

Capability Policy 2025-2028

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Approved by:	Full Governing Body (FGB)

Key principles and purpose

This policy outlines procedures for managing concerns about the professional capability of employees of Dorset Studio School. It aims to offer maximum support for employees in improving performance to meet expected standards, ensuring fairness, transparency, and consistency whilst resolving any performance-related issues which are likely to be more than temporary.

In all cases, concerns about performance will initially be addressed through additional support provided within the appraisal process for teachers and the support staff review scheme for all other employees before consideration is given to use this policy.

Capability concerns will be addressed constructively and supportively. The process complies with the ACAS Code of Practice, School Staffing (England) Regulations 2009, and Equality Act 2010. Staff will always be treated with dignity and respect throughout the capability process.

Scope of the policy

This policy applies to all staff employed by the school, excluding those in their statutory induction period or on short-term supply contracts without an offer of guaranteed further employment.

The capability procedure will not be used in cases of alleged misconduct or long-term sickness absence. These matters will be dealt with separately through other relevant policies.

Link to Teacher & Support Staff Appraisal

This policy is entirely separate from the initial support provided for teaching staff and support staff under the appraisal and support staff review processes. It will only be implemented after informal support has failed to produce demonstrable stepwise improvements that were previously agreed to by the appraisee and their line manager, or with the appropriate member of the senior leadership team.

Failure to meet objectives alone is not enough to warrant a referral to capability. However, if a teacher or a member of the support staff continues to fail their agreed objectives by demonstrating a lack of accountability for their performance whilst at the informal support stage of appraisal, capability will ensue.

At this point, performance has a significant impact on the school's ability to deliver an education to students that allows them to thrive and/or promote the development of their character.

At every step of this process, teachers and other employees have the right to be accompanied by a representative of a trade union or colleague.

Roles and responsibilities

Where concerns are identified about perceived underperformance and professional difficulties arise, the school will ensure they are discussed with the employee and progressed in a structured, supportive way which considers individual circumstances.

All employees are expected to understand the nature of their role, including those professional duties set out in the School Teacher's Pay and Conditions Document (STCPD), the duties set out in their job descriptions and the professional standards set out in the Teachers' Standards and the school's code of conduct.

Senior leaders and line managers are expected to ensure all employees have a clearly defined job description that is reviewed on a regular basis to make sure it is relevant to the needs of the school, the curriculum, and its efficient running.

In addition, line managers should hold regular meetings for those teachers they have responsibility for as shown in the teacher appraisal tree. This will ensure there is progress towards personal appraisal objectives through drop-ins, subsequent professional dialogue, regular encouragement, and help to arrive at solutions for potential barriers.

Appendix 1 – School Appraisal Tree

Informal Support Stage

There should be no surprises for any employee in relation to performance. Concerns will have already been raised informally through appraisal reviews or line management meetings. A support plan should have been formulated, and it may have included coaching, peer observation, training, or adjusted responsibilities.

Formal Capability Procedure

Appendix 2: Formal capability flow chart

Stage 1: support, monitor and review.

- **Stage 1 is a Formal Capability Meeting convened with at least five working days' notice.**

When the Principal determines that a meeting should be convened to consider the use of the capability policy, they will write to the employee inviting them to a meeting to discuss ongoing concerns. This letter provides the reason(s) for concern whilst ensuring transparency, fairness, and procedural integrity.

- **The nature of the concerns and the evidence used to support them.**
- **Evidence of any previous support provided to address concerns.**
- **The names of those attending the meeting.**
- **The right of the employee to be accompanied by a trade union representative or workplace colleague.**
- **An outline of potential actions that may follow.**

The assessment of capability issues will be benchmarked against the Teachers' Standards, which define the minimum level of practice and conduct expected of all teachers.

At the meeting, the Vice-Principal or the Assistant Principal (Business & Finance) will outline the concerns, and the employee (and/or representative) will be given the opportunity to respond, ask questions, make comments, and make representations.

