Capability Policy

This Policy should be read in conjunction with:

- Pay Policy
- Induction and Probation Policy
- Early Career Teacher Policy
- CPD Policy
- Appraisal (PPDR) Policy

Additional guidance documents may be found:

- Challenging Conversations
- Capability Toolkit
- PIP Template
- Action Plan Template
- Self-Review of Performance and Feedback
- Quick Guide and Key Rules

1.0 Aims

1.1 The aim of our staff capability policy is to set out a clear and consistent process for when a 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.

2.0 Legislation and guidance

2.1 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.

2.2 When carrying out capability procedures, we will ensure we abide by the Equality Act 2010.

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

3.0 Definitions

3.1 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.

3.2 References to **'staff'** include the CEO, Directors, Heads of Service, Academy Heads, all teachers and all support staff, unless indicated otherwise.

4.0 Roles and responsibilities

4.1 Where the member of staff subject to the procedure is the CEO, the Chair of Trustees will be responsible for co-ordinating the procedure.

4.1 Where the member of staff subject to the procedure is a senior leader including Directors, Head of Service and Academy Heads, the relevant Line Manager will be responsible for co-ordinating the procedure.

4.2 Where the member of staff subject to the procedure is not a senior leader, the relevant Academy Head, Line Manager or a nominated member of senior staff will be responsible for co-ordinating the procedure.

4.3 Where appropriate, suitably qualified and experienced 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.

5.0 Capability procedure

5.1 Performance is monitored on a day-to-day basis by line managers, as outlined in the Appraisal (PPDR) Policy.

5.2 Capability procedures will begin when line management support and the appraisal (PPDR) process have been unable to bring about satisfactory performance or improvements in the staff member's work. During this time the PPDR process will be paused and will recommence, if appropriate, following the end of the support period. Areas for improvement may be carried forward into this process for ongoing support and improvement.

5.3 Where an early career teacher (ECT) is subject to capability procedures, we will continue the induction process in parallel with the capability procedure and inform the appropriate body.

6.0 Informal Support

6.1 An informal period of support known as a **Professional Improvement Plan (PIP)** see Annex 1, usually for a six-week period is put in place and monitored by the line manager.

6.2 This period may be extended by a further six weeks if progress is being made. This informal support must have been in place before any formal capability procedures are triggered. Evidence of this will be available before the formal process begins.

7.0 Formal capability meeting

7.1 At least 10 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

7.2 It will be conducted by the relevant Line Manager, as outlined above.

7.3 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.

7.4 Possible outcomes:

(a) 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.

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

(c) If the meeting continues, the person conducting the meeting will:

- Explain the expected standards that are not being met based on the Teachers' Standards or other relevant 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
- Where appropriate issue a written warning, first or final.

7.5 After the meeting the staff member will be sent formal meeting notes and

- Information about the timing and handling of the review stage
- A copy of the formal capability action plan, see Annex 2.
- Information about the procedure and time limits for appealing against the warning, where appropriate

8.0 Monitoring and review period

8.1 A performance monitoring and review period consisting of formal monitoring guidance and support will follow the formal capability meeting, typically 6 weeks.

8.2 The member of staff will be invited to a formal review panel meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see 10 below).

9.0 Formal review panel meeting

9.1 At least 10 working days' notice will be given of the formal review panel meeting, and will explain:

- The time and place of the meeting.
- The composition of the panel, usually three senior leaders, Trustees or Locality Committee members that have no prior knowledge of the case.
- That the staff member has the right to be accompanied by a work colleague, trade union representative or an advocate (if agreed by the Chair of the Panel).

9.2 If the panel is satisfied that the staff member has made sufficient improvement, the capability procedure will cease, and the appraisal process will re-start.

9.3 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 for a further 6 weeks.
- If no or insufficient improvement has been made during the monitoring and review period, the staff member will receive a final written warning.

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

9.5 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.

10.0 Decision meeting

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

- The time and place of the meeting.
- The composition of the panel, usually three senior leaders, Trustees or Locality Committee members that have no prior knowledge of the case.
- That the staff member has the right to be accompanied by a work colleague, trade union representative or an advocate (if agreed by the Chair of the Panel).

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

10.3 If the staff member's performance does not improve to a sufficient standard, a decision, or recommendation to the CEO, may be made that the staff member should be dismissed or required to cease working for the Trust.

10.4 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

11.0 Dismissal

11.1 The power to decide that members of staff should no longer work for the Trust rests with the CEO.

12.0 Right to appeal

12.1 If a staff member feels that a decision to dismiss them is wrong or unjust, they may appeal in writing against the decision within 10 working days of the decision, setting out at the same time the grounds for appeal.

12.2 Appeals will be heard without unreasonable delay and at an agreed time and place, staff wellbeing will be recognised and unnecessary delays will be avoided. 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.

12.3 The appeal will be dealt with impartially and by senior leaders, Trustees or Locality Committee members who have not previously been involved in the case.

12.4 The staff member will be informed in writing of the results of the appeal hearing within 10 working days.

13.0 Confidentiality

13.1 The capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the CEO or the Trust Board to quality assure the operation and effectiveness of the system.

