



Cyngor Sir Gâr
Carmarthenshire
County Council



PARTNERIAETH



Capability Policy & Procedure (All School Staff)

Date approved: (by the full governing body)	11.11.24
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Chair of Governors	
Headteacher	

MODEL CAPABILITY POLICY & PROCEDURE (ALL SCHOOL STAFF)

DOCUMENT CONTROL	
Policy Name	Model Capability Policy & Procedure (All School Staff)
Department	Human Resources
Reviewing Officers	HR Group on behalf of the 3 constituent Local Authorities
CONSULTATION PROCESS	
<p>The following Trade Unions have been consulted in respect of this Policy:</p> <ul style="list-style-type: none">• ASCL• NAHT• NASUWT• NEU• UCAC• Unison• GMB• Unite	

Note

This model policy refers to the statutory arrangements for capability of school teaching staff. When using this model policy, schools are encouraged to also consider the arrangements in place for all their staff. There is currently no statutory provision for the performance management of support staff, but it is considered to be best practice for a school to have appropriate arrangements in place for all members of staff and provisions have been included in the policy. Schools may adapt this model policy accordingly while still having regard to statutory provisions e.g. Welsh Government Guidance Document – Capability of School Teaching Staff (Document 111/2013).

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The Governing Body of Ysgol Gymraeg Teilo
Sant

formally adopted this Policy on _____ .

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1. INTRODUCTION

- 1.1. The Governing Body of Ysgol Gymraeg teilo Sant is committed to providing high standards of education to pupils. It is recognised that the capability and commitment of its staff is fundamental to the achievement of this goal. The Governing Body is committed to ensuring that all staff have the opportunity to develop the appropriate skills, knowledge, competence and aptitude to undertake their roles effectively.
- 1.2. In most cases, staff meet and exceed the performance requirements of their roles. However, in some circumstances, individuals may experience difficulties in demonstrating the levels of competence required to perform their job effectively.
- 1.3. *'Individuals have a contractual responsibility to perform to a satisfactory level and should be given every help and encouragement to do so. Employers have a responsibility for setting realistic and measurable standards of performance and for explaining these standards carefully to employees.'*
(ACAS Disciplinary and Grievance Procedures)
- 1.4. If staff are performing below expectations, the role of the nominated manager / Chair of Governors will be to bring this to the attention of the individual at the earliest opportunity and to work closely with them to improve their performance to an acceptable level. The objective of this policy will be to set out a constructive approach to achieving improved work performance through effective supervision, mentoring, training, performance review and development.
- 1.5. Failure to achieve the expectation for improvement will result in the member of staff progressing through the various stages of the procedure. The member of staff will be advised of their progress during the process and will be left under no misunderstanding that failure to achieve the required improvement will place their continued employment at risk.
- 1.6. When embarking on this process with a member of staff, the Head Teacher / Chair of Governors will seek advice from the Local Authority, HR and/or Diocesan authority as appropriate.
- 1.7. The Governing Body must adhere to Equalities legislation in the application of this policy and make reasonable adjustments where appropriate.
- 1.8. Part time staff will not be treated less favourably in the application of this policy.

SECTION 1 - GENERAL PRINCIPLES

2. PURPOSE OF POLICY

- 2.1. The purpose of this policy is to provide the nominated manager with the necessary information in order to:
- help and support the member of staff with any competency issues.
 - ensure staff are performing their roles effectively and capably.
 - address cases of underperformance, in a fair and consistent manner.
 - manage cases in a supportive, sensitive, realistic and constructive manner.
 - ensure that competency issues are dealt with efficiently within agreed time periods (according to circumstances) and with clear outcomes at all stages.

3. SCOPE AND VALUES

- 3.1. This Procedure applies to all staff appointed by the Governing Body under governors delegated powers but excludes:
- staff directly employed by the local authority to work at the school; and
 - staff employed by an agency.
 - staff employed on a casual basis.
- 3.2. All staff will be treated with respect, consistency and fairness.
- 3.3. All matters of managing unsatisfactory performance and related investigations will be treated in confidence by all parties involved throughout all stages of the capability process. Only those staff who have agreed and specific roles and duties associated with the procedure will have the right to access information.

