



Littlegreen School

Supporting and developing the whole child

Teacher Appraisal and Whole School Performance Management Policy

Approved by Governors on:

Signed:

Next Review Due:

PERFORMANCE MANAGEMENT FRAMEWORK

POLICY AND PROCESS FOR ALL SCHOOL STAFF

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Section 1: Performance Management Framework

1.1 Introduction

Performance Management is fundamental to the way an organisation works. However, not everyone understands the same thing by the phrase 'performance management'. Some people define it largely in terms of the use of performance indicators and other data; others focus on formal appraisal systems.

In this school we regard Performance Management as a whole approach to the way our school operates, which puts people and their performance at its heart and enables the development of "a learning organisation". It is our process for assessing the totality of performance, in the context of an individual's job description. Professional Standards for Teachers are expected to provide the backdrop to discussions about teachers' performance and future development. National Standards for Support Staff may also inform discussions for support staff development. The Performance Management of Newly Qualified teachers is addressed through their Induction process.

- Teachers and support staff recognise the link between the priorities of the school's improvement plan and the performance management process: if successful it will contribute to an improvement in outcomes for pupils.
- Teachers and support staff are clear about their roles in the school – what the school expects from them, what they expect from the school and when and how the school will meet those expectations.
- Teachers and support staff have the skills and competencies to perform their job now and in the future.
- There are regular opportunities for teachers and support staff to discuss their progress and performance and that of the school.
- Teacher training and development needs are recognised through the performance management process and met within the resources available.
- Support staff training and development requirements are linked to the school improvement plan and are recognised and met within the resources available.
- The school listens to teachers' views and ideas and those of support staff and ensures that opportunities for feedback are provided.

1.1.i Arrangements

Performance Management can be described as the way a school achieves its aims and priorities by supporting its staff through effective organisation, management and development. Defining performance management in this way puts the focus on people as the key factor in achieving school effectiveness. The contribution made by all staff is a key factor in the success of this school.

The arrangements for the Appraisal of teaching staff including the Headteacher¹ are

¹ 'teachers' – all teachers except those on contracts of less than one term, undergoing induction or subject to capability procedures
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statutory and include a link to performance related pay. While this is not the case for support staff², we also recognise that their work has become increasingly important to the success of our school. Our policy therefore recognises the right of ALL our staff to have access to a system of performance management or review based on similar principles, although there are no proposals to link the pay and performance of support staff at this time. We are committed to developing a system where those who manage our support staff, teachers and Head Teacher, engage in a professional dialogue, respect them as professionals, and make decisions about their work and contribution in an open and fair manner.

1.1.ii Definition

The statutory framework for teachers' appraisals in England is provided by School teachers' pay and conditions document 2015 and guidance on school teachers' pay and conditions. The decision whether or not to award pay progression must be related to the teacher's performance, as assessed through the school or authority's appraisal arrangements in accordance with the 2012 Regulations in England.

There are two types of accountability, which performance management should meet:

- Internal accountability and scrutiny from within the school, aided by the SEF process – for example, reporting to Stakeholders such as Governors and Parents
- External accountability and challenge from agencies outside the school such as OfSTED

Governors, the Head Teacher, teachers and support staff all have key roles to play and responsibilities to discharge in the performance management process. Nothing in this guidance affects the Head Teacher's duty to evaluate standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained.

1.2 Roles and Responsibilities

1.2.i The Governing Body

- Establishes the school's performance management policy, monitors the operation and outcomes of performance management arrangements, and reviews the policy and its operation every year to ensure consistency and fairness of treatment.
- Appoints 2/3 governors to review the Head Teacher's performance on an annual basis.
- Uses the School Improvement Partner to advise appointed governors on the performance management of the head teacher
- Retains a copy of the Head Teachers' planning and review statement (normally the Chair of Governors)
- Ensures the content of the Head Teacher's planning and review statement is drafted having regard to the need to be able to achieve a satisfactory work life

² 'support staff' – all staff other than teachers employed at the school.
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balance.

- If the Headteacher transfers mid-cycle, and requests it, arranges for evidence from the Head's performance management process to be passed on.
- Makes decisions about pay and career progression based on recommendations made by reviewers in accordance with Government regulations.
- Undertakes action in relation to appeals in line with the school's procedures.

1.2.ii The Head Teacher

- Reports annually to the governing body on performance management arrangements and on training and development needs.
- Plays an active role in her/his own performance management and professional development including taking action as agreed at review meetings.
- Acts as a performance reviewer, appoints performance reviewers where appropriate and is responsible for the quality assurance of the process.
- Ensures that all eligible members of staff have their performance managed in accordance with the regulations, including those who join the school during the cycle of performance management.
- Retains copies of all review and planning statements and provides others with access to statements where appropriate.
- Takes account of review outcomes in school improvement planning and ensures the school produces and resources an effective plan for the professional development of its workforce.
- Establishes a protocol for classroom observation for inclusion in the performance management policy.
- At the request of the teacher, passes on evidence from the performance management process if a teacher moves school mid-cycle.
- Evaluates standards of teaching and learning and ensures proper standards of professional practice are established and maintained.
- Ensures that teachers' planning and review statements are drafted having regard to the need for a satisfactory work life balance.

1.2.iii Teachers

- Play an active role in their own performance management and professional development including taking action as agreed at review meetings.
- Where appointed to do so in accordance with regulations, act as reviewers for other teachers, and if appropriate, support staff.
- Contribute to the annual planning and assessment of other teachers where appropriate
- Provide information to support the performance reviews of support staff whose work they direct

1.2.iv Support Staff

- Play an active role in their own performance reviews and professional development, including taking action as agreed at review meetings.

- Where it is part of the job description, act as reviewers/appraisers for other support staff.

Section 2 : Littlegreen Teachers' Appraisal Policy

The Governing Body of Littlegreen School adopted this appraisal policy in September 2012.

Aim

This policy sets out the framework for a clear and consistent assessment of the overall performance of all school staff, (including the Head Teacher); and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of staff.

Scope

This policy covers all staff employed by the school with the exception of:

- Those employed for less than one term
- Those teachers undergoing induction or support staff in their probationary period (e.g. newly qualified teachers and new starters)
- Employees who are subject to the Capability Policy, who will not be subject to the Appraisal policy.

For Teachers there are certain legislative requirements which must be adhered to, shown in **bold**. Teachers holding QLTS status may be subject to this policy, but it is not mandatory.

This policy comes into force from 1 September 2012 and has been developed in response to the "Teacher Appraisal and Capability Model Policy for Schools" issued by the Department for Education and "Teachers' Standards" effective from 1 September 2012.

Purpose of Appraisal

Appraisal is a supportive and developmental process designed to ensure that all staff have the skills and support they need to carry out their role effectively. It will also help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

Appointment of Appraisers

The Head Teacher will be appraised by the Governing Body, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Governing Body for that purpose.

