


Bledington Primary School



Capability Policy

Updated 15.09.18 20.09.19 21.05.21 20.03.22 24.01.23 18.01.24 09.01.25 16.01.26	Date of Ratification by FGB: 14.09.17 20.09.18 21.09.19 08.07.21 24.03.22 23.03.23 01.01.24 29.01.25 28.01.26	Signed: CO-HEADTEACHERS 
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Safeguarding Statement

At Bledington Primary School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Bledington Primary School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

All of our policies can be read at: <https://www.bledington.gloucs.sch.uk/policies/>

Bledington Primary School Capability Policy

This policy aims to provide a framework for managers in the management of an employee's work to an acceptable standard to ensure effectiveness and efficiency. It aims to promote fairness and transparency in the treatment of employees, whilst also ensuring that acceptable standards are maintained. A capability concern exists when expected work standards are not achieved or maintained; or where a child's education, safety or well-being is put at risk.

This policy applies to all staff within the school and aims to address concerns in performance where:

- a) informal action has been unable to address these concerns, or
- b) where they are serious enough to warrant formal action.

Informal Action and Support should be used in the first instance to address any concerns that may have arisen as part of the normal Appraisal/Performance Management process. Every effort will be made to resolve any issues at this stage by setting realistic, achievable targets within an acceptable timeframe. An outline of this process can be found in Appendix A.

Formal Action should be taken when:

- satisfactory improvement has not been achieved following Informal Action and Support
- previous Formal Warnings have been given and renewed concerns have arisen
- concerns are so serious that they cannot be resolved by Informal Action and Support

Formal Action

Formal Action has three stages and these are outlined in our 'Capability Procedures Timeline' – see Appendix B.

Stage One begins with a Formal interview

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 member of staff concerned to prepare to answer the case at the formal capability meeting. It will also contain copies of any written evidence; details of the time and place of the meeting; and will advise the teacher of his/her 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 his/her union as being competent.

Formal Capability Meeting

The function of a Formal Capability Meeting is to establish the facts. It will be conducted by the Chair of Governors (for Co-Headteacher capability meetings) or the Co-Headteacher (for other staff). The meeting allows the member of staff, accompanied by a companion if desired, to respond to concerns about his/her performance and to make any relevant representations. This may provide new information, or a different context to the information/evidence already collected.

The person conducting the meeting 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 performance management process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting, if, for example, he/she decides that further investigation is needed, or that more time is required in which to consider any additional information. In other cases, the meeting will continue.

During the meeting, or any other meeting that could lead to a Formal Warning being issued, the person conducting the meeting will:

- identify the professional shortcomings (i.e. specify those standards expected of teachers that are not being met and/or areas of the job description are not being performed to agreed standards);
- give clear guidance on the improved standard of performance needed to ensure that the member of staff 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);
- explain any support that will be available to help improve his/her performance;
 - set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases could be four to eight weeks; and
 - warn the member of staff formally that failure to improve within the set period could lead to withholding an increment/lack of progression on the pay spine, or ultimately dismissal. In very serious cases, this warning could be a Final Written Warning (**Stage 2**).

Notes will be taken at 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 matters covered in the bullet points above and given information about the timing and handling of the review stage, the procedure and time limits for appealing against the warning.

Monitoring and review period following a Formal Capability Meeting

A performance monitoring and review period 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, unless he/she was issued with a Final Written Warning, in which case he/she will be invited to a Decision Meeting (see page 3).

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 member of staff of his/her 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 his/her union as being competent.

If the person conducting the meeting is satisfied that the member of staff has made sufficient improvement, the capability procedure will cease and the performance management process will restart. 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 member of staff will receive a Final Written Warning (**Stage 2**).

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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 member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in withholding an increment/lack of progression on the pay spine or ultimately dismissal. He/she will also be given information about this 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 at the end of this second period of Monitoring and Review (**Stage 3**).

Stage 3 - Decision meeting

As with Formal Capability Meetings and Formal Review Meetings, at least five school days' notice will be given. The notification will give details of the time and place of the meeting and will advise the member of staff of his/her 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 his/her 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 performance management process will re-start. If performance remains unsatisfactory, a decision, or recommendation will be made to the Governing Body that the member of staff should be dismissed or required to cease working at the school (i.e. become an unattached teacher working for the Local Authority).

