

Capability Policy (Support)

The school and governing body expects the highest standards of performance from all its employees and the purpose of this policy provides a framework for when a member of support staff within school fails to perform their duties to the standard required.

Please refer to the School's Capability Policy (Teaching) on the extranet if there are matters concerning any member of teaching staff.

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1 Identifying capability issues

It is the headteacher's responsibility to identify shortcomings in employee performance at the earliest opportunity. Initially, this should be addressed through day to day management and 1-2-1 sessions, however, where performance continues to fall short of the expected standards and has not improved with normal day to day support, the following procedure should be followed.

Headteachers are encouraged to contact the HR Advice and Support team for advice on how to manage the process.

2 Informal stage

2.1 Initial meeting

The headteacher will arrange a meeting with the employee, giving them reasonable notice of the date, time and purpose of the meeting. The meeting will aim to clarify:

- The nature of the performance concerns
- The expected standard of performance
- An agreed action plan including identified support
- Timescales for improvement and review dates: and
- The potential consequences of not achieving the required improvements in performance

Whilst there is no statutory right for an employee to be accompanied to meetings during the informal stage of the process, any request from an employee at this stage will be accommodated.

2.2 Action plan

An action plan will be completed by the headteacher, encompassing ideas and suggestions from the employee, along with any identified support. The action plan should be based upon a realistic timescale for improvement (usually between 4 and 8 weeks) depending upon the role and the degree of under-performance.

The following are examples of support that may be appropriate and should be considered:

- In school training
- Individual coaching by the Headteacher or experienced member of staff
- Observation by the employee of good practice

- A modified workload or responsibilities for a specified period
- Work sharing/team working with experienced person
- Visits to other suitable workplaces

Headteachers should ensure that written records of all meetings with the employee are retained and the agreed action plan and any other associated documentation should be shared with the employee.

The employee must be advised that failure to improve as required by the action plan may result in the formal stage of the procedure being instigated.

2.3 Review meetings

Regular review meetings will be held throughout the agreed timescale to discuss and record progress against the agreed action plan. It also provides the headteacher with an opportunity to give feedback and for the employee to highlight any areas of concern, or further support required throughout the review period.

At the end of the agreed action plan period, a final review meeting will be held with the employee to assess their overall progress.

- If satisfactory improvement has been achieved, this will be noted on the action plan and individual's performance will be managed as part of normal day to day management.
- If satisfactory performance has not been achieved, the Head Teacher will need to determine whether it is reasonable to extend the action plan of support, or whether to progress to the formal stage of the procedure.

Headteachers should recognise that capability problems may be outside the employee's direct control and can be symptomatic of underlying work problems or other personal issues. Consequently, there is a need to treat all capability issues with care and sensitivity and the employee should be provided with the opportunity to explain the reason why they feel their performance is being affected.

3 Formal stage

Where satisfactory improvement in performance has not been achieved within the agreed timescale, the headteacher can progress the case to a performance hearing and this should be confirmed in writing. Please refer to section 6 of the Disciplinary Policy for further information about conducting the performance hearing.

The headteacher is responsible for preparing a report to be used at the disciplinary hearing and this should demonstrate the support that has been put in place and that the informal stage of the procedure has been exhausted.

A suggested framework for the report should include:

- A brief introduction to the circumstances of the case
- Relevant background information on the employee, including job description
- A chronology of events and outline of timescales, including how the issues came to light and the events that have happened since i.e. review meetings
- Details of the issues/concerns and the support programme that has been in place
- A summary of the findings

- All documentary evidence should be attached as appendices i.e. action plans, minutes of meetings

A template report is available on the extranet.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

Telephone	03000 266688
Email	hradvice@durham.gov.uk

Further support can be accessed by contacting (subject to SLA buy in):

Payroll and Employee Services	pesschools@durham.gov.uk
Occupational Health	occhealthadmin@durham.gov.uk
Health and Safety	hsteam@durham.gov.uk
Employee Assistance Programme	www.healthassuredeap.com Username: durham Password: council 0800 716017

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MM	v 1.1	September 2020	September 2021

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

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.