



Capability Policy

Policy Code:	HR1
Policy Start Date:	February 2014
Policy Review Date:	February 2017

Please read this policy in conjunction with the policies listed below:

- Capability Procedure
- Observation Documentation
- Teachers Standards
- Development Management Guide
- Academy Development Plan
- Lesson Expectations Guide
- Lessons Observation Guide



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1. Policy Statement

This procedure applies only to teachers or Heads whose performance is not meeting acceptable standards. It is to be used where there are serious concerns that the appraisal process has been unable to address.

2. Responsibility and Implementation

All employees are responsible for ensuring their conduct is of the standard required by The Priory Federation of Academies Trust. Heads are responsible for ensuring they are aware of the procedure and when to deal with issues under the Capability Policy or when to refer matters on to the Human Resources Manager.

3. Policy Details

3.1 Formal capability meeting

At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns regarding performance and their possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the teacher of their right to be accompanied by a work colleague, a trade union official, or a trade union representative who has been certified by their union as being competent. The representative may present the case on behalf of the employee but may not answer questions on behalf of the employee.

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for Heads capability meetings) or Heads (or those with delegated responsibility ie Deputy Head, Assistant Head) for other teachers. The meeting allows the teacher to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.



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In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, *for example which of the standards expected of teachers are not being met (Teachers Standards Appendix 1)*;
- give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (*this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made*);
- explain any support that will be available to help the teacher improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in some cases could be six weeks;
- warn the teacher formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the teacher will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

3.2 Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. 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 3.4e).

3.3 Formal review meeting

As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a work colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.



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If the person conducting the meeting is satisfied that the teacher 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 teacher will receive a final written warning.

As before, 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 written warning is issued, the member of staff will be informed that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The teacher will be invited to a decision meeting.

3.4 Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a work colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory, a decision, or recommendation to the Chief Executive Officer, who has delegated authority from The Trust, will be made that the teacher should be dismissed or required to cease working at the school.

The teacher will be informed as soon as possible of the reasons for the dismissal in writing, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.



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3.5 Decision to dismiss

The power to dismiss staff in The Priory Federation of Academies Trust rests with the Chief Executive Officer who has delegated authority from The Trust.

4. Dismissal

Once the decision to dismiss has been taken, the Chief Executive Officer, who has delegated authority from The Trust, will dismiss the teacher with notice.

5. Appeal

If a teacher feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing to the Human Resources Manager against the decision within five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and the right to be accompanied by a work colleague, a trade union official, or a trade union representative, who has been certified by their union as being competent, apply.

The appeal will be dealt with impartially and, wherever possible, by Trustees who have not previously been involved in the case.

The teacher will be informed in writing of the results of the appeal hearing as soon as possible.

6. General Principles Underlying This Policy

6.1 ACAS Code of Practice on Disciplinary and Grievance Procedures (www.acas.org.uk)

6.2 Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Head and The Trust to quality-assure the operation and effectiveness of the appraisal system. The moderation of the self-review will be done by the DM Mentor (appraiser) and the Assistant Head. The pro-forma will be seen by appropriate members of SLT.



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6.3 Consistency of Treatment and Fairness

The Trust is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled teachers. The Trust is aware of the guidance on the Equality Act issued by the Department for Education.

6.4 Definitions

Unless indicated otherwise, all references to “teacher” include the Head, SLT and Directors.

6.5 Delegation

Normal rules apply in respect of the delegation of functions by The Trust, Heads and local authorities.

6.6 Grievances

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

6.7 Sickness

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with The Priory Federation of Academies Trust’s absence policy. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

6.8 Monitoring and Evaluation

The Trust and Head will monitor the operation and effectiveness of the school’s appraisal arrangements.

6.9 Retention

The Trust and Head will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.



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7. Procedures

This procedure may only be amended or withdrawn by The Priory Federation of Academies.



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The Priory Federation of Academies Trust Capability Policy

This Policy has been approved by the Priory Federation of Academies Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.