

RIVERSIDE SCHOOL



Capability Procedure for Support Staff

APPROVED BY GOVERNORS

RESPONSIBLE PERSON – HEADTEACHER

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Statement of Intent

This policy sets out the framework for clear and consistent assessment of the overall performance of support staff. It sets out the arrangements that will apply when support staff fall below the expected levels of competence outlined in the Key Principles Underlying Support Staff Capability section of this policy.

1. Legal Framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- The School Staffing (England) Regulations 2009 (as amended)
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2014) 'The Equality Act 2010 and schools'
- TDA (2010) 'National Occupational Standards for Supporting Teaching Learning'
- Unison et al. (2016) 'Professional standards for teaching assistants'

This policy operates in conjunction with the following school policies:

- Support Staff Appraisal Policy
- Safeguarding Policy
- Data Protection Policy
- Disciplinary Policy and Procedure for Staff
- Raising Concerns in School Policy
- Grievance Policy and Procedure for Staff

2. Roles and Responsibilities

The Governing Board is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Ensuring that all support staff have read and understood the provisions in this policy.
- Ensuring all objectives contribute towards the SDP and improve the education of pupils at the school.
- Ensuring all members of the board are informed that the performance review process has taken place.
- Ensuring consistency of treatment and fairness, and abiding by all relevant equality legislation.
- Ensuring all delegated responsibilities are carried out.

The headteacher is responsible for:

- The day-to-day implementation of this policy.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Informing support staff of the standards their performance will be assessed against.
- Conducting drop-in observations, where necessary, to evaluate standards of support in lessons and to ensure high standards of professional performance are maintained.
- Conducting formal capability meetings where there are concerns about a staff member's performance.
- Giving support staff opportunities to develop and demonstrate their competence.
- Agreeing which aspects of competence can be assessed.
- Identifying opportunities for assessing competence.
- Watching support staff perform tasks.

Support staff are responsible for:

- Engaging in appropriate CPD opportunities.
- Attending performance review meetings.
- Adhering to this policy at all times.

3. Key Principles Underlining Support Staff Capability

Support staff capability will be measured against the following key themes:

- Personal and professional conduct;
- Knowledge and understanding;
- Supporting teaching and learning; and
- Working with others.

All support staff members will be expected to contribute to the following and demonstrate their capability in doing so.

Supporting Learning Activities

Supporting staff will be expected to provide support to teachers and pupils during lessons to ensure effective teaching and learning takes place. Support staff should agree with teachers what their role will involve in each lesson and how they can best support effective teaching and learning.

Supporting Pupils' Development

Support staff should be able to observe pupils in their everyday work. They will be able to demonstrate their competence through knowledge and understanding of child

development and expected levels of attainment.

Keeping Children Safe

Support staff will be capable of keeping pupils safe during their day-to-day working activities. They will have good knowledge of responding to accidents, emergencies and illness and the key principles outlined in the DfE's 'Keeping Children Safe in Education (KCSiE) guidance. Support staff will have a good understanding of safeguarding and welfare procedures and the school's relevant policies and procedures.

Maintaining Positive Relationships

Support staff will ensure that they interact with pupils, their colleagues and other adults in a positive manner. They will possess the communication skills to interact with others through effective verbal and non-verbal communication and will value everyone equally.

Supporting Literacy and Numeracy

Support staff will be capable of working under the direction of the teacher to assist with pupils' participation in learning activities for literacy and numeracy development. They will be expected to communicate with the teacher on how learning activities will be organised and what their role will be.

Supporting the Use of ICT for Teaching and Learning

Support staff will be able to use ICT resources effectively and will pass their understanding of using these resources on to pupils to ensure that they are accessible and safe for all pupils.

Observing and Reporting on Pupil Performance

Support staff will observe pupils' learning and development and report back to the teacher on pupils' demonstration of progress, understanding and skills. They will help the teacher identify any pupils that are struggling in lessons and particular areas of their development that may require additional attention.

(EYFS) Supporting Play and Learning

Support staff will be able to support children's learning through play by preparing equipment and providing supervision for the safe use of play equipment and environments.

Supporting Pupils with SEND

Support staff will be expected to have a good level of competency in supporting the learning and development of our pupils and providing assistance with their participation

in learning activities. This will also involve the identification and use of resources that will help pupils engage and participate in lessons and extra-curricular activities.

Setting Up Classroom Displays

Support staff will be willing and able to assist with the construction and removal of classroom displays. They should be competent in identifying the purpose of classroom displays and contributing to their design and what will work best as a visual learning aid for pupils.

