



Capability Teachers

Approved by: Board of Trustees

Last reviewed on: November 2025

Next review due by: Autumn 2026

Policy Outline

Reviewing the Policy

Inspire Multi Academy Trust will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following consultation with the trade unions, where appropriate.

Summary of Changes

The 2024/2025 Teacher Capability policy has been reviewed, with no changes, other than the publication dates and references to 2024/2025 have been updated to 2025/2026.

Equality Impact Assessment

As with all policies that affect service users, the wider community or employees, schools should undertake an analysis of the potential equality impacts and record that assessment and any actions taken as a result.

Contacts for help and assistance

Please contact the Inspire Multi Academy Trust Central Team for help and assistance in applying the content of this policy.

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1 Introduction

- 1.1 It is important that under-performance is managed to ensure that the quality of teaching and learning is unaffected and that the overall performance of the Trust /school is not compromised. The overall approach to capability should be supportive, constructive and helpful to the employee. This procedure complies with the provisions of the ACAS code of practice and has been written following consideration of DFE guidance, model policies as well as the Report of the Teacher Workload Advisory Group relating to making data work.
- 1.2 The capability procedure applies to teachers, and any other employee subject to School Teachers Pay and Conditions including all members of the school/Trust's leadership group, where there are serious concerns about their performance which have not been able to be addressed through the appraisal process. The purpose of a capability meeting is to establish the facts and will usually be chaired by the Headteacher (or in the case of the Headteacher or Lead Headteacher, the Chief Executive Headteacher and in their case, the Chair of Trustees). The teacher will be able to respond to concerns about their performance and to present any relevant evidence.
- 1.3 Teachers (with the exception of Early Career teachers) should be made aware that whilst they are and remain the subject of the capability procedure; the normal appraisal arrangements will be suspended. Teachers are expected to cooperate constructively with arrangements that are put in place to address under-performance.
- 1.4 With regard to Early Career Teachers, in very few but serious cases, it may be necessary to instigate capability procedures before the end of the induction period. Where this is the case the induction process must continue to run parallel to this procedure while the ECT remains in post and the appropriate body should be informed.
- 1.5 A programme of support should be comprehensive as possible, reducing as time goes on. The objective must be at the end of the final period to assess the teacher's capabilities without additional support being provided.
- 1.6 As is the case in all formal procedures, the chair of each meeting should ensure that clear written records are kept, in particular, the management concerns about the teacher's performance. Written records of any formal meetings should be shared with the teacher.

2 Data Protection

- 2.1 A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the Trust /school to take notes. The Trust processes any personal data collected during the performance improvement procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure

3 Confidentiality

- 3.1 The capability process will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Headteacher, Lead Headteacher, Chief Executive Headteacher and Board of Trustees to quality-assure the operation and effectiveness of the capability process.

4 Consistency of Treatment and Fairness

- 4.1 The Board of Trustees is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including where the duty to make reasonable adjustments applies. The Board of Trustees is aware of the guidance on the Equality Act issued by the Department for Education.

5 Employee Health & Wellbeing

- 5.1 Inspire Multi Academy Trust are committed to creating an environment that promotes good mental health and where staff can thrive and feel supported. However, we recognise that during a time where performance levels are being questioned and monitored it can be a difficult time for all staff involved.
- 5.2 Ultimately it is the Board of Trustees who are responsible for ensuring, so far as reasonably practicable, that the health and wellbeing of the affected employees is considered at all times and that the relevant officer(s) appointed to deal with capability matters are continuing to support employee health and wellbeing.
- 5.3 The Board of Trustees are also responsible for ensuring that the health and wellbeing of those officers handling capability matters, feel supported throughout the process.

6 Alternative Procedures

- 6.1 Capability issues refer to the skills, knowledge, and abilities of an employee and where this can be clearly distinguished from their conduct or misconduct this will be dealt with under the Capability procedure. If this distinction cannot be clearly made the matter should be considered as a disciplinary issue in the first instance.
- 6.2 If it becomes apparent that the poor performance is caused, not by capability, but by a lack of willingness to carry out reasonable duties, then the formal disciplinary procedure should be invoked (see Disciplinary Policy).
- 6.3 Where it is identified that capability issues are linked with ill health, they will be managed in line with the Attendance Management Policy. Further information on this can be found in section 11.
- 6.4 Teachers can request a copy of any additional policies referred to within this Policy from their line manager or school office.

