CARDIFF
CAERDYDD

Western
Learning
Federation

## Riverbank School

# CAPABILITY PROCEDURE TEACHERS/HEADTEACHERS

Riverbank
SCHOOL
Learning together to be the best we can

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| **RATIFIED BY GOVERNORS** | 8th July 2026 |
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# Monitoring the policy

**This policy will be reviewed bi-annually unless change of circumstances or legislation requires it to be amended earlier.**

**SIGNED**  **DATE** 09.07.26

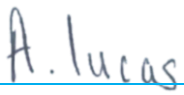
Chair of Governors

**SIGNED**  **DATE** 09.07.26

Executive Headteacher

**SIGNED**  **DATE** 09.07.26

Deputy Executive Headteacher

**SIGNED**  **DATE** 09.07.26

Head of School

# The values and principles

**The federation is underpinned by a set of values that define the culture of the three federated schools.**

## Our Principles

**Honesty**

**Responsibility**

**Positivity**

**Trust**

**Empathy**

**Patience**

**Respect**

**Kindness**

## Our Values

- We celebrate our differences.
- We have a shared sense of belonging.
- We play, laugh, smile and celebrate success.
- We have a positive attitude.
- We learn from experiences to develop life and independent skills.
- We follow our dreams and aspirations.
- We care for our own and wider environment.
- We improve quality of life.

**Definition**

**Values** One's judgement of what is important in school life.

**Principles** Morally correct behaviour and attitudes.

## Rights Respecting Schools

Every child has rights "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status"

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Together we learn, grow and achieve

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|---|---|
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# Central South Consortium Capability Procedure for Teachers and Headteachers

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**This Capability Policy is recommended by each of the five Local Authorities that constitute the CSC.**

**Formally adopted by the Governing Body of:**

**_____School on _____**

Mae'r ddogfen yma ar gael yn y Gymraeg / This document is available in Welsh.

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## Additional Documentation

Flowchart for the Teaching process

Flowchart for the Headteacher process

# 1. Introduction

1.1 The Governing Body of _____ School is committed to providing high standards of education to pupils. It is recognised that the capability and commitment of its staff is fundamental to the achievement of this goal. The Governing Body is committed to ensuring that all staff have the opportunity to develop the appropriate skills, knowledge, competence and aptitude to undertake their roles effectively.

1.2 In the vast majority of cases, staff meet and exceed the performance requirements of their roles. However, in some circumstances, individuals may experience difficulties in demonstrating the levels of competence required to perform their job effectively.

*1.3 'Individuals have a contractual responsibility to perform to a satisfactory level and should be given every help and encouragement to do so. Employers have a responsibility for setting realistic and measurable standards of performance and for explaining these standards carefully to employees.'*

*ACAS Disciplinary and Grievance Procedures*

1.4 If staff are performing below expectations, the role of the Headteacher/Chair of Governors will be to bring this to the attention of the individual and to work closely with them to improve their performance to an acceptable level. The objective of this policy will be to set out a constructive approach to achieving improved work performance through effective supervision, mentoring, training, performance review and development.

1.5 Failure to achieve the expectation for improvement will result in the member of staff progressing through the various stages of the procedure. The member of staff will be advised of their progress during the course of the process and will be left under no misunderstanding that failure to achieve the required improvement will place their continued employment at risk.

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# SECTION ONE – GENERAL PRINCIPLES

## 2. Purpose of policy

2.1 The purpose of this policy is to provide the nominated manager with the necessary information in order to:

2.1.1 help and support the member of staff with any competency issues;
2.1.2 ensure staff are performing their roles effectively and capably;
2.1.3 address cases of underperformance, in a fair and consistent manner;
2.1.4 manage cases in a supportive, sensitive, realistic and constructive manner;
2.1.5 ensure that competency issues are dealt with efficiently within agreed time periods (according to circumstances) and with clear outcomes at all stages.

## 3. Scope and Values

3.1 This Procedure applies to all teaching staff appointed by the governing body under governors delegated powers but excludes:-

3.1.1 teaching staff directly employed by the local authority to work at the school; and
3.1.2 teaching staff employed by an agency

3.2 The procedure outlines the process to be adopted and followed when addressing issues of unsatisfactory performance for:-

teaching staff – section two; and
the headteacher – section three.

3.3 All staff will be treated with respect, consistency and fairness.

3.4 All matters of managing unsatisfactory performance and related investigations will be treated in confidence by all parties involved throughout all stages of the capability process. Only those staff who have agreed and specific roles and duties associated with the procedure will have the right to access information.

## 4. Definition of capability

4.1 If concerns are raised about the unsatisfactory performance of a member of staff it is important to establish the facts and to apply the appropriate procedure. A clear understanding of what is deemed to be unsatisfactory performance needs to be established including whether the issue is a lack

of capability due to ill-health, lack of capability due to lack of competence or a matter of professional misconduct. The following definitions are provided for guidance only, it is important that the headteacher/chair of governors seeks appropriate HR advice to ensure that the correct procedure is invoked.

4.2 Misconduct: action or inaction which contravenes the contractual obligations of the member of staff, the rules laid down by the governing body and/or the Code of Professional Conduct and Practice as identified by the Education Workforce Council (where applicable). In such cases the agreed disciplinary procedure will apply.

4.3 Capability due to ill-health: relates to any inadequacy in health or any other physical or mental quality which results in unsatisfactory performance. In these cases the agreed sickness procedures will apply.

4.4 Capability due to a lack of competence: is a lack of skill or aptitude leading to unsatisfactory performance. In these cases the capability procedure will apply.

# 5. Exclusions

5.1 The following matters cannot be considered under this procedure:

5.1.1 Matters of misconduct, should be more appropriately dealt with under the disciplinary procedure.

5.1.2 Matters of capability resulting from persistent ill-health for which the school's Sickness Absence policy will apply.

# 6. Principles

6.1 It is important to ensure that due regard is given to the following points throughout the capability process:-

6.1.1 **Communication** – the member of staff should be kept informed at all stages of the process. Regular meetings should be arranged and relevant information confirmed in writing. Timescales outlined in this procedure for the purpose of convening meetings and sharing correspondence should be complied with whenever reasonably possible;

6.1.2 **Record keeping** – the procedure is evidence based it is therefore important that accurate records are maintained and these are shared with the member of staff. Within 7 working days of the meeting copies of the minutes and support/action plan should be circulated. The accuracy of these documents should be agreed following which a letter should be sent to the member of staff confirming the date, time and venue of the next meeting and outlining the consequences of failing to meet the required improvement.

6.1.3 **Confidentiality -** Performance matters should be dealt with sensitively and with due respect for the privacy of the individuals involved. The Chair of Governors, Headteacher or officer responsible for managing a capability process should at each stage:-

6.1.3.1 clearly define the parties who will be involved or be made aware of an ongoing process; and

6.1.3.2 remind those parties of their responsibility to treat as confidential any information communicated to them.

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Governors will be advised as to the importance of confidentiality and the consequences of any breach of confidentiality.

6.1.4 **Clarity of roles** – it is important to ensure that all parties involved in the process have a clear understanding of their part in the process. A definition of roles and responsibilities can be found in Appendix one

6.1.5 **Wellbeing** – the member of staff should at all stages of the procedure be made aware that they can access support services available via Occupational Health.

