



SENDAT CAPABILITY POLICY AND PROCEDURE

This policy is reviewed biennially by the
Provision, Standards & Attainment (PSA) Committee.

To be read in conjunction with but not limited to:

- SENDAT Appraisal policy
- SENDAT Disciplinary policy and procedure
- SENDAT Staff absence management policy and procedure
- SENDAT Staff Grievance procedures

and other relevant policies and procedures

History of Document

Ref:	055-2022
Author:	Joy Kent (SENDAT HR Manager)
Issued:	January 2022
Reviewed by:	SENDAT TLG
Changes	Updated to reflect SENDAT growth and development
Approved by:	SENDAT CEO (delegated by PSA Committee):
Next review:	January 2025
Trustees:	Approved by CEO (delegated responsibility): 12.01.2022

Monitoring arrangements

Regular monitoring by:	Trust Leadership Group (TLG)
Method:	Recording on individual HR files and review of procedure at each stage in the process by the SENDAT HR team. Termly reporting to Trustees via CEO report informed by input from the HR Manager.
Frequency:	Ongoing



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SENDAT Capability Policy and procedure

1. STATEMENT OF INTENT

- 1.1 SENDAT is a Multi Academy Trust specialising in the care and education of young people with Special Educational Needs and Disabilities. This policy should be considered in the light of this context and the complexity of need that is accommodated within the Trust and its constituent Schools / Alternative Provisions (APs).
- 1.2 The SENDAT Board of Trustees recognises the entitlement of a work/life balance for all staff colleagues as established in their terms and conditions of working. Consequently, this policy has been workload impact assessed (see Appendix 2) and SENDAT Schools/APs will organise all activities relating to this policy within normal working hours.
- 1.3 The SENDAT Board of Trustees is committed to ensuring that this policy is applied in a way that is fair and non-discriminatory and this responsibility is delegated to the CEO.



2. AIMS

- 2.1 The aim of our capability of staff policy is to set out a clear and consistent process for when any member of staff falls below the levels of competence expected of them, as set out in the relevant professional standards, job descriptions and overall performance expectations.

3. LEGISLATION AND GUIDANCE

- 3.1 This policy is based on the [Department for Education's model policy and guidance](#), and the [Acas code of practice on disciplinary and grievance procedures](#).

When carrying out capability procedures, we will ensure we abide by the [Equality Act 2010](#).

- 3.2 This policy also complies with our funding agreement and articles of association.

4. DEFINITIONS

- 4.1 Lack of capability is defined as:

A staff member failing to perform their role at the level of competence expected of them and that their job requires.

- 4.2 Reference to 'staff' includes the Headteacher / Head of School/AP, teachers and support staff, unless indicated otherwise.

5. ROLES AND RESPONSIBILITIES

- 5.1 Where the member of staff subject to the procedure is the Headteacher / Head of School/AP, the CEO will be responsible for co-ordinating the procedure, in conjunction with the central SENDAT HR team.

- 5.2 Where the member of staff subject to the procedure is not the Headteacher /Head of School / AP, the Headteacher / Head of School/AP or a nominated member of the Senior Leadership Team (SLT) will be responsible for co-ordinating the procedure, in conjunction with the central SENDAT HR team.

- 5.3 Where appropriate, other members of staff may be asked to provide additional support to the School/AP Leader co-ordinating the procedure, or to assist in monitoring the effectiveness of the policy. Where this happens, responsibilities will be made clear in advance.



6. CAPABILITY PROCEDURE

- 6.1 Work performance is monitored on a day-to-day basis by line managers. Monitoring includes:
- Regular informal discussions and formal reviews during probation / induction training
 - Learning walks
 - Regular, informal one-to-one discussions between line managers and their team members
 - Annual appraisal process
- 6.2 Capability procedures will begin when development needs have been identified and which line management support and the appraisal process have been unable to bring about satisfactory performance or improvements in the staff member's work.
- 6.3 An informal period of support, put in place and monitored by the line manager, will have been in place before capability procedures are triggered. Evidence of this will be available before the Capability procedure begins (see appendix 1)

