**Document Control Sheet**

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**Model Capability Procedure**

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1. **Introduction**

This school seeks to provide each employee with the direction, development and support necessary for a productive and rewarding career. This procedure ensures that the school has a fair and consistent framework for dealing with capability matters effectively, consistently and in a timely manner to ensure the employee discriminated against.

# This procedure sets out the process for line managers/headteachers when dealing with capability concerns.

# The Capability Procedure is designed to:

# support staff to meet agreed standards of behaviour, conduct and job performance

# deal fairly and consistently with employees who do not meet the required standards and identify ways to help them improve

# be applied in a consistent, fair, prompt, and supportive way.

An employees performance may sometimes raise concerns. Evidence may suggest they are unable to carry out the duties and responsibilities of their role to an acceptable standard. This could be due to a lack of capability, aptitude, skill, or ability and not through any lack of willingness or effort on the employees part. One important factor will be the impact of the employees performance on pupils’ achievement, progress, and well-being.

Another reason for concerns about performance may be genuine but unacceptable absence due to ill-health. This may affect the long-term ability for employees to carry out the requirements of the role and may have a detrimental effect upon service delivery. In these circumstances, issues should be addressed by using the absence management procedures.

# This policy has been subject to full and meaningful consultation with the recognised Trade Unions. The policy will be reviewed in line with any legislative or organisational change.

For specific advice and guidance, line managers should refer to their named HR Consultant.

1. **Scope**

This procedure applies to all teaching, leadership, and support staff in maintained schools (including those seconded to other schools or organisation’s) in which the governing body has adopted them for use.

Where the concerns relate to the Headteacher, please see Headteacher section 11.

This procedure also applies to teaching staff employed within Pupil Referral Units and local authority employed ‘unattached teachers’ and Further Education (FE) staff. This policy will specify where there are differences from schools‑based staff, for example, in relation to the decision to dismiss and the route for any subsequent appeal against the decision.

The schools concerned are those Community and Controlled schools which have delegated budgets under section 45 of the School Standards and Framework Act 1998, or successor legislation. The Education (Modification of Enactments relating to Employment) Order 1999 provides for the governing bodies of schools concerned to be deemed the employer for the purpose of this policy.

The governing bodies of Voluntary Aided or Foundation Schools maintained by Suffolk County Council may also adopt this policy, with appropriate modification to reflect the governing body is the employer.

An employee working within a school but employed on another organisation’s terms and conditions of employment should be managed under their appropriate policy/procedure.

1. **Exclusions**

The disciplinary procedures exists to deal with misconduct, wilfully underperforming, refusal to follow instructions, negligence, and other similar concerns.

The assessment and treatment of employees during induction, probationary period, or early career framework (including Early Career Teachers), or similar, will be dealt with according to the terms of their contract unless the employee’s performance falls so far below professionally acceptable standards as to require immediate action.

Separate guidance also exists for dealing with problems arising from alcohol dependence. However, this procedure may be applied where this or substance abuse has a significant effect on the employee’s performance.

1. **Purpose**

# While it is important to deal with capability issues fairly and effectively, it is just as important to look at ways of preventing problems escalating in the first place, for example, through;

# careful recruitment, selection, and training;

# clear standards, expectations, and effective communication;

# regular supervision and performance development reviews;

* identification and assistance in resolving underlying problems.

Many factors can contribute to poor performance, including those which are not directly

related to the workplace. Assistance with resolving underlying issues could include reference

to:

* The Wellbeing Service
* Referral to Occupational Health (where appropriate).

Good performance management is an all-year process, with regular supervision and feedback. Concerns about performance should be addressed promptly and not left until formal review meetings.

The purpose of the capability procedure is to:

* Positively and constructively support employees to improve their performance through advice, guidance and support, when it is identified that they are not performing to the required standard.
* Ensure that all employees are treated in a fair, consistent, understanding and timely manner and in accordance with all relevant legal requirements
* Contribute towards the improvement of the performance and effectiveness of the school
* Support managers in carrying out their responsibilities for the maintenance of high standards of work performance by all employees
* Ensure the employee is aware of each stage of the procedure and the possible outcomes
* Ensure all members of the school community receive services of the highest standard.
1. **Application of the procedure**
	1. **Normal Performance Management Arrangements**

# In many cases, the right word, at the right time and in the right way may be all that is needed to address poor performance. Managers must, in the first instance, seek improvement through normal performance management. This should include a two-way discussion, with the objective of encouraging and helping the employee to improve and for the improvement to be sustained. Although there is no right for the employee to be accompanied at this stage, it may be helpful for the employee’s Trade Union representative to be involved at an early stage. Additional training, coaching or advice may be agreed.

