



OAKLANDS
SCHOOL

Capability Policy

Next review due	June 2026
Last review	June 2025
Approved by	Dr Julie Smith, Chair of Governors

CAPABILITY POLICY

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Aims

The aim of our capability of staff policy is to set out a clear and consistent process for when a member of staff falls below the levels of competence expected of them, as set out in the relevant professional standards, job descriptions and overall performance expectations.

Legislation and Guidance

This policy is based on the Department for Education’s model policy and guidance, and the ACAS code of practice on disciplinary and grievance procedures.

When carrying out capability procedures, we will ensure we abide by the Equality Act 2010.

Legislation

The Education and Inspections Act 2006 section 89

- provides that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school’s behaviour policy which must be communicated to all pupils, school staff and parents.
- gives Headteachers the ability to ensure that pupils behave appropriately when they are not on school premises or under the lawful control of school staff.

Definitions

Lack of capability is defined as:

- A staff member failing to perform their role at the level of competence expected of them and that their job requires

References to ‘staff’ include the Headteacher, Teachers and Support Staff, unless indicated otherwise.

Roles and Responsibilities

Where the member of staff subject to the procedure is the headteacher, the chair of governors will be responsible for co-ordinating the procedure.

Where the member of staff subject to the procedure is not the headteacher, the headteacher or a nominated member of senior staff will be responsible for co-ordinating the procedure.

Where appropriate, other members of staff may be asked to provide additional support to the teacher or to assist in monitoring the effectiveness of the policy. Where this happens, responsibilities will be made clear in advance.

Capability Procedure

Performance is monitored on a day-to-day basis by line managers on a one-to-one basis,

Formal capability procedures will begin when line management support and the appraisal process have been unable to bring about satisfactory performance or improvements in the staff member’s work.

An informal period of support, put in place and monitored by the line manager, will have been in place before formal capability procedures are triggered. Evidence of this will be available before the process begins.

Formal Capability Meeting

At least 5 working days' notice will be given of the formal capability meeting, and will explain:

- The concerns about performance and possible consequences
- Any written evidence
- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

It will be conducted by the chair of governors for headteachers, and a member of the management team for other teachers.

The purpose of the meeting is to establish the facts, and to allow the staff member to respond to the concerns and make relevant representations.

Possible Outcomes

The meeting may establish that there are no grounds to pursue the capability issue. In this case, the procedure will come to an end and the issues will continue to be addressed through the appraisal process.

The meeting may be adjourned if further investigation is needed, or if more time is needed to consider additional information presented.

If the meeting continues, the person conducting the meeting will:

- Explain the expected standards that are not being met, which will be based on the Teachers' Standards or other relevant standards, career stage expectations and/or job description
- Give clear guidance on the standard of performance needed to end the procedures
- Explain the support available to help the staff member improve their performance
- Set out the timetable for improvement and explain how performance will be monitored and reviewed
- Warn the staff member that failure to improve within this timetable could lead to dismissal

After the Meeting

The staff member will be sent formal meeting notes. If a formal warning has been issued, the staff member will also receive:

- A written record of the bullet points above
- Information about the timing and handling of the review stage
- Information about the procedure and time limits for appealing against the warning

Monitoring and Review Period

A performance monitoring and review period consisting of formal monitoring guidance and support will follow the formal capability meeting.

The member of staff will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

Formal Review Meeting

At least 5 working days' notice will be given of the formal review meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If the person conducting the meeting is satisfied that the staff member has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start.

In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period
- If no, or insufficient improvement has been made during the monitoring and review period, the staff member will receive a final written warning

Notes will be taken of formal meetings and a copy sent to the member of staff.

The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in dismissal. They will be given information about the further monitoring and review period, the procedure and time limits for appealing against the final warning. The staff member will be invited to a decision meeting.

Decision Meeting

The Headteacher will investigate all reported incidents of bullying using the following procedure:

- Those involved or who may have witnessed a bullying incident will be interviewed by the Headteacher and statements taken. The incident details will be recorded in the 'Bullying Incident' log.
- The response to the incident will be recorded in the incident report. The response will include support for the victim, details of contact with parents and support and sanctions for the perpetrator.
- The 'Bullying Incident' log will be stored centrally. A copy is also stored in the victim's file, along with the witness statements and referenced in the perpetrator's file.
- Where appropriate (if the pupil and victim are in agreement) the Headteacher may use restorative approaches to allow the victim to explain the consequences of the bully/ies' actions to them face to face. This is conducted in a safe and supportive environment with trained members of staff. Agreements would then hopefully be reached which would allow a new relationship to be established.

The Role of the Designated Safeguarding Lead (DSL)

- The Designated Safeguarding Lead (DSL) will have oversight of the management of bullying on a day-to-day basis.
- Managing and monitoring practices to ensure alignment with the school anti-bullying policy and procedures.
- Maintaining a clear overview of the incidence of bullying and the school's anti-bullying prevention and response strategies.

