



STAFF CAPABILITY POLICY

*This policy was adopted by the
Governing Body:
Spring 2016
Next Review: Spring 2019*



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Addysg & Hamdden
Education & Leisure

**TREFNIADAETH AR GYFER DELIO AG
ATHRAWON SY’N DDIFFYGIOL YN EU
GWAITH**

***PROCEDURE FOR DEALING WITH
TEACHERS WITH DEFICIENCY IN WORK
PERFORMANCE***

TREFNIADAETH AR GYFER PENAEITHIAID SY'N DELIO AG ATHRAWON SY'N DDIFFYGIOL YN EU PERFFORMIAD GWAITH

1. CYFLWYNIAD

1.1 Mae dyletswyddau Pennaeth, fel y'u diffinir yn y ddogfen Cyflog ac Amodau gwaith yn cynnwys:

- adolygu'n gyson waith a threfniadaeth yr ysgol;
- gwerthuso safon yr addysg a'r dysgu o fewn yr ysgol, a sicrhau sefydlu a chadw safonau cywir o ran perfformiad proffesiynol;
- arolygu ac ymgymryd ag unrhyw drefniadau o fewn fframwaith genedlaethol a gymeradwywyd ar gyfer gwerthuso perfformiad athrawon sy'n dysgu yn yr ysgol;
- sicrhau bod pob aelod o staff yr ysgol yn cael cyfle i gael cyngor a hyfforddiant sy'n berthnasol i'w hanghenion, yn unol â pholisïau datblygiad staff yr Awdurdod sy'n cynnal yr ysgol;
- darparu gwybodaeth am waith a pherfformiad y staff a gyflogir yn yr ysgol lle mae hyn yn berthnasol i'w gwaith yn y dyfodol;

1.2 Mae lefel perfformiad unrhyw athro yn amrywio dros gyfnod o amser. Os bydd achos o berfformiad gwael dros dro gellir datrys y mater, fel arfer, trwy weithredu anffurfiol ar ran y Pennaeth neu uwch athro/athrawes arall yn yr ysgol trwy roi arweiniad a chefnogaeth i'r athro/athrawes dan sylw.

1.3 Yn y rhan fwyaf o'r achosion nid yw perfformiad gwaith byth yn gostwng i lefelau annerbyniol am gyfnodau maith ond lle mae hynny'n digwydd rhaid ceisio:

- (a) rhoi arweiniad a chymorth;
- (b) gweithio trwy'r trefniadaethau a geir yn y ddogfen hon; ac ar ôl gweithredu'r trefniadau yn yn unig y dylid;
- (c) troi at y Drefniadaeth Ddisgyblu - Côt Ymarfer.

1.4 Os bydd perfformiad athro/athrawes yn dirywio i lefel annerbyniol dylid penderfynu o'r dechrau a ddigwyddodd hynny o ganlyniad i:

- (a) diffyg honedig yn ei (g)allu - mae'r athro/athrawes yn fodlon ac yn gallu gwella ond mae angen arweiniad arno/arni; neu
- (b) ymddygiad - mae'r gweithiwr yn gallu gwella ond y mae'n gwrthod

Yn yr achos cyntaf, rhaid dilyn y drefniadaeth a geir o dan 3 isod cyn disgyblu'n ffurfiol mewn unrhyw ffordd; yn yr ail achos, dylid dilyn y trefniadaethau ar gyfer Rhybuddio'n Ffurfiol fel y'i gwelir yn y Côd Disgyblu. Cyn dechrau disgyblu'n ffurfiol dylai'r Pennaeth ymgynghori â'r Adran Addysg.

2. ARWEINIAD

Prif nod gweithredu'r trefniadaethau hyn yw gwella perfformiad yr athro/athrawes.