Informal feedback on performance does not form part of this procedure as this should be given through ‘normal performance management arrangements’ i.e. performance review meetings, one-to-one meetings, etc.

Feedback through normal performance management arrangements must include positive, proactive feedback on performance and constructive feedback when performance is not at the required standard – this must include:

* confirmation of the required standard,
* the standard the employee is currently performing at,
* an agreement of how the required standard will be achieved, the consequences if standards are not achieved
* outcomes once standards are achieved.

Every effort should be made to resolve performance issues on an informal basis.

Live informal capability processes will not be mentioned in a reference.

Where concerns continue, line managers should follow the steps contained at 5.3 of this policy to progress to the next stage of the procedure and seek advice from your HR provider if required.

* 1. **Timescales**

Capability issues should normally be resolved within ten to twelve weeks (see timeline at Appendix 1). However, it is acknowledged that there may be circumstances when the process will take longer to complete. These may include annual leave, working patterns or disability where reasonable adjustments need to be made under the Equality Act 2010. Where this is anticipated, advice must be obtained from the Schools’ HR Provider.

The period of monitoring and support under a first or final written warning will not normally exceed six weeks, (excluding school closure periods where appropriate), according to the needs of the individual and the school. Whilst every effort should be made to agree the appropriate length of this period of monitoring, where agreement cannot be reached, it will be set by the line manager/headteacher.

* 1. **Progressing to the next stage of the procedure**

All employees should progress through each stage of the procedure, and in accordance with agreed timescales.

Exceptions can apply in the following circumstances and consequently, line managers/headteachers can decide to progress the employee to the next stage of the procedure earlier than agreed if they:

* Are deteriorating in their performance
* Are not meeting the targets in the agreed Development Plan.
1. **Informal stage**

The employee should be invited to an informal meeting to discuss the performance concerns. There is no requirement to give notice of this meeting or for the invitation to be in writing.

At this meeting, discussions should include clear advice about the agreed improvements needed, support available and how and when the employee’s performance will be reviewed. Any relevant training and specific support should be identified, such as mentoring or shadowing.

When an employee meets the disability definition under the Equality Act 2010, reasonable adjustments should be put in place to support the employee in undertaking parts of the job which places them at a substantial disadvantage compared to non-disabled employees. This may require a referral to Occupational Health to understand the reasonable adjustments needed.

An informal action plan will be written in conjunction with the employee which will include the objectives linked to the improvement of the employee’s performance for the agreed review period.

SMART principles should be used to assist with setting objectives, i.e.:

# Specific – they are well defined

# Measurable – both quantitatively and qualitatively

# Achievable – they are not set too high to make it impossible to achieve them

# Resourced – the resources necessary are readily available

# Timed – the timescales set are reasonable.

Following this meeting the line manager/headteacher, using template letter PM2, will send a letter to the employee within XX days of the meeting to confirm the discussions, the review period, a date for a review meeting, and should enclose a copy of the informal action plan. The letter will also confirm that if there is no appropriate or sustained improvement action then the school may proceed to the formal stages of the school’s capability procedures

# The employee should be invited to regular meetings to discuss their progress and discuss the informal action plan.

# At the final review meeting, the line manager/headteacher will review and assess whether the objectives set out in the informal action plan have been achieved. This assessment will be based on evidence collated to date which may have been obtained from a variety of sources, as well as assessing the impact of the additional support. The line manager/headteacher will then confirm to the employee whether:

* All targets have been met so no further action is needed,
* Further support is needed as part of normal performance management
* Most or all of the targets have not been met so formal action under this procedure, the employee will move to formal stage 1 capability

In all cases, the outcome will be confirmed in writing to the employee within XX days of the final review meeting.