The task of appraising the Head Teacher, including the setting of objectives, will be delegated to a sub-group consisting of two/three (delete as appropriate) members of the Governing Body.

If the Head Teacher believes that any of the governors appointed as an appraiser is unsuitable to act as an appraiser they may submit a written request for that governor to be replaced, stating the reasons for the request.

The Head Teacher will determine who will appraise other staff.

If the appraiser is absent for the majority of the appraisal cycle the Head Teacher may appoint another appraiser or take on the role of appraiser. Likewise where an individual is experiencing difficulties the Head Teacher may take on the role of appraiser.

Where staff have an objection to the choice of appraiser the Head Teacher will consider their concerns and where required appoint an alternate appraiser.

Appraisal Period

The appraisal period will run for twelve months from _____ to _____ (insert dates: setting out any differences that exist for different categories of staff).

In certain circumstances, it may be necessary to set a shorter or longer appraisal period, for example when staff begin or end employment with a school or change their role.

Staff 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.

Setting Objectives and Specifying Standards

The Head Teacher's objectives will be set by the Governing Body after consultation with the external adviser and the Head Teacher.

Objectives will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set will be SMART (Specific, Measurable, Achievable, Realistic and Time-bound) and will be appropriate to the employee's role and level of experience.

The objectives set 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. This will be ensured by ... *(for example – quality assuring all objectives against the school improvement plan).*

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

All Teachers will be assessed against the Teachers Standards, to a level that is consistent with what should be reasonably expected in the relevant role and at the relevant stage of their career.

The appraiser and employee will meet to seek to agree the objectives but, if that is

not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

In setting objectives (and the number of objectives), reviewers will have regard to what can reasonably be expected in the context of roles, responsibilities and experience, consistent with the school's strategy for achieving a work/life balance for all staff.

Objectives are not intended to cover the full range of the individual's responsibilities but should focus on the priorities for that appraisal period.

The agreed objectives will contain a description of what would be required for the objective to be successfully delivered (sometimes called success criteria).

The objectives set and the standards to be achieved will be documented and a copy provided to the employee.

Any learning and development needs that are to be carried forward from the previous appraisal cycle, or are identified as part of the objective setting process should be documented, along with a description of how that learning or development need will be met during the year.

Targets, or a sample of targets, will be moderated across the school to ensure that all appraisers are working to the same standards (*for example the school may wish to ensure that the objectives are moderated for all staff eligible for pay progression at the end of the performance cycle*).

Reviewing performance

The performance of all staff and progress they are making towards achieving their objectives will be reviewed regularly through interim meetings, observations and feedback.

Interim Reviews

Appropriate interim reviews should take place, and provide a formal opportunity to review and address performance and development priorities and revise the employee's objectives or development needs.

Actions/changes agreed at this meeting will be documented.

If it is identified at an interim meeting that the employee is not making sufficient progress towards the achievement of their objectives, or in achieving the required Teacher's Standards, these should be addressed as described in the feedback section below.

Account will be taken in a review meeting of where it has not been possible for employees to fully meet their objectives because the support recorded in the action plan has not been provided.

Observation

This school believes that observation of classroom practice and other responsibilities is important, both as a means of assessing performance in order to identify any particular strengths and areas for development, and as a means of gaining useful information which can inform school improvement more generally. There will not normally be more than 3 formal observations carried out and reasonable notice of those observations will be given. All observation will be carried out in a supportive fashion. *(Schools may like to be more specific here about how observations will be conducted and who will be observed – or to refer to any separate document that clarifies how classroom observation will be conducted in their school).*

In this school performance will be regularly observed, but the amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of the school.

Classroom observation will be carried out by those with Qualified Teacher Status.

In addition to formal observation, Head Teachers or other leaders with responsibility for teaching standards may “drop in” in order to evaluate the standards of teaching, and to check that high standards of professional performance are established and maintained.

The length and frequency of “drop in” observations will vary depending on specific circumstances *(schools may wish to be more specific about “drop in” observations).*

Staff who have responsibilities outside of the classroom should also expect to have their performance of those responsibilities observed and assessed.

Feedback

All staff will receive constructive feedback on their performance throughout the year, and verbal feedback should be given as soon as possible, and confirmed in writing within 5 working days 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 need attention.

Supportive Interventions

Where there are concerns about any aspects of performance these will be raised with the employee at the earliest opportunity. The objective is to provide support and guidance in such a way that the employee’s performance improves and the problem is, therefore, resolved. Support will be offered as soon as possible without waiting for the formal annual assessment.

The Head Teacher, or a member of the leadership team, will meet with the employee to:

- give clear feedback to the employee about the nature and seriousness of the concerns;
- give the employee the opportunity to comment on and discuss the concerns;
- agree an action plan, (in consultation with the employee), (for example coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers), that will help address those specific concerns;
- make clear how progress will be monitored and when it will be reviewed;
- explain the implications and process if no – or insufficient – improvement is made.

The employee's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the employee's performance to improve. This will depend upon the circumstances with appropriate support provided as agreed in the action plan. During this monitoring period the employee will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made such that the employee is performing at a level that indicates there is no longer a possibility of capability procedures being invoked, they should be informed of this at a formal meeting with the appraiser or Head Teacher. Following this meeting the appraisal process will continue as normal. If insufficient progress has been made, please refer to the transition to capability section below.

Annual Assessment

Performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Head Teacher, the Governing Body must consult the external adviser.

This assessment is the end point of the annual appraisal process. **The employee will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on - a written appraisal report.**

In this school, teachers and support staff will receive their written appraisal reports (insert relevant dates). **The appraisal report will include:**

- details of the objectives for the appraisal period in question;
- **an assessment of the employee's performance of their role and responsibilities against their objectives and the relevant standards;**
- **an assessment of their training and development needs and identification of any action that should be taken to address them;**

- **a recommendation on pay where that is relevant**, in accordance with the school's pay policy. *(N.B. Pay recommendations need to be made in good time in order to meet the deadlines of 31 December for Head teachers and by 31 October for other teachers);*
- *(school to say here what else, if anything, their appraisal reports will include).*

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

Professional development

The school wishes to encourage a culture in which all employees take responsibility for improving their performance through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individuals.

Pay progression

Where teachers are eligible for pay progression the assessment of performance against agreed objectives will inform the recommendation, which will be made with reference **to the criteria contained within the agreed pay policy** for the school and the relevant teacher standards.

Annual progression for support staff is subject to satisfactory performance. The Governing Body may also award additional increments in accordance with the agreed pay policy.

Transition to Capability Policy

It is expected that (except if there are serious concerns about performance) these will have been discussed with the employee, and an appropriate framework of support will have been put in place to help the employee achieve the required standard before moving into the Capability Policy (see feedback and supportive intervention sections above).

If performance does not improve despite the measures put in place or if there are serious concerns about performance, the employee will, after meeting with their appraiser to discuss this, be notified in writing that the Appraisal Policy will no longer apply and that their performance will be managed under the Capability Policy. They will be invited to a formal capability meeting. The capability procedures will be conducted in accordance with the School's Capability Policy.

The capability policy may be initiated at any time during the appraisal cycle.

General Provisions

Consistency of Treatment and Fairness

The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation and will ensure that reasonable adjustments are put in place where necessary.

Confidentiality & Professional Relationships

The outcomes of the appraisal process will be treated with confidentiality, and restricted to those in the line management chain, who need to know the content of the appraisal document.

The process of gathering evidence for performance review will not compromise normal professional relationships between teachers. The Governing Body recognises that the reviewer will consult with, and seek to secure the agreement of an employee, before seeking information from other colleagues about their work.

However, the desire for confidentiality does not override the need for the Head Teacher and Governing Body to quality-assure the operation and effectiveness of the appraisal system. The Head Teacher or appropriate colleague might, for example, review all teachers' objectives and written appraisal records personally – to check consistency of approach and expectation between different appraisers.

Monitoring and Evaluation

The Governing Body and Head Teacher will monitor the operation and effectiveness of the school's appraisal arrangements. The Head Teacher will provide the Governing Body with a written report on the operation of the school's appraisal and capability policies annually.

The Head Teacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

Retention

The Governing Body and Head Teacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

Section 3: Littlegreen School Appraisal Policy Guidance

Introduction

The Government has de-regulated the performance management of Teachers giving Head Teachers and Governing Bodies greater freedom to manage and improve the performance of their staff.

This document explains some of these changes and is intended to supplement the model appraisal policy.

It is a key part of a Head Teacher/Line Manager's role to effectively manage the performance of their staff. A robust process for setting objectives and carrying out regular appraisals is an integral part of improving the overall performance of a school. The information gathered as part of this process, in an anonymous format, can be used by OFSTED in assessing the overall performance of a school.

Schools will need to determine whether to include support staff in the appraisal process (the model policy has been drafted to include support staff).

The school should amend the model policy to reflect any differences between the performance management of teachers and support staff and include additional information to clarify their expectations of teachers at different stages of their career in relation to the Teachers' Standards.

Appointment of Appraisers

It is a mandatory requirement that the Head Teacher is appraised by the Governing Body who are supported by a suitably skilled/and or experienced external advisor, appointed to assist them.

The Head Teacher will decide who will appraise other staff. For support staff this is likely to be the Line Manager.

Where there is a question raised by the employee about the choice of appraiser a suitable alternative should be identified where required, and as soon as possible, to prevent the appraisal period being delayed.

Appraisal Period

The appraisal period will usually be 12 calendar months, aligned to the Academic Year, but it may be aligned to another period to reflect school priorities. There are certain exceptions to this:

- For staff who start employment part way through an appraisal period, the Head Teacher, or in the case where the employee is the Head Teacher, the Governing Body, will determine the length of the first appraisal period with a view to bringing them in line with the appraisal cycle for other staff as soon as possible

- Where an individual transfers to a new post within the school part way through the cycle, the Head Teacher, or if the employee is the Head Teacher, the Governing Body, will determine whether the appraisal period will begin again and whether to change the appraiser.
- It is mandatory that the appraisal period for a teacher on a fixed term contract is determined by the duration of the contract.

Setting Objectives and Specifying Standards

The Head Teacher will determine the objectives that each member of staff is to be set and the standards against they are to be assessed.

For Teachers it is compulsory to assess performance against the Teachers Standards, to a level that is consistent with the role and the relevant stage of the Teacher's career. It will be for each individual school to assess and specify this for their school. It is important that staff are clear what is required of them.

The Head Teacher or Governing Body (as appropriate) will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them. The National Occupational Standards for Supporting Teaching and Learning in Schools may also inform discussions for support staff development.

Where a member of staff is to be assessed against other relevant standards these should also be stated in the school's appraisal policy document.

It is good practice for the employee and appraiser to meet to discuss the objectives that are being set, and to ensure that they understand the standards that they are expected to meet during that appraisal year.

It is mandatory that the objectives set and standards the teacher is to be assessed against is communicated to the employee in writing, as soon as possible after the meeting.

Schools may wish to specify a particular timetable for the timing of meetings and completion of documentation, it is good practice to complete this within one month of the start of the appraisal period.

The appraisal process is cyclical and each school should determine the timing of review meetings during the year, the number of feedback sessions and observations to be carried out, how they will be conducted and the paperwork to be completed.

Reviewing Performance

Teaching Observation

The observation of classroom practice has also been de-regulated. There are no longer statutory limits on the number of and frequency of observations, and who may conduct the observation.

Schools should consider whether they wish to set their own protocols that set out how classroom observation should be conducted and specify this in the appraisal policy

Feedback

Regular feedback is an essential part of managing performance. It provides the opportunity to encourage the employee and identify areas where they are performing well, as well as highlight any areas of concern.

The Head Teacher/Line Manager should raise any concerns about an individual's performance at the earliest possible stage to bring to the employee's attention that there is a problem, establish the cause of the problem and put in place the necessary support to enable the employee to achieve the required level of performance.

Often this can resolve issues without the need for any formal action.

The employee is also responsible for raising with their appraiser any areas that they have concerns about which may be impacting on their ability to perform.

A Head Teacher/Line Manager who has concerns about an employee's performance should speak to the employee and:

- Explain clearly what the problem is with the current level of performance—give an example but do not be accusatory. Head Teachers/Line Managers might find it helpful to use the **P**roblem, **E**xpectation, **G**ap model (see attachments) to frame the discussion with the employee.
- Explain why it is considered to be unacceptable – explain what the required standard is.
- Find out from the employee what went wrong?/what help they need to do it right the next time?/ what is the reason for the poor performance?/What is it preventing them from doing what is required?
- Agree what actions both will take, including offering relevant help and support. What actions they think they can take to help themselves? What actions they think their Head Teacher/Line Manager can take to support them?

- Set the timescale for when improvement will need to be seen by and how you will measure this
- Explain to the employee that if improvement is not seen within the relevant timescales then there may be a need to move to the formal Capability procedure.
- Clearly document the discussion
- Review/ and follow up as agreed.

It may take time to get to the heart of the issue and the solution, as many employees are embarrassed or unwilling to admit that they have difficulties that are impacting on their work. It is important for the Head Teacher/Line Manager to enable the employee to recognise that there is a problem and ‘own’ and identify the support they need to meet the required standard.

At meetings under the appraisal policy the employee does not have the right to be accompanied by a work colleague or their trade union representative.

The length of the period given for an employee to improve will depend on the nature of the issue.

