

# ***Gweithdrefn Fedrusrwydd ar gyfer Staff Addysgu mewn Ysgolion Capability Procedure for School Teaching Staff***

***Ysgol Waunfawr***



***Llofnodwyd ar ran Cadeirydd y Llywodraethwyr: \_\_\_\_\_  
Signed on behalf of the Chair of Governors:***

***Dyddiad Cymeradwyo:  
Date of approval***

***Dyddiad Adolygu:  
Review date***

## 1. Pwrpas

Mae'r ysgol wedi ymrwmo i ddarparu addysg o safon i ddisgyblion. Felly mae'n rhesymol disgwyl i staff addysgu gyrraedd a chynnal safon dderbyniol o ymddygiad a pherfformiad.

Fe ddylai'r safon ddisgwyliedig fod yn briodol i lefel y swydd, y sgiliau a'r profiad sy'n rhesymol i'w disgwyl gan unigolyn o'i swydd neu yn ôl safonau proffesiynol athrawon. Mae'r ysgol wedi ymrwmo i ddarparu'r cymorth fel bod gweithwyr yn gallu cyrraedd y safonau disgwyliedig.

Mae yna adegau, am ba bynnag rheswm, pan fo lefel perfformiad gweithiwr yn annigonol. Bydd gan yr ysgol gweithdrefn deg, dryloyw a chefnogol i sicrhau bod safonau addysg i ddisgyblion yn cael eu cynnal os cyfyd y sefyllfa hon.

Y nod yw darparu fframwaith sy'n sicrhau cymorth i weithwyr gyrraedd y lefel angenrheidiol o berfformiad cyn bod gweithredu ffurfiol yn digwydd. Dim ond o dan amgylchiadau pan nad yw'n bosib ystyried bod gweithiwr yn gallu cyflawni ei dyletswyddau, am ba bynnag rheswm, y dylai'r weithdrefn yn y polisi yma gael ei ddefnyddio.

### 1.1 Cwmpas

Bydd y gweithdrefnau medrusrwydd yn berthnasol i bob athro, ac eithrio'r pennaeth (sy'n destun amodau ar wahân). Nid yw'r polisi yma yn weithredol ar gyfer Athrawon Newydd Gymhwysu gan fod ganddynt weithdrefnau monitro a chefnogaeth benodol ar gyfer eu cyfnod anwytho.

### 1.2 Egwyddorion

Cyn gweithredu'r polisi, fe ddylai'r ysgol godi pryderon am danberfformiad gyda'r staff addysgu a dylid cytuno ar fesurau i gefnogi gwelliannau yn eu perfformiad. Nid bwriad y polisi hwn yw atal y pennaeth rhag ymdrin â phroblemau o ddydd i ddydd sy'n ymwneud a staff. Gellid ystyried bod trafodaethau anffurfiol a buan yn hanfodol i atal problemau rhag codi. Disgwylir bod rhan fwyaf o faterion yn cael eu datrys yn anffurfiol.

Pwyslais y weithdrefn hon yw cefnogi staff addysgol i gyrraedd safon ddigonol o berfformiad, gan gynnwys cyrraedd safonau proffesiynol, drwy hyfforddiant, gosod amcanion a monitro cynnydd. Bydd y gefnogaeth hefyd yn ystyried elfennau swydd. Er enghraifft, efallai nad yw Pennaeth Adran neu aelod o'r Uwch Dim Rheoli yn cyrraedd safonau derbyniol mewn rhan o'i swyddogaeth, ond eto yn cyrraedd safonau derbyniol am eu haddysgu. Dylai meysydd gwella cael eu nodi yn glir i'r gweithiwr.

Dylai materion ynglŷn â medrusrwydd yn y rhan fwyaf o achosion cael eu trafod yn anffurfiol gyda'r pennaeth/rheolwr llinell. Dim ond os yw materion mwy difrifol neu fod trefniannau anffurfiol heb arwain at welliannau derbyniol bydd mesurau mwy ffurfiol yn cael eu dilyn.

Os ceir penderfyniad i symud o'r camau anffurfiol i'r ffurfiol; i symud trwy'r camau ffurfiol neu i fyrhau'r graddfeydd amser, bydd tystiolaeth glir, wrthrychol a digamsyniol i gefnogi'r penderfyniad.

### 1.3 Yr Hawl am Gynrychiolaeth

Mae gan y staff addysgu'r hawl i gynrychiolaeth undeb llafur neu i fod â chydweithiwr yn bresennol yn ystod y camau anffurfiol a ffurfiol y polisi hwn.

## 2. Cyfrifoldebau

### 2.1 Y Corff Llywodraethol

- Mabwysiadu polisi a gweithdrefn

- Gwneud penderfyniadau ar ddiswyddo staff ar sail medruswydd ac apeliadau yn erbyn y fath benderfyniadau
- Sicrhau bod y polisi yn cael ei weithredu'n gywir

## 2.2 Y Pennaeth/Rheolwyr Llinell Dynodedig

- Y pennaeth sy'n gyfrifol am reoli'r gweithdrefnau. Ond tra gellir enwebu aelod arall o'r staff i gyflawni'r broses, y pennaeth yn y pendraw sydd a'r cyfrifoldeb am reoli'r broses.
- Sicrhau bod staff addysgu newydd gyda'r cymwysterau perthnasol ar gyfer eu swydd.
- Rheoli a monitro perfformiad yn rheolaidd.
- Cefnogi staff addysgu a darparu'r amgylchedd sy'n caniatáu iddynt berfformio hyd eithaf eu gallu.
- Creu'r hinsawdd ble gall staff addysgu disgwyl cefnogaeth.
- Adnabod arwyddion cynnar ble efallai bod aelod o staff addysgu yn cael trafferthion a chynnig ymyrraeth briodol mewn modd teg, rhesymol a sensitif bydd yn galluogi iddynt lwyddo.
- Galw ar y weithdrefn fedruswydd ffurfiol ar sail tystiolaeth gadarn ac wedi dangos yn glir bod y camau anffurfiol wedi disbyddu.
- Cysylltu gyda'r awdurdod lleol, os gelwir ar y camau ffurfiol.

## 2.3 Awdurdod Lleol

- Darparu cyngor a chanllawiau i ysgolion ar faterion polisi a gweithdrefnau a chymhwysiad polisiâu.
- Darparu canllawiau i ysgolion/pennaethiaid ar y broses os ddiswyddiad yn gysylltiedig â medruswydd er mwyn sicrhau cydymffurfiad â deddfwriaeth.
- Cynghori paneli llywodraethol a phaneli apêl llywodraethwyr.

## 2.4 Y Staff Addysgu

- Sicrhau eu bod, hyd eithaf eu gallu, yn cyrraedd y safonau disgwyliedig o'i swydd yn ôl eu contract cyflogaeth.
- cydweithio'n rhesymol gyda'r ysgol yn ystod unrhyw broses anffurfiol neu os gelwir ar y broses ffurfiol.