4. DEFINITION OF CAPABILITY

- 4.1. If concerns are raised about the unsatisfactory performance of a member of staff it is important to establish the facts and to apply the appropriate procedure. A clear understanding of what is deemed to be unsatisfactory needs to be established including whether the issue is a lack capability due to ill-health, lack of capability due to lack of competence or a matter of professional misconduct.
- 4.2. Consultation with HR and/or a School Improvement Adviser should take place prior to any discussions with the individual.

5. EXCLUSIONS

- 5.1. The following matters cannot be considered under this procedure:
- Matters of misconduct, should be more appropriately dealt with under the disciplinary procedure.
 - Matters of capability resulting from persistent ill-health for which the school's Sickness Absence policy will apply.

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- Concerns with regards to the competency of Newly Qualified Teachers for whom separate procedures should apply.
- Support staff under probation period for whom separate procedures should apply.

6. PRINCIPLES

6.1. It is important to ensure that due regard is given to the following points throughout the capability process:

6.1.1. Communication

The member of staff should be kept informed at all stages of the process. Regular meetings should be arranged and relevant information confirmed in writing, as detailed below.

6.1.2. Record Keeping

The procedure is evidence based it is therefore important that accurate records are maintained and these are shared with the member of staff. Copies of the minutes and support and action plan should be circulated, as soon as practicable, following all stages of the procedure. The accuracy of these documents should be agreed following which a letter should be sent to the member of staff confirming the date, time and venue of the next meeting and outlining the consequences of failing to meet the required improvement. If the teacher disputes the accuracy of any notes they should be asked to alter the notes and return them with a copy of any note taken by them or their representative upon which they base their alterations. Records must be kept for an appropriate time period following each stage of the procedure.

6.1.3. Confidentiality

Performance matters should be dealt with sensitively and with due respect for the privacy of the individuals involved. The Chair of Governors, Headteacher or officer responsible for managing a capability process should at each stage:

- clearly define the parties who will be involved or be made aware of an ongoing process; and
- remind those parties of their responsibility to treat as confidential any information communicated to them.

Governors will be advised as to the importance of confidentiality and the consequences of any breach of confidentiality.

6.1.4. Clarity of Roles

It is important to ensure that all parties involved in the process have a clear understanding of their part in the process. A definition of roles and responsibilities can be found in Appendix 1.

6.1.5. Wellbeing

The member of staff should at all stages of the procedure be made aware that they can access support services available via Occupational Health.

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7. REPRESENTATION

- 7.1. Where a member of staff is invited to attend a meeting in relation to this procedure whether it be to agree a support plan or as part of stage one, stage two or referral to the staff dismissal committee they may choose to be accompanied by a work colleague, or a trade union representative.
- 7.2. If representatives are unable to attend a rearranged meeting, a meeting may be held in their absence or written representations will be accepted.
- 7.3. If the member of staff subject to this procedure is a Trade Union Representative the Trade Union Office / Official must be informed before the formal stage is engaged.

8. FAST TRACKING IN EXCEPTIONAL CIRCUMSTANCES

- 8.1. If the underperformance of a member of staff (including that of a Headteacher):
 - a) places the learners' education in jeopardy e.g. evidence exists to indicate that learner performance has not improved / deteriorated; or
 - b) where performance has seriously deteriorated and staff / learners are placed at risk of harm e.g. classroom management has failed to improve / deteriorated,consideration may be given to fast tracking the procedure to stage two following the completion of a support plan. For this to occur the teacher's performance must fall so far short of what is required that improvement to the required standard of performance may be deemed impossible or the teacher's failure in performance has a seriously detrimental effect in the school. Alternative policies may also need to be considered at this stage.

9. PERFORMANCE MANAGEMENT (Teachers / Headteachers Only)

- 9.1. The performance management process may identify serious weaknesses in the performance of a member of staff including that of a Headteacher. If this is the case then consideration should be given to engaging the support stage of the capability procedure.
- 9.2. Performance management should only be suspended when formal capability procedures (Stage 1) are engaged.
- 9.3. It should be noted that the minutes of the review meeting and the appraisal statements undertaken as part of the performance management cycle do not form part of the capability procedure but may be considered by the Headteacher/ Chair of Governors when making decisions in relation to this procedure.

