



CARLTON
ACADEMY TRUST

Carlton Academy Trust Capability Policy

Approved on behalf of Trustees:

Roger Butterfield

Date:

July 2023

Next Review Date:

July 2024



Glossary

CEO: Trust Chief Executive Officer

COT: Chair of Trustees

DOP: Director of Primary

HOS: Head of School

Purpose and Scope of Policy

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

Stage 1 Capability Hearing

In this stage, concerns are highlighted and discussed at a formal meeting led by a senior leader from the school or Trust. Employees will be provided at least five days' written notice of the meeting and can be accompanied by a trade union representative or work colleague to assist or support.

The meeting aims to:

- Identify areas for development to enable performance standards to be met. This may include setting of new objectives, success criteria or evidence.
- Allow the member of staff to present their version of events, new information, or alternative solutions.
- Define an improvement timeline and key performance indicators, and how performance will be monitored and reviewed in relation to these.
- Agree any support required to reach the required standard.
- Explain the potential consequences of not meeting the required standard (final written warning or dismissal).

Outcomes may be communicated at the meeting but always formally communicated in writing within five working days outlining reasons for any decision. Outcomes may include a final written warning.

Stage 2 Capability Hearing

Here progress is reviewed against objectives set in stage one in a formal hearing led by the HOS or senior trust leader. Employees will be provided at least five days' written notice of the meeting and may be accompanied by a trade union representative or work colleague to assist or support.

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.

Where insufficient progress has been made, the employee will either receive a final written warning or be dismissed if they received a final written warning in stage one.

Outcomes may be communicated at the meeting but always formally communicated in writing within five working days, outlining reasons for any decision.



Stage 3 Capability Hearing

This stage reviews progress since the stage two hearing, in a formal hearing led by the HOS or senior trust leader. Employees will be provided at least five working days' notice and may be accompanied by a trade union representative or work colleague to assist or support them.

The hearing has two possible outcomes:

- Evidence of sufficient progress being made to leave formal capability procedures.
- Insufficient progress being made, and the employee will be dismissed.

Outcomes may be communicated at the meeting but always formally communicated in writing to the within five working days, outlining reasons for any decision.

Appeals

Appeals can be made against decisions made at any stage. They must be made in writing within five working days of a decision being formally communicated to them, and should be directed to the following personnel:

HOS – where previous hearing chaired by another school senior leader.

DOP – where previous hearing chaired by a primary HOS.

CEO: Where previous hearing chaired by a HOS or senior trust leader (including DOP).

COT: Where previous hearing chaired by the CEO.

Capability proceedings involving the CEO will be overseen by the COT, with appeals made to a panel of nominated Trustees with no previous knowledge or involvement in the process.

Employee will be provided with at least five days written notice of the hearing and may be accompanied by a trade union representative or work colleague to assist or support.

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

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

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

There are no further means 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 capability process as informed by individual circumstances.

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



Power to Dismiss

The CEO, DOP, and HOS all have delegated powers to dismiss.