The meeting will focus on the following:

- **Issues which continue to raise concern about capability and failure to meet the standards required to bring the capability procedure to an end.**
- **Further guidance, coaching, training, and/or any other reasonable support that can be efficiently provided.**
- **Setting a monitoring and review period that will normally be within a period of four to eight weeks.**

The Vice-Principal or the Assistant Principal (Business & Finance) will determine whether support should continue within the appraisal process or whether the capability procedure should commence, and the appraisal process cease.

When the procedure commences, a **formal review meeting** will be convened to assess progress, and this will lead one of two outcomes:

- **Offer an extension period of four weeks with continued support & review.**

- **Escalate to a Stage 2 formal capability meeting.**

Throughout this stage, the employee and their line manager will meet to discuss performance against agreed objectives. It is our expectation that the employee and their line manager will meet on a weekly basis. Where line managers continue to have concerns, they will discuss them with the employee and make a record of them alongside any suggested practical changes the employee could implement.

In the follow-up review meeting, if the Vice-Principal or the Assistant Principal (Business & Finance) determines that the employee has made sufficient progress and, therefore, enough improvement, this will be confirmed in writing bringing the capability procedure to a close and the appraisal/support staff review procedure will restart.

If the Vice-Principal or the Assistant Principal (Business & Finance) decides that there has been no progress or it is insufficient, a meeting will be convened under Stage 2 of the process. This will be confirmed in writing.

Stage 2: Support, monitoring, and review

- **Stage 2 is a formal capability meeting that may include a formal written warning about performance. The employee will be given at least ten school days' notice of the date and time of the initial meeting.**
- **The Stage 2 process will last at least four weeks and no longer than eight weeks.**

At the review meeting, the Principal will outline their concerns, and the employee and/or their representative will respond, ask questions, make comments, and will be given the opportunity to make further representations. The Principal will then determine whether concerns remain, and, if so, will inform the employee that the capability procedure will continue.

If the Principal determines that the capability procedure should continue, the employee will receive a formal warning about their performance, and this will be followed up in writing. The Principal will inform the employee that a formal written warning will be issued which may, in serious cases, lead to dismissal if the employee fails to meet the agreed, required standards.

The meeting will then discuss and seek arrangements for further support, monitoring, and review in accordance with the action plan and agree a review date. The employee is entitled to a copy of the notes of the meeting.

Where line managers continue to have concerns during the review period, these should be discussed with the employee to try to secure improvement(s).

There are three potential outcomes from a Stage 2 review meeting:

- **If the Principal decides that the employee has made enough improvement, this will be confirmed in writing, and the capability procedure will stop.**
- **If the Principal decides that, with further support, the employee is likely to make sufficient progress, then this stage of the process will be extended to an additional four weeks.**
- **If the Principal decides that the employee has shown no signs of improving their performance, a hearing under Stage 3 will be conducted.**

Stage 3: Capability Hearing

- **A Stage 3 hearing is a formal capability hearing. It will be preceded by a final written warning. A Stage 3 hearing may lead to dismissal.**
- **Where a Stage 3 hearing is due to be convened, the employee will be given at least ten school days' notice. At this time, the employee will also receive a final written warning and details of the Stage 3 hearing.**

The **Clerk to Governors** will write to the employee inviting them to a capability hearing. Sympathetic consideration will be given to any request for postponement to allow representation or where there are other extenuating circumstances.

A capability hearing will take place before a committee of **three members of the governing body with no previous involvement in this matter**. The purpose of the meeting will be to determine whether the employee is performing to the required standards; whether they should be provided with further support; whether they should be dismissed on the grounds of capability; or whether another course of action is available.