Bydd methiant i ddilyn cyngor clir a chyfarwyddiadau neu esgeulustod yr ystyrir sy'n deillio o berfformiad annigonol oherwydd amharoddrwydd bwriadol gan y gweithiwr i gyflawni ei dyletswyddau yn effeithiol, yn cael ei drin gan bolisi disgyblaeth yr ysgol.

## 3. Camau

Mae'r weithdrefn hon yn cynnwys y camau a ganlyn:

### 3.1 Camau Anffurfiol: Adnabod problemau, ymchwilio i achosion a darparu cymorth.

- Adnabod ac ymchwilio – tynnir sylw at berfformiad anfoddhaol fel mater ac ymchwilir iddo.
- Rhaglen gymorth anffurfiol – yn cychwyn pan fydd perfformiad anfoddhaol wedi ei ymchwilio a'i adnabod (20–40 diwrnod gwaith).

### 3.2 Camau Ffurfiol: Gweithredu ac adolygu

- Cam 1 (ffurfiol): Rhybudd llafar ffurfiol – yn cychwyn pan fo'r rhybudd llafar yn cael ei gadarnhau a'i dderbyn yn ysgrifenedig gan yr athro – 20–40 diwrnod gwaith (cymorth a monitro).
- Cam 2 (ffurfiol): Rhybudd ysgrifenedig – yn cychwyn pan fo'r athro yn derbyn y rhybudd ysgrifenedig – 20–40 diwrnod gwaith (cymorth a monitro).
- Cam 3 (ffurfiol): Rhybudd ysgrifenedig terfynol – yn cychwyn pan fo'r athro yn derbyn y rhybudd ysgrifenedig – 20–40 diwrnod gwaith (cymorth a monitro).

### 3.3 Gweithdrefnau Disgyblu a Diswyddo: gwrandawriad medrusrwydd ger bron y Llywodraethwyr

- Cyfeirio at bwyllgor disgyblaeth a diswyddo staff y llywodraethwyr.

Ystyrir bod cymorth yn cynnwys strategaethau megis hyfforddiant, mentora, cyfarwyddyd, cysgodi athro arall neu oruchwylio agosach. Mater i'r rheolwr llinell a'r/neu'r pennaeth fydd penderfynu ar y gefnogaeth i'w darparu, mewn ymgynghoriad gyda'r athro dan sylw.

## 4. Camau Anffurfiol - Gweithredu

### 4.1 Camau Anffurfiol: Adnabod problemau, ymchwilio i achosion a darparu cymorth

Pan fo pryderon ynglŷn â pherfformiad athro, dylent gael eu dwyn i sylw'r athro gan y rheolwr llinell neu gan aelod o'r uwch dîm arweiniol. Dylid hysbysu'r athro ei bod yn angenrheidiol egluro'r rheswm/rhesymau posibl am ei berfformiad anfodddhaol. Ar y cam hwn, bydd y pennaeth yn cychwyn ymchwiliad o'r mater ac yn penodi aelod dynodedig o'r staff addysgu sydd â rôl reolaethol i ymgymryd â'r dasg. Mewn ysgolion sydd â neb mewn rôl reolaethol, ac eithrio'r pennaeth, dylid cysylltu gyda'r Awdurdod am arweiniad pellach.

Cyn dechrau ar y weithdrefn fedrusrwydd ffurfiol, rhaid i'r pennaeth fod wedi ei fodloni bod cymorth addas wedi ei ddarparu i'r athro i gynorthwyo i wella perfformiad. Rhaid i'r rheolwr llinell wrando ar yr hyn sydd gan yr athro i'w ddweud ac ystyried pa gefnogaeth ddylai gael ei darparu.

Gall fod achosion lle ystyrir bod perfformiad anfodddhaol athro mor ddifrifol, neu fod gormod o faterion i ddelio â hwy yn anffurfiol, fel y dylai'r weithdrefn ffurfiol gychwyn (Cam 1 (ffurfiol): Rhybudd llafar ffurfiol). Pe bai gan y rheolwr llinell bryderon o'r fath, dylid ceisio cyngor gan y pennaeth a ddylai ofyn cyngor a chefnogaeth yr awdurdod lleol.

Bydd yr aelod dynodedig o staff addysgu yn gyfrifol am gasglu a choladu tystiolaeth ysgrifenedig ynglŷn â phryderon, gan ddefnyddio deilliannau rheolaeth llinell a monitro arferol megis gwybodaeth berthnasol o'r broses reoli perfformiad, arsylwadau dosbarth, data, a.y.b. Rhaid i'r aelod dynodedig o staff addysgu gyfarfod gyda'r athro i sicrhau bod eglurder llwyr ynglŷn â'r mater perfformiad o ran medrusrwydd oherwydd salwch, medrusrwydd oherwydd diffyg cymhwysedd neu achos o gamymddwyn proffesiynol. Dylai'r pennaeth hefyd gynnal cyfweiliad gyda'r athro (ym mhresenoldeb cynrychiolydd undeb llafur neu gydweithiwr os dymuna'r athro) fel y rhoddir cyfle i gyflwyno tystiolaeth o'r pryderon ynglŷn â'r perfformiad anfodddhaol ac i sefydlu cyd-ddealltwriaeth o'r materion perfformiad. Dylid hysbysu'r athro o'r dyddiad a'r trefniadau ar gyfer y cyfarfod yn ysgrifenedig a dylid rhoi o leiaf 5 diwrnod o rybudd (gellir ymestyn y cyfnod hwn drwy gytundeb rhwng yr ysgol a'r cynrychiolydd Undeb). Rhaid gyrru copi o'r holl dystiolaeth yn ymwneud â pherfformiad anfodddhaol yr athro i'r athro o leiaf bum niwrnod gwaith cyn y cyfarfod. Yn yr un modd, rhaid cyflwyno unrhyw dystiolaeth y mae ar yr athro eisiau ei chyflwyno o fewn yr un amserlen.

Dylai'r cyfweiliad benderfynu p'run ai:

- a yw'n fater o fedrusrwydd oherwydd salwch;
- a yw'n fater o fedrusrwydd oherwydd diffyg cymhwysedd;
- a yw'n achos o gamymddwyn proffesiynol.

Dylai'r cyfweiliad hefyd:

- gyfeirio'n glir at ba faterion sydd angen sylw. Er enghraifft, ansawdd yr addysgu, paratoi, rheolaeth ymddygiad neu sgiliau arweinyddiaeth os yw'r unigolyn yn dal CAD neu ar y raddfa arweinyddiaeth.
- gynnwys cefnogaeth, cyngor a chanllawiau addas i'r gweithiwr.
- nodi'n glir i'r gweithiwr mae cam anffurfiol yw hwn, ni ddylai gymryd le'r drafodaeth broffesiynol sy'n arferol er mwyn bod gweithwyr yn glir am ei rôl a'u cyfrifoldebau.
- fod yn gefnogol, heb fod yn fygythiol ac wedi rheoli mewn ymgais i godi ymwybyddiaeth o bryderon, gyda'r bwriad bod y gweithiwr yn deall y strategaethau addas sydd mewn lle er mwyn eu datrys.