Promoting Positive Behaviour

Support staff will provide assistance in implementing the school's Regulation Support Policy, and ensuring pupils are behaving appropriately and engaging in lessons. They will be aware of pupils with behaviour, emotional and social development needs, and help them with behaviour management strategies. They will be able to demonstrate their competence in handling pupil behaviour on a day-to-day basis, and will report any concerns to the senior leadership team.

Supporting the Planning, Delivery and Evaluation of Teaching and Learning Activities

Support staff will be confident and competent in supporting and extending the teachers' delivery of the curriculum. Under the direction of the teacher, they will be able to complement teaching by providing personalised and group support to aid pupils understanding and will familiarise themselves with the content being covered in each lesson. Support staff will also be able to help pupils reflect on and review their own learning and provide assistance with identifying emerging learning needs.

Monitoring and Maintaining Curriculum Resources

Support staff will work with teachers and others to identify resources required and ensure that they are ready for use prior to lessons.

Supervising Pupils on Educational Visits and School Trips

Support staff will be aware of specific health and safety concerns that may arise on educational visits and school trips and will assist with the supervision and behaviour management of pupils on off-site visits.

4. Capability Procedure

Where concerns are raised about a member of support staff being unable to meet the expected standards, the headteacher will initiate the capability procedure to help encourage the staff member to achieve and maintain the expected standards and achieve a satisfactory level of performance.

If the staff member has not been able to improve their performance to an acceptable level following this procedure, the headteacher will consider whether dismissal is necessary, subject to consultation with relevant trade unions.

Confidentiality and Treatment

Support staff subjected to the capability procedure will be treated with confidentiality and only those with a need to know will be informed that the procedure has been initiated.

Support staff will be treated with respect throughout the process with a view only to improve performance and enhance the staff member's capability to support teaching and learning.

Procedure

Step One – The headteacher/ DHT/ AHT/ phase leader or other line leader has concerns about the performance of a member of support staff and will establish whether the concerns justify an informal meeting with the staff member or the initiation of the capability procedure.

Step Two – If the capability procedure is initiated, the headteacher or appointed person will inform the staff member of this in writing. The headteacher or appointed person will outline their concerns and invite the staff member to a formal meeting to discuss the concerns and next steps. The headteacher will inform the support staff member of the following:

- The extent of underperformance and what has been identified as a concern;
- The expected standard of performance;
- The support that will be put in place for the staff member;
- The length of time this support will be in place and the expected outcome;
- How performance will be monitored; and
- The frequency of meetings during this period to review performance.

Step Three – A timescale will be agreed between the headteacher or appointed person, and the support staff member to establish when it is anticipated that they will be achieving the expected standard for support staff at the school. During this period, the staff member will be supported to access additional training and CPD resources and will be provided with feedback at regular intervals on what is going well and what could be improved to ensure that they are meeting the expected standards.

Step Four – The headteacher or appointed person will meet with the staff member to discuss the outcome of the support that has been provided and the progress made. The staff member will be able to raise their concerns about their experience and whether they believe that the support offered has been adequate. If the staff member has sufficiently improved their performance during this period, the capability procedure will be formally

discontinued. If the staff member has not improved their performance to the expected standard, they will be given an opportunity to express their views on what more could be done to support them before moving on to step five.

Step Five – The staff member will be given a final period of support and monitoring lasting for two months (this may vary depending on circumstances). During this period, the headteacher or appointed person will act on any additional support requested by the staff member and meet with the staff member to inform them that failure to improve performance during this period may lead to dismissal.

Step Six – Following the conclusion of the final support and monitoring period, the headteacher or appointed person will meet with the staff member to discuss support offered and determine whether performance has been improved sufficiently in order to meet the expected standard. If performance has improved, the capability procedure will be concluded and no further action will be taken. If it is determined that performance has not improved, the headteacher or appointed person will recommend dismissal to a panel of governors.

The appointed person is typically the DHT, AHT, phase leader or other line leader.

Dismissal

The power to dismiss staff in the school rests with the Governing Board.

Once the decision to dismiss has been taken, the Governing Board or delegated authority will dismiss the member of support staff with notice.

Appeals

If a staff member feels that a decision to dismiss them, or another action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days, setting out the grounds for appeal at the same time. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place.

The same arrangements for notification and the right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the staff member.

The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case.

The staff member will be informed in writing of the results of the appeal hearing as soon as possible.

5. Monitoring and Review

The Governing Board and headteacher will monitor the operation and effectiveness of the school's capability procedures, including monitoring the impact on workload.

The Governing Board and headteacher will ensure that all written records of capability procedures are retained in a secure place for six years in line with the school's Data Protection Policy and in accordance with DfE guidance.

This policy will be reviewed on an annual basis.