# 7. Representation

7.1 Where a member of staff is invited to attend a meeting in relation to this procedure whether it be to agree a support plan or as part of stage one, stage two or referral to the staff dismissal committee they may choose to represent them self or be represented / accompanied by a work colleague, or a trade union representative. Members of staff will be informed of their right to be represented. A work colleague will normally be considered to be another worker employed at the school however in the event that this is not appropriate arrangements will be made to extend this to another worker employed in another school in the local authority.

7.2 In the event that the teacher/headteacher subject to this procedure is a trade union representative no action should be taken until the case has been discussed with a senior trade union official.

# 8. Timescales

8.1 Review periods, must be reasonable in length, depending on the nature of the targets and the stage of the process.

8.2 The timescale for each stage will depend upon the nature of the unsatisfactory performance issue, the improvements identified as necessary and the support and development to be provided. Timescales should be sufficiently reasonable for the member of staff to demonstrate that they are capable of achieving and sustaining acceptable and improved levels of work performance.

8.3 The length of the review period at each stage may vary, taking into consideration the circumstances and complexity of each case and may be extended in accordance with this procedure. As a general rule, review periods will normally be 6 – 8 weeks. A longer review period may be considered but unnecessary delay should be avoided.

8.4 Consideration should be given to an appropriate adjustment to the timescale in the event that the member of staff works part time.

# 9. Exceptional Circumstances

In the event that the underperformance of a member of staff (including that of a Headteacher): -

a) places the pupil's education in jeopardy e.g. evidence exists to indicate that pupil performance has not improved/deteriorated; or

b) where performance has seriously deteriorated and staff/ pupils are placed at risk of harm e.g. classroom management has failed to improve/deteriorated

consideration may be given to fast tracking the procedure to stage two following the completion of a support plan.

# 10. Performance Management

10.1 The performance management process may identify serious weaknesses in the performance of a member of staff including that of a Headteacher. In such circumstances there will be an expectation that the appraiser can demonstrate that aspects of underperformance have been discussed and expectation(s) for improvement established including timescales. Suitable support should be agreed and provided (see point 16 for teachers or point 26 for headteachers). In the absence of the required improvement in performance consideration should be given in engaging the support stage of the capability procedure.

10.2 Performance management should only be suspended when the formal capability procedure (stage 1) is engaged.

10.3 It should be noted that the minutes of the review meeting and the appraisal statements undertaken as part of the performance

management cycle do not form part of the capability procedure but may be taken into account by the Headteacher/ Chair of Governors when making decisions in relation to this procedure.

## 11. The right to revisit the procedure

11.1 If at any stage during the procedure the member of staff consistently achieves the required standard and there is evidence to suggest that this improvement is sustainable these procedures will conclude. The member of staff will be informed of this both verbally and in writing.

11.2 If, however, following this successful conclusion the headteacher/teacher fails to sustain the required standard of performance the capability procedure will re-commence as follows -

Teachers

| Stage previous process concluded | Timescale (no more than) | Stage that process re-commences |
|---|---|---|
| Informal | 60 working days | informal |
| Stage 1 | 130 working days | Stage 1 |
| Stage 2 | 195 working days | Stage 2 |

Headteachers

| Stage previous process concluded | Timescale (no more than) | Stage that process re-commences |
|---|---|---|
| Informal | 60 working days | informal |
| Stage 1 | 195 working days | Stage 1 |
| Stage 2 | 195 working days | Stage 2 |

11.3 In cases where performance has improved reference should be made to the above dates in correspondence to the member of staff. The above timescales will be applicable for periods when the member of staff is in work e.g. if the member of staff is absent from work due to sickness for 2 months then the relevant timescale stated above will be extended for that length of time.

11.4 No further reference will be made to the process once these timescales have expired.

11.5 Where it is necessary to recommence the formal stages of this capability procedure (within the recommended periods of time) on more than two occasions, the chair of governors/headteacher may consider that there is sufficient cumulative evidence indicating serious performance issues

that require the capability procedures to move to Stage 3 (Dismissals and Disciplinary Procedure).

## 12. Inability/ refusal to accept a capability issue exists

12.1 In some cases, the member of staff may not accept that a performance problem exists. Where this is the case, the Headteacher/Chair of Governors should still:

12.1.1 caution the member of staff of the consequence of failing to reach required standards of performance;

12.1.2 determine the period within which improvement is expected;

12.1.3 set out the support the member of staff will be given to help them improve their performance.

12.2 If the member of staff refuses to accept and respond to offers of help, and performance does not improve to the level required, it may be necessary to consider referring the case to the Staff Dismissal and Disciplinary Committee before the end of the review period.

## 13. Provision of a reference

13.1 It is the professional responsibility of the Headteacher/ Chair of Governors to comment in any employment reference provided to another establishment if a member of staff has been subject to the formal stages of the capability procedure at the time of their departure.

## 14. Education Workforce Council (EWC)

14.1 Cases where the employer has ceased to use the services of a member of staff registered with the EWC on grounds of capability or might have ceased to use those services had the teacher not ceased to provide them, should be referred by the Authority directly to the EWC. There is a statutory obligation to make the referral in these cases.

14.2 In the event that a member of staff ceases to be employed by a governing body during stage 2 of the formal capability procedure the case will automatically be referred to the EWC.

14.3 In the event that a member of staff ceases to be employed by a governing body once stage1 of the formal capability procedure has been engaged the employer reserves the right to refer the case to the EWC in exceptional circumstances. This would apply in cases where there is overwhelming evidence that:-

a) pupil's education has been placed in jeopardy e.g. evidence exists to indicate that pupil performance has not improved/deteriorated; or

b) where performance has seriously deteriorated and staff/ pupils are placed at risk of harm e.g. classroom management has failed to improve/deteriorated.

14.4 In the event that the employer considers that the threshold outlined in 14.3 applies a meeting will be convened by the chair of governors. Information gathered as part of the capability procedure will be considered by the chair in making a decision whether the case has met the threshold outlined in 14.3. The employee will be invited to give representation at this meeting and will also have the right to be represented in accordance with point 7 of this procedure. This meeting will also be attended by a HR Adviser. The chair of governors may request other parties to give evidence during this process in the interest of transparency and to provide clarification.

## 15. Monitoring and Review

15.1 The Local Authority and Governing Body will review this policy on a regular basis in consultation with the recognised trade unions. Regard will be given to changes in legislation and guidance from the Welsh Government.

15.2 The Local Authority and Governing Body will monitor the outcomes and impact of this policy on a regular basis and will assess the impact and compliance with equalities legislation providing information to the trade unions upon request.

# SECTION TWO -THE PROCESS FOR TEACHING STAFF

## 16. Steps that must be taken before considering moving to the Capability procedure

16.1 The effective implementation of the performance management procedures is intended to support satisfactory performance, by early identification, support and intervention.

16.2 Effective performance management should enable a tailored programme to support the teacher to meet the required standards of performance.

16.3 If a teacher's performance is causing serious concern at any point in the Performance Management Cycle, the appraiser will be expected to demonstrate that the following principles have been followed:-

- aspects of underperformance have been discussed with the teacher;
- expectations have been established;
- reasonable timescale for improvement agreed;
- suitable support has been agreed and provided;
- the teacher understands how progress is to be evaluated.

16.4 When assessing a teacher's performance, the appraiser is required to be mindful of the physical and mental health of the teacher, and of the obligations placed on employers by the Equality Act 2010, particularly in terms of the reasonable adjustments that are required to be made for those with a disability as defined by the Act.

16.5 As this is under the performance management procedure it is not necessary to issue the capability policy at this stage. The emphasis is on providing appropriate support as part of performance management.