Os canfyddir bod y perfformiad gwael yn deillio o fedruswydd oherwydd problem salwch, dylid cyfeirio at wasanaeth iechyd galwedigaethol yr awdurdod lleol. Efallai y bydd wedyn yn angenrheidiol delio ag o yn unol â pholisi rheoli absenoldeb a salwch staff yr ysgol.

Os penderfynir bod y mater yn cyfeirio at fedruswydd oherwydd diffyg cymhwysedd yna mae'r arweiniad hwn yn berthnasol.

Fodd bynnag, os ystyrir bod y mater yn ymwneud ag ymddygiad proffesiynol athro, dylid delio â'r mater o dan weithdrefnau disgyblu'r ysgol.

Efallai y bydd y cyfweiliad yn penderfynu hefyd nad oes angen rhagor o weithredu os yw'r rhai sy'n ei gynnal yn fodlon gydag ymateb yr athro.

## **4.2 Camau Anffurfiol: Rhaglen gefnogaeth anffurfiol**

Ar y cam hwn, bydd yr ysgol yn gofalu bod cefnogaeth addas ar gael i'r athro i berfformio'n well. Rhaid i'r gefnogaeth fod yn benodol, yn gyfyngedig o ran amser (20 – 40 diwrnod gwaith) a chynorthwyo i gyflawni gwelliant mewn perfformiad.

Rhaid dweud wrth yr athro:

- y gofynion sydd ei angen er mwyn gwella,
- sut yr adolygir perfformiad,
- y cyfnod adolygu,
- ac y bydd cam nesaf y weithdrefn fedruswydd yn cychwyn onid oes gwelliant digonol.

Dylai cefnogaeth a monitro cael eu cynnal mewn modd cydymdeimladol a heb fod yn fygythiol gyda'r amcan o wella perfformiad yr athro. Ar ddiwedd y cyfnod cytunedig o amser, bydd yr aelod dynodedig o staff yn gyfrifol am gasglu a choladu unrhyw dystiolaeth ysgrifenedig bellach. Dylid cynnal cyfweiliad gyda'r athro (ym mhresenoldeb cynrychiolydd undeb llafur neu gydweithiwr os dymuna'r athro) fel y rhoddir cyfle i gyflwyno unrhyw dystiolaeth newydd o'r pryderon ynglŷn â pherfformiad anfoddhaol ac i sefydlu cyd-ddealltwriaeth o'r materion perfformiad. Dylid hysbysu'r athro o'r dyddiad a'r trefniadau ar gyfer y cyfarfod yn ysgrifenedig a dylid rhoi rhybudd priodol. Rhaid darparu copi o unrhyw dystiolaeth newydd yn ymwneud â pherfformiad anfoddhaol yr athro o leiaf bum niwrnod gwaith cyn y cyfarfod. Yn yr un modd, rhaid cyflwyno unrhyw dystiolaeth newydd y mae ar yr athro eisiau ei chyflwyno o fewn yr un amserlen.

Os yw'r perfformiad wedi cyrraedd y lefel a ddymunir, bydd y broses yn peidio.

## **5 Camau Ffurfiol: Gweithredu ac adolygu**

### **5.1 Cam 1 (ffurfiol): Rhybudd llafar ffurfiol**

Os yw'r dystiolaeth o'r rhaglen gymorth anffurfiol yn dynodi bod perfformiad yr athro yn parhau i fod yn anfoddhaol, bydd y pennaeth yn cyflwyno rhybudd llafar ffurfiol i'r athro, a gadarnheir yn ysgrifenedig. Bydd y cadarnhad yn datgan:

- y problemau perfformiad a drafodwyd a'r safon perfformiad sy'n ofynnol;
- y modd y bydd yr ysgol yn cynorthwyo'r athro i gyflawni lefel foddhaol o berfformiad, h.y. manylion unrhyw hyfforddiant a chefnogaeth sydd i'w darparu;
- yr amserlen ddisgwyliedig ar gyfer hyn, fel arfer o fewn 20–40 diwrnod gwaith ar wahân i mewn amgylchiadau eithriadol, a dyddiad pan adolygir perfformiad yr athro;
- y canlyniadau onid yw'r athro'n cyrraedd y safon ofynnol, gan gynnwys bod camau disgyblu ffurfiol a diswyddo yn opsiwn posibl;
- y bydd y cylch rheoli perfformiad cyfredol ar gyfer yr athro yn cael ei atal dros dro oherwydd bod rhybudd llafar ffurfiol bellach wedi ei gyflwyno;
- y bydd y rhybudd llafar yn aros ar gofnod yr athro am gyfnod o 3 mis

- unrhyw hawl i apelio (ni ddylai hyn ddod â'r weithdrefn fedrusrwydd gyfredol i ben);
- cofnod bod yr athro wedi cydnabod y rhybudd yn llafar neu'n ysgrifenedig ac unrhyw sylwadau y dymunai'r athro eu gwneud ar yr adeg honno.

Rhaid i'r pennaeth geisio cyngor a chefnogaeth yr awdurdod lleol (neu'r awdurdod esgobol neu ddarparwr cefnogaeth adnoddau dynol) os yw'r broses fedrusrwydd yn symud i Wrandawriad medrusrwydd ger bron y Llywodraethwyr

Darparu cefnogaeth

Bydd y pennaeth yn:

- dynodi'r gefnogaeth i'r athro i gynorthwyo i gyflawni'r targedau
- dynodi pwy fydd yn monitro perfformiad a chynnydd yn dilyn y cyfarfod ffurfiol cyntaf hwn
- sicrhau bod y broses fonitro'n cynnwys cyfarfodydd strwythuredig rheolaidd, trafodaeth anffurfiol a chefnogaeth uniongyrchol
- dynodi'n union sut y bydd gwelliant yn cael ei fonitro, e.e. arsylwadau gwersi, adolygiad o ddogfennaeth, craffu ar waith disgyblion, cofnodion o gyfarfodydd adrannol/eraill, cyfweliadau gyda staff perthnasol
- amlinellu unrhyw ddefnydd o arbenigedd allanol i farnu safonau a darparu cymorth
- sicrhau y cynhelir y broses fonitro mewn modd cydymdeimladol a heb fod yn fygythiol, gyda'r amcan o wella perfformiad gwaith yr athro
- sicrhau drwy gydol y broses fonitro y rhoddir cyfle i'r athro roi sylwadau ar y cynllun cymorth arfaethedig a'i weithrediad.

