

DIOCESE OF
ST ALBANS
MULTI-ACADEMY TRUST

Trust Policy

Capability

Policy type	Trust wide
Review	Annually
Author	Trust People Manager
Approved by	COO
To be ratified by	Finance, People and Operations Committee
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Date of next review	Spring 1 2025

This policy is a mandatory policy for all DSAMAT Academies and must be implemented without any amendments

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Our mission, vision and values

The Trust has a clear **mission** at its core, ensuring that all pupils are enabled to flourish, rooted in God's Love - academically, socially, spiritually, physically and mentally. This is central to our work, and rooted in our Christian foundation (John 10 v 10). Our commitment to mutual flourishing within the school community is built upon our shared belief in Church of England principles. In our Trust, just as in the wider Church of England community, 'flourish' refers to prospering, thriving and growing – not shrinking out and dying. It means prayerfully encouraging all within our schools so that they might prove fruitful, successful and contented in the longer term. We seek to provide space generously for all to flourish in life and all of its structures. Equitable treatment for all pupils, staff and the wider community is a core part of enabling this long term, holistic flourishing.

We have a clear **vision** about creating successful schools for the benefit of their communities. We expect any school in the Trust to continuously improve, and those graded by OFSTED as RI/Serious Weaknesses/Special Measures to make rapid progress and be able to secure an OFSTED grading of at least "Good" within 3 years post-conversion. All schools provide rich and diverse curricula which evolve to meet the needs of their children and local communities, as well as delivering educational excellence to enable them to continue to flourish in later life.

The way we work and deliver against our mission is critical to our Trust. We have shared, agreed **values** of:

Hope; Nurture; Equality; Respect; Collaboration

The Trust's vision is underpinned by a Christian values framework which is adopted by all schools. It provides clear expectations for all Trust employees on how we wish our values to impact on all areas of school life. It draws on, and is informed by, the National Church of England Vision for Education and the Diocesan Board of Education Vision.

Each school within the Trust has a personalised vision for education, developed locally to reflect the individual character and needs of the school community. This vision is underpinned by the Trust's wider vision, and agreed with the Trust, but it is owned and driven by the headteacher and their LGB.

Our community

The Trust are dedicated to delivering education that serves local communities. Our schools are inclusive, welcoming those from all and no faiths, from all abilities and backgrounds. We believe in providing a high-quality education, underpinned by Christian values, which enables every child to flourish.

Underpinning all of the Trust's work is a belief in educational excellence. The Trust serves all stakeholders by providing schools with the highest levels of academic rigour and pastoral care.

Our schools are places where children and young people develop and thrive intellectually, socially, culturally and spiritually. All of the Trust's schools teach a broad and balanced curriculum within

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national guidelines focusing on core skills. This is designed to ensure that all pupils reach their academic potential and seek to enrich their experience along the way. Pupils will be enabled to succeed in an atmosphere of high expectation, aspiring to educational excellence with a firm foundation of values.

This policy forms part of our Trust governance and ensures that we are held to the highest standards as we carry out our duties.

Statement of Intent

This is the Diocese of St Albans Multi-Academy Trust (DSAMAT) Capability Policy and must be implemented and adhered to in each of the academies within the Diocese of St Albans Multi Academy Trust along with those working within the central team.

This policy will also be implemented and adhered to from the first day of any other academy joining the Trust. For the remainder of this document, the Diocese of St Albans Multi Academy Trust will be referred to as DSAMAT.

Please read the DSAMAT Staffing Policy Statement in conjunction with this policy.

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Introduction

At DSAMAT we expect all employees to meet the expected standards of their respective roles and work as part of a team to improve the educational outcomes of all of our pupils. In the event that an employee falls below the expected standard, this policy sets out the arrangements for improving their performance.

1. Formal Capability meetings

- 1.1. This policy applies only to employees about whose performance there are serious concerns. If an employee's performance is not wholly satisfactory, and hasn't been improved through supportive and developmental line management, the employee will be invited to a formal capability meeting to discuss the identified poor performance as specifically as possible.
- 1.2. A capability meeting constitutes a formal meeting and should be arranged in conjunction with the Diocese of St Albans Multi Academy Trust's Staffing Policy Statement.
- 1.3. The capability meeting is intended to establish the facts and will be conducted by the employee's Line Manager. The meeting will allow the employee 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.
- 1.4. The Line Manager 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.
- 1.5. The Line Manager may also adjourn the meeting if it is decided that further investigation is needed, or that more time is needed in which to consider any additional information. In other cases, the meeting will continue.
- 1.6. During the meeting, or any other meeting which could lead to a formal warning being issued, the Line Manager will:
 - In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met
 - Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations
 - Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement
 - Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures, which may include the setting of new objectives focused on the specific area/s of poor performance that need to

