



QUANTOCK

EDUCATION TRUST

Capability Policy

LINKS: [Disciplinary Policy](#)

DATE: November 2025

POSTHOLDER RESPONSIBLE: HR Director

TRUSTEES/GOVERNORS COMMITTEE: People & Pay & Recruitment

AUDIENCE: All schools, employees and volunteers within the Quantock Education Trust

STATUS: Ratified

DATE RATIFIED: November 2025

DATE OF NEXT REVIEW: This Policy will be reviewed annually

STATUTORY/NON-STATUTORY: Statutory

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1. Introduction

- 1.1 Quantock Education Trust is committed to providing high quality teaching and learning, underpinned by our core values. We believe in creating an environment where every pupil can aspire to achieve their very best regardless of ability and where every member of our workforce feels part of a supportive community. Through mutual respect and a shared commitment to equity, we ensure that all employees are given the guidance and opportunities they need to continually improve their practice and develop to their full potential. By living these values, we strengthen outcomes for our young people and help them flourish in an inclusive and ambitious learning environment.
- 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 is set out in our Appraisal Policy.
- 1.3 This policy outlines the supportive steps we will take when an employee's performance falls below the expected standards and significant concerns remain unresolved through the Appraisal Policy. The aim is to work collaboratively to improve performance and provide the opportunity for employees to respond before any formal action is considered.
- 1.4 This policy has been designed to comply with current legislation and the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on Disciplinary and Grievance Procedures. It complies with the requirement for all schools, including academy trusts to have a policy that deals with the capability of staff.
- 1.5 The policy has been implemented in agreement with staff and recognised trade unions. It has been formally adopted by the Board of Trustees.
- 1.6 This policy does not form part of any employee's contract of employment and may be amended at any time in consultation with the recognised trade unions.

2. Scope and purpose of this policy

- 2.1 The purpose of this policy is to provide a framework within which Quantock Education Trust can work with employees to improve and maintain satisfactory standards of performance where serious concerns have been raised.
- 2.2 This policy will be applied where there is sustained underperformance, and informal support as set out in the Appraisal Policy has been provided and the required improvement has not been made. Where there are capability (performance) concerns relating to an employee who is in within their probationary period, this will be managed in accordance with the probationary policy. However, the principles set out in this policy will still apply. This policy does not apply to cases involving sickness absence or misconduct. In those cases, reference should be made to the appropriate policy or procedure.
- 2.3 This policy applies to all employees of the Trust, including teachers and support staff, excluding Early Career Teachers (ECTs) and those who are in the probationary period. It does not apply to agency workers, contractors, consultants, or any self-employed individuals.

3. Notification and procedure for formal meetings

- 3.1 An employee will receive at least ten working days' written notice if they are asked to attend any formal meeting under this procedure.
- 3.2 The written notification will include:
 - 3.2.1 Clear information about the performance concerns and what they may mean (including the possibility of issuing a warning or dismissal) so that the employee can prepare to respond fully at the formal meeting.
 - 3.2.2 Copies of any relevant written evidence
 - 3.2.3 Copies of witness statements and details of witnesses attending (if appropriate)
 - 3.2.4 Details of the time and place of the meeting
 - 3.2.5 Confirmation of the employee's right to be accompanied (see 3.4)
- 3.3 Formal meetings will be conducted by the Headteacher, or other senior employee delegated this responsibility by the Headteacher or Chief Executive Officer.
- 3.4 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, which may be because their representative is unable to attend the meeting.
- 3.5 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 and an employee may request that relevant witnesses are called to any formal meeting. Such requests should be made in writing at least 2 days prior to the meeting, explaining why the witness should be called. The person conducting the meeting shall determine who shall be called as a witness and may request that a written statement is provided instead of attendance.
- 3.6 A formal meeting under this procedure will:
 - 3.6.1 Establish the facts and identify performance shortcomings; including which of the standards expected is not being met;
 - 3.6.2 Give the employee the opportunity to respond to those concerns, ask questions and share any information or context that may help;
 - 3.6.3 Explore if there are any issues (both in or outside of work) that are affecting performance; including disability or health matters where reasonable adjustments to working arrangements or this procedure could be made;
 - 3.6.4 Identify what action (including support provided) has been taken to date and what the outcome was;
 - 3.6.5 Provide clear guidance on the improvements needed to ensure the employee can be removed from the formal capability procedure. This may include setting new objectives;

- 3.6.6 Where appropriate, identify and explain any additional support, including training that will be available to help the employee to improve performance;
 - 3.6.7 If necessary, explain that failure to improve within the set period could lead to dismissal; and
 - 3.6.8 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 will be a minimum of 6 weeks to lessen the impact on workload for all parties involved, enable relevant training to be undertaken and provide sufficient opportunity for an improvement to be made. Formal monitoring, evaluation, guidance and support will continue during this period.
- 3.7 The person conducting the meeting may adjourn the meeting, for example for further investigation or to consider if additional information is required.
 - 3.8 If at any stage the person conducting the meeting is satisfied that there are insufficient grounds for pursuing the capability issue or after a review period the employee has made sufficient improvement, the employee will be notified in writing that the capability procedure will end, and the appraisal process will resume.
 - 3.9 After the meeting, a written summary of the discussions will be provided within five working days. 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 within 6 months after the end of the live period of the warning, the matter may resume at the same stage of the procedure and rather than returning to an earlier stage (including not returning to the appraisal policy).
 - 3.10 Minutes will be taken of all formal meetings, and you will be sent a copy within five working days.