7 Formal Capability Meeting

- 7.1 If the decision is taken to progress from appraisal to capability at least five working days' notice will be given of a formal capability meeting. The notification will contain sufficient information about performance concerns and the possible consequences to enable the teacher to prepare to present their case at the meeting. The teacher should already be aware of the concerns as these should have been discussed during normal performance management in line with the appraisal policy. The notification of the formal capability meeting will be accompanied by copies of written evidence, (including copies of the Development plans which have been developed during the Development and Improvement stage of the appraisal process) details of the date and time of the meeting and will confirm the teacher's entitlement to be accompanied by a companion who may be a work colleague or a trade union representative. In addition, where a teacher is experiencing mental ill health, consideration will be given to reasonable adjustments in respect of the appropriate person to accompany the employee. Notes will be taken of the formal meeting and a copy sent to the member of staff without unreasonable delay.
- 7.2 The purpose of this formal capability meeting is to establish the facts. It will be conducted by the Chair of Trustees (for the Chief Executive Headteacher capability meetings), the Chief Executive Headteacher (for Lead Headteacher and Headteacher capability meetings) or the Lead Headteacher or Headteacher (for other teachers).
- 7.3 Discussion during the meeting would involve going through the development and improvement plan and noting any improvements with performance but outlining where the objectives have not been met. At the meeting the teacher will be given the opportunity to respond to the concerns about their performance and add any information they deem relevant. This may provide new information or a different context to the information/evidence already collected. The person chairing the meeting may adjourn the meeting for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information. In other cases, the meeting will be adjourned, and a decision made.
- 7.4 At the formal capability meeting the line manager must;
1. Confirm which areas of the teacher's performance remain a concern;
 2. Listen and consider the teacher's response
 3. Give clear guidance on the improved standard of performance needed;
 4. Explain any support that will be available to help the teacher improve to a point where they can be removed from the capability procedure;
 5. Set out the timetable for improvement and explain how performance will be monitored and reviewed; and
 6. Warn the teacher formally that failure to improve within the set period could lead to disciplinary action and ultimately dismissal (in very serious cases, the warning could be a final written warning or other serious implications such as no pay progression).
- 7.5 There are three possible outcomes from the formal capability meeting:
1. No formal action and a return to the appraisal process, this is where it is determined that there is insufficient evidence to progress the matter further within the capability procedure or where the teacher has successfully made representations that they have met the objectives set within the development and improvement plan. The teacher should be given confirmation of the outcome in writing.

2. A first written warning and issue of a Capability Support plan. When determining an appropriate length of time for the support plan consideration should be given as to what the required improvement is and what is an appropriate timescale to allow the teacher to be able to demonstrate they can achieve the objectives in the timescale given balanced with the impact of the poor performance.
 3. A final written warning, this is for cases where the concern around performance is sufficiently serious. The Capability Support plan issued following this should be for a maximum period of 4 weeks unless there are extenuating circumstances to justify a longer support plan at this stage.
- 7.6 The teacher will be notified in writing of the decision arising from the meeting and of the timescales for monitoring and the anticipated next steps in the process.
- 7.7 Any formal sanctions imposed at a formal capability meeting will be considered 'live' for a period of 12 months from the date of issue. If a decision is taken to not award pay progression, that decision would be for that year only. If the teacher improved and came out of the capability process and back into the appraisal process, then they would receive pay progression in line with the Teachers Pay Policy.
- 7.8 If a sanction has been imposed at this meeting a teacher may appeal against the level of sanction imposed within ten working days of receiving notification of the decision. The appeal will be heard within a reasonable timescale.

