Chorus Education Trust
Capability Procedure

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Chorus
Education Trust

Version Control

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1.3	Throughout	Minor changes – job titles throughout Ensured any references to Appraisal Policy are removed. Addition of informal support process in section 3 and a support plan template as appendix 1	September 2025	C Braid, Director of HR
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Contents

1. Introduction 4
2. Scope and purpose of this procedure 4
3. Informal Support 4
4. Notification and procedure for formal meetings 5
5. Formal capability meeting (Stage 1) 7
6. Formal review meeting (Stage 2) 8
7. Decision meeting (Stage 3) 8
8. Appeal 9
9. Sickness 9
10. General principles underlying this procedure 9
11. Review of procedure 10
Appendix 1 – Informal Support Plan Template 11

1. Introduction

1.1. Chorus Education Trust is committed to providing high-quality teaching and learning. Through our workforce we aim to provide opportunities for all of our pupils, whatever their ability. Each employee will therefore be given support to ensure they are able to develop the skills they need to carry out their role, to help them continually improve their performance and to develop to their full potential, which will in turn help improve outcomes for our young people.

1.2. Having an effective performance management process in place is one of the ways we can support our employees and deal with performance matters as they arise. This involves effective day-to-day supervision, carrying out appraisals, providing development opportunities and operating a fair and reasonable capability process.

1.3. This procedure sets out the arrangements that will apply when an employee falls below the levels of competence and performance that are expected of them and there is serious underperformance.

1.4. This procedure has been designed to comply with current legislation and the **ACAS Code of Practice on Disciplinary and Grievance Procedures**. It complies with the requirement for all schools including academy trusts to have a procedure that deals with capability of staff.

1.5. The procedure has been agreed and has been formally adopted by the Trust.

1.6. This procedure does not form part of any employee's contract of employment and may be amended at any time.

2. Scope and purpose of this procedure

2.1. The purpose of this procedure is to provide a framework within which Chorus Education Trust can work with employees to improve and maintain satisfactory standards of performance where serious concerns have been raised.

2.2. This procedure will be applied where there is underperformance, and informal support has been provided, and the required improvement has not been made.

2.3. This procedure applies to all employees of the Trust, including the Executive Team, headteachers, teachers and support staff, excluding those who are in the probationary period. On successful completion of the probationary period, employees' performance management will be covered by this procedure. It does not apply to agency workers.

3. Informal Support

3.1. The informal support part of this process aims to provide timely, constructive, and supportive interventions to employees who may be experiencing difficulties in meeting the required professional standard applicable to their job role. This approach fosters professional growth and improvement through collaboration, clear expectations, and practical assistance before any formal procedures are considered.

3.2. The informal support process

3.2.1. Identify Areas of Support

Support needs are identified through a combination of feedback from leaders, students, parents, and the employee themselves, alongside relevant data and observations. For teachers, classroom observations will be conducted to further pinpoint specific areas requiring development and all identified areas will be directly linked to the relevant Teacher Standards to ensure focused and relevant improvement.

3.2.2. Set Clear Objectives

Specific, measurable, achievable, relevant, and time-bound (SMART) objectives will be established, typically between two and four, to maintain a manageable and focused support plan. These objectives will align with both the school/trust's priorities and the professional development goals.

3.2.3. Develop Support Strategies

Support strategies will be tailored to the employees needs and may include mentoring, targeted professional development workshops, access to resources, peer observations, or collaborative teaching/team opportunities. Recommendations may be made for the employee to work alongside effective practitioners to facilitate improvement.

3.2.4. Create a Timeline

The informal support plan will generally span 6 to 8 weeks, with a clear midpoint review date agreed upon at the outset. This timeline ensures structured progress while allowing for flexibility and collaboration between the employee and their support mentor.

3.2.5. Monitor and Review

Progress will be regularly monitored through scheduled check-ins and for teacher's classroom observations. These reviews provide an opportunity to discuss achievements, address challenges, and adjust the support plan as necessary to maximise effectiveness. Following the final review, if appropriate the informal support plan may be extended for a maximum of an additional 4 weeks.

3.2.6. Transparency and Record Keeping

A written record of the informal support plan—including objectives, strategies, timelines, and review outcomes—will be maintained and shared with the employee. Please use the template provided in Appendix 1.

3.3. Employees will be informed of their right to seek advice or representation from their union throughout the process. Should insufficient progress be made within the agreed timeframe, a formal capability procedure may be initiated.

4. Notification and procedure for formal meetings

4.1. An employee will be given at least five working days' written notice to attend any formal meeting under this procedure.

4.2. The written notification will also contain:

4.2.1. Sufficient information about the performance concerns and their possible consequences (including the possibility of issuing a warning or dismissal) to enable the employee to prepare to answer the case at the formal meeting.