16.6 If, however, performance does not meet the required standard despite measures undertaken above, the appraiser must refer the matter to the headteacher who will then arrange to meet with the teacher as outlined in the following section.

## 17 CONSIDERATION TO MOVE TO INFORMAL STAGE OF CAPABLITY PROCEDURE

17.1 Once the appraiser has referred the matter to the headteacher they will arrange to meet with the teacher to review their progress. At this stage, the teacher will be given the opportunity to be represented by their trade union representative or work colleague. The purpose of this meeting will be to consider whether the informal stage of this procedure should be applied. The headteacher should request that a HR adviser attends this meeting.

17.2 The teacher and their representative will be given 5 working days' written notice of the meeting. All the evidence that will be relied upon at the meeting will be provided to the teacher and their representative at the same time that the notice is given. At this stage, a copy of this Capability policy should be provided to the employee.

17.3.The evidence that will be required from the appraiser will be that aspects of underperformance have been discussed and expectations for improvement established. Information from appraisal statements may be taken into account by the headteacher.

17.4.During this meeting the headteacher will discuss the unsatisfactory performance making reference to the evidence previously circulated. The headteacher will also discuss the support which has been provided. The teacher and their representative will be given the opportunity to respond. Once all of the information has been discussed the headteacher will decide whether the informal stage of the policy should be engaged

(section 18).

17.5 When assessing the evidence produced by the appraiser and all other relevant information about the teacher, the headteacher is required to be mindful of the physical and mental health of the teacher, and of the obligations placed on employers by the Equality Act 2010, particularly in terms of the reasonable adjustments that are required to be made for those with a disability as defined by the Act.

17.6 If following the representations from the teacher and careful consideration of the evidence the decision is not to initiate a support plan the teacher's performance will continue to be managed under the performance management procedure. This will be confirmed in writing to the teacher and their representative within 5 working days.

## 18. Informal Stage of the Capability Procedure

18.1 When a decision has been made to engage the informal stage of the capability procedure consideration should be given as to the appropriate support available to enable the teacher to improve their performance. The range of interventions may include training, coaching, mentoring, counselling, monitoring, working in a professional learning community, learning and development opportunities (as distinct from training) and supervision.

18.2 Within 5 days of the meeting the headteacher will send written confirmation of arrangements with the agreed support plan that will:

- define the performance issues;
- establish expectations;
- identify a reasonable timescale for improvement;
- confirm the support to be provided;
- identify how progress is to be evaluated;
- Offer the support of a mentor.

18.3 It is anticipated that the majority of capability related issues will be resolved promptly and informally at this level. However, the teacher should be advised that failure to meet the expectations for improvement will result in the formal capability procedure being engaged.

18.4 A member of the senior management team (SMT) will be nominated to manage and oversee the program of support and monitoring processes. Whenever possible this person will be agreed with the teacher and their TU representative. The member of SMT will be required during the mid-term and end of stage review meetings to provide feedback to the headteacher on the teacher's progress. Any information presented will be shared with the teacher prior to the meeting.

18.5 Support and monitoring should be conducted in a sympathetic and non- threatening way with the objective of improving the teacher's performance.

18.6 At the end of the agreed timescale a meeting will be held to review performance. It is recommended that this meeting is attended by the headteacher, the nominated member of SMT, the teacher, the teacher's representative, the HR officer and a note taker. The headteacher will be expected to decide whether based on the evidence provided: -

18.6.1 performance has improved and expectations for improvement have been met, in which case no further action will be required and the procedure will cease. This will be confirmed in writing.

18.6.2 some improvement has been made, but the period of support may be extended to allow the teacher additional time to address the outstanding concern(s).

18.6.3 that the teacher has failed to achieve the level of improvement expected and as a consequence stage one of the capability procedure will be engaged.

18.6.4 teaching and learning is being jeopardised or performance has seriously deteriorated thereby placing staff/pupils at risk of harm. As a consequence the process will be fast tracked to stage two.

18.7 In the event that the required improvement has not been achieved and sustained and the headteacher decides to pursue options outlined in 18.6.3 or 18.6.4 above a date should be set for a further meeting to discuss and agree an action plan. The teacher should be advised of their right to appeal this decision – see section 21.

## 19. Stage One – Formal Capability (Action Plan)

19.1 Stage one of the capability procedure will be engaged when: -

18.1.1 the headteacher has initiated a support plan and the expected level of performance has not been achieved; or

19.1.2 when the teacher has within the last 130 working days been subject to stage one of the procedure which has led to improvement, however performance has subsequently deteriorated to an unsatisfactory standard.

19.2 Once a decision has been made to engage stage one of the formal procedure a meeting is arranged to discuss and where reasonably possible agree an **action plan**, which will assist the improvement of

performance to the expected standard. This will entail:-

19.2.1 clearly identifying where and how work performance is below the expected standard;

19.2.2 provide the teacher with a further opportunity to explain and explore the issues of their underperformance;

19.2.3 clearly establish expectations;

19.2.4 agree supportive strategies to be engaged which could be additional training, the appointment of a mentor, visits to other schools to observe good practice, peer observation etc;

19.2.5 decide on methods of evaluation e.g. review of documentation, lesson observation, book scrutiny, pupil progress (data) etc; and

19.2.6 identify a timescale for improvement.

19.3 This meeting will be attended by:-

19.3.1 the headteacher;
19.3.2 the nominated member of SMT;
19.3.2 the teacher with his/her representative;
19.3.3 HR adviser;
19.3.4 any other person who has been involved in the process as agreed with the teacher and his/her representative e.g. mentor;
19.3.5 note taker to minute the meeting.

19.4 Within 7 working days of the meeting copies of the minutes and the action plan should be circulated. The accuracy of these documents should be agreed following which a letter should be sent to the teacher confirming the date, time and venue of the mid term and end of stage review meeting and informing the teacher of the consequences of failing to meet the required improvement.

**Monitoring and review**

19.5 Regular meetings should be held during this stage in order that the teacher is kept informed of his/her progress. This will normally be delegated to the nominated member of the SMT.

19.6 It is suggested that a mid-term review meeting is held with the headteacher in attendance in order that the teacher can be given an update on their progress. The mid–term review meeting will also provide the teacher and/or their representative with an opportunity to raise any concerns that they may have to ensure that these can be addressed.

19.7 At the end of the agreed timescale a formal meeting will be held. Prior to

the meeting all parties will be supplied with copies of documentation that will be referred to. This meeting will be attended by those persons outlined in paragraph 19.3.

19.8 The purpose of this meeting will be to review the action plan and assess whether expectations for improvement have been achieved. All parties in the meeting will be given the opportunity to comment on the progress to date to allow the headteacher to make a determination on the way forward.

19.9 During this meeting:

19.9.1 the headteacher will remind all parties of the standard of work performance expected from the teacher and the area(s) under consideration. This will have been clearly set out in the action plan agreed at the beginning of the process;

19.9.2 the nominated member of the SMT will be required to present the action plan and any relevant additional documentation e.g. reports on lesson observations, pupil data etc and identify/discuss the progress made;

19.9.3 the teacher/representative will be provided with an opportunity to comment on the effectiveness of the support provided and the progress made.

