



Carlton Academy Trust Capability Policy

Ratified Date:	Sept 2020
Signed on behalf of the Trustees:	R Butterfield
Signed on behalf of the CEO:	A Kneeshaw
Review Date:	Sept 2021

Purpose and Scope

The Capability Policy will be used to address any general concerns that are raised about a member of staff's performance and what support and procedures will be applied to address this. This policy applies to all employees, irrespective of their length of service, or whether full or part-time.

This policy will normally be used in when the formal performance management process has been unable to address concerns regarding performance.

All employees have the right to be accompanied by a trade union representative or work colleague, in all meetings listed in this policy.

Stage 1 – Formal Capability Meeting

Written notification of the meeting, the nature of concerns, and details of to the capability process should be sent to the member of staff at least 5 working days in advance of the meeting.

The meeting allows them to respond to the concerns raised and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

During the meeting the trust will:

- i. Identify the professional areas for development to enable performance standards to be met, providing clear guidance on the standard of performance required. This may include the setting of new objectives, success criteria and the evidence that will be used to assess whether or not the necessary improvements have been made.
- ii. Allow the staff member the opportunity to present alternative or additional suggestions, where relevant.
- iii. Outline any support available to help the staff member to improve their performance.
- iv. 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 and should be reasonable and proportionate.
- v. Be informed of the potential consequences of not meeting the required standard. Depending on the gravity of the concerns, this may include a final written warning being issued. Employees will also be informed that failure to improve could lead to dismissal.

Stage 2 – Formal Review Meeting

At least five days written notice will be given of this meeting which will discuss improvements made towards targets set in stage one. If some progress has been made and there is confidence that this can be sustained, it may be decided to extend the monitoring and review period up to a maximum of four additional weeks.

If insufficient improvement progress has been made, the employee will receive a final written warning. A further monitoring and review period will commence following the procedures as set out in Stage 1 of this policy. The exception to this is employees who have received a final written warning in stage one, who will then be subject to dismissal.

Written warnings will normally remain active for a 12-month period. During this time, any continued performance concerns will be addressed at Stage 3 of this policy where dismissal is a possible outcome.

If the Trust remains dissatisfied at the end of this period, then the staff member will be invited to a Stage 3 decision meeting at which dismissal can be considered. The staff member will be advised that dismissal is a possible outcome of the Stage 3 meeting.

Stage 3 - Decision Meeting

At least 5 working days' notice of the meeting will be provided, which will consider improvements made in stage two of the process. Both sides will be able to present evidence, with the employee provided with the opportunity to offer any mitigating factors which they believe are relevant to the hearing.

Following this, the Head of School or CEO will decide on a following course of action. This may either be presented in the meeting or sent in writing within five working days. If presented within the meeting, this will also be confirmed in writing within five working days. Reasons for coming to that course of action will also be provided. Employees will be informed of their right to appeal.

Power to Dismiss

The Trustees have formally delegated powers of dismissal to the CEO and Heads of School who will have the power to dismiss under the terms of this policy.

For capability proceedings relating to the Head of School, the CEO has the authority to dismiss with a panel of nominated trustees hearing any appeal. For capability proceedings relating to the CEO, nominated trustees will have the authority to dismiss, and any appeal will be to a panel of nominated trustees not previously involved in the process.

Appeal

All employees have the right of appeal.

Appeals must be lodged in writing to the Head of School within 5 working days of the decision being formally communicated to the employee.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity of pay.

The trust will give the employee written notice of the date, time and place of the appeal hearing.

Wherever possible, the appeal hearing will be conducted by a more senior leader who has not previously been involved in the case. They may:

- Confirm the original decision.
- Revoke the original decision; or
- Substitute a different penalty

The employee will be informed in writing of the final decision as soon as reasonably possible. There will be no further right of appeal.

Sickness

If an employee enters long-term sickness absence during capability proceedings, the trust has the discretion to continue with the process. This decision will be informed by individual circumstances, such as medical evidence presented by Occupational Health or similar.

Grievances

Where a member of staff raises a grievance during a capability process, the trust has the discretion to suspend the capability process, if deemed appropriate, to deal with the grievance. It also retains the right to continue with capability procedures and run both processes concurrently.