Before making the decision to dismiss, the school may discuss the matter with the Local Authority.

The member of staff 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 his/her right of appeal.

Decision to dismiss

The power to dismiss staff in this school has been delegated to one or more governors acting with the Co-Headteachers.

Dismissal

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

Appeal

If a member of staff feels that a decision to dismiss him/her, or other action taken against him/her, is wrong or unjust, he/she may appeal in writing against the decision within five school days of the decision, at the same time setting out the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion, etc. will apply as with Formal Capability and Review Meetings and, as with other formal meetings, notes will be taken and a copy sent to the member of staff.

The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case. The member of staff will be informed in writing of the results of the appeal hearing as soon as possible.

Appeals

Appraisees have a right of appeal against any entries written in an Appraisal Statement and at any stage of the Capability Process. An appeals policy relating to Performance Management and Capability is attached as Appendix C.

Sickness

If long-term sickness absence appears to have been triggered by the commencement of Capability Procedures, the case will be dealt with in accordance with the school policy and will normally be referred to the Occupational Health Service as well as the school's HR provider. In some cases it may be appropriate for formal procedures to continue during a period of sickness absence. However, the views of the Occupational Health Physician will be taken into consideration before a final decision is reached.

Grievances

Where a member of staff raises a grievance during the Appraisal or Capability Process, the process may be temporarily suspended in order to deal with the grievance. Where the grievance and performance management or capability cases are related it may be appropriate to deal with both issues concurrently in line with the school policy.

Monitoring and Evaluation

The Governing Body and Leadership Team will monitor the operation and effectiveness of the Performance Management Process. The Co-Headteachers will provide the Governing Body with a written report on the operation of the school's Performance Management and Capability Policies annually. The report will not identify any individual by name. The report will include an assessment of the impact of these policies on: Race, Sex, Sexual Orientation, Gender re-assignment, Disability, Religion and Beliefs, Age, Part-time Status, and Maternity or Pregnancy.

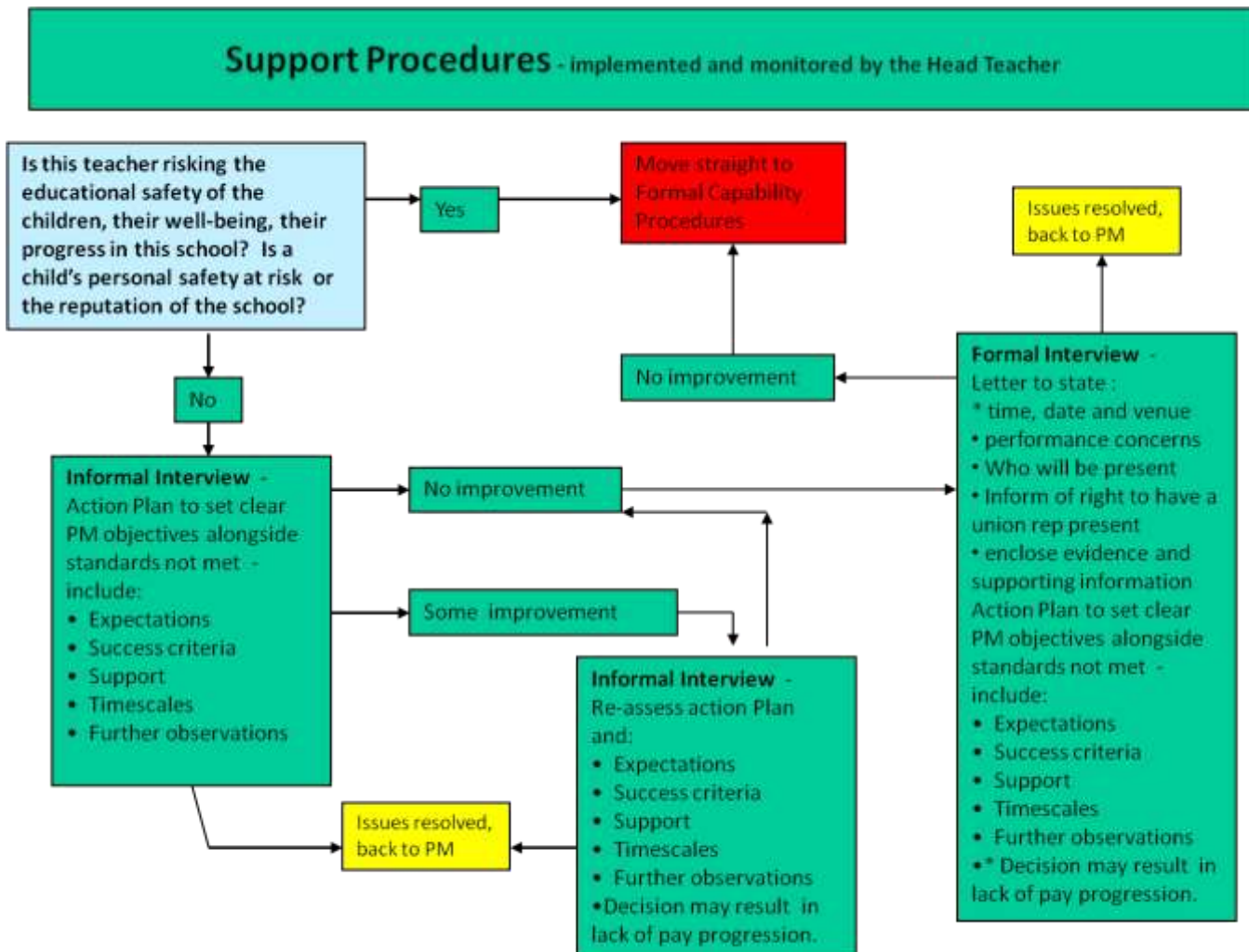
The Co-Headteachers will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

