

Phoenix School Staff Capability

Date	Review Date	Coordinator	Nominated Governor

We recognise the importance of ensuring all school personnel enjoy a reasonable balance between their working life and their out of school commitments and interests. Therefore, we are committed to ensuring that positive steps are taken to promote a healthy work-life balance for all school personnel.

We aim to achieve high standards of teaching and learning by maintaining an appropriate high level of staff performance across the school. The school's Performance Management policy clearly outlines the standards of competence expected of staff.

We understand that capability means staff having the qualifications, fitness and competence to perform their duties assigned to them under their contract of employment.

We feel we are able to deal with issues of staff competence through performance review which is able to identify weaknesses in individual staff performance. This early identification enables us to put into place support mechanisms to improve the individual's performance and thereby avoiding the need for formal capability procedures.

When all else has failed to bring about improvement then formal Capability Procedures will be used which applies to all school personnel.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

Aims

- To achieve high standards of teaching and learning by maintaining an appropriate high level staff performance across the school.
- To have in place an excellent system of performance review that will detect falling standards of staff competence.
- To have in place appropriate support systems for all school personnel.
- To work with other schools to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- delegate to the Headteacher all decisions dealing with staff competence;
- appoint a committee to deal with all capability issues and with the delegated power of terminating a member of staff's contract;
- appoint an Appeals Panel to deal with any appeal from a member of staff;
- ensure that confidentiality is maintained at all times with all parties concerned;

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- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- the responsibility of involving the School Council in the development, approval, implementation and review of this policy;
- nominated a link governor to visit the school regularly, to liaise with the Headteacher and the coordinator and to report back to the Governing Body;
- responsibility for the effective implementation, monitoring and evaluation of this policy

Role of the Headteacher and Senior Leadership Team

The Headteacher and the Senior Leadership Team will:

- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- be responsible for managing all staff competence issues;
- put into place appropriate support mechanisms for members of staff;
- make all decisions dealing with capability except the termination of a member of staff's contract of employment;
- consider using the advice and support of Local Authority advisers who have experience of staff competence issues;
- provide the right environment and support for the member of staff
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;
- annually report to the Governing Body on the success and development of this policy

Responsibilities of Line Managers

Line managers will:

- work closely with the Headteacher in dealing with issues of competence at the Informal Stage by providing appropriate support to an employee;
- keep the Headteacher informed of all progress made

Informal Stage

When dealing with an under-performing teacher the Headteacher or line manager will:

- investigate the case;
- gather evidence;
- then decide to:
 - dismiss the case

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- organise counselling and support
- take the case to the Formal Stage

When dealing with an under-performing Headteacher the Chair of Governors will:

- investigate the case;
- gather evidence;
- then decide to:
 - dismiss the case
 - organise counselling and support
 - take the case to the Formal Stage

Counselling

At the beginning of the counselling period the member of staff will be informed of:

- what is required;
- how performance will be reviewed;
- the review period;
- of the consequences if there is no improvement during this Informal Stage

At the end of the review period it will be decided to either drop the case or organise a formal interview with the Headteacher.

Formal Stage

Step 1 – Formal Interview

Allowing five working days notice, the Headteacher will:

- write to the employee inviting him/her to interview;
- inform the employee of their right to be accompanied at the interview with their trade union representative or a colleague

The formal interview:

- begins the formal stage of the capability procedure;
- provides an opportunity to deal with more serious problems in a structured way;
- allows the member of staff to prepare a response to allegations about performance;
- allows the member of staff to make a case with his/her union official or colleague;
- may identify that further investigation is needed then the meeting should be adjourned for a period of time in order for this to happen. After further investigation it may appear that the case is not as serious as it seemed and it may be dropped.

However, if the case is not dropped then it may be decided to issue:

- an oral warning;
- a written warning with an assessment period of up to two terms;
- final written warning with an assessment period of up to four weeks.

An employee may appeal against the warning.

The formal warning will state:

- the professional shortcomings;
- the expected improved standard of performance needed to end the capability procedure;
- the amount of support that will be available;
- how performance will be monitored;
- the timetable for improvement;
- a date for the next/final evaluation meeting;
- that failure to improve will lead to dismissal

The employee will receive within 48 hours written confirmation of the formal interview outlining:

- The results of the investigations;
- The main discussion points at the meeting;
- Confirmation of the decision;
- Information about Step 2 the first assessment procedure, if a warning has been given.
- The appeal process if the employee wishes to appeal against the decision.