Where the recommendation is made to take formal action under this procedure because the employee has made insufficient improvement despite the support and monitoring, the employee will be invited to a formal meeting under Formal Stage 1 of the procedure (template letter PM4).

1. **Formal stage 1 Meeting (written warning)**

* 1. **Purpose**

The purpose of Formal Stage 1 is to support the employee in improving their performance to

meet the required standard against an agreed Development Plan.

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors

(for headteacher capability meetings) or the headteacher (or other senior school leader/the

employee’s line manager) for other employees. The meeting allows the employee 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 and available.

* 1. **Procedure**

The employee will be sent a letter inviting them to attend a formal capability meeting. They will

be provided with at least ten working days’ notice of the meeting

 . The notification will contain sufficient information about the performance

concerns and the possible consequences to enable the employee 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 employee of their right to be

accompanied by their accredited Trade Union Representative, or a work colleague.

At the formal review meeting the following will be discussed:

1. Confirm that the employee has the right to be accompanied by a union representative or work colleague;
2. Confirm that the meeting is being held under the school’s capability procedure and explain the process that will be followed and the possible outcomes;
3. Confirm the expected standard of performance and the standard at which the employee is currently performing, i.e. identify the professional shortcomings, e.g. for teachers, which of the standards expected of teachers, or pupil progress targets, are not being met;
4. Ensure the employee has an opportunity to respond to and explain any factors affecting their current performance and consider this when determining the appropriate course of action (it may be necessary for new information on performance to be disclosed);
5. Confirm the impact to the school and pupils of the under-performance;
6. Confirm the options available to support the employee in improving their performance (i.e. support, development, reasonable adjustments, training, mentoring or shadowing etc.);
7. Ensure the employee is aware of what support is available to them e.g. the Employee Assistance Program (EAP), Trade Union support, etc.;
8. Confirm that Formal Stage 1 constitutes as a ‘written warning’, which if no further action is taken, will remain active for 6 months from the end of Formal Stage 1.

On occasion, the manager may decide to adjourn the meeting if they decide that further investigation is needed, or that more time is needed in which to consider any additional information provided by the employee at the meeting.

**At the meeting the manager and employee will discuss and agree:**

* 1. The employee’s current and expected levels of performance;
	2. The objectives for the Development Plan, how they will be achieved, the timescales for achieving them and when progress against each objective will be reviewed;
	3. The reasons the employee is not meeting the expected standards (which may be as a consequence of personal issues);
	4. When review meetings will be held;
	5. Warn the employee formally that failure to improve within the set period could lead to the progression to the next stage of the process which could lead to dismissal. (In very serious cases, this warning could be a final written warning);
	6. Write, agree and sign the Development Plan whether any further reasonable adjustments may be need

**At the end of the meeting the manager will:**

* 1. Summarise the meeting;
	2. Ensure the employee understands what is expected of them, the process that will be followed and the possible next stages of the procedure, including the right of appeal against the warning and the grounds to do so (See section 10);
	3. Agree what support, development and reasonable adjustments (if appropriate) will be put in place.

**After the meeting the manager will:**

* 1. Confirm the outcome of the meeting in writing within XX days of the meeting, the letter shall include the following:
		1. that a written warning has been issued;
		2. Include the dates of any agreed review meetings
		3. Invite to the formal review meetings
		4. Enclose a copy of the Development plan
	2. Ensure that the employee receives the support agreed in the Development Plan in a timely manner;
	3. Ensure that the agreed review meetings and any further review meetings deemed necessary take place;
	4. Continue to monitor the employee’s progress against the Development Plan and progress the employee through the procedure as appropriate and in line with this procedure;
	5. Ensure that the employee is informed of any signs that they are not likely to achieve their targets at an early stage.

**After the meeting the employee will:**

* 1. Make every effort to meet the objectives agreed in the Development Plan;
	2. Attend the agreed review meetings and any further review meetings deemed necessary;
	3. Give feedback on their current performance and progress against the Development Plan and pupil progress targets.
	4. **Formal Review Meeting**

The letter confirming the outcome of the first formal meeting, and a copy of the Development Plan will be sent to the employee and will invite the employee to a formal review meeting at the end of the agreed review period ***(this can be brought forward if necessary (see section 5.3).*** The employee has the right to be accompanied at the formal review meeting by their accredited Trade Union Representative, or a work colleague.