Retention

The Governing Body and Co-Headteachers will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

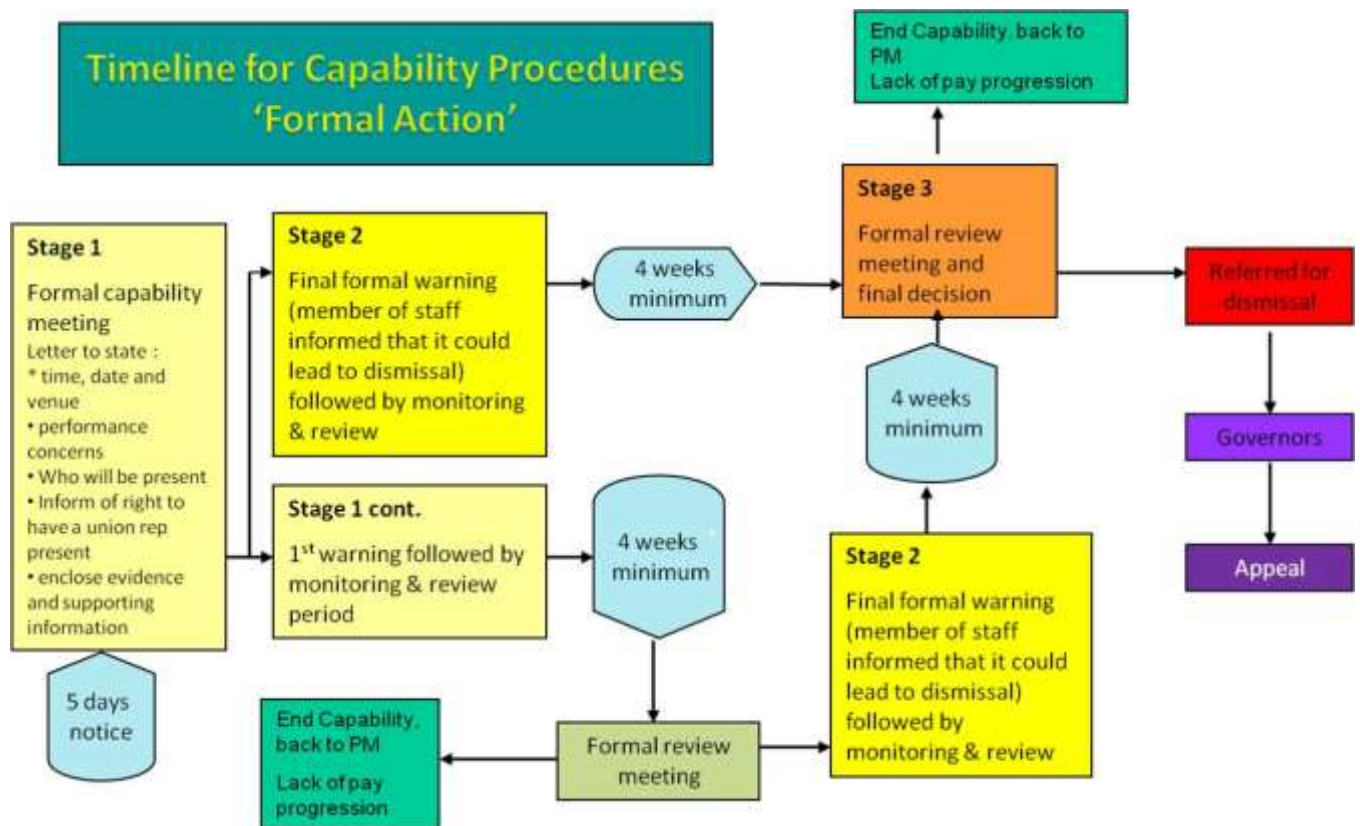
Appendix A

Support Procedures



Appendix B

Timeline for Capability Procedures



Appendix C

Bledington Primary School

Performance Management and Capability Appeals Policy

1. Allocation of Appraisers.

The Governing Body will delegate the appraisal of the Co-Headteachers to a sub-committee of two or three governors and an external adviser. The Co-Headteachers may appeal against the choice of external adviser, or to any member of the delegated governor sub-committee on professional grounds, within 5 working days of being informed of their names. The Co-Headteachers must lodge an appeal in writing to the Chair of Governors, who will consider the

appeal and respond within 10 working days. The Chair of Governors' decision is final.

The Co-Headteachers will allocate appraisers to staff. A member of staff may appeal against their named appraiser on professional grounds. They must lodge an appeal in writing to the Co-Headteachers, stating the professional reasons why they are requesting a change of appraiser, within 5 working days of being told who is to be their appraiser for the forthcoming appraisal cycle. The Co-Headteachers will hear and respond to the appeal within 10 working days. The Co-Headteachers' decision is final. There are no grounds of appeal if the either of the Co-Headteachers is the appraiser.

2. Appeals on the content of a written appraisal statement.

The Co-Headteachers may appeal in writing on any aspect of content in his/her written appraisal statement, to the Chair of Governors within 5 working days of the issuing of that statement. The Chair of Governors will hear the appeal and respond within 10 working days. The Chair of Governors' decision is final.

A member of staff may appeal in writing on any aspect of content in his/her written appraisal statement, to the Co-Headteachers within 5 working days of the issuing of that statement. The Co-Headteachers will hear the appeal and respond within 10 working days. The Co-Headteachers' decision is final.