10. THE RIGHT TO REVISIT THE PROCEDURE

- 10.1. If at any stage during the procedure the member of staff consistently achieves the required standard and there is evidence to suggest that this improvement is

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sustainable these procedures will conclude. The member of staff will be informed of this both verbally and in writing.

- 10.2. If, however, following the successful conclusion the member of staff fails to sustain the required standard of performance, the capability procedure will re-commence as follows:

Stage previous process concluded	Time elapsed since end of stage (no more than)	Stage that process re-commences
Informal	60 working days	Informal
Stage 1	130 working days	Stage 1
Stage 2	195 working days	Stage 2

- 10.3. In cases where performance has improved reference should be made to the above dates in correspondence to the member of staff.
- 10.4. Where it is necessary to recommence the formal stages of this capability procedure on more than two occasions, the Chair of Governors / Headteacher may consider that there is enough cumulative evidence indicating serious performance issues that require the capability procedures to move to Stage 3.

11. EDUCATION WORKFORCE COUNCIL (EWC)

- 11.1. Cases where the employer has ceased to use the services of a member of staff registered with the EWC on grounds of capability or might have ceased to use those services had the member of staff not resigned, should be referred by the Authority directly to the EWC. There is a statutory obligation to make the referral in cases of serious professional incompetence.

SECTION 2 - THE CAPABILITY PROCEDURE

Where the procedure is being applied to the Headteacher, the process will be managed by the Chair of Governors (or other nominated Governor), with support from the Local Authority's School Improvement Team and HR.

12. INFORMAL SUPPORT (Outside the formal process)

- 12.1. There will be occasions when it is appropriate for a member of staff's performance to be discussed with them as part of normal supervisory arrangements and without recourse to the formal procedures. In these circumstances, the member of staff will be given guidance and support from their line manager. This could take the form of advice, counselling, training instruction, coaching or other managerial strategies as appropriate. Such activity may be delegated to a member of the senior management team.
- 12.2. The aim of this section is to ensure that problems are discussed to encourage and help the member of staff to improve and understand:
- What they need to do in relation to their performance.
 - How future performance will be monitored and reviewed.
 - The period over which performance will be monitored; and
 - That formal action might be taken if the performance does not reach the required standard.
- 12.3 Appropriate notice will be provided in writing of any meetings held during the informal stage and an agreed record should be kept.
- 12.4 Where it is evidenced that the discussions and support put in place to help the member of staff do not lead to the necessary improvement or the relevant changes in performance, within the agreed timescale (normally no longer than 6 working weeks), the member of staff will be advised in writing of the decision to proceed to Formal Stage 1 of the procedure.

13. STAGE 1 - FORMAL PROCESS

- 13.1. At the Stage 1 meeting, the support and action plan will be agreed and then confirmed in writing, to include:
- details of the performance issues.
 - expected improvement.
 - timescale for improvement (not more than 6 working weeks).
 - support to be provided.
 - how progress is to be evaluated.
- 13.2. Where responsibility for overseeing the program of support and monitoring has been delegated to another manager, they will be required to provide feedback to the Headteacher on the member of staff's progress during the mid-term and end of

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stage review meetings. Any information presented will be shared with the member of staff at least two working days prior to the meeting.

