal written warning and an improvement plan.

The action plan will include:

- Clear expectations for improvement
- Measurable success criteria
- Evidence that will be used to assess progress
- Support available to the employee
- A monitoring and review period

### **Monitoring Period**

The monitoring period will normally be 6–10 weeks, depending on the circumstances.

During this period the employee's performance will be monitored and support will be provided.

The employee will receive written confirmation of:

- The warning issued
- The required improvements
- The review period

- Their right to appeal

Employees may appeal against a formal warning within 10 working days.

## **7. Stage 2 – Formal Review Meeting**

At the end of the monitoring period the employee will be invited to a formal review meeting.

The employee will receive at least five working days' written notice of the meeting and will have the right to be accompanied by a colleague or a trade union representative.

The meeting will normally be conducted by:

- The Headteacher or a senior leader for teachers
- A senior leader or senior teaching assistant for support staff
- The Chair of Governors where the case relates to the Headteacher

### **Purpose of the Review Meeting**

The meeting will review:

- The progress made during the monitoring period
- Evidence of improvement
- Any continuing performance concerns

### **Possible Outcomes**

#### **Sufficient Improvement**

If performance has improved to the required standard:

- The capability procedure will end.
- The employee will return to the appraisal process.

#### **Partial Improvement**

Where some progress has been made but improvement is not yet sufficient:

- The monitoring period may be extended.

#### **Insufficient Improvement**

Where insufficient improvement has been made:

- The employee may receive a final written warning.

The final written warning will:

- Set out the required improvements

- Specify a further monitoring period
- Confirm that failure to improve may lead to dismissal

Employees have the right to appeal against a final written warning within 10 working days.

### **8. Stage 3 – Decision Meeting**

If performance remains unsatisfactory following the final monitoring period, the employee will be invited to a decision meeting.

The meeting will be conducted by a panel of governors with authority to make a decision regarding employment.

The employee will receive:

- At least five working days' written notice
- Copies of all relevant documentation
- The right to be accompanied by a colleague or trade union representative

### **Possible Outcomes**

The panel may decide to:

- Extend the monitoring period
- Implement further support measures
- Dismiss the employee on grounds of capability

### **9. Dismissal**

Where dismissal is the outcome, the employee will be notified in writing within five working days of the decision.

The letter will confirm:

- The reasons for dismissal
- The date employment will end
- The notice period
- The right of appeal

Where applicable, the school will consult with the Local Authority before dismissal in accordance with relevant staffing regulations.

Employees have the right to appeal against a final written warning within 10 working days.

## **10. Right of Appeal**

Employees have the right to appeal against:

- Formal written warnings
- Final written warnings
- Dismissal decisions

Appeals must be submitted in writing within 10 working days of receiving the decision.

Appeals will be heard by a panel of governors who have not previously been involved in the case.

The outcome of the appeal will normally be confirmed in writing within five working days.

## **11. Records and Confidentiality**

Records of capability procedures will be kept securely in accordance with data protection requirements.

Documentation relating to capability proceedings will normally be retained on the employee's personnel file.