3. Appeal at Stages One or Two of the Capability Procedures

An appeal may be lodged in writing within 5 working days of the Formal Capability Meeting and/or within 5 working days of the Formal Review Meeting at the end of either Stage One or Two. Appeals will be restricted to hearing new evidence, the reasonableness of the initial decision and any irregularities that may have occurred. The appeal will be heard by three members of the Governing Body not previously associated with this Capability concern (the Appeal Committee). They will convene a meeting with the member of staff concerned within 10 working days, giving him/her the time, date and venue for the meeting and informing him/her of his/her right to have representation from a union, colleague or friend. Whilst an outcome of an appeal is pending, any actions, warnings or dismissal notices remain in force. The Appeal Committee will issue a written response within two working days and its decision is final.

4. Appeal against the decision to refer for dismissal

An appeal may be lodged in writing within 5 working days of being formally referred for dismissal. The appeal will be heard by three members of the Governing Body not previously associated with this Capability concern (the Appeal Committee). They will convene a meeting with the member of staff concerned within 10 working days, giving him/her the time, date and venue for the meeting and informing him/her of his/her right to have representation from a union, colleague or friend. Whilst an outcome of an appeal is pending, any dismissal notices remain in force. The Appeal Committee will issue a written response within two working days and its decision is final.

General Principles

- **Confidentiality:** All proceedings will be kept confidential.
- **Consistency:** The policy will be applied consistently to all staff.
- **Support:** The school will provide appropriate support to help staff meet performance standards.

Policy to be up-dated annually.

End