14.0 Consistency of treatment and fairness

14.1 The Trust 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.

14.2 The Trust Board is aware of the guidance and provisions of the Equality Act 2010.

Appendix 1
INFORMAL Professional Improvement Plan template

Name:	**Post:**	**Site:**
Reason for PIP:		

Objectives	Specific actions	Timescales	Monitoring arrangements	Resources & Support	Outcomes
	•				
	•				
	•				

Agreed by:	
Staff name:	**Signature:**
Reviewer name:	**Signature:**
Date:	

Appendix 2
FORMAL capability Action Plan Template

This template can be used as part of the process of supporting a member of staff 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
Support/resources to be provided	Monitoring arrangements	Review date

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	

Signed by member of staff	Signed by appraiser	Date

Capability Flowchart Quick Guide

Stage	What happens	Key actions / requirements	Possible outcome / next step
1. Performance concerns identified	Performance is below the standard expected for the role.	Concerns identified through day-to-day management, PPDR/appraisal, professional standards, job description or role expectations.	Manager discusses concerns and provides appropriate support.
2. Line management support / PPDR	The manager works with the employee to address concerns.	Clarify expectations; provide feedback, coaching, training, support and opportunities to improve.	• **Improvement achieved:** continue through PPDR. • **Improvement not achieved:** move to PIP if satisfactory progress is not achieved.
3. Informal Professional Improvement Plan (PIP)	A structured period of informal support is introduced.	Normally **6 weeks**. Agree clear objectives, actions, success criteria, support, monitoring arrangements and evidence.	• **Sufficient improvement:** PIP ends and PPDR recommences. • **Progress being made:** PIP may be extended by a further **6 weeks**. • **Insufficient improvement:** formal capability may begin.
4. Formal capability meeting – invitation	Formal capability process is triggered following unsuccessful informal support.	Give at least **10 working days' notice**. Set out concerns, evidence, possible consequences, time/place and right to be accompanied.	Formal meeting takes place.
5. Formal capability meeting	Concerns and evidence are considered, and the employee has an opportunity to respond.	Establish facts; explain expected standards; consider representations; identify support; set improvement timetable and monitoring arrangements.	• **No grounds:** capability ends and PPDR resumes. • **Further information required:** meeting may be adjourned. • **Capability continues;** formal action plan and warning where appropriate. • A **written warning** first or final may be issued where appropriate

6. Formal capability action plan	Clear requirements for improvement are documented.	Set objectives linked to relevant professional standards/job requirements; define success criteria, evidence, support/resources, monitoring arrangements and review date.	Where capability continues, the employee moves to formal monitoring and review
7. Formal monitoring & review period	Performance is monitored against the agreed action plan.	Typically **6 weeks**. Provide formal monitoring, support and evidence of progress.	Employee will be invited to a review panel **unless they were issued with a final written warning**, in which case they are invited to a decision meeting.
8. Formal review panel meeting	Panel considers progress against the required standards.	At least **10 working days' notice**. Panel normally consists of three senior leaders, Trustees or Locality Committee members with no prior knowledge of the case. Right to be accompanied.	• **Sufficient improvement:** capability ends and PPDR resumes. • **Some progress + confidence of further improvement:** monitoring may be extended by **6 weeks**. • **Insufficient/no improvement:** final written warning.
9. Final written warning	Employee is formally warned that continued failure to improve may result in dismissal.	Confirm required standard, timescale, further monitoring/review arrangements and right of appeal.	Employee proceeds to further monitoring/review period and a **decision meeting**.
10. Further monitoring / review	Employee is given a further opportunity to achieve the required standard.	Continue monitoring against agreed objectives, evidence and support arrangements.	Employee attends decision meeting.
11. Decision meeting	Panel considers whether the required standard has now been achieved.	At least **10 working days' notice**. Panel members should have no prior involvement. Right to be accompanied.	• **Acceptable improvement:** capability ends and PPDR resumes. • **Insufficient improvement:** dismissal/recommendation rests to CEO.

12. Dismissal decision	Where performance remains below the required standard, dismissal may be considered.	CEO holds the power to decide that a member of staff should no longer work for the Trust. Employee is informed of reasons, termination date, notice and right of appeal.	Employment ends subject to appropriate notice and appeal rights.
13. Appeal	Employee may challenge a dismissal decision.	Written appeal within **10 working days**, setting out grounds. Appeal heard impartially by senior leaders, Trustees or Locality Committee members not previously involved.	Written appeal outcome normally provided within **10 working days**.
14. End of process	Capability procedure concludes.	Where improvement is achieved, return to normal PPDR/appraisal arrangements.	**Capability closed / PPDR recommences.**

Key Rules

Area	Requirement
Fairness & consistency	The process must be applied fairly and consistently, taking account of the circumstances of the individual case.
Equality Act 2010	Consider disability, reasonable adjustments and any other relevant equality considerations before and throughout the process.
Support	Consider appropriate support such as coaching, mentoring, training, counselling, Occupational Health referral or reasonable adjustments.
Evidence	Keep clear records of concerns, support provided, monitoring, evidence of performance and meetings.
Right to be accompanied	Employees have the right to be accompanied at formal capability, review, decision and appeal meetings as set out in the policy.
Confidentiality	Capability matters should be handled confidentially, subject to appropriate Trust quality assurance and governance requirements.

PPDR	PPDR is paused during the capability/support process and may recommence when the capability process ends.
ECTs	For an ECT, the induction process continues in parallel with capability procedures and the appropriate body is informed.
Warnings	Any warning should clearly explain the standard required, timescale for improvement, consequences of failing to improve and appeal rights.
Timescales	The policy uses 6-week monitoring periods, with possible further 6-week extensions where appropriate, and 10 working days' notice for formal meetings.

Document Control

Changes History

Version	Date	Amended By	Details of Change
V1	September 2024	Andrew Aalders-Dunthorne	Created new policy
V2	September 2025	Liz Frere-Smith	No Changes
V3	October 2026	Liz Frere-Smith	Addition of advice re pausing PPDR, flow chart, links to documents and toolkits

Approval

This policy will be reviewed annually by Head of Service People or as required by changes in legislation.

At every review, this policy will be approved by the Finances & Resources Committee.

The policy was last approved by the Finance & Resources Committee on 12/11/2026.

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