



Policy

Policy title:	Staff Capability Policy
Function:	For information and guidance about capability procedures for staff at The Blue Coat School. This document forms part of the portfolio of policies designed to inform staff.
Status:	Approved
Statutory guidance:	Staffing and employment advice for schools (January 2021) Teachers' appraisal and capability model policy (March 2019) Teachers' standards (June 2013)
Audience:	Staff, Leaders, Trustees
Ownership:	Board of Trustees/Headteacher
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Aims and Objectives

- 1 To ensure that there is a clear procedure in place to manage weak performance and staff capability concerns.

Roles and responsibilities

- 2 The Board of Trustees will ensure this policy:
 - conforms with statutory guidance and is reviewed regularly
 - is applied fairly and consistently.
- 3 The headteacher will ensure this policy is communicated to all members of staff and applied consistently.
- 4 Employees of the school will ensure that they have read and understand all aspects of this policy.

Procedures and practices

General principles

- 5 Good management, clear expectations and appropriate support will often address weaknesses in performance. Early identification of concerns will help to avoid the need for recourse to the capability procedure.
- 6 Concerns about performance of a member of staff may come to light through:
 - monitoring and evaluation linked to performance management
 - other monitoring and evaluation
 - the extent to which they are able to successfully undertake the day to day requirements of their role
 - the annual assessment of their performance.
- 7 Before commencing the capability procedure, the school will examine whether the member of staff's professional performance may be affected by ill health, other external influences or other concerns. Senior leaders will carefully consider whether or not concerns would be more appropriately dealt with through the:
 - Staff professional conduct policy
 - Staff employment policy.

Informal capability

- 8 Before commencing the capability procedure, the school will undertake a period of informal monitoring, support and review to assist the member of staff and improve their performance. This can only be authorised by the Headteacher.
- 9 Informal capability will be conducted by a senior leader and supported by the line manager of the member of staff in line with the guidance below.

- 10 The member of staff will be invited to an informal review meeting. The purpose of the meeting is:
- to give clear feedback to the member of staff about the nature and seriousness of the concerns
 - to give the member of staff the opportunity to comment on and discuss the concerns
 - to signpost the member of staff to guidance and advise that their professional organisation may be able to provide to them
 - to agree any support (e.g. training coaching, mentoring, structured support) that will be provided to help address those specific concerns
 - to advise the member of staff that performance management objectives will be suspended and replaced with new targets directly linked to the concerns identified
 - to establish how, and by when, the progress against targets will be reviewed
 - to advise the member of staff of the timescales for improvement
 - to explain the process and implications if insufficient improvement is made.
- 11 Objectives, support and timescales should be recorded in writing (Annex A) and a copy sent to the member of staff.
- 12 As set out above, informal support must be structured and meaningful, with clear timelines, and achievable goals.
- 13 When reviewing progress, if the senior leader is satisfied that the member of staff has made, or is making sufficient improvement, then informal capability will be concluded and performance management will continue as normal, with any remaining issues continuing to be supported and addressed through the performance management process.
- 14 When reviewing progress, if the line manager is not satisfied with progress and/or objectives have not been met, the member of staff will be notified in writing (Annex B) that the performance management system will continue to be suspended and that their performance will be managed by the Headteacher under the formal capability procedure.

Formal capability

- 15 All stages of the formal capability procedure will be conducted by the Headteacher or another nominated senior leader. In the case of the Headteacher, capability procedures will be undertaken by the Chair of Trustees.
- 16 The formal capability procedure has 3 stages:
- Stage 1: Formal capability meeting
 - Stage 2: Formal review meeting
 - Stage 3: Formal decision meeting.
- 17 Where formal capability action is to be taken against an employee who is a recognised professional organisation official, no action will be taken until the circumstances of the case have been discussed with a full time officer of the professional organisation concerned.
- 18 Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

Stage 1: Formal capability meeting

- 19 The member of staff will be invited to a formal capability meeting. Five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information and evidence about the concerns of performance and their possible consequences.
- 20 The member of staff will be given copies of any written evidence that will be referred to during the capability process.
- 21 The member of staff may be accompanied by a companion who may be a colleague, a professional organisation official, or a professional organisation representative.
- 22 The meeting is intended to establish the facts. The meeting allows the member of staff 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.
- 23 The meeting will consider if:
 - there are insufficient grounds for pursuing the capability issue and whether it would be more appropriate to continue to address the remaining concerns through the performance management process. In such cases, the capability procedure will come to an end
 - further investigation is needed, or that more time is needed in which to consider any additional information
 - there are sufficient grounds to pursue the capability process immediately.
- 24 If there are sufficient grounds to pursue the capability process immediately, the meeting will:
 - identify the professional shortcomings, for example, which expected standards are not being met
 - give clear guidance on the improved standard of performance required
 - set new objectives that are focused on the specific areas that need to be addressed
 - identify appropriate success criteria and the evidence that will be used to assess whether or not the necessary improvement has been made
 - explain any support that will be available to help the member of staff improve their performance
 - set out the timetable for improvement and explain how performance will be monitored and reviewed
 - explain that failure to improve within the set period could lead to dismissal
 - explore whether it is appropriate to issue the member of staff with a formal warning and advise the member of staff of their right of appeal in such circumstances.
- 25 Notes will be taken of the formal capability meeting and used to inform the member of staff in writing of the matters discussed in the meeting.
- 26 Objectives, support and timescales should be recorded in writing (Annex A) and a copy sent to the member of staff.
- 27 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will take place during this period. The timetable

will depend on the circumstances of the individual case.

