



Capability Policy

This policy and procedure has been adopted and adapted using the FusionHR Model Policy (August 2026).

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Headteacher:		Date:	25/09/2026

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CONTENTS

1	Introduction
2	Model Policy
3	Purpose
4	Capability Procedure
5	Appeals
6	References
7	General principles underlying this policy
8	Related policies and documentation



1. Introduction

- 1.1. Amwell View School has a responsibility to ensure that pupils receive the best educational opportunities available to them. One of the key elements to learning is the quality of teaching provided ensuring that all teachers are performing to professionally acceptable standards. This policy outlines the procedures for managing staff performance issues at Amwell View School. The aim is to ensure that all staff meet the required standards of performance and are provided with the necessary support to achieve this. The policy will ensure a consistent and fair approach to managing performance issues, provide support and development opportunities to help staff improve their performance as well as address performance issues promptly and effectively.
- 1.2. This policy sets out the school's formal capability procedure, which applies to all members of staff including the headteacher where there are serious concerns about performance. For all staff, this will follow the appraisal process;
- 1.3. Standards appropriate to the level of the post will be considered and applied as appropriate, this includes teaching and headteacher standards as set out in the burgundy book and individual job descriptions. Amwell View School will determine professional standards against key school priorities, and, staff will need to demonstrate that their practice is consistent with the standards that are being applied in Amwell View, by which all are being measured.

2. Model Policy

- 2.1. The use of Capability procedures at Amwell View School, are to be supportive, and, to be a developmental process, which is designed to ensure that staff have the skills and support they need to carry out their role effectively. It will help to ensure that staff are able to continue to improve their professional practice, and to develop in their professional roles.
- 2.2. The Governors are committed to ensuring consistency of treatment and fairness in the operation of its performance management and capability support processes.

3. Purpose

- 3.1. The Governors are confident that Amwell View School can only be fully effective in delivering a service to pupils, and the community, if it has well trained motivated, committed and competent staff. In support of these aims this policy and procedure sets out the arrangements that will apply when staff are experiencing difficulties in meeting the standards that are expected of them.
- 3.2. The Capability Procedure will also be used to address any general concerns that are raised about a member of staff's performance and to provide a more tightly focused strategy of support and assessment.

4. Capability Procedure

- 4.1. This procedure applies to all staff, including the headteacher, leadership, teachers and support staff, about whose performance there are serious concerns.
- 4.2. For teachers, the Capability Policy should only be used where concerns about performance have not been resolved through the appraisal process; see the Amwell



View School's Performance Management Policy for further guidance on the appraisal process.

- 4.3. The right to be accompanied by a trade union representative or work colleague, applies at all the meetings listed under the formal stages of this procedure.

Informal Process

- 4.4. All staff - teachers and support staff alike - will be given the opportunity to address performance concerns through an informal process before the matter progresses to the formal stage of this procedure. This applies whether the concern was first identified through the appraisal process or through routine line management and supervision, for staff, who may not have an equivalent formal appraisal process.
- 4.5. The informal process will provide an opportunity for a line manager to highlight concerns about an employee's performance, set targets, and agree support and timescales for improvement, before considering whether the matter needs to progress to the formal stage of the capability process.
- 4.6. All available evidence of underperformance will be shared with the employee.
- 4.7. The line manager will meet with the employee during the informal process to review progress towards meeting the targets for improvement and to ensure appropriate support to enable the employee to achieve the targets.
- 4.8. If it is decided that there has been insufficient improvement in performance during the informal capability process then the employee will be notified that they will progress to a first formal capability meeting.
- 4.9. A date will be set for the formal capability meeting and the staff member will receive written notification of the meeting, the evidentiary documents and a copy of the procedures will be supplied to the staff member a minimum of ten working days ahead of the meeting.

