



Red Rose Primary School

Staff Capability Policy

Approved by: A Brinton - Headteacher
V Jowett - Chair of Governors

Last reviewed on: July 2020

Next review due by: Summer Term 2021- with approval by the Staffing Committee annually

1. Policy Outline

1.1 What is the policy about?

The purpose of the policy is to provide a framework for managing performance where a teacher consistently fails to perform their duties to a professionally acceptable standard.

1.2 Who does the policy apply to?

This policy and procedure only applies to Headteachers and teachers employed by the school whose performance has given serious concern which the appraisal process was unable to address.

The capability procedure for support staff in schools is part of the Schools Disciplinary Procedure.

1.3 Scope of the policy

This policy sets out the framework that will apply when Headteachers and teachers performance falls below the level of competence that is expected of them. This policy will be used when serious concerns about a teacher's performance still remain following the appraisal process and will only be used when the appraisal process has been exhausted.

1.4 Monitoring

This policy, procedure and toolkit will be covered as part of the Headteachers training and development programme.

Training can be provided to enable Headteachers / Chair of Governors to acquire or enhance their skills in handling performance matters.

1.5 Support

It is recommended that teachers who are involved in a capability process are advised to contact their Trade Union Representative at the earliest opportunity so that the union can offer them appropriate advice, guidance and support. Support can also be sought from FirstAssist Telephone Counselling Service - telephone 0800 716017 (quoting scheme number 33679), if the school buys into this SLA.

2. Procedure

This procedure applies to Headteachers and teachers who consistently fail to perform to a professionally acceptable standard and whose performance there are serious concerns about that day to day management support and the appraisal process have been unable to address.

This capability procedure is not designed to be a punitive management process but is intended to encourage improvement in work performance at an early stage before a problem becomes unmanageable. The procedure allows for fair and consistent treatment of teaching staff and through cooperation of all involved, a positive outcome will be achieved.

At each stage of this procedure, the timescale for the required improvement will be indicated after making an assessment of the problem.

Throughout the Schools Capability Policy, Procedure and Toolkit, 'Headteacher' may be substituted by an 'appropriate person', or if the Headteacher is the subject of the procedure 'Headteacher' may be substituted by the 'Chair of Governors' or 'nominated Governor'.

2.1 Informal Capability Performance Meeting (with Headteacher)

Where a teacher does not meet objectives set through the appraisal process they will then be invited to meet with the Headteacher to discuss the concerns. (See the additional information in section 2.8 of the procedure)

The Headteacher should arrange an informal performance meeting with the teacher to discuss the concerns giving at least 5 school days' notice in writing and the notification will give details of the time and place of the meeting. Whilst there is no automatic right to representation at this meeting, the teacher will be afforded the opportunity to be accompanied at this meeting by a Trade Union representative or work colleague. (see toolkit letter 4.1)

The following areas should be discussed with the teacher as part of their ongoing supportive action plan:

- Explain to the teacher which area(s) of their performance is causing concern i.e. is it teaching or leadership.
- Ensure the teacher is aware of the required level of performance.
- Identify if there are any reasons why the performance is causing concern e.g. domestic difficulties or health issues as it may be necessary to deal with this under the appropriate procedure.
- Explain and agree the improvements that need to be made within the teacher's performance.
- Set a reasonable period within which the teacher should achieve the improved performance. Maximum timescale should be no more than 4 school weeks. However, under justified exceptional circumstances and only with the agreement of both parties can the time scale be extended.
- Explain what remedial action needs to be taken and agree an action plan and timescale of support with clear and achievable success criteria.
- Set a date for the informal capability performance review meeting. This should take place as soon as possible after the end of the review period.
- Explain and clarify the implications for the teacher if improvement is not achieved i.e. that the process will move into the formal stage of the procedure.
- A written record of the meeting and the agreed outcomes and actions should be kept and a copy given to the teacher (see toolkit letter 4.2).
- During the review period the teacher's performance should be monitored and the teacher should be supported and kept informed of their progress.

The Headteacher should also consider the following areas of support where appropriate:

- In house training
- Help with planning and content of work and any follow up
- Observation by the teacher of good practice
- Observation of the teacher's work by someone not involved in the process (this could be someone from the school or where appropriate other external support e.g. Local Authority) and after the observation prompt constructive feedback given
- Team teaching with an experienced teacher
- Visits to other schools or workplaces.

A template Supportive Action Plan is included in this toolkit (see toolkit 4.3). This is intended only as an example of a written action plan and can be amended as appropriate to ensure it meets the school's requirements.

At the end of the informal capability performance review period (usual timescale of 4 school weeks from the first meeting) a review meeting should be held to consider the situation.

When the required improvement has been made, the teacher should be told of this and encouraged to maintain the improvement. The teacher's performance will once again be monitored via the appraisal process.

If the action plan has not been met satisfactorily, the formal capability procedure will be invoked and the teacher will be advised as appropriate.

Where a teacher raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to agree to deal with both issues concurrently.

2.2 Formal Capability Performance Meeting (with Headteacher)

Where a teacher fails to meet targets set at the Informal Capability Performance meeting they will then be invited to meet with the Headteacher to discuss the concerns.