Bydd yr aelod dynodedig o staff yn cynorthwyo'r athro ac yn monitro perfformiad yn erbyn y targedau a osodwyd. Ar ddiwedd y cyfnod cytunedig o amser (20 – 40 diwrnod gwaith), dylai'r aelod dynodedig o staff gasglu tystiolaeth a chynnal asesiad o berfformiad yr athro yn erbyn y targedau a ddynodwyd yn ystod yr amserlen a bennwyd ar gyfer gwelliant. Os oes cynnydd digonol wedi ei wneud a bod yr athro bellach yn cyflawni'r safon ofynnol o berfformiad cynaliadwy, yna bydd y cyfarfod adolygu yn adlewyrchu hyn drwy gydnabod y gwelliant a wnaed gan yr athro a thrwy derfynu'r broses fedrusrwydd yn ffurfiol. Cadarnheir hyn yn ysgrifenedig ac atgoffir yr athro o'r disgwyliad i gynnal safon ddigonol o berfformiad ac o ganlyniadau methu â chynnal y safon hon. Bydd cylch rheoli perfformiad yr athro yn ailgychwyn.

Os, fodd bynnag, yr ymddengys mai cynnydd annigonol a wnaed ac nad yw'r athro byth yn cyflawni'r safon ofynnol o ran perfformiad, gall y pennaeth benderfynu ymestyn y cyfnodau o fewn Cam 1 (ffurfiol): Rhybudd llafar ffurfiol neu wahodd yr athro i fynychu cyfarfod ffurfiol (ym mhresenoldeb cynrychiolydd undeb llafur neu gydweithiwr pe dymunai'r athro). Dylai'r trefniadau fod yr un fath â rhai'r cyfarfodydd blaenorol.

Bydd y cyfarfod yn ystyried tystiolaeth o berfformiad ers y cyfarfod diwethaf ynghyd:

- ag unrhyw ddiffygion parhaus mewn perfformiad;
- â'r modd y bydd yr ysgol yn cynorthwyo'r athro i gyflawni lefel foddhaol o berfformiad, h.y. manylion unrhyw hyfforddiant a chefnogaeth a ddarperir;
- â'r amserlen ddisgwyliedig ar gyfer hyn, fel arfer o fewn 20–40 diwrnod gwaith ar wahân i mewn amgylchiadau eithriadol, a dyddiad pan adolygir perfformiad yr athro;
- ag ystyried addasiadau rhesymol megis adolygu cyfrifoldebau neu roi'r gorau i ddyletswyddau mewn swydd, lle bo hynny'n addas.

## 5.2 Cam 2 (ffurfiol): Rhybudd ysgrifenedig

Ar ddiwedd y cyfarfod, lle bo'r pennaeth yn fodlon na wnaed cynnydd digonol byth, cyflwynir rhybudd ysgrifenedig cyntaf.

Bydd y rhybudd yn datgan:

- y problemau perfformiad a drafodwyd a'r safon perfformiad sy'n ofynnol;
- y modd y bydd yr ysgol yn cynorthwyo'r athro i gyflawni lefel foddhaol o berfformiad, h.y. manylion unrhyw hyfforddiant a chefnogaeth sydd i'w darparu;
- yr amserlen ddisgwyliedig ar gyfer hyn, fel arfer o fewn 20–40 diwrnod gwaith ar wahân i mewn amgylchiadau eithriadol, a dyddiad pan adolygir perfformiad yr athro;
- y canlyniadau onid yw'r athro'n cyrraedd y safon ofynnol, gan gynnwys bod camau disgyblu ffurfiol a diswyddo yn opsiwn posibl;
- y bydd y cylch rheoli perfformiad cyfredol yn parhau i fod wedi ei atal dros dro;
- y bydd y rhybudd ysgrifenedig yn aros ar gofnod yr athro am gyfnod o 6 mis
- unrhyw hawl i apelio (ni ddylai hyn ddod â'r weithdrefn fedrusrwydd gyfredol i ben);
- cofnod bod yr athro wedi cydnabod y rhybudd yn llafar neu'n ysgrifenedig ac unrhyw sylwadau y dymunai'r athro eu gwneud ar yr adeg honno.

Yn ystod Cam 2 (ffurfiol): Rhybudd ysgrifenedig bydd yr aelod dynodedig o staff yn cydlynu cefnogaeth ar gyfer yr athro ac yn monitro perfformiad yn erbyn yr amcanion/targedau a osodwyd. Ar ddiwedd y cyfnod adolygu, dylai'r aelod dynodedig o staff gasglu tystiolaeth a chynnal asesiad o berfformiad yr athro yn erbyn y targedau a ddynodwyd yn ystod yr amserlen a bennwyd ar gyfer gwelliant. Os yw'r pennaeth o'r farn bod cynnydd digonol wedi ei wneud a bod yr athro bellach yn cyflawni'r safon ofynnol o berfformiad mewn modd sy'n gynaliadwy, yna bydd y cyfarfod adolygu yn adlewyrchu hyn drwy gydnabod y gwelliant a wnaed gan yr athro a thrwy derfynu'r broses fedrusrwydd yn ffurfiol. Cadarnheir hyn yn ysgrifenedig ac atgoffir yr athro o'r disgwyliad i gynnal safon foddhaol o berfformiad ac o ganlyniadau methu â chynnal y safon hon. Bydd cylch rheoli perfformiad yr athro yn ailgychwyn. Os, fodd bynnag, mai cynnydd annigonol a wnaed ac nad yw'r athro byth yn cyflawni'r safon ddigonol ofynnol o ran perfformiad, gall y pennaeth benderfynu ymestyn Cam 2 (ffurfiol): Rhybudd ysgrifenedig neu wahodd yr athro i fynychu cyfweiliad ffurfiol i ystyried p'run ai i symud i Gam 3 (ffurfiol): Rhybudd ysgrifenedig terfynol.

Ar ddiwedd cyfnod y rhybudd ysgrifenedig cyntaf, os yw'r pennaeth yn barnu bod cynnydd digonol wedi ei wneud a bod yr athro bellach yn cyflawni'r safon ofynnol o berfformiad cynaliadwy, yna bydd y gwelliant a wnaed gan yr athro yn cael ei gydnabod a therfynir y broses yn ffurfiol. Dylid cadarnhau hyn yn ysgrifenedig ac atgoffir yr athro o'r disgwyliad i gynnal safon ddigonol o berfformiad ac o ganlyniadau methu â chynnal y safon hon. Bydd cylch rheoli perfformiad yr athro yn ailgychwyn.

Os ymddengys nad yw'r athro byth yn cyflawni'r safon ofynnol o ran perfformiad, gwahoddir yr athro i fynychu cyfarfod ffurfiol (ym mhresenoldeb cynrychiolydd undeb llafur neu gydweithiwr pe dymuna'r athro). Dylai'r trefniadau fod yr un fath â rhai'r cyfarfodydd blaenorol.

