Grove Learning Trust

Capability Model Policy

Date Ratified:

December 2025

Vision

Together, we will create remarkable schools in which all children can thrive.

As one organisation, Grove Learning Trust, with schools that are unique and united, shares aspiration for our children, which is underpinned by a strong commitment to our values.

Trust >> Connect >> Collaborate

Our policies underpin our vision and set out clearly our expectations of each other.

Principles

1. This is the capability policy of Grove Learning Trust (the Trust).

2. When making decisions under this policy senior leaders must always act in a way that treats an employee (or anyone else involved in the process) fairly. This means giving them adequate information to be able to be able to express a view and properly considering that view. Senior leaders must ensure they do not discriminate against any employee on the basis of a protected characteristic. If any issues under the Equality Act 2010 are raised by an employee, further advice should be taken.

3. This policy does not form part of any terms and conditions and may be amended by the Trust.

4. While this policy should be followed, it may be varied to meet the needs of the particular situation. For example, while timescales should be followed, if they cannot be met then reasons will be given why. If any other variation of the policy is necessary, then reasons will be given for any change but senior leaders must take appropriate advice first.

5. When this policy is being followed detailed notes should be kept of meetings and communications with any relevant person.

6. The Trust values and welcomes the role of the Trade Unions when following this policy and staff are encouraged to seek appropriate advice.

7. The Trust recognises that a capability process is a difficult experience for staff and will seek to support staff throughout the process. Further, staff are encouraged to seek additional support as required.

Performance at Work

8. The Trust will deal with concerns over performance fairly. The purpose of this procedure is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.

9. This procedure does not apply to cases involving genuine sickness absence, proposed redundancies or misconduct. In those cases, reference should be made to the appropriate policy or procedure.

10. This procedure does not form part of any contract of employment or other contract to provide services, and it may be amended.

11. This procedure applies to employees. However, we may depart from this procedure where appropriate (including but not limited to during an employee's probationary period). It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

Identifying performance issues

12. In the first instance, performance issues should normally be dealt with informally between employees and their line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on a personnel file but will be ignored for the purposes of any future capability hearings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:

    - Clarify the required standards
    - Identify areas of concern;
    - Establish the likely causes of poor performance and identify any training needs; and/or
    - Set targets for improvement and a time-scale for review

- An informal support plan could be implemented for a period of up to but not usually exceeding six weeks outlining clear achievable targets for the employee to meet regular reviews throughout the six week period will be required to review the employees progress and feedback to be provided. Appropriate support must be provided by the employee's line manager. It will be made clear that although the plan is recorded it remains an informal process however, if adequate progress is not made then it may be necessary to progress to a formal capability process.

13. Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

14. If the Trust has concerns about an employee's performance, it will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing the personnel file including any appraisal records, gathering any relevant documents, monitoring work and, if appropriate, interviewing an employee and/or other individuals confidentially regarding concerns about work.

15. At all stages, consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to working arrangements, including changing duties or providing additional equipment or training. The Trust may also consider making adjustments to this procedure in appropriate cases. The extent to which changes can be made will be based on individual circumstances on a case by case basis.

16. The Trust will seek to address performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.

17. Employees and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Exceptions may be made for genuine reasons however an undertaking must be given that any record shall be kept confidential, secure and not edited and/or otherwise manipulated in any form.

18. Employees will be provided with all relevant information in connection with the process unless there are good reasons for not disclosing the information. In the event that the matter proceeds to a formal capability process then the employee will be provided with the same information which is provided to the panel.

Notification of a capability hearing

19. If the Trust considers that there are grounds for taking formal action over alleged poor performance, employees will be required to attend a capability hearing. Notification will be given in writing of the concerns in respect of performance, the reasons for those concerns, and potential outcomes if the Trust decides after the hearing that performance has been unsatisfactory. Information provided will usually include:

    - A summary of relevant information gathered as part of any investigation.
    - A copy of any relevant documents which will be used at the capability hearing.
    - A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Trust will provide as much information as possible while maintaining confidentiality.

20. Employees will be given written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but employees will be given a reasonable amount of time, usually at least five days, to prepare their case based on the information which has been provided.

Right to be accompanied at hearings

21. Employees may bring a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. Employees must tell the manager conducting the hearing who the chosen companion is, in good time before the hearing.

22. A companion is allowed reasonable time off from duties without loss of pay but no one is obliged to act as a companion if they do not wish to do so.

23. If an employee's companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days, we may require you to choose someone else.

24. The Trust may, at its discretion, allow employees to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a particular difficulty caused by a disability, or other circumstances, such as if English is not a first language. However, the presumption will be that it is preferable to have someone who is not external to the organisation if not a Trade Union or professional representative.

Procedure at capability hearings

25. If an employee or their companion cannot attend the hearing, they should inform the Trust immediately and the Trust will usually arrange an alternative time. Employees must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If an employee

fails to attend without good reason or is persistently unable to do so (for example, for health reasons), the Trust may have to take a decision based on the available evidence including any written representations made by the employee and/or with the attendance and/or representations of their representative.

26. The hearing will normally be held by an appropriate senior leader. Employees may bring a companion with them to the hearing. The companion may make representations, ask questions, and sum up your case, but will not be allowed to answer questions on behalf of an employee. An employee may confer privately with their companion at any time.

27. Employees may ask relevant witnesses to appear at the hearing, provided they give sufficient advance notice to arrange their attendance. Employees will be given the opportunity to respond to any information given by a witness but cross examination will not be permitted save in exceptional circumstances. That is necessary to allow questioning to provide a fair hearing.