8 Review of capability

- 8.1 Monitoring teacher progress during the review period is essential. It is important to ensure teachers are given regular constructive feedback throughout the review period so they are aware of how they are progressing with regard to the objectives set. This will mean that the teacher should have an awareness of whether they are on track, or not, to meet the objectives set in their capability support plan by the time they reach the formal review meeting.
- 8.2 At the end of the agreed monitoring and review period, the teacher should be invited to a further formal meeting. The teacher should be given at least five working days notice of this meeting. Alternatively, this meeting can be arranged at the same time the Capability Support plan is set. At this point it should be made clear that this is a formal review meeting where action may be taken if insufficient progress has been made. At the formal review meeting, if the person conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will end and the appraisal process will re-start. The teacher should receive confirmation of this in writing without delay.
- 8.3 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. When extending the review period consideration should be given of an appropriate timescale to enable the teacher to demonstrate sufficient and sustained improvement. If no or insufficient improvement has been made during the monitoring and review period, the teacher will receive a final written warning. The final written warning will mirror any previous warnings which have been issued and the member of staff will be informed that failure to achieve acceptable standard of performance within a set timescale may result in dismissal. A further period of monitoring and then a review would be set and the teacher should be given the right of appeal against the sanction. If, following a final written warning, performance does not improve to an acceptable standard during the monitoring period, the case will be referred to the

appropriate panel of governors / Directors where the teacher would be invited to a decision meeting.

- 8.4 In cases where the employee was given a final written warning at the first meeting and after the monitoring period they have still not made sufficient improvements in their performance, the final stage of the procedure will be instigated and the case referred to the Headteacher/Committee of Governors / Directors where the teacher will be invited to a decision meeting.

9 Final stage of formal capability – Decision meeting

- 9.1 At least five working days' notice in writing of the time, date and place of the hearing shall be given to the teacher. The teacher has the right to be accompanied at the hearing by a work colleague or trade union representative. If their representative is unable to attend on the date proposed the teacher can offer an alternative date and time so long as it is reasonable and falls within five working days of the original date. In proposing a new date, the Headteacher/Governing Board must have due regard to the availability of each of the parties concerned.
- 9.2 A copy of the procedure to be followed at the hearing should be sent to the employee in advance of the hearing.
- 9.3 The Headteacher/Lead Headteacher (or in the case of the Headteacher/Lead Headteacher, the Chief Executive Headteacher or in the case of the Chief Executive Headteacher, the Chair of Trustees) will produce a chronology/report of what has happened from the transition meeting to get to this point. This report will outline what the performance concerns have been at each stage, being clear where improvements have been made and clearly outline what support has been put in place to enable the teacher to improve their performance. This will be circulated in advance of the meeting to all parties.
- 9.5 At this decision meeting the Headteacher/Lead Headteacher/Chief Executive Headteacher/Trustees will have the following options available to them:
1. If acceptable standard of performance has been achieved, end the capability support process and move the employee back to the appraisal process.
 2. Continue with the capability support plan for a further period up to a maximum of 4 weeks to enable more monitoring before reviewing performance again then refer back to a decision meeting after more support has been put in place.
 3. Dismiss the teacher based on capability ensuring the employee is given appropriate notice and the right of appeal against the decision.
 4. An appropriate sanction (first or final written warning) together with action short of dismissal, e.g. demotion, compulsory transfer to another post if another suitable post is available.

10 Appeal

- 10.1 The Teacher will have the right to appeal against any formal action. To appeal the teacher must notify the Clerk to the Board in writing setting out that they wish to appeal together with the grounds for their appeal within ten calendar days of

receiving written confirmation of the decision. Appeals will be heard without unreasonable delay and will be to the Appeals Committee of the Board of Trustees.

- 10.2 At least five working days' notice in writing of the time, date and place of the appeal hearing shall be given to the employee. If their representative is unable to attend on the date proposed the employee can offer an alternative date and time so long as it is reasonable and falls within five working days of the original date.
- 10.3 A set procedure will be used throughout the appeal hearing and this is attached as [Appendix 2](#).
- 10.4 The decision made at the Appeal will be confirmed in writing to the teacher without unreasonable delay and will be final with no other internal right of appeal.