19.10 Having considered all of the information and representations made the headteacher will be required to come to one of the following outcomes:-

19.10.1 performance has improved and a satisfactory standard achieved, therefore no further action will be necessary. The headteacher must inform the member of staff of the satisfactory outcome of the review in writing and send a copy of this letter to HR so that it can be placed on the teacher's personal file. Failure to sustain the expected level of performance could result in the procedure being re-engaged in accordance with paragraph 11 of this procedure. It should be noted here that it is the responsibility of the teacher to maintain this level of performance without the need for close supervision or personal action plans beyond this process; or

19.10.2 where there is evidence of improvement however it is not sufficient to suspend the process – the headteacher may decide to extend stage one for a further 6 week period; or

19.10.3 where the evidence collected indicates that satisfactory performance has not been achieved the headteacher will progress to stage two of the procedure. The headteacher is required to confirm this decision in writing outlining the teacher's right to appeal the decision (see paragraph 21). In the absence of an appeal being lodged the letter should also invite the teacher to

attend a meeting in relation to stage two of the capability procedure.

## 20. Stage Two – Formal Capability

20.1 Once a decision has been taken to proceed to stage two a further meeting will be arranged to discuss and agree any changes to the action plan outlined in stage one (or to the support plan in the event that the process has been fast-tracked). This meeting should be attended by the headteacher, nominated member of the SMT, teacher and their representative, HR adviser and note taker.

20.2 The following issues should be considered and discussed during the meeting: -

20.2.1 review the action plan adopted during stage one and to amend as required.

20.2.2 ensure that the teacher understands that this is the final stage of the process and the implications of continued failure to achieve and sustain levels of satisfactory performance could place their employment at risk.

20.2.3 Agree dates for mid-term and final review meetings.

20.3 Within 7 working days of the meeting copies of the minutes and the action plan should be circulated. The accuracy of these documents should be agreed following which a letter should be sent to the teacher, confirming the date, time and venue of the mid term and end of stage review meeting and informing the teacher of the consequences of failing to make the expected improvement.

**Monitoring and review**

20.4 The procedure to be adopted during the period of review for stage 2 is outlined in paragraphs 19.5 to 19.9.3.

20.5 Having considered all of the evidence submitted and representation made the headteacher will be required to come to one of the following outcomes: -

20.5.1 performance has improved and a satisfactory standard achieved, therefore no further action will be necessary. The headteacher must inform the teacher of the satisfactory outcome of the review in writing and send a copy of this letter to HR so that it can be placed on the employee's personal file for a period of 1 year. Failure to sustain the required level of performance could result in the procedure being re-engaged in accordance with paragraph

11 of this procedure. It should be noted here that it is the responsibility of the teacher to maintain this level of performance without the need for close supervision or personal action plans beyond this process; or

20.5.2 where there is evidence of improvement however it is not sufficient to suspend the process – the headteacher may decide to extend stage two for a further 6 week period ; or

20.5.3 where the evidence collected indicates that satisfactory performance has not been achieved the headteacher will progress the case to stage three of the procedure. The headteacher is required to confirm this decision in writing providing the teacher with the opportunity to appeal their decision. In the absence of an appeal the headteacher will request that the clerk to the governing body convene a meeting of the Staff Dismissals and Disciplinary Committee for a formal hearing. Consideration will be given at this hearing to the evidence which has been gathered throughout the process and whether this warrants the termination with notice of the teacher's contract of employment on the grounds of capability.

20.6 At this time the chair of governors may need to consider the suspension from duty of the teacher where necessary e.g. for the protection of children, staff or property or where the continued presence of the teacher in the school could have a detrimental effect on the teaching and learning of the pupils . In such circumstances a suspension meeting should be conducted in accordance with the guidelines outlined in the Welsh Government Disciplinary and Dismissal Procedure for Schools. Advice should also be sought from the HR Adviser.

## 21. Appeal against the progression of the capability process

21.1 Where a teacher wishes to appeal the decision to progress their case to the next stage of the process, they must notify the headteacher in writing within five working days from the date that they receive the headteacher's decision in writing. The teacher must outline the grounds of their appeal.

21.2 An appeal should be mutually arranged within 10 working days unless otherwise agreed by all parties and will be heard by the chairperson of the governing body except where:-

- they have a conflict of interest;
- is otherwise compromised and unable to act impartially; or
- has previously heard an appeal.

In the event that any of the above circumstances apply arrangements will be made via the clerk to the governing body for another member of the governing body to be engaged or a consultant governor.

21.3 The teacher will be given 7 working days' notice of the date, time and place of the meeting to consider the appeal.

21.4 The chair of governors will be required to focus on the reason(s) given by the teacher for their appeal. A member of Human Resources will also be present. The teacher will be afforded the right of representation at this meeting in accordance with point 7 above.

21.5 At the end of the meeting the chair of governors will:

20.5.1 confirm the original decision and proceed to the next stage;
20.5.2 revoke the original decision with the intention of extending the period of review on the current stage;
20.5.3 substitute a different decision; or
20.5.4 uphold the appeal.

21.6 The teacher will be informed in writing of the decision as soon as possible, usually within one week of the appeal meeting. There will be no further right of appeal.

## 2. Stage Three - Referral to the Staff Dismissal and Disciplinary Committee of the Governing Body

22.1 In instances where the required improvement has not been reached having engaged the relevant stages of this procedure the case should be referred in its entirety to the, Staff Dismissal/Disciplinary Committee of the Governing Body and a formal hearing should be held. The hearing should be attended by; -

22.1.1 members of the committee;

22.1.2 the headteacher (who will present the case);

22.1.3 the teacher with their representative;

22.1.4 nominated member of the SMT;

22.1.5 HR officer to advise the committee on aspects of procedure;

22.1.6 any other person considered relevant to the process;

22.1.7 clerk to the governing body who will take a record of the meeting.

22.2 The clerk to the governing body will arrange the hearing and the member of staff will be informed in writing, with not less than 7 working days notice of:

22.2.1 the date and time of the hearing;

22.2.2 the purpose of the hearing;

22.2.3 their right to be represented by a trade union representative or work colleague; and

22.2.4 the issue under consideration and the range of potential outcomes.

22.3 The Staff Dismissal/Disciplinary Committee must be provided with copies of relevant documentation which has been gathered during the course of the procedure. This documentation should provide evidence of: -

22.3.1 the process which has been followed and the area(s) where the teacher has failed to meet a satisfactory standard of performance;

22.3.2 the consequences for the service area of the teachers under performance;

22.3.3 the support provided to assist the teacher to meet the required level of performance

22.4 The procedure to be followed in convening and conducting this hearing will be as outlined in the school's Disciplinary Procedure.

## 23. Staff Dismissal and Disciplinary Committee Appeal Hearing

23.1 Where the outcome of the hearing results in a decision to dismiss, the teacher must be advised that s/he have the right of appeal against this decision and, should s/he wish to exercise this right, s/he should write to the clerk to the governing body within 7 working days of receipt of the letter confirming the decision.

23.2 The teacher/representative must outline the grounds of their appeal.

23.3 An appeal should be heard promptly by the Staff Dismissal/Disciplinary Appeals Committee. The procedure to be followed will be as outlined in the school's Disciplinary Procedure.

# SECTION THREE – THE PROCESS FOR HEADTEACHERS

## 24. Principles

24.1 The governing body recognises that the demands on the headteacher are both complex and varied because of their accountability to a wide range of stakeholders, including pupils, teachers, parents, governors, and local authorities, consortia, Welsh Government and the wider community.

24.2 It is the responsibility of the headteacher to commit to continuous professional development and take whatever action is necessary to improve their performance to achieve the high professional standards expected.