At the formal review meeting, the manager and employee will review the employee’s progress against the Development Plan and the manager will confirm one of the **possible outcomes at the end of formal stage 1,** stated below.

1. **The required standard of performance has been met.** The employee’s performance will be managed under normal performance management arrangements and the written warning will remain active for 6 months from the date of the Formal Review Meeting.

b) **The required standard of performance has not been met or significant progress has not been made towards meeting the required standards.** The employee will be progressed to Formal Stage 2 of the procedure (see section 7) and a ‘final written warning’ will be given. Until the hearing takes place, the employee will continue to be supported to meet the requirements of the Development Plan.

The outcome of the formal review meeting will be confirmed to the employee in writing within

XX days of the review meeting (Template letter PM8). If the employee has been progressed

to Formal Stage 2 of the procedure, the letter will include an invitation to a hearing (see

section 7) and confirmation that a final written warning has been issued, which if no further

action is required, will remain active for 12 months from the end of Formal Stage 2, and

warning the employee that failure to achieve an acceptable standard of performance (within

the set timescale) may result in dismissal. The letter will also give information about the

handling of the further monitoring and review period and the procedure and time limits for

appealing against the final warning.

1. **Formal stage 2 Hearing**

As with the formal capability meetings and formal review meetings, at least ten working days’ notice will be given, and the notification will give details of the time and place of the hearing and will advise the employee of their right to be accompanied.

* 1. **Purpose**

The purpose of Formal Stage 2 is to determine:

* 1. If the school has exhausted all options in supporting the employee to improve their performance;
	2. What the outcome of the procedure should be.

**Procedure**

* 1. **Procedure**

The procedure for the hearing will follow the procedure set out in Appendix 2.

The possible outcome of the hearing will be one of the following:

1. **The required standard of performance has been met.** The employee is performing to the required standard and will be managed under normal performance management arrangements.
2. **The required standard of performance has not been met but it has been determined that the required standard can be met within a short period.**  Further review period (it is recommended this is no more than two working weeks from receipt of the Development Plan) and the Development Plan will be implemented (under Formal Stage 2 of this procedure).

In these circumstances:

* The additional support to be given to the employee and the duration of the extended review period will be explained to the employee verbally at the meeting and a development plan detailing this will be forwarded to them with the letter confirming the outcome of the meeting
* A review meeting will take place at the end of the extended review period and one of the three outcomes set out within Section 7.2 will be determined.
1. **The required standard of performance has not been met and the panel has determined:**

**The required standard cannot be met within a short period;**

* + - **OR**

**The employee is capable of performing at the required standard but does not due either to negligence, carelessness, idleness or unwillingness or a combination of some or all of these.**

* If performance remains unsatisfactory, a decision, or recommendation to the Governing Body will be made that the employee should be dismissed with notice or required to cease working at the school. [[1]](#footnote-1) However, it could be agreed that the employee will not return to work at the school in a capacity which directly affects the education of pupils, or they may be granted paid leave for the duration of their notice period.
* The outcome of the hearing will be confirmed to the employee in writing within 5 working days and will include information about the employee’s right of appeal. If a further review period has been granted the letter will include an invitation to the review hearing.
1. **Returning to earlier warnings**

If there is evidence within six months of the procedure ceasing (for a first written warning or within twelve months for a final written warning) that the employee has not sustained the level of performance required, the procedure may be resumed at any stage up to and including that stage previously reached.

1. **Exceptional circumstances**

In exceptional cases where the level of performance could have serious consequences, successive warnings may not be appropriate. For example:

* where the employee’s performance falls so far short of an acceptable standard, that improvement to an acceptable level may reasonably be deemed impossible; or
* where a lack of competence has a seriously detrimental effect on the education of pupils and students; or
* where the employee’s lack of competence could have other serious consequences, e.g. safety considerations.

In such circumstances, the school may proceed directly to consideration of a final written warning or dismissal, as appropriate. Schools should seek advice from their HR Consultant before taking such a decision.

1. **Appeals**

Employees have the right to appeal against the first written warning, final written warning and any outcome of the Formal Stage 2 decision meeting. If the employee feels the action taken against them has been wrong or unjust they have the right to appeal within 14 days of the outcome they are appealing against. As part of the appeal, the employee must set out in detail the grounds for the appeal.