6.4 Formal capability meeting

At least five working days' notice will be given of the formal capability meeting, and will explain:

- The concerns about performance and possible consequences
- Any written evidence
- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

It will be conducted by:

- The Chair of the Full Trust Board (FTB) for the CEO
- The CEO for members of the Trust Leadership Group (TLG)
- The Headteacher / Head of School/AP for school based teachers and support staff
- The Senior AHT/AHT in charge of the Peile / Mulberry units for teaching and support staff employed to work at the units
- The Line Manager for central Trust staff

The purpose of the meeting is to establish the facts, and to allow the staff member to respond to the concerns and make relevant representations. A member of the Trust HR team will be in attendance to oversee the process and to clerk the meeting.



6.4.1 Possible outcomes

The meeting may establish that there are no grounds to pursue the capability issue. In this case, the procedure will come to an end and the issues will continue to be addressed through the appraisal process.

The meeting may be adjourned if further investigation is needed, or if more time is needed to consider additional information presented.

If the meeting continues, the person conducting the meeting will:

- Explain the expected standards that are not being met based on the Teachers' Standards or other relevant standards, career stage expectations and/or job description (see appendix 2)
- Give clear guidance on the standard of performance needed to end the procedures
- Explain the support available to help the staff member improve their performance
- Set out the timetable for improvement and explain how performance will be monitored and reviewed
- Warn the staff member that failure to improve within this timetable could lead to dismissal

6.4.2 After the meeting

The staff member will be sent formal meeting notes. If a formal warning has been issued, the staff member will also receive:

- A written record of the bullet points above
- Information about the timing and handling of the review stage
- Information about the procedure and time limits for appealing against the warning

6.5 Monitoring and review period

A performance monitoring and review period consisting of formal monitoring guidance and support will follow the formal capability meeting.

The member of staff 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 6.7 below).

6.6 Formal review meeting

At least five working days' notice will be given of the formal review meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If the person conducting the meeting is satisfied that the staff member has made sufficient improvement, the capability procedure will cease and the appraisal 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 staff member will receive a final written warning

A member of the Trust HR team will be in attendance to oversee the process and to clerk the meeting. Confidential notes of the meeting will be sent to the member of staff.

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. They will be given information about the further monitoring and review period, the procedure and time limits for appealing against the final warning. The staff member will be invited to a decision meeting.

6.7 Decision meeting

At least five working days' notice will be given of the decision meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If an acceptable standard of performance has now been achieved, the capability procedure will end and the appraisal process will re-start.

If the staff member's performance does not improve to a sufficient standard.

The staff member 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
- Their right of appeal

A member of the Trust HR team will be in attendance to oversee the process and to clerk the meeting.

6.8 Dismissal

A decision may be made that the staff member should be dismissed or required to cease working for SENDAT at the School/AP, Unit or central Trust team by:

- The Chair of the Full Trust Board (FTB) for the CEO
- The CEO for members of the Trust Leadership Group (TLG)
- The Headteacher / Head of School/AP for school based teachers and support staff
- The Senior AHT/AHT in charge of the Peile / Mulberry units for teaching and support staff employed to work at one or both of the units.
- The Line Manager for central Trust staff



Formal notice of dismissal will be forwarded to the employee within five working days of the decision meeting.

7 RIGHT OF APPEAL

- 7.1 If a staff member feels that a decision to dismiss them is wrong or unjust, they may appeal in writing against the decision within five working days of the decision, setting out at the same time the grounds for appeal.
- 7.2 Appeals will be heard without unreasonable delay and at an agreed time and place. The same arrangements for notification and statutory right to be accompanied will apply as with formal capability and review meetings. Notes will be taken and a copy sent to the staff member.
- 7.3 The appeal hearing will be conducted by and a member of the TLG or FTB who has not previously been involved in the case. The SENDAT HR Manager will be in attendance to oversee the process and to clerk the meeting.
- 7.4 The staff member will be informed in writing of the results of the appeal hearing within five working days.

8 CONFIDENTIALITY

- 8.1 The capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Headteacher / Head of School/AP / Line Manager / TLG and FTB to quality assure the operation and effectiveness of the system.