Those involved in the Stage 3 hearing will receive a written notification setting out the following points:

- **The names of the members of the capability committee and other who will be present.**
- **The employees right to be accompanied by a trade union representative or workplace colleague.**
- **A statement of ongoing concerns provided by the Principal.**
- **Any supporting evidence/information which will be referred to during the hearing and the names of any witnesses to be called.**
- **An outline of the actions which may follow, making it clear that dismissal is a potential outcome.**

The format of the hearing will be as follows:

- The Chair of the Hearing Committee will describe the procedure according to the agenda.
- The Principal will set out concerns about the performance of the employee, referring to evidence.
- The employee and/or their representative will question the Principal.
- Members of the committee will question the Principal.
- The employee and/or their representative will make a statement in response, referring to evidence and any witnesses.
- The Principal will question the employee and/or representative on their statements and evidence.
- Members of the committee will question the employee and/or representative on their statements and evidence.
- The Principal will summarise and conclude.
- The employee and/or their representative will summarise and conclude.
- The Principal, employee and representative for the employee will withdraw whilst the committee considers the case.
- The Chair will convey the decision of the committee to the Clerk of Governors.

The outcomes of the Stage 3 capability hearing may be that:

- The employee will not be dismissed, and no further action is required.
- The employee will not be dismissed but a further period of support should be put into place, and a further disciplinary warning will be issued.
- The employee should be dismissed and should cease to work in the school.
- The employee should be dismissed and should cease to work in the school unless an agreement can be reached on suitable alternative arrangements. For any lower-paid alternatives, an appropriate pay safeguarding arrangement will be made.

The Clerk to Governors will write to the employee within five school days of the capability hearing, setting out the decision of the committee. Where the decision is taken to dismiss, the letter will inform the employee of their right to appeal. The employee will have **fifteen school days** from the date of the letter received from the Clerk to Governors to make this appeal.

The Right to Appeal

- **The employee has fifteen school days to lodge an appeal if they wish to do so.**

- **An Appeal hearing will be convened within fifteen school days of the appeal being lodged.**

The employee has the **right to appeal** against any warning issued by the Principal or the Capability Hearing Committee at any stage of the capability procedure and against any decision made at the Stage 3 hearing. Such appeals will be heard by an appeals committee consisting of three governors with no previous involvement in the case. The employee will be informed in writing of the date and time of the meeting at least five school days in advance.

The committee will either confirm the cancellation of the dismissal, confirm a formal warning or uphold the decision. The decision will be communicated in writing.

If the employee's performance is subsequently judged to have reached the required standard, the warning will be disregarded and will be removed from the employee's file after twelve months.

Pending appeal, the employee will be expected to work in accordance with the SMART targets previously agreed.

Grievances during this procedure

A grievance procedure is a formal way of raising a problem or making a complaint to the school. In most cases, grievances may be raised if an employee feels that an informal concern was not appropriately addressed and dealt with; they do not want to follow an informal process, or the matter is a serious issue.

Where an employee raises grievance during the disciplinary procedure, it may be appropriate to suspend this procedure for a short period of time to enable the grievance to be considered.

Relationship with sickness absence

It is important that sickness absence should not delay the use of this procedure since it is in the interests of all parties to address concerns about performance without undue delay. In some cases, arrangements will be made to seek medical advice from an occupational health provider to assess an employee's fitness for continued employment at school.

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that might be available to the working arrangements of the employee.

If the medical condition of the employee is not serious enough to warrant a consideration of termination on health grounds, then the occupational health provider will be asked if the employee is deemed fit enough to attend a formal meeting. If the employee is deemed not fit enough to attend a formal meeting, then the employee may make a written submission for consideration or be represented by a trade union representative.

Confidentiality

Confidentiality will be maintained throughout the process and information will only be shared on 'a need-to-know' basis. At the commencement of all meetings the importance of confidentiality will be explained. Governors will be involved in capability in a manner which will not prejudice their involvement at later stages.

