



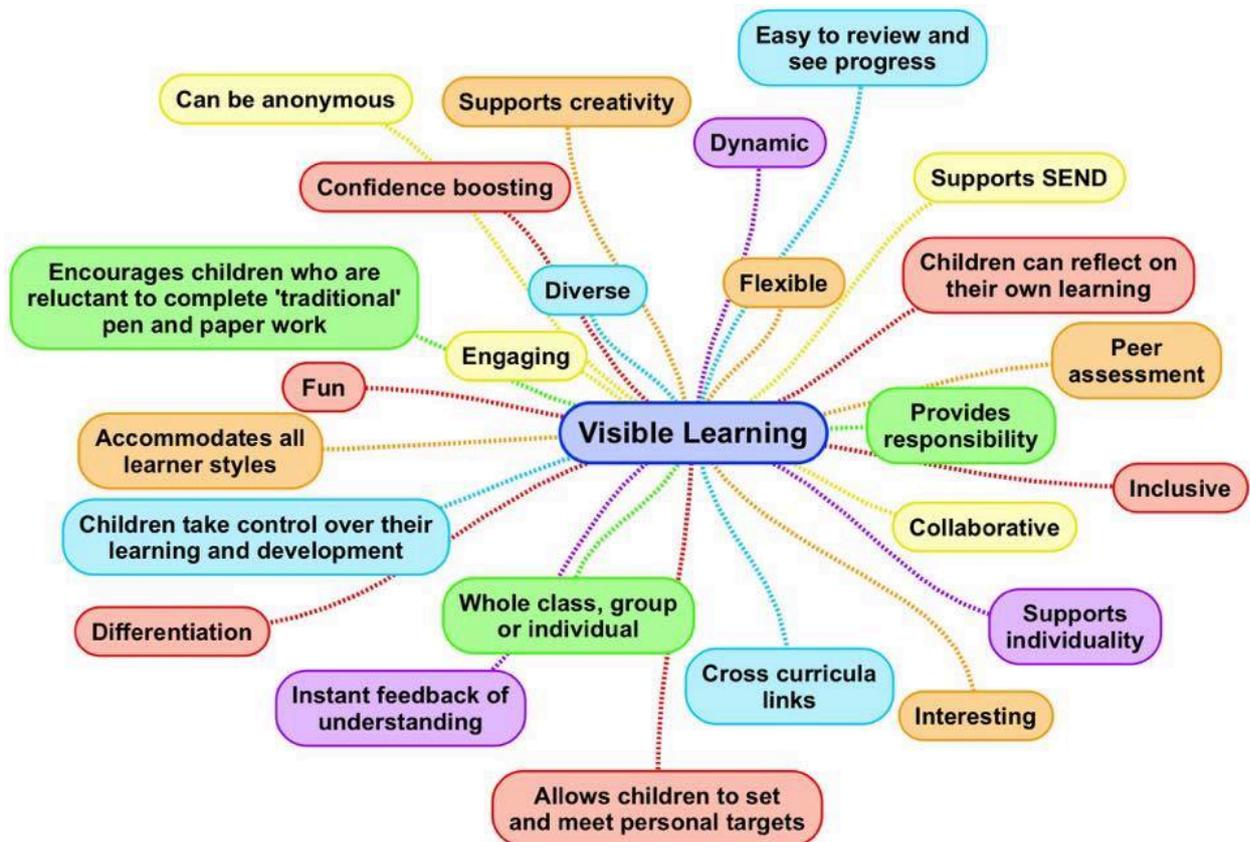
HORNCHURCH ACADEMY TRUST

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Registered Office: Whybridge Junior School, Rainham, Essex, RM13 7AH
www.hornchurchacademy.org

CAPABILITY POLICY

	Name of School	Whybridge Junior School
	Policy review Date	1 st September 2018
	Date of next Review	31 st August 2019
	Who reviewed this policy?	Mr C W Hobson
	Date approved by Board of Trustees?	27 th September 2018

Our teaching pedagogy is rooted in VISIBLE LEARNING





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Capability Policy for all school based staff

1.0 Purpose and Scope

- 1.1 Each school is committed to providing appropriate support to help employees to meet the required standards of performance. To this end the School will ensure that it will provide structured induction, clear work expectations, job instruction, coaching, regular support and supervision, annual performance appraisal, and appropriate training.
- 1.2 In cases where despite an appropriate level of support, an employee is failing to or unable to meet the required standards of performance, this policy will be used to address this.
- 1.3 This policy applies to all School employees with the following exceptions:
 - Employees during their probationary period of employment, or any probationary extension period which will be dealt with under the Probationary Policy
 - Performance which is considered to be attributable to a wilful disinclination by the employee to carry out their duties efficiently or effectively rather than to lack of skill or aptitude will be dealt with under the Disciplinary Policy.
- 1.4 This policy also does not apply to agency staff, consultants, casual workers, and external secondees working for the School.
- 1.5 This policy does not form part of any individual employee's contract of employment with the School.

