



Shalom Noam Primary School

Staff Capability Policy

September 2023

Staff Capability

Date	Review Date	Coordinator	Nominated Governor
4th September 2023	4th September 2024	Mrs Posen	Mrs Nahva Rose

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007
- School Staffing (England) Regulations 2009
- Equality Act 2010
- School Staffing (England) (Amendment) Regulations 2012

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Teacher Appraisal and Capability (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

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.

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We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

We believe this school policy:

- is an essential part of the school;
- supports staff in managing certain situations;
- forms an important framework that will ensure consistency in applying values and principles throughout the establishment;
- provides guidance, consistency, accountability, efficiency, and clarity on how the school operates;
- provides a roadmap for day-to-day operations;
- ensures compliance with laws and regulations, gives guidance for decision-making, and streamlining internal processes;
- is designed to influence and determine all major decisions, actions and all activities taking place within the boundaries set by them;
- stems from the school's vision and objectives which are formed in strategic management meetings

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

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 ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority 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;
- 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 link governor to:
 - visit the school regularly;
 - work closely with the Headteacher;
 - ensure this policy and other linked policies are up to date;
 - ensure that everyone connected with the school is aware of this policy;
 - report to the Governing Body every term;

Role of the Headteacher

The Headteacher will:

- work in conjunction with the Senior Leadership Team to 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;
- provide the right environment and support for the member of staff
- provide leadership and vision in respect of equality;
- monitor the effectiveness of this policy by:
 - monitoring learning and teaching through observing lessons
 - monitoring planning and assessment
 - speaking with pupils, school personnel, parents and governors

Responsibilities of SLT

SLT 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;
- Meet with the teacher to discuss concerns
- then decide to:
 - dismiss the case
 - 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
 - meet with the Headteacher to discuss concerns
 - organise counselling and support
 - take the case to the Formal Stage

Meeting

Discreet counselling/meeting sessions are designed to encourage and help the teacher to improve.

At the beginning of the counselling/meeting 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 day's 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

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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 a term
- 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 – 8 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

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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 – 8-10 Weeks

The Headteacher will:

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

Week 10

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:

- the Staff Handbook
- meetings with school personnel
- Have it available in School Office

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on induction which specifically covers:
 - All aspects of this policy
 - Performance Management
 - Equal opportunities
 - Inclusion
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

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.

Race Disparity Audit

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

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The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

Monitoring the Implementation and 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.

Headteacher:	<i>Closer</i>	Date:	4 th September 2023
Chair of Governing Body:	<i>M Rose</i>	Date:	4 th September 2023