SPTA Capability Policy



Key points

- SPTA has an obligation to our learners to be rigorous in the maintenance of a competent and skilled workforce
- Where performance concerns emerge, the nature and seriousness of those concerns should be discussed as soon as possible with the employee
- Every effort should be made to resolve performance concerns through the provision of targeted additional support agreed in a discussion with the employee with regular feedback and review
- Any decision to move into formal capability should not come as a surprise to the employee
- The procedure will be led by the Principal / Senior Leader, and their role may be delegated to a nominated person where appropriate. Where the Principal / Senior Leader is the subject of the capability process, a SPTA Director will undertake the monitoring and manage the process.
- SPTA HR must be involved, providing advice and support throughout the process.
- The employee has the right to be accompanied by a trade union representative or work colleague at all formal capability meetings within this policy
- Where an employee is successfully removed from the support programme or the formal capability procedure but concerns arise again within the following 12 month period, the employee will reenter at the formal capability stage of this procedure
- The capability procedure will be treated with confidentiality at all stages, but this will not impact
 on the quality assurance processes undertaken by the Principal / Senior Leader on the operation,
 effectiveness and fairness of these procedures
- Where performance concerns are linked to ill health, the case should be discussed with SPTA HR at the earliest opportunity to consider the most appropriate action (e.g. referral to Occupational Health)
- In general, absences (both short and long term) should not necessarily impact on the application
 of the capability procedure. Where absence appears to be caused by the start of the procedures,
 the timescales within the procedures will continue and there should be an immediate referral to
 Occupational Health for advice.
- Where an employee raises a grievance whilst they are in the formal capability procedure, the
 formal capability procedure may be temporarily suspended in order to deal with the grievance
 through the SPTA Grievance Policy and Procedure. Where issues are related, it may be
 appropriate to deal with both issues concurrently
- SPTA recommends that prior to entering the formal capability procedure, a support programme is put in place in consultation with the employee.
- An appropriate person should be put in place to support the employee throughout the periods of review and monitoring
- Any decision to dismiss for capability rests with the SPTA Director and the Chair of the EAB

Process overview

- Support programme
 - Agreed with the employee and scheduled for a 6 week period
 - o Review meeting should take place at the end of the 6th week
- Formal capability meeting
 - o 10 days' notice will be provided in writing
 - o Principal / Senior Leader will conduct the meeting
 - Written confirmation of the outcome(s) will be sent to the employee
 - Review meeting at end of agreed monitoring period (between 4 and 10 weeks)
 - Any extensions to review periods must be for a maximum of a further 4 to 10 weeks
- Capability decision meeting
 - o 10 days' notice will be provided in writing of a decision meeting
 - SPTA Director and Chair of EAB will conduct the meeting, in the presence of the Principal / Senior Leader
 - Written confirmation of the outcome will be sent to the employee
- Appeal meeting
 - Lodged by the employee within 10 days of the capability decision meeting
 - o Focus on the grounds of appeal raised by the employee within their letter of appeal
 - Two SPTA Directors will conduct the appeal
 - Written confirmation of the meeting outcome will be sent to the employee