Retention of records

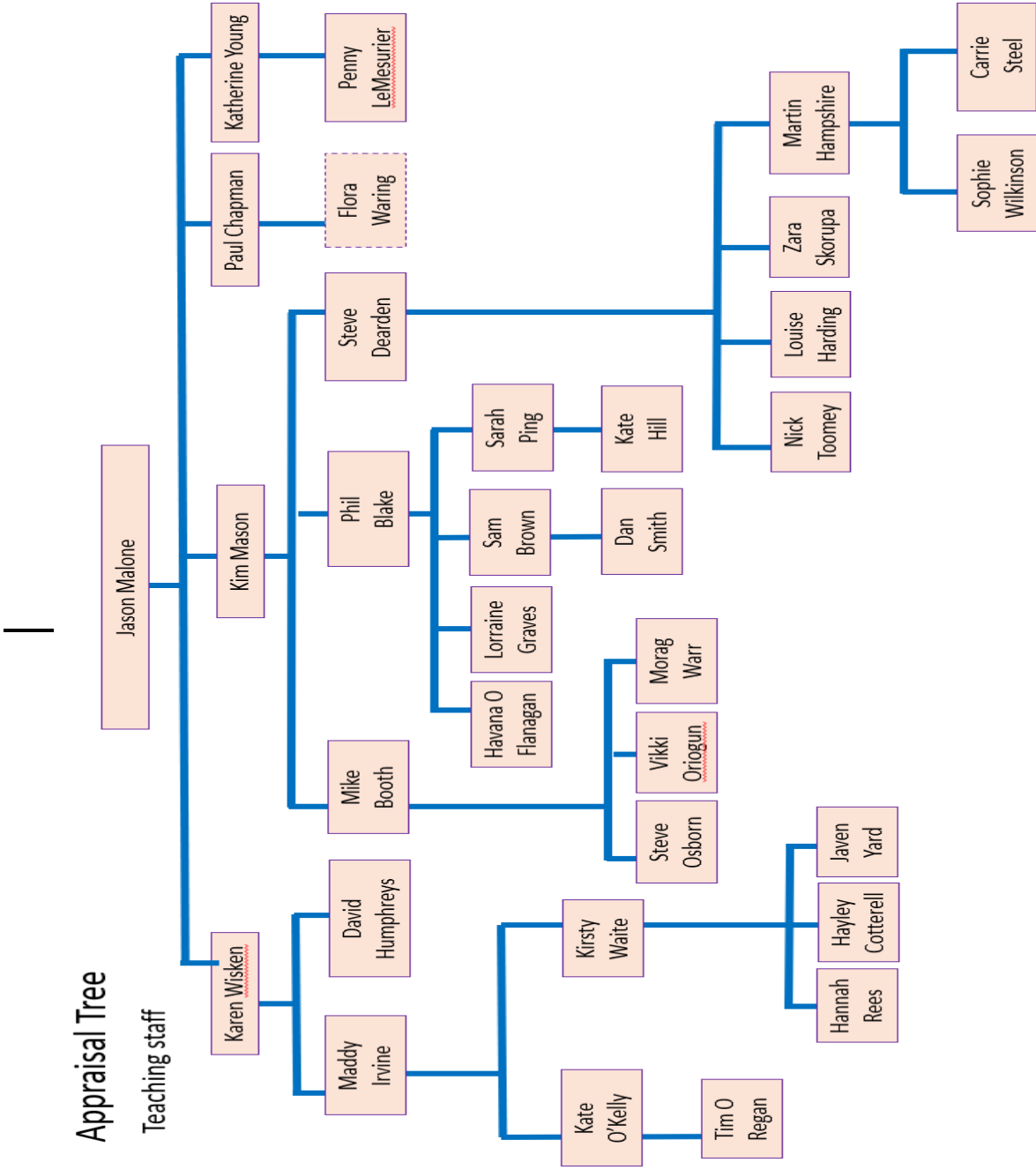
The school will ensure that all records are held securely. As part of the application of this policy, the school may collect, process and store personal data in accordance with our data protection policy which complies with Data Protection Legislation.