- Liaison with the Headteacher and between all parties involved, including parents.
- Ensuring that incident logs are completed
- On a regular basis, analysis of the incident log so that patterns and trends can be identified and the analysis used to improve policy and practice.
- Promotion of anti-bullying initiatives and projects both within the curriculum and in the wider aspects of school life.
- Deployment of appropriate strategies to ensure that bullies change their behaviour and support them in doing so.

The Role of the Staff

It is essential that all members of staff contribute to creating a school ethos which does not tolerate bullying and minimises the likelihood of incidents ever occurring.

- Staff must ensure that they have read and understand this policy.
- Staff must ensure that their training in taking action against bullying remains up to date.
- Staff will be aware of and exploit aspects the curriculum and wider aspects of school life where they can embrace the topic of bullying, including its dangers, how to prevent it and the steps to take when it occurs.

In any case where bullying is reported or suspected, staff must follow this procedure:

- In most cases the incident should be dealt with immediately by the member of staff who is approached.
- Listen carefully and intently.
- Reassure the child that you are sympathetic and that the problem will be resolved.
- Do not ask any leading questions.
- Do not promise to keep the issue confidential – it is important to maintain the pupils' trust by remaining honest.
- Make a clear account of the conversation in the bullying logbook as soon as possible but try to avoid taking notes during discussion.
- Report the matter as soon as is practical to the Headteacher
- Discuss with the Headteacher how to proceed with, for example, further interviews, liaison with parents and what action is to be taken, in accordance with the school's behaviour policy.
- Continue to address the incident as agreed with the Headteacher
- Ensure that the incident continues to be fully recorded in the incident logbook, together with details of what action has been taken and how the situation is to be monitored going forward.
- Liaise with the Headteacher to ensure that all staff are kept informed of the incident and action taken, as appropriate
- Remember that staff must only ever use physical intervention as a last resort, and at all times it must be the minimal force necessary to prevent injury to another person. Staff should refer to the section in the Positive behaviour policy on physical restraint

- Ensure that appropriate support is provided for all parties concerned.
- A bullying incident should be treated as a child protection concern when there is reasonable cause to believe that a child is suffering or likely to suffer significant harm; the matter should be reported to the DSL and procedures should be followed, as detailed in the Safeguarding and Child Protection policy. This is likely to involve reporting the incident to Social Care, and also to the police if it is believed that the safeguarding situation constitutes a criminal concern.

Outcomes

- The bullies may be asked to attend a restorative meeting with the victim.
- In more serious cases internal isolation, fixed-term or permanent exclusion may be considered.
- After the incident / incidents have been investigated and dealt with, each case will be monitored to ensure repeated bullying does not take place.
- The school will record and keep a log of bullying incidents
- The number of incidents of bullying will be reported to the OS Board in the Headteacher's report

Information and Guidance for Pupils

- As a member of the school, we expect you not to have to put up with any form of bullying behaviour. We can and will help to put a stop to it.
- You should feel free to speak out to your mum or dad or any teacher if you are being bullied. We can help you to cope with it straight away.
- When someone else is being bullied or is in distress, inform a member of staff immediately.
- Do not be afraid to report any incidents. Watching and doing nothing can suggest support for the bully. Even if you are just a bystander, you have a role to play in reporting any incidence of bullying.
- If you wish to inform the school of an incident involving bullying or perceived bullying but want to remain anonymous, you can write a note and leave it in the main school office or your teacher's desk.
- Do not put up with bullies in your group of friends. Bullies will soon stop if they are left out or are by themselves.
- Take care how you speak and act towards other pupils. Always aim to be considerate and helpful.

Pupil questionnaires will be carried out to gather feedback on bullying to reflect and act upon.

Information and Guidance for Parents

- You may not recognise that your child is being bullied. However, changes in their manner, behaviour and general state of health can sometimes be explained by bullying.
- Encourage your child to talk about it, but be patient. It is quite natural for him or her not to want to discuss the matter and not to want you to do anything about it.
- Listen and try not to interrupt.
- Reassure them that you are sympathetic and that it is a problem that can be solved. It happens

to most people at some time.

- Ask him or her if there are ways of changing things and help them to try to develop strategies to cope, strategies which should then be practised.
- Try to keep the situation in proportion and so remain good-humoured.
- Encourage your child to talk to their class teacher or a trusted adult at Oaklands about the matter.
- You should feel free to contact your child’s teacher to discuss the matter if you are concerned.

Training

Central to the school’s anti-bullying strategy is ensuring that all staff have a good understanding of the school’s legal responsibilities in relation to bullying, how to prevent and resolve problems, and of the support mechanisms available to them both within the school and externally. To this end, this Anti-Bullying Policy is covered in detail as part of the new staff induction procedure and ongoing training is provided in response to new best practice guidance that becomes available or a specific incident within the school.