The procedure for any appeal will follow that set out in Appendix 2, except that the running order will be reversed.

1. **Headteachers**

If there are concerns about the capability of the Headteacher, it would clearly be inappropriate for them to carry out the roles normally assigned to the Headteacher in this procedure. This section sets out how these roles may be appropriately reassigned, within the spirit and intent of this procedure.

Concerns about the performance of a Headteacher may emerge from either the Governing Body (or management committee in the case of Pupil Referral Units) itself or from external sources such as Ofsted inspection or the Local Authority (LA) in its monitoring role.

The Chair of Governors may discuss concerns about the Headteacher’s performance as part of the normal dialogue between the Headteacher and Chair of Governors. Such discussions will precede the informal stages detailed in this procedure.

The Chair of Governors may consult the LA or their HR Consultant and arrange for help and support to be provided. Consultation with the Headteacher’s trade union may also assist the process. However, if the matter is, or becomes, sufficiently serious (formal stage 2), the Headteacher should be advised that if the identified deficiency persists, it may be necessary to convene a committee of the Governing Body to consider the matter under the formal stages of this procedure. This possibility should be set out in writing.

A Headteacher who is the subject of this procedure will have all the rights accorded to other employees at the various stages.

**Capability Procedure – Illustrative Timeline Appendix 1**

It is anticipated that most cases of capability will be resolved within ten to twelve working weeks (including informal feedback as part of normal performance management arrangements). However, it is acknowledged that there may be circumstances when the process takes longer to complete. Where this is anticipated, advice must be obtained from HR. This should be used in conjunction with the summary of process (PM1).

Formal stage 1

Informal stage

Formal stage 2

Final warning followed by monitoring & review

Decision meeting

Support such as training, mentoring or shadowing etc. and monitoring as part of normal performance management

**+**

4- 6 weeks

 minimum

**+**

**=**

10 – 12 weeks

**Note: The timings given above are illustrative only.**

**Schools will tailor the length of their monitoring and review periods to suit individual circumstances.**

4 - 6 weeks

 minimum

10 days’

notice

Decision meeting

Final warning followed by further monitoring and review period

Formal review meeting

1st warning followed by monitoring & review period

Headteacher makes assessment and recommendation

**Appendix 2**

**Procedure for a hearing**

Hearings will be held in a professional manner and the employee will be afforded every reasonable assistance to put forward their case.

In the case of an appeal the order of presentation set out below would normally be reversed, with the employee as appellant presenting their case first. However, by prior agreement or where the appeal constitutes a re‑hearing of the full case, the case against the employee may be presented first as at the initial hearing. Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

**Introduction**

The Headteacher, Chair of the appropriate committee or manager hearing the case will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

**Presentation of the Case**

The person presenting the case against the employee may make an opening statement outlining the case. This person is usually the line manager or individual who has overseen the process up until this point e.g. conducted the review meetings, compiled the development plan etc. The committee hearing the case and the employee responding to it may ask questions.

The presenting officer will then call any witnesses and ask them to give their evidence. The employee or their representative may then ask questions of each witness. The person or committee hearing the case may also ask questions of any witness. The person presenting the case may then re-examine the witness.

Where evidence is presented in the form of documents, the person presenting the case, or an appropriate witness, will explain the nature and significance of the documents.

**The Employee’s Case**

The employee or their representative (union or work colleague) may make an opening statement. The person or committee hearing the case and the person presenting the case against the employee may ask questions.

The employee may call any further witnesses and invite them to give their evidence. The person presenting the case against the employee may ask questions of each witness after they have given their evidence. The person or committee hearing the case may then ask questions. The employee or their representative may re-examine the witness.

Where there is any documentary evidence, the employee or any witness will explain its significance.

**Re-examination**

Both parties will be asked if they wish to re-examine any evidence. The person or committee hearing the case may also do so at its discretion.

**Final Statements/closing speech**

The person presenting the case against the employee may make a final statement. The employee or their representative may then also make a final statement.

**Adjournment**

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the Chair, who will consider a request in light of the reason given for it.

**Consideration of the Case**

All parties will withdraw, and the committee will deliberate.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether or not the point of doubt concerns one party or both.