Monitoring and compliance

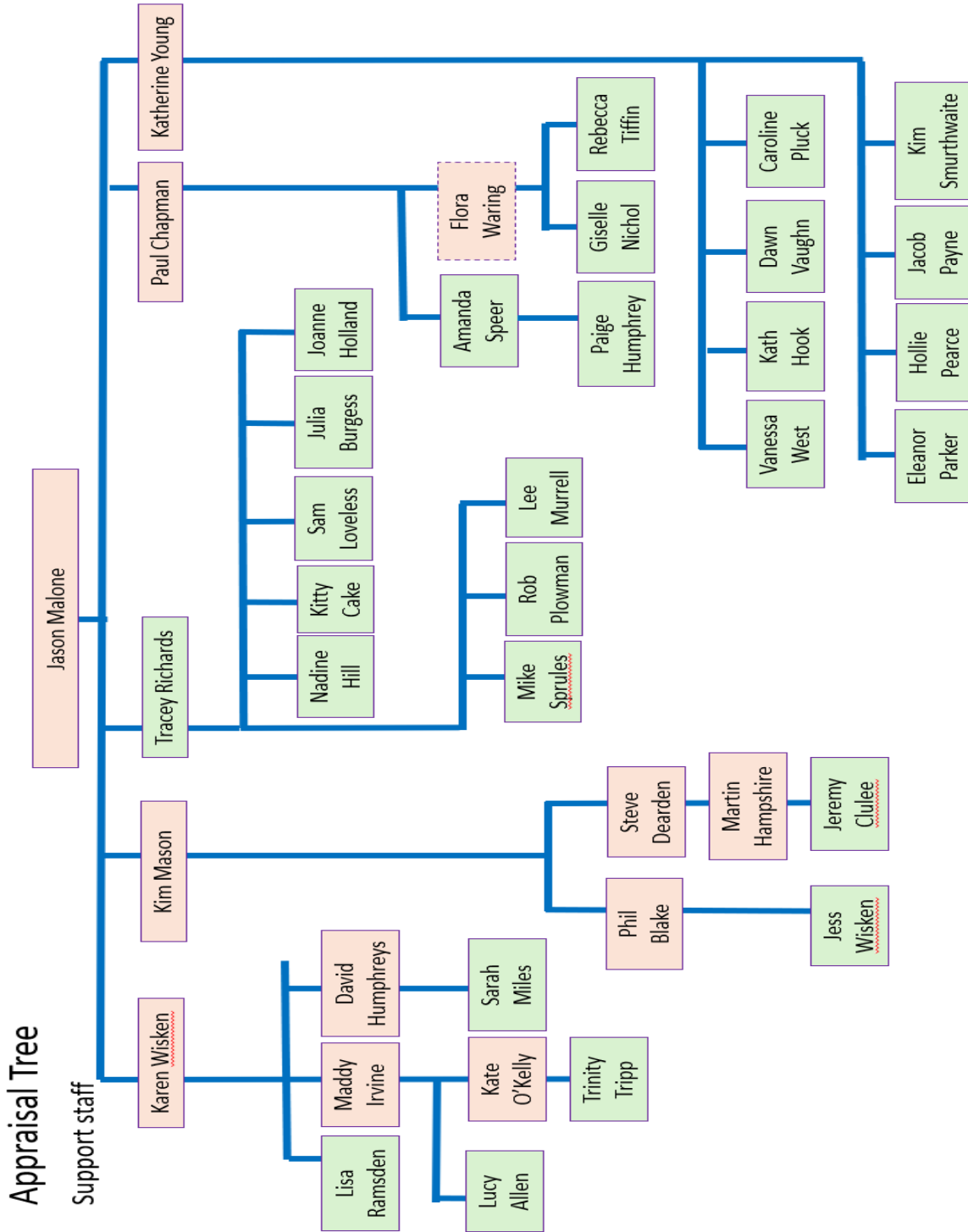
The principal and governing Body will monitor the operation and effectiveness of this policy through those meetings that address the performance of employees.

