



EV-S.0524

Capability

Policy

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EVEREST
SCHOOL

EVEREST SCHOOL





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1. Policy Statement

The aim of the competency framework is to ensure that students receive a high-quality education by ensuring that the school's educational offerings meet their needs. It seeks to provide a fair and consistent process for improving performance when necessary. Governors and school leaders expect high performance from staff, who, in turn, are entitled to appropriate support for their ongoing professional development.

2. Champ d'application de la politique

This policy applies to all permanent staff at Everest Schools, including headteachers and directors. It does not apply to temporary workers in order to avoid any confusion.

3. Policy

3.1. Application of the policy

This policy and procedure apply when a staff member's work quality does not meet acceptable standards. If poor performance is related to deliberate intent, illness, disability, or the use of drugs or alcohol, other HR policies may be necessary as a complement.

It is essential to differentiate between competency issues and disciplinary issues. Disciplinary issues concern a staff member who is capable but underperforming due to negligence or lack of motivation. The competency policy applies when performance standards are not met due to professional incapacity, health problems, or a lack of skills, experience, or knowledge.

3.2. General Principles

The general principles of this procedure ensure objectivity, fairness, and non-discrimination. Work standards are clearly defined by the management, with reasonable adjustments made for individuals with disabilities. Regular monitoring and an informal approach (coaching, guidance) are prioritized before formal measures are implemented, except in cases of serious issues. Any formal action is preceded by a thorough investigation, and staff members have the right to appeal decisions made.

3.3. The right

At all stages of this policy, a staff member may be accompanied by a union representative or a colleague who does not hold a supervisory role over them. Management must inform the staff member of this right at least five working days before the meeting. The accompanying person may present arguments, consult with the staff member, summarize points, and respond to questions on their behalf, with their consent. However, they may not answer questions in the staff member's place, intervene without authorization, or disrupt the normal proceedings of the hearing.

3.4. Confidentiality

Summary: Confidentiality is crucial at all stages of performance management. Only those directly involved have access to the information, and no colleagues should be informed of ongoing actions. Staff members may discuss their situation with a union representative or a colleague for support. Documents related to performance issues are handled confidentially and retained only for as long as necessary, in compliance with data protection laws.



3.5. Time limit

Les délais varient selon la gravité des insuffisances, en tenant compte de la nature du problème (spécifique ou général) et de sa durée (récent ou ancien).

In general, if a teacher fails to meet the required standards within one term after the start of the formal procedure, a dismissal hearing will be arranged. For support staff, the improvement period is usually half a term. However, in exceptional circumstances where the education or safety of students is compromised, the improvement period will not exceed four weeks.

3.6. Absence due to illness

In case of illness, reasonable measures must be taken to allow participation in meetings. Certified absence and the right to sick leave do not, by themselves, justify postponing the procedure. The staff member must provide a medical certificate if unable to attend a meeting or hearing. If this certificate is not provided, the absence could be considered a disciplinary offense. The panel chair will decide if the meeting can proceed in the absence of the individual. If the meeting takes place without the staff member's presence, a written report will be provided. Short-term absences should not delay the formal procedure.

4. Roles and responsibilities

4.1. Governors, heads of establishments and directors

Regarding the staff under their management, all managers have the following responsibilities:

- Ensure that work standards are consistently established for each staff member and that up-to-date, agreed job descriptions are in place.
- Advise, coach, and support staff to ensure that the role and expected performance levels are well understood.
- Ensure that appropriate induction and continuing professional development (CPD) are carried out.
- Set and monitor performance standards and provide constructive feedback to help staff achieve the required performance levels.
- Ensure that staff understand the performance management procedure and their rights within this procedure if it is applied.
- Act quickly and ensure that performance issues are addressed within a reasonable timeframe.
- Review performance issues at work that may lead to formal action under the performance management procedure, gathering evidence of deficiencies and the support provided.
- Keep written records regarding performance concerns and actions taken at each stage of the performance management procedure.
- Ensure that the correct procedures are followed and that any correspondence relating to performance concerns is stored in compliance with the Data Protection Act 1998.

4.2. Staff members



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- Demonstrate the necessary commitment to improving their performance, including taking all reasonable steps to maintain or update their skills.
- Achieve an acceptable and sustainable level of performance.
- Seek help if facing work-related issues.
- Understand the performance management policy and procedure.
- Cooperate in any capacity investigation and any action that may result from it.
- Attend all relevant meetings, whether for advice, support, or review.
- Treat all information discussed during the performance management procedure as confidential and not disclose it to any third party (except to seek legal advice).
- Inform the appropriate person in writing of any intention to appeal a decision made at the formal stage of this procedure.

5. Formal Performance Management Stage

1. Transition to Formal Stage:

The formal procedure is initiated when informal efforts fail or if there are serious concerns, at the discretion of the headteacher or the responsible manager.

2. Formal Meeting:

A formal meeting, involving the manager, the staff member, and optionally a colleague, is preceded by at least 5 days' notice outlining the performance issues and the right to support.

3. Meeting Objectives :

- Assess whether performance meets the school's standards.
- Develop an action plan aligned with the school's and staff member's needs.