Bydd y cyfarfod yn ystyried tystiolaeth o berfformiad ers y cyfarfod diwethaf ynghyd:

- ag unrhyw ddiffygion parhaus mewn perfformiad;
- â'r modd y bydd yr ysgol yn cynorthwyo'r athro i gyflawni lefel foddhaol o berfformiad, h.y. manylion unrhyw hyfforddiant a chefnogaeth a ddarperir;
- â'r amserlen ddisgwyliedig ar gyfer hyn, fel arfer o fewn 20–40 diwrnod gwaith ar wahân i amgylchiadau eithriadol, a dyddiad pan adolygir perfformiad yr athro;
- ag ystyried unrhyw addasiadau rhesymol megis adolygu cyfrifoldebau neu roi'r gorau i ddyletswyddau mewn swydd, lle bo hynny'n addas.

### **5.3 Cam 3 (ffurfiol): Rhybudd ysgrifenedig terfynol**

Ar ddiwedd cyfarfod, lle bo'r pennaeth yn fodlon na wnaed cynnydd digonol byth, cyflwynir rhybudd ysgrifenedig terfynol.

Bydd y rhybudd yn datgan:

- y problemau perfformiad a drafodwyd a'r safon perfformiad sy'n ofynnol;
- y modd y bydd yr ysgol yn cynorthwyo'r athro i gyflawni lefel foddhaol o berfformiad, h.y. manylion unrhyw hyfforddiant a chefnogaeth sydd i'w darparu;
- yr amserlen ddisgwyliedig ar gyfer hyn, fel arfer o fewn 20–40 diwrnod gwaith ar wahân i amgylchiadau eithriadol, a dyddiad pan adolygir perfformiad yr athro;
- y canlyniadau onid yw'r athro'n cyrraedd y safon ofynnol, gan gynnwys bod camau disgyblu ffurfiol a diswyddo yn opsiwn posibl;
- y bydd y cylch rheoli perfformiad cyfredol yn parhau i fod wedi ei atal dros dro;
- y bydd y rhybudd ysgrifenedig terfynol yn aros ar gofnod yr athro am gyfnod o 12 mis
- unrhyw hawl i apelio (ni ddylai hyn ddod â'r weithdrefn fedruswydd gyfredol i ben);
- cofnod bod yr athro wedi cydnabod y rhybudd yn llafar neu'n ysgrifenedig ac unrhyw sylwadau y dymunai'r athro eu gwneud ar yr adeg honno.

Dylid derbyn cadarnhad hefyd bod yr athro yn ymwybodol y bydd y weithdrefn yn symud i Wrandawiad Medruswydd ger bron y Llywodraethwyr pan ystyrir y mater o fedruswydd gan bwyllgor disgyblu a diswyddo staff y corff llywodraethol. Gallai'r broses hon arwain at ddiswyddo.

Bydd yr aelod dynodedig o staff yn cydlynu cefnogaeth ar gyfer yr athro ac yn monitro perfformiad yn erbyn yr amcanion/targedau a osodwyd. Ar ddiwedd y cyfnod adolygu, dylai'r aelod dynodedig o staff gasglu tystiolaeth a chynnal asesiad o berfformiad yr athro yn erbyn y targedau a ddynodwyd yn ystod yr amserlen a bennwyd ar gyfer gwelliant. Os yw'r pennaeth o'r farn bod cynnydd digonol wedi ei wneud a bod yr athro bellach yn cyflawni'r safon ofynnol o berfformiad mewn modd sy'n gynaliadwy, yna bydd y cyfarfod adolygu yn adlewyrchu hyn drwy gydnabod y gwelliant a wnaed gan yr athro a thrwy derfynu'r broses fedruswydd yn ffurfiol. Cadarnheir hyn yn ysgrifenedig ac atgoffir yr athro o'r disgwyliad i gynnal safon foddhaol o berfformiad ac o ganlyniadau methu â chynnal y safon hon. Bydd cylch rheoli perfformiad yr athro yn ailgychwyn.

## 6 Gweithdrefnau Disgyblu a Diswyddo: gwrandawiad medruswydd ger bron y Llywodraethwyr

Mewn achosion lle nad yw'r gwelliant gofynnol wedi ei gyflawni yn dilyn cyflwyno rhybudd ysgrifenedig terfynol a bod parhad cyflogaeth yr athro yn y fantol, dylid cyfeirio'r mater o berfformiad anfoddhaol at bwyllgor disgyblu a diswyddo staff y corff llywodraethol. Rhaid i'r pennaeth geisio cyngor a chefnogaeth yr awdurdod lleol os yw'r broses yn symud i Weithdrefnau disgyblu a diswyddo: gwrandawiad medruswydd ger bron y Llywodraethwyr. Dylid cynnal cyfarfod ffurfiol yn unol â gweithdrefn ddisgyblu staff yr ysgol.

***Gall fod amgylchiadau lle bydd y pennaeth yn ystyried atal athro dros dro o'i ddyletswyddau ar dâl llawn lle ystyrir hynny yn angenrheidiol er gwarchod y plant, staff neu'r eiddo neu lle byddai presenoldeb parhaus yr athro yn yr ysgol yn gallu cael effaith andwyol ar redeg yr ysgol.***

### 6.1 Y gwrandawiad medruswydd

Pwrpas y gwrandawiad yw i'r is-bwyllgor o'r Corff Llywodraethu benderfynu, ar sail yr holl dystiolaeth a gyflwynwyd, bod:

- yr aelod o staff wedi cael cymorth pwrpasol a bod y dystiolaeth yn dangos diffyg medruswydd difrifol ddylai arwain at ddiswyddo ar sail medruswydd, neu weithredu yn fyr o ddiswyddo, e.e. israddio
- y cymorth wedi bod yn annigonol, neu fod amgylchiadau lliniarol wedi dod i'r golwg, ac felly dylid ymgymryd â chyfnod pellach o gymorth a monitro gallai wella perfformiad yr aelod o staff yn eu gwaith.

*Dylid dilyn gweithdrefnau disgyblu a diswyddo.*



## 7. Dyletswyddau proffesiynol

Cyfrifoldeb proffesiynol y pennaeth/rheolwr linell yw datgelu mewn unrhyw dystlythyr proffesiynol a ddarperir i sefydliad addysgol arall os oes aelod o staff wedi derbyn rhybudd llafar wedi'i gofnodi, rhybudd ysgrifenedig cyntaf neu ysgrifenedig terfynol sy'n parhau ar ffeil.

### 7.1 Achwyniad ('Grievance')

Lle teimla'r athro ei fod wedi ei drin yn annheg neu wedi dioddef camwahaniaethu yn ystod y weithdrefn fedrusrwydd, gall gyflwyno achwyniad yn ystod unrhyw gam o'r weithdrefn. Dylid gwrandao ar yr achwyniad ar wahân, fel y gall y gweithdrefnau medrusrwydd barhau yn ddi-dor gan na ddylai unrhyw weithdrefn fod â blaenoriaeth awtomatig dros unrhyw un arall. Fodd bynnag, lle bo'r achwyniad yn erbyn yr aelod dynodedig o staff addysgu sy'n arwain ar fater perfformiad anfoddhaol, yna dylai'r pennaeth ddynodi aelod gwahanol o'r staff addysgu sydd â rôl reolaethol i'r swyddogaeth hon. Mewn ysgolion sydd â neb mewn rôl reolaethol, ac eithrio'r Pennaeth, dylid cysylltu gyda'r Awdurdod am arweiniad pellach. Os yw'r achwyniad yn erbyn y pennaeth, yna dylid ceisio cyngor yr awdurdod lleol (neu'r awdurdod esgobol neu ddarparwr cefnogaeth adnoddau dynol). Nid yw cychwyn gweithdrefnau medrusrwydd yn effeithio mewn unrhyw ffordd ar hawl athro i ddatgan achwyniad o dan bolisi achwyniadau'r ysgol.

