

# Create Learning Trust



## School Staff Capability Policy

The Board of Create Learning Trust has adopted this policy. It will be reviewed annually by the Board of Trustees.

### 1. Introduction

- 1.1 The aim of this policy is to establish the principles that Create Learning Trust will follow in managing employees about whose performance there are serious concerns that the appraisal process has been unable to resolve.
- 1.2 Capability issues are not part of the Disciplinary Procedure. However, if after careful investigation, poor performance is identified as an issue of misconduct, it may become necessary to use the Disciplinary Procedure.

### 2. Scope/Application

This Policy and the associated Procedure applies to all staff of Create Learning Trust who have completed their ECT Induction or probationary period as appropriate.

### 3. Definitions

Capability relates to aptitude and the inability or limited ability of someone to perform their full job description to the required standard of performance. It may be due to poor standards of work, even after training and close supervision, or low output of work – where the person can produce work to the right standard but not in the right quantity.

### 3. Principles

- 3.1 Create Learning Trust recognises that when an employee cannot perform the duties required to an acceptable standard it does not necessarily constitute misconduct.
- 3.2 The Capability Procedure should be followed where an employee is not able to perform his or her duties because they do not have the skills, knowledge, experience physical ability or aptitude they need to fully carry out their job. Mental health may also be an issue.
- 3.3 There are six main principles underlying the operation of the capability procedure:
  - (a) Employees must know what is expected of them, have concerns raised as they occur be given help, advice and the opportunity and time to improve their performance.
  - (b) To enable, wherever possible, the employee with a capability problem to perform satisfactorily in the contractual job.
  - (c) To confirm that the responsibility for resolving capability situations rests with the Head teacher/manager and Local Academy Board (LAB) who may wish to take HR and/or Occupational Health advice.
  - (d) To ensure that capability difficulties are dealt with efficiently, within agreed time periods and with clear outcomes specified at all stages.
  - (e) To recognise that whilst every effort will be made to help an individual with a capability problem, the school cannot guarantee to maintain employment.

### 4. Policy

- 4.1 The Headteacher/manager and the LAB will support employees of the school to reach the required level of performance.
- 4.2 The Capability Procedure will be followed by the Headteacher/manager and the LAB to assist in the identification and investigation of a possible cause of incapability and where necessary in the drawing up of an action plan. The employee should fully understand the process and that if there is no improvement further action will be taken.
- 4.3 A consistent approach will be applied across the school, promoting fairness and equity throughout.
- 4.4 A decision to dismiss someone will be taken only after a full and proper process has been followed with proper safeguards to the individual.
- 4.5 Capability issues will normally be resolved within two terms.

- 4.6 It is the Headteacher/LAB's responsibility to set appropriate performance standards for all employees. National standards for teachers and Headteacher's and standards set by other relevant professional organisations will form part of the standards for these groups of staff.
- 4.7 It is the Headteacher/manager and the LAB's responsibility to ensure that employees are aware of their required performance level. Appraisal reviews will be used to help to clarify and quantify performance outcomes.

**Please note:**

Where the Headteacher/manager and the LAB have concerns about an employee's performance they must not wait until the annual appraisal discussion to initially raise their concerns. These should be raised either directly with the employee or their appraiser through the appraisal monitoring and review process.

**5. EQUALITY ACT 2010**

In accordance with its Public Sector Equality Duty, the Local Academy Board of each academy school in Create Learning Trust has given due regard to equality considerations in adopting this policy/procedure and is satisfied that its application will not impact adversely on members of staff who have a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) within the meaning of the Equality Act 2010

- 6. See also:** Disciplinary Policy and Procedure, Probationary Period