2.0 Principles

- 2.1 In circumstances where an employee is not meeting the required standards of performance which is considered to be attributable to ill health or a disability this may be dealt with either under this policy and/or the Managing Attendance policy as determined by the School.
- 2.2 If sickness absence occurs and it is established that it is related to the implementation of this policy, then the Capability policy would continue to



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apply.

- 2.3 If an employee raises a grievance that is related to their capability, the School will consider if it is appropriate to temporarily suspend this policy in order to deal with the grievance. In most cases, it is expected that the grievance and capability cases will be dealt with concurrently. After the grievance has been investigated, the School will make a final decision as to whether or not to continue to follow the Capability policy.
- 2.4 At all stages of the policy, where specified personnel are designated to handle different stages, the School reserves the right to reasonably substitute alternative personnel in cases of non-availability or where otherwise considered appropriate.
- 2.5 The employee will have the right to be accompanied at all capability meetings from Stage 1 onwards and any appeal hearings, by a trade union representative or a work place colleague. It is the employee's responsibility to make such arrangements and to supply copies of all relevant information and documentation. Wherever possible, if the representative is a workplace colleague they will be granted time off work to accompany the employee when necessary to do so.
- 2.6 The right to representation at formal meetings does not extend to a right of a representative of the employee's choice. The employee will need to accept any representative who is available to accompany them to the meeting, as provided by their trade union, or if their first choice work colleague is not available then they will need to find another.
- 2.7 Due to the time constraints of the academic year and, where appropriate, Trustee availability, the School reserves the right to stipulate the date for re-arranged meetings from Stage 1 onwards.
- 2.8 At all capability meetings from Stage 1 onwards, there may also be a HR Representative and note taker present.

3.0 Transition to Capability

3.1 Informal Stage

- 3.1.1 Where an employee may be under-performing and the normal support programmes within the School have not been successful, then an informal meeting with the employee should be held to seek to identify and address the issues of concern.



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- 3.1.2 The employee must be told what aspects of performance are causing concern, the standard of performance required, how performance will be reviewed, the length of the review period and that the formal procedure will commence if there is no sufficient improvement.
- 3.1.3 If the employee has under-performed through their own negligence or wilful misconduct/disregard for the School's performance standards, or where there is a lack of co-operation with reasonable measures put in place to achieve improvement then this would be dealt with under the Disciplinary policy instead.
- 3.1.4 Under performance may proceed direct to a Stage 1 Capability Meeting, without recourse to the informal stage, under one of the following circumstances:
- The informal stage has already been used within the last 12 months
 - A formal capability meeting has been held within the last 24 months
 - The employee holds a senior management position within the School
 - There is a demonstrable detrimental effect on the quality of teaching and learning received by pupils

3.2 Performance Appraisal

- 3.2.1 When an employee is experiencing difficulties in meeting the performance standards and objectives set in the appraisal cycle and these are unable to be resolved through support and guidance, the appraiser will arrange a meeting with the employee as part of the appraisal process.
- 3.2.2 This meeting will give formal feedback to the employee about the nature and seriousness of the concerns as well as:
- To give the employee the opportunity to comment on and discuss the concerns
 - To discuss targets for improvements alongside a programme of support
 - To agree and establish an action plan with support that will help to remedy specific concerns
 - To state how progress will be monitored and when it will be reviewed
 - To explain the implications and process if sufficient progress is not made.
- 3.2.3 The employee's progress will continue to be monitored as part of the appraisal process to allow reasonable time for improvement.
- 3.2.4 If sufficient progress is made then the employee should be informed of this by the end of the review period and the appraisal process will continue as normal.
- 3.2.5 In cases where insufficient progress has been made, the employee will be invited to a transition meeting, to which they will have the right to be accompanied, to



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determine whether or not a formal capability meeting should be held.

4.0 Capability Meeting – Stage 1

- 4.1 Where the School considers that an employee's performance falls below the required standards a Stage 1 Capability shall be held to review the report prepared and to set clear expectations for future performance.
- 4.2 The School shall consider any explanation for the unsatisfactory performance provided by the employee with the view to agree a planned course of action.
- 4.3 The School will set a reasonable review period for the employee to reach the required standards, and will also establish arrangements for monitoring during this period.
- 4.4 The employee shall receive formal confirmation of the outcomes of the meeting and the action to be taken.