2.1 Wrth ddelio â pherfformiad gwael athro/athrawes rhaid cadw at y pwyntiau canlynol:

- (a) Bwriad gweithredu'r drefniadaeth yw gwella perfformiad yr athro/athrawes trwy roi arweiniad a chymorth.
- (b) Rhaid i Bennaeth dynnu sylw'r athro/athrawes at unrhyw feirniadaeth o'i (g)waith neu unrhyw ddiffyg honedig ynddo yn ogystal â rhoi adroddiad ysgrifenedig iddo/iddi am y feirniadaeth/diffyg. Dylid rhoi'r cyfle i'r athro/athrawes ymateb i adroddiadau o'r math ym mhob cam a dylid cynnwys ei sylwadau mewn unrhyw adroddiad ysgrifenedig.
- (c) Ni ddylai Corff Llywodraethol ysgol yr athro/athrawes ymwneud â'r drefniadaeth fanwl hon, nac â'i gweithredu ac ni ddylent drafod diffyg yr athro/athrawes. Rhaid i'r Pennaeth roi gwybod i Gadeirydd y lywodraethwyr bod problem a'i fod yn ymdrin â'r mater mewn ffordd addas ac ni ddylid gweithredu ymhellach. Os na fydd y gweithredu'n sicrhau bod perfformiad gwaith yr athro/athrawes yn dderbyniol, efallai y bydd yn rhaid troi at y Llywodraethwyr, yn y pen draw, ar gyfer ei (d)disgyblu. Os gofynnir iddynt ymyrryd cyn hyn ni ellir sicrhau y byddant yn ddi-duedd.

- (ch) Rhaid i'r sawl sy'n cwyno yn erbyn gallu ac effeithiolrwydd yr athro/athrawes o du allan i'r ysgol gyflwyno'r gwyn yn ysgrifenedig cyn y bydd y Pennaeth yn gweithredu. Rhaid rhoi copi o unrhyw gwyn o'r fath i'r athro/athrawes dan sylw.

3. TREFNIADAETH

3.1 Os oes amheuaeth ynglyn â gallu ac effeithiolrwydd athro/athrawes, cyfrifoldeb y Pennaeth ac uwch athrawon yr ysgol yw ymchwilio a phenderfynu beth yw'r broblem. Ar ôl gwneud ymholiadau, dylai'r Pennaeth gyfarfod â'r athro/athrawes dan sylw, ar ôl rhoi iddo/iddi gopiâu o unrhyw adroddiadau ysgrifenedig beth amser o flaen llaw a(c):

- (a) ail-ddatgan ac egluro'r safonau a ddisgwylir gan yr athro/athrawes o ran perfformiad gwaith, gan roi gwybod iddo/iddi am ei hawl i geisio cymorth/cynrychiolaeth gan gynrychiolydd Undeb/Cymdeithas neu gyfaill;
- (b) rhoi gwybod i'r athro/athrawes lle mae ei (g)waith yn ddiffygiol a cheisio'i (ch)gael i dderbyn y diffyg hwn;
- (c) archwilio'r rhesymau dros ddiffyg yr athro/athrawes, e.e. problemau teuluol, problemau iechyd, diffyg gwybodaeth/profiad, diffyg adnoddau, gormod o bwysau dysgu neu bwysau dysgu anaddas;

(ch) penderfynu a chyd-gytuno ar ddull o wella perfformiad:

- os bydd problemau teuluol/iechyd mae'n bosibl y bydd y Pennaeth yn credu y dylid cysylltu â'r Awdurdod;
- os bydd diffyg gwybodaeth/profiad a/neu problemau disgyblu yn y dosbarth, mae'n bosibl y bydd y Pennaeth yn ystyried fod hyfforddiant-mewn-swydd yn addas.

3.2 Ar ôl cyfnod rhesymol, cyn penderfynu ar ddyddiad adolygu'r sefyllfa gyda'r athro/athrawes, efallai y bydd y Pennaeth yn dymuno ymgynghori gyda Swyddog neu Ymgynghorydd Addysg. Bydd y cyfnod rhesymol yn dibynnu ar natur diffyg yr athro/athrawes a'i effaith tebygol ar yr ysgol, e.e. petai disgyblu gwael mewn sefyllfaoedd lle y gwneir gwaith ymarferol yn effeithio ar iechyd neu ddiogelwch disgyblion gallai'r cyfnod fod yn wythnos neu wythnosau; os nad oes gan yr athro/athrawes gynllun gwaith digonol a bod ei (ph)berfformiad yn y dosbarth yn wael gallai olygu mis neu fisoedd.