Supportive Interventions

The following are examples of further support that can be offered:

<i>Problem</i>	Lack of Training or knowledge	A temporary situation outside work impacting on their performance
Potential Solutions	Training courses Online courses Shadowing work colleagues Mentoring/coaching Peer Support Observing a model lesson	Temporary variations to work hours Temporary variations to work duties Special leave Contacting Right Core Care (also known as Workplace Wellness) Agreeing detailed action plan to support achievement of targets Stress risk assessment

Transition to the Capability Procedure

The feedback part of the appraisal process must be completed before moving into the formal capability procedure, unless there are serious concerns about an employee's performance.

If a less structured appraisal/performance management process is used for support staff, the Head Teacher/Line Manager is expected to have raised the issue with the individual informally, and put measures in place, such as described above to give the individual the opportunity to improve.

If after support and guidance an employee does not make sufficient improvement the Head Teacher/Line Manager should meet with the employee to discuss this with them and advise them that their performance will no longer be managed under the Appraisal Policy but will move into the Capability Policy.

This should be confirmed to the employee in writing and they should be invited to a meeting under the Capability Policy to discuss the issues.

Please refer to the Littlegreen School Capability Policy and Guidance

ANNEX A – DEPARTMENT FOR EDUCATION TEACHERS' STANDARDS

To follow

ANNEX B - CAPABILITY PROCESS AND GUIDANCE

Capability Policy

Aim

The aim of this policy is to provide a framework for managing employees, who despite the help and support provided through the Appraisal Policy/regular feedback meetings are unable to demonstrate the required level of performance or behaviours in their role.

Scope

This policy covers all staff employed by the school and Centrally Employed Teachers with the exception of:

- Those employed for less than one term.
- Support staff in their probationary period.

Certain procedural variations apply to the Head teacher and Centrally Employed Teachers as detailed below.

Head teachers

Meetings will be chaired will be conducted/chaired by a member of the Governing Body who may be supported by a senior colleague from the WSCC Learning Service representing the Director of Learning.

Centrally Employed Teachers

Meetings will be conducted/chaired by the line manager or senior line manager. Appeals against notices to improve must be submitted to the employee's line manager and will be heard by a manager of equal or greater seniority within the directorate.

Centrally Employed Teachers have the right of appeal against dismissal to the Staff Appeals Panel and the timescales/arrangements applicable to that panel will apply instead of the provisions within this policy.

For Teachers there are certain legislative requirements, which must be adhered to, where this is the case this is shown in **bold**.

<h3>When to use the Capability Policy</h3>

Early intervention is critical when dealing with poor performance. The Head teacher/Line Manager is expected to raise concerns with individuals about their performance, through feedback, at the earliest possible opportunity and to put in place supportive interventions to help support the employee reach the required standards/behaviours.

For support staff it is recognised that they may not be subject to the full appraisal process but their performance should be managed, with concerns about performance being raised informally first through normal regular feedback meetings.

The Capability Policy will be instigated when, despite the help and supportive interventions provided through the Appraisal Policy/ normal regular feedback meetings, the employee is still unable to meet the required standards, and has **been formally notified that the Appraisal Policy/normal regular feedback meetings will no longer apply**.

The Capability Policy may also be instigated when there are serious concerns about an employee's performance and immediate action is warranted.

In cases where the employee does not reach and maintain the required standard of performance, the employee may be dismissed.

If the required standard is not met for reasons of misconduct (e.g. refusal to co-

operate or follow instructions) then this will be treated as a disciplinary matter under the disciplinary policy.

If the reason for poor performance is as a direct consequence of an underlying health condition or disability, this will be managed through the sickness policy. Sickness absence will also be managed through the sickness policy.

This policy should be read in conjunction with the guidance notes.

This policy comes into force from 1 September 2012 and has been developed in response to the “Teacher Appraisal and Capability Model Policy for Schools” dated January 2012 and issued by the Department for Education and “Teachers’ Standards” effective from 1 September 2012.

Right to be Accompanied

Employees have the right to be accompanied at all formal meetings within the procedure. There is no right for the employee to be accompanied to regular meetings during review periods.

The employee’s companion can be:

- a work colleague;
- a Trade Union Official; or
- an accredited Trade Union Representative.

If the employee is attending the Final Review and Decision Meeting, at which the employee might be dismissed, or a dismissal appeal meeting, the employee may bring a legal representative as their companion, for example a solicitor.

The name of the companion attending any formal meeting should be notified to the Head teacher/Line Manager, no later than 3 working days prior to the formal meeting.

The Formal Procedure.

Prior to commencing the formal procedure the employee will have been **notified in writing that their performance is to be managed under the formal capability policy and that the appraisal policy no longer applies.**

For a detailed outline of the procedure and additional information please refer to the Guidance notes.

The formal procedure consists of three stages.

Stage	Purpose.	Outcomes	Meeting Chaired by
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Stage 1 - Formal Meeting	To formally discuss the shortfall in the employee's performance and make clear the required standards, set objectives and timescales for improvement.	Written notice to improve OR No action is necessary and returns to normal appraisal policy/normal regular feedback.	Head teacher/Line Manager
Stage 2 - Formal Review Meeting	To review the employee's progress against the standards and objectives set in the written notice to improve and decide the next steps.	Final Written notice to improve. OR Extended monitoring period is given OR Employee has improved and formal capability procedures are discontinued and returns to appraisal policy/ normal regular feedback.	Head teacher/Line Manager
Stage 3 - Final Review and Decision Meeting	To review the employee's progress against the standards and objectives set in the written notice to improve and decide on the appropriateness of continuing the employee's employment.	Dismissal with notice. OR Employee has improved and formal capability procedures are discontinued.	Head teacher/panel of no fewer than 3 governors

These would normally be followed sequentially, however there are certain circumstances where it would be appropriate to initiate the capability policy at a later stage, this includes:

- Where a notice of improvement is still 'active' and the employees' performance lapses during this period; OR
- Where there is a significant or sudden drop in performance that jeopardises the education of children.

In cases where it is not clear where the procedure should commence, advice should be sought from the HR Management Advice team (HRMA).

Notice of meetings

Where possible the date of the Formal Review meeting and Final review meeting should be set in advance, but in any case at least 5 working days written notice should be given of attendance at any formal meeting under the procedure.

The notice of the meeting must contain sufficient information about the concerns, and their possible consequences to enable the employee to prepare their response.

Postponements

A postponement may be requested in advance of the meeting, and providing the reasons for the request are reasonable this will be agreed to. Only one postponement will be allowed.

In the event that the employee fails to attend the meeting or chooses not to attend the meeting, the matter may be considered and decided in their absence.

Document Exchange

Any documentation to be considered at any formal meeting must be sent to the employee with the invitation to attend the meeting.

If the employee wishes to submit documentation to be considered this should be submitted no later than 3 working days prior to the meeting.

Witnesses

In certain circumstances it may be appropriate for the Head teacher/Line Manager, or the employee to call witnesses to attend the hearing. Where this is the case, the Head teacher/Line Manager shall notify the names of the witnesses they intend to call in the invitation to attend the meeting. Where the employee wishes to call their own witness the name of the witnesses should be notified in writing no later than 3 days before the meeting.

