

# Capability Policy (Support)

The school and governing body expects the highest standards of performance from all its employees and the purpose of this policy provides a framework for when a member of support staff within school fails to perform their duties to the standard required.

Please refer to the School's Capability Policy (Teaching) on the Schools Portal if there are matters concerning any member of teaching staff.

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## 1 Identifying capability issues

It is the headteacher's responsibility to identify shortcomings in employee performance at the earliest opportunity. Regular reviews and support will help identify and minimise under performance, however, there may be occasions where the employee consistently fails to reach the required standard of performance.

Where the performance of the employee is deemed to be inadequate and has not improved with normal day to day support, the following procedure should be followed.

Headteachers are encouraged to contact the HR Advice and Support team for advice on how to manage the process.

## 2 Informal stage

### 2.1 Initial meeting

The headteacher will arrange a meeting with the employee, giving them reasonable notice of the date, time and purpose of the meeting. The meeting will aim to clarify:

- The nature of the performance concerns
- The expected standard of performance
- An agreed action plan including identified support
- Timescales for improvement and review dates: and
- The potential consequences of not achieving the required improvements in performance

Whilst there is no statutory right for an employee to be accompanied to meetings during the informal stage of the process, any request from an employee at this stage will be accommodated.

### 2.2 Action plan

An action plan will be completed by the headteacher, encompassing ideas and suggestions from the employee, along with any identified support. The action plan should be based upon a realistic timescale for improvement (usually between 4 and 8 weeks) depending upon the role and the degree of under-performance.

The following are examples of support that may be appropriate and should be considered:

- In school training

- Individual coaching by the Headteacher or experienced member of staff
- Observation by the employee of good practice
- A modified workload or responsibilities for a specified period
- Work sharing/team working with experienced person
- Visits to other suitable workplaces

Headteachers should ensure that written records of all meetings with the employee are retained and the agreed action plan and any other associated documentation should be shared with the employee. A template action plan is available on the [Schools Portal](#).

The employee must be advised that failure to improve as required by the action plan may result in the formal stage of the procedure being instigated.

## **2.3 Review meetings**

Regular review meetings will be held throughout the agreed timescale to discuss and record progress against the agreed action plan. It also provides the headteacher with an opportunity to give feedback and for the employee to highlight any areas of concern, or further support required throughout the review period.

At the end of the agreed action plan period, a final review meeting will be held with the employee to assess their overall progress.

- If satisfactory improvement has been achieved, this will be noted on the action plan and individual's performance will be managed as part of normal day to day management.
- If satisfactory performance has not been achieved, the Head Teacher will need to determine whether it is reasonable to extend the action plan of support, or whether to progress to the formal stage of the procedure.

Headteachers should recognise that capability problems may be outside the employee's direct control and can be symptomatic of underlying work problems or other personal issues. Employees should be provided with the opportunity to explain the reason why they feel their performance is being affected and any underlying reasons should be explored.

## **3 Formal stage**

Where the employee has not met the targets set out in the action plan within the agreed timescale, the employee will be informed that the case will be progressing to a performance hearing, and this should be noted on the action plan and referred to a performance hearing.

Please refer to section 6 of the [Disciplinary Policy](#) for further information about conducting the performance hearing and preparing a report.

Where the employee has not achieved the required standard of performance during their probationary period this should be noted during the probationary review and the Headteacher should contact HR for advice and refer to the dismissal policy.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

<b>Telephone</b>	03000 266688
<b>Email</b>	hradvice@durham.gov.uk

**Further support can be accessed by contacting (subject to SLA buy in):**

<b>Pay, Reward and Employment Services</b>	<a href="mailto:pesschools@durham.gov.uk">pesschools@durham.gov.uk</a>
<b>Occupational Health</b>	<a href="mailto:occhealthadmin@durham.gov.uk">occhealthadmin@durham.gov.uk</a>
<b>Health and Safety</b>	<a href="mailto:hsteam@durham.gov.uk">hsteam@durham.gov.uk</a>
<b>Employee Assistance Programme</b>	<a href="https://wisdom.healthassured.org/login">https://wisdom.healthassured.org/login</a> DCC Employer Code: MHA042951 0800 028 0199

<b>Author</b>	<b>Version</b>	<b>Last review</b>	<b>Next review</b>
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The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.