

## CYRIL JACKSON PRIMARY SCHOOL

### CAPABILITY POLICY

#### VISION AND VALUES



#### STATEMENT OF AIMS:

To provide a supportive, stimulating environment in which each child is enabled and encouraged to attain the highest standard of achievement of which he or she is capable.

To ensure that the curriculum is broad and well balanced following all subjects in the National Curriculum.

To value each individual's contribution irrespective of race, gender, religion or ability.

To encourage children to be aware of their behaviour and how it affects other people.

To recognise that children have a variety of special needs and endeavour to provide appropriately for the needs of individuals.

To ensure that the curriculum reflects the richness of our multi-cultural society.

To foster and build on relationships with parents, governors and the wider community.

To provide a planned process of staff development.

The Governing Body of Cyril Jackson Primary School adopted this policy on 1<sup>st</sup> September 2014 following consultation with the recognised teaching unions.

It will review it in September 2016 and will do so annually.

## PURPOSE

The capability procedure will be used also to address any concerns that are raised about a teacher's or support staffs' performance. If concerns are such that they cannot be resolved through the appraisal process, there will be consideration of whether to commence the capability procedure.

## APPLICATION OF THE CAPABILITY POLICY

This policy applies to the head teacher and to all qualified teachers and support staff employed at the school except those on contracts of less than one term.

## STAFF EXPERIENCING DIFFICULTIES

When dealing with a member of staff experiencing difficulties, the objective is to provide support and guidance through the appraisal process in such a way that the staff member's performance improves and the problem is, therefore, resolved.

Where it is apparent that staffs' personal circumstances are leading to difficulties at school, support will be offered as soon as possible, without waiting for the formal annual assessment.

If an appraiser identifies through the appraisal process, or via other sources of information, for example parental complaints, that the difficulties experienced by staff are such that, if not rectified, could lead to capability procedures the appraiser, the head teacher, or a member of the leadership team, will, as part of the appraisal process meet the staff member to:

- give clear written feedback to the staff member about the nature and seriousness of the concerns;
- give staff the opportunity to comment on and discuss the concerns;
- give staff at least 5 working days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support, and inform the staff member that he/she has the right to be assisted by a representative of an independent trade union or work place colleague, and at any future meetings where capability will be discussed;
- in consultation with the member of staff at the above meeting, an action plan with support will be established (for example coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers), that will help address those specific concerns;
- make clear how progress will be monitored and when it will be reviewed;
- explain the implications and process if no – or insufficient – improvement is made.

The staff's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the staff's performance to improve. This will depend upon the circumstances but will be

for a period of 6 weeks, with appropriate support as agreed in the Action Plan, in order that the aim of recovering and improving performance can be achieved. During this monitoring period the staff member will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made such that the staff member is performing at a level that indicates there is no longer a possibility of capability procedures being invoked the staff member should be informed of this at a formal meeting with the appraiser or head teacher. Following this meeting the appraisal process will continue as normal.

If no, or insufficient, improvement has been made over this period, the member of staff will be invited to a transition meeting to determine whether formal capability proceedings need to be commenced or the appraisal process remains in place. Staff may be assisted by a trade union representative or work colleague and will have at least 5 working days notice of the meeting.

## APPEALS

Appraisees have a right of appeal against any of the entries in the written appraisal report. Details of the appeals process are available from the head teacher or from the school Governing Body. Where the head teacher has not been recommended for pay progression he/she will be informed by the appropriate governor. The head teacher will notify any teacher who has not been recommended for pay progression of the date when the Governing Body meets to consider pay recommendations, following which the teacher (and head teacher when the head has not been recommend for pay progression) may exercise the right of appeal, assisted by a companion who may be a colleague, a trade union official or a trade union representative.

## GENERAL PRINCIPLES UNDERLYING THIS POLICY

### ACAS Code Of Practice on Disciplinary and Grievance Procedures

The conduct of the formal capability stage will be undertaken in accordance with the provisions of the ACAS Code of Practice.

### Consistency of Treatment and Fairness

The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

## SICKNESS

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will normally be referred to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. 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 always be taken into account before a decision is reached.

## GRIEVANCES

Where a member of staff raises a grievance during the appraisal or capability process, the appraisal or capability process may be temporarily suspended in order to deal with the grievance. Where the grievance and appraisal or capability cases are related it may be appropriate to deal with both issues concurrently.

## CONFIDENTIALITY AND PROFESSIONAL RELATIONSHIPS

The appraisal and capability processes will be treated with confidentiality. Only the appraiser's line manager or, where s/he had more than one, each of her/his line managers will be provided with access to the appraisee's plan recorded in her/his statements. This will be done upon request and only where this is necessary to enable the line manager to discharge her/his line management responsibilities. Appraisees will be consulted on requests for access to statements in the context of this policy.

The process of gathering evidence for performance review will not compromise normal professional relationships between staff. The Governing Body recognises that the reviewer will consult with, and seek to secure the agreement of, the reviewee before seeking information from other colleagues about the work of the reviewee.

However, the desire for confidentiality does not override the need for the head teacher and Governing Body to quality-assure the operation and effectiveness of the appraisal system. The head teacher or appropriate colleague might, for example, review all staffs' objectives and written appraisal records personally – to check consistency of approach and expectation between different appraisers. The head teacher might also wish to be aware of any pay recommendations that have been made.

## MONITORING AND EVALUATION

The Governing Body and head teacher will monitor the operation and effectiveness of the school's appraisal arrangements.

The head teacher will provide the Governing Body with a written report on the operation of the school's appraisal 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
- Disability
- Religion and Beliefs
- Age
- Part-time Status
- Maternity and Pregnancy

The head teacher 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 head teacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.