4. Post-Meeting Options :

- **Close the procedure:** If performance standards are met.
- **Extend the evaluation period:** To allow further improvement.
- **Provide informal guidance:** If not previously done.
- **Role reassignment:** If the staff member is suitable for a different role.

5. Decision and Actions :

- Pause the meeting temporarily for reflection if needed.
- For persistent issues, issue a written warning, considering the severity.

6. Post-Meeting Actions :

- Identify shortcomings and set clear performance expectations.
- Offer support and establish monitoring with a clear improvement timeline.
- Specify that failure to improve may lead to dismissal.



7. Written Communication:

A letter is sent to confirm the outcomes, decisions made, and the next steps to be taken.

6. Written Warning and Evaluation Procedure

A written warning is issued if performance remains unsatisfactory, detailing deficiencies, objectives, proposed support, the evaluation period, consequences of failure, and the right to appeal. The evaluation period is one term for teachers and half a term for support staff.

The warning can be canceled after six months (oral) or twelve months (written) if performance improves sustainably. An evaluation meeting follows continuous monitoring (weeks 1–8), with observations and support. A final meeting (week 9), with five days' notice, determines closure, extension of the evaluation period, or escalation to a final written warning if necessary.

For teachers, the first evaluation stage should be organized as follows:

Timeline: Weeks 1 to 8

Action: Regular observation, monitoring, and performance evaluation, with guidance, training, and support as needed. If, at any point during this stage, circumstances reveal a more serious issue, a decision can be made to proceed directly to a final written warning.

Week 9: An evaluation meeting must be held to review performance over the previous weeks.

At least five working days' notice must be given for the evaluation meeting, and the staff member may be accompanied by a union representative or colleague. Human Resources (HR) may also be present.

If the performance level is satisfactory and there is confidence in its sustainability, the competency management procedure can be closed, confirmed by a letter from the headteacher, executive director, or manager. If some improvements have been made, the meeting may be adjourned to allow for additional monitoring.

Final Written Warning and Second Evaluation Stage

A final written warning is issued if performance remains unsatisfactory, containing the same elements as a first warning. It will be removed from the record after 12 months if performance becomes satisfactory.

Monitoring, evaluation, and support continue over an additional period (weeks 9-12). A final review meeting (week 13), preceded by 5 working days' notice, assesses progress.

If performance improves sustainably, the procedure is closed. Otherwise, a dismissal hearing is considered, confirmed through a letter summarizing the evaluation findings and the next step.

7. Dismissal hearing

7.1. Regulations Governing Dismissal

In public schools, the Board of Trustees is responsible for dismissals but may delegate this responsibility to the headteacher or a group of members. In faith-based schools, this responsibility remains with the Board, with the possibility of delegation. If the headteacher is involved in the



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dismissal, the Board may delegate the decision to an individual or a group, with or without the headteacher's involvement.

In the case of the dismissal of a headteacher, a hearing consisting of at least three members of the Board is required. If the headteacher is involved in a dismissal, the decision must be made by a hearing of two Board members.

Dismissal decisions in public schools must be confirmed by the local authority. In faith-based schools, the dismissal decision is immediately effective. An appeal committee of three Board members can overturn a dismissal decision.

7.2. Dismissal Hearing:

The staff member must receive a written notice at least 10 days before the hearing, including the date, time, location, performance-related concerns, and the right to be accompanied. Both parties must submit their documents and witnesses two days before the hearing. Late evidence is only accepted in exceptional circumstances.

During the hearing, the chairperson will present the concerns and witnesses, and the staff member can provide explanations and call witnesses. They must have the opportunity to make a final statement. Both parties can ask questions. The hearing may be adjourned if necessary.

The panel deliberates to make a dismissal decision. The decision is communicated to the staff member as soon as possible after the hearing, and the Board confirms it in writing, with guidance from human resources.

7.3. Dismissal

The confirmation letter of the dismissal decision must state the reasons for the dismissal, the end date of the employment contract, and the right to appeal. After approval by the Board of Directors, the headteacher is responsible for issuing the dismissal notice to the employee.

As part of this performance management procedure, if a dismissal is decided, the headteacher will set the date of termination after evaluating the continuity of service. The staff member will generally not be required to work during the notice period and may therefore be entitled to compensation in lieu of notice according to their employment contract. If the employee is still in the probationary period, the dismissal date will be the date of the confirmation letter, with no notice period.

7.4. Appeal the dismissal decision.

The Board of Governors must offer the dismissed staff member the opportunity to appeal by appointing a committee of at least two governors not involved in the initial decision. The appeal must be submitted within 2 working days following the dismissal notification and must explain the reasons for the appeal. The appeal hearing must take place within 5 days. The staff member may be accompanied by a colleague, and both parties must submit their documents and witnesses two days before the hearing.

During the hearing, the staff member may present their arguments and submit new evidence. The appeal panel may confirm, reduce the sanction, or cancel the decision. The decision of the appeal panel is final and binding, with no further possibility of appeal. The Board of Governors will confirm the decision in writing to the staff member. The school must retain all documents related to the appeal.