- 3.3 Dylai'r Pennaeth gofnodi penderfyniadau yr ymgynghori yn 3.2 a rhoi copi i'r athro/athrawes. Rhaid atgoffa'r athro/athrawes o'i hawl i hysbysu cynrychiolydd Undeb/Cymdeithas perthnasol neu gyfaill.
- 3.4 Rhaid rhoi arweiniad, cymaint o gymorth a chyngor ag sy'n bosibl yn y cyfnod sy'n arwain at y cyfarfod adolygu a bydd y Pennaeth neu berson(au) a enwebir gan y Pennaeth, lle bo hynny'n addas, yn monitro perfformiad yr athro/athrawes.
- 3.5 Os bydd tystiolaeth o welliant yn y cyfarfod adolygu, hysbysir yr athro/athrawes y bydd monitro perfformiad yn parhau ac y bydd y sefyllfa yn cael ei hadolygu ar ddiwedd cyfnod y cytunir arno. Pan gytunir bod yr athro/athrawes wedi dangos gwelliant sylweddol a'i (b)fod wedi cyrraedd lefel dderbyniol o ran perfformiad, fe'i hysbysir o'r ffaith hon, ac ar ôl cyfnod o flwyddyn tynnir pob cofnod o'r achos o'i ffeil.

4. TREFN MEDRUSWYDD FFURFIOL

- 4.1 Os yw perfformiad gwaith yr athro/athrawes yn parhau i fod yn annerbyniol adeg y cyfarfod adolygu:
 - (a) rhaid i'r Pennaeth hysbysu'r athro/athrawes yn ysgrifenedig fod y mater bellach yn cael ei ystyried yn unol â'r drefn medruswydd ffurfiol;
 - (b) rhaid hysbysu'r Adran Addysg. Bydd y swyddog perthnasol yn cyfarfod â'r Pennaeth, yr athro/athrawes dan sylw, cynrychiolydd Undeb/Cymdeithas yr athro/athrawes neu gyfaill, lle bo hynny'n berthnasol yn amlinellu ffeithiau, chwilio am ddulliau i wella perfformiad ynghyd â sefydlu targedau a/neu safon perfformiad ynghyd â rhaglen gefnogi briodol ac amserlen strwythuredig, ac ymweliadau â lle gwaith yr athro/athrawes, lle bo hynny'n addas, er mwyn asesu perfformiad. Fel arfer trefnir ymweliadau o'r math o flaen llaw trwy ymgynghori â'r Pennaeth a'r athro/athrawes a dylid ei hysbysu o'u bwriad. Dilynr pob ymweliad gan drafodaeth ac adroddiadau ysgrifenedig gan swyddogion perthnasol yr Awdurdod, a fydd yn dangos problemau penodol ac a fydd yn cynnig awgrymiadau ar gyfer eu datrys.

Rhoddir copïau o'r adroddiadau i'r athro/athrawes, cynrychiolydd Undeb/Cymdeithas neu gyfaill yr athro/athrawes lle bo'n addas, y Pennaeth a'r AALL a chofnodir unrhyw welliannau.

Bydd yr amserlen a fabwysiedir yn adlewyrchu difrifoldeb diffyg medrusrwydd yr athro/athrawes. Bydd yn rhaid ystyried os yw'r broblem yn un benodol neu yn gyffredinol, os yn ddiffyg diweddar ynteu yn broblem sydd wedi bodoli dros gyfnod hwy. Yn arferol ni fydd y cyfnod a ganiateir i gyrraedd lefel dderbyniol o berfformiad yn fwy na dau dymor ar ôl cychwyn yn drefn ffurifol fel ei diffinir ym mharagraff 4.1 (a) uchod gan gofio na fyddai oedi gormodol o reidrwydd er lles unrhyw un. Mewn achosion eithriadol lle mae diogelwch neu addysg y disgyblion mewn perygl ni fydd y cyfnod i ddangos cynnydd yn fwy na pedair wythnos ar ôl cychwyn y drefn ffurfiol.