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be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made

- Identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other Schools, discussion with appropriate colleagues or professionals
- 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 will be reasonable and proportionate, between four and ten weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved
- Warn the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to their dismissal
- Inform the employee of the right of appeal
- Agree with the employee and any companion the date of the formal review meeting
- Notes will be taken of formal meetings and a copy sent to the employee and any companion. Where a first warning is issued, the employee will be informed in writing of the matters discussed in 1.6 above. They will also be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning, which could then lead to dismissal, if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning.
- If the concerns relate to a lack of capability that poses a risk to the health, safety or wellbeing of children, or is likely to result in serious damage to pupils' education, the shorter timescale may be appropriate. In such cases, the senior manager may exceptionally decide to issue a first and final written warning, if to do otherwise would expose students to serious risk in terms of their health, safety, wellbeing or educational prospects.

2. Sickness absence and the use of this procedure

- 2.1. It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness for continued employment at the Trust.
- 2.2. Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or

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training. The Trust may consider making adjustments to this procedure in appropriate cases, e.g. moving from this procedure to procedures used by the Trust to terminate the employment of the employee on the grounds of ill health.

- 2.3. If an employee's medical condition is not serious enough to warrant consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting, they may present a written submission for consideration and/or be represented by a companion in their absence.

3. Monitoring and review period following a formal capability meeting

- 3.1. A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will be invited to a formal review meeting (see paragraph 4.4 below), unless they have been issued with a final written warning, in which case they will be invited to a decision meeting (see paragraph 4.6 below).

4. Capability review meeting

- 4.1. A capability review meeting constitutes a formal meeting and should be arranged in conjunction with the DSAMAT's Staffing Policy Statement.
- 4.2. The capability review meeting will be conducted by the Headteacher for school based employees or the COO for central team employees.
- 4.3. The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out above.
- 4.4. If the Headteacher/COO is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start.
- 4.5. In cases where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- 4.6. In cases where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.
- 4.7. Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.
- 4.8. Where a final written warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date of the decision meeting will be agreed with the employee and any companion.

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4.9. At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

4.10. Right of appeal against a formal written warning

4.10.1. The employee has a right of appeal against a decision to issue a warning.

4.10.2. An appeal hearing constitutes a formal meeting and should be arranged in conjunction with the Diocese of St Albans Multi Academy Trust's Staffing Policy Statement.

4.10.3. An appeal should be addressed to the next level of management, for example if the Line Manager conducted the meeting, the Headteacher will hear the appeal.

4.10.4. Appeals against a written or final written warning shall be restricted to considering the reasonableness of the decision made, any relevant new evidence not previously available or any procedural irregularities.

4.10.5. The outcome may be to confirm the warning, reduce a final warning to a warning, or cancel the warning.

4.10.6. Pending any appeal, the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and their progress towards the achievement of these targets may be monitored during this period.

5. Decision meeting

5.1. A capability decision meeting constitutes a formal meeting and should be arranged in conjunction with the Diocese of St Albans Multi Academy Trust's Staffing Policy Statement.

5.2. The meeting will be conducted by the Chief Operating Officer.

5.3. 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 (see DSAMAT Performance Appraisal & Development Policy)

5.4. If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short, specified assessment period.

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5.5. If performance has remained unsatisfactory, a decision will be made that the employee will be dismissed. The employee will be informed in writing as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice and the right of appeal.

6. Right of appeal against a decision to dismiss

6.1. The employee has a right of appeal against a decision to dismiss.

6.2. An appeal hearing constitutes a formal meeting and should be arranged in conjunction with the Diocese of St Albans Multi Academy Trust's Staffing Policy Statement.

6.3. An appeal against a dismissal should be submitted to the Chief Executive Officer. The appeal should set out the grounds of appeal.

6.4. An appeal against a dismissal will be heard by the Chief Executive Officer who may be accompanied by a member of the Trust People Team.

6.5. The outcome may be to confirm or revoke the dismissal.

7. Grievances arising during the procedure

7.1. Where an employee has a grievance against the way the senior manager has conducted the procedure, this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered.