

TCT CAPABILITY POLICY

Lead	Director of Education
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TCT CAPABILITY POLICY

1. Introduction

The Collegiate Trust is a partnership of schools in Crawley and Croydon whose purpose is to build *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: **ambition & collaboration**, as well as in our desired outcomes: **achievement & enjoyment**. This policy provides a key mechanism that informs our wider *School Improvement Strategy*.

2. Aims of the Policy

- 2.1 This policy is key to supporting The Collegiate Trust's commitment to developing its staff and people. It sets out the transition from the Performance Development Policy and procedure to addressing serious concerns about a colleague's performance.
- 2.2 The policy applies only to colleagues (including the Principal or Head of School) about whose performance there are serious concerns or that the Performance Development Policy has been unable to address. This does not apply to ECTs or trainee teachers. The Capability Policy sets out the transition to capability procedures where there are serious concerns about a colleague's performance.
- 2.3 The capability process will be a clear and supportive process designed to ensure that all colleagues have the skills and support they need to carry out their role effectively. It will help to ensure that staff are able to meet professional standards and make a positive contribution to performance improvement.

3. Principles of the Policy

- 3.1 Colleagues are encouraged to take ownership of their Performance Development plans, using them for personal benefit as professional development tools. The Performance Development Plan has two key components for colleagues to develop professionally and demonstrate good performance: Professional Standards and the Inquiry Question approach. Colleagues are required to engage fully with meeting professional standards and reviewing and reflecting on their practice in conjunction with these.
- 3.2 The Performance Development Policy sets out the processes through which colleagues will demonstrate that they have met professional standards and engaged with the inquiry process. Where it is evident that colleagues have not met professional standards and/or do not engage in the inquiry process, the Capability Policy will be applied and the Performance Development Policy will be suspended. Colleagues should note that these policies and associated procedures are highly mechanistic and describe functions and systems. At no time should such systems represent the totality of work on performance management; high quality discussion, joint practice development and strong collaborative opportunities are key to successful performance improvement.

4. Capability Process

4.1 Formal Capability Meeting

At least five working days' notice will be given of a formal capability meeting which will initiate a capability process. This should not be a surprise to a colleague who should have been made aware of concerns about their performance in conjunction with Performance Development processes. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the colleague to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the colleague of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

- 4.1.1 This meeting is intended to establish the facts. It will be conducted by the Principal/Head of School (or CEO in the case of the Principal's capability). The meeting allows the colleague, accompanied by a companion if they wish, 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.
- 4.1.2 The person conducting the interview may conclude that there are insufficient grounds for pursuing the capability issues and that it would be more appropriate to continue to address the remaining concerns through the Performance Development process. In such cases, the capability procedure will come to an

end. The person conducting the meeting may also adjourn the meeting, for example, if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

4.1.3 In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, for example, which of the standards expected of colleagues are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the colleague can be removed from formal capability procedures (this may include the setting of objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);
- explain any support that will be available to help the colleague improve their performance;
- 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 in straightforward cases could be between four and ten weeks, which should provide sufficient opportunity for an improvement to take place);
- warn the colleague formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

4.1.4 Notes will be taken of formal meetings and a copy sent to the colleague. Where a warning is issued, the colleague will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

4.2 Monitoring and Review Period following a Formal Capability Meeting

4.2.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The colleague will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

4.3 Formal Review Meeting

4.3.1 As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the colleague of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

4.3.2 If the person conducting the meeting is satisfied that the colleague has made sufficient improvement, the capability procedure will cease and the Performance Development process will re-start. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- If no, or insufficient improvement has been made during the monitoring and review period, the colleague will receive a final written warning.

4.3.3 As before, notes will be taken of formal meetings and a copy sent to the colleague. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The colleague will be invited to a decision meeting.

4.4 Decision Meeting

4.4.1 As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the colleague of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

- 4.4.2 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. If the performance remains unsatisfactory, a decision will be made that the colleague should be dismissed or required to cease working in the Trust.
- 4.4.3 The colleague will be informed 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 their right of appeal.

5. Decision to Dismiss

- 5.1 The power to decide that members of staff should no longer work at a school rests with the Principal or Executive Principal (and the CEO in the case of the Principal).
- 5.2 Once the decision to dismiss has been taken, the Principal or Executive Principal (or CEO in the case of the Principal) will dismiss the colleague with notice.

6. Appeal

- 6.1 If a colleague feels that a decision to dismiss them, or other action taken against them is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the colleague.
- 6.2 The appeal will be heard by the CEO, or in the case of the dismissal of the Principal by a panel of 3 Directors, not including the CEO.
- 6.3 The colleague will be informed in writing of the results of the appeal hearing as soon as possible.