4.2.2. Copies of any written evidence

4.2.3. Copies of witness statements and details of witnesses attending (if appropriate)

4.2.4. Details of the time and place of the meeting

4.2.5. The employees right to be accompanied (see 4.4)

4.3. Formal meetings will be conducted by the CEO/headteacher or other senior employee delegated this responsibility by the CEO/headteacher.

4.4. An employee has the right to be accompanied to any formal meeting under this procedure by a companion, who may be a colleague or a trade union representative. Employees are entitled to request an alternative date which is within five days of the original date, if their representative is unable to attend the meeting.

4.5. The employee's line manager may attend the meeting to present the management case. Relevant witnesses may be called by the person conducting the meeting. Such a request should be provided in writing at least 2 days prior to the meeting with details of why such a witness should be called. The person conducting the meeting shall determine who shall be called as a witness and may request a written statement is provided instead of attendance.

4.6. A formal meeting under this procedure will:

4.6.1. identify performance shortcomings, including which of the standards expected not being met;

4.6.2. allow the employee to respond to those concerns, ask questions and make any relevant representations which may provide new information or a different context to the evidence already collected;

4.6.3. find out if there are any issues (both in or outside of work) that are affecting their performance that need to be considered;

4.6.4. identify what action (including support provided) has been taken to date and what the outcome was

4.6.5. give clear guidance on the improved standard of performance needed to ensure the employee can be removed from the formal capability procedure;

4.6.6. where appropriate, identify and explain any support that will be available to help the employee improve performance;

4.6.7. where appropriate, warn the employee formally that failure to improve within the set period could lead to dismissal or other serious implications; and

4.6.8. confirm the timescales for the monitoring and review period which will follow a formal meeting where a warning is issued. The timetable will depend on the

circumstances of the individual case, but the period will be reasonable and proportionate ensuring that the arrangements minimise the impact on workload for all parties involved, and should provide sufficient opportunity for an improvement to be made. Formal monitoring, evaluation, guidance and support will continue during this period.

4.7. The person conducting the meeting may adjourn the meeting, for example for further investigation or to consider if additional information is required.

4.8. If at any stage the person conducting the meeting is satisfied that there are insufficient grounds for perusing the capability issue or after a review period the employee has made sufficient improvement, the capability procedure will cease.

4.9. Following a formal meeting, the matters covered in 4.6, and any other relevant points will be confirmed in writing. Where a warning has been issued the letter will set out the length of the monitoring and review period and the procedure and time limits for appealing against the warning. If under performance occurs again shortly after the end of the live period of the warning, we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.

4.10. Minutes will be taken of all formal meetings, and you will be sent a copy following the meeting.

5. Formal capability meeting (Stage 1)

5.1. If we consider that there are serious performance concerns you will be invited to a formal capability meeting to establish the facts and give you the opportunity to respond before formal action is taken.

5.2. Where a warning is issued at stage 1, this will usually be a first written warning. However, in very serious cases or in cases where performance issues have been dealt with previously under the formal capability procedure and there are still concerns, this could be a final written warning.

5.3. The warning will normally remain active for **12 months** from the end of the monitoring and review period. During this time any further performance concerns will be considered at the next stage of the process (stage 2). After the active period the warning will remain on your personnel file but will be disregarded in deciding the outcome of any future capability proceedings, subject to the provision of 4.9 above (not returning to earlier stage).

5.4. Monitoring & Review Period (1)

5.4.1. The standard set length of the monitoring and review period following the formal capability meeting in this Trust is normally six weeks. However, in some cases it may be appropriate for a shorter period of four weeks to be set. In exceptional circumstances, this period can be extended up to a maximum of 10 weeks.

5.4.2. At the end of the monitoring and review period you will be invited to a formal review meeting, unless you were issued with a final written warning in which case you will be invited to a decision meeting.

6. Formal review meeting (Stage 2)

6.1. If the person conducting the formal review meeting decides that sufficient progress and improvement has been made, then the capability procedure will cease.

6.2. If the person conducting the formal review meeting decides that some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period up to a maximum of **4 additional weeks**.

6.3. If no, or insufficient improvement has been made during the monitoring and review period, you will receive a final written warning. A further monitoring and review period will follow in accordance with 5.4.

6.4. The warning will normally remain active for **12 months** from the end of the further monitoring and review period. During this time any further performance concerns will be addressed at the next stage of the process (stage 3). After the active period the warning will remain on your personnel file but will be disregarded in deciding the outcome of any future capability proceedings, subject to the provision of 4.9 above (not returning to earlier stage).

