

Clewer Green CE Aided First School

Inspiring Children

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Vision: Every child has been blessed by God with unique potential. Our vision for Clewer Green is to inspire and nurture children in a safe, happy and caring Christian community, where everyone is valued and enjoys learning.

Capability Policy and Procedure

AIM

Our aim, in line with our distinctively Christian values, is for every child, to have the support that they need, and, by example and direct teaching, promote a Christian ethos within the school, whilst recognising that not all of its members will be practising Christians.

1. Statement of Policy

1.1 Clewer Green CE Aided First School is committed to employing high calibre staff, capable of providing the standards of services its customers require, by recruiting and developing staff who have the experience, qualifications and flexibility to carry out the duties required of them in an ever changing working environment. To this end the School aims to:

- Promote best practice in the recruitment and selection of staff
- Provide appropriate induction, training and development opportunities to staff
- Provide coaching and support
- Operate performance management techniques and appraisal
- Provide feedback on performance

1.2 These are all preventative techniques to avoid issues of poor performance arising. The School recognises however that instances may occur where an employee's performance falls below the standard required. This may be due to changes in systems of work or work practices or result from a lack of ability to carry out the duties for which he/she is employed. It is in these situations that the Capability Procedure will apply. Where there is a wilful intent to work to unacceptable standards, wilful negligence or carelessness, these will be addressed through the School's Disciplinary Procedure.

1.3 Employees have a responsibility to achieve a satisfactory level of work performance and seek appropriate support where necessary. In cases where this is not evident, the aim of the Capability Procedure is threefold.

- To identify the nature and reason for the shortfall in performance standards
- To provide necessary support to raise standards to the required level
- Identify the implications of continuing poor performance to the employee - this could result in the possibility of alternative work or dismissal.

2. Scope

2.1 The procedure applies to all school staff.

3. Procedure

3.1 Counselling

It is important that signs of performance problems should be identified at the earliest opportunity. When identified, a meeting in the form of a counselling interview should take place at which the manager will explain to the employee the identified shortfalls in performance. It is important that both parties ascertain the reasons as to why these have arisen and explore options and solutions to remedy them. Once possible remedies have been established, the manager should agree targets that will help the employee achieve the standards required and identify the period by which they should be achieved. The manager will agree additional means of assisting the employee, e.g. training, coaching, additional supervision etc.

A note of the meeting should be recorded. It is suggested that it is likely to be more productive if at this stage the discussion is contained to the relevant manager and the employee.

In the event of no significant improvement in performance, the matter should be considered at the first formal stage of the Capability Procedure.

3.2 Stage 1

At a meeting at this stage the employee will be informed of any continuing shortfalls in performance and will be given the opportunity to explain the reasons for this.

All avenues will be explored as to the reasons why the performance shortfall has arisen and options and solutions identified to remedy them. The manager should set new or revised targets aimed to assist the employee in achieving the standards required and set timescales in which they should be achieved. The manager will also agree with the employee any additional means of assisting the employee.

3.3 Stage 2

If after the review period specified at Stage 1, the employee's performance continues to be unsatisfactory, a further interview will take place, and reasons for continuing poor performance examined. Further support and timescales will be identified, but it must be made clear to the employee that if the necessary improvements in performance do not materialise by the end of this review period, the next stage could result in dismissal.

3.4 Stage 3

- a) If the employee does not reach the required standard at the end of the review period in Stage 2, the employee will attend a final interview.
- b) This interview will be chaired by the Headteacher or a panel of Governors who have not been involved at any previous stage of the procedure and the purpose of this meeting is to consider the relevant evidence from both sides.
- c) The manager reviewing the employee's work performance at Stage 2 will present evidence on behalf of management to the Headteacher or Governors.
- d) If the Headteacher or Governors determine that the evidence presented supports the dismissal of the employee, consideration will be given to any alternative employment option that may be available. Where the employee refuses an offer of alternative employment or there is none available, the employee will be given notice of his/her dismissal from the

School. A search for alternative employment may continue during an employee's notice period.

4. Appeals

4.1 The employee may register an appeal with the Clerk to the Governors within seven calendar days of the notification of the decision. Appeals against dismissal will be heard by the Appeals Committee of the Governing Body. The Headteacher is also entitled to attend to advise the Governors unless he or she is present for some other purpose.

4.2 Any person who has been involved in the original dismissal decision shall not be permitted to hear the appeal and shall only take part in appeal proceedings as a respondent to the appeal or as a witness.

5. Capability Records

5.1 An employee who reaches the required standard of performance at any stage of the procedure will be notified in writing and the Capability procedure will be suspended for a period of up to 1 year. At the end of the 1 year period, should the employee's performance still be satisfactory, the fact that the employee was subject to a Capability procedure will be disregarded. However, should the employee's performance again deteriorate within the 1 year time period, the capability procedure will resume from the previous stage reached.

6. Principles

6.1 It is important that performance problems are identified as early as possible and the manager will find it useful to keep a note of any occurrences that might suggest a shortfall in performance. The emphasis must initially be on preventative measures to avoid more severe action where possible.

6.2 The findings and decisions taken at any stage of the procedure will be recorded and copies sent to the employee and his/her representative where appropriate.

6.3 An employee may request the support of a Trade Union representative or a work colleague at any stages of the procedure, although this is not recommended at the counselling stage.

6.4 An employee subject to the Capability Procedure should have their performance monitored during each stage and their progress (or otherwise) towards the achievement of the required standard made known to them.

6.5 The length of any review period at each stage will be determined by the nature and impact of the shortfall in performance and should be reasonable in the circumstances.

6.6 A review period may be extended or shortened where circumstances warrant this.

6.7 An employee must be notified in writing if they achieve the standard required at any stage of the procedure.

6.8 The employee will be given at least five working days' notice of an interview held under the formal stages of the Capability Procedure.

6.9 The procedure may be accelerated for certain staff eg those on probation and temporary staff on short term contracts.

6.10 The immediate manager may conduct this procedure at the counselling and formal stages 1 and 2, although the Headteacher may undertake this where appropriate. This may be the case at the stage prior to dismissal.

6.11 HR advice should be sought at the earliest stages of the procedure and an HR Advisor may be present at the formal stages. This must be the case at the final stage where dismissal is contemplated.

6.12 Details of dismissal and appeal decisions must be confirmed in writing to the employee within ten days of the hearing.

Revised May 2018
Review date May 2021

_____ Date _____

Kate Kelliher, Chair of Governors