5.0 Review Meeting – Stage 1

- 5.1 The purpose of this meeting is to review the employee's performance since the Stage 1 Capability Meeting.
- 5.2 At this meeting evidence of progress during the review period will be presented to the employee who will have the opportunity to respond to concerns about their performance and to make any relevant representations.
- 5.3 If the required improvement has been made, the employee will be formally notified of this and advised that should there be any further concerns with their performance within 12 months of the review date a Stage 1 Capability Meeting will be held.
- 5.4 If some progress has been made and the School is confident that more progress is likely, the review period may be extended and a further review meeting arranged.
- 5.5 If insufficient improvement has been made then the employee will be formally advised that a Stage 2 Capability Meeting shall be held.
- 5.6 If the School decides that the employee is not performing satisfactorily through their own negligence or wilful misconduct/disregard for the School's performance standards, or where there is a lack of co-operation with reasonable measures put in place to achieve improvement then this will be dealt with under the Disciplinary policy.



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6.0 Capability Meeting – Stage 2

- 6.1 Where it is determined that Stage 1 has not brought the employee's performance to a satisfactory level, a Stage 2 Capability Meeting shall be held to present to the employee in what way(s) their performance has continued not to meet the required standards and the steps taken to date to try to address this.
- 6.2 The School shall consider any explanation for the continued unsatisfactory performance provided by the employee with a view to agreeing where any improvements have been made and to agree a further planned course of action.
- 6.3 The School will set a reasonable review period for the employee to reach the required standards and establish arrangements for monitoring during this period.
- 6.4 The employee shall receive formal confirmation of the outcomes of the meeting and the action to be taken

7.0 Review Meeting – Stage 2

- 7.1 The purpose of this meeting is for the School to review the employee's performance since the Stage 2 Capability Meeting.
- 7.2 At this meeting evidence of progress during the review period will be presented to the employee who will then have the opportunity to respond to concerns about their performance and to make any relevant representations.
- 7.3 If the required improvement has been made, the employee will be formally notified of this and advised that should there be any further concerns with their performance within 12 months of the review date a Stage 2 Capability Meeting will be held and if there are any further concerns after 12 months but within 24 months of the review date proceedings a Stage 1 Capability Meeting will be held instead.
- 7.4 If some progress has been made and the School is confident that more progress is likely, the review period may be extended and a further review meeting arranged
- 7.5 If insufficient improvement has been made then the employee will be formally advised that a Decision Meeting shall be held.
- 7.6 If the School decides that the employee is not performing satisfactorily through their own negligence or wilful misconduct/disregard for the School's performance standards, or where there is a lack of co-operation with reasonable put in place to



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achieve improvement then this will be dealt with under the Disciplinary policy.

8.0 Decision Meeting

8.1 Where it is determined that Stage 2 has not brought the employee's work performance to a satisfactory level, a Decision Meeting shall be held to consider the employee's continuing employment at the School.

8.2 At this meeting the manager who held the Capability Meeting(s) will present a report setting out the identified performance problems and the action taken to date. The report should also refer to the impact of the under-performance on the School, the employee's general employment record and any special circumstances referred to by the employee, who will have the opportunity to respond to the report and to make any relevant representations.

8.3 The meeting will make a decision, formally confirmed to the employee from the following options:

- Refer back to Stage 2 by setting a further review period
- Offer a transfer to a more suitable and available post at the same, or equivalent or lower grade, within the school. The employee should be given sufficient time to consider the offer and be made aware that the only alternative to this offer would be dismissal with notice. Where employment is offered on a lower grade, there will be no protection of current salary.
- Dismiss the employee with notice.

9.0 Formal Capability Appeal

9.1 An employee may submit a formal appeal by the given deadline stating the grounds on which the appeal is made against anyone of the following decisions:

- That a Stage 2 Capability Meeting shall be held
- That a Decision Meeting shall be held
- Dismissal.

9.2 The appeal will be heard by a Panel which will not include any members who were involved in the proceedings prior to the appeal.

9.3 The following options will be available from which the Panel can make a decision:

- Uphold the decision of the Capability Review/Decision Meeting



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- Refer back for a further Review Meeting
 - Direct a rehearing of the Decision Meeting to take place.
- 9.4 The Chair of the Appeal Panel will formally notify the employee of the outcome and the reasons for it.
- 9.5 The decision of the Appeal Panel is final.