At least 5 school days' notice will be given in writing and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a Trade Union representative or work colleague (see toolkit letter 4.4). The teacher must make all reasonable efforts to attend the hearing. If the teacher's chosen representative is not available on the original date for the hearing, the teacher has the right to one postponement. This should normally be within 5 school days of the original date. This time limit can be extended but only in justifiable and exceptional circumstances with the agreement of all parties.

The following areas should be discussed once again with the teacher as part of their ongoing supportive action plan:

- Explain to the teacher which area(s) of their performance are causing concerns, i.e. which of the standards expected of teachers are not being met.
- Ensure the teacher is aware of the required level of performance.
- Identify if there are any reasons why the performance is causing concern e.g. domestic difficulties or health issues.
- Explain and agree the improvements that need to be made within the teacher's performance. (Maximum timescale should be no more than 6 school weeks. However under justified exceptional circumstances and only with the agreement of both parties can the time scale be extended).
- Explain what remedial action needs to be taken and agree an action plan of support with clear and achievable success criteria.
- Set a reasonable period within which the teacher should achieve the improved performance.
- Set a date for an interim performance review meeting.
- Explain and clarify the implications for the teacher if improvement is not achieved.
- A written record of the agreed outcomes and actions should be kept and a copy given to the teacher.
- During the review period the teacher's performance should be monitored and the teacher should be supported and kept informed of their progress. (see toolkit letter 4.5)

The Headteacher should also consider the following areas of support where appropriate:

- In house training
- Help with planning and content of work and any follow up
- Observation by the teacher of good practice
- Observation of the teacher's work by someone not involved in the process (this could be someone from the school or where appropriate other external support e.g. Local Authority) and after the observation prompt constructive feedback given
- Team teaching with an experienced teacher
- Visits to other schools or workplaces.

2.3 Formal Capability Performance Review Meeting (with Headteacher)

At the end of the review period (maximum timescale of 6 weeks from formal capability performance meeting) a formal capability performance review meeting should be held to consider the situation. (see toolkit letter 4.6)

If the required improvement has been made, the teacher should be told of this and encouraged in writing to maintain the improvement. (see toolkit letter 4.7) The teacher's performance will once again be monitored via the appraisal process.

If the action plan has not been met satisfactorily, the Head Teacher will determine whether to extend the period of the formal capability performance review (see toolkit letter 4.8) or to convene a performance hearing. (see toolkit letter 4.9) Either decision must be confirmed in writing to the teacher.

If it becomes apparent at this stage that the poor performance is caused, not by capability, but by a lack of willingness to carry out reasonable duties which is a conduct issue, then the school's formal disciplinary procedure should be invoked (see School's Disciplinary Procedure).

2.4 Performance Hearing (with Headteacher)

At least 10 school days' notice in writing of the time, date and place of the hearing shall be given to the teacher. (see toolkit letter 4.10) The teacher must make all reasonable efforts to attend the hearing. If the teacher's chosen representative is not available on the original date for the hearing, the teacher has the right to have one postponement. This should normally be within 5 school days of the original date. This time limit can be extended by mutual agreement but only in exceptional circumstances and with the agreement of all parties. The teacher should also be offered one alternative date if they are unable to attend due to unforeseen circumstances, such as illness.

The procedure to be followed at the Performance Hearing is included in the toolkit. (see toolkit procedure 5).

At the same time as the notice of the hearing is sent, the teacher shall be:

- Informed in writing of the nature of the concern(s) regarding their lack of capability and will be given copies of all documentation previously shared with the teacher in the form of a report documenting the evidence gathered.
- Sent two copies of all documents to be considered at the hearing, the second copy being provided for the use of the teacher's representative.
- Informed them that they have the right to submit a written statement prior to the hearing and that this will need to be received in sufficient time to allow the Head teacher/Clerk to the Committee to circulate to all parties.
- Asked to acknowledge receipt of the letter and say whether he/she will attend the hearing, accompanied or otherwise.

The Headteacher may determine that an appropriate formal warning needs to be issued. N.B. A teacher will not be dismissed at this stage of the procedure.

When a formal warning is issued the length of the review period will be no more than the duration of 1 term. In cases of particularly serious concern, or where the education of children is in jeopardy, consideration needs to be given as to the appropriate level of

warning i.e. final written warning and this will invoke a review period not exceeding 4 weeks. However, under justified exceptional circumstances and only with the agreement of both parties the timescale can be extended.

A written record of the agreed outcomes and actions should be kept and a copy given to the teacher (see toolkit letter 4.11).

Formal warnings will remain on record in accordance with the following timescale:

- Written warning: 12 months after the issue of the warning.
- Final written warning: 18 months after the issue of the warning

Where a formal warning is issued, the teacher will have the right of appeal against this decision to the Appeals Committee of the Governing Body (see toolkit procedure 7). Appeals should be lodged within 10 school days of the warning being issued.

If an employee's performance improves leading to a return to the appraisal process, any subsequent poor performance within the live warning period will result in the capability process recommencing at the formal stage.

2.5 Performance Review Meeting (with Headteacher)

At least 10 school days' notice in writing of the time, date and place of the meeting shall be given to the teacher (see toolkit letter 4.12). The Headteacher meets with the teacher at the end of the review period which was noted at the performance hearing.