First Formal Capability meeting

- 4.10. The written notification of the meeting, together with the evidentiary documents and a copy of the procedure should be supplied to the staff member a minimum of 5 working days ahead of the meeting.
- 4.11. This meeting is intended to establish the facts. It will be conducted by the headteacher, senior leader or nominated manager.
- 4.12. The meeting allows the staff member, accompanied by a work colleague or a trade union representative, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.
- 4.13. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:
- 4.14. Identify the professional areas for development to enable performance standards to be met, (for example which of the standards expected of teachers are not being met).
- 4.15. Give clear guidance on the improved standard of performance needed to ensure that the staff member has every opportunity to improve their performance. This may include the setting of new objectives focused on the specific areas of development that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made.



- 4.16. Allow the staff member the opportunity to request an adjournment at any point in order to consider the management proposals and develop alternative or additional suggestions.
- 4.17. Explain any support that will be available to help the staff member to improve their performance.
- 4.18. Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case. It is for the school to determine the set period. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place.
- 4.19. Where appropriate, issue a written warning which will remain on file for a period of nine months excluding the summer break.
- 4.20. In very serious cases, where the progress of pupils is being seriously jeopardised or where there are serious concerns on the grounds of health and safety, this warning could be a final written warning and may incur a shorter period for improvement.
- 4.21. Advise the staff member formally that failure to improve within the set period could lead to dismissal.
- 4.22. Notes of any formal meeting will be taken, and a copy sent to the member of staff, who will need to check and sign the notes as an accurate version of events. Where a warning is issued, the staff member will be informed of this in writing (in addition to the matters covered in the bullet points above) and given information about the process for appealing the decision. The procedure for reviewing and monitoring improvements in performance will also be included.

Second Formal Capability meeting

- 4.23. A second formal capability meeting will be held at the end of the agreed timescale which has been set at the first formal capability meeting. If there are serious concerns that the employee has not made sufficient progress in improving performance during the first formal stage, then this meeting may be brought forward.
- 4.24. Written notification of the meeting, together with the evidentiary documents and a copy of the procedure should be supplied to the staff member a minimum of 5 working days ahead of the meeting.
- 4.25. 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:
- 4.26. 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.
- 4.27. If no, or insufficient improvement has been made during the monitoring and review period, the staff member will receive a final written warning which will remain on file for 12 months (excluding the summer break).
- 4.28. Notes of any formal meeting will be taken, and a copy sent to the member of staff. Where a final written warning is issued, the staff member will be informed of this in writing (in addition to the matters covered in the bullet points above) and given information about the process for appealing the decision. The procedure for reviewing and monitoring improvements in performance will also be included.
- 4.29. The final written warning will mirror any previous warnings that have been issued. Where a final written 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.



Final Formal Review Meeting

- 4.30. At the end of the agreed review period there will be a final formal review meeting with the staff member and their trade union or colleague support, at which progress towards improvement will be discussed. If the final review meeting finds that 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 re-start.
- 4.31. If the manager remains dissatisfied, then the staff member will be invited to a capability decision hearing at which dismissal will be considered. The staff member must be advised that dismissal is a possible outcome of the capability decision hearing.

Capability Decision Hearing

- 4.32. The Governors of the school have formally delegated powers of dismissal to the relevant headteacher and this hearing will be held by them.
- 4.33. For capability proceedings regarding the headteacher the Governors shall have the authority to dismiss and a nominated governor will hear any Appeal. For capability proceedings regarding the headteacher a nominated governor will have the authority to dismiss and any Appeal will be to another nominated governor.
- 4.34. In a case where any person with the power to dismiss is compromised through existing circumstances or have been heavily involved in the process so far – the case will be discussed by the Chair of Governors to determine the appropriate course to take.
- 4.35. As with formal capability meetings and formal review meetings, at least 5 working days' notice will be given and the employee will be reminded of their right to be accompanied by a work colleague or trade union representative.
- 4.36. If performance remains unsatisfactory, the headteacher may decide to dismiss the employee on the grounds of lack of professional capability.
- 4.37. The headteacher also has the power to extend to a further period of improvement, if they believe that there has been some progress, and that there is a likelihood of the staff member being able to reach the required standard of performance with additional support and time for improvement. In this case, the Chair will adjourn the meeting for a period of four working weeks, when it will reconvene to consider whether an appropriate standard of work has been achieved, or, whether to go ahead with a decision to dismiss the employee.

