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independence together

Capability Policy

Reviewed Annually

Non - Statutory

The Local Advisory Board of each school is responsible for implementation of this policy

A small, square box containing a handwritten signature in blue ink. The signature appears to be 'A. Smith'.

Signed: (Chair of Trust)

Date: February 2026

Review Date: February 2027

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1. Aims

The aim of our capability of staff policy is to set out a clear and consistent process for when any member of staff falls below the levels of competence expected of them, as set out in the relevant professional standards, job descriptions and overall performance expectations.

2. Legislation and guidance

This policy is based on the [Department for Education's model policy and guidance](#), and the [ACAS code of practice on disciplinary and grievance procedures](#).

When carrying out capability procedures, we will ensure we abide by the [Equality Act 2010](#).

This policy also complies with our funding agreement and articles of association.

3. Definitions

Lack of capability is defined as:

- A staff member failing to perform their role at the level of competence expected of them and that their job requires

References to '**staff**' include the headteacher, Head of School, teachers and support staff, unless indicated otherwise.

4. Roles and responsibilities

Where the member of staff subject to the procedure is the headteacher, Head of School, the chair of the Local Advisory Board will be responsible for co-ordinating the procedure. Where the member of staff subject to the procedure is not the headteacher / Head of School, the headteacher / Head of School or a nominated member of senior staff will be responsible for co-ordinating the procedure.

Where the member of staff is Trust personnel, the Trust Board will coordinate the procedure.

Where appropriate, other members of staff may be asked to provide additional support to the teacher or to assist in monitoring the effectiveness of the policy. Where this happens, responsibilities will be made clear in advance.

5. Informal Action

- 5.1 In the first instance it is usually appropriate for the employee's deficiencies to be discussed with them as part of the normal supervisory arrangements and in a constructive manner. With specific information about the employee's unsatisfactory work performance, the line manager should meet the employee and attempt to resolve the problem. The line manager should give the employee the opportunity to explain their view of their performance. The employee is entitled to trade union representation or a work-based colleague to support them, during this meeting.
- 5.2 The line manager and employee should discuss training and support provision and agree any further training and development requirements for the employee to have the required skills and experience to perform the duties of the post. The completion of any training/development must be treated as a work instruction. The manager and employee should also if appropriate, discuss making reasonable adjustments to the duties of the post where considered appropriate in cases of disability. Following this, realistic targets and monitoring arrangements should be agreed and confirmed in writing to enable the employee to have the opportunity to achieve the required standard. This may include interim performance targets during training and more detailed targets after the completion of training.
- 5.3 A written performance improvement plan should be shared with the employee, clearly stating what training/support will be provided and by whom, including review periods. The agreed plan should be signed by both the manager and the employee and kept on the employee's file.
- 5.4 The manager must advise the employee both verbally and in writing that their performance will be monitored over an agreed period of 8 weeks.
- 5.5 At the end of the monitoring period, the manager will undertake an evaluation of the employee's performance and record the results. The performance of the employee must be objectively monitored and assessed, and feedback given to the employee during an informal review meeting.
- 5.6 At the informal review meeting, the manager will decide whether to:
 - Take no further action as the employee has met the required standards and inform the employee accordingly; or
 - Arrange for further monitoring and support to correct the situation if the employee's performance has improved and has almost met the standards;
 - Invoke Stage 1 of the formal Capability Procedure; or
 - Arrange to hear the matter under the Disciplinary Procedure because the poor performance appears to be due to conduct rather than lack of skill or aptitude.

- 5.6.1 Notes of meetings must be kept by the manager and a copy given to the employee. If this informal approach fails to bring the level of improvement back to an acceptable standard, then the formal procedure should commence.

6. Capability procedure

Performance is monitored on a day-to-day basis by line managers, through regular learning walks, evidence gathering and discussion with staff.

Capability procedures will begin when line management support and the appraisal process have been unable to bring about satisfactory performance or improvements in the staff member's work.

An informal period of support, put in place and monitored by the line manager, will have been in place before capability procedures are triggered. Evidence of this will be available before the process begins.

6.1 Formal capability meeting

At least 5 working days' notice will be given of the formal capability meeting, and will explain:

- The concerns about performance and possible consequences
- Any written evidence
- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

It will be conducted by the headteacher, chair of the Local Advisory Board supported by a Trust representative.

The purpose of the meeting is to establish the facts, and to allow the staff member to respond to the concerns and make relevant representations.

