



The Athelstan Trust

Capability Procedure

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Introduction

- 1 **Flexibility:** The capability procedure is applicable to you once you have completed your probationary period. The Trust and all of its Academies will follow a fair procedure in the event that action under the capability procedure is necessary but this procedure does not have contractual effect. There may be occasions when the Trust considers it appropriate to change or omit parts of the procedure.
- 2 **Amendments:** If the Trust amends the procedure from time to time, you will be given advance notice of the amendments.
- 3 **Conduct:** This procedure does not apply to misconduct or incompetence, incapacity or other poor performance which is attributable to misconduct.

Standards

- 4 **Teachers' Standards:** The following non-exhaustive list of teaching standards are expected by the Trust as a minimum. A teacher must:
 - 4.1 set high expectations which inspire, motivate and challenge pupils;
 - 4.2 promote good progress and outcomes by pupils;
 - 4.3 demonstrate good subject and curriculum knowledge;
 - 4.4 plan and teach well structured lessons;
 - 4.5 adapt teaching to respond to the strengths and needs of all pupils;
 - 4.6 make accurate and productive use of assessment;
 - 4.7 manage behaviour effectively to ensure a good and safe learning environment;
 - 4.8 fulfil wider professional responsibilities;
- 5 **Maintaining public confidence:** In addition to the standards detailed above, teachers should maintain public trust and confidence in the Trust, in its Academies and in the profession by:
 - 5.1 demonstrating honesty and integrity;
 - 5.2 understanding and upholding their duty to safeguard the welfare of children and young people;
 - 5.3 maintaining reasonable standards of behaviour whether inside or outside of normal School hours and whether on or off the School's site; and
 - 5.4 maintaining an effective learning environment.



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- 6 **Investigation:** As a first step any capability issue will be investigated. If, after investigating the matter, it appears that there are no reasonable grounds for concern, or the performance concerns identified can be addressed using the appraisal process, then you will be informed of this in writing and, if relevant, allowed to return to work as normal.
- 7 **Next stage:** If it is considered necessary to take formal action in respect of issues relating to your performance a Capability Meeting will be arranged.
- 8 **Information:** You will be given reasonable advance notice of the timing and location of the Capability Meeting and will be told, in writing, the purpose of it and the basis of the concern. You will be provided with a copy of any documents which may be referred to at the Capability Meeting and invited to submit any relevant documents. You will be given a reasonable opportunity to consider your response to this information.
- 9 **Right to be accompanied:** You may be accompanied to the Capability Meeting by a colleague or trade union official.
- 10 **Capability Meeting:** The Head / Deputy Head (or an alternative senior member of staff) will conduct the Capability Meeting and your Head of Department or line manager may be asked to attend. You must take all reasonable steps to attend the Capability Meeting. The meeting will address your performance and discuss any measures needed to correct and improve this. You or the person accompanying you will be able to ask questions and put forward your point of view. You may request an adjournment if you need to consult the person accompanying you. Whenever possible the Academy will offer reasonable assistance and time to help you improve. The following will be considered and discussed with you at the meeting:
 - 10.1 concerns relating to your performance;
 - 10.2 your response;
 - 10.3 the respects in which your performance has fallen short of the required standards;
 - 10.4 suggestions as to any appropriate support / training / supervision which could improve your performance;
 - 10.5 the time in which performance must improve and the method by which your performance will be monitored;
 - 10.6 the likely consequence of further instances of poor performance or a failure to improve within a specified time.

Action

- 11 **Outcomes:** Following the Capability Meeting, the following steps may be taken:
 - 11.1 **written warning requiring improvement:** if your performance is not meeting the required standard, the Deputy Head or your line manager will write to you indicating the details of the poor performance and the time period for improvement. You will be advised that it constitutes the first stage of the formal procedure;



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- 11.2 **final written warning:** in the event of a more serious failing, if you fail to improve within the time referred to in the previous written note or you are found to have fallen short of the required standard in any other respect, you will be given a final written warning which will set out the details of poor performance and the time period for improvement.
- 11.3 **dismissal:** if you fail to improve within the time specified in the final written warning or you have fallen short of the required standards in any other respect, you may be dismissed immediately with notice.
- 12 **Communication of decision:** You will be notified of the Academy's decision in writing as soon as reasonably practicable. If the concern is upheld, you will be informed of the outcome and your right to appeal the decision.
- 13 **Currency of warnings:** All written notes requiring improvement which are issued following a Capability Meeting will remain in effect for a period of 12 months from the date of issue unless otherwise advised to you. A final written warning will remain in effect for a period of 24 months from the date of issue unless you are otherwise advised. Copies will be placed on your personnel file.

Appeal

- 14 **Right of appeal:** You have the right to appeal to an Appeal Panel against any decision made following the Capability Meeting if you are dissatisfied with it. You should notify the Headteacher in writing within five working days of being notified of a decision, giving full details of why you wish to appeal.
- 15 **Appeal procedure:** The Appeal Panel will arrange a review meeting or a fresh capability meeting which will take place as soon as reasonably practicable and you will be informed in advance of its timing and location. You must take all reasonable steps to attend the appeal meeting. There shall be no right to appeal from the decision of the Appeal Panel. The Appeal Panel will be entitled to reach a different conclusion and impose a different outcome (although not greater) than that imposed after the Capability Meeting.
- 16 **Appeal panel:** The Appeal Panel shall not include anyone previously involved in the Capability Meeting and may comprise one or more persons. As far as reasonably practicable, the person chairing the Appeal Panel will be someone holding a more senior position than the person chairing the Capability Meeting. You will be informed in writing of the Appeal Panel's decision as soon as reasonably practicable.
- 17 **Right to be accompanied:** You may be accompanied to the appeal hearing by a colleague or trade union official.
- 18 **Employment status:** If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that the period of notice began at the date given in the dismissal decision. If having been dismissed you are reinstated on appeal, your continuity of employment will be unaffected.