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 and their right of appeal. Any Appeal will be heard by up to a panel of three new governors.

5. Appeals

- 5.1. If a staff member feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within 5 days of the decision, setting out in writing the grounds for appeal.
- 5.2. If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity of pay.
- 5.3. If the employee raises any new matters in their appeal, the appeal officer may need to carry out further investigation. If any new information comes to light the appeal officer will provide the employee with a summary including, where appropriate,



- copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.
- 5.4. The school will give the employee written notice of the date, time and place of the appeal hearing.
 - 5.5. The appeal hearing may:
 - 5.6. completely re-hearing of the matter, or review the fairness of the original decision in light of the procedure followed and any new information that has come to light.
 - 5.7. This will be at the school's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
 - 5.8. Where possible, the appeal hearing will be conducted impartially by a more senior manager who has not been previously involved in the case. The same arrangements for notification and right to be accompanied by a work colleague or trade union representative who has been certified by their union as being competent will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the staff member.
 - 5.9. The appeal officer may:
 - 5.9.1. Confirm the original decision;
 - 5.9.2. Revoke the original decision; or
 - 5.9.3. Substitute a different penalty
 - 5.10. The appeal officer will inform the employee in writing of the final decision as soon as possible. There will be no further right of appeal.

6. References

- 6.1. The school recognises that it has a duty to other employers to give truthful and balanced references and it is the policy of the school that any references provided will state, in accordance with the above regulation, if an employee had been subject to formal capability procedures in the preceding 2 year period. For the purposes of clarity, it will be deemed that an individual has entered the formal capability procedures, once they have attended the first formal capability meeting.
- 6.2. The school must, at the request of the governors of the school requesting the reference, provide written details of the duration and outcome of the proceedings and the concerns which gave rise to the actions carried out under the Capability Procedure.

7. General principles underlying this policy

- 7.1. The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Sickness

- 7.2. If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's attendance policy and will normally be referred to the occupational health service to assess the member of staff's 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 formal procedures to continue during a period of sickness absence. However, the views of the occupational health physician will always be considered, before a decision is reached.



Grievances

- 7.3. Where a member of staff raises a grievance during the capability process, the capability process may be temporarily suspended in order to deal with the grievance. Where the grievance and capability case are related, it may be appropriate to deal with both issues concurrently.

Retention

- 7.4. The Governors and headteacher will ensure that all written capability records are retained in a secure place for six years and then destroyed in order to comply with GDPR.

Confidentiality & Professional Relationships

- 7.5. The capability process will be treated with confidentiality. Access to capability records will be limited to those who need it to discharge their management responsibilities in relation to the process, such as the line manager and, where applicable, the headteacher and Governors hearing an appeal or dismissal decision. Staff members who are involved in providing support to a colleague going through the capability process will have the same duty of confidentiality with regard to the information provided to them.
- 7.6. However, the desire for confidentiality does not override the need for the headteacher and Governors to quality-assure the operation and effectiveness of the capability procedure. The headteacher or appropriate colleague might, for example, review capability records personally to check consistency of approach between different managers.

Monitoring and Evaluation

- 7.7. The Governors and the headteacher will monitor the operation and effectiveness of Amwell View School's capability procedure.
- 7.8. The headteacher reserves the right to provide the Governors with a written report on the operation of the school's capability procedure annually. The report will not identify any individual by name. The report will include an assessment of the impact of this policy on equality, diversity and inclusion.
- 7.9. The headteacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

8. Related policies and documents

- 8.1. This policy should be read alongside the school's policies:
- 8.2. Performance Management Policy
- 8.3. Attendance Management Policy
- 8.4. Grievance, Bullying and Harassment Policy