Policy Title:	Staff Capability Procedure
Version	1.1
Member of Staff Responsible	Chief Executive Officer
Status	Statutory
Date adopted by Trust Board	19 October 2026
Reviewed	Bi-Annually
Reviewed	14 December 2022 14 October 2024

Change Record		
Version	**Date**	**Description**
1.1	19/10/2026	Changes to Section 2, 4, 5, 6, 7, 9
1.2		
1.3		

Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care; all policies are developed and formulated with this in mind

Formal Capability Procedure for All Staff

1. **Application**

1.1 This procedure only applies to staff members whose performance is causing concern of such seriousness that the appraisal process (which incorporates a structured support plan) is unable to address it satisfactorily.

1.2 For the purposes of this policy:

Staff Member(s) refers to all employees of Primitas Learning Partnership, including Academy Headteachers, the Chief Executive Officer (CEO) and Central MAT staff.

Appropriate Manager is someone in a position of authority in relation to the staff member who conducts the different meetings up to the Final Decision Meeting.

Decision-Maker is someone who determines the next steps based on recommendations they receive from the Performance Improvement Meeting and Formal Review Meeting. They also conduct the Final Decision Meeting.

- For the CEO, an appropriate manager would be a member of the Trust Board, as agreed by the Chair of the Trust Board. The Decision Maker in this instance would be the Chair of the Trust Board.
- For Central MAT staff apart from the CEO, an appropriate manager would be an executive leader or someone of sufficient seniority as agreed by the CEO. The Decision Maker in this instance would be the CEO.
- For Academy Headteachers, an appropriate manager would be a member of the Local Governing Body, as agreed by the Chair of Governors. The Decision Maker in this instance would be the Chair of Governors.
- For other academy staff, an appropriate manager would be a line manager or senior leader as agreed by the Headteacher. The Decision Maker in this instance would be the Headteacher.

2. **Performance Improvement Meeting**

2.1 Once the decision has been made to instigate the formal capability procedure, the colleague will be given a letter of notification, informing them of this decision and inviting them to a Performance Improvement Meeting. The first meeting will be conducted by an Appropriate Leader.

2.2 As with all formal capability meetings, at least five working days' notice will be given for the Performance Improvement Meeting and the notification letter will give details of the time and place. It will also advise the colleague of their right to be accompanied by a companion who may be an employee of the Trust (who is not a family member), or a trade union representative who has been certified by their union as being competent. Furthermore, as with other formal meetings, notes will be taken and a copy sent to the colleague.

2.3 The notification letter will contain information and evidence about the seriousness of the concerns that remain regarding the colleague's performance, despite the support that has been provided through the appraisal process. This information and evidence will enable the colleague to prepare a response to the case that will be shared at the meeting. The notification letter will also outline the possible consequences of the formal capability procedure progressing.

2.4 The Performance Improvement Meeting will be conducted by the Appropriate Manager and the intention of the meeting is to establish the facts. The meeting allows the colleague, accompanied by a companion who may be an employee of the Trust (who is not a family member), or a trade union

representative 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.

2.5 During the meeting, the Appropriate Manager conducting the meeting will:

- Remind the colleague that this is a formal capability meeting and warn them that failure to improve performance as a result of this and subsequent meetings could ultimately lead to dismissal.
- Identify the professional shortcomings which means that the standards expected are not being met; relevant school-based and national professional standards should be used for benchmarking and referencing purposes wherever possible.
- Give clear guidance on the improvements needed to ensure that the colleague can be removed from formal capability procedures. (This includes the setting of new objectives, the formulation of clear success criteria together with clarification of the kind of evidence that will be required to confirm whether or not the necessary improvements have 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 in the form of a Performance Improvement Plan (Appendix 1). The timescale will depend on the circumstances but will usually be up to 6 weeks.

