

DIOCESE OF
ST ALBANS
MULTI-ACADEMY TRUST

Trust Capability Policy

Policy type	Trust wide (Tier 1) based on the EPM Model
Review	Annually
Author/Responsible Officer	Head of People
Approved by	FPO
Date of ratification	September 2025
Date of next review	September 2026

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. 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 and we expect every school in the Trust to continuously improve. 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 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.

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Statement of Intent

This is the Diocese of St Albans Multi-Academy Trust (DSAMAT) over-arching 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 school joining the Trust.

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1. Definitions

- 1.1. “Headteacher” also refers, where appropriate, to any other title used to identify the Headteacher.
- 1.2. “Executive Leader” refers to the trust CEO and Director of Education.
- 1.3. “Employee” refers to any member of the school / trust staff employed to work at the school / within the trust.
- 1.4. “Senior manager” refers to any member of the Leadership Group (as defined by the School Teachers’ Pay and Conditions Document) or a member of the senior leadership team (Head of Service level or above) for central staff delegated by the Headteacher or Executive Leader, to deal with a capability matter under these procedures. A senior manager may only make a decision to issue a sanction up to and including a final written warning.
- 1.5. If the Headteacher, following consultation with Executive Leaders, considers that there is no senior manager to whom they can reasonably delegate a specific capability matter, then the Headteacher will take the role of the senior manager for that specific case and the role of the “Headteacher”, under this procedure, will be performed by a member of the Trust SLT.
- 1.6. Where the capability being reviewed is that of the Headteacher, the role of the Headteacher will be undertaken by an Executive Leader.
- 1.7. Where the capability being reviewed is that of the Director of Education (DofEd), the role of Headteacher will be undertaken by the CEO. Where the capability being reviewed is that of the CEO, the role of Headteacher will be undertaken by the Chair of the Board of trustees. A possible sanction of dismissal involving the DofEd or CEO will be heard by a panel, which will consist of three Trust Board Directors.
- 1.8. “Lack of capability” is defined as a situation in which an employee fails to consistently perform their duties to a wholly satisfactory standard of performance over a period of time.

2. Purpose

- 2.1. This policy sets out the framework for:
 - 2.1.1. The standards expected of employees in their respective roles
 - 2.1.2. The arrangements that will apply if employees fall below the levels of competence that are expected of them, including formal capability procedure which applies to all employees of the trust. Concerns about the employee’s performance will have been identified under the appraisal process, but the employee has been unable to address these to a satisfactory standard.

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- 2.2. If the appraiser is not satisfied with progress, the employee will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the Capability Procedure. The employee will be invited to a formal capability meeting, the procedures of which are detailed in this policy.
- 2.3. This policy does not form part of any employee's contract of employment, and it may be amended at any time. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

3. Capability Procedure - Formal Capability Meeting

- 3.1. This procedure applies only to employees about whose performance there are serious concerns that the appraisal process has been unable to address. If under the DSAMAT Appraisal Policy, an employee's performance is not wholly satisfactory, the senior manager, or another person with line management responsibility for the employee, will invite the employee to a formal capability meeting to discuss their identified poor performance as soon as possible.
- 3.2. The senior manager will write to the employee at least 5 working days in advance to inform them about:
 - The date, time and place of the meeting
 - The basic details of the concerns about the employee's performance
 - The employee's right to be accompanied by a representative of their trade union or a workplace colleague of their choice
 - The titles of enclosed copies of any documents to be used at the meeting
 - Names of any witnesses to be called
 - Their right to call witnesses on their behalf
 - The name and office of any adviser who will accompany the senior manager at the meeting

An extra copy, together with any enclosures, will be provided for their companion upon request.

- 3.3. This meeting is intended to establish the facts. It will be conducted by a senior manager delegated by the Headteacher (or Executive Leader). 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.
- 3.4. The senior 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.

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- 3.5. The senior 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.
- 3.6. During the meeting, or any other meeting which could lead to a formal warning being issued, the senior manager will:
- Identify the poor performance, and in the case of a teacher, include which of the teacher standards 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. This may include the setting of new objectives that are focused on the specific area/s of poor performance that need to 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, mentoring, 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 first or final written warning which could then lead to their dismissal
 - In the case of teachers, warn the employee that failure to improve within the set period could have implications on pay progression
 - Inform the employee of the right of appeal
 - Agree with the employee and any companion the date of the formal review meeting
- 3.7. 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 3.6 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 lead to dismissal if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning.