### 7.2 Apeliadau

Dylid gwneud a gwrandao ar apeliadau yn unol â gweithdrefn ddisgyblu/apeliadau staff yr ysgol.

Disgwylir i'r athro barhau i weithio tuag at y targedau a ddynodwyd, gyda'r aelod dynodedig o staff yn darparu cefnogaeth tra gwneir trefniadau i'r gwrandawriad apêl gael ei gynnal. Dylid gwrandao ar yr apêl ar wahân fel y gall y gweithdrefnau medrusrwydd barhau yn ddi-dor gan na ddylai unrhyw weithdrefn fod â blaenoriaeth awtomatig dros unrhyw un arall.

### 7.3 Absenoldeb Salwch

Mae'n bosibl y bydd athro yn mynd yn absennol oherwydd salwch un ai cyn neu yn ystod y broses. Yn yr achosion hyn dylid dilyn y Polisi Rheoli Absenoldeb Salwch sirol.

Llofnodwyd ar ran Cadeirydd y Llywodraethwyr: \_\_\_\_\_

Dyddiad: \_\_\_\_\_

## **1. Purpose**

The school is committed to providing pupils with education of a high standard. It is therefore reasonable to expect teaching staff to achieve and maintain an acceptable standard of behaviour and performance.

The expected standard should be appropriate for the level of the post, the skills and experience that is reasonable to expect from an individual in his/her post or in accordance with teachers' professional standards. The school is committed to providing support so that workers achieve the expected standards.

There are occasions, for whatever reason, when the level of a worker's performance is unsatisfactory. The school will have a fair, transparent and supportive procedure to ensure that under such circumstances, educational standards for pupils are maintained.

The aim is to provide a framework that provides support for workers to achieve the required level of performance before formal measures are taken. This policy procedure should only be used in circumstances when it is considered that a worker does not fulfil his/her duties, for whatever reason.

### **1.1 Remit**

The competence procedures will apply to every teacher, except the headteacher (who has separate terms). This policy does not apply to Newly Qualified Teachers as they have specific monitoring and support procedures for their induction period.

### **1.2 Principles**

Prior to the policy's implementation, the school should raise concerns about under-performance with the teachers and measures should be agreed upon to support improvements in their performance. The policy aim is not to prevent the headteacher from dealing with staff related day to day problems. Informal discussions held at an early stage could be considered as essential to prevent problems from arising. It is expected that most matters can be resolved informally.

This procedure places an emphasis on supporting teachers to achieve a satisfactory standard of performance, including achieving professional standards, through training, setting aims and progress monitoring. The support will also take account of elements of a post. For example, perhaps a Head of Department or a member of the Senior Management Team do not achieve acceptable standards in an aspect of his/her work, but achieve acceptable standards in their teaching. Areas requiring improvement should be clearly specified to the worker.

In most instances, matters in relation to capability should be informally discussed with the headteacher/line manager. More formal measures will only be followed if there are more serious matters or that informal arrangements have not led to acceptable improvements.

If it is decided to proceed from the informal to the formal measures; to move through the formal measures or to shorten the timescales, that decision will be based on clear, objective and unequivocal evidence.

### **1.3 The Right to Representation**

The teaching staff are entitled to be accompanied/represented by a trade union representative or colleague during the informal and formal measures implemented in line with this policy.

## **2 Responsibilities**

### **2.1 The Governing Body**

- Adopt a policy and procedure

- Take decisions on staff dismissal on grounds of capability and appeals against such decisions
- Ensure that the policy is correctly implemented

## 2.2 The Headteacher/Designated Line Managers

- The headteacher is responsible for managing procedures. But whilst another staff member can be nominated to undertake the process, the responsibility of managing the process is ultimately that of the headteacher.
- Ensure that the new teaching staff possess the relevant qualifications for their post.
- Regularly manage and monitor performance.
- Support teaching staff and provide the environment that enables them to perform to the best of their ability.
- Create an ethos where teaching staff expect support.
- Identify early indications where a member of the teaching staff may be having difficulties and provide appropriate intervention in a fair, reasonable and sensitive manner that will enable them to succeed.
- Resort to the robust evidence based formal capability procedure and having clearly shown that the informal procedures have been exhausted.
- Contact the LEA, if the formal measures are resorted to.

## 2.3 LEA

- Provide schools with advice and guidelines on policy matters and policy procedures and applications.
- Provide guidelines for schools/headteachers about the process if a dismissal is linked to capability, so as to comply with legislation.
- Advise governors panels and governors appeals panels.

## 2.4 Teaching Staff

- Ensure that, to the best of their ability, they achieve the standards expected of their post in accordance with their employment contract.
- Reasonably collaborate with the school during any informal process or if the formal process is resorted to.

Failure to comply with clear advice and instruction or negligence, which involves inadequate performance where thought to be attributable to wilful disinclination by the worker to carry out his/her duties effectively, will be dealt with under the school's disciplinary procedure.

## 3 Steps

This procedure includes the following steps:

### 3.1 Informal Measures: Identify problems, investigate instances and provide support.

- Identify and investigate - attention is drawn to unsatisfactory performance and it is investigated.
- Informal support programme - commences when unsatisfactory performance has been investigated and identified (20–40 working days).

### 3.2 Formal measures: Action and review

- **Step 1 (formal):** Formal oral warning – commences when the oral warning has been confirmed and received in writing by the teacher - 20–40 working days (support and monitoring).
- **Step 2 (formal):** Written Warning – commences when the teacher receives the written warning – 20–40 working days (support and monitoring).

- **Step 3 (formal):** Final written warning – commences when the teacher receives the written warning – 20-40 working days (support and monitoring).

### 3.3 Disciplinary and Dismissal Procedures: capability hearing before the Governors

Refer to the governors' staff disciplinary and dismissal committee.

It is considered that support includes strategies such as training, mentoring, guidance, shadowing another teacher or closer supervision. Deciding on the support to be provided, in consultation with the teacher concerned, will be at the line manager and/or the headteacher's discretion.

## 4 Implementing every step

### 4.1 Informal Measures: Identify problems, investigate instances

When concerns are voiced about a teacher's performance, they should be brought to the teacher's attention by the line manager or a member of the senior leadership team. The teacher should be notified of the requirement to explain possible reasons for his unsatisfactory performance. At this stage, the headteacher will instigate an investigation into the matter and appoint a designated member of the teaching staff who has a managerial role to undertake the task. At schools where nobody has a managerial role, except for the Headteacher, the LEA should be contacted for further guidance.

