Capability Procedure

This policy is effective in all Academies within the Learning without Limits Academy Trust and the Trust Central Team.

Where the term 'Trust' is used in this policy, it covers all Academies and the Trust Offices.

Where the term 'Principal' is used in the policy, it includes Executive Principals.

Complaints Policy

	Professional Development Policy
Disciplinary Procedure	Sickness Absence Policy
Equality Policy	Social Media Policy
Flexible Working Policy	Staff Behaviour (Code of Conduct) Policy
GDPR Policies and Procedures	Staff Expectations Policy
Grievance Procedure	Managing Stress and Promoting Positive Mental Health & Wellbeing Policy
Leave of Absence Policy	Whistleblowing Policy
Recruitment Policy	

Version: 2.0	**Status: LIVE**
Date: August 2023	**Next Review: August 2024**

Version	Date	Author	Changes
V1.0	Nov 2020	LCC/ AbEv	Creation of new joint policy for Teachers and Support Staff; adoption of Leicester City Council document 'Capability procedure (whole school) 2012'
V2.0	Aug 2023	AbEv	New Trust-wide policy. Section 8 Informal Capability, added. Section 9 Capability Process Flowchart, added. This policy has been implemented following consultation with recognised trade unions.

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- detailing the support to be provided and evaluating this
- deciding whether or not performance is satisfactory
- telling the employee if performance is satisfactory or not

1.3. This policy 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 are concerns about performance. The aim is to improve performance and provide the opportunity for employees to respond before formal action is taken.

1.4. This policy has been designed to comply with current legislation and the ACAS Code of Pract-1.9 (p)7 dn-6.0013[m)3 -3.2 (s)

8.3. The Line Manager will meet with the employee. This meeting will be a frank and open discussion to consider the facts. It should be conducted discreetly and in confidence, during the employee's normal working day.

8.4. The Line Manager will:

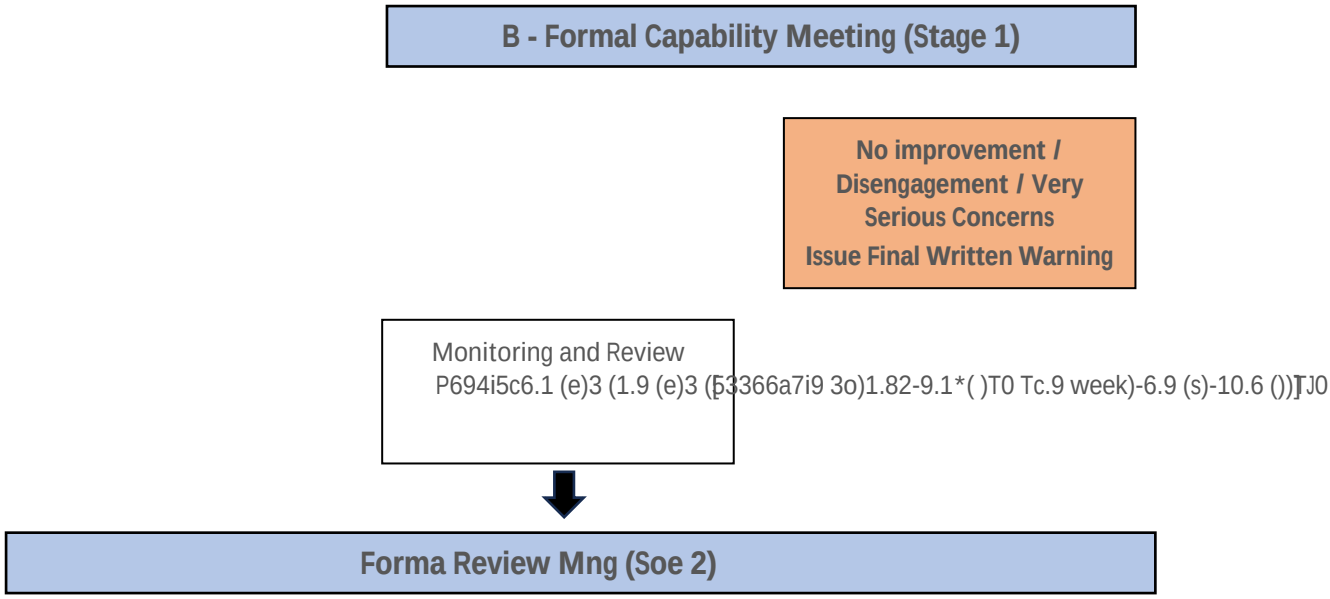
- detail the concerns that management have regarding the employee's performance
- give specific examples of each area of underperformance
- advise the employee of the seriousness of the issues and improvements required to meet performance standards and for the employee to be removed from the capability procedure
- state how the underperformance is having an effect on the Academy
- state how long the issues have been occurring
- detail any action/training/support provided to date
- explain the standards required/outcomes to be met

8.5. The Line Manager and the employee will then agree and confirm an action plan and support programme, including appropriate training, support and guidance to help the employee.

8.6. The Line Manager will confirm the arrangements for reviewing the employee's progress,

9. Capability Process Flowchart

Formal Capability will only be invoked if informal support mechanisms have not resulted in a satisfactory improvement in performance at the end of the informal monitoring and review period.



10. Notification and Procedure for Formal Meetings

10.1. An employee will be given at least 10 working days' written notice to attend any formal meeting under this procedure.

10.2. The written notification will also contain:

10.2.1.

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

10.8.5. give clear guidance on the improved standard of performance needed to ensure the employee can be removed from the formal capability procedure. This may include amending the objectives;

10.8.6. where appropriate, identify and explain any support, including training and time to complete the training, that will be available to help the employee improve performance;

10.8.7. where appropriate, warn the employee formally that failure to improve within the set period could le

15.4. If

19. LwLAT Wellbeing Statement

19.1. The Trust will always put the effective education of our children at the heart of any decision that we make. In doing so, we recognise that the requirement to adhere to policies and procedures may be time consuming and can impact on workload. For this reason the Trust and its Academies will always endeavour to support staff when policies and procedures are being actioned.

20. Review of this policy

20.1. This policy is reviewed annually, or sooner if required by new or statutory legislation, by the Trust Board in consultation with the recognised trade unions. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.