



“All different, all equal, all achieving together”

Capability Procedures for Teachers

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Contents

Introduction..... 3

Scope..... 3

Formal capability procedure..... 3

 Notification of formal capability meeting..... 3

 Formal capability meeting 3

Monitoring and review period 4

Formal review meeting..... 4

 Satisfactory improvement in performance: 4

 Unsatisfactory improvement in performance: 4

Decision meeting..... 5

 Satisfactory improvement in performance: 5

 Unsatisfactory improvement in performance: 5

Appeal 5

Introduction

Learn@ MAT wishes to support its staff to achieve their full potential through regular monitoring and feedback. This Procedure applies to all education staff, including teaching staff, the leadership team and the executive.

Scope

This Procedure supports leaders, managers, teachers and all education staff in improving performance to the required standard within a reasonable time period.

The formal capability procedure shall be used where there are serious underperformance concerns that it has not been possible to support and address through day-to-day performance management and/or Learn@ MAT's Appraisal Policy.

If the concern is that an employee is not achieving an acceptable standard of performance because of (a) misconduct, this should be addressed under our Disciplinary Procedure or (b) sickness or ill health, it may be appropriate to address this under Learn@ MAT's sickness management procedure.

For performance issues relating to teachers within the Executive/Central Team the Headteacher's role will be undertaken by the CEO and the Academy Council's function will be undertaken by the Trustees.

When this Procedure applies to the Headteacher, the term "Headteacher" will be substituted with "the CEO and a nominated Academy Councillor" and "teacher" with "Headteacher". Where the policy refers to teachers this may be any Educational Staff employee, including Leadership, teachers, HLTA's, Learning Mentors, Pastoral Support Workers, Residential Care Workers and Education Support Staff.

Formal capability procedure

Notification of formal capability meeting

Teachers will be given reasonable notice of a formal capability meeting setting out sufficient information about the performance concerns and the possible consequences to enable the teacher to prepare to respond at the meeting. The teacher will be provided with copies of any supporting evidence. Teachers will be advised that they may be accompanied to the formal capability meeting.

Formal capability meeting

This meeting is intended to establish the facts and will be conducted by the Headteacher. The meeting allows the teacher to respond to the performance concerns and make any relevant representations.

If the Headteacher is of the view that there are serious underperformance concerns that need to be addressed during this meeting, or any other meeting which could lead to a formal warning being issued, they 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, for example, the setting of new objectives focused on the specific weaknesses that need to be addressed);
- 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 should ideally be anywhere from 4 to 7 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 or other serious implications such as no pay progression.

Monitoring and review period

This period follows the formal capability meeting. During this period regular meetings should take place in a confidential environment and be conducted in a supportive manner.

The teacher will then be invited to a formal review meeting (unless a final written warning as issued in which case they will be invited to a decision meeting).

Formal review meeting

Teachers will be given reasonable notice of a formal review meeting and will be advised that they may be accompanied.

Satisfactory improvement in performance:

If the Headteacher is satisfied that a sufficient improvement in performance has been achieved, the formal capability procedure will conclude. If performance subsequently becomes unsatisfactory at any time in the a period of 12 months from the date of the formal review meeting this formal capability procedure may be re-commenced at this stage.

Unsatisfactory improvement in performance:

If the headteacher is not satisfied that there has been a sufficient improvement in performance:

- The monitoring and review period may be extended; or
- A final written warning may be issued, and the teacher will be informed that failure to achieve a satisfactory standard of performance within the set timescale may result in dismissal. The teacher will be informed of their right of appeal against the sanction of the final written warning and the

further period of monitoring and review that follows the final written warning.

Decision meeting

Teachers will be given reasonable notice of a formal decision meeting and will be advised that they may be accompanied.

Satisfactory improvement in performance:

If the Headteacher is satisfied that a sufficient improvement in performance has been achieved during the extended monitoring and review period, the formal capability procedure will conclude. If performance subsequently becomes unsatisfactory at any time in the a period of 12 months from the date of the decision meeting this formal capability procedure may be re-commenced at this stage.

Unsatisfactory improvement in performance:

If the Headteacher is of the view that performance remains unsatisfactory, a decision, or recommendation to the body with authority to dismiss in accordance with the delegated authorities of Learn@, will be made that the teacher be dismissed. The teacher will be informed in writing of any decision to dismiss with notice, including the effective date of termination of employment and their right of appeal.

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, as set out in their notice of termination of employment. Any appeal should set out the grounds for appeal. Teachers may be accompanied to any appeal meeting. An appeal should be dealt with by someone impartial, not previously involved in the formal capability procedure.

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