Before commencement of the formal capability procedure, the headteacher must be satisfied that the teacher has received appropriate support to assist in improving performance. The line manager must listen to what the teacher has to say and consider what support should be provided.

There may be instances where a teacher's unsatisfactory performance can be so serious, or that there are too many issues to be dealt with informally, that the formal procedure should commence (**Step 1 (formal): Formal verbal warning**). If the line manager has such concerns, the headteacher's advice should be sought who should request the LEA's advice and support.

The designated member of teaching staff will be responsible for gathering and collating written evidence regarding the concerns, using usual line management and monitoring outcomes such as relevant information from the performance management process, classroom observations, data, etc. The designated member of the teaching staff must meet the teacher to ensure full clarity on performance whether capability due to ill health, capability due to lack of competence or a case of professional misconduct. An interview should also be conducted by the headteacher (in the presence of a trade union representative or colleague if that is the teacher's wish), so that an opportunity is provided to present evidence of the concerns regarding unsatisfactory performance and establish a mutual understanding of performance related issues. The teacher should be notified of the date and arrangements for the meeting in writing and at least 5 days' notice should be given (this period can be extended by agreement between the school and the Union representative). A copy of all the evidence relating to the teacher's unsatisfactory performance must be sent to the teacher at least five working days prior to the meeting. Likewise, any evidence that the teacher wishes to present must be presented within the same timescale.

The interview should decide whether:

- it is a matter of capability due to ill health;
- it is a matter of capability due to lack of competence;
- it is a matter of professional misconduct.

The interview should also:

- clearly refer to which matters require attention. For instance, quality of teaching, preparation, behaviour management or leadership skills if the individual is on TLR or leadership scale
- include appropriate support, advice and guidelines for the worker

- clearly inform the worker that this an informal step, it should not replace the usual discussion at a professional level so that workers clearly understand their role and responsibilities
- be supportive, unthreatening and controlled in an effort to raise awareness of concerns, with the aim that the worker understands the appropriate strategies in place to resolve them

If it is found that the poor performance stems from capability due to ill health, the LEA's occupational health service should be contacted. It may then be necessary to deal with the issue in compliance with the school's managing absence and sickness policy.

If it is decided that the matter refers to capability due to incompetence, then this guidance applies.

However, if it is deemed that the matter relates to a teacher's professional behaviour, it should be dealt with under the school's disciplinary procedures.

An interview may also determine that further action is not required if those who hold it are happy with the teacher's response.

#### **4.2 Informal Measures: Informal support programme**

At this step, the school ensures that the teacher has appropriate support available to improve performance. The support must be specific, time limited (20 – 40 working days) and help achieve an improved performance.

The teacher must be notified of:

- the required action for improvement,
- how a performance is reviewed,
- the review period,
- and that the next step in the capability procedure will commence unless satisfactory improvement occurs.

Support and monitoring should be provided sympathetically and in an unthreatening manner with the aim of improving the teacher's performance. At the end of the agreed period of time, the designated staff member will gather and collate any further written evidence. An interview should be held with the teacher (in the presence of a trade union representative or colleague if the teacher desires) so as to provide an opportunity to present any new evidence of concerns about an unsatisfactory performance and establish a mutual understanding of performance related matters. The teacher should receive written notification of the date and arrangements for the meeting and appropriate notice should be given. A copy must be provided of any new evidence relating to the teacher's unsatisfactory performance at least five working days before the meeting. Likewise, any new evidence that the teacher wishes to present must be presented within the same timescale.

If the performance has reached the desired level, the process will terminate.

### **5 Formal Measures: Action and review**

#### **5.1 Step 1 (formal): Formal oral warning**

If the evidence from the informal support programme indicates that the teacher's performance remains unsatisfactory, the headteacher will issue the teacher with a formal oral warning, which will also be confirmed in a written format. The confirmation will state:

- the performance related problems discussed and the required standard of performance;
- how the school will assist the teacher to achieve a satisfactory level of performance, i.e. details of any training and support provided;
- the expected timescale for this, usually within 20-40 working days except in exceptional circumstances, and the date on which the teacher's performance will be reviewed;

- the consequences if the teacher fails to achieve the required standard, including that formal disciplinary action and dismissal are a potential option;
- that the current performance management cycle for the teacher will be temporarily suspended now that a formal oral warning has been issued;
- that the oral warning will remain on the teacher's record for a 3 month period
- any right of appeal (this should not terminate the current capability procedure)
- a note that the teacher has acknowledged the warning orally or in writing and any observations that the teacher wished to make at that time

The headteacher must seek the advice and support of the LEA (or the diocesan authority or human resources support provider) if the capability process moves to a **Capability Hearing before the Governors**.

### Provide support

The headteacher will:

- specify the support for the teacher in achieving the targets
- identify who will monitor performance and progress following this initial formal meeting
- ensure that the monitoring process includes periodic structured meetings, informal discussion and direct support
- specify exactly how improvement will be monitored, e.g. lesson observations, review of documentation, scrutiny of pupils' work, records of departmental/other meetings, interviews with relevant staff
- outline any use of external expertise to judge standards and provide support
- ensure that the monitoring process is conducted in a sympathetic and non-threatening way, with the aim of improving the teacher's work performance
- ensure that throughout the monitoring process, the teacher has an opportunity to comment on the proposed support scheme and its implementation.

The designated staff member will assist the teacher and monitor performance against the targets set. At the end of the agreed time period (20 – 40 working days), the designated staff member should gather evidence and undertake an assessment of the teacher's performance against the designated targets during the timescale set for improvement. If sufficient progress has been made and the teacher is now achieving the required standard of performance that is sustainable, this will be reflected in the review meeting through recognizing the teacher's improvement and through formal termination of the capability process. This will be confirmed in writing and the teacher will be reminded of the expectation of sustaining an adequate standard of performance and of the consequence of failure to sustain this standard. The teacher's performance management cycle will be resumed.

If, however, it appears that insufficient progress has been made and that the teacher is still not achieving the required adequate standard of performance, the headteacher may decide to extend the periods within **Step 1 (formal): Formal oral warning** or invite the teacher to attend a formal meeting (in the presence of a trade union representative or colleague if the teacher so wishes). The same arrangements should apply as those for the previous meetings.

The meeting will consider evidence of performance since the previous meeting together with:

- any persistent weaknesses in performance;
- how the school will assist the teacher to achieve a satisfactory level of performance, i.e. details of any training and support provided;
- the expected timescale for this, usually within 20-40 working days except in exceptional circumstances, and the date of the teacher's performance review;
- consider reasonable adjustments such as reviewing responsibilities or relinquishing job roles where appropriate.

## 5.2 Step 2 (formal): Written Warning

At the end of the meeting, where the headteacher is satisfied that satisfactory progress has not been achieved, a written warning will be issued.

