THAMESFIELD COLLEGE

CHANGING LIVES | CREATING FUTURES

Performance Improvement and Capability Policy

For implementation from September 2026

Prepared for Thamesfield College

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Performance Improvement and Capability Policy

Changing Lives | Creating Futures

Policy statement
Thamesfield College will identify performance concerns early, provide clear expectations and appropriate support, and give employees a reasonable opportunity to improve before formal capability action is considered.

Document control information

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1 Purpose and scope

This policy applies where an employee is willing but is not currently able to perform the duties of the role to the required standard because of insufficient skill, ability, competence or knowledge. It applies to teachers and support staff employed to work at Thamesfield, including employees on fixed-term contracts with proportionate adjustment for the remaining contract period.

It does not apply to employees in probation, misconduct or deliberate negligence, or sickness absence. Probation, Policy 0007A and the absence-management procedure respectively will apply. Performance affected by disability or a long-term health condition while the employee remains fit for work may be managed under this policy with the adjustments in section 9.

Teachers undergoing statutory induction are managed through the induction arrangements. Capability action during induction will be taken only with Surrey HR advice and where permitted by the statutory framework.

2 Principles and routes

Required standards, evidence, support and timescales will be clear, achievable and proportionate. The employee will be involved, receive regular feedback and have a fair opportunity to respond. Evidence will relate to the employee's role and the identified shortfall and will not rely solely on pupil data or a single observation. Normal appraisal and management should identify and address emerging concerns early. Except in the most serious cases, a teacher will receive a documented period of informal support before formal capability begins. Health, disability, neurodiversity, working pattern, workload and personal circumstances will be considered, with reasonable adjustments where required. Formal meetings and appeals carry the right to be accompanied by an eligible trade union representative or workplace colleague. Surrey HR advice will be obtained before the formal procedure begins and throughout any case that may lead to dismissal. Dismissal is a final outcome after reasonable support and a fair process, unless exceptional gross incompetence requires an accelerated route.

3 Roles

Role	Main responsibility
Management Committee	Approves and monitors the policy; appoints an uninvolved capability panel where dismissal may be an outcome and a separate appeal panel.
Headteacher	Ensures consistent application. Nick Elliott will normally lead Formal Stage 2, unless prior involvement requires another suitable senior person or Management Committee member.
Deputy Headteacher or other appraiser	Dan Gunn will normally lead informal support and Formal Stage 1 for teachers within his line-management remit, subject to prior involvement and impartiality.
Employee	Engages with meetings, improvement plans, agreed support and evidence; identifies relevant circumstances or adjustments and works towards the required standard.
Capability panel	An uninvolved Management Committee panel hears any case where dismissal is a possible outcome unless

	lawful delegation and prior non-involvement make another arrangement appropriate.
Appeal panel	A separate, uninvolved Management Committee panel hears any appeal against dismissal or another decision reserved to it.
Clerk	Charlotte Pearson coordinates Management Committee hearings and appeals and manages papers and records securely.
Surrey and HR adviser	Provide employer and procedural advice. Surrey is invited to any dismissal hearing and receives a dismissal determination without delay.

4 Informal support and improvement plan

When a performance concern arises, the line manager or appraiser will meet the employee privately and confirm in writing that informal support is being provided. The employee will receive specific examples, the standard required, an opportunity to explain relevant circumstances and details of the support available. This may include but is not exclusive to the following:

- focused coaching, mentoring or modelling;
- relevant training, observation of effective practice or access to resources;
- clearer guidance, closer supervision or regular feedback;
- a review of workload, systems, equipment and information needed for the role;
- temporary adjustment of duties where this supports development without changing the substantive job;
- a stress risk assessment, Occupational Health advice or reasonable adjustments where appropriate; and
- regular review meetings with written records of progress and support delivered.

A written Performance Improvement Plan will describe each concern, the required standard, objective and success criteria, evidence, support, responsible person, review dates and possible next step. The manager will seek agreement, but a disagreement recorded by the employee will not prevent reasonable expectations being implemented.