- 4.2 Bydd y Pennaeth, mewn ymgynghoriad â Swyddogion y Sir, yn unol â'r amserlen gytunedig yn trefnu dyddiad ar gyfer cyfarfod â'r athro/athrawes, a chynrychiolydd Undeb/Cymdeithas yr athro/athrawes neu gyfaill, lle bo hynny'n addas, er mwyn adolygu adroddiad ar y perfformiad.
- 4.3 Os, yn y cyfarfod y cyfeirir ato yn 4.2, yr ystyrir fod perfformiad yr athro/athrawes yn parhau i fod yn annerbyniol fei hysbysir fod pryder am ei (ph)berfformiad ac y bydd disgyblu yn cael ei argymhell. Bydd unrhyw weithredu o'r fath yn dilyn yr un drefn â'r Drefn Ddisgyblu gytunedig.
5. Crynhoir y drefniadaeth yn y siart-lif a geir gyda'r ddogfen hon.

**TREFNIADAETH AR GYFER GWEITHWYR SY’N DDIFFYGIOL
YN EU PERFFORMIAD GWAITH:**

ARWEINIAD AR GYFER PENAEITHAID - SIART-LIF

A ddaethpwyd o hyd i dystiolaeth am ddiffyg perfformiad e.e. disgyblaeth wael mewn dosbarthiadau, paratoi/gwersi/marcio annigonol, arolygu/gweinyddu aneffeithiol, ac a wnaed ymholiadau i’r amgylchiadau?	NADDO	Ni ellwch wneud dim heb dystiolaeth diweddar a rhai ei chael cyn gweithredu.
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DO

A ydych wedi hysbysu’r athro/awes yn bersonol am ei (dd)iffygion a lle bo’n berthnasol ei (ch)gynrychiolydd?	NADDO	Rhaid gwneud hyn, cynnig hyfforddiant arweiniad* ac arolygu ychwanegol a rhybuddio am y canlyniadau os na fydd gwelliant. Ymgynghorwch ag Uwch Swyddog Addysg lle bo’n briodol.
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DO

A roddwyd cymorth* ffurfiol gan Bennaeth Adran, staff uwch yn yr ysgol a gadawyd cofnod ysgrifenedig o’r cymorth hwnnw?	NADDO	Rhowch gymorth* perthnasol gan fonitro datblygiad a chadwch gofnod ysgrifenedig o bob gweithred. Gwnewch arolwg ar ôl cyfnod rhesymol.
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DO

A gysylltwyd yr AALL a’u hysbysu, ac a gafodd datblygiad yr athro/awes ei (m)fonitro?	NADDO	Rhaid i chi hysbysu’r swyddogion perthnasol o’r broblem, sicrhewch eu cymorth a gwnewch arolwg ar ôl cyfnod rhesymol.
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DO

A lwyddodd yr athro/awes i gyrraedd safon dderbyniol?	NADDO	Cychwyn y Drefn Fedrusrwydd Ffurfiol gosod targedau a/neu safon perfformiad a chytuno amserlen.
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Dim gweithrediad pellach.

A lwyddodd yr athro/awes i gyrraedd safon dderbyniol?	NADDO	Trefnwch gyfweiliad ffurfio a gweithredwch y drefniadaeth rybuddio fel yn y Drefniadaeth Disgyblu.
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DO

Dim gweithrediad pellach.

*Gall hyn olygu rhoi cyngor, archwilio amserlen dyletswyddau/cyfrifoldebau, presenoldeb, hyfforddiant-mewn-swydd a chyfleoedd i astudio arfer dda mewn ysgolion eraill.

PROCEDURE TO BE ADOPTED BY HEADTEACHERS WHEN DEALING WITH TEACHERS WITH DEFICIENCY IN WORK PERFORMANCE

1. INTRODUCTION

1.1 The professional duties of the Headteacher as defined in the Pay and Conditions document shall include:

- keeping under review the work and organisation of the school;
- evaluating the standard of teaching and learning in the school, and ensuring that proper standards of professional performance are established and maintained;
- supervising and participating in any arrangements within an agreed national framework for the appraisal of the performance of teachers who teach in the school;
- ensuring that all staff in the school have access to advice and training appropriate to their needs, in accordance with the policies of the maintaining Authority for the development of staff;
- providing information about the work and performance of the staff employed at the school where this is relevant to their future employment.