11 Additional Information

- 11.1 Where a teacher raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Consideration should be given to who is most appropriate to consider the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.
- 11.2 If the teacher commences long term sickness absence linked with the commencement of this procedure the teacher's absence will be managed in accordance with the attendance management procedure and the teacher should be referred immediately to occupational health to obtain advice on the teacher's health. The teacher should be informed that when their health improves, and they are able to attend work the support plan will resume. It may be necessary to review the support plan to ensure it remains fit for purpose, this could include incorporating any further adjustments which may be required as a result of the teacher's illness or updating the plan to reflect any changes in review dates etc as a result of the absence (this remains a support plan under the capability procedure). The aim of reviewing the plan is to give the teacher every opportunity to demonstrate they can meet the objectives set.
- 11.3 If a teacher has persistent short term absence which is impacting on the ability to complete the performance review period within the set timescales the case should be dealt with in accordance with the attendance management procedure. If patterns of absence during the capability process are noted this should be managed as part of the attendance management procedure including potentially issuing disciplinary sanctions where employees hit trigger levels. Consideration may be given on making decisions around performance despite short term absence by looking at the overall performance of the individual. Advice should always be sought from the Trust's HR provider in these circumstances.
- 11.4 In cases where a teacher is experiencing mental ill health, reasonable adjustments should be considered such as allowing the employee to have an appropriate person accompanying them to the meeting. If this is the case the teacher would have to confirm, in advance of any meeting, who that person is.
- 11.5 Where there are similar performance concerns within a 12-month period of a previous sanction being issued to a teacher, it may be appropriate for the teacher to

move straight to formal capability, rather than commencing at the Development & Improvement stage of the Appraisal policy.

Example Capability Support Plan

Capability Support Plan	
Academy:	
Name:	
Line Manager:	
Dates for review period:	

Teachers' Standards
<ul style="list-style-type: none"> 1 Set high expectations which inspire, motivate and challenge pupils 2 Promote good progress and outcomes by pupils 3 Demonstrate good subject and curriculum knowledge 4 Plan and teach well structured lessons 5 Adapt teaching to respond to the strengths and needs of all pupils 6 Make accurate and productive use of assessment 7 Manage behaviour effectively to ensure a good and safe learning environment 8 Fulfil wider professional responsibilities

TLR (if applicable)
Outline the TLR responsibility in this section if appropriate

Objective 1: Example: Marking and feedback

Activity	Success Criteria	Key Strategies / Milestones	Support	Impact
(a) To mark work in line with whole school policy, ensuring all record keeping is up to date, so pupil progress can be ascertained (Linked to Teaching Standard 4 & 6)	Evidence of feedback on pupils' work as per whole school expectation	<ol style="list-style-type: none"> 1) To ensure pupil work is marked in line with whole school expectations and feedback evident in pupil work 2) Marking and feedback focuses on individual needs in order to improve areas of identified weakness 3) Books to be available for monitoring within one day of being requested. 	Assessment & Marking Policy available Line Manager to sample pupil work and evaluate against success criteria. Access to exemplar material and literacy coordinator for advice and guidance as appropriate	Fortnightly monitoring of marking and assessment by Headteacher beginning <DATE>
b)				

Objective 2: Example: Planning and delivery of teaching

Activity	Success Criteria	Key Strategies / Milestones	Support	Impact
a)				
b)				

Progress:

Mid plan review (Headteacher comments)

Mid plan review (Employee comments)

Headteacher signature: _____ Date: _____

Employee signature: _____ Date: _____

Procedure for Appeals Hearing

1. The member of staff (and his / her representative) to present his / her case
2. The Chair of the Panel / Committee and or the Headteacher/Lead Headteacher/Chief Executive Headteacher may ask questions of the member of staff (and his / her representative).
3. Trustees can ask questions of the member of staff (and his / her representative).
4. The Headteacher/Lead Headteacher/Chief Executive Headteacher to present his / her case
5. The member of staff (and his / her representative) may ask questions of the Headteacher/Lead Headteacher/Chief Executive Headteacher and his/her representative
6. Trustees can ask questions of the Headteacher/Lead Headteacher/Chief Executive Headteacher and his/her representative
7. The member of staff (and/or his/her representative) then to have the opportunity of summing up his / her case.
8. Headteacher/Lead Headteacher/Chief Executive Headteacher invited to have the opportunity to sum up his / her case.
9. Headteacher/Lead Headteacher/Chief Executive Headteacher, member of staff and / or representative asked to leave the meeting.
10. The appeals panel (with any adviser) to deliberate in private only recalling the parties where there are particular points of uncertainty on the evidence given. If recall is necessary both parties are to return, notwithstanding that only one is concerned with the point giving rise to doubt.