



Houlton
CofE Academy Trust

STAFF APPRAISAL AND CAPABILITY POLICY

Communicating Love; Inspiring
Communities to Flourish

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Introduction

Appraisal arrangements are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations).

The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and centrally employed (or unattached) teachers employed by a local authority, in each case where they are employed for one term or more. Although they are not legally required to do so, it is good practice for academies to follow the appraisal regulations, therefore the Houlton CofE MAT do in their Academy (St Gabriel's CofE Academy).

Schools must stay within the legal framework set out in the Appraisal Regulations and all schools (including academies) must adhere to any other relevant legislation that affects all employers (for example legislation on equality, employment protection and data protection).

Policy for appraising teacher performance and dealing with capability issues

Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of staff, including the headteacher, and for supporting their development within the context of the Trust's plan for improving educational provision and performance, and the standards expected of teachers. It also sets out the arrangements that will apply when staff fall below the levels of competence that are expected of them.

Application of the policy

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to the CEO/Headteacher and to all teachers and staff employed by the trust, except those on contracts of less than one term, those undergoing induction (*i.e.* ECTs) and those who are subject to Part B of the policy.

Part B of the policy, which sets out the formal capability procedure, applies only to teachers (including the headteacher) and staff about whose performance there are serious concerns that the appraisal process has been unable to address.

Both parts of the policy should always be applied in a way that is robust whilst minimising the impact on workload for teachers, line managers, headteachers and governance boards.

Part A – Appraisal

Appraisal in this school will be a supportive and developmental process designed to ensure that all teachers and staff have or fully develop the skills and access to support they need to carry out their role effectively. It will help to ensure that staff are able to continue to improve their professional practice and to develop as professionals.

The appraisal period

The appraisal period will run for twelve months from September.

Staff who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. **The length of the period will be determined by the duration of their contract and an individual's objectives should take account of the length of contract.**

Appointing appraisers

The CEO/headteacher will be appraised by the Trust board or delegated committee, supported by a suitably skilled and experienced external adviser who has been appointed for that purpose.

The CEO/headteacher will decide who will appraise other staff.

Setting objectives

The CEO/headteacher's objectives are set by the governance board after consultation with the external adviser. The governance board has a duty to have regard to the work-life balance of the CEO/headteacher and objectives will reflect this.

Objectives for staff will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for staff will be appropriate to the individuals' role and level of experience. Objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils. Objectives can be set in relation to robust assessment data, however, these will not be used in isolation and other factors will also be considered when making decisions about pay progression. The appraiser and staff member will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives should be revised if circumstances change.

The objectives set for staff will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school.

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed.

Reviewing performance

Observation

The Trust believes that observation of classroom practice and other responsibilities is important as a way of assessing staff performance in order to identify any particular strengths and areas for development they may have, gaining useful information which can inform school improvement more generally and enabling staff to learn from each other and collaborate. All observation will be carried out in a supportive fashion and not add to workload.

Development and support

Appraisal is a supportive process which will be used to determine decisions on pay progression and inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individuals.

Feedback

Staff will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that require further development. Where there are concerns about any aspects of staff performance the appraiser will meet them formally to:

- give clear feedback to staff about the nature and seriousness of the concerns;
- give staff the opportunity to comment and discuss the concerns;
- set clear objectives for required improvement;
- agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress
- explain the implications and process if no, or insufficient, improvement is made – e.g., impact on pay progression and potential move to formal capability.

When progress is reviewed, if the appraiser is satisfied that the individual has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process.

Evidence

The range and level of evidence collected for appraisal and pay determination purposes will always be proportionate and minimise workload.

Transition to capability

If staff demonstrate serious underperformance, and do not respond to support provided within the appraisal process, the individual will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

Annual assessment

Staff performance will be formally assessed in respect of each appraisal period. In assessing the performance of the CEO/headteacher, the Trust board must consult an external adviser.

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings.

Staff will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment on – an appraisal report.

The appraisal report will include:

- **details of staff objectives for the appraisal period in question;**
- **an assessment of staff performance of their role and responsibilities against their objectives and the relevant standards;**
- **an assessment of staff professional development needs and identification of any action that should be taken to address them;**
- **a recommendation on pay where that is relevant**

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period.

Part B – Capability Procedure

This procedure applies only to staff, teachers and headteachers where there is serious underperformance which the appraisal process has been unable to address. At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable staff to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the individual of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent. Staff are entitled to request an alternative date which is within five days of the original date.

Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the CEO/headteacher or by the Chair of Trustees (for CEO/headteacher capability meetings.) The meeting allows the individual, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, for example which of the standards expected of teachers are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the individual can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);
- explain any support that will be available to help staff improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases will be between four and ten weeks. Any alternative period will be reasonable and proportionate, but not excessively long, and will provide sufficient opportunity for an improvement to take place.
- warn the individual formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, staff will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. 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

As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If the person conducting the meeting is satisfied that the individual 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, staff will receive a final written warning.

As before, 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 and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The individual will be invited to a decision meeting.

Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory, a decision, or recommendation to the governance board, will be made that the member of staff should be dismissed or required to cease working at the school.¹

Before the decision to dismiss is made, the school will discuss the matter with their HR support provider.

¹ *The Trust board is the employer but the power to dismiss can be delegated to the CEO/head teacher or to a Trust committee acting with the CEO/head teacher.*

Staff will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Decision to dismiss

The power to dismiss staff in the Trust can be delegated to a Trust committee set up for that purpose.

Dismissal

Once the decision to dismiss has been taken, the Trust Committee will dismiss the staff member with notice.

Appeal

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

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

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

General Principles Underlying This policy

ACAS Code of Practice on Disciplinary and Grievance Procedures

Part B of the policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the CEO/headteacher and Trust board to quality-assure the operation and effectiveness of the appraisal system. The CEO/headteacher will review staff objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers. The CEO/headteacher must be aware of all pay recommendations that have been made.

Consistency of Treatment and Fairness

The Trust board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled staff. The Trust board is aware of the guidance on the Equality Act issued by the Department for Education.

Definitions

Unless indicated otherwise, all references to "teacher" include the headteacher.

Delegation

Normal rules apply in respect of the delegation of functions by Trust boards, headteachers and local authorities.

Grievances

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

Sickness

If long term sickness absence appears to have been triggered by the commencement of monitoring performance at any stage of the procedure or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will be referred immediately to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

Monitoring and Evaluation

The Trust board and CEO/headteacher will monitor the operation and effectiveness of the school's appraisal arrangements. This will include ensuring that the arrangements minimise the impact on workload for all parties involved.

Retention

The governance board and headteacher will ensure that all written appraisal records are retained and stored in a secure place in line with their Retention and Disposal Policy