**Decision**

If possible, the decision will be communicated verbally to the employee after the hearing depending on the circumstances. The decision will be confirmed in writing to the parties involved as soon as possible after the hearing.

**General principles underlying this policy**

**Confidentiality**

The capability process will be treated with confidentiality. However, the desire for confidentiality does not override the need for the head teacher and governing body to quality-assure the operation and effectiveness of the capability system. Schools to say here how they might achieve this, for example, the head teacher or appropriate colleague might review all teachers’ objectives and written capability records personally, in order to check consistency of approach and expectation between different appraisers. The head teacher might also wish to be aware of any pay recommendations that have been made.

**Consistency of Treatment and Fairness**

The governing body is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled teachers. The governing body is aware of the guidance on the Equality Act issued by the Department for Education. <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

**Definitions**

Unless indicated otherwise, all references to “teacher” include the head teacher.

**Delegation**

Normal rules apply in respect of the delegation of functions by governing bodies, head teachers and local authorities.

**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 school’s absence policy. The employee will be referred immediately to the occupational health service to assess their health and potential fitness for continued employment and the appropriateness 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 governing body and head teacher will monitor the operation and effectiveness of the school’s capability arrangements.

**Retention**

The governing body and head teacher will ensure that all written capability records are retained in a secure place for six years and then destroyed.

**Summary of changes to the policy**

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| **Document control** |
| **Date** | **Section(s)** | **Update(s)** | **Notes** |
| 28/11/16 | Section 1 Introduction | Removed reference to School; replaced with link to Schools’ Choice website |  |
| 28/11/16 | Section 6.2-page 7 | Timescale for employee to appeal amended to 14 days, to align with timescales in Section 10, Appeals |  |
| 28/11/16 | NEW Appendix 2  | Procedure for a hearing |  |
| 28/11/16 | Table of contents | Re-numbered to reflect change |  |
| 14/02/19 | Section 6.2 | Change to start of formal stage to remove the informal meetingIncluded references to key supporting letter templates |  |
| 30/07/19 | Section 11 Headteachers | Removal of three paragraphs about requesting the local authority to investigate and subsequent actions |  |
| 30/07/19 | General Principles | Amended to reflect updated wording in DfE’s document Teacher appraisal and capability A model policy for schools, March 2019Added link to DfE guidance on the Equality Act 2010 |  |
| 16/09/20 | General review throughout policy | Renumbering/Layout/format and paginationRemoval of his/her to their/employee for equality purposes |  |
| 8/10/20 | 5.1 Normal Performance  | Reworded to make next steps in procedure clearer |  |
| 8/10/20 | 5.3 informal stage | Reworded to make procedure clearer  |  |
| 8/10/20 | 6.3 formal review meeting | Outcomes repeated so deleted  |  |
| 8/10/20 | Template letters | Referenced throughout the procedure |  |
| 8/10/20 | Appendix 2 | Informal manner changed to professional manner |  |
| May 2021 | 2 Scope | Inserted paragraph to define usage of the terms ‘Governing Body’, ’Director for Children and Young People’  |  |
| May 2021 | 5.1 | Reminder added that HR Provider can advise, if required. |  |
| April 2024 | 3 | Removed reference to Newly Qualified Teachers and replaced with Early Career Teachers),  |  |
| April 2024 | 3 | Removed reference to probation period and replaced with Early Career framework,  |  |
| Sep 2024 | All sections | HR provider to HR Consultant |  |
| Sep 2024 | 6.2 & 7 | Changed 5 days to 10 days as per disciplinary policy |  |
| Sep 2024 | Appendix 2 | Added extra information as to what a presenting officer is |  |

1. In Foundation Schools, Voluntary Aided Schools and Foundation Special Schools, the Governing Body is the employer but the power to dismiss can be delegated to the head teacher, to one or more governors, or to one or more governors acting with the head teacher. In Community, Voluntary Controlled, Community Special, and Maintained Nursery Schools, the power to determine that the member of staff should no longer work at the school can be delegated in the same way as above but it is the local authority (as the employer) that actually dismisses staff (or for those who work in more than one school requires them to cease to work at the school they were dismissed from). [↑](#footnote-ref-1)