- 28 At the end of the period, the member of staff will be
- invited to a formal review meeting (Stage 2)
 - invited to a formal decision meeting (Stage 3) if they were issued with a final written warning.

Stage 2: Formal review meeting

- 29 The member of staff will be invited to a formal review meeting. Five working days' notice will be given of the meeting and the member of staff will be advised of their right to be accompanied by a companion who may be a colleague or a professional organisation representative.
- 30 The meeting will review the extent of any improvements taking account of the agreed objectives, support and timescales.
- 31 The meeting will ascertain:
- If there is evidence that the teacher has made sufficient improvement. In such cases the capability procedure will cease and the performance management process will re-start If some progress has been made and if there is confidence that more is likely. In such cases it may be appropriate to extend the monitoring and review period. The timetable will depend on the circumstances of the individual case
 - If no, or insufficient improvement has been made during the monitoring and review period. In such cases the teacher will receive a final written warning and be given a final review period in which to improve performance. The timetable will depend on the circumstances of the individual case.
- 32 Notes will be taken of formal meetings and a copy sent to the member of staff.
- 33 Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within a set timescale), may result in dismissal.
- 34 The member of staff should also be given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning.

Stage 3: Formal decision meeting

- 35 At Stage 3, a decision meeting is held to identify whether it is necessary to make a recommendation to the Board of Trustees that the member of staff should be dismissed or required to cease working at the school.
- 36 The member of staff will be invited to a formal decision meeting. Five working days' notice will be given to the member of staff and they will be advised of their right to be accompanied by a companion who may be a colleague or a professional organisation representative.
- 37 The formal decision meeting will take place before a Trustee committee consisting of at least three members of The Blue Coat School cademy Trust's Board.

- 38 In the event of a decision to dismiss the member of staff, they will be informed as soon as possible of:
- the reasons for the dismissal
 - the appropriate period of notice
 - the date on which the employment contract will end
- their right of appeal.
- 39 The power to decide that members of staff should no longer work at this school rests with the Trustee's dismissal committee.
- 40 Members of staff may appeal in writing against the decision to dismiss within five days of receiving the decision, setting out at the same time the grounds for appeal.
- 41 Appeals will be heard without unreasonable delay and where possible, at an agreed time and place.
- 42 The appeal will be dealt with impartially by Trustees who have not previously been involved in the case.
- 43 The member of staff will be informed in writing of the results of the appeal hearing within 5 working days

Monitoring, review and evaluation

- 44 The Board of Trustees will ensure that the procedures and practices of this policy are monitored, reviewed and evaluated.
- 45 The headteacher will ensure that the Board of Trustees is presented with the necessary information to rigorously evaluate the effectiveness of capability processes
- 46 The school will always review the application and effectiveness of this policy where weak performance has instigated formal capability procedures.

Annex A: Record of informal/formal capability

This form should be completed and shared with the member of staff, their line manager and the headteacher at the start of informal/formal monitoring

Date:		Informal/formal:	
Member of staff:		Senior leader:	

Area of concern	Seen through	Specific detail

Objectives	Support	Agreed success criteria	Target date	Monitored though	Monitored by	Evaluation

Annex B: Notification of formal capability

This template should be used to notify a member of staff that their performance will be monitored under the formal capability procedure.

Dear [NAME]

Re: Notification of formal capability

Thank you for attending the meeting on [DATE] with [PERSONS] to discuss concerns that have been raised about your performance.

In our meeting we discussed that on:

- [DATE], [LINE MANAGER] shared with you that your performance was cause for concern because:
 - [REASON 1]
 - [REASON 2]
 - [REASON 3]
- [DATE], you and [LINE MANAGER] initiated an informal support plan to address the above concerns.
- [DATE], [LINE MANAGER] and you jointly reviewed your progress against the informal support plan and you were notified that there were still concerns about your performance because:
 - [REASON 1]
 - [REASON 2]
 - [REASON 3]

In our meeting, we discussed the reasons for your recent performance and explored the most appropriate course of action taking into account of the options set out by the schools policies.

I notified you that the school will begin a period of formal capability to address these concerns. This period will run from [START DATE] to [END DATE]. During this period the school will provide you with intensive support, regular monitoring and supportive guidance as set out on your formal support plan. Throughout this process, the performance management system will no longer apply and your performance will be managed by myself under the school's capability procedure. In our discussion we agreed that a formal review meeting would take place at [TIME] and [DATE] to discuss the progress you have made against the agreed objectives.

In our meeting I guided you through the process of formal capability so that you know what is happening and the possible outcomes of this process. I have provided you with all of the necessary documentation so that you are fully informed of the school's policy, processes and practices relating to formal capability.

I am optimistic that with significant support the school can assist you in overcoming the concerns we have shared about your current performance. However, it is my duty to ensure you understand that if you are not able to address these concerns to an acceptable standard within the agreed timescale, it may result in your dismissal from employment at The Blue Coat School.

Thank you again for your attendance at our recent meeting.

Yours sincerely