If the required improvement has been made, the teacher should be told of this and encouraged in writing to maintain the improvement (see toolkit letter 4.13). The teacher's performance will once again be monitored via the appraisal process.

If satisfactory improvement has not been made, the Headteacher will either hold another Performance Hearing (depending on how serious the performance issues are and/or the level of warning issued) or will need to refer the matter to the appropriate Committee of the Governing Body for a Final Performance Hearing (see toolkit letter 4.14). The Headteacher will prepare a report to be presented at the hearing.

2.6 Final Performance Hearing (with a Committee of Governors)

At least 10 school days' notice in writing of the time, date and place of the hearing shall be given to the teacher (see toolkit letter 4.15). The teacher must make all reasonable efforts to attend the hearing. If the teacher's chosen representative is not available on the original date for the hearing, the teacher has the right to have one postponement. This should normally be within 5 school days of the original date. This time limit can be extended but only in justifiable and exceptional circumstances with the agreement of all parties. The teacher should also be offered one alternative date if they are unable to attend due to unforeseen circumstances, such as illness.

If the teacher fails to attend the hearing and a valid reason is not provided, then the Committee of Governors will decide whether to proceed in their absence or provide an

alternative date. If an alternative date is provided, the teacher should be advised that if he/she fails to turn up without a valid reason then the hearing will proceed and decisions taken in their absence.

The procedure to be followed at the Final Performance Hearing is included in the toolkit (see toolkit procedure 6).

A representative from Human Resources must attend the Final Performance Hearing. At the same time as the notice of the hearing is sent, the teacher shall be:

- Informed in writing of the nature of the concern(s) regarding their lack of capability and will be given copies of all documentation previously shared with the teacher in the form of a report documenting the evidence gathered.
- Sent two copies of all documents to be considered at the hearing, the second copy being provided for the use of the teacher's representative.
- Informed them that they have the right to submit a written statement prior to the hearing and that this will need to be received in sufficient time to allow the Head Teacher to circulate to all parties.
- Asked to acknowledge receipt of the letter and say whether he/she will attend the hearing, accompanied or otherwise.

At the hearing the appropriate committee of the Governing Body may determine one or more of the following:

- The matter is referred back to the Headteacher for further actions, together with any other recommendations the Committee may wish to make.
- The teacher is dismissed with contractual notice on grounds of poor performance, subject to the right of appeal to the Appeals Committee of the Governing Body.

Where possible, once a decision is reached at the Final Performance Hearing, the teacher will be given oral notification of the decision and the reasons for the conclusion of the hearing. This will then be confirmed in writing by the clerk to the Committee and sent by recorded delivery within 5 school days (see toolkit letter 4.16).

Appeals against the decision to terminate employment are heard by the relevant Appeals Panel of the governing body. The Appeals Committee has the power to uphold or overturn a dismissal decision. Appeals should be lodged within 10 school days of receipt of the letter confirming the dismissal and should clearly state the grounds for appeal.

2.7 Appeal Hearing with Appeals Committee of the Governing Body

At least 10 school days' notice in writing of the time, date and place of the Appeal Hearing shall be given to the teacher. (see toolkit letter 4.17). The teacher must make all reasonable efforts to attend the Appeal Hearing. If the teacher's chosen representative is not available on the original date for the Appeal Hearing, the teacher has the right to have one postponement. This should normally be within 5 school days of the original date. This time limit can be extended by mutual agreement but only in exceptional circumstances. The

teacher should also be offered one alternative date if they are unable to attend due to unforeseen circumstances, such as illness.

If the teacher fails to attend the Appeal Hearing and a valid reason is not provided, then the Committee will decide whether to proceed in their absence or provide an alternative date. If an alternative date is provided, the teacher should be advised that if he/she fails to turn up without a valid reason then the hearing will proceed and decisions taken in their absence.

The procedure to be followed at the Appeal Hearing is included in the toolkit (see toolkit procedure 7).

A representative from Human Resources must attend the Appeal Hearing.

Where possible, once a decision is reached at the Appeal Hearing, the teacher will be given oral notification of the decision and the reasons for the conclusion of the hearing. This will then be confirmed in writing and sent by recorded delivery within 5 school days.