24.3 In the event that the headteacher is performing below the standards required, the chair of governors is responsible for bringing this to the attention of the individual and working closely with them to provide support to help improve the level of performance to a satisfactory standard.

24.4 The purpose of this guidance is to set out a constructive approach to achieving improved work performance through effective supervision, mentoring, training, support, review and development and to ensure fairness in responding to those situations where improvement is not achieved.

24.5 Whilst there may be a strong correlation between headteacher performance and school performance, any judgment, which leads to these procedures being invoked should be evidence based, and not assumed. The procedures reflects the expectation that at each stage decisions about headteacher performance will be based on evidence presented and following fair consideration of the headteachers response. In addition any judgments made with regards to unsatisfactory performance should be related specifically to the duties of the headteacher and not on elements of the school's performance which may sit outside the control of the headteacher.

24.6 This procedure includes the requirement to design, resource and implement a tailored programme to support the headteacher to meet required standards of performance. This should be supported by the local authority and consortia, consistent with the principle that the purpose and commitment of all parties is to raise standards and improve outcomes, whilst recognising that the prime obligation to meet required standards rests with the Headteacher.

24.7 Where reference is made in this section of the procedure to 'the required standard of performance' this means the Leadership Standards and the

Code of Professional Conduct and Practice for Registered Teachers (EWC).

24.8 A headteacher subject to formal capability procedures will continue to be responsible for the performance management process of the school.

## 25. Exceptional circumstances

25.1 In the exceptional case where the chair of governors has overwhelming evidence that the continued employment of the headteacher will jeopardise the school, pupils' education or put the pupils or staff at risk of harm, it may be appropriate to move directly to stage 2 of the procedure. Human Resource advice must be obtained before any such decision is taken.

25.2 For this to occur the headteacher's performance should fall short of what is expected and that their failure in performance has a seriously detrimental effect on the school. This decision should be based on clear objective evidence

## 26. Managing underperformance

26.1 The effective implementation of the performance management procedures, will help prevent underperformance through early identification, support and intervention.

26.2 If a headteacher's performance is causing serious concern at any point in the Performance Management Cycle the appraisal panel will be expected to demonstrate that the following principles have been followed:-

- aspects of underperformance have been discussed with the headteacher;
- expectations have been established;
- reasonable timescale for improvement agreed;
- suitable support has been agreed and provided;
- the headteacher understands how progress is to be evaluated

26.3 In the event that the required performance is not achieved having applied the principles outlined in 26.2 the chair of governors should arrange to meet with the teacher to review his/her progress at which the Headteacher will be given the opportunity to be represented by their trade union representative or work colleague.

26.4 The purpose of this meeting will be to consider whether a support plan should be engaged. The chair of governors should request that a HR

adviser attends this meeting.

26.5 During this meeting the chair of governors will discuss with the headteacher and provide evidence of the unsatisfactory performance making reference to the support which has been provided. The headteacher and their representative will be given the opportunity to respond. Once all of the information has been discussed the chair of governors will decide whether a support plan should be engaged.

## 27. Support Plan – Informal Stage

27.1 When a decision has been made by the chair of governors to engage a support plan consideration should be given as to the appropriate support available to enable the headteacher to improve their performance. The range of interventions may include training, coaching, mentoring, counseling, monitoring, working in a professional learning community, learning and development opportunities (as distinct from training) and supervision.

27.2 During this stage the support to be provided to the headteacher should be specific, time limited and help them achieve an improvement in their performance. They should be informed of what is required, how performance will be reviewed, the review period, and that the formal stage of the capability procedure will be engaged if there is no improvement.

27.3 Success criteria and agreed expected outcomes should be established. Support and monitoring should be conducted in a sympathetic and non-threatening way with the objective of improving the headteacher's performance. However, it must be made clear that the formal stage of the procedure will be triggered if there is no improvement within the review period.

27.4 The senior Improvement Partner/head of service will, on behalf of the chair of governors, coordinate the implementation of the support plan and will be responsible for gathering and collating evidence relating to the performance of the headteacher and progress against the performance targets throughout the review period. Progress will be reported to the chair of governors during the review period and presented to the chair of governors at the end of the period.

27.5 The time period for improvement should be reasonable and proportionate but not excessively long, e.g. between 6-8 weeks. It is for the chair of governors to set the review period (following advice from the senior Improvement Partner/head of service) and also to establish clear targets for performance improvement. These must be discussed with the headteacher and confirmed in writing.

27.6 At the end of the review period an interview with the headteacher should

be conducted by the chair of governors (in the presence of a trade union representative or work colleague if the headteacher so wishes). The appointed senior Improvement Partner/head of service will present their report. The chair of governors may find it helpful to be accompanied at the meeting by a senior officer from the Local Authority. A HR Adviser should also be present to provide procedural advice. The headteacher and/or their representative will have sight of this report before the meeting and will be given every opportunity to respond to the content of the report during the meeting. Having had regard to all of the evidence presented and the circumstance of the case the chair of governors may determine that:-

27.6.1 the headteacher's performance has improved to a satisfactory level the chair will determine that no further action is necessary and that the procedure will cease. This will be confirmed in writing, with the headteacher reminded of the requirement to sustain the satisfactory standard of performance and the consequences of failing to sustain this standard. Support will be identified and addressed through routine performance management; or

27.6.2 the headteacher has achieved some improvement and as a consequence the chair may decide to extend the period of the informal stage. Any such extension should be confirmed in writing and should not be repeated on more than one occasion; or

27.6.3 the headteacher's performance remains unsatisfactory and therefore stage one of the capability procedure will be engaged. The headteacher should be notified in writing of their right to appeal this decision (see paragraph 30). In the absence of an appeal arrangements will be made for the capability panel to meet.

27.7 In circumstances where the teaching and learning of pupils is being jeopardised or performance has seriously deteriorated and staff/pupils are being placed at risk of harm the process will be fast tracked to stage two.

## 28. Stage 1: Formal stage

28.1 Stage one of the capability procedure will be engaged when: -

28.1.1 the chair of governors has initiated the informal stage and the required level of performance has not been achieved; or

28.1.2 when the headteacher has within the last 130 working days been subject to stage one of the procedure which has led to improvement, however performance has subsequently deteriorated to an unsatisfactory standard.

28.2 At this stage a capability panel will be engaged which will consist of the

following membership: -

- chair of governors (in the event that an objection is received with regards to the chair and this is upheld s/he will be replaced by the vice chairperson;
- a governor as nominated by the governing body (should not be a staff governor); and
- a consultant governor as appointed by the consortium.

N.B. the consultant governor should have received training with regards to the capability process. The consultant governor should not be a governor in the same authority to ensure independence. A list of consultant governors can be obtained from the consortium.

Any objection to the membership of the capability panel will be heard in accordance with the procedure outlined in the Governors Guide to the Law.

28.3 The first task of the capability panel will be to meet with the headteacher and their representative to discuss the development of an action plan. This meeting will ensure that the headteacher is given the opportunity to comment upon the proposed plan and its implementation the action plan will specifically identify; -

28.3.1. the agreed support to be provided to the headteacher this may include training, coaching, mentoring, counseling, monitoring, working in a professional learning community, learning and development opportunities (as distinct from training), supervision;

28.3.2. the monitoring process including periodic structured meetings,

28.3.3. how improvement will be monitored, e.g. relevant data, review of documentation, scrutiny of pupils' work, interviews with relevant staff, including local authority and consortium staff

28.3.4. the use of external expertise to judge standards and provide support may be considered.

