



Bridgwater College Trust

Teacher Capability Policy

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Written by: Bridgwater College Trust

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Signature of Andy Berry On behalf of sponsor		Date
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Review by full Board of Trustees	
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Policy

Teacher Capability Procedure

This procedure applies to teaching colleagues including those in leadership positions including Head teachers and the Chief Executive Officer of the Trust about whose performance there are serious concerns that support has been unable to address. When the formal capability process is instigated, the 'Growing Great Teachers' Policy is suspended.

The Capability Procedure does not apply to NQTs whilst they are undergoing statutory induction.

Formal capability procedures will only apply after the following has occurred:

- 1) It is identified that a teacher is failing to meet the agreed standards for their post over a period of time. These are set out in the Growing Great Teachers Policy.
- 2) Concerns about not meeting the agreed standards have been discussed with the colleague and support has been identified and provided to enable them to meet the agreed standards. Sufficient time has been allowed for this support to take effect. This stage is called Pre-capability. Details are set out below.
- 3) The colleague continues to fail to meet the agreed standards or too little progress is being made in meeting these standards even with additional support being provided.

At least five working days' notice will be given for any meeting related to pre-capability or capability. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the 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.

Pre-capability meeting

This meeting is intended to establish the facts. It will be conducted by the Principal of Bridgwater College for the CEO. The Headteacher at which the colleague teaches will otherwise conduct the meeting 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 pre-capability issue and that it would be more appropriate to continue to address the remaining concerns through on-going monitoring of performance. In such cases, the pre-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, 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 is expected to be no less than 6 and no more than 10 working weeks and;
- warn the teacher formally that failure to improve within the set period could lead to capability.

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 pre-capability meeting

A performance monitoring and review period will follow the pre-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 and that they now meet the agreed standards, the pre-capability procedure will cease and the growing great teachers 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 move into capability.

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.

Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the Principal of Bridgwater College for the CEO. The Headteacher at which the colleague teaches will otherwise conduct the meeting 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 on-going monitoring of performance. 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 is expected to be no less than 6 and no more than 10 working weeks and;
- warn the teacher formally that failure to improve within the set period could lead to capability.

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 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).

Decision meeting

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 growing great teachers process will re-start. If performance remains unsatisfactory, a decision, or recommendation to the CEO, will be made that the teacher should be dismissed.

The teacher will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Decision to dismiss

The authority and power to dismiss staff has been delegated to the CEO by the Board of Trustees.

Dismissal

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

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 by the Principal of Bridgwater College.

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

General Principles Underlying This policy

This policy will be implemented in accordance with the Equality Act 2010

ACAS Code of Practice on Disciplinary and Grievance Procedures

This policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

Confidentiality

The capability processes will be treated with confidentiality.

Consistency of Treatment and Fairness

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

Definitions

Unless indicated otherwise, all references to "teacher" include the CEO and Academy leaders.

Delegation

Normal rules apply in respect of the delegation of functions by Trustees and Headteachers.

Grievances

Where a member of staff 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 deal with both issues concurrently.

Sickness

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the Academy's absence policy and will be referred immediately to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

Monitoring and Evaluation

The Board of Trustees and the Chief Executive Officer will monitor the operation and effectiveness of the Trust's appraisal arrangements.

Retention

The Board of Trustees and the Chief Executive Officer will ensure that all written appraisal records are retained in a secure place for six years and then securely destroyed in accordance with the Trust's retention and destruction policy.