1.2 Any teacher's level of work performance varies over time. In the case of temporary poor performance, the matter is normally resolved by informal action by the Headteacher or other senior staff of the school giving guidance and support to the teacher concerned.

- 1.3 In the majority of cases the work performance never falls to prolonged unacceptable levels, but where it does attempts must be made to:
- (a) provide guidance and support;
 - (b) work through the procedures contained in this document; and only when this procedure has been exhausted to
 - (c) turn to the Disciplinary Procedure - Code of Practice.
- 1.4 In the case of a teacher whose performance falls to an unacceptable level it must be decided at the outset whether the poor performance arises:
- (a) from an alleged lack of competence - the teacher is willing and able to improve but needs guidance; or
 - (b) from conduct - the employee has the ability to improve but will not. For the former case the procedure set out under 3 below must apply before any formal disciplinary action is taken; for the latter case the formal Warning Procedures in the agreed Disciplinary Code should apply. Prior to instituting the formal disciplinary procedures contained in the code the Headteacher should consult the Education Department.

2. GUIDANCE

The main aim in applying these procedures is to effect improvement in the teacher's performance.

- 2.1 In dealing with a teacher's poor performance the following points must be observed:
- (a) The intention of applying the agreed procedure is to effect improvement in the teacher's performance by guidance and support.
 - (b) Any criticism of, or alleged deficiency in, the teacher's work must be brought to the attention of the teacher concerned by the Headteacher and a written report made on such criticism/deficiency must be given to that teacher. The teacher should be given the opportunity to respond at each stage to such reports and these observations should form part of any written record.

- (c) The Governing Body of the teacher's school must not be involved in these detailed procedures, or during their application or discuss the teacher's deficiency. The Headteacher will inform the Chairperson of the Governors that a problem exists and that appropriate action is being taken and there the matter should rest. If the action taken does not ensure that the teacher's work performance is acceptable, then ultimately the Governors may have to be the appellant body in disciplinary action against the teacher. For them to be involved before that time will not ensure their impartiality in dealing with the matter.
- (d) Any complaints against the teacher's competence from persons outside the school must be put in writing by the complainant before any action is taken by the Headteacher. A copy of any such complaint must be given to the teacher involved.

3. PROCEDURE

3.1 Where a teacher's competence is in question, it is the responsibility of the Headteacher and senior staff of the school to investigate and determine the problem. After investigating, the Headteacher should meet the teacher concerned, having previously given him/her copies of any written reports a reasonable time beforehand and:

- (a) restate and explain the standards of work performance expected in the school from the teacher, advising the teacher of his/her right to seek subsequent assistance/representation from his/her Association/Union representative or a friend;
- (b) advise the teacher of the alleged areas of shortfall in performance and seek to gain the teacher's acceptance of this shortfall;
- (c) explore the reasons for the teacher's shortfall in performance, e.g. domestic problems, health problems, lack of knowledge/experience, lack of resources, heavy/inappropriate teaching load;
- (d) determine and seek to agree with the teacher a course of action to effect improvement in performance:
 - for domestic/health problems the Headteacher may believe that the matter should be referred to the Authority;
 - for lack of knowledge/experience and/or poor discipline the Headteacher consider in-service training appropriate.

- 3.2 After a reasonable interval the Headteacher may wish to consult with the appropriate Adviser or Education Officer before setting a date to review the situation with the teacher. The interval will depend on the nature of the teacher's deficiency and its likely impact on the school, e.g. if poor discipline in practical work situations could affect the health and safety of pupils the interval could be a matter of a week or weeks; if the teacher has an inadequate scheme of work and classroom performance is poor then the interval could be a month or months.
- 3.3 The result of any consultation in 3.2 should be recorded by the Headteacher and one copy given to the teacher. The teacher must be reminded of his/her right to inform the appropriate Association/Union representative or a friend.
- 3.4 In the period up to the review meeting, the teacher in difficulty must be given guidance, the widest possible support and advice and the teacher's performance monitored by the Headteacher and person(s) nominated by the Headteacher, where appropriate.
- 3.5 If, at the review meeting, there is evidence of some improvement, the teacher will be informed that monitoring of performance will continue and the position will be reviewed at the end of an agreed period. When it is agreed that the teacher has shown a substantial improvement and has reached an acceptable level of performance, the teacher will be informed accordingly, and after a period of one year all records of the case will be removed from the teacher's file.

