

Professional People Capability Guide

Supporting staff development, performance, and professional standards

1. Purpose, Scope & Core Principles

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. This guide is designed to help you understand your rights, responsibilities, and what to expect if concerns are raised about performance or capability. The Trust is committed to ensuring fairness and consistency of treatment in line with the Equality Act 2010, including the duty to make reasonable adjustments where necessary.

- **Lack of Capability:** Defined as a staff member failing to perform their role at the level of competence expected of them and that their job requires (as set out in professional standards, job descriptions, and performance expectations).
- **Conduct vs. Capability:** If poor performance is due to negligence, an irresponsible approach to work, or deliberate non-compliance, the matter will be handled under the Staff Code of Conduct and/or the Disciplinary Policy rather than capability procedures.
- **Confidentiality:** Capability processes are treated with strict confidentiality. All parties involved must not discuss cases (including via electronic and social media) with anyone who does not have a direct, policy-related reason to be involved.
- **Continuous Development:** Standard career development and ongoing continuous improvement are handled supportively through Ebor's annual Staff Development Reviews (SDRs).

2. Step 1: Informal Support Stage

Before formal procedures are initiated, an informal period of support is put in place and monitored by your line manager. The Trust believes in a supportive coaching approach to help all colleagues deliver their very best. During this informal stage, your line manager will discuss any performance concerns with you, explore any underlying health, personal, or workplace reasons for underperformance, and identify appropriate support measures (e.g. coaching, mentoring, or training). These discussion details and support measures will be documented locally.

Special Cases (Early Career Teachers): If an Early Career Teacher (ECT) is subject to capability procedures, the statutory induction process will continue to run in parallel, and the appropriate licensing or induction body will be kept informed.

3. Step 2: The Formal Capability Meeting

Formal capability procedures are initiated if line management support has been unable to bring about the required standards of work, or where performance concerns are so significant that they warrant immediate formal action. The Formal Capability Meeting will be conducted by the Headteacher, Director of Education, or a nominated senior manager.

- **Meeting Notice:** You will receive at least 10 working days' written notice of the meeting. This notice will specify the performance concerns, details of any written evidence, the date, time, and location, and formally notify you of your right to be accompanied by a trade union representative or workplace colleague.
- **Establishing Facts:** The meeting's purpose is to allow you to respond to the concerns and make relevant representations. If a formal fact-finding exercise is required, the Ebor Standard Investigation Template will be utilised to ensure a fair and objective process.
- **Possible Outcomes:** If the meeting establishes that there are no valid grounds to pursue capability, the procedure will end immediately and return to day-to-day management. If grounds for capability are confirmed, the meeting will continue to outline expected standards, support measures, a Performance Improvement Plan, and a formal capability warning.

Important Rule: Notification of a formal capability meeting should not come as a surprise. Mitigating factors, underlying causes, and any prior informal support provided must be fully considered before any formal warnings or actions are issued.

4. Performance Monitoring & The PIP

If formal action is confirmed during Step 2, you will be placed on a formal performance monitoring and review period. This is structured via a **Performance Improvement Plan (PIP)** which will detail:

- Clear, measurable improvement objectives linked to your job description or professional standards.
- The precise success criteria and the specific evidence that will be used to assess your progress.
- The support and resources to be provided by the Trust, including any allocated mentor, coach, counseling, or Occupational Health referrals.
- **The standard length** of the monitoring and review period is **one term** (unless agreed otherwise in the PIP). Regular monitoring arrangements and formal interim review dates will be explicitly scheduled.

5. Step 3: Formal Review Meeting

At the end of the monitoring period, you will be invited to a Formal Review Meeting. You will receive at least 10 working days' written notice specifying the time, place, and your right to be accompanied.

- **Ceasing Procedure:** If the manager is satisfied that your performance has improved sufficiently, the capability procedure will end and you will return to normal line management.
- **Extension & Final Warning:** If some progress has been made and there is confidence that more is likely, the monitoring period may be extended and a final written warning issued. This warning remains on your file for 6 months, and you will be warned that further failure to improve could lead to dismissal.

- **Referral to Decision Meeting:** If no or insufficient improvement has been made, your case will be referred directly to a formal Decision Meeting.

6. Step 4: The Decision Meeting & Dismissal

If you are referred to a Decision Meeting, you will receive at least 5 working days' written notice outlining your right to be accompanied. If you have now achieved an acceptable standard, the capability process ends, though any warnings will remain on your personnel file. If your performance remains insufficient, the meeting may culminate in a decision or a recommendation to the CEO for your dismissal.

- **Dismissal Authority:** The power to dismiss staff rests with the Chief Executive Officer (CEO). This authority may be delegated to the Director of Education to maintain objectivity or if the CEO is unavailable. Dismissal will be with contractual notice or payment in lieu of notice.
- **Written Decision:** You will be informed in writing of the dismissal reasons, the contract end date, the notice period, and your right of appeal within 10 working days of the decision.

Stage / Process	Notice Required	Key Purpose & Potential Outcomes
Step 2: Formal Capability Meeting	At least 10 working days' notice	Establish facts & representations. Can issue a PIP (one-term standard) & formal warning.
Step 3: Formal Review Meeting	At least 10 working days' notice	Assess PIP progress. Can result in closure, extension with final warning, or referral to Decision Meeting.
Step 4: Decision Meeting	At least 5 working days' notice	Final capability review. Can result in closure or dismissal with notice (CEO approved).

7. Your Right to Be Accompanied

You have a statutory right to be accompanied by a recognised trade union representative or a workplace colleague at any formal meeting under this policy (including the Formal Capability, Formal Review, and Decision Meetings).

- **Companion's Role:** Your companion can address the meeting to present and sum up your case, ask questions, and confer privately with you (you may request an adjournment to do so). Your companion cannot answer questions on your behalf, address the meeting if you do not wish them to do so, or prevent either party from explaining their case.
- **Scheduling & Postponements:** You are responsible for arranging your companion's attendance. If they are unavailable, you may request to reschedule the meeting. The Trust will rearrange the meeting once to a reasonable alternative time to accommodate everyone involved.

8. The Standard Appeal Process

If you feel that a formal warning, final written warning, or dismissal decision is unfair, you have the right to appeal. Ebor Academy Trust utilizes the Ebor Standard Appeal Process to handle appeals impartially. Appeals are heard by an independent panel consisting of at least two senior managers or Trustees who have had no prior involvement in your case.

To appeal, you must submit a written appeal to the Director of People & Culture within 10 working days of receiving your written decision. Your appeal must clearly specify your grounds of appeal (e.g., incorrect policy application, procedural unfairness, or bias) and the specific remedy you are seeking.

**This guide is non-contractual and represents a summary of Ebor Academy Trust's Capability Policy. Please refer to Self Service HR for the full policy documents.*