First Assessment Stage

Step 2 - 1 – 20 Weeks

The Headteacher will:

- arrange regular observation, monitoring and evaluation of performance;
- organise training and support;
- issue a final written warning if a more serious problem has arisen;
- at week 20 arrange an evaluation meeting to assess performance with the employee and their union representative

At the **Evaluation Meeting** the Headteacher may:

- end the capability procedure if he/she thinks that there has been a significant improvement in performance;
- issue a final written warning if the performance of the employee continues to be unsatisfactory. Then the Headteacher will organise more formal monitoring, evaluation and guidance for the employee. The employee will also be informed that if a more acceptable standard is not achieved then he/she may be faced with dismissal.
- The employee will receive written confirmation of the decision and the main points of the meeting. The employee may appeal against the decision.

Second Assessment Stage

Step 3 - 20-24 Weeks

The Headteacher will:

- arrange regular observation, monitoring and evaluation of performance;
- organise training and support

Week 24

At the **Final Evaluation Meeting** with all parties the Headteacher may:

- end the capability procedure as the employee has shown significant sustained improvement;
- inform the employee that their contract will be terminated (the Headteacher has been given the delegated power to do this) as the employee's performance is still unsatisfactory;
- inform the employee (if the Headteacher has been given the delegated power to dismiss) that as there has been no improvement in performance the case is being referred to the Staff Dismissal Committee of the governing body

Dismissal Committee Stage

Step 4

The Staff Dismissal Committee will make a decision once they have heard:

- representations and recommendations from the Headteacher;
- representations from the employee

The decision will be conveyed to the employee in writing within 48 hours. If the decision is to end the contract of the employee the letter will state the termination date and the employee's right of appeal.

The Appeal Stage

Step 5

- The employee must appeal within five working days.
- A hearing will take place within ten working days.
- The Appeals Panel will consist of three governors not connected with the case.
- The decision of this panel is final with no right of appeal.
- The Local Authority will be informed of the outcome.

Raising Awareness of this Policy

We will raise awareness of this policy via:

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- the Staff Handbook
- meetings with school personnel

Training

We ensure all school personnel have equal chances of training, career development and promotion.

Periodic training will be organised for all school personnel so that they are kept up to date with new information and guide lines concerning equal opportunities.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)

Linked Policies

▪ Work-Life Balance	▪ Teaching & Learning	▪ Performance Management
▪ Stress Management	▪ Workplace Environment	
▪ Health & Well-being of School Personnel		

Headteacher:		Date:	
Chair of Governing Body:		Date:	

Initial Equality Impact Assessment

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
			✓	

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community

Question	Equality Groups															Conclusion																	
Does or could this policy have a negative impact on any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'yes' or 'not sure'								
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS									
		✓				✓				✓				✓				✓				✓					Yes	No		✓			
Does or could this policy help promote equality for any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'								
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS			Y	N	NS				
	✓				✓				✓				✓				✓				✓				✓						Yes	No	
Does data collected from the equality groups have a positive impact on this policy?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'								
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS			Y	N	NS				
	✓				✓				✓				✓				✓				✓				✓						Yes	No	

Conclusion	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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Preliminary EIA completed by	Date	Preliminary EIA approved by	Date

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Policy Evaluation

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed				
• Policy in line with current legislation				
• Coordinator in place				
• Nominated governor in place				
• Coordinator carries out role effectively				
• Headteacher, coordinator and nominated governor work closely				
• Policy endorsed by governing body				
• Policy regularly discussed at meetings of the governing body				
• School personnel aware of this policy				
• School personnel comply with this policy				
• Pupils aware of this policy				
• Parents aware of this policy				
• Visitors aware of this policy				
• Local community aware of this policy				
• Funding in place				
• Policy complies with the Equality Act				
• Equality Impact Assessment undertaken				
• Policy referred to the School Handbook				
• Policy available from the school office				
• Policy available from the school website				
• School Council involved with policy development				
• All stakeholders take part in questionnaires and surveys				
• All associated training in place				
• All outlined procedures complied with				
• Linked policies in place and up to date				
• Associated policies in place and up to date				
A statement outlining the overall effectiveness of this policy				