6.5. Monitoring & Review Period (2):

6.5.1. At the end of the further monitoring and review period, you will be invited to a decision meeting.

6.5.2. At this stage and by agreement with you, instead of progressing to a decision meeting it may be appropriate to consider whether there is an appropriate vacant post and if so whether this may be more suited to your capabilities. If there is a vacant post which we agree with you is suitable, this would be a permanent change in role and if the alternative post is at a lower salary level, the substantive lower salary would apply. The capability procedure would cease on commencing in the new.

7. Decision meeting (Stage 3)

7.1. The decision meeting will usually be conducted by the CEO/headteacher if they have not previously been involved or a panel of governors/trustees not previously involved in the case, which could include the headteacher. Dismissal is a possible outcome of a decision meeting.

7.2. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end.

7.3. If performance is deemed to have improved but not reached the required standard a further monitoring and review period can be imposed. There will be a further decision meeting at the end of that extended monitoring and review period.

7.4. If performance remains unsatisfactory and of serious concern, a decision will be made that you should be dismissed. Normal delegation rules apply to the power of dismissal.

OR

7.5. You will be informed in writing as soon as possible of the dismissal, the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and your right of appeal.

8. Appeal

8.1. If you feel that the decision to dismiss you or other action taken against you (including warnings) is wrong or unjust, you may appeal. You should appeal in writing to the CEO setting out the grounds for appeal within **five working days** of the decision.

8.2. 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 set out in section 3.

8.3. The appeal will be dealt with impartially and, wherever possible, by a panel of three (head teachers, governors/trustees) who have not previously been involved in the case in line with the Trust's arrangements for appeals.

8.4. If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

8.5. You will be informed in writing of the results of the appeal hearing as soon as possible. Following the appeal hearing the panel may: (a)confirm the original decision; (b)revoke the original decision; or (c)substitute a different penalty.

8.6. There is no further right of appeal against the sanction or dismissal within the Trust.

9. Sickness

9.1. If at any stage long term sickness absence appears to have been triggered at any stage of this procedure, the case will be dealt with in accordance with the Trust's **sickness absence procedure.**

9.2. The employee will be referred immediately to the occupational health service to assess their health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

10. General principles underlying this procedure

10.1. Confidentiality

The capability process will be treated confidentially. However, it needs to be recognised that, in supporting employees through this process, some degree of information sharing is likely to be necessary to be necessary to quality-assure the operation and effectiveness of the process.

10.2. Consistency of Treatment and Fairness

Chorus Education Trust and the Board of Trustees are committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation,

including the duty to make reasonable adjustments for disabled employees. The Board of Trustees is aware of the guidance on the Equality Act issued by the Department for Education.

10.3. Grievances

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently, and at the same meeting.

10.4. Retention and data protection

The Board of trustees and CEO/headteacher will ensure that all written records are retained in a secure place. As part of the application of this procedure, the Trust may collect, process and store personal data in accordance with our **data protection policy**. We will comply with the requirements of **Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018)** and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our **Workforce Privacy Notice**, our **Record Retention Schedule** and in line with the requirements of the **Data Protection Legislation.**

11. Review of procedure

11.1. This procedure is reviewed and where appropriate amended annually by the Trust. We will monitor the application and outcomes of this procedure to ensure it is working effectively.

Appendix 1 – Informal Support Plan Template

Name of employee:		**Job role:**	
Length of support:	**Start Date:**	**Mid-point date:**	**End date:**

Priority Objective 1 (for teachers, reference specific Teachers' Standard / for support staff use the relevant documentation that state the competencies required for the role i.e. job descriptions, person specifications etc)	**Performance criteria** (include timescales)	**Support actions to be taken**	**Monitoring** (activities and evidence)

Evaluation of progress

Priority Objective 2 (for teachers, reference specific Teachers' Standard / for support staff use the relevant documentation that state the competencies required for the role i.e. job descriptions, person specifications etc)	**Performance criteria** (include timescales)	**Support actions to be taken**	**Monitoring** (activities and evidence)

Evaluation of progress

Priority Objective 3 (for teachers, reference specific Teachers' Standard / for support staff use the relevant documentation that state the competencies required for the role i.e. job descriptions, person specifications etc)	**Performance criteria** (include timescales)	**Support actions to be taken**	**Monitoring** (activities and evidence)

Evaluation of progress

Priority Objective 4(for teachers, reference specific Teachers' Standard / for support staff use the relevant documentation that state the competencies required for the role i.e. job descriptions, person specifications etc)	**Performance criteria** (include timescales)	**Support actions to be taken**	**Monitoring** (activities and evidence)

Evaluation of progress

Signature of employee ..... Signature of line manager/mentor .....