4. FORMAL CAPABILITY PROCEDURE

- 4.1 If at the review meeting the teacher's work performance remains unacceptable then:
- (a) the Headteacher must inform the teacher in writing that the matter would from therein be considered under the formal capability procedures;
 - (b) the Education Department must be informed. The appropriate officer will meet with the Headteacher, the teacher concerned, the teacher's Association/Union representative or friend where appropriate, establish the facts, set targets and/or performance standards together with an appropriate support programme and structured time scale and seek ways of improving the teachers performance, and visit the workplace of the teacher, if appropriate, to assess performance;

Such visits will be arranged normally in advance in consultation with the Headteacher and the teacher who must be informed of their purpose. Each visit will be followed by discussion and written reports from the relevant officers of the Authority, stating problem areas and suggestions for overcoming them.

Copies of the reports will be given to the teacher, the teacher's Association/Union representative or friend where appropriate, the Headteacher and the LEA and any improvements will be noted.

The timescale adopted will be in accordance with the seriousness of the lack of capability of the teacher. Consideration will be given to whether the problem is a specific or broader professional difficulty, whether it is of very recent concern or spanning a longer period of time. Normally, the period given for improvement will be no more than two terms after the date of entry into the formal procedure as defined above.

However, undue delay may not always be in the interest of all parties. In extreme cases where the safety or the education of pupils is jeopardised, the period for improvement after the date of a formal warning will be no more than four weeks.

- 4.2 The Headteacher, in consultation with the Officers of the County in accordance with the agreed timetable, will set a date for a meeting with the teacher, the teacher's Association/Union representative or friend where appropriate, to review a report of the performance.
- 4.3 If, at the meeting referred to in 4.2, the teacher's performance continues to be unsatisfactory the teacher will be informed that concern about performance persists and that disciplinary action is recommended. Any such action will follow the same procedures as the agreed Disciplinary Procedure.
5. The attached flow-chart summarises this procedure.

**PROCEDURE FOR EMPLOYEES WITH DEFICIENCY IN
WORK PERFORMANCE:**

GUIDANCE FOR HEADTEACHERS - FLOW CHART

<p>Have you evidence of lack of adequate performance e.g. poor discipline in class, inadequate lesson preparation/marking, effective supervision/administration and investigated the circumstances?</p>	<p>NO</p>	<p>You can do nothing without recent evidence and must gain it before taking any action.</p>
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YES

<p>Have you informed the teacher personally of his/her shortcomings and, where relevant, the teacher's representative?</p>	<p>NO</p>	<p>You must do so, offer training, guidance* and additional supervision and warn of consequences if no improvement is achieved. Consult Senior Education Officer, if appropriate.</p>
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YES

<p>Has formal assistance* been given by Head of Dept. senior staff in the school and a written record of that assistance?</p>	<p>NO</p>	<p>Provide relevant assistance* monitor progress and keep a written record of action. Review after a reasonable time.</p>
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YES

<p>Have the appropriate LEA Officers been consulted and advised and that they monitored the teacher's progress?</p>	<p>NO</p>	<p>Inform the appropriate Officers of the problem, gain their assistance and review after a reasonable time.</p>
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YES

<p>Has the teacher achieved acceptable standards?</p>	<p>NO</p>	<p>Enter Formal Capability Procedure Set targets and/or performance standards and agree timescales.</p>
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No further action.

<p>Has the teacher achieved acceptable standards?</p>	<p>NO</p>	<p>Arrange formal interview and take action, following same procedures as in the Disciplinary Procedures.</p>
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YES

No further action.

*This could include counselling, examination of timetable commitments/areas of responsibility, availability of resources, INSET support and opportunities to study good practices in other schools.