Formal confirmation of decisions

The formal decision of the meeting and a copy of the notes of the meeting must be confirmed in writing to the employee within 5 working days of the meeting being held. (see below for special provisions relating to dismissal).

Monitoring Periods

The length of a monitoring period depends on the seriousness of the issue, but is expected in most cases, to be between 4 to 8 weeks per monitoring period, with the aim of completing the procedure, within a term of commencing the process.

Currency of notice to improve

If, at the end of their monitoring period, the employee has achieved the required standard, formal capability procedures will be discontinued and the employee will

return to the normal appraisal process. The employee should be notified formally in writing of this.

However, the notice to improve will remain 'live' for a period of 9 calendar months (written notice to improve) or 12 calendar months (final notice to improve) or to the end of the academic year (whichever is the greater period) commencing from the date of the meeting, which confirms that formal procedures no longer apply.

Should the employee's performance lapse during this period they will return to the Capability procedure at the stage they left it.

Dismissal

Final Review and Decision Meetings, where dismissal may be the outcome must be conducted in accordance with the procedure outlined in Appendix A of the Guidance Document (this does not apply to Centrally Employed Teachers).

In Community, Voluntary Controlled, Community Special and Maintained Nursery Schools, the decision to dismiss is delegated to the Head teacher and Governing Body, but must be confirmed by the Local Authority.

Where an employee is dismissed from such a school, they will be formally notified within 5 working days of the Head teacher/Governing Body's recommendation. This will be followed by a formal notice of dismissal from the Local Authority within 14 days of receipt of the recommendation for dismissal.

In Foundation, Voluntary Aided, Foundation Special Schools and Academies, the Governing Body shall issue the notice of dismissal, within 5 working days of the decision being made. This will be confirmation of the employee's dismissal.

Centrally Employed Teachers will be issued with notice of dismissal by the Authority, within 5 working days of the decision being made. This will be confirmation of the employees' dismissal.

Appeals

There is the right of appeal at all stages of the formal Capability policy.

In the case of dismissal the employee has the right to appeal against any such dismissal to a Panel of no fewer than three Governors representing the Governing Body of the School.

Employees wishing to appeal against a notice to improve or dismissal, must submit their appeal in writing, stating the grounds for their appeal, with 5 working days of receiving written confirmation of the decision to the Clerk to the Governing Body.

The Clerk to the Governing Body will make arrangements for the appeal meeting to be held within 10 working days of receiving the employee's letter.

The Appeal Panel cannot increase the level of the notice to improve.

General Provisions

Overlapping Procedures

In certain circumstances an employee may have a difficulty that is covered by two policies (for example, Grievance); or another difficulty arises during the application of one policy (e.g. sickness absence). In these circumstances the meetings required could be combined to ensure that the issue is dealt with in its' entirety rather than viewed in isolation. The aim should be to focus on resolving the difficulty, ensuring that the essential elements from each procedure have been included in order to minimise the number of meetings and correspondence.

Sickness Absence or Grievances will not necessarily mean the Capability Policy is suspended, each individual case will be examined on its merits and timescales may be amended accordingly.

HRMA can provide advice in these circumstances.

Link with Incremental Pay (Non Teaching staff only)

The pay policy states that employees will usually progress to the next spinal column point on an annual basis, subject to their performance, until they reach the top of the pay spine. If an employee is given a notice to improve their Line Manager may authorise for the employee's increment to be withheld until the notice to improve has lapsed. If this is to be actioned, the employee will be told in writing.

Trade Union Representatives

No formal action will be taken under this policy against an accredited representative of a trade union, until the circumstances of the case have been discussed with a full-time official of the trade union concerned.

Employees with Disabilities

If an employee requires any reasonable adjustments to be made to enable them to fully participate in the process, they should notify their Head teacher/Line Manager as soon as possible.

In the case of any formal meeting, any reasonable adjustments should be notified as soon as possible (and providing a minimum 3 working days notice). See the Guidance notes for further information.

Capability Policy Guidance

Introduction

This guidance document accompanies the Capability Policy and sets out in detail how the policy should be applied in practice and how the procedure should be operated.

Where the matter relates to the performance of the Headteacher, meetings will be conducted/chaired by a member of the Governing Body and may be supported by a senior officer from the Learning Service representing the Director of Learning.

Where the matter relates to the performance of a Centrally Employed Teacher the meetings will be conducted/chaired by the line manager or senior line manager instead of the Head teacher or Governing Body. Appeals against notices to improve must be submitted to their line manager and will be heard by a manager of equal or greater seniority within the directorate.

Centrally Employed Teachers have the right of appeal against dismissal to the Staff Appeals Panel instead of the Governing Body and the timescales/arrangements applicable to that panel will apply instead of the provisions within this policy.

When to use the Capability Policy

It is expected that in all, except the most serious cases, the feedback part of the appraisal policy will have been completed before matters are referred to the formal capability policy.

The Headteacher/Line Manager is responsible for making their expectations of employees clear and actively managing their performance through regular meetings with the employee and/or the Appraisal Process.

Teachers' performance will be assessed against the Teachers' Standards that came into force on 1 September 2012 along with any other performance objectives set as part of the appraisal process. The Teachers' Standards cover teaching and also personal and professional conduct. The capability policy is concerned with issues of performance, whilst the disciplinary policy covers matters of personal or professional conduct.

Employees are expected to raise with their Headteacher/Line Manager as soon as possible any issues that are impacting on their ability to perform at work.

Employees are jointly responsible for their own development and for participating in development and training activities.

The capability policy should be instigated when despite the help and supportive interventions provided through the Appraisal Policy/normal regular feedback meetings, the employee is unable to reach the required standard/behaviours.

The Appraiser should meet with the employee and formally advise them that the Appraisal Policy/ normal regular feedback meetings no longer apply and that the matter is being referred to the Capability Policy.

Please refer to the Appraisal Policy and guidance for more information about feedback and the steps to have to be completed before initiating the capability policy.

Notice to Attend

The employee should always be given a minimum of 5 working days written notice to attend any meeting under the formal Capability Procedure.

The dates of the Formal Review Meeting and Final Review and Decision Meeting should be set in advance, but the employee should be sent a reminder at least 5 working days before the meeting.

The letter sent to the employee should contain enough information about the concerns, and the possible consequences so the employee can prepare their response.

Any documentation to be considered at the meeting should be sent to the employee with the invitation to attend the meeting. This is likely to include evidence from the appraisal process, which has prompted the need for a formal capability meeting.

In certain circumstances it may be necessary to call witnesses to the meeting. Where the Headteacher/Line Manager intends to call witnesses the names of any witness should be notified to the employee in the invitation to attend the formal meeting.

The employee has the right to be accompanied to this meeting. In order to exercise their right to be accompanied, the employee should notify the name and position of their companion to the Headteacher/Line Manager and provide copies of any documentation that they wish to have considered at the meeting, no later than 3 working days before the meeting.

The employee may request a change of the date or time of the meeting if they, or their companion, are unable to attend at the invited time. The employee must provide reasons for this request.

Failure to attend

All parties should make every effort to attend the Formal Meeting.

- If the employee fails to attend the meeting for reasons outside of their control, the meeting may be postponed and re-arranged. Usually only one postponement and re-arrangement will be agreed.
- If the employee refuses to attend, the meeting can be held without the employee present. The employee should be allowed to submit documents for consideration at the meeting.
- If the employee insists on a companion being present who continues to be unavailable, and a suitable companion is available, then the Chair of the meeting may decide to proceed with the meeting.

Meeting Attendees

Please refer to the table below to see who would be expected to attend the meeting.

Stage 1 - Formal Meeting	Stage 2 – Formal Review Meeting	Stage 3 – Final Review and Decision Meeting
<p>Headteacher/Line Manager – who will chair the meeting.</p> <p>Employee.</p> <p>Witnesses as required.</p> <p>Employee’s companion - Trade Union representative or Work Colleague.</p> <p>A note taker (if available).</p>	<p>Headteacher/Line Manager – who will chair the meeting.</p> <p>Employee.</p> <p>Witnesses as required.</p> <p>Employee’s companion = Trade Union representative or Work Colleague.</p> <p>A note taker (if available).</p>	<p>Headteacher/Panel of no fewer than 3 Governors.</p> <p>The Headteacher/Line Manager to explain their position and recommendations.</p> <p>Witnesses as required.</p> <p>Employee.</p> <p>Employee’s companion = Trade Union representative or Work Colleague (may be a legal representative e.g. a Solicitor).</p> <p>HR Management Advice Team representative to advise the Headteacher/Panel of Governors.</p> <p>Clerk to the Governing Body to take notes.</p>
<p>Notes of a meeting must always be taken. If a note taker is not present/available it is the responsibility of the Chair to make notes of the meeting.</p>		

What happens at the meeting?

Stage 1 – Formal Meeting

The purpose of this meeting is to formally discuss with the employee the Headteacher/Line Manager's concerns about the employee's performance and to make clear the standards required and to set objectives or explore any reasonable adjustments/support that need to be made to enable the employee to perform to an effective level.

The employee should be given the opportunity to respond to the points made by the Headteacher/Line Manager and put forward their point of view.

Having considered the information the Headteacher/Line Manager will decide whether:

- No formal action is required
- OR
- To issue a written notice to improve

Areas for discussion include:

- The standard of performance required in the post and why the employee's performance is a problem at the moment. It may be helpful to use the Performance Expectation Gap (PEG) Model to explain what the issues are with the employee's performance.
- The reasons for the employee's difficulties in reaching the standards. It is important to get the employee to understand that there is a problem and wherever possible propose their own solution to it;
- Any reasonable support that will assist the employee in making the required improvements. Again it is important to try to get the employee to try and propose their own solution to the problem;
- Setting performance objectives/targets (these may be additional to those already set in the appraisal process). It is important that the objectives are: SMART.

Specific
Measurable
Achievable
Resourced.
Time bounded.

- Setting a timescale for improvement.
- The date for the Stage 2 formal review meeting (if it is decided to issue a written notice to improve)

A model development plan providing a framework for the above is available from the

HR Management Advice Team.

Useful information to consider at the meeting may include:

- Copies, where relevant, of meeting notes, the job description, national/professional standards (particularly the “Teachers’ Standards”) and any other standards specific to the job;
- Copies of any notes/follow up from meetings which document what measures have been put in place;
- Evidence of the work not being up to standard, for example, lesson observation records, pupil progress data and where applicable examples of the appropriate standard.
- Evidence from the appraisal process, which has prompted the need for a formal capability meeting.

This can be a difficult meeting to handle, as the employee may become emotional or defensive. The Headteacher/Line Manager can adjourn the meeting if time is needed for the employee to compose themselves or for the Headteacher/Line Manager to think about a point that an employee has raised.

Stage 2 – Formal Review Meeting

The purpose of this meeting is for the Headteacher/Line Manager to review the progress that the employee has made against the objectives set in the written improvement notice, and to consider any other relevant information and decide whether the employee:

- Has achieved the appropriate standard and formal procedures can be discontinued; or
- Has made significant progress and would benefit from being given an extended monitoring period; or
- Has made insufficient progress towards achieving the targets set and should be issued with a final written notice to improve.

At the meeting, the Headteacher/Line Manager will need to explain/explore the progress against objectives set.

Useful information to consider includes:

- Copies of the documentation used in the first meeting;
- Copies of the objectives set for the employee at stage one of the process and of any other relevant evidence gathered during the first monitoring period including any development plan;
- Copies of any notes/follow up that documents what measures have been put in place to support the employee and their progress towards achievement of the targets. This will have been gathered through regular monitoring meetings;
- Whether the employee has been present during their monitoring period (are there any periods of leave or sickness absence which need to be taken into account?); and
- What level of performance the employee has to achieve going forward. This is particularly the case if the employee’s performance has improved slightly or not

improved at all.

If the employee's progress has not improved, the following will need to be discussed:

- The reasons for any shortfall, if performance has not improved;
- The need for any further support. (It is important to explore all reasonable options to enable the employee to achieve the required standard. This is because at the next stage of the process a decision will be made as to whether the employee's employment is terminated;
- Objectives and timescales for the next review period).
- The date for the final review meeting. It is important that the employee is made aware at this point that if their performance does not improve their employment could be terminated.

Stage 3 – Final Review and Decision Meeting

The purpose of this meeting is to decide whether the employee:

- Has made satisfactory progress against the set targets; or
- Should be dismissed from their employment.

In preparation for the Final Review and Decision meeting, the Headteacher/Line Manager should compile a report. The report should include all the documentary evidence that weighs up the school's needs and, where relevant, impact on pupil progress against the employee's current level of performance. It should also cover all the measures that have been put in place to support the employee. Advice should be sought from the HR Management Advice (HRMA) team.

In essence the report will need to cover:

- The employee's performance record;
- The nature of the poor performance;
- The employee's progress in the capability procedure;
- What measures, including support for the employee, have been put in place/explored to enable them to work at the desired level – why these failed or were disregarded;
- The impact of the employee's performance on the school and, where relevant, pupil progress – how the work has been covered, additional costs, what has not been delivered as a consequence; and
- Why the employee's employment needs to be terminated in the light of the above – if this is the recommendation.

Details of witnesses attending, if any, should also be provided.

The meeting needs to be conducted in accordance with the procedure set out in Appendix A of this Guidance Document.

The Headteacher/Panel of Governors will consider:

- All the steps that have been taken to date and the supporting documentation;

- How long the employee’s performance has been an issue and what improvement has been made, if any;
- Whether reasonable actions have been taken to enable the employee to perform to the required standard;
- Whether a reasonable level of support has been made available to the employee;
- Any medical advice/prognosis (only if it is relevant to the case);
- Impact on the school and pupil progress;
- Whether reasonable adjustments have been made, and whether the Equality Act 2010 may apply, and how effective these have been in removing barriers; and
- The views of the employee.