- 13.3. A mid-term review meeting will be held with the Headteacher, (or another manager, if delegated), in order that the member of staff can be given an update on their progress. The mid-term review meeting will also provide the member of staff with an opportunity to raise any concerns that they may have to ensure that these can be addressed. Additional feedback meetings can be held with the individual during the review period, if deemed necessary. These can be verbal i.e. one to ones, but a written record should be kept of any discussions.
- 13.4. At the end of the agreed timescale, a meeting will be held to review performance. It is recommended that this meeting is attended by the Headteacher, the nominated manager, the member of staff, their representative and a note taker. The Headteacher will be expected to decide whether based on the evidence provided:
 - 13.4.1. Performance has improved and expectations for improvement have been met, in which case no further action will be required. This will be confirmed in writing.
 - 13.4.2. Some improvement has been made, but the period of support may be extended to allow the member of staff additional time to address the outstanding concern(s). At the end of the extension period a further end of review meeting will be held.
 - 13.4.3. That the member of staff has failed to achieve the level of improvement expected and consequently a warning will be issued and they will move to Stage 2 of the capability procedure.
 - 13.4.4. Teaching and learning is being jeopardised or performance has seriously deteriorated thereby placing staff / pupils at risk of harm. As a consequence, the process will be fast tracked to Stage 3.
- 13.5. If the required improvement has not been achieved and sustained and the Headteacher decides to pursue options, outlined in 13.4.3 or 13.4.4 above, the meeting should move to stage 2 of the Capability process. The decision should be confirmed in writing and the member of staff should be advised that a failure to improve could ultimately lead to dismissal, and of their right to appeal this decision (see section 16).
- 13.6. Copies of the minutes and the support and action plan should be circulated within 5 working days. The accuracy of these documents should be agreed following which a letter should be sent to the member of staff, confirming the date, time and venue of the mid-term and end of stage review meeting and informing the member of staff of the consequences of failing to meet the required improvement.
- 13.7. If there is no sustained improvement in performance at this stage, the member of staff will be move to the next stage.

14. STAGE 2 - FORMAL PROCESS

- 14.1. At the Stage 2 meeting, the support and action plan will be agreed and confirmed in writing, to include:
- details of the performance issues.
 - expected improvement.
 - timescale for improvement (not more than 6 working weeks).
 - support to be provided.
 - how progress is to be evaluated.
- 14.2. Where responsibility for overseeing the program of support and monitoring has been delegated to another manager, they will be required to provide feedback to the Headteacher on the member of staff's progress during the mid-term and end of stage review meetings. Any information presented will be shared with the member of staff at least two working days prior to the meeting.
- 14.3. A mid-term review meeting will be held with the Headteacher (or another manager, if delegated), in attendance in order that the member of staff can be given an update on their progress. The mid-term review meeting will also provide the member of staff with an opportunity to raise concerns that they may have to ensure that these can be addressed. Additional feedback meetings can be given to the individual during the review period, if deemed necessary. These can be verbal i.e. one to ones but a written record should be kept of any discussions.
- 14.4. At the end of the agreed timescale, a meeting will be held to review performance. It is recommended that this meeting is attended by the Headteacher, the nominated manager, the member of staff, their representative and a note taker. The Headteacher will be expected to decide whether based on the evidence provided:
- 14.4.1. Performance has improved and expectations for improvement have been met, in which case no further action will be required. This will be confirmed in writing.
- 14.4.2. Some improvement has been made, but the period of support may be extended to allow the member of staff additional time to address the outstanding concern(s). At the end of the extension period a further end of review meeting will be held.
- 14.4.3. That the member of staff has failed to achieve the level of improvement expected and consequently will be issued with a written warning and Stage 3 of the capability procedure will be invoked.
- 14.4.4. Teaching and learning is being jeopardised or performance has seriously deteriorated thereby placing staff / pupils at risk of harm. Consequently, the process will be fast tracked to referral to SD&D Sub Committee.
- 14.5. If the required improvement has not been achieved and sustained and the Headteacher decides to pursue options, outlined in 14.4.3 or 14.4.4 above, the meeting should move to Stage 3 in the process. The decision should be confirmed in writing and the member of staff should be advised that a failure to improve could

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ultimately lead to dismissal, and of their right to appeal this decision (see section 16).

- 14.6. Copies of the minutes and the action plan should be circulated within 5 working days. The accuracy of these documents should be agreed following which a letter should be sent to the member of staff, confirming the date, time and venue of the mid-term and end of stage review meeting and informing the member of staff of the consequences of failing to meet the required improvement.
- 14.7. If there is no sustained improvement at this stage, the member of staff will be moved to the next stage.