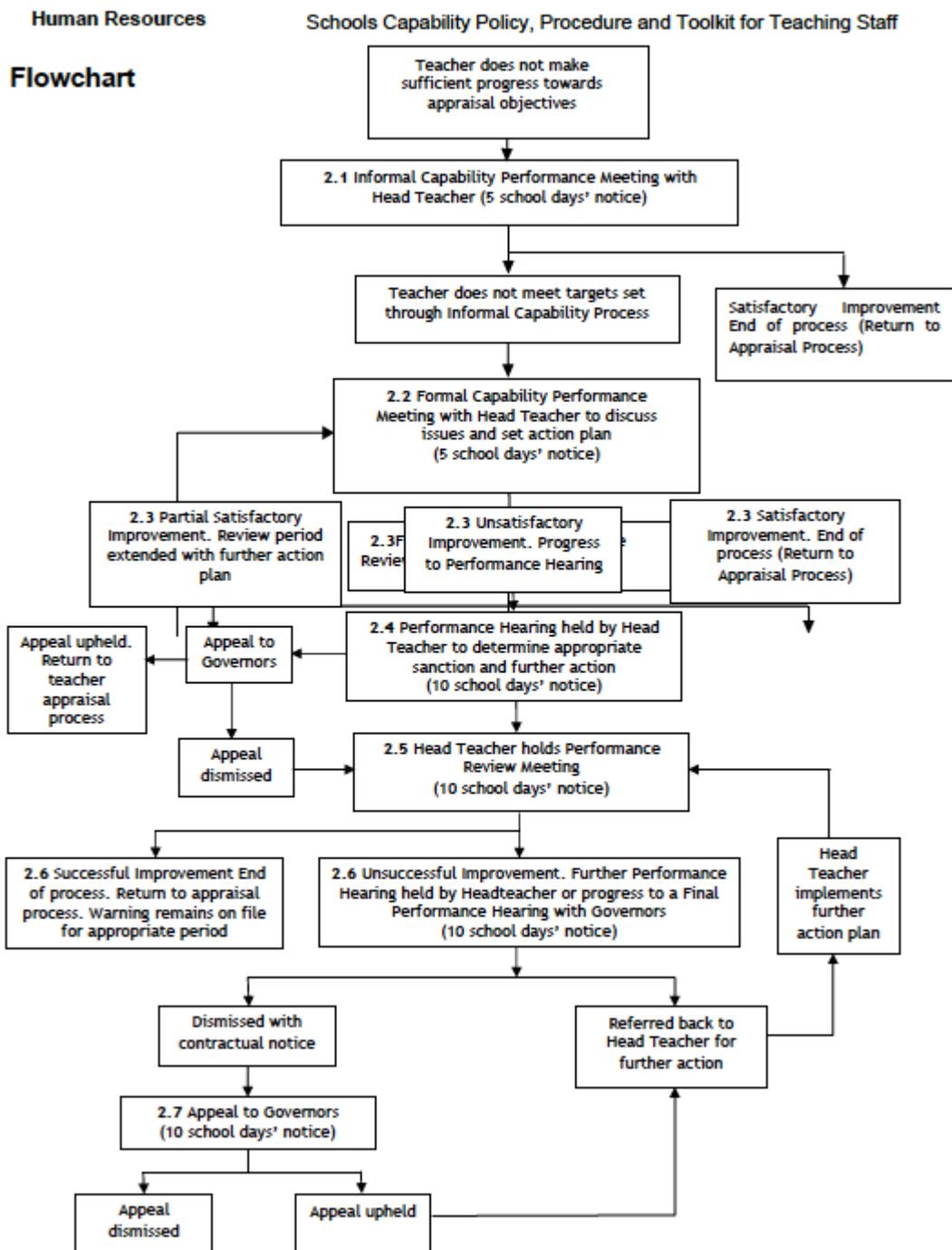
The decision made at this stage is final and concludes the Schools Capability Procedure for Teaching Staff.

2.8 Additional Information

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

Any sickness absence will be managed in accordance with the School's Sickness Absence procedure.

3. Flowchart



Aim High Be Proud

Respect Excellence Determination Responsibility Opportunity Support for Others Equality

www.redroseprimaryschool.com

4. Toolkit

4.1 Invitation Letter to Attend Informal Capability Performance Meeting

Contact tel. no.

E-mail

(DATE)

Strictly Personal and Confidential

(NAME)

(ADDRESS)

Dear (NAME)

To enable us to consider the concerns in relation to your performance, I am arranging an Informal Capability Performance meeting to discuss this with you on (DATE) at(TIME) at(VENUE). The meeting will explore any ways that we may be able to support you and also how best we can address the situation in the future.

Whilst there is no automatic right to representation at this meeting you are afforded the opportunity to be accompanied at this meeting by a Trade Union representative or work colleague

In addition if you have any special requirements, which you would wish to be met to enable you to attend this meeting, then please advise me upon receipt of this letter.

If you are unsure about any of the above or if I can assist you with any further information please don't hesitate to contact me.

Yours sincerely

4.2 Outcome Letter Following Informal Capability Performance Meeting

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME) (ADDRESS)

Dear (NAME)

I refer to the Informal Capability Performance meeting you attended on(DATE) accompanied by(INSERT NAME) at which we discussed the following aspects of your performance under the Schools Capability Procedure, a copy of which has been provided to you.

List areas of work performance discussed

Following the meeting and having given full consideration to the points you raised, I now enclose the completed version of the Supportive Action Plan. Please read this thoroughly and let me know if you have any queries.

I have scheduled an informal capability performance review meeting which will take place on(DATE- max timescale no more than 4 weeks) at(TIME) at(VENUE).

May I remind you that if you have any concerns at any point during this process then please let me know immediately and I will discuss them with you at my earliest opportunity.

Yours sincerely

4.3 Template Supportive Action Plan

Template Supportive Action Plan

Employee: **Job Title:**

School: **Review period:**

Areas for improvement:

(include details of the performance concerns and areas for improvement, linked to appraisal objectives wherever possible) e.g.

- A. Failing to meet performance management objective 1 – ‘To ensure a class approach to teaching independent and creative writing’**
 - i) Failing to ensure that lessons observed in Literacy are at least good;
 - ii) Failing to provide pupils with a wide range of opportunities to develop their writing and to write at length, etc.
- B. etc.**

(insert new rows in table as required)

Areas for improvement	Action/outcome required	Support provided	How will this be measured/monitored & by whom	Review Outcomes
A i)				
A ii)				
B i)				



B ii)				
C i)				
C ii)				

Signature (Employee):

Date:

Signature (Headteacher/Manager):

Date:

4.4 Invitation Letter to Attend Formal Capability Performance Meeting

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

To enable us to consider the concerns in relation to your performance, I am arranging a Formal Capability Performance meeting to discuss this with you on(DATE) at(TIME) at(VENUE). The meeting will explore any ways that we may be able to support you and also how best we can address the situation in the future.

The concerns regarding your performance are detailed in the Supportive Action Plan which you have previously been provided with.

You may be accompanied at this meeting by a Trade Union representative or work colleague. It may be useful to advise your Trade Union as early as possible if you intend them to accompany you, to enable them to make the necessary arrangements.

In addition if you have any special requirements, which you would wish to be met to enable you to attend this meeting, then please advise me upon receipt of this letter.

If you are unsure about any of the above or if I can assist you with any further information please don't hesitate to contact me.

Yours sincerely

4.5 Outcome Letter Following Formal Capability Performance Meeting

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

I refer to the Formal Capability Performance meeting you attended on(DATE) accompanied by (INSERT NAME) at which we discussed the following aspects of your performance under the Schools Capability Procedure a copy of which has been provided to you.

List areas of work performance discussed

Following the meeting, and having given full consideration to the points you raised, I now enclose the completed version of the Supportive Action Plan. Please read this thoroughly and let me know if you have any queries.

May I remind you that if you have any concerns at any point during this process then please let me know immediately and I will discuss them with you at my earliest opportunity.

Yours sincerely

4.6 Invitation Letter to Attend a Formal Capability Performance Review Meeting

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

In accordance with the timescale agreed previously, I confirm that a Formal Capability Performance Review meeting will be held in order to discuss progress against the Supportive Action Plan, which was designed to assist you in addressing previously identified aspects of your work performance.

This meeting will be held under the Schools Capability Procedure, a copy of which was provided to you previously.

The meeting will be held on (DATE) at..... (TIME) at.....
(VENUE).

There are three potential outcomes following the review of your performance: -

Either;

1. Significant and sustained progress has been achieved, enabling the Support Plan process to cease with normal performance management continuing
2. Some significant progress has been made, enabling the process to continue for a further period of monitoring and support, followed by another review
3. Insufficient progress has been made, a Formal Performance Hearing will be arranged.

You have the right to be accompanied at the meeting by a trade union representative or work colleague.

In addition, if you have any special requirements which you would wish to be met to enable you to attend this meeting, then please advise me upon receipt of this letter.

If you have any queries prior to the meeting, please let me know.

Yours sincerely

4.7 Successful Outcome Letter (following a Formal Capability Performance Review Meeting)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

I refer to the recent Formal Capability Performance Review meeting held under the Schools Capability Procedure to discuss your progress against the previously agreed Supportive Action Plan.

I am very pleased to confirm that significant and sustained progress has been demonstrated, enabling the Supportive Action Plan process to cease. Normal performance management arrangements will resume.

I would like to congratulate you on making such good progress and look forward to its continuation. Should you wish to discuss any aspect of your work with me in the future please do not hesitate to do so.

Yours sincerely

4.8 Partially Successful Outcome Letter (following a Formal Capability Performance Review Meeting)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

I refer to the recent Formal Capability Performance Review meeting held under the Schools Capability Procedure to discuss your progress against the previously agreed Supportive Action Plan.

Whilst I am pleased to confirm that you have demonstrated some progress, this is not sufficient to bring an end to the process at this stage.

Accordingly, as discussed, a further period of support and monitoring will take place, with a review on(DATE) at(TIME) at(VENUE).

I enclose a copy of your revised, if you have any comments or concerns about the process, at any time, then please contact me without delay.

Finally, may I acknowledge the progress you have made to date and look forward to its continuation during the next period of monitoring and support.

Yours sincerely

4.9 Unsuccessful Outcome Letter (following a Formal Capability Performance Review Meeting)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

I refer to the recent Formal Capability Performance Review meeting, held under the Capability Procedure, to discuss your progress against the previously agreed Supportive Action Plan.

Following an assessment of your performance, I must confirm that insufficient progress has been made and you are not meeting the standards required in your post of(JOB TITLE).

Accordingly, as discussed arrangements will be made for a Formal Performance Hearing and you will be contacted about this in due course.

Yours sincerely

4.10 Invitation Letter to attend a Performance Hearing (with Headteacher)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME) (ADDRESS)

Dear (NAME)

Performance Hearing

Further to the recent Formal Capability Performance Review meeting and my letter of (DATE), I confirm that you are required to attend a Performance Hearing on(DATE) at(TIME) at.....(VENUE).

Two copies of documents to be considered at the hearing are enclosed with this letter (one copy for your representative) and also a copy of the procedure to be used at the hearing. If you wish to submit a written statement or other documentation to me prior to the hearing please ensure that this information is supplied to me at least 5 school days before the hearing.

You have the right to be accompanied at the hearing by a Trade Union representative or work colleague.

Please confirm whether you will be attending the meeting by signing the enclosed pro-forma, where indicated, and return it in the envelope provided as soon as possible.

If you require any special arrangements at the hearing i.e. accessible venue, please let me know by(DATE).

Should you require any further support you can also contact FirstAssist, the Council's telephone counselling service, for support on 0800 716017. (if the school buys into this SLA)

If you have any questions in relation to this letter, please do not hesitate to contact me on the above number.

Yours sincerely

Enc.:
Performance Hearing Procedure
Performance Hearing Attendance Pro-forma

Performance Hearing – attendance pro-form

(details below to be completed by school prior to sending letter)

Mr / Mrs or Ms

School

I confirm that I *will / will not be attending the meeting to be held in on
..... at

My *representative/colleague will also / will not be in attendance.

* Please delete as necessary

Name:

Signature:

Date:

4.11 Outcome Letter Following a Performance Hearing (with Headteacher)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

Performance Hearing

I write to confirm the outcome of the Performance Hearing held on(DATE) which you attended with(INSERT REPRESENTATIVE DETAILS IF APPLICABLE). As you know, the purpose of the hearing was to consider your performance progress.

(Insert salient points)

I gave very careful consideration to all the evidence presented at the hearing including the submission provided by you and (INSERT NAME OF REPRESENTATIVES IF APPLICABLE).

In reaching a decision I have concluded that:

Insert bullet points of findings together with details of any mitigating factors raised by the teacher. Define the level of continued professional support, advice and guidance to be provided and the length of the review period. It should be clear that failure to improve to a satisfactory standard could result in further action, up to and including dismissal, being taken on grounds of performance.

Insert the following outcomes as appropriate:

In line with the School's Capability Procedure for Teaching Staff, I have, therefore, decided to issue you with(INSERT LEVEL OF WARNING). This warning will remain on your file for a period of(INSERT TIMESCALE).

You should be aware that failure to make the required improvement to a satisfactory standard could result in further action, up to and including dismissal, being taken on grounds of performance.

You have the right of appeal against this decision to the Appeals Committee of the Governing Body. If you wish to exercise this right, you should do so, in writing, to (*INSERT NAME*) within 10 school days of receipt of this letter stating the grounds for your appeal.

Yours sincerely

4.12 Invitation Letter to attend a Performance Review Meeting (following a Performance Hearing with Headteacher)

Contact tel. no.

E-mail

(DATE)

Strictly Personal and Confidential

(NAME)

(ADDRESS)

Dear (NAME)

In accordance with the timescale agreed previously, I confirm that a Performance Review meeting will be held in order to discuss progress against the previously agreed Supportive Action Plan, which was designed to assist you in addressing previously identified aspects of your work performance.

This meeting will be held under the Schools Capability Procedure, a copy of which was provided to you previously.

The review meeting will be held on (DATE) at..... (TIME)
at..... (VENUE).

There are two potential outcomes following the assessment of your performance:

1. If the required improvement has been made, the teacher should be told of this and encouraged in writing to maintain the improvement.

or

2. If satisfactory improvement has not been made the Headteacher will either arrange another Performance Hearing (depending on how serious the performance issues are and/or the level of warning previously issued) or will refer the matter to the relevant Committee of the Governing Body for a Final Performance Hearing.

You have the right to be accompanied at the meeting by a trade union representative or work colleague.

If you have any queries prior to the meeting, please let me know.

Yours sincerely

4.13 Successful Outcome Letter (following a Performance Review Meeting)

Contact tel. no.

E-mail

(DATE)

Strictly Personal and Confidential

(NAME)

(ADDRESS)

Dear (NAME)

I refer to the recent Performance Review meeting, held under the Capability Procedure, to discuss your progress against the previously agreed Supportive Action Plan.

I am very pleased to confirm that significant and sustained progress has been demonstrated, enabling the Supportive Action Plan process to cease. Normal performance management arrangements will resume.

I would like to congratulate you on making such good progress and look forward to its continuation. Should you wish to discuss any aspect of your work with me in the future please do not hesitate to do so.

Yours sincerely

4.14 Unsuccessful Outcome Letter (following a Performance Review Meeting)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

I refer to the recent Performance Review meeting, held under the Capability Procedure, to discuss your progress against the previously agreed Supportive Action Plan.

Following an assessment of your performance I must confirm that insufficient progress has been made and you are not meeting the standards required in your post of(JOB TITLE).

Accordingly, as discussed arrangements will be made for a Final Formal Performance Hearing and you will be contacted about this in due course.

Yours sincerely

4.15 Invitation Letter to a Final Performance Hearing with Governors (to be sent from the Clerk to the Committee)

Contact tel. no.

E-mail

(DATE)

Strictly Personal and Confidential

(NAME)

(ADDRESS)

Dear (NAME)

Final Performance Hearing

I am writing to inform you that you are required to attend a Final Performance Hearing on(DATE) at(TIME) at(VENUE).

At the hearing, the report of the Headteacher will be considered. I enclose, for your information, two copies of documents to be submitted to the hearing panel (one copy for your representative) and also a copy of the procedure to be followed at the hearing.

You have the right to be accompanied at the hearing by a trade union representative, an official employed by the trade union or work colleague.

At this hearing you should be aware that options will be considered which include dismissal. You should be aware that this may be an outcome of this hearing.