2.6 The conclusion of the meeting will lead to one of four recommendations being made by the Appropriate Manager conducting the meeting:

1. There are insufficient grounds for pursuing the capability issue and it is more appropriate to continue to address the remaining concerns through the appraisal process. Therefore, the capability procedure should come to an end.
2. More time is needed in which to consider any additional information which came to light prior to or during the meeting. (The meeting is therefore adjourned.)
3. A final, written warning is issued, due to the seriousness of the situation, and the staff member moves straight to the Final Decision Meeting.
4. The capability procedure moves to the Monitoring and Review Period.

2.7 The Appropriate Manager will present key facts and recommendations from the Performance Improvement Meeting to the appropriate Decision Maker in line with the Scheme of Delegation, for action to be agreed regarding next steps and for this to be communicated in writing to the colleague.

3. Monitoring and Review Period

3.1 Where the decision is made to move to a Monitoring and Review Period, this begins immediately after the Performance Improvement Meeting. During this period, the Personal Improvement Plan will be implemented within the specified time-frame. At the end of the specified time-frame, the staff member will be invited to the Formal Review Meeting.

4. Formal Review Meeting

4.1 As with all formal capability meetings, at least five working days' notice will be given and the notification letter 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 an employee of the Trust (who is not a family member), or a trade union representative who has been certified by their union as being competent. Furthermore, as with other formal meetings, notes will be taken and a copy sent to the colleague.

4.2 The conclusion of the meeting will lead to one of three recommendations being made by the appropriate manager conducting the meeting:

1. Sufficient improvement has been made in accordance with the Performance Improvement Plan and so the capability procedure will cease and the appraisal process will re-start.

2. If some progress has been made and there is confidence that more, sustained improvement is likely it may be appropriate to extend the monitoring and review period.
3. If no progress, or insufficient improvement has been made during the Monitoring and Review period, then a Final Written Warning is issued and a Final Review Period is entered.

4.3 The appropriate manager will present key facts and recommendations from the Formal Review Meeting to the appropriate Decision Maker in line with the Scheme of Delegation, for action to be agreed regarding next steps and for this to be communicated in writing to the colleague.

5. Final Written Warning and Final Review Period

5.1 Where a Final, Written Warning is issued, the colleague will be informed by the Appropriate Leader Decision Maker that they are entering a Final Review Period, culminating in a Final Decision Meeting where their ongoing underperformance will be considered and dismissal may be the outcome of the meeting.

The colleague will also be informed of the time limits for appealing against the Final Written Warning.

They will also be given details about monitoring, review and support arrangements in this Final Review Period, which will continue in accordance with a Final Performance Improvement Plan (Appendix 2.) The Final Performance Improvement Plan will be based on the previous Performance Improvement Plan and will be devised by the Appropriate Manager. The Final Performance Improvement Plan will only run for the period of time between the Final Warning Letter being received and the Final Decision Meeting being arranged. This will usually be between 4 – 5 weeks

6. **Final Decision Meeting**

6.1 As with all formal capability meetings, at least five working days' notice will be given and the notification letter 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 an employee of the Trust (who is not a family member), or a trade union representative who has been certified by their union as being competent. Furthermore, as with other formal capability meetings, notes will be taken and a copy sent to the staff member.

6.2 For Academy Staff (other than the Headteacher) the meeting will be conducted by the Headteacher and a Governor Panel. The Governors Panel will attend the meeting in order to work closely with the Headteacher and will sanction the dismissal in the case where dismissal is warranted.

For Academy Headteachers, the meeting will be conducted by the Chair of Governors, a Governor and a Trustee, as agreed by the Chair of the Trust Board, who will attend the meeting in order to work closely with the Chair of Governors and sanction the dismissal where dismissal is warranted. For Central MAT Staff (other than the CEO) the meeting will be conducted by the CEO and a Panel of Trustees who will attend the meeting in order to work closely with the CEO and will sanction the dismissal in the case where dismissal is warranted.

For the CEO , the Chair or Vice-Chair of the Trust Board will conduct the meeting with a minimum of two other Trustees, mindful of the fact that the other one may be needed to chair any resulting appeals committee. The Chair or Vice-Chair conducting the meeting will work closely with the other Trustee(s) and will sanction the dismissal where dismissal is warranted.