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- 3.8. 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 pupils to serious risk in terms of their health, safety, wellbeing or educational prospects.
- 3.9. The senior 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.

4. Sickness Absence and the use of this Procedure

- 4.1. 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. If appropriate, arrangements will be made to seek medical advice from an Occupational Health Adviser to assess the employee's health and fitness.
- 4.2. 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 employees duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g. moving from this procedure to procedures used by the school / trust to manage the sickness absence.
- 4.3. If an employee's medical condition is not serious enough to warrant management under the sickness absence management procedure, 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 capability 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. The companion may be a fellow work colleague or Trade Union representative.

5. Performance Monitoring and Review Period Following a Formal Capability Meeting

- 5.1. 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 6 below), unless they had been issued with a final written warning, in which case they will be invited to a decision meeting (see paragraph 8 below).

6. Formal Review Meeting

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- 6.1. At least 5 working days before the date for the formal review meeting a written reminder will be given to the employee together with details of the meeting as set out in paragraph 3.2 above.
- 6.2. The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in paragraph 3.6 above.
- 6.3. If the senior manager (or Executive Leader) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease, and the appraisal process will re-start where the employee is subject to the trust Appraisal Policy.
- 6.4. 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;
 - Where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.
- 6.5 Notes will be taken at the formal review meeting, and a copy will be sent to the employee and any companion.
- 6.6 Where a final 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.
- 6.7 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.

7 Right of Appeal against a Formal Written Warning

- 7.1 If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, they may appeal in writing against the decision.
- 7.2 Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the Executive Assistant of the CEO (or Clerk to the Trust Board for the CEO) within 5 working days of the formal written warning having been received.
- 7.3 All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.
- 7.4 The appeal will be heard by the CEO or a designated a senior leader (or Appeal Committee of the Trust Board in the case of the CEO). The number of Directors on the Appeal Committee will not be less than three and will not have been involved at the

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previous level. The CEO (or designated senior leader) may be advised by a person engaged for the purpose by the Trust Board. The CEO (or designated senior leader) can either confirm the warning, reduce a final warning to a warning, or cancel the warning. The employee will be informed in writing of the results of the appeal hearing as soon as possible.

- 7.5 The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee and any companion.
- 7.6 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.

8 Decision Meeting

- 8.1 At least 5 working days before the date of the decision meeting a reminder will be given in writing together with details of the meeting as in paragraph 3.2 above. The meeting will be conducted by the Headteacher (Executive Leader for the Headteacher).
- 8.2 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 where the employee is subject to the trust Appraisal Policy.
- 8.3 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 warning will be extended for a short, specified assessment period.
- 8.4 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.

9 Right of Appeal against a Decision to Dismiss

- 9.1 The employee has a right of appeal to the CEO (or Appeal Committee of the Trust Board in the case of the CEO) against a decision to dismiss.
- 9.2 The structure of the appeal panel will be determined by the CEO. The appeals panel for the CEO role will consist of no less than three panel members, one of whom should be external to the running of the trust.
- 9.3 The employee's notice of appeal should be sent to Executive Assistant of the CEO (or Clerk to the Trust Board for the CEO) within 5 working days of receipt of the written decision to dismiss, setting out the grounds of appeal.

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- 9.4 Appeal hearings should be held as soon as possible after receipt of the appeal and will be conducted in the same way as appeals referred to in paragraph 7 above.

10 Notice of Dismissal

- 10.1 Following a decision to dismiss, the CEO / Appeal Panel will notify the employee in writing that the employee is to be dismissed, whether with notice or with pay in lieu of notice in accordance with the decision of the CEO (or Appeal Panel).
- 10.2 In the event that the CEO / Appeal Panel decides not to uphold the decision to dismiss, the employee shall be informed immediately, and the notice of dismissal shall be immediately withdrawn.

11 Grievances Arising During the Process

- 11.1 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.

12 Trade Union Officials

- 12.1 Although normal performance standards must apply to an employee who is a lay trade union official, no formal action will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

13 Confidentiality

- 13.1 Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.
- 13.2 The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the School's disciplinary procedure.