



CARLTON
ACADEMY TRUST

Carlton Academy Trust Capability Policy

Approved on behalf of Trustees:

R Butterfield

Date:

July 2021

Next Review Date:

September 2022

Purpose and Scope of Policy

This policy outlines the formal methods the Trust uses to address serious concerns relating to staff performance. Concerns may become apparent during formal performance management processes or informally throughout the year. The policy applies to all employees, irrespective of length of service or contract type.

Stage 1 Capability Hearing

This stage enables concerns to be presented and discussed. Staff will be given at least 5 days' written notice of this meeting and can be accompanied by a trade union representative or work colleague to assist or support them.

During the meeting the school/Trust will:

- Identify areas for development to enable performance standards to be met. This may include the setting of new objectives, success criteria or evidence.
- Allow the member of staff to present their interpretation of events, new information, or alternative solutions.
- Agree support required to reach the required standard.
- Set out the improvement timeline and how performance will be monitored and reviewed, which will be reasonable and proportionate according to circumstance.
- Explain the potential future consequences of not meeting the required standard (final written warning, dismissal). Staff may also be given a final written warning at this meeting.

Decisions will be made by the Head of School, Executive Headteacher, Directors of Primary/Secondary or CEO as appropriate and will be formally communicated in writing to the employee within five working days, outlining reasons for that decision.

Stage 2 Capability Hearing

Here progress is reviewed against objectives set in stage one. Staff will be provided with at least five days' written notice of the meeting, and they may be accompanied by a trade union representative or work colleague to assist or support them.

The meeting has three possible outcomes:

- Evidence of sufficient progress being made to leave formal capability procedures.
- Evidence of some progress being made, leading to a further extension of the monitoring and review period.
- Insufficient progress being made. The employee will either receive a final written warning or may be dismissed if receiving a final written warning in stage one.

Decisions will be made by the Head of School, Executive Headteacher, Directors of Primary/Secondary or CEO as appropriate and will be formally communicated in writing to the employee within five working days, outlining reasons for that decision.

Stage 3 Capability Hearing

This stage reviews continued concerns from stage two. Staff will be provided with at least 5 working days' notice and may be accompanied by a trade union representative or work colleague to assist or support them.

Both sides will be able to present evidence, which will be heard by the Head of School, Executive Headteacher, Director of Primary/Secondary, or CEO as appropriate.

The meeting has two possible outcomes:

- Evidence of sufficient progress being made to leave formal capability procedures.
- Insufficient progress being made. The employee will either receive a final written warning or be dismissed.

Decisions will be formally communicated in writing to the employee within five working days, outlining reasons for that decision.

Appeals

Appeals can be made against decisions made in any stage. They must be made writing to the appropriate Executive Headteacher within 5 working days of a decision being formally communicated to them. Where the process involves a Head of School, any initial decision will have been made by the Executive Headteacher or Director of Primary/Secondary. Therefore, any appeal must be made to the CEO. Where the process involves an Executive Headteacher, Director of Primary/Secondary or any other member of the Central Trust team, the initial decision will have been made by the CEO. Therefore, any appeal must be made to the Chair of Trustees. For capability proceedings involving the CEO, nominated Trustees will have the authority to dismiss, and any appeal made to a panel of nominated Trustees not previously involved in the process.

The employee will be provided with at least 5 days' written notice of an appeal hearing, and they may be accompanied by a trade union representative or work colleague to assist or support them.

When an employee has previously been dismissed, their dismissal date will not be delayed pending the outcome of the appeal. However, should their appeal be successful, the employee will be reinstated with no loss of pay or continuity of service.

Hearings have three possible outcomes, which will be confirmed in writing within five working days:

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

There is no further right of appeal following this stage.

Long Term Sickness and Staff Grievances

Should an employee enter long-term sickness absence during capability proceedings, the school/Trust has the discretion to continue with the process. This decision will be informed by individual circumstances informed by medical evidence from occupational health or similar.

Where a grievance is raised during a capability process, the school/Trust also has the discretion to either suspend the capability process to deal with the grievance or run both processes concurrently.

Power to Dismiss

Trustees have formally delegated powers to dismiss to the CEO, Directors of Primary/Secondary, Executive Headteachers and Heads of School.