28.4 Within 7 days of the meeting copies of the minutes and the action plan should be circulated. The accuracy of these documents should be agreed following which a letter should be sent to the headteacher confirming the date, time and venue of the mid term and end of stage review meeting and informing the headteacher of the consequences of failing to meet the required improvement.

28.5 The capability panel will ensure that the monitoring process is conducted in a sympathetic and non- threatening way with the objective of improving the headteacher's work performance.

28.6 During the review period the appointed senior Improvement Partner/head of service will co-ordinate the implementation of the action plan and

monitor performance against the targets set.

28.7 The headteacher will be allocated an agreed mentor whose role will be to provide support and guidance – the mentor should not undertake or assist the headteacher to undertake any of the work required to achieve the targets set in the action plan and will not participate in the assessment of the headteacher's performance.

28.8 At the end of the agreed period of time, the senior improvement partner/head of service should gather evidence and undertake an assessment of the headteacher's performance, against the identified targets. A meeting of the capability panel will be arranged to consider the progress made.

28.9 Information to be considered in the meeting will be circulated to all parties 7 working days prior to the meeting. Should the headteacher wish to submit documentation to support their case this should be provided at least 3 working days in advance of the meeting. The meeting will be attended by: -

28.9.1 the capability panel;
28.9.2 the headteacher with their representative (on request of the headteacher);
28.9.3 HR officer to advice on procedure;
28.9.4 the senior Improvement Partner/head of service;
28.9.5 any other person who has been involved in the process as agreed with the headteacher and his/her representative e.g. mentor;
28.9.6 note taker to minute the meeting

28.10 The purpose of this meeting will be to allow the capability panel to review the targets in the action plan and assess whether the criteria for success have been achieved. All parties in the meeting will be given the opportunity to comment on the progress to date. Any advice given should be provided in the presence of all parties and recorded.

28.11 Having considered all of the evidence submitted and representations made the capability panel will be required to come to one of the following outcomes:-

28.11.1 performance has improved and a satisfactory standard achieved as defined in the action plan, therefore no further action will be necessary. The capability panel must inform the headteacher of the satisfactory outcome of the review in writing and send a copy of this letter to HR so that it can be placed on the headteacher's personal file for a period of 1 year. The headteacher will be reminded of the expectation of a sustained satisfactory standard of performance and of the consequence of failure to sustain this standard. Failure to sustain the required level of performance could result in the procedure being re-engaged in accordance with paragraph 11 of this

procedure. The performance management cycle for the headteacher will be resumed; or

28.11.2 there is evidence of improvement however it is not sufficient to suspend the process – the capability panel may decide to extend stage one for a further 6 week period; or

28.11.3 in instances where performance has not sufficiently improved the capability panel will progress to stage two of the procedure. The capability panel is required to confirm this decision in writing outlining the headteacher's right to appeal the decision. In the absence of an appeal being lodged the letter should also invite the headteacher to attend a meeting in relation to stage two of the capability procedure. The headteacher should be reminded that stage 2 is the final stage of the capability procedure and the absence of suitable and sustained improvement of performance could place their contract of employment at risk by reason of dismissal.

28.12. An appeal against the decision to progress the procedure to stage two will be heard by a panel of 3 consultant governors as outlined in paragraph 30.

28.13 Where the evidence presented suggests that the headteacher has not engaged positively and constructively with the process of improvement, then the matter may be considered to be an issue of professional misconduct and will be dealt with under the school disciplinary policy. When considering this action the chair of the governor panel should seek the advice of the local authority (or the diocesan authority or provider of human resources support)

## 29. **Stage Two – Formal Stage**

29.1 A meeting of the capability panel will be arranged to review the action plan in place and consider whether any changes need to be made for stage two of the process. This meeting will be also be attended by:_

29.1.1 the headteacher with their representative;
29.1.2 HR officer;
29.1.3 the senior Improvement Partner/head of service
29.1.4 note taker to minute the meeting

29.2 Within 7 days of the meeting copies of the minutes and the action plan should be circulated. The accuracy of these documents should be agreed following which a letter should be sent to the headteacher confirming the date, time and venue of the mid term and end of stage review meeting. The letter will also confirm that this is the final stage of the process and the consequences if the headteacher does not reach a satisfactory standard (as specified in the action plan) during the review period, i.e. that the matter will be referred to stage 3 of the procedure to

be heard by the staff disciplinary and dismissal committee of the governing body and that the outcome could be dismissal.

29.3 During the review period the senior Improvement Partner/head of service will coordinate the implementation of the action plan and monitor progress against the targets set.

29.4 At the end of the agreed period of time the senior Improvement Partner/head of service will gather evidence and undertake an assessment of the headteacher's performance against targets. This will be presented to the capability panel.

29.5 A meeting of the capability panel will be arranged to consider the progress made.

29.6 Information to be considered in the meeting will be circulated to all parties 7 working days prior to the meeting. Should the headteacher wish to submit documentation to support their case this should be provided at least 3 working days in advance of the meeting. The meeting will be attended by:-

29.6.1 the capability panel;
28.6.2 the headteacher with their representative (on request of the headteacher);
29.6.3 HR officer;
29.6.4 the senior Improvement Partner/head of service;
29.6.5 any other person who has been involved in the process as agreed with the headteacher and his/her representative e.g. mentor;
29.6.6 note taker to minute the meeting

29.7 The purpose of this meeting will be to allow the capability panel to review the targets in the action plan and assess whether the criteria for success has been achieved. All parties in the meeting will be given the opportunity to comment on the progress to date. Any advice given should be provided in the presence of all parties and recorded.

29.8 Having considered all of the evidence submitted and representations made the capability panel will be required to come to one of the following outcomes: -

29.8.1 performance has improved and a satisfactory standard achieved as defined in the action plan, therefore no further action will be necessary. The capability panel must inform the headteacher of the satisfactory outcome of the review in writing and send a copy of this letter to HR so that it can be placed on the headteacher's personal file for a period of 1 year. The

headteacher will be reminded of the expectation of a sustained satisfactory standard of performance and of the consequence of failure to sustain this standard. Failure to sustain the required level of performance could result in the procedure being re-engaged in accordance with paragraph 11 of this procedure. The performance management cycle for the headteacher will be resumed; or

29.8.2 there is evidence of improvement however it is not sufficient to suspend the process – the capability panel may decide to extend stage one for a further 6 – 8 week period; or

29.8.3 in instances where performance has not sufficiently improved and the success criteria as outlined in the action plan have not been achieved the capability panel will progress to stage three of the procedure. The capability panel is required to confirm this decision in writing outlining the headteacher's right to appeal the decision. In the absence of an appeal the clerk to the governing body should be requested to convene a meeting of the Staff Dismissals and Disciplinary Committee for a formal hearing. Consideration will be given at this hearing to the termination of the headteacher's contract of employment on the grounds of capability (with the required period of notice).

29.9 At this time the chair of governors may need to consider the suspension from duty of the headteacher where necessary e.g. for the protection of children, staff or property or where the continued presence of the headteacher in the school could have a detrimental effect on the teaching and learning of the pupils . In such circumstances a suspension meeting should be conducted in accordance with the guidelines outlined in the Welsh Government Disciplinary and Dismissal Procedure for Schools. Advice should also be sought from the HR adviser.