4. Formal capability meeting (Stage 1)

- 4.1 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.
- 4.2 Potential outcomes of this meeting are:
 - 4.2.1 it is determined that your performance does meet required standard and no further action is taken. You will return to the appraisal process.
 - 4.2.2 you are issued with a warning for unsatisfactory performance. A Monitoring and Review Period will follow as set out in 4.5
- 4.3 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.

- 4.4 The warning will usually remain active for 6 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).
- 4.5 Monitoring & Review Period (1)
 - 4.5.1 The standard set length of the monitoring and review period following the formal capability meeting in this Trust is normally six weeks. In exceptional circumstances, this period can be extended up to a maximum of 10 weeks.
 - 4.5.2 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.

5. Formal review meeting (Stage 2)

- 5.1 Potential outcomes for this formal review meeting at stage 2 are:
 - 5.1.1 If sufficient progress and improvement has been made, you will be notified in writing that the capability procedure will end, and the appraisal process will resume.
 - 5.1.2 If some progress has been made and there is confidence that further progress is likely, the monitoring and review period may be extended by up to a maximum of 4 additional weeks.
 - 5.1.3 If no, or insufficient improvement has been made, you will receive a final written warning. A further Monitoring and Review Period will follow in accordance with paragraph 4.5.
- 5.2 The warning will normally remain active for 6 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).
- 5.3 Monitoring & Review Period (2):
 - 5.3.1 At the end of the further monitoring and review period, you will be invited to a decision meeting.
 - 5.3.2 At this stage and by agreement with you, it may be appropriate to consider whether there is a vacant post that may better suit your capabilities. If such a post is available, this would be a permanent change in role. If the alternative post is at a lower salary level, the substantive lower salary would apply. The capability procedure would end upon starting the new post and the appraisal process would restart.

6. Decision meeting (Stage 3)

- 6.1 The decision meeting will usually be conducted by the Headteacher, if they have not previously been involved, the Chief Executive Officer or a panel of governors not previously involved in the case. Dismissal is a possible outcome of a decision meeting.
- 6.2 Potential outcomes of this formal review meeting at stage 3 are:

- 6.2.1 If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end, and the appraisal process will restart.
- 6.2.2 If performance has improved but not reached the required standard, a further monitoring and review period may be imposed in accordance with Section 4.4 above. There will be a further decision meeting at the end of that extended monitoring and review period.

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- 6.3 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

- 6.4 You will be informed in writing within 5 working days 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.

7. Appeal

- 7.1 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 Headteacher or Chief Executive Officer setting out the grounds for appeal within ten working days of the decision.
- 7.2 Appeals will be heard within ten working days 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.
- 7.3 Appeals will be considered impartially by a panel of governors who have not previously been involved in the case.
- 7.4 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.
- 7.5 You will be informed in writing of the results of the appeal hearing within five working days. Following the appeal hearing the panel may: (a) confirm the original decision; (b) revoke the original decision; or (c) substitute a different penalty.
- 7.6 There is no further right of appeal against the sanction or dismissal within the Trust.

8. Sickness

- 8.1 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 management policy.

- 8.2 You will be referred to the occupational health service to assess your health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures.

9. General principles underlying this policy

9.1 Confidentiality

The capability process will be handled with appropriate confidentiality. However, it is important to recognise that, in supporting employees through this process, some limited information sharing may be necessary to quality-assure the operation and effectiveness of the process.

9.2 Consistency of Treatment, Fairness and Respect

Quantock Education Trust and its Trustees are committed to ensuring consistency of treatment, and upholding fairness and respect throughout this process. We will comply with all relevant equality legislation, including the duty to make reasonable adjustments for disabled employees. The Trustees are mindful of the guidance on the Equality Act issued by the Department for Education.

9.3 Grievances

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

9.4 Retention and data protection

The Trust and its senior leaders will ensure that all written records relating to this process are retained in a secure place. As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the 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 data retention schedule which is based on guidance from the Information and Records Management Service (IRMS) and in line with the requirements of the Data Protection Legislation.

10. Review of policy

- 10.1 This policy is reviewed annually and where appropriate amended by Quantock Education Trust in consultation with the recognised trade unions.