





# Staff Appraisal and Capability Policy

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**Summary of Amendments**

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## 1. Purpose

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

## 2. Application of the policy

This policy consists of two sections:

- **Part A** covers appraisal, applies to the Executive Principal/Headteacher/Head of School and to all staff employed by the Trust, except those on contracts of less than one term, those undergoing induction (i.e. NQTs) and those who are subject to Part B of the policy.
- **Part B** sets out the formal capability procedure, applies only to staff (including the Executive Principal/Headteacher/Head of School) about whose performance there are serious concerns that the appraisal process has been unable to address.

## 3. Part A – Appraisal

Appraisal in this Academy will be 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 help to ensure that staff are able to continue to improve their professional practice and to develop as staff.

### 3.1 The appraisal period

The appraisal period will run for twelve months from October to October. 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. There is flexibility to have a longer or shorter appraisal period when staff begin or end employment with the Academy.

### 3.2 Appointing appraisers

The Executive Principal will be appraised by the Directors. In this Academy the task of appraising the Executive Principal, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Trust Board.

The Executive Principal will decide who will appraise other staff.

### 3.3 Setting objectives

The Executive Principal/Headteacher/Head of School's objectives will be set by the Governing Body.

Objectives for each member of staff will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each member of staff, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the member of staff's role and level of experience. The appraiser and member of staff will seek to agree the

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

The objectives set for each member of staff will, if achieved, contribute to the Trust's plans for improving the Trust's educational provision and performance and improving the education of pupils at that Academy. This will be ensured by the careful matching of all objectives against the Academy improvement plan.

Before, or as soon as practicable after, the start of each appraisal period, each member of staff will be informed of the objectives against which that member of staff's performance in that appraisal period will be assessed. In addition to this, those who are qualified staff by virtue of holding and maintaining Qualified Member of staff Learning and Skills (QTLS) status, must also be assessed against this set of expected standards.

For non-teaching staff the expectations of performance are those indicated on job descriptions and yearly objectives set in accordance with this policy.

### **3.4 Reviewing performance**

This Academy believes that observation of classroom practice and other responsibilities is important both as a way of assessing staff' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform Academy improvement more generally. The Trust has lines of accountability (see AAT Accountability Policy) which places middle leaders accountable for the standards of Teaching, learning and Assessment within their departments and for ensuring the compliance with Academy policies. All quality assurance activities will be carried out in a supportive fashion. And be used as a reflective process to help raise standards. *See AAT Quality Assurance Policy*, but may be carried out by staff other than the appraiser.

In this Academy, staff performance will be regularly observed but the amount and type of quality assurance will depend on the individual circumstances of the member of staff and the overall needs of the Academy. Quality Assurance activities will be carried out by those with QTS, but may include staff who are training as part of their own development.

Staff (including the Executive Principal/Headteacher/Head of School) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

All evidence from Quality Assurance Activities will be considered alongside student outcomes when considering the extent to which Objectives have been met.

### **3.5 Development and support**

Appraisal is a supportive process which will be used to inform continuing professional development. The Academy wishes to encourage a culture in which all staff take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to Academy improvement priorities and to the ongoing professional development needs and priorities of individual staff.

### **3.6 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. The majority of feedback will come via BlueSky, where discussion and further evidence may be uploaded to further support development. Feedback will highlight particular areas of strength as well as any areas that need attention. Where there are specific or considerable concerns about any aspects of the member of staff's performance the appraiser will meet the member of staff formally to:

- give clear feedback to the member of staff about the nature and seriousness of the concerns.
- give the member of staff the opportunity to comment and discuss the concerns.
- agree any structured support (e.g. mentoring), that will be provided to help address those specific concerns.
- make clear how, and by when, the mentor will review progress (normally by the next data capture).
- explain the implications and process if no – or insufficient – improvement is made.

A letter will be provided outlining clear targets, expectations and time frames, along with a named mentor to provide support during the process. When progress is reviewed, if the appraiser/Executive Principal/Headteacher/Head of School is satisfied that the member of staff 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. (See AAT Mentoring Programme for further details.)

### **3.7 Transition to capability**

If the appraiser/Executive Principal/Headteacher/Head of School is not satisfied with progress, the member of staff 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.*

### **3.8 Annual assessment**

Each member of staff's performance will be formally assessed in respect of each appraisal period.

This assessment is the end point to the annual appraisal process, but performance and development priorities can be reviewed and addressed on a regular basis throughout the year in interim meetings which are instigated by either party.

The member of staff 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 Academy, staff will receive their written appraisal reports by 31 October (31 December for the Executive Principal/Headteacher/Head of School). The appraisal report will include:

- details of the member of staff's objectives for the appraisal period in question;

- an assessment of the member of staff's performance of their role and responsibilities against their objectives and the relevant standards;
- an assessment of the member of staff's professional development needs and identification of any action that should be taken to address them;
- The assessment of performance and of professional development needs will inform the planning process for the following appraisal period.

#### **4. Part B – Capability Procedure**

This procedure applies only to staff or Executive Principal/Headteacher/Head of Schools about whose performance there are serious concerns that 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 the member of 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 member of 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.

##### **4.1 Formal capability meeting**

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for Executive Principal/Headteacher capability meetings) or Executive Principal/Headteacher/Head of School (for other staff). The meeting allows the member of staff, 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 staff are not being met.
- give clear guidance on the improved standard of performance needed to ensure that the member of staff can be removed from formal capability procedures.
- explain any support that will be available to help the member of staff improve their performance.
- set out the timetable for improvement and explain how performance will be monitored and reviewed. (Normally between four and ten weeks).
- warn the member of staff 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, the member of 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.

#### **4.2 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).

#### **4.3 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 the member of 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 member of staff has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- If no, or insufficient improvement has been made during the monitoring and review period, the member of 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. They will be invited to a decision meeting.

#### **4.4 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 the member of 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 Governing Body, will be made that the member of staff should be dismissed or required to cease working at the Academy.



Before the decision to dismiss is made, the Academy will discuss the matter with the local Authority. The member of 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.

#### **4.5 Dismissal**

If a member of staff feels 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 member of staff.

The appeal will be dealt with impartially and, wherever possible, by managers or governors 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.

#### **4.6 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.

#### **4.7 Confidentiality**

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Headteacher and governing body to quality-assure the operation and effectiveness of the appraisal system.

#### **4.8 Consistency of Treatment and Fairness**

The governing body 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 governing body is aware of the guidance on the Equality Act issued by the Department for Education.

#### **4.9 Definitions**

Unless indicated otherwise, all references to “member of staff” include the Executive Principal/Headteacher/Head of School.

#### **4.10 Delegation**

Normal rules apply in respect of the delegation of functions by governing bodies, Executive Principal/Headteacher/Head of School and the Board of Directors.

#### **4.11 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.

#### **4.12 Sickness**

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the Trust'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.

#### **4.13 Monitoring and Evaluation**

The governing body and Executive Principal will monitor the operation and effectiveness of the Trust's appraisal arrangements.

#### **4.14 Retention**

The governing body and Executive Principal will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.