9 CONSISTENCY OF TREATMENT AND FAIRNESS

- 9.1 The SENDAT FTB and TLG are committed to ensuring consistency of treatment and fairness. The FTB and all those with delegated authority will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate.
- 9.2 The SENDAT FTB and TLG are aware of the guidance and provisions of the Equality Act 2010 and will remain up-to-date with any changes, by way of regular update training.

10 MONITORING ARRANGEMENTS

- 10.1 The effectiveness of this policy will be monitored by the TLG. Each stage of the procedure will be overseen by the SENDAT HR team and recorded on individual HR files. Termly reports will be provided to Trustees via the CEO report, informed by input from the HR Manager.

11. LINKS WITH OTHER POLICIES

This policy links to SENDAT policies on:



- SENDAT Appraisal policy
- SENDAT Disciplinary policy and procedure
- SENDAT Staff absence management policy and procedure
- SENDAT Staff Grievance procedures

All SENDAT HR policies may be viewed in SharePoint:

<https://priorsuffolksch.sharepoint.com/sites/SENDATEMPOLOYEEINFORMATIONHUB/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FSENDATEMPOLOYEEINFORMATIONHUB%2FShared%20Documents%2F01%20HR%20Finance%20S%26P%20H%26S%20policies%20%2D%20staff%20shared&viewid=af03f71c%2D986a%2D42dd%2D86fe%2Dc63e92929d9b>



APPENDIX 1

WORKLOAD IMPACT ASSESSMENT CHECKLIST

CHECKLIST	YES/NO
This policy complies with and is consistent with the contractual entitlements of all staff colleagues affected by this policy, either directly or indirectly.	Yes
This policy and any related procedures was introduced following full consultation with staff and recognised TU representatives.	Yes
This policy and any related procedures include a specific statement regarding workload impact.	Yes
The impact of this policy and related procedures is that they have not added additional hours of working.	Yes
This policy does not duplicate any other existing SENDAT policy.	No it does not
All policies are regularly reviewed in order to assess whether they are outdated and/or unnecessary.	Yes
All SENDAT Schools / APs have identified the resources necessary to support the policy, including staff time, any additional staffing and appropriate equipment.	Yes
All staff colleagues affected by this policy will be trained where necessary to ensure the policy and any related procedures will not increase workload to an unacceptable level.	Yes
This policy and related procedures are reviewed regularly to ensure that additional workload burdens have not been added over time.	Yes

APPENDIX 2

Template for weekly review meetings (under normal performance management)

Start date for review meetings:		Employee's name:		Line Manager's name:	
Date of reviews:		Signed:		Signed:	

Area(s) for improvement	Action needed	Actions and/or support agreed (with dates)	Notes regarding progress at each weekly review
<p><i>Detail the specific aspects of performance where improvement is sought.</i></p> <p><i>It may be helpful to reference aspects of the employee's job description, their professional duties or the relevant Teachers' Standards contained in the School Teachers Pay and Conditions Document</i></p>	<p><i>Detail the targets, objectives and/or standards the individual must meet to demonstrate improvements in this area, and the consequences if standards are not achieved</i></p>		<p><i>Detail progress achieved by each review meeting, dating each update</i></p>
<p><i>Add further lines of detail as necessary</i></p>			



**APPENDIX 3
CAPABILITY ACTION PLAN TEMPLATE**

NAME OF STAFF MEMBER	NAME OF APPRAISER	DATE OF MEETING
OBJECTIVE 1:		
Professional standard(s) / element of job role that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date



OBJECTIVE 2:

Professional standard(s) / element of job role that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date



OBJECTIVE 3:

Professional standard(s) / element of job role that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date



Other support provided

MENTOR/COACH ALLOCATED	YES/NO (IF YES GIVE NAME)
Mentor / Coach to be provided	Yes / No
Occupational health referral to be made	Yes / No
[Insert any other support provided]	
Formal review date	

SIGNED BY MEMBER OF STAFF	SIGNED BY APPRAISER	DATE