Another important contribution staff can make to promoting anti-bullying culture within the school is to be positive role models. Specifically, staff must refrain from any words or actions in the classroom which might be seen to encourage or constitute bullying behaviour (see the school’s Code of Conduct for staff). When bullying behaviour is observed it must be challenged immediately and directly and never be tolerated or passed off as “banter”, “having a laugh” or “part of growing up”.

Safeguarding Children and Young People

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is ‘reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm’. Where this is the case, school staff should report their concerns as per the Safeguarding & Child protection Policy and Procedures. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child doing the bullying.

Bullying Outside School Premises

Headteachers have a specific statutory power to discipline pupils for poor behaviour outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives Headteachers the power to regulate pupils’ conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff. This can relate to any bullying incidents occurring anywhere off the school premises, such as on school or public transport, and cyber incidents. Where bullying outside school is reported to school staff, it should be investigated and acted on. The Headteacher should also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in their local authority of the actions taken against a pupil. If the misbehaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed.

Preventative Measures

We will do all we can to create a climate in which bullying is not tolerated and in which pupils can easily report bullying incidents without feeling that they are telling tales. Staff, pupils and parents/guardians (including when they find themselves as bystanders to a bullying incident) will all be involved in this

process.

To promote a culture which rejects bullying, we take the following steps:

- Have school rules and behaviour policy which are very explicit about the seriousness of bullying and make clear that those involved in bullying behaviour can expect to face severe sanctions including permanent exclusion
- Notices in common areas highlight the importance of an anti-bullying culture and explain the different ways in which pupils can raise concerns
- Issues such as prejudice and bullying are explored via the formal curriculum, PSHE and mentor time to foster an anti-bullying culture
- Teachers are expected to show zero tolerance of prejudice-based language whenever they encounter it and deal with it in a robust manner in line with school's behaviour policy
- The DSL maintains records of bullying behaviour to identify possible patterns and to determine if additional actions are required to prevent further instances
- The school will participate in National Anti-Bullying Week each year.
- There is a high level of adult supervision throughout the school day, which limits opportunities for bullying.

As part of our therapeutic approach, Oaklands uses the Zones of Regulation to help pupils recognise, communicate and manage their emotions. Where appropriate, we also use restorative conversations to support pupils in understanding the impact of their actions, rebuilding relationships, and preventing further incidents of harm.

Procedures

All pupils are encouraged to feel it is right to tell someone if they are being bullied or if someone they know is being bullied. Incidents of bullying will be referred to the mentor and dealt with quickly and appropriately. Whilst it is the responsibility of all staff within the school to reinforce the anti-bullying strategy and support the victims of bullying, it is recognised that not all staff have the capacity (due to the commitments of their job) to carry out a swift and thorough investigation. Therefore, incidents of bullying should always be referred to the Headteacher as quickly as possible. All bullying incidents at Oaklands are recorded securely on MyConcern, our safeguarding platform, and monitored by the Headteacher (DSL).

Cyberbullying

The school is conscious of the dangers of cyber-bullying, in relation to both safeguarding and anti-bullying strategies. A range of measures is set in place to guard against it. The school's firewall and filtering systems are organised and monitored to ensure, so far as is possible, that pupils are protected from inappropriate content, including extremist materials and those designed to radicalise. The school recognises that no filtering system is perfect and, in their ICT and PSHE lessons, pupils learn the steps they should take, should they encounter inappropriate content. The school also recognises that systems can only protect the pupils whilst using school equipment in school. In their ICT and PSHE lessons they therefore learn how to keep themselves safe whilst online away from the school premises. This includes the development of their resilience to resist radicalisation. Similarly, the school provides information for parents and periodically runs workshops to enable them to gain a greater understanding of how they can help to keep their children safe online at home.

In their ICT and PSHE lessons, pupils also learn at an age-appropriate stage about the dangers of cyber-bullying via technology, for example through mobile phones, email, social networks, text messaging and photography. They are given guidance on how to resist and report such approaches, including exercising prudence in the use of personal information on social networking sites.

Monitoring Arrangements

This policy is reviewed annually by the DSL and other members of the safeguarding team, the Headteacher and the Chair of OS Board to:

- assess the strategies used to foster an anti-bullying culture (including staff training), to analyse the incidence and location of suspected or confirmed bullying on or off the school premises
- identify any patterns and to evaluate how effectively we have dealt with any incidents.

An interim review will be conducted after any confirmed incident to identify any implications for policy in the future.

Links with Other Policies

Further information can be found in the school's:

- Acceptable Use Policy
- On-line Safety policy Positive Behaviour Policy
- Safeguarding and Child Protection Policy Technical Security Policy

References

- DfE Guidance
- Stopbullying.gov
- kidscape.org
- Wellbni.org
- Eyepat.org