Before a decision to dismiss is reached, it is expected that the Headteacher/Line Manager would have reasonably explored and documented all appropriate options to try an enable the employee to work at a satisfactory level.

Outcomes

The outcome of any meeting held under the Capability Policy, should be confirmed to the employee at the meeting (where possible) and in any case should be confirmed in writing within 5 working days of the meeting along with their right of appeal.

The outcome of the meeting and information to be contained in the outcome letters are shown in the table overleaf.

Model letters are available for all stages except dismissal.

Redeployment is not usually an option under the Capability Policy, nor is there the scope to automatically ‘demote’ an employee. However in certain circumstances, under an extended review period, or as an alternative to dismissal, it may be possible to agree a mutual variation to contract to either to a lower graded or different post, this will be without pay protection.

Stage/Level of Performance attained	Target Achieved Or no evidence of poor performance	No Improvement in Performance OR performance not satisfactory	Significant but not full improvement in process.
Stage 1 Formal Meeting	Headteacher/Line Manager’s reasons for, and decision are	<i>Written Notice to Improve</i>	N/A

	<p>captured</p> <p>Employee is advised that the capability policy no longer applies and they return to the appraisal policy/normal feedback arrangements</p>	<p>Confirmation of the notice to improve;</p> <p>A support and development plan outlining the objectives the employee has to meet, the timescale for improvement and support to be given; and</p> <p>The date for the formal review meeting.</p>	
<p>Stage 2 Formal Review Meeting</p>	<p>As stage 1 plus;</p> <p>Employee is advised that the notice to improve remains active for 9 months or until the end of the academic year, whichever is the longer and should their performance lapse during this period, they will return to the procedure at the same stage.</p>	<p>Final Written Notice to Improve</p> <p>As above, except the date is for the Final Review and Decision Meeting</p> <p>Employee is advised that should they not meet the required standard in the specified timescale they could be dismissed.</p>	<p>Extended Monitoring Period</p> <p>Confirmation of extended notice period</p> <p>Confirmation of targets to be achieved and timescale</p> <p>Date for re-convened formal review meeting</p>
<p>Stage 3 Final Review and Decision Meeting</p>	<p>As stage 1 plus;</p> <p>Employee is advised that the notice to improve remains active for 12 months and should their performance lapse during this period they will return to the procedure at the same stage.</p>	<p>Dismissal with notice</p> <p>Governing Body's reasons for, and decision are captured</p> <p>Confirm right of appeal</p>	<p>Dismissal with notice</p> <p>Governing Body's reasons for, and decision are captured</p> <p>Confirm right of appeal</p>

		See dismissal below for procedural differences between school types	See dismissal below for procedural differences between school types
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The monitoring period

During the monitoring period the Headteacher/Line Manager must continually monitor and discuss the employee’s performance to check progress against the objectives and timescales outlined in the notice to improve. This should be done through regular meetings with the employee. If regular meetings are normally held with the employee it may be necessary to increase the frequency of these meeting during the monitoring period. Where regular meetings are not normally held progress check meetings will need to be convened.

Employees do not have the right to be accompanied to these meeting by their Trade Unions Representative/ companion.

The Headteacher/Line Manager should keep notes of items discussed at the meeting and of the employee’s progress as these will be relevant to Stage 2 and 3 meetings.

By the time the next formal meeting is convened the employee should have a clear understanding of their current level of performance so they can reasonably prepare for the meeting.

Where an extended review period has been given the relevant meeting will be reconvened (Stage 2) and then the Headteacher/Line Manager will make a decision either to discontinue proceedings or to issue a final written notice to improve. There is not usually at this stage, or at stage 3, an option for a further monitoring period.

Timescales for improvement

The timescale for improvement will depend on the nature of the issue. The timescale for improvement should be reasonable and proportionate and should provide sufficient opportunity for an improvement to take place. As a guide it would be reasonable to allow in most cases, between 4 and 8 working weeks between the review meetings, with a view to completing the process within a term of commencement.

Serious Underperformance

If the formal procedure is initiated at a later stage it is possible that a final review and decision meeting that leads to dismissal could be reached within 4 weeks of commencing the process.

The meeting to consider the performance of the employee will be conducted along

the same basis as the initial meeting, although the outcome could include the employee being issued with a final notice to improve.

Appeals against notice to improve

If an employee wishes to appeal against the notice to improve given at Stage 1 or 2 of the procedure, they are asked to give written reasons for their appeal, in order that the Appeal Panel can focus on these reasons. The request for an Appeal should be lodged within 5 working days of receiving their written confirmation of the notice to improve. The letter requesting an appeal should be sent to the Clerk to the Governing Body.

On advice from the HR Management Advice team, the Governing Body will within 10 working days of receipt of the appeal, arrange the meeting for the employee's appeal to be heard. This means the Governors should meet within 10 working days to hear the employees appeal.

Present at the appeal meeting

The appeal will be attended by:

- A panel of no fewer than three Governors suitably independent to the case;
- The employee;
- Their Companion;
- Relevant witnesses;
- The Clerk to Governing Body or other person to act as note taker; and
- A representative from HR Management Advice team to advise the panel.

Other procedural details

The companion may play a similar role to the one that they play in the formal meetings under the procedure.

The Chair will open the meeting, make introductions, check all present have the same documentation and invite the employee to give their reasons for Appeal. The employee will then explain their grounds for Appeal and, where applicable, refer to other documents used in the original review meetings.

The meeting will focus on these "grounds" for appeal and will not be a re-hearing of the formal meeting at which the notice to improve was issued.

The Chair will ask questions of the employee.

The Chair may call the employee's Headteacher/Line Manager to the Appeal Meeting to explain the rationale for their decision.

The Chair will sum up at the end of the meeting, and will then call for a brief adjournment to consider the matter and reach a decision.

Outcome from an Appeal.

The Panel can decide the following:

- Not to uphold the appeal, in which circumstances, the notice to improve will remain unchanged;
- To partially uphold the appeal – whereby the Panel may find certain grounds to concur with the employee and adjust the objectives and timescales set out in the notice to improve;
- To partially uphold the appeal and allow the employee an extended review period under a notice to improve; or
- To uphold the employee's appeal in full and revoke the notice to improve that was issued.

The Panel cannot increase the level of the notice to improve given to the employee.

The outcome of the meeting will be communicated in writing to the employee within 5 working days.

Dismissal

In community, controlled and maintained special schools, the Governing Body will confirm their decision to dismiss the employee within 5 working days of the meeting, they must also include in this letter an explanation of the employee's right of appeal. They are also required to notify the Local Authority who will issue notice of termination within 14 days following receipt of confirmation from the school. A separate notice of dismissal will therefore be issued to confirm the reasons for dismissal, and the last day of employment and contractual notice.