## 30. Appeal against the progression of the capability process

30.1 Where the headteacher wishes to appeal the decision made by the chair of governors to progress their case to stage one, the clerk to the governing body should be notified in writing within 3 working days of the date of the formal notice of the decision being received. This appeal will be heard by the vice chairperson of the governing body.

30.2 Where the headteacher wishes to appeal the decision made by the capability panel to progress their case to stage two or stage three the clerk to the governors should be notified in writing within 7 working days of the date of the formal notice of the decision being received. This appeal will be heard by a panel of 3 consultant governors. Wherever possible the consultant governors should be located in a Local Authority other than where the headteacher is employed.

30.3 An appeal should be heard promptly and the headteacher will be given 7 working days' notice of the date, time and place of the meeting.

30.4 The headteacher will be afforded the right of representation at this meeting in accordance with point 7 above. A member of Human Resources will also be present.

30.5 At the end of the meeting the chair of the panel of consultant governors will:

29.5.1 confirm the original decision and proceed to the next stage;
29.5.2 revoke the original decision with the intention of extending the period of review on the current stage; or
29.5.3 substitute a different decision.

30.6 The headteacher will be informed in writing by the clerk to the governing body of the decision.

30.7 All meetings will be properly recorded.

## 31. Stage Three - Referral to the Staff Dismissal and Disciplinary Committee of the Governing Body

31.1 In instances where the required improvement has not been reached having engaged the relevant stages of this procedure the case should be referred in its entirety to the, Staff Dismissal/Disciplinary Committee of the governing body and a formal hearing should be held. The hearing should also be attended by; -

31.1.1 the senior Improvement Partner/head of service;
31.1.2 the headteacher with their representative (on request by the member of staff);
31.1.3 HR officer; to advise the committee on aspects of procedure;
31.1.4 any other person who has been involved in the process as agreed with the headteacher and his/her representative e.g. mentor;
31.1.5 clerk to the governing body who will take a record of the meeting.

N.B. Any advice given during the course of the hearing should be provided in the presence of all parties and recorded.

31.2 The clerk to the governing body will arrange the hearing and the member of staff will be informed in writing, with not less than 5 working days notice of:

31.2.1 The date and time of the hearing;
31.2.2 The purpose of the hearing;

31.2.3 The right to be represented by a trade union representative or work colleague; and

31.02.4 That a possible outcome of the hearing, if the member of staff is held to be unable to perform their duties to the required standard is dismissal.

31.3 The Staff Dismissal/Disciplinary Committee must be provided with copies of relevant documentation which has been gathered during the course of the procedure, which should evidence: -

31.3.1 The area(s) where the headteacher has allegedly failed to meet the required performance standard;

31.3.2 The consequences for the service area of the member of staff's under performance;

31.3.3 The support provided to assist the member of staff to meet the required level of performance

31.4 The purpose of the hearing is to:-

- assess the standards of performance against those which are required and consider the progress achieved during the procedure;
- allow the headteacher and representative to respond to the report and evidence presented; and
- enable the school discipline and dismissal committee, with appropriate advice, to reach a view on whether performance standards have improved sufficiently.

31.5 The procedure to be followed in convening and conducting this hearing will be as outlined in the school's Disciplinary Procedure.

## 32. Staff Dismissal and Disciplinary Committee Appeal Hearing

32.1 Where the outcome of the hearing results in a decision to dismiss, the headteacher must be advised that they have the right of appeal against this decision and, should they wish to exercise this right, they should write to the clerk to the governing body within 7 working days of receipt of the letter confirming the decision.

32.2 The headteacher must outline the grounds of their appeal.

32.3 An appeal should be heard promptly and will be heard by the Staff Dismissal/Disciplinary Appeals Committee.

32.4 The procedure to be followed will be as outlined in the school's Disciplinary Procedure.

# APPENDIX ONE - Roles and Responsibilities

The roles and responsibilities of the main participants are outlined below. The clear expectation is that all parties work together to seek to improve the performance of the teacher/headteacher.

## Responsibilities of the Teacher (who may be the subject of this procedure)

- be fully aware of the requirements of the Practising Teacher Standards and the EWC code of professional conduct and practice.
- cooperate with the procedure and agree performance objectives. cooperate with their line manager to achieve a satisfactory level of overall performance.
- take responsibility for their training and development and be proactive in seeking arrangements where needs have been identified.
- draw to the attention of their line manager any external factors that may be impacting adversely on their performance.
- make every effort to attend any meetings or hearings under this capability procedure.
- engage with the local authority's occupational health team or an appropriately qualified health professional if appropriate.

## Responsibilities of the Headteacher (who may be the subject of this procedure)

- be fully aware of the requirements of the Practising Teacher Standards and the EWC Code of Professional Conduct and Practice
- be fully aware of the Leadership Standards
- cooperate with their chair of governors to agree performance objectives
- cooperate with their chair of governors to achieve a satisfactory level of overall performance
- take responsibility for their training and development and be proactive in seeking to improve their performance where needs have been identified
- draw to the attention of their chair of governors to any external factors that may be impacting adversely on their performance
- make every reasonable effort to attend any meetings or hearings under this capability procedure
- engage with the local authority's occupational health team or an appropriately qualified health professional if appropriate.

## Role of the representative

- accompany their member at all stages of the capability procedure;
- support their member in presenting their evidence and seek clarification on any issues raised during the meeting;

- confer with their member, during any meeting;
- represent their member particularly if they are unable to be present;
- ensure that their member is familiar with the content of the capability procedures;
- make themselves available whenever possible to meet the timescales defined within the procedure.

## Role of the Headteacher (as manager)

- support and advise teachers on effective performance management procedures.
- support and advise line managers who express concerns about the unsatisfactory performance of a teacher.
- take appropriate action in the management of unsatisfactory performance.
- ensure standards of fairness, objectivity and consistency of treatment of teachers in all cases.
- appoint, where appropriate, a designated member of the teaching staff to provide appropriate support.
- ensure that an appropriate programme of support and guidance is put in place for the teacher whose performance is deemed to be unsatisfactory.
- seek the advice and support of the local authority (or the diocesan authority or provider of human resources support).
- ensure that the governing body's policies are enacted and the governing body is involved in the capability process at the appropriate stages.

## Role of the nominated member of SMT

- be fully aware of the requirements of the Practising Teacher Standards and the EWC code of professional conduct and practice.
- ensure that the teacher has received a full induction into the school.
- be conversant with the relevant policies relating to performance management and any other relevant underperformance policies.
- clearly communicate the standard of performance the school expects. take a considered approach in all cases when there are concerns about a teacher's performance.
- provide evidence and advise the headteacher (or those delegated by the headteacher to administer the capability process) during the process.
  seek further guidance from the headteacher (or those delegated by the headteacher to administer the capability process) where appropriate on any matter related to this policy and procedures.

## Role of the chair of governors

- ensure the governing body adopts appropriate procedures to manage

teacher and headteacher capability
- establish and maintain effective arrangements and good communications with the headteacher in relation to performance and school priorities
- obtain local authority human resource management advice in the event of any concerns about headteacher underperformance
- initiate the formal stage (Stage 1) of this procedure if deemed appropriate
- appoint, where appropriate, a senior Improvement Partner/head of service
- to investigate the issues and/or provide appropriate support
- reach a view, at the end of the informal stage, whether the identified concerns have been addressed or to convene the capability panel to manage the formal capability procedures
- consult the local authority as necessary to secure sufficient governor capacity to support delivery of this capability procedure.