Should a headteacher fail to meet the minimum expectations following a period of informal support, an informal capability process, followed potentially by a formal capability process, will be initiated by Trust Senior Trust personnel/Trustees.

Should the need arise, core Trust personnel will be subject to the same capability policy, overseen by the CEO and Trustees. Capability of the CEO should fall in line with the scheme of delegation.

6.1.1 *Possible outcomes*

The meeting may establish that there are no grounds to pursue the capability issue. In this case, the procedure will come to an end and the issues will continue to be addressed through the appraisal process.

The meeting may be adjourned if further investigation is needed, or if more time is needed to consider additional information presented.

If the meeting continues, the person conducting the meeting will:

- Explain the expected standards that are not being met based on the teacher's standards, career stage expectations and/or job description
- Give clear guidance on the standard of performance needed to end the procedures
- Explain the support available to help the staff member improve their performance
- Set out the timetable for improvement and explain how performance will be monitored and reviewed
- Warn the staff member that failure to improve within this timetable could lead to dismissal

6.1.2 *After the meeting*

The staff member will be sent formal meeting notes. If a formal warning has been issued, the staff member will also receive:

- A written record of the bullet points above
- Information about the timing and handling of the review stage
- Information about the procedure and time limits for appealing against the warning

6.2 **Monitoring and review period**

A performance monitoring and review period consisting of formal monitoring guidance and support will follow the formal capability meeting.

The member of staff will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see 5.4, below).

6.3 **Formal review meeting**

At least 5 working days' notice will be given of the formal review meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If the person conducting the meeting is satisfied that the staff member has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period
- If no, or insufficient improvement has been made during the monitoring and review period, the staff member will receive a final written warning

Notes will be taken of formal meetings and a copy sent to the member of staff.

The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in dismissal. They will be given information about the further monitoring and review period, the procedure and time limits for appealing against the final warning. The staff member will be invited to a decision meeting.

6.4 Decision meeting

At least 10 working days' notice will be given of the decision meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If an acceptable standard of performance has now been achieved, the capability procedure will end and the appraisal process will re-start.

If the staff member's performance does not improve to a sufficient standard, a decision, or recommendation to the Local Advisory Board, may be made that the staff member should be dismissed or required to cease working at the school.

The staff member will be informed as soon as possible of:

- The reasons for the dismissal
- The date on which the employment contract will end
- The appropriate period of notice
- Their right of appeal

6.5 Dismissal

The power to dismiss staff in any Trust school has been delegated to the school's Local Advisory Board

7. Right to appeal

If a staff member feels that a decision to dismiss them is wrong or unjust, they may appeal in writing against the decision within 5 working days of the decision, setting out at the same time the grounds for appeal.

Appeals will be heard without unreasonable delay and at an agreed time and place. The same arrangements for notification and statutory right to be accompanied will apply as with formal capability and review meetings. Notes will be taken and a copy sent to the staff member.

The appeal will be dealt with impartially and by senior leaders or governors who have not previously been involved in the case.

The staff member will be informed in writing of the results of the appeal hearing within 5 working days.

8. Confidentiality

The capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the headteacher / Head of School and Local Advisory Board to quality assure the operation and effectiveness of the system.

9. Consistency of treatment and fairness

The Local Advisory Board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate.

The Local Advisory Board is aware of the guidance and provisions of the Equality Act 2010.

10. Monitoring arrangements

The effectiveness of this policy will be monitored by the headteacher / Head of School and Local Advisory Board.

This policy will be reviewed every year, but can be revised as needed.

This policy will be approved by The Rivermead Inclusive Trust Board.

11. Links with other policies

This policy links to our policies on:

- Staff code of conduct
- Teachers' appraisal
- Staff grievance procedures
- Staff disciplinary procedures
- Equality information and objectives

12. Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

APPENDIX 1

Capability Action Plan Template

This template can be used as part of the process of supporting a teacher who is underperforming. It records the outcomes of the initial capability meeting, where targets and timescales are set and agreed.

Where possible, the objectives should be linked to the relevant professional standards, appropriate to the career experience of the member of staff concerned.

Name of staff member	Name of Appraiser	Date of meeting

Objective 1:		
Professional standard(s) that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date

Objective 2:

Professional standard(s) that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date

Objective 3:

Professional standard(s) that the objective relates to	Success criteria	Evidence to be used to assess progress

Other support provided

Mentor/coach allocated	Yes/No (If yes give name)
Counselling to be provided	Yes/No
Occupational health referral to be made	Yes/No
[Insert any other support provided]	
Formal review date	
