

Order of Proceedings - Capability Hearing

The conduct of the hearing will be the responsibility of the Chair which can be either the head teacher where they have full delegation or a member of the Panel of Governors.

The order of proceedings can be adjusted to suit the circumstances if necessary, in consultation with the parties, providing the overall principles, aimed at securing a fair hearing, are adhered to.

1. The head teacher/chair introduces all those present and outlines purpose of hearing and any procedural arrangements.
2. The nominated manager/school representative (supported as necessary by his/her HR Adviser, if any) presents the case against the employee.
3. The employee and/or representative) have the opportunity to question the nominated manager/school representative.
4. The head teacher/panel has the opportunity to question the nominated manager/school representative.
5. The nominated manager/school representative may call witnesses.
6. The employee (and/or representative) has the opportunity to question each witness.
7. The head teacher/panel may question each witness.
8. The employee (and/or representative) presents his/her case.
9. The nominated manager/school representative has the opportunity to question the employee.
10. The head teacher/panel has the opportunity to question the employee.
11. The employee (and/or representative) may call witnesses.
12. The nominated manager/school representative has the opportunity to question each witness.
13. The head teacher/panel has the opportunity to question each witness.
14. The nominated manager/school representative has the opportunity to summarise the case
15. The employee (and/or representative) is invited to make any closing remarks.
16. All persons withdraw, other than the head teacher/panel, the note-taker and any professional advisers present, while the head teacher/panel deliberates.
17. The parties may be either released or recalled to clarify any points of uncertainty.
18. Where the head teacher/panel cannot reach a decision before the parties are released, the parties will agree how the decision will be communicated. In any event, formal notification of the outcome will be sent in writing within 5 working days of the hearing.