



## **Capability Policy**

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# **Ravenor Primary School Capability Policy**

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### **Staff, especially teachers, experiencing difficulties**

When a member of staff is experiencing difficulties, support and guidance will be provided through the appraisal process. Where it is clear that a member of staff's personal circumstances are leading to difficulties at work, appropriate support should be offered at the earliest opportunity.

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 absence policy and will be referred to the occupational health service who will assess the member of staff's health and fitness for continued employment and whether continuing with monitoring or formal procedures is deemed to be appropriate.

If the appraiser identifies through the appraisal process or through other sources of information, parental complaints for example, that the difficulties experienced by a teacher are such that, if not rectified could lead to the capability procedure, the appraiser will, as part of the appraisal process, meet the member of staff to:

- Give clear written feedback to the teacher about the nature and seriousness of the concerns;
- Give the teacher the opportunity to comment on and discuss the concerns;
- Give the teacher at least 5 working days notice that a meeting will be held to discuss targets for improvement alongside a programme of support and remind the teacher that they have the right to be accompanied by a work colleague or trade union representative at any future meetings where capability will be discussed;
- Agree and establish, in consultation with the teacher, an action plan with support that will help to remedy specific concerns;
- Make clear, how progress will be monitored and when it will be reviewed;
- Explain the implications and process if no, or insufficient, improvement is made.

The teacher's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the teacher's performance to improve. During this monitoring period, the teacher will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made, the teacher should be informed of this at a formal meeting and the appraisal process will continue as normal.

If no, or insufficient improvement has been made, the teacher will be invited to a transition meeting to determine whether formal capability proceedings will be invoked.

### **Transition to Capability**

Performance concerns should be dealt with through the staff appraisal policy but if progress towards addressing performance concerns is insufficient or the concerns are sufficiently serious, a 'transition meeting' should be held; the expectation is that this meeting will reduce the likelihood of invoking the capability procedure or triggering a prolonged period of sickness absence.

In this event, further support should be granted through the appraisal procedure or, alternatively, the employee will be advised to consider the relative merits of resigning their post before the formal capability procedure is invoked.

### **Capability Procedure**

This procedure complies with the provisions of the ACAS code of practice.

The capability procedure applies only to teachers and head teachers where there are serious concerns about their performance that are not able to be addressed by the appraisal procedure.

The purpose of a capability meeting is to establish the facts and will usually be chaired by either the chair of governors or the head teacher. The subject of the capability meeting will be able to respond to concerns about their performance and to present any relevant evidence.

### **Formal Capability Meeting**

At least 5 working days' notice will be given of the 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 notification of a capability meeting will be accompanied by copies of written evidence, 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.

The chair of the capability meeting will aim to a) identify the teacher's professional shortcomings; b) give clear guidance on the improved standard of performance needed; c) explain any support that will be available to help the teacher improve to a point where they can be removed from the capability procedure; d) set out the timetable for improvement and explain how performance will be monitored and reviewed; and e) warn the teacher formally that failure to improve within the set period could lead to dismissal (in very serious cases, the warning could be a final written warning). Notes will be taken of the formal meeting and a copy sent to the member of staff.

### **Monitoring and Review Period following a Capability Meeting**

A performance monitoring and review period will follow the formal capability meeting.

### **Formal Review Meeting**

Following the conclusion of a monitoring and review period, the member of staff will be invited to a formal review meeting. 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. 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. If no or insufficient improvement has been made during the monitoring and review period, the teacher will receive a final written warning.

### **Decision Meeting**

At the decision meeting, if an acceptable standard of performance has been achieved during the monitoring and review period, the capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory, a decision, or recommendation to the Governing Body, will be made that the teacher should be dismissed or required to cease working at the school (consulting the Local Authority in those schools where the Local Authority is the teacher's employer).

### **Dismissal**

Once the decision to dismiss has been taken, the governing body will dismiss the teacher with notice or once the governing body has decided that the teacher should no longer work at the school, it will notify the local authority of its decision and the reasons for it. The local authority must dismiss the teacher within 14 days of the date of the notification.

### **Appeal**

If a teacher feels that the decision to dismiss them is wrong or unjust, they may appeal in writing against the decision, setting out the grounds of the appeal. The teacher will be informed in writing of the results of the appeal hearing without unreasonable delay.