

Bishop Hedley RC High School
Ysgol Uwchradd Gatholig Esgob Hedley

Staff Capability Policy

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1 Scope and Purpose of the Policy

1.1 This policy applies to all groups of Bishop Hedley High School staff who have successfully completed their probation period and establishes guidelines for staff in relation to the management of under-performance.

1.2 This policy is designed to ensure that cases of under-performance are dealt with similarly and fairly, with the prime objective of improving an individual's performance to the required level. Statute 18, which relates to the Discipline, Dismissal or Removal from Office of academic staff, will be followed in the later stages of this policy, in the case of academic staff.

1.3 Bishop Hedley High School has a responsibility for setting realistic and measurable standards of performance, for explaining these standards carefully to members of staff and for supporting staff to achieve the standards set.

1.4 All new members of staff will have their job explained carefully to them on arrival at Bishop Hedley High School, will be given a copy of, or referred to, any written guidance that exists in relation to their area of work and will be given appropriate training and support to become familiar with it. Staff must also be made aware of the standards expected of them and where expectations change and evolve over time.

1.5 All members of staff have a contractual responsibility to perform their duties to an acceptable standard and they should be given all reasonable support and encouragement to do so.

1.6 For the purpose of this policy an individual's capability to do their job is assessed by reference to their skills, qualifications, aptitude, health or any other physical or mental quality.

2 Informal Stage

Stage 1

2.1 When there is evidence that an individual is not performing at an acceptable level, the Headteacher will investigate the circumstances without delay and endeavour to ascertain the reasons for the unsatisfactory performance. If, following this examination, the Headteacher considers that the individual's performance is deficient in some material respect, an informal discussion with the member of staff will be arranged. At this meeting the Headteacher will:

1. make clear the areas in which the individual's performance is below expectations (explaining the grounds / evidence for this view) with the aim of identifying any problems or reasons for the under-performance, which could be resolved. Solutions to the problem could include additional training, providing a mentor, coaching or some other kind of ongoing support to the individual.
2. give the individual the opportunity to explain their under-performance and to raise any concerns they may have about the job, or the support and guidance they have been given to do it.
3. ensure that the member of staff is aware of the level of performance / productivity required in relation to each element of the duties about which there is a concern.
4. set a reasonable time frame within which improvement is expected and arrange a further meeting at the end of this time to review the situation.

2.2 The content and outcome of this meeting will be confirmed by the Headteacher in writing to the individual, including the type of improvement required, any additional support or training that will be provided, any other agreed actions and the timescale for improvement and review.

2.3 When discussing under-performance the Headteacher must be specific about their concerns and must demonstrate evidence and/or give examples to support their assertions.

3 Formal Stages

3.1 Stage 2

a) If there is continued unsatisfactory performance or where a first instance of unsatisfactory performance is sufficiently serious to warrant formal action (e.g. where health & safety is at risk or significant costs or

other liabilities are involved) the member of staff should be invited to a formal interview to discuss the matter. At this meeting the individual will have the opportunity to explain their unsatisfactory performance. At this interview the member of staff will be reminded of the earlier informal discussions (where these have happened) and the steps taken to support an improvement in their performance. They will be told as precisely as possible, the reasons for the Headteacher's continued concerns about their performance. If, having heard any explanations offered by the member of staff, the Headteacher remains concerned, a **FORMAL CAUTION** will be given for unsatisfactory performance. This will be confirmed in writing to the individual.

b) This caution will be placed on the individual's HR file and will be disregarded after a period of 12 months.

c) At this interview further consideration should be given to any additional training or support that could reasonably be provided to the member of staff to enable them to reach the required standard of performance. A reasonable time period will be set within which improvement is expected and a further meeting arranged at the end of this time to review the situation.

3.2 Stage 3

a) If there has been insufficient improvement in performance within the timescale following the formal caution a further formal interview will be held with the individual. At this interview the Headteacher will review the history of the case, including the steps that have been taken to support the individual to achieve the required level of performance. If, having heard the explanation offered by the member of staff, the Headteacher remains concerned a **FINAL CAUTION** will be issued for unsatisfactory performance. This will be confirmed in writing. The member of staff will:

Staff Capability Policy

- b) be informed that their job will be at risk if satisfactory performance levels cannot be achieved and subsequently maintained.
- c) This caution will be placed on the individual's HR file and will be disregarded after a period of 12 months.
- d) Further consideration should be given to any additional training or support that could reasonably be provided to the member of staff to enable them to reach the required standard of performance. A review period will be set within which improvement is expected and a further meeting arranged at the end of this time to review the situation.

3.3 Stage 4

- a) If there has been insufficient improvement in performance within the timescale following the final caution, a further formal interview with the member of staff will be held. At this interview the Headteacher will review the history of the case, including the steps that have been taken to support the individual to achieve the required level of performance. The individual's explanation will be heard and considered. A decision will then be taken to either dismiss the member of staff on the grounds of capability or to extend the final caution to allow further time for improvement and maintenance of any improvement. The Headteacher will confirm this decision and the reasons for it in writing to the individual. The option of allowing further time for improvement may only be considered if there is evidence to persuade the Headteacher that further time is likely to lead to the required improvement in performance.
- b) In the case of academic staff, the Discipline, Dismissal or Removal from Office procedure enshrined in Statute 18 will be followed at this point.

4 Ill-health / Poor Attendance

4.1 An individual's capability to carry out their role to the expected standard may be affected by their health and their attendance record.

Staff Capability Policy

(This is less likely to be the case where staff work a flexible or irregular work pattern).

4.2 The procedure for managing long-term periods of sickness absence (four weeks or more) is set out in full in the Sickness Absence Policy.

4.3 The early stages for managing repeated short-term absence is also set out in Bishop Hedley High School's Sickness Absence Policy. Where the second Sickness Absence Review meeting does not however produce the required improvement in attendance, the situation will then be managed through this policy. A Stage 3 formal meeting will be held at which any explanations offered by the individual will be discussed. A FINAL CAUTION may be given for unsatisfactory attendance, if the Headteacher remains concerned and this will be confirmed in writing. The member of staff will be informed that their job will be at risk if satisfactory attendance levels are not achieved and maintained.

5 Notification & Representation

5.1 A member of staff will receive 7 working days advanced notice in writing of any formal interview arranged under this policy (unless the employee agrees to less in writing). At all such interviews the member of staff has the right to be accompanied by a work colleague or trade union representative.

5.2 Where an individual's representative is unable to attend the meeting at the notified time, the meeting will be postponed and rescheduled to an alternative time within 5 working days.

6 Right of Appeal

6.1 An individual has the right to appeal against any formal action taken against them in line with this policy and must do so by writing to the Director of Human Resources, within 7 working days of the date of receipt of written confirmation of the action taken against them, stating their grounds for appeal.

6.2 The appeal will be heard by three senior managers not previously involved in the case. The panel should reflect a varied profile in terms of race, sex, disability, religion and sexuality wherever possible. The appeal hearing will take into account any new evidence that either party may present and consider its relevance to the sanction imposed.

6.3 Where an appeal is upheld, reference to the caution or dismissal will be disregarded. Alternatively, the outcome of the appeal hearing may be to impose a lesser penalty e.g. a final caution instead of dismissal, or to shorten the period for which the caution was originally issued. The outcome of the appeal will be set out in a letter to the employee from the HR Division.

6.4 If an employee is successful in appealing against summary dismissal, they will be paid in line with their contract of employment in respect of the period from dismissal to reinstatement, as if the dismissal had never taken place.

- Lateness is normally managed through the Disciplinary Procedure

Ratified: 09/10/18

To be reviewed: Autumn 2020