For a teacher, informal support will normally last at least six weeks and usually between six and eight weeks. A different period may be reasonable because of the seriousness or complexity of the concern, working pattern, available opportunities to demonstrate improvement, school closure, health, adjustments or support. The period may be extended where progress is evident and further improvement is reasonably likely.

At review, sufficient and sustained improvement will return the employee to normal appraisal or management, with any continuing support recorded. If improvement is insufficient, the employee will be told in writing that appraisal no longer applies to the identified performance concerns and will be invited to Formal Stage 1. Serious underperformance may justify beginning at Stage 1 or, where short of gross incompetence, Stage 2, but only after HR advice and a fair opportunity to respond.

5 Formal Stage 1

The employee will receive at least five working days' written notice, the concerns and evidence, possible outcomes, meeting arrangements and right to be accompanied. The person leading the meeting will describe the shortfall and its effect, review support already provided, explore the employee's explanation and consider further reasonable support.

Possible outcomes are no formal action, referral to another appropriate procedure, further information or health advice, or a formal monitoring period supported by a revised PIP. The monitoring period will normally be one to two months, adjusted to the circumstances and opportunities available.

Where formal monitoring is required, a first notice to improve will be issued in writing, normally within five working days. It will set out the required improvement, support, evidence, review arrangements, consequences of insufficient improvement, pay implications and appeal right. It will remain live for twelve months. Progress meetings and feedback will take place throughout the period.

At the Stage 1 review, the manager may end the formal procedure because satisfactory performance has been achieved; extend the PIP for up to one further month where sustained progress makes success likely; or progress to Stage 2 because improvement is insufficient. The decision and reasons will be confirmed in writing.

6 Formal Stage 2

Stage 2 will normally be led by the Headteacher or, where prior involvement would compromise fairness, another suitable senior person or Management Committee member. The employee will receive at least five working days' written notice, the current evidence, possible outcomes and right to be accompanied.

The meeting will examine the continuing shortfall, its effect, the employee's explanation, previous support and whether any further reasonable measure could enable improvement. Outcomes may include no further action, another appropriate procedure, further advice, or a final formal monitoring period normally lasting up to one month.

A final notice to improve will specify the standards, evidence, support, monitoring and review arrangements and will warn that insufficient improvement may lead to a capability hearing and dismissal. It will remain live for twelve months and may be appealed. At review, satisfactory performance will end formal action; otherwise the employee will be referred to a capability hearing.

7 Capability hearing

The employee will receive at least five working days' written notice, the management report and supporting evidence, meeting details, the right to be accompanied and clear notice that dismissal is a possible outcome. A Management Committee panel not previously involved will normally hear the case. Surrey County Council will be invited to attend and its advice will be considered.

The management case will explain the standards, evidence, support and monitoring. The employee may respond, ask questions, present evidence and call relevant witnesses with advance notice. The panel will consider whether the required standard remains unmet, whether support and time were reasonable, whether relevant circumstances and adjustments were properly addressed and whether dismissal falls within the range of reasonable responses such as:

- end formal action because the required standard has been achieved or the case is not established;
- set an exceptional final short monitoring period where further improvement is reasonably likely;
- offer or explore suitable alternative work where appropriate and available;
- determine that the employee should cease working at Thamesfield with contractual or statutory notice; or
- in a properly established case of gross incompetence, determine summary dismissal, subject to HR and employer advice.

The written decision will normally be issued within five working days and will give reasons, the effective arrangements and appeal right. A decision that the employee should cease working at Thamesfield will be notified to Surrey without delay so that the employer can issue formal notice in accordance with the statutory arrangements.

7.1 Gross incompetence

Gross incompetence is an exceptional level of professional failure so serious that continued employment may be impossible even though the failure was not deliberate misconduct. The accelerated route will be used only after

Surrey HR advice, a proportionate investigation, clear written allegations and evidence, and a full capability hearing. Serious effect alone does not automatically establish gross incompetence.