In voluntary aided, foundation, foundation special schools and Academies the Governing body shall issue notice of dismissal and must confirm the reason for dismissal, the last day of employment and contractual notice. It too must include an explanation of the employee's right of appeal.

Appeals against Dismissal

The employee must write to the Clerk of the Governing Body within 5 working days of receiving written notification of the decision to dismiss. In their letter, the employee must cite their reasons for Appeal.

The process to be followed will be the same as for an appeal against a notice to improve and heard by a panel of Governors suitably independent to the case, the format of the meeting will be a re-hearing of the case and held in accordance with the procedure set out in Appendix A. Witnesses may be called to attend.

This is the final stage in the Capability Procedure.

Rights to be accompanied and the role of the companion.

At any formal stage of the procedure the employee has the right to be represented at the meeting by a Trade Union representative or a work colleague. At the Final Review and Decision meeting (and Dismissal Appeal) or any meeting at which

dismissal may be the outcome, the companion may also be a legal adviser such as a Solicitor.

The employee needs to provide the name of their companion to the Headteacher/Line Manager chairing the meeting. This action fulfils the employee's legal obligation to make a 'written request'. This should be done no later than 3 working days prior to the meeting.

The companion is allowed to address the meeting in order to:

- Present the employee's case;
- Respond on the employee's behalf to any views expressed at the meeting;
- Confer with the employee during the meeting; and
- Sum up the employee's case.

The companion may not answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the employee from explaining their case.

Record keeping

Records should be kept of all formal performance matters. This means the notice to improve and supporting paperwork, the notes from the Review meetings (where taken), and copies of any letters sent to the employee, or received from them.

Records will be kept in accordance with the Data Protection Act, which requires the organisation to keep relevant, accurate data securely, and for no longer than is necessary.

During all formal review meetings, notes must be taken, either by the Chair of the meeting, or by a note taker. If a note taker is to be present at the meeting, the employee will be told in advance. Short breaks during the meeting may need to be taken, to enable note taking to be made.

There should always be a note taker present at Stage 3, Final Review and Decision on dismissal meetings and Appeals.

Notes do not need to be a verbatim account of the meeting, but be detailed enough to adequately reflect the conversation, and the views expressed by all parties. The note taker should also record opportunities given to the employee to comment, even if the employee chose not to do so.

During any adjournment, the note taker must remain in the room to record the rationale for any decision taken.

Following the meeting, the notes will be agreed by the Chair. It is very important that the notes are reviewed carefully, because the notes may be used later (for example, in an appeal meeting), and the Chair may be called upon to explain their decisions at the Review meetings

Copies of the notes will be given to the employee, for information only.

The capability process will be treated with confidentiality. All records will be kept confidentially, in secure, locked filing cabinets.

Notices to improve will be kept on the employee's file held by the school and by the HR Management Advice team.

Employees with Disabilities

Under the Equality Act 2010 employers have a duty to make reasonable adjustments for an employee with a disability, where this is required.

Where a Headteacher/Line Manager is aware, or could reasonably be expected to know that the individual has a disability, it is important that reasonable adjustments are put in place to remove any barriers to that individual performing effectively in the role. This requirement includes the need to regularly review the effectiveness of the reasonable adjustment in removing the barrier (s) and finding alternatives as necessary. The reasonable adjustments agreement can be used to assist this process. The Capability procedure should only be used where all reasonable adjustments have been put in place.

If it becomes necessary to manage an employee through the Capability Procedure Headteachers/ Line Managers should also consider whether the employee needs any reasonable adjustments to help them participate in the process. This may include making adjustments to the process (for example – adjusting the format of the meeting, or allowing a longer monitoring period).

The Headteacher/Line Manager can obtain advice on reasonable adjustments either from the WSGfL (See the Employers Forum on Disability Guides) or from the HR Management Advice team.

ANNEX C – REVIEW FORMATS

Littlegreen School Classroom Support Staff Review Meeting Date:

Name:

Completed with:

Professional Standards

Please grade yourself on the following qualities:

Excellent= 4 Good= 3 Satisfactory= 2 Unsatisfactory =1

	4	3	2	1	Agreed level		4	3	2	1	Agreed level
Relationships with children						Deadline keeping					
Communication with other staff						Prioritising/ Completion of tasks					
Communication with Leadership Team						Flexibility					
Liaison with Parents/Carers						Adaptability					
Liaison with outside agencies						Resource management					
Behaviour Support						Quality of paperwork					
Pupil Support						Problem Solving					
Support for school's vision/ethos						Attendance					
Knowledge of school procedures						Offering support at difficult moments					

Give an example of one of the above that has been successful- and why?

Give an example of one of the above that could develop further-and why?

What further training could support you?

Any issues you or your supervisor would like to discuss?

•

Give an example of one of the above that has been successful- and why?

--

Give an example of one of the above that could develop further-and why?

--

What further training could support you?

--

Any issues you or your supervisor would like to discuss?

<ul style="list-style-type: none">•••

Action points from these issues:

<ul style="list-style-type: none">•••

Signed

Staff:

Manager:

LITTLEGREEN SCHOOL

Teacher:

Teacher Appraisal Objectives 2016/17

Objective

--

Performance Achievement Criteria	• • • •	Met/further discussions:	
Agreed Activities	• • • •	Met/further discussions:	
Link to: Progress Teaching and Learning SDP Other Responsibilities			
Documentary evidence provided	Planning		
	Pupil work sample		
	Other		
Lesson Observations	Subject	Grade	Comments

Agreed with Headteacher-	Signed:	Date:
--------------------------	---------	-------

Teacher:	Signed:	Date:
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Any issues you or your supervisor would like to discuss?

-
-

Action points from these issues:

-
-

Signed

Staff:

Manager:

Littlegreen School Office Staff Review Meeting Date:

Name:

Completed with:

Professional Standards

Please grade yourself on the following qualities:

Excellent= 4 Good= 3 Satisfactory= 2 Unsatisfactory =1

	4	3	2	1	Agreed level		4	3	2	1	Agreed level
Relationships with children						Deadline keeping					
Communication with other staff						Prioritising/ Completion of tasks					
Communication with Leadership Team						Flexibility					
Liaison with Parents/Carers						Adaptability					
Liaison with outside agencies						Resource management					
Behaviour Support						Quality of paperwork					
Pupil Support						Problem Solving					
Support for school's vision/ethos						Attendance					
Knowledge of school procedures						Offering support at difficult moments					

Give an example of one of the above that has been successful- and why?

Give an example of one of the above that could develop further-and why?

--

What further training could support you?

--

Any issues you or your supervisor would like to discuss?

<ul style="list-style-type: none">•••

Action points from these issues:

<ul style="list-style-type: none">•••

Signed

Staff:

Manager:

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Reviewed

23/10/2016