6.3 If an acceptable standard of performance is achieved during the Final Review Period, the capability procedure will end and the appraisal process will re-start.
If performance remains unsatisfactory, a decision will be made by the appropriate Governor or Trustee who attend(s) the meeting that the colleague should be dismissed.

6.4 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.

7. Power to Dismiss

7.1 The power to dismiss staff members in Primitas Academies apart from the Headteacher has been delegated to a Governors Panel acting in collaboration with the Headteacher. In the case of Academy Headteachers and the CEO, the power to dismiss lies with the Trust Board. With regards to Central MAT staff apart from the CEO, the power to dismiss has been delegated to an appropriate number of Trustees working in collaboration with the CEO.

8. Dismissal

8.1 Once the decision to dismiss has been taken, the Local Governing Body or the Trust Board as appropriate will dismiss the staff member with notice.

9. Appeal against a dismissal at the Final Decision Meeting

9.1 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 be an employee of the Trust (who is not a family member), or a trade union representative will apply as with formal capability and review meetings. Furthermore, as with other formal meetings, notes will be taken and a copy sent to the staff member.

9.2 The appeal will be dealt with impartially by Trustees.

9.3 The colleague will be informed in writing of the results of the appeal hearing as soon as possible.

APPENDIX 1

Performance Improvement Plan for: <Name>

Description of the Underperformance:	<Enter a description of the nature of the underperformance.>
Aim of the Performance Improvement Plan:	<Enter the overall aim of the Performance Improvement Plan.>
Plan Start Date:	<Enter the date the Performance Improvement Plan commences.>
Plan End Date:	<Enter the date the Performance Improvement Plan finishes.>
Date of Formal Review Meeting:	

Improvement Objectives *What, specifically must the individual do to improve their performance to meet expected standards?*	**Success Criteria** *How will you know when the expected standards of performance have been met? i.e What will success look like?*	**Additional Support Required** *What additional development or support does the individual require in order that they are able to achieve the expected standards?*	**Review Schedule** ***When** will progress against the improvement objective be reviewed?* ***How** will evidence of progress be collected?* ***Who** will review progress?*

Improvement Objectives *What, <u>specifically</u> must the individual do to improve their performance to meet expected standards?*	**Success Criteria** *How will you know when the expected standards of performance have been met? i.e What will success look like?*	**Additional Support Required** *What additional development or support does the individual require in order that they are able to achieve the expected standards?*	**Review Schedule** ***When** will progress against the improvement objective be reviewed?* ***How** will evidence of progress be collected?* ***Who** will review progress?*

Appropriate Manager: Signature …….

Staff Member: Signature……..……

Date:

APPENDIX 2

Final Performance Improvement Plan for: <Name>

Description of the Underperformance:	<Enter a description of the nature of the underperformance.>
Aim of the Performance Improvement Plan:	<Enter the overall aim of the Performance Improvement Plan.>
Plan Start Date:	<Enter the date the Performance Improvement Plan commences.>
Plan End Date:	<Enter the date the Performance Improvement Plan finishes.>
Date of Final Decision Meeting:	

Improvement Objectives *What, specifically must the individual do to improve their performance to meet expected standards?*	**Success Criteria** *How will you know when the expected standards of performance have been met? i.e What will success look like?*	**Additional Support Required** *What additional development or support does the individual require in order that they are able to achieve the expected standards?*	**Review Schedule** ***When** will progress against the improvement objective be reviewed?* ***How** will evidence of progress be collected?* ***Who** will review progress?*

Improvement Objectives *What, <u>specifically</u> must the individual do to improve their performance to meet expected standards?*	**Success Criteria** *How will you know when the expected standards of performance have been met? i.e What will success look like?*	**Additional Support Required** *What additional development or support does the individual require in order that they are able to achieve the expected standards?*	**Review Schedule** ***When** will progress against the improvement objective be reviewed?* ***How** will evidence of progress be collected?* ***Who** will review progress?*

Appropriate Manager: Signature …….

Staff Member: Signature…….

Date: