

RUGBY HIGH SCHOOL TEACHING STAFF CAPABILITY PROCEDURE

1 FIRST PRINCIPLES

Rugby High School values all staff and the contribution they make to teaching and learning. From time to time, however, there will be occasions when an individual's performance falls short of that which is required.

Good leadership, clear expectations and appropriate support will go a long way towards addressing weaknesses in performance. Early identification of problems through the appraisal and school's self-evaluation processes will be utilised to avoid the need for formal capability procedures. Every effort will be made to provide informal support and guidance to address such weaknesses. However, in some cases where the informal stage does not bring about improvement and teaching standards are not being met, a more formal approach will be necessary.

This Capability Procedure sets out the process that will be followed in such cases and outlines the timescales for improvement that will be applied.

This procedure has been adopted by the Governing Body who have considered the model procedure recommended by the Department for Education.

This procedure will be used for all staff where there are concerns about an employee's capability. If it is an issue of an employee's conduct, then the School's Misconduct Procedure will be applied.

An employee subject to the formal stages of this procedure is entitled to be represented throughout the process by a colleague or union representative.

2. INFORMAL STAGE

Where there is evidence that suggests a teacher may be under-performing, the head teacher or other line manager should investigate. This may involve returning to see a second lesson (if a lesson is judged to be less than good), asking for further evidence (e.g. to see students' books or the teachers' mark book), in the case of TLR post holders asking for evidence of monitoring, advice issued to staff, employment of strategies to tackle short comings. The chair of governors must make arrangements for an investigation if the performance of the head teacher is in question. Once the facts are gathered if the evidence suggests that there is under-performance, a plan for supporting the employee needs to be negotiated. This might include coaching, observation of others, peer mentoring. If the evidence suggests that there are insufficient grounds for addressing the concerns through the capability process, the remaining concerns may be addressed through the appraisal process. In such cases the Capability process will come to an end at this point.

Coaching

Informal coaching should aim to encourage and help the teacher to improve. It should be conducted discreetly. The teacher must be told what is required, how performance will be reviewed, the review period, and that the formal procedure will commence if there is no improvement. Informal support should not go on for longer than a term. A brief note of any support provided should be kept for reference.

If more serious concerns arise during this period, or if there are no signs of improvement, the formal procedure should be commenced to deal with the matter in a more structured and objective manner.

3. FORMAL STAGE

Formal Capability Meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for head teacher capability meetings) or head teacher (for other teachers). The meeting allows the teacher, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting *for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.*

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, *for example which of the standards expected of teachers are not being met;*
- give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);
- explain any support that will be available to help the teacher improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases will normally be between four and ten weeks; and
- warn the teacher formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the teacher will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period.

The member of staff will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

Formal review meeting

As with formal capability meetings, at least five working days' notice will be given 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 companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If the person conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- If no, or insufficient improvement has been made during the monitoring and review period, the teacher will receive a final written warning.

As before, notes will be taken of formal meetings and a copy sent to the member of staff. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The teacher will be invited to a decision meeting.

Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be given 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 companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory a recommendation will be made to the Staff Dismissals Committee of the Governing Body that the teacher should be dismissed.

Decision to dismiss

The power to dismiss staff in this school rests with the Staff Dismissals Committee of the Governing Body. The case will be heard by a panel of three governors. As with the formal meeting, five days' notice of the hearing will be given and the teacher will be advised of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

Dismissal

Once the decision to dismiss has been taken, the Governing Body will dismiss the teacher with notice.

Right of Appeal

If a teacher feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the teacher.

The appeal will be dealt with impartially and, by governors who have not previously been involved in the case.

The teacher will be informed in writing of the results of the appeal hearing as soon as possible.

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