28. The capability process is intended to support the employee to make the required improvements. The aims of a capability hearing will usually include:

- Setting out the required standards that we believe the employee may have failed to meet and going through any relevant evidence that we have gathered.
- Allowing employees to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
- Identifying whether there are further measures, such as additional training or supervision, which may improve performance.

- Where appropriate, discussing targets for improvement and a time-scale for review.
- If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.
- A hearing may be adjourned if it is necessary to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

29. Employees will be informed in writing of the decision and reasons for it, usually within 5 working days of the capability hearing. Where possible, the Trust will also explain this information to you in person. The stages to the hearings are set out below.

Stage 1: Hearing

30. Following a Stage 1 capability hearing, if the Trust decides that performance is unsatisfactory, the employee will be given a first written warning or an improvement note, setting out:

(a) The areas in which the employee has not met the required performance standards.

(b) Targets for improvement.

(c) Any measures, such as additional training or supervision, which will be taken with a view to improving performance.

(d) A period for review to include task/classroom observations, monitoring/feedback, training and management support/guidance.

(e) The consequences of failing to improve within the review period, or of further unsatisfactory performance.

If appropriate a first written warning or an improvement note may be authorised by a manager.

The warning or improvement note will normally remain active for six months from the end of the review period. After the active period the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of any future capability proceedings.

31. Performance will be monitored during the review period and the Trust will write to the employee of the outcome:

(a) If the line manager is satisfied with performance, no further action will be taken;

(b) If the line manager is not satisfied, the matter may be progressed to a Stage 2 capability hearing; or

(c) If the line manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

Stage 2 Hearing: Final written warning

32. If performance does not improve within the review period set out in a first written warning or an improvement note, or if there is further evidence of poor performance while a first written warning or improvement note is still active, the Trust may decide to hold a Stage 2 capability hearing and notification will be given as set out above.

33. Following a Stage 2 capability hearing, if the Trust decide that performance is unsatisfactory, the Trust will give a final written warning, setting out:

(a) The areas in which the employee has not met the required performance standards;

(b) Targets for improvement;

(c) Any measures, such as additional training or supervision, which will be taken with a view to improving performance;

(d) A period for review; and

(e) The consequences of failing to improve within the review period, or of further unsatisfactory performance.

34. A final written warning may be authorised by an appropriate senior leader.

35. A final written warning will normally remain active for up to twelve months from the end of the review period. After the active period, the warning will remain permanently on the personnel file but will be disregarded in deciding the outcome of future capability proceedings.

36. Performance will be monitored during the review period and the Trust write to inform the employee of the outcome.

(a) If the line manager is satisfied with performance, no further action will be taken;

(b) If your line manager is not satisfied, the matter may be progressed to a Stage 3 capability hearing; or

(c) If the line manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

Stage 3 Hearing: Dismissal or Redeployment

37. We may decide to hold a Stage 3 capability hearing if we have reason to believe:

(a) Performance has not improved sufficiently within the review period set out in a final written warning;

(b) Performance is unsatisfactory while a final written warning is still active; or

(c) Performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

38. The Trust will provide written notification as set out above.

39. Following the hearing, if the Trust finds that performance is unsatisfactory, it may consider a range of options including:

(a) Dismissing the employee;

(b) Redeploying the employee into another suitable job

(c) Extending an active final written warning and setting a further review period (in exceptional cases where the Trust believes a substantial improvement is likely within the review period); or

(d) Giving a final written warning (where no final written warning is currently active).

40. The decision may be authorised by an appropriate manager.

41. Dismissal will normally be with full notice or payment in lieu of notice, unless performance has been so negligent as to amount to gross misconduct, in which case we dismissal may be without notice or any pay in lieu. If dismissal without notice is being considered further advice should be taken.

Appeals against action for poor performance

42. An employee may appeal about decisions made under this process and should be made in writing stating their full grounds of appeal within one week of being informed of the relevant decision. The appeal will be dealt with impartially by panel members who have no previous knowledge of the case.

43. If there is an appeal 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 there will be reinstatement with no loss of continuity or pay.

44. If new matters are raised in an appeal, then the Trust may need to carry out further investigation. If any new information comes to light employees will be provided with a summary including, where appropriate, copies of additional relevant documents and witness statements. Employees will be given reasonable time to consider documents before a hearing.

45. The Trust will provide written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after written notice has been given.

46. The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Trust's discretion depending on the circumstances of the case. In any event, the appeal will be dealt with as impartially and fairly.

47. The appeal hearing will be conducted by a manager who has not been previously involved in the case. A member of the HR Department: the manager who conducted the capability hearing will also usually be present. Employees have the right to bring a colleague or trade union representative to the meeting (as set out above).

48. A hearing may be adjourned if it is considered necessary to gather any further information or give consideration to matters discussed at the hearing. Employees will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

49. Following the appeal hearing the Trust may:
    (a) Confirm the original decision;
    (b) Revoke the original decision; or
    (c) substitute a different penalty.

50. The Trust will inform employees in writing of any final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain in person. There will be no further right of appeal.

Interaction with other policies

51. Where an employee has raised a grievance then the Trust will determine whether or not to consider the grievance and capability process separately or together. This will be determined on a case by case basis.

52. Where an employee ceases to attend work due to illness and/or any other reason, then the Trust will determine how best to conclude the process, properly taking into account the employee's absence. Decisions will be made fairly on a case by case basis and obtaining appropriate medical evidence as required.

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