If you wish to submit a written statement or other documentation to me prior to the hearing, please ensure that this information is supplied to me at least 5 school days before the hearing.

Please confirm whether you will be attending the meeting by signing the enclosed pro-forma, where indicated, and return it in the envelope provided as soon as possible.

If you require any special arrangements at the hearing i.e. accessible venue, please let me know by(DATE).

Should you require any further support you can also contact FirstAssist, the Council's telephone counselling service, for support on 0800 716017. *(if the school buys into this SLA)*

If you have any questions in relation to this letter, please do not hesitate to contact me on the above number.

Aim High Be Proud

Respect Excellence Determination Responsibility Opportunity Support for Others Equality

www.redroseprimaryschool.com

Yours sincerely

Enc.:

Final Performance Hearing Procedure

Final Performance Hearing Attendance Pro-forma

Final Performance Hearing – attendance pro-forma

(details below to be completed by SGSS prior to sending letter)

Mr / Mrs or Ms

School

I confirm that I *will / will not be attending the meeting to be held in
on at

My *representative/colleague will also / will not be in attendance.

* Please delete as necessary

Name:

Signature:

Date:

4.16 Outcome Letter following a Final Performance Hearing (with Committee of Governors)
(to be sent from the Clerk to the Committee)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

Final Performance Hearing

I write to confirm the outcome of the Final Performance Hearing held on (Date) which you attended with(REPRESENTATIVES DETAILS IF APPLICABLE). As you know, the purpose of the hearing was to consider your performance progress as set out in the report of(INSERT DETAILS). A copy of the report had previously been supplied to you. Also present at the hearing were(INSERT DETAILS).

Governors gave very careful consideration to all the evidence presented at the hearing including the submission provided by you and (insert name of representative if applicable). In reaching a decision Governors have concluded that:

Insert bullet points of findings together with details of any mitigating factors raised by the employee and the Headteacher's response. Also, if appropriate, include the details of earlier written or final written warnings. Include details of continued professional support which has been put in place to try to assist with performance progress.

Insert the following outcomes as appropriate:

Either

Governors have decided that the evidence presented justified the continuation of the Capability Procedure and refer this back to the Headteacher for your future performance to continue to be monitored with a further review by(DATE). You should note that if your performance does not reach the required standard by the further review date then your employment may again be considered for termination.

Or

Governors have decided that the evidence presented justified the termination of your employment due to your incapability to perform the duties of your post to a satisfactory standard. In these circumstances you are issued with (*number*) weeks*/months* notice that your employment will end on(*DATE*).

You have the right of appeal against this decision to the Appeals Committee of the Governing Body. If you wish to exercise this right, you should do so, in writing, to (*INSERT NAME*) within 10 school days of receipt of this letter stating the grounds for your appeal.

If you have any questions in relation to the content of this letter, please do not hesitate to contact me on the above number.

Yours sincerely

cc Schools HR Advice & Support

4.17 Invitation Letter to Appeal Hearing (to be sent from Clerk to the Committee)

Contact tel. no.
E-mail
(DATE)

Strictly Personal and Confidential

(NAME)
(ADDRESS)

Dear (NAME)

Appeal Hearing

Further to your letter of appeal I confirm that you are requested to attend an Appeal Hearing on(DATE) at(TIME) at(VENUE).

You have the right to be accompanied at the hearing by a Trade Union representative, or work colleague.

As this is an Appeal, the documents to be submitted to the panel of the Appeals Committee will be the same as those used at the Hearing, with the addition of your letter of appeal. The procedure to be used is enclosed. In any event, the decision of the Appeals Committee will be final.

Please confirm in writing by(DATE) whether or not you are able to attend and whether your Trade Union representative/colleague will be attending the hearing. If you have any questions in relation to this letter, please do not hesitate to contact me on the above number.

Yours sincerely

Enc.:
Appeal Hearing Procedure
Appeal Hearing Attendance Pro-forma

Appeal Hearing – attendance pro-forma

(details below to be completed by SGSS prior to sending letter)

Mr / Mrs or Ms

School

I confirm that I *will / will not be attending the meeting to be held in on
..... at

My *representative/colleague will also / will not be in attendance.

* Please delete as necessary

Name:

Signature:

Date:

5. Procedure to be followed at the Performance Hearing (with Headteacher)

Statement of case by the Employer

1. The HEADTEACHER will put the case in the presence of the TEACHER and his/her representative.
2. The TEACHER (or his/her representative) will have the opportunity to ask questions of the HEADTEACHER on the evidence given by them.

Statement of case by the Teacher

3. The TEACHER (or his/her representative) will put the case in the presence of the HEADTEACHER.
4. The HEADTEACHER will have the opportunity to ask questions of the TEACHER.

Summing Up

5. The HEADTEACHER and the TEACHER (or his/her representative) will have the opportunity to sum up their cases if they so wish.

Consideration by Headteacher

6. The HEADTEACHER will deliberate in private, only recalling the TEACHER (and his/her representative) to clear points of uncertainty on evidence already given.

Decision

7. When the HEADTEACHER has reached a decision the TEACHER will be invited back in and informed of the decision verbally if requested. Written confirmation will be sent to the teacher within 5 school days.

6. Procedure to be followed at the Final Performance Hearing (with Governors)

The Chair of the Committee will invite all parties present to introduce themselves and their role in the hearing. NB. A representative from Human Resources must be present at the hearing. A representative from School & Governor Support Service may attend if appropriate.

Statement of case by the Employer

8. The HEADTEACHER will put the case in the presence of the TEACHER and his/her representative.
9. The TEACHER (or his/her representative) will have the opportunity to ask questions of the HEADTEACHER on the evidence given by them.

10. The MEMBERS OF THE COMMITTEE, AND LOCAL AUTHORITY REPRESENTATIVES will have the opportunity to ask questions of the HEADTEACHER.

Statement of case by the Teacher

11. The TEACHER (or his/her representative) will put the case in the presence of the HEADTEACHER.
12. The HEADTEACHER will have the opportunity to ask questions of the TEACHER.
13. The MEMBERS OF THE COMMITTEE, AND LOCAL AUTHORITY REPRESENTATIVES will have the opportunity to ask questions of the TEACHER.

Summing Up

14. The HEADTEACHER and the TEACHER (or his/her representative) will have the opportunity to sum up their cases if they so wish.

Parties to Withdraw

15. The HEADTEACHER and the TEACHER (and his/her representative) to withdraw.

Consideration by committee

16. The MEMBERS OF THE COMMITTEE, AND LOCAL AUTHORITY REPRESENTATIVES will deliberate in private, only recalling the HEADTEACHER and the TEACHER (and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

Decision

17. When the COMMITTEE has reached a decision the HEADTEACHER and the TEACHER (and his/her representative) will be invited back in and informed of that decision verbally if requested. Written confirmation will be sent to the teacher within 5 school days.

7. Procedure to be followed at the Appeal Hearing

The Chair of the APPEALS COMMITTEE will invite all parties present to introduce themselves and their role in the hearing. NB. A representative from Human Resources must be present at the hearing. A representative from School & Governor Support Service may attend if appropriate. The purpose of the hearing, how it will be conducted and the powers of the APPEALS COMMITTEE should be explained.

The PRESENTING OFFICER(S) at the appeal hearing will be the Headteacher and/or a nominated Governor from the Final Performance Hearing Panel.

It will depend on the extent of the grounds for appeal as to whether the appeal will require a re- hearing of the facts or whether it may be limited to particular issues such as the extent of the sanction imposed.

Statement of case by the Teacher

1. The TEACHER (or his/her representative) will put the case in the presence of the PRESENTING OFFICER(S).
2. The PRESENTING OFFICER(S) will have the opportunity to ask questions of the TEACHER.
3. The members of the APPEALS COMMITTEE and LOCAL AUTHORITY REPRESENTATIVES will have the opportunity to ask questions of the TEACHER.

Statement of case by the Employer

4. The PRESENTING OFFICER(S) will put the case in the presence of the TEACHER and his/her representative.
5. The TEACHER (or his/her representative) will have the opportunity to ask questions of the PRESENTING OFFICER(S).
6. The members of the APPEALS COMMITTEE and LOCAL AUTHORITY REPRESENTATIVES will have the opportunity to ask questions of the PRESENTING OFFICER(S).

Summing Up

7. The PRESENTING OFFICER(S) and then the TEACHER (or his/her representative) will have the opportunity to sum up their cases if they so wish.

Parties to Withdraw

8. The PRESENTING OFFICER(S) and the TEACHER (and his/her representative) withdraw from the hearing.

Consideration by the APPEAL PANEL

9. The members of the APPEALS COMMITTEE and LOCAL AUTHORITY REPRESENTATIVES will deliberate in private, only recalling the PRESENTING OFFICER(S) and the TEACHER (and his/her representative) to clear points of

uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

Decision

10. When the APPEALS COMMITTEE has reached a decision the TEACHER (and his/her representative) and the PRESENTING OFFICER(S) will be invited back in and informed of that decision if requested. Written confirmation will be sent to the teacher in 5 school days.

8. Further information

8.1 Confidentiality

The school complies with all relevant statutory obligations. For more information please contact the school directly.

The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.

8.2 Publicising/distribution of the policy

A copy of this policy should be held in an easily accessible central location within the school. A copy can also be viewed via the Schools Extranet, if the school buys into this SLA.

New teachers will be informed of the existence of this policy as part of their formal induction.

8.3 Reviewing the policy

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate following necessary consultation with the trade unions and Local Authority.

8.4 Equality and diversity

The Council's vision is of an Altogether Better Durham comprising two key components of an Altogether Better Place which is Altogether Better for People. Within this vision are three key equality objectives, set out in the Single Equality Scheme, to provide high quality accessible services to all, be a diverse organisation and work with others to promote equality countywide. These objectives apply both in the delivery of services and in relation to Durham County Council employment practices. The Council is committed to including equalities in everything that it does. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating a diverse workforce and community.

An equality impact assessment has been carried out in the preparation of this guidance document and the assessment will be reviewed on an ongoing basis.

8.5 Forms / Letters

Letters relating to this policy and procedure will be downloadable from the Schools Extranet. Sample letters are included in this document for information purposes only.

8.6 Contact details

If you would like any further advice, or would like the document in an alternative format, please contact the Schools HR Advice and Support Team, using the contact details below:

Email: schoolshradviceandsupportteam@durham.gov.uk

Tel: 03000 266688