St Chad's CofE Nursery and Infant School

Teacher Capability Policy

School Leader:	**K Leach**	
Link Governor:	**Rev. A Ward**	
Policy Approved	**Signed: Rev. A Ward**	**Date: 07.06.17**
Policy Reviewed	Signed: Rev. A Ward	Date: 09.06.21
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Individual

DERBY CITY COUNCIL

Teacher Capability Policy

Purpose

The Policy aims to support teachers to achieve and sustain a satisfactory standard of performance. Capability may relate to the teacher's physical or mental capacity, or to their performance.

This Policy deals with underperformance of teachers who have completed their induction, where regular appraisal reviews and the informal procedure for teachers experiencing difficulties have not achieved the desired result of sustained improvement. Capability will therefore be viewed as the last resort.

Document Control

Implementation date	15 July 2014
Authors	Sue Farmery & Linda Theakstone

1 Policy application

1.1 This policy applies to all teachers.

1.2 The Council, in consultation with recognised trade unions, has agreed this policy for adoption by those employed under the delegated powers of Governing Bodies. Governing Bodies are strongly urged to adopt this model policy for all employees within their delegated powers.

2 Principles

2.1 Capability is a process that addresses under- performance issues in the workplace. The process of capability is seen as a last resort, when previous informal processes have been exhausted. Managers/Head teachers will be able to demonstrate that performance issues have been addressed informally at the earliest opportunity using the guidance on Informal Structured Support and Monitoring for Teachers, featured in the Teacher Appraisal Policy.

2.2 Managers/Head teachers must also ensure that all teachers are given feedback on their performance and the opportunity to improve it, if required.

2.3 Managers/Head teachers must take into consideration the following factors when applying this policy.

- Has the teacher had a long period of absence or significant short and intermittent sickness absences?
- Has the teacher received all the necessary training for the role, including any mandatory training?
- Have any reasonable adjustments been identified, have these been implemented. Or do any reasonable adjustments need reviewing?
- Have appropriate targets been set for the appraisal period?

3 Capability

3.1 The capability process applies to all teachers.

3.2 The capability process must not be started unless the manager has already tried to improve the employee's performance using the Informal Structured Support and Monitoring guidance contained in the Teacher Appraisal Policy.

3.3 If the employee's performance has been affected by any of the reasons at 2.3 the manager must take appropriate actions to address these. Employees who have long term sickness or significant short and intermittent sickness absences should be dealt with through the Managing Attendance Policy.

3.4 Where there has been no significant sickness but there could be underlying health issues the manager should refer the employee to Occupation Health.

3.5 This policy also allows both parties, namely, the employee's representative or the Head teacher or Governors, to discuss possible alternative options.

3.6 Where a satisfactory standard of performance has not been achieved and sustained the following stages should be followed:

Meeting Type	Maximum Penalty	Warning expires
Stage 1 Capability Meeting	First written warning	12 months
Stage 2 Capability Meeting	Final written warning	18 months
Stage 3 Capability Meeting	Dismissal	

3.7 In respect of the above meetings employees:

- will have the right to be accompanied by another employee of the School or a trade union representative plus any support as required under the Equality Act 2010.
- will be given a minimum of 10 normal working days' notice.
- should make every effort to attend. They may offer a reasonable alternative time within 5 normal working days of the original date if their companion cannot attend.

3.8 Movement from one stage to another will occur if the employee fails to achieve and sustain a satisfactory level of expected performance within a stated period of time. This is usually half a term, as a minimum.

3 Appeals

4.1 Should employees wish to appeal against any sanction issued throughout the capability procedure Employees have the right to appeal against the outcome of the capability procedure.

4.2 An employee has seven working days of receiving a decision to make an appeal, in writing, to the Chair of Governors.

4.3 The Appeal will be heard by a Governor Appeal Panel and, other than in exceptional circumstances, will be held within 10 working days (pro-rata for part-time staff) of receipt of the written request.

5 Support and guidance

5.1 Guidance, supportive information and documentation is available from your manager/Head teacher.

6 Roles and responsibilities

6.1 The roles and responsibilities of key stakeholders are summarised in Appendix 1.

MANAGING TEACHER CAPABILITY - ROLES AND RESPONSIBILITIES APPENDIX 1

Governing Body	Line Manager/Head teacher	Employee	Human Resources
Fairness and equality			
To ensure this policy is implemented in a fair, consistent and non-discriminatory manner	To provide reasonable adjustments as required	To notify manager/Head teacher of reasonable adjustments required	Provide advice and guidance to managers/Head teachers and employees.
General operation of			
To ensure managers/Head teachers carry out their responsibilities			Provide advice and guidance to managers/head teachers and employees.
Teacher Capability Policy			
Carry out stages 1,2 and 3 where appropriate	Carry out appraisal review meeting. Ensure targets are set for appraisal period Raise and discuss performance issues promptly at Teacher Appraisal reviews Prepare for stage 1 of process if required If a satisfactory and sustained improvement is not achieved within the stated period		Provide advice to managers/Head teachers and employees Provide advice and attend meetings at stages 1, 2 and 3

Governing Body	Line Manager/Head teacher	Employee	Human Resources
	arrange stages 2 and 3 as required		
Document retention			
	Ensure confidentiality in line with the School's data protection and IT policies	Keep a copy of documents and decision letters	Ensure confidentiality in line with the School's data protection and IT policies Ensure information is processed and that key letters are placed on the employee's personal file