The warning will state:

- the performance problems discussed and the required standard of performance;
- how the school will assist the teacher to achieve a satisfactory level of performance, i.e. details of any training and support provision;
- the expected timescale for this, usually within 20–40 working days except in exceptional circumstances, and the date when a review of the teacher's performance will be held;
- the consequences if the teacher fails to achieve the expected standard, including the possible option of formal disciplinary measures and dismissal;
- that the current performance management cycle will continue to be temporarily suspended;
- that the written warning will remain on the teacher's record for a 6 month period
- any right of appeal (this should not terminate the current capability procedure);
- a note that the teacher has acknowledged the warning orally or in writing and any comments that the teacher wishes to make at the time.

During **Step 2 (formal): Written warning** the designated staff member will co-ordinate support for the teacher and monitor performance against the set aims/targets. At the end of the review period, the designated staff member should gather evidence and undertake an assessment of the teacher's performance against the targets designated during the timescale set for improvement. If the headteacher judges that sufficient progress has been made and that the teacher now achieves the required standard of performance in a way that is sustainable, then the review meeting will reflect this by acknowledging the teacher's improvement and through formal termination of the capability process. This will be confirmed in writing and the teacher will be reminded of the expectation of a sustained satisfactory standard of performance and of the consequences of failure to do so. The teacher's performance management cycle will re-commence. If, however, insufficient progress has been made and the teacher has still not achieved a satisfactory standard of performance, the headteacher may decide to extend **Step 2 (formal): Written warning** or invite the teacher to attend a formal interview to consider whether to move to **Step 3 (formal): Final written warning**.

At the end of the initial written warning period, if the headteacher judges that sufficient progress has been made and the teacher is now achieving the required standard of performance in a way that is sustainable, then the review meeting will reflect this by acknowledging the improvement made by the teacher and by formally concluding the capability process. This will be confirmed in writing and the teacher will be reminded of the expectation of a sustained satisfactory standard of performance and of the consequence of failure to sustain this standard. The performance management cycle for the teacher will be resumed.

If it appears that insufficient progress has been made and the teacher is still not achieving the required adequate standard of performance, the teacher will be invited to attend a formal meeting (in the presence of a trade union representative or a colleague if the teacher so wishes). The same arrangements should apply as for previous meetings.

The meeting will consider evidence of performance since the previous meeting and:

- any persistent weaknesses in performance;
- how the school will assist the teacher to achieve a satisfactory level of performance, i.e. details of any training and support provision;
- the expected timescale for this, usually within 20-40 working days except in exceptional circumstances, and the date of the teacher's performance review;
- consider reasonable adjustments such as reviewing responsibilities or relinquishing job roles where appropriate.

### 5.3 Step 3 (formal): Formal written warning

At the end of the meeting, where the headteacher is satisfied that satisfactory progress has not been achieved, a final written warning will be issued.

The warning will state:

- the performance problems discussed and the required standard of performance;
- how the school will assist the teacher to achieve a satisfactory level of performance, i.e. details of any training and support provision;
- the expected timescale for this, usually within 20–40 working days except in exceptional circumstances, and the date when a review of the teacher's performance will be held;
- the consequences if the teacher fails to achieve the expected standard, including the possible option of formal disciplinary measures and dismissal;
- that the current performance management cycle will continue to be temporarily suspended;
- that the final written warning will remain on the teacher's record for a 12 month period
- any right of appeal (this should not terminate the current capability procedure);
- a note that the teacher has acknowledged the warning orally or in writing and any comments that the teacher wishes to make at the time.

Confirmation should also be received that the teacher is aware that the procedure will move to a Capability Hearing before the Governors when the matter of capability is considered by the governing body staff disciplinary and dismissal committee. This process may lead to dismissal.

The designated staff member will co-ordinate support for the teacher and monitor performance against the set aims/targets. At the end of the review period, the designated staff member should gather evidence and undertake an assessment of the teacher's performance against the targets designated during the timescale set for improvement. If the headteacher judges that sufficient progress has been made and that the teacher now achieves the required standard of performance in a way that is sustainable, then the review meeting will reflect this by acknowledging the teacher's improvement and through formal termination of the capability process. This will be confirmed in writing and the teacher will be reminded of the expectation of a sustained satisfactory standard of performance and of the consequences of failure to do so. The teacher's performance management cycle will recommence.

## 6 Disciplinary and Dismissal Procedure: competence hearing before the Governors

In instances where the required improvement has not been achieved, having issued a final written warning and that the continuation of the teacher's employment is in jeopardy, the issue of unsatisfactory performance should be referred to the governing body staff disciplinary and dismissal committee. The headteacher must seek the LEA's advice and support if the process is to proceed to **Disciplinary and dismissal procedures: capability hearing before the Governors**. A formal meeting should be held in compliance with staff disciplinary procedure.

***There may be circumstances where the headteacher consider a teacher's temporary suspension on full pay where that was deemed necessary for the protection of pupils, staff or property or where the teacher's continued presence at the school could have a detrimental effect on the running of the school.***

### 6.1 The capability hearing

The purpose of the hearing is for the Governing Body sub-committee to decide, on the grounds of all the evidence presented, that:

- the staff member has received appropriate support and that the evidence shows a serious lack of capability that should lead to dismissal on grounds of incompetence, or take action short of dismissal, e.g. demotion



- inadequate support has been provided, or that mitigating circumstances have emerged, and that a further period of support and monitoring should be held that could improve the staff member's working performance.

***Disciplinary and dismissal procedures should be followed.***

## **7. Professional Duties**

The headteacher/line manager has a professional responsibility to divulge in any professional testimonial provided for another educational establishment if a staff member has received a recorded oral warning, an initial written warning or final written warning that remains on file.

### **7.1 Grievance**

Where the teacher feels that they have been treated unfairly, or have been discriminated against during the capability procedure, they may bring a grievance at any stage of this procedure. The grievance should be heard separately so that the capability procedures are able to continue uninterrupted as no procedure should automatically have precedence over any other. However, where the grievance is against the designated member of the teaching staff leading on the issue of unsatisfactory performance then the headteacher should allocate an alternative member of the teaching staff who has a managerial role to undertake that function. At schools where nobody has a management role, with the exception of the Headteacher, the LEA should be contacted for further guidance. If the grievance is against the headteacher, then advice should be sought from the LEA (or the diocesan authority or human resources support provider). Initiation of capability procedures does not in any way affect a teacher's right to declare a grievance under the school's grievance policy.

### **7.2 Appeals**

Appeals should be lodged and heard in compliance with the school staff's disciplinary/appeals procedure.

The teacher will be expected to continue to work towards the targets identified with the designated staff member providing support while arrangements are made for the appeals hearing to be held. The appeal should be heard separately so that the capability procedures are able to continue uninterrupted as no procedure should automatically have precedence over any other.

### **7.3 Absences due to illness**

It is possible that a teacher will become absent through ill health either before or during the process. In such instances, the county Managing Absence and Sickness Policy should be followed.