## Role of the governing body

- be fully aware of the requirements of the Practising Teacher Standards and the EWC Code of Professional Conduct and Practice
- be fully aware of the Leadership Standards
- be fully familiar with the relevant policies relating to performance management
- ensure that the policies relating to the management of the performance and unsatisfactory performance of teachers and the headteacher are implemented and are working effectively alongside other relevant policies
- ensure that all relevant policies are available to the teachers and headteacher and are reviewed on a regular basis
- ensure that the appropriate committees of the governing body are
- established, that governors are aware of their responsibilities and
- receive appropriate training to support them in their roles.
- monitor the outcomes and impact of this policy on a regular basis and provide information on the application of the policy to the local authority upon request.

## Role of the clerk to the governing body

- to convene a meeting of the Disciplinary/Dismissals Committee if requested and circulate all appropriate documentation;
- to convene a meeting of the Disciplinary/Dismissals Appeals Committee if requested and circulate all appropriate documentation.

## Role of the local authority

- to provide advice and support to the headteacher and governing body when they are managing the unsatisfactory performance of a teaching member of staff;
- to provide advice and support to the chairperson and the governing body when they are managing the unsatisfactory performance of a headteacher;
- ensure accessible high quality human resource management advice is available;
- exercise, as appropriate the right to attend all formal meetings of the governing body and its committees for the purpose of giving advice;
- exercise, as appropriate, powers of intervention in order to ensure the appropriate procedures are adopted and followed;
- deliver or commission appropriate training to equip the chair of governors and governing body to fulfil effectively their obligations under this procedure
- to liaise with the governing body to ensure that there is sufficient governor capacity for implementation of the various stages of the capability and appeals processes.
- to review this policy on a regular basis in consultation with the recognised trade unions. Regard will be given to changes in legislation and guidance from the Welsh Government.
- to monitor the outcomes and impact of this policy on a regular basis and will assess the impact and compliance with equalities legislation providing information to the trade unions upon request.

## Role of the consortium

- secure and allocate an experienced Improvement Partner to work with the school to help raise standards;

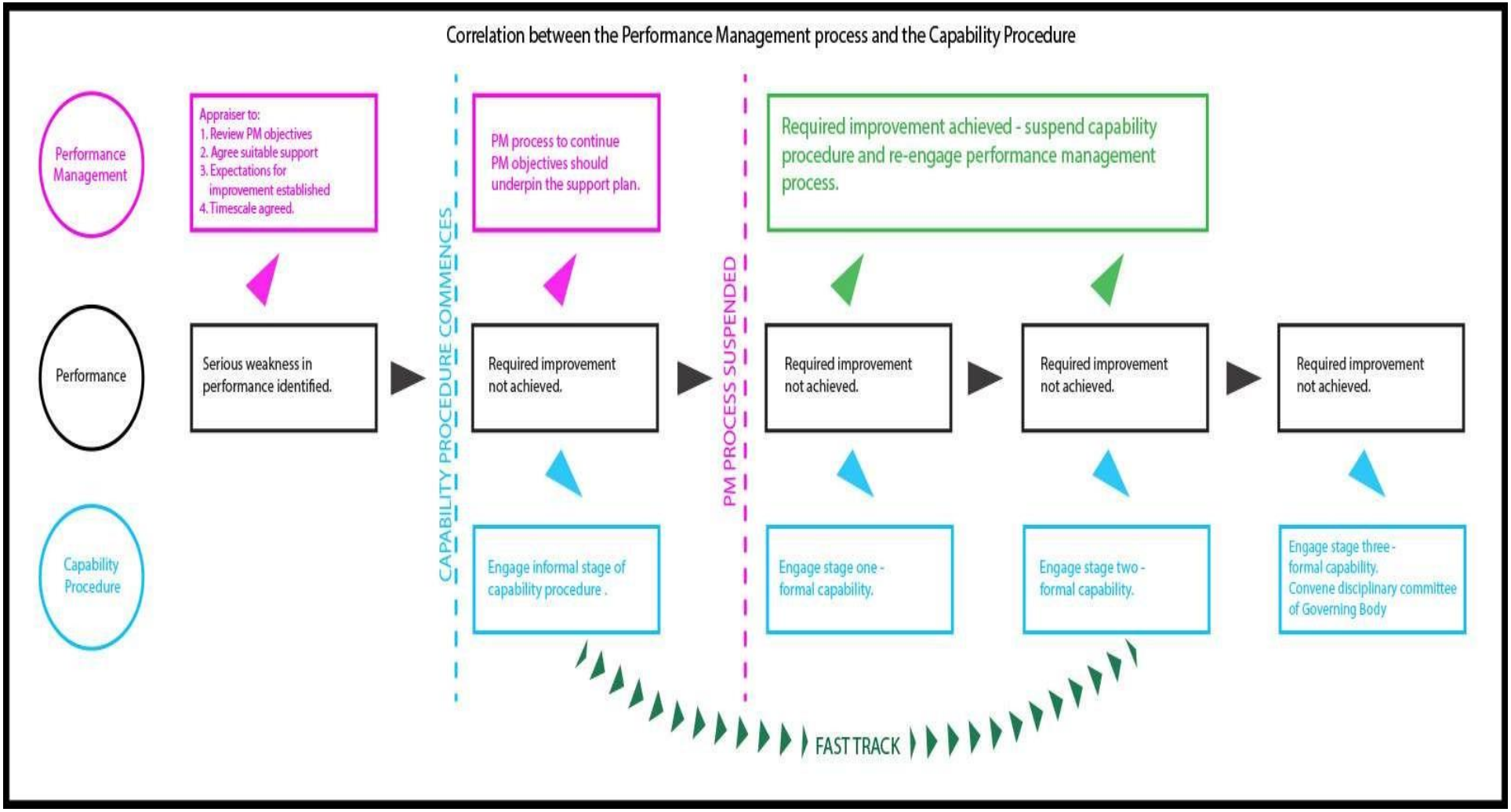
## Role of the capability panel

- take action and a considered approach in all cases when there are concerns about a headteacher's performance
- ensure standards of fairness, objectivity and consistency of treatment of the headteacher in all cases
- initiate the formal investigation of the issues and take appropriate action at any stage in the management of unsatisfactory performance
- appoint, where appropriate, designated members of the local authority or consortium staff to investigate the issues and provide appropriate support
- ensure an appropriate programme of support is put into place for a headteacher whose performance is deemed to be unsatisfactory

- seek the advice and support of the local authority (or the diocesan authority or provider of human resources support) at every stage of the procedure.

## APPENDIX TWO – Action Plan

| Area for Improvement | Objective | Support to be provided | Criteria for Success | How improvement will be measured | Timescale for target |
|---|---|---|---|---|---|
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Correlation between the Performance Management process and the Capability Procedure
Performance Management
Performance
Capability Procedure
Appraiser to:
1. Review PM objectives
2. Agree suitable support
3. Expectations for improvement established
4. Timescale agreed.
Serious weakness in performance identified.
CAPABILITY PROCEDURE COMMENCES
PM process to continue PM objectives should underpin the support plan.
Required improvement not achieved.
Engage informal stage of capability procedure .
PM PROCESS SUSPENDED
Required improvement achieved - suspend capability procedure and re-engage performance management process.
Required improvement not achieved.
Engage stage one - formal capability.
Required improvement not achieved.
Engage stage two - formal capability.
Required improvement not achieved.
Engage stage three - formal capability. Convene disciplinary committee of Governing Body
FAST TRACK