Review

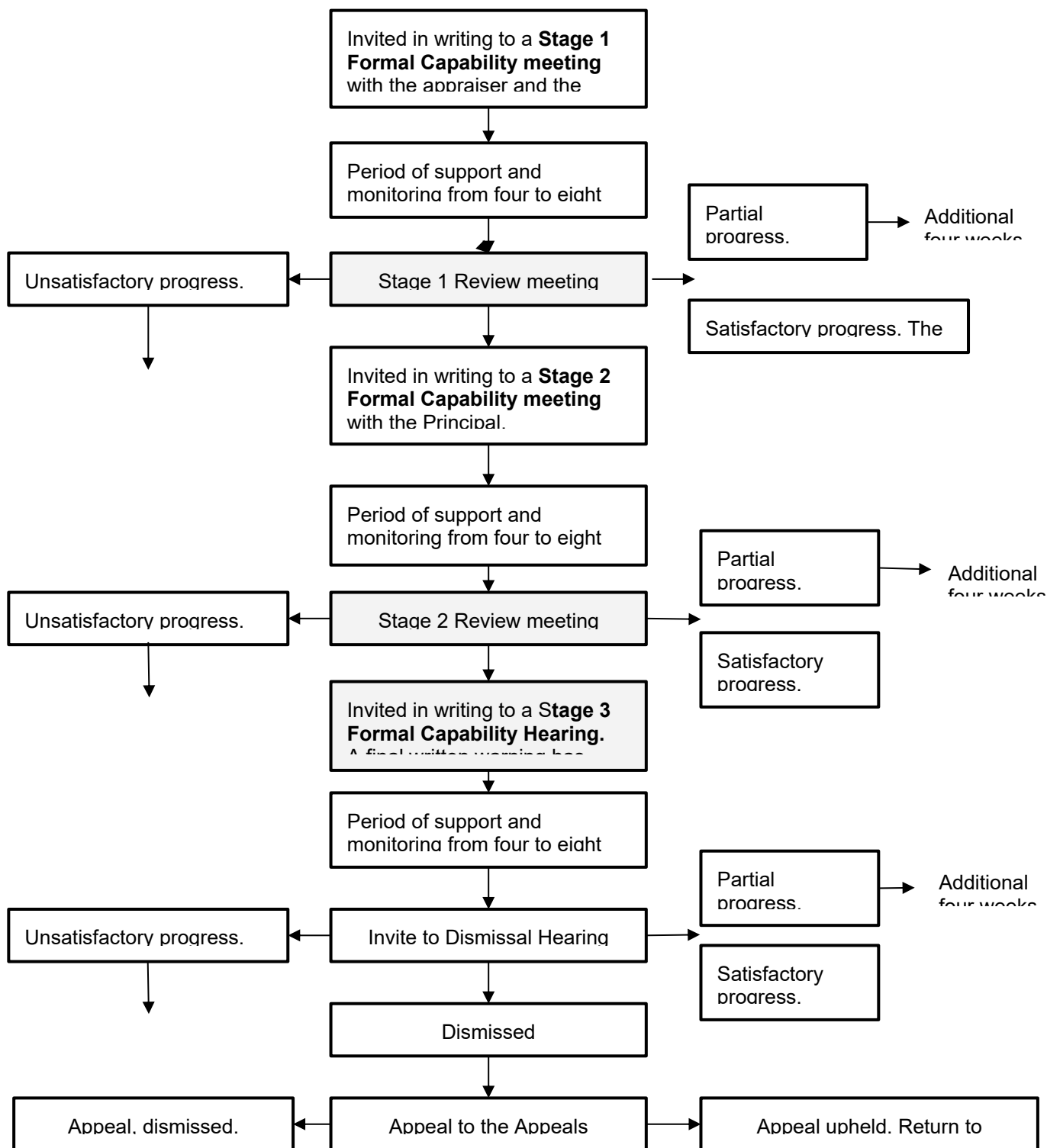
The policy will be reviewed on a three-year basis by the Governing Body after consultation with trade union representatives.



Appendix 1 (continued) – School Appraisal Trees: Support Staff



Appendix 2: Capability flow diagram



Appendix 3: Performance Improvement Plan

Performance Support Plan		
Name:	Appraiser:	
	SLT link:	
Context:		
Date of informal plan	Start	Finish
Date of Stage 1 plan	Start	Finish
Date of Stage 2 plan	Start	Finish
Date of Stage 3 plan	Start	Finish

Objective(s) to be met	How to meet the objective SMART actions	Support & Guidance

Review (progress towards the objective)	Not Met/Partially Met/Met
M1:	
M2:	
M3:	

M4:	
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