

Capability Policy for Teaching Staff

1.1 Transition to Capability

This procedure applies only to teachers or head teachers about whose performance there are serious concerns that the appraisal and intervention process has been unable to address.

At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

1.2 Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for head teacher capability meetings) or head teacher (for other teachers) accompanied by the reviewer. *The meeting will be minuted by an appropriate member of staff.* The meeting allows the teacher, accompanied by a companion if they wish, 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.

The head teacher may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process or further intervention. In such cases, the capability procedure will come to an end. The head teacher may also 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 continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- Identify the professional shortcomings, *for example which of the standards expected of teachers are not being met.*

- Give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (*this may include the setting of new objectives focused on the specific weaknesses 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 within a six week timeframe*).
- Explain any further support that will be available to help the teacher improve their performance extra to that already provided during the intervention period..
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable may depend on the circumstances of the individual case but in straightforward cases should be six weeks.
- Warn the teacher formally that failure to improve within the six week period could lead to dismissal. In very serious cases, this warning, given in the formal capability meeting, may be a final written warning.

Minutes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the teacher will be informed in writing of the issues covered in the bullet point above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

1.3 Monitoring and review period following a formal capability meeting

A performance monitoring and review period of six weeks or 30 working days will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff will be invited to a formal review meeting at the end of the six week/30 day period, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

1.4 Formal review meeting

As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If the head teacher is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:

- 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.

As before, notes will be taken of formal meetings and a copy sent to the member of staff. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the teacher will be informed in writing that failure to achieve an acceptable standard of performance within four weeks or 20 working days, may result in dismissal and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The teacher will be invited to a decision meeting.

1.5 Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If 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. If performance remains unsatisfactory, a decision, will be made that the teacher should be dismissed.

The teacher 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.

1.6 Decision to dismiss

The power to dismiss staff in this school has been delegated to the head teacher.

1.7 Dismissal

Once the decision to dismiss has been taken, the head teacher will dismiss the teacher with notice.

1.8 Appeal

If a teacher 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 five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without reasonable delay and where possible at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, minutes will be taken and a copy sent to the teacher.

The appeal will be dealt with impartially and, wherever possible by a panel of at least 3, consisting of managers and governors who have not previously been involved in the case. The teacher will be informed, in writing, of the outcome of the appeal as soon as possible.

1.9 Monitoring and Review

- The Governing Body will review the Capability policy every school year
- The Governing Body will take account of the head teacher's report in its review of the Capability policy. The policy will be revised as required to

introduce any changes in regulation and statutory guidance to ensure that it is always up to date.

- The Governing Body will seek to agree any revisions to the policy with the recognised trade unions having regard to the results of the consultation with all teachers.