15. STAGE 3 - FORMAL PROCESS

- 15.1. At the Stage 3 meeting, the support and action plan will be agreed and then confirmed in writing, to include:
- details of the performance issues.
 - expected improvement.
 - timescale for improvement (not more than 6 working weeks).
 - support to be provided.
 - how progress is to be evaluated.
- 15.2. Where responsibility for overseeing the program of support and monitoring has been delegated to another manager, they will be required to provide feedback to the Headteacher on the member of staff's progress during the mid-term and end of stage review meetings. Any information presented will be shared with the member of staff at least two working days prior to the meeting.
- 15.3. A mid-term review meeting will be with the Headteacher, (or another manager, if delegated) in order that the member of staff can be given an update on their progress. The mid-term review meeting will also provide the member of staff with an opportunity to raise any concerns that they may have to ensure that these can be addressed. Additional feedback meetings can be given to the individual during the review period, if deemed necessary. These can be verbal i.e. one to ones but a written record should be kept of any discussions.
- 15.4. At the end of the agreed timescale, a meeting will be held to review performance. It is recommended that this meeting is attended by the Headteacher, the nominated manager, the member of staff, their representative and a note taker. The Headteacher will be expected to decide whether based on the evidence provided:
- 15.4.1. performance has improved and expectations for improvement have been met, in which case no further action will be required. This will be confirmed in writing.
- 15.4.2. some improvement has been made, but the period of support may be extended to allow the member of staff additional time to address the outstanding concern(s). At the end of the extension period a further end of review meeting will be held.

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- 15.4.3. that the member of staff has failed to achieve the level of improvement expected and consequently the member of staff will be issued with a final written warning and the matter will be referred to the SD&D Sub Committee.
- 15.5. The decision should be confirmed in writing and the member of staff should be advised that a failure to improve could ultimately lead to dismissal, and of their right to appeal this decision (see section 16).
- 15.6. Copies of the minutes and the action plan should be circulated within 5 working days. The accuracy of these documents should be agreed following which a letter should be sent to the member of staff, confirming the date, time and venue of the capability hearing.

16. APPEALS - STAGES 1, 2 & 3

Where the procedure is being applied to the Headteacher, the appeal cannot be heard by the Governor who is managing the process.
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- 16.1. The member of staff will have the right to appeal against the outcome of each formal stage of this procedure.
- 16.2. In order to do this, the member of staff must write to the Clerk to the Governing Body within 5 working days of receipt of the letter confirming the decision, stating their grounds for appeal.
- 16.3. Upon receipt of the member of staff's appeal, the Clerk to the Governing Body will arrange for the appeal to be heard by the Chair of Governors (or nominated governor) for Stages 1, 2 and 3.
- 16.4. In normal circumstances, an appeal should be arranged within 20 working days of the member of staff's appeal being lodged, as the process of managing the capability process will not cease, pending the outcome of a hearing. The member of staff will be expected to continue to work towards the improvements identified with the designated manager, while arrangements are made for the appeal hearing to be held. The appeal should be heard separately so that the capability procedures are able to continue uninterrupted.
- 16.5. The member of staff will be provided with 10 working days' notice of the appeal hearing. The member of staff shall provide all relevant documentation to be relied upon, to the Clerk to the Governing Body, at least 5 working days prior to the meeting.
- 16.6. The format of the appeal hearing will be as follows:
- Introductions and confirmation of the reason for the appeal hearing.
 - Presentation of the case by the member of staff or their representative, including questioning by the nominated Governor and the designated manager.

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- The Headteacher's reply and questioning by the nominated Governor and member of staff.
- Final questions and clarification from the nominated Governor.
- Summing up from the Headteacher.
- Summing up from the member of staff.
- Adjournment for the nominated Governor to make a decision, taking into consideration the submissions and evidence presented during the course of the appeal hearing and in the supporting documentation; and
- Reconvene to inform the member of staff of the decision, unless agreed that the nominated Governor's decision will be conveyed in writing to the member of staff.

16.7. The nominated Governor will have three options open to them:

- confirm the Headteacher's original decision.
- uphold the member of staff's appeal and overturn the Headteacher's original decision; or
- agree a further assessment period, in the current stage, of no more than six weeks to allow the member of staff to achieve the required standard of performance. Where this occurs, the nominated Governor must reconvene at the end of the further assessment period to review the progress of the member of staff and if the required standard of performance is still not met confirm the original decision.

16.8. The nominated Governor must confirm their decision in writing to the member of staff, within 5 working days of the appeal hearing, also informing the member of staff that there will be no further right of appeal at this stage of the procedure.