8 Appeals

A first or final notice to improve may be appealed in writing within five working days on the grounds of a material procedural defect or relevant new evidence that could have affected the decision. The notice and monitoring continue pending appeal unless the appeal chair decides otherwise.

Dismissal or redeployment may be appealed within ten working days on the grounds of procedural defect, relevant new evidence, unreasonable severity, overlooked mitigation or failure to consider relevant evidence. The appeal will be heard by an uninvolved person or separate Management Committee panel of appropriate authority. The employee has the right to be accompanied. The decision will normally be confirmed within five working days and is final within the procedure.

9 Health disability and reasonable adjustments

Where disability or a long-term health condition may affect performance while the employee remains fit for work, the manager will establish the relevant medical information, discuss the effect with the employee, consider a stress risk assessment and seek Occupational Health advice where it would answer a current question. Existing medical advice will be used unless the position or question has materially changed. It will be used to:

- consider all reasonable workplace and procedural adjustments;
- record which adjustments are accepted, implemented or considered impracticable and why;
- allow sufficient time after an adjustment is implemented for its effect to be demonstrated;
- review whether the essential requirements of the role can be met with adjustments; and
- consider suitable alternative work where reasonable, appropriate and available before health-related capability dismissal.

Sickness absence itself is managed under the absence-management procedure. Where absence interrupts this procedure, the school will take medical and HR advice on participation, adjustments, timescales and whether the process can fairly continue.

10 Additional arrangements

10.1 Pay progression

Pay progression may be withheld where the employee has been clearly informed that performance is below the required standard and a PIP or formal capability procedure is in place. Teacher pay decisions will be made under the current School Teachers' Pay and Conditions Document and the school's pay policy. Any annual national pay award is unaffected. Pay progression will resume in accordance with the applicable pay policy once the required standard is achieved and will not ordinarily be backdated.

10.2 Attendance and meetings

Meetings will normally take place during working time and may be remote where fair and suitable. If an eligible companion is unavailable, the hearing will be postponed to a reasonable alternative within five working days. Where the employee is unable to attend, health information, reasonable adjustments, written representations and representation by a companion will be considered before deciding whether to proceed.

10.3 Grievances and recording

A concern about the operation of this policy will normally be addressed within the procedure. A related grievance may be considered concurrently or may justify a pause where fairness requires it, particularly where discrimination

or bias is alleged. Written notes will be taken. Audio or video recording requires prior agreement and may be permitted as a reasonable adjustment.

10.4 Safeguarding professional referrals and references

Serious competence concerns affecting children will be discussed promptly with the DSL, HR and LADO where the statutory threshold may be met. Any required referral to the DBS, Teaching Regulation Agency or another professional body will be made. When requested by a prospective school employer, formal teacher capability proceedings within the previous two years will be disclosed as required by the School Staffing Regulations.

10.5 Records and confidentiality

Records will be accurate, secure, limited to those with a legitimate need and retained under the school's retention schedule. The Management Committee may receive anonymised information to monitor fairness and effectiveness.

11 Approval monitoring and review

The Management Committee approves this policy. The Headteacher and HR adviser will monitor its operation, including workload, consistency, equality and outcomes. Staff and recognised representatives will be consulted on material changes. The policy will be reviewed annually and earlier following changes to law, DfE guidance, Surrey policy or the School Teachers' Pay and Conditions Document.

	Name and role	Signature and date
For the Management Committee	Steve Price, Chair of the Management Committee	
For the school	Nick Elliott, Headteacher	

Appendix A Performance Improvement Plan requirements

- the specific concern and relevant evidence;
- the role requirement, Teachers' Standard or other standard to be met;
- clear objective and success criteria within the employee's control;
- how progress will be evidenced without unnecessary workload;
- support, training, resources and adjustments to be provided, by whom and when;
- start date, review dates and end date;
- arrangements for feedback and recording progress;
- the employee's comments or recorded disagreement;
- the possible next stage if improvement is insufficient; and
- signatures or written confirmation by the manager and employee.