16.9. All appeals against formal stages 1, 2 and 3 should be heard before capability matters are referred to the SD&D Sub Committee.

16.10. Redeployment may, if appropriate, be considered at all stages of the capability process.

17. REFERRAL TO THE STAFF DISCIPLINARY & DISMISSAL SUB COMMITTEE OF THE GOVERNING BODY

The Staff Disciplinary & Dismissal Sub Committee must not consist of the Governor who is managing the process, or the Governor who has heard appeals at Stages 1, 2 or 3.

17.1. The hearing should be conducted in line with the protocol contained within the School's Disciplinary Procedures.

17.2. The SD&D Sub Committee will consider all the evidence presented, before determining one of the following outcomes:

- The member of staff's performance is satisfactory, and no further action will be taken. The member of staff should be reminded of the requirement to sustain

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a satisfactory standard of performance and the consequences if this is not achieved.

- The member of staff's performance is unsatisfactory, and the member of staff should be dismissed with contractual notice on the grounds of capability; or
- The member of staff has made some progress towards improving their performance but has not yet achieved the required satisfactory standard. A further assessment period of no more than six weeks will be agreed, in order to allow the member of staff to achieve the required standard of performance. Where this occurs, the SD&D Sub Committee must reconvene at the end of the further assessment period to review the progress of the member of staff and if the required standard of performance is still not met, recommend dismissal with the right to appeal.

- 17.3. The SD&D Sub Committee will confirm its decision in writing to the member of staff. Where appropriate, this letter will inform the member of staff of their right to appeal against the decision of the SD&D Sub Committee.
- 17.4. In maintained schools, where the SD&D Sub Committee takes the decision to dismiss the member of staff, the SD&D Sub Committee must copy the hearing outcome letter to the Chief Education Officer once the period allowed for the member of staff to appeal has expired **and** they have not appealed. The reason for this is that the Local Authority is the employer of staff in maintained schools. The Local Authority is therefore required to dismiss the member of staff and should do so within 14 school days of notification of the decision by the SD&D Sub Committee.
- 17.5. In Voluntary Aided and Foundation Schools, the member of staff is employed by the Governing Body. The SD&D Sub Committee should therefore include notification of dismissal and any appropriate period of notice in the hearing outcome letter that it sends to the member of staff.

18. APPEAL AGAINST DISMISSAL

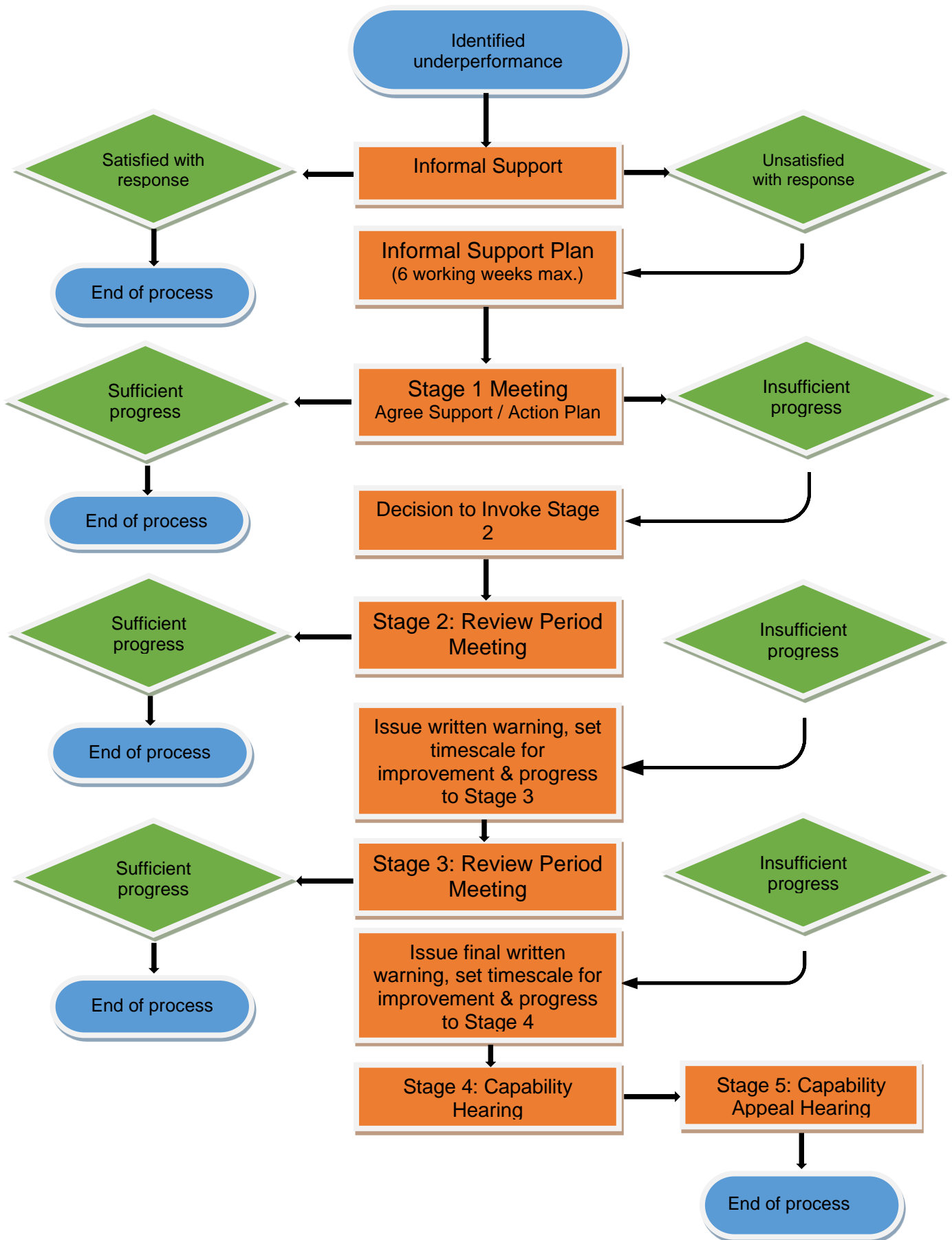
The Staff Disciplinary & Dismissal Appeals Sub Committee must not consist of the Governor who is managing the process, the Governor who has heard appeals at Stages 1, 2 or 3, or members of the Staff Disciplinary & Dismissal Sub Committee.

- 18.1. Where the member of staff appeals against the dismissal decision of the SD&D Sub Committee, the appeal will be heard by the Staff Disciplinary & Dismissal Appeals Sub Committee.
- 18.2. The appeal hearing process should be conducted in line with the School's Disciplinary Procedure.
- 18.3. The member of staff's grounds for appeal could include:
- That there has been a procedural flaw in the first hearing.
 - That the findings are inconsistent with the evidence produced.
 - That the member of staff feels that the sanctions are inappropriate.

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- That the capability procedure and/or the first hearing was in some way unfair or biased; and
 - That new evidence has come to light that was not considered at the original hearing.
- 18.4 The SD&D Appeals Sub Committee will have three options open to it:
- Confirm the decision of the SD&D Sub Committee to dismiss (with contractual notice) the member of staff.
 - Uphold the member of staff's appeal and overturn the SD&D Sub Committee's decision to dismiss.
 - Agree a further assessment period of no more than six working weeks to allow the member of staff to achieve the required standard of performance. Where this occurs, the SD&D Appeals Sub Committee must reconvene at the end of the further assessment period to review the progress of the member of staff and if the required standard of performance is still not met confirm the dismissal.
- 18.5 The SD&D Appeals Sub Committee will confirm its decision in writing to the member of staff. Where appropriate, this letter will inform the member of staff that the decision of the SD&D Appeals Sub Committee is final and there is no further right of appeal.
- 18.15 In maintained schools, where the SD&D Appeals Sub Committee upholds the SD&D Sub Committee's decision to dismiss the member of staff, the SD&D Appeals Sub Committee must copy the appeal hearing outcome letter to the Chief Education Officer. The reason for this is that the Local Authority is the employer of staff in maintained schools and is therefore required to dismiss the member of staff and should do so within 14 school days of notification of the decision by the SD&D Appeals Sub Committee and will be issued with the appropriate notice in line with Conditions of Service for School Teachers in England and Wales – 2000 edition.
- 18.16 In Voluntary Aided and Foundation Schools, the member of staff is employed by the Governing Body. The SD&D Sub Committee should therefore include notification of dismissal and any appropriate period of notice in the appeal hearing outcome letter that it sends to the member of staff.

CAPABILITY PROCEDURE FLOWCHART



ROLES & RESPONSIBILITIES

The roles and responsibilities of the main participants are outlined below with the expectation that all parties work together to improve the performance of the member of staff.

All School Staff (including the Headteacher)

- To be fully aware of the requirements of any professional standards relevant to their role.
- To engage with their Line Manager / Headteacher (Chair of Governors in the case of the Headteacher) to agree performance objectives.
- To engage with their Line Manager / Headteacher (Chair of Governors in the case of the Headteacher) to achieve a satisfactory level of overall performance.
- To engage in training and development opportunities provided where needs have been identified.
- To draw to the attention of their Line Manager / Headteacher (Chair of Governors in the case of the Headteacher) any external factors that may be impacting adversely on their performance.
- To make every effort to attend any meetings or hearings under this Capability Procedure.
- To engage with the Local Authority's Occupational Health team or an appropriately qualified health professional, where applicable.

Representative (Trade Union Representative or Work Colleague)

- To accompany the member of staff at all stages of the capability procedure. The member of staff should be advised that they have the right to be accompanied by a work colleague or trade union representative.
- To support the member of staff in presenting their evidence and seek clarification on any issues raised during the meeting.
- To confer with the member of staff, if necessary, during any meeting.

Line Manager

- To be fully aware of the requirements of the relevant Professional Standards for the various roles within schools.
- To ensure that members of staff have received a full induction into the School.
- To be fully familiar with the relevant policies relating to performance management and any other relevant underperformance policies.
- To monitor the performance of their staff, making clear the standard of performance the School expects.
- To take action and a considered approach in all cases when there are concerns about a member of staff's performance.
- To ensure standards of fairness, objectivity and consistency of treatment of staff in all cases.
- To provide evidence and advise the Headteacher (or those delegated by the Headteacher to administer the capability process) at all times during the process.
- To seek further guidance from the Headteacher (or those delegated by the Headteacher to administer the capability process) where appropriate on any matter related to this policy and procedures.

Headteacher (the Chair of Governors with support from the Local Authority's School Improvement Team in the case of the Headteacher)

- To support and advise member of staff on effective performance management procedures.
- To support and advise line managers who express concerns about the unsatisfactory performance of a member of staff.
- To initiate the formal investigation of the issue and take appropriate action at any stage in the management of unsatisfactory performance.
- To appoint, where appropriate, a designated member of staff to investigate the issues and/or provide appropriate support.
- To ensure that an appropriate programme of support and guidance is put in place for staff whose performance is deemed to be unsatisfactory.
- To ensure that formal oral/written warnings are only issued by the Headteacher (Chair of Governors or other nominated Governor).
- To seek the advice and support of the Local Authority (or the Diocesan Authority or provider of HR support).
- To ensure that the Governing Body's policies are enacted, and the Governing Body is involved in the capability process at the appropriate stages.

Governing Body

- To ensure that the policies relating to the management of the performance and unsatisfactory performance of staff are implemented and are working effectively alongside other relevant policies.
- To ensure that all relevant policies are available to staff and are reviewed on a regular basis.
- To ensure that the appropriate committees of the Governing Body are established and that Governors are aware of their responsibilities and receive appropriate training to support them in their roles.
- To seek the advice and support of the Local Authority (or the Diocesan Authority or provider of HR support) if the capability process is referred to the SD&D Sub Committee.

Appropriate Authority (Local Authority / Diocesan Authority)

- To provide advice and support to the Headteacher and Governing Body through the Local Authority, the Diocesan Authority or provider of HR support, dependant on the status of the School.
- Where the Local Authority is the employer, the Chief Education Officer or their representative is entitled to attend all formal meetings of the Governing Body and its committees for the purpose of giving advice.
- In a Voluntary Aided or voluntary controlled School, the Diocesan Officer or their representative has the same advisory rights as those given to the Chief Education Officer.
- In Foundation Schools, the Governing Body may agree to award those same rights to the provider of HR support.