

MARCH 2024



# APPRAISAL & CAPABILITY POLICY

**HORIZONS EDUCATION TRUST  
AMERICAN LANE, HUNTINGDON, CAMBRIDGESHIRE, PE29 1TQ**

<b>DOCUMENT CONTROL</b>	
<b>ISSUED</b>	<b>CHANGES FROM PREVIOUS VERSION</b>
<p>Date reviewed: Dec 2022 Date of next review: September 2024 Reviewer: K Taylor &amp; J Panther Date of ratification by Governing Board: Jan 2022 (TLW)</p>	<p><b>Spring Common Academy Trust removed and replaced with Horizons Education Trust.</b></p> <p><b>NQT has been removed and replaced with ECT.</b></p> <p><b>Section 9 expanded to include more information on Support Staff appraisal process.</b></p> <p><b>Sections; 15, 16, 17, 18 added.</b></p> <p><b>Appendix 1 added – ‘Support Staff Appraisal Template’.</b></p> <p><b>Capability section removed (guidance sought from EPM when required, to ensure accuracy of procedure). A small explanation has been put in place under ‘Section 3, Application of the Policy’.</b></p>
<p>Date reviewed: March 2024 Date of next review: March 2026 Reviewer: K Taylor &amp; J Panther Date of ratification by Governing Board: TLW</p>	<p>Section 3 wording amended to <b>‘Section A of the policy covers appraisal, which applies to the CEO, Head Teachers and to all teachers and all support staff employed by the Trust, except those on contracts of less than one term, those teachers undergoing induction (i.e. ECTs), those support staff subject to a probationary period and those have been transferred to Section B of the policy’</b></p> <p>Small explanation in section 3 reworded to <b>‘For the Trust capability procedure please refer to section B of this policy.’</b></p> <p><b>Appraisal section titled ‘SECTION A - APPRAISAL’ (page 5)</b> <b>Capability section titled ‘SECTION B - CAPABILITY’(page 13)</b></p> <p><b>‘SECTION B – CAPABILITY’ added.</b></p> <p><b>Contents page updated.</b></p> <p><b>All mentions of ‘School’ amended to ‘Academy’.</b></p> <p><b>Part way through year appraisal may be requested.</b></p> <p><b>Panel of governance for the Trust can hear appeals to maintain time scales.</b></p>

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APPENDIX 1 – SUPPORT STAFF APPRAISAL FORM

In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees.

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The Board of Trustees of Horizons Education Trust adopted this policy on 24<sup>th</sup> March 2014 and it applies to all teachers and the head teacher and all support staff employed at the academy as defined in paragraph 1 below.

Trustees will review every 3 years following consultation with the staff to which appraisal applies.

## **1. DEFINITIONS**

- 1.1 The term "Head Teacher" also refers, where appropriate, to any other title used to identify the Head teacher.
- 1.2 The term "employee" refers to any member of the academy staff employed to work solely at the academy.
- 1.3 The term "senior manager" refers to any member of the Leadership Group, as defined by the Academy Teachers' Pay and Conditions Document, or a senior support employee in cases involving support staff, delegated by the Head teacher to deal with an appraisal and/or capability matter under these procedures. A senior manager may only make a decision to issue a sanction up to and including a final written warning.
- 1.4 If the Head teacher, following consultation with the CEO, considers that there is no senior manager to whom they can reasonably delegate a specific capability matter then the Head teacher will take the role of the senior manager for that specific case and the role of the "Head teacher" under this procedure will be performed by the CEO or another Head Teacher in the Trust. Should the case then need to be referred further a "Disciplinary Committee" of the Board of Trustees consisting of not less than 3 Trustees, (except in circumstances provided for in the Secretary of State's guidance on the Staffing Regulations), none of whom will have had previous involvement in the case.
- 1.5 The role of the Head teacher will be taken by the CEO as indicated where the appraisal and or capability being reviewed is that of the Head teacher.
- 1.6 The role of the CEO will be taken by appropriate Trustees as indicated where the appraisal and or capability being reviewed is that of the CEO.
- 1.7 "Lack of capability" is defined as a situation in which an employee fails consistently to perform their duties to a wholly satisfactory standard of performance over a period of time and there is evidence this is the case.

## **2. PURPOSE**

- 2.1 This policy sets out the framework for a clear and consistent assessment of the overall performance of employees covered by the appraisal policy and for supporting their development within the context of the academies plan for improving educational provision and performance, and the standards expected of employees in their respective roles. It also sets out the arrangements that will apply when employees fall below the levels of competence that are expected of them.
- 2.2 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

## **3. APPLICATION OF THE POLICY**

Section A of the policy covers appraisal, which applies to the CEO, Head Teachers and to all teachers and all support staff employed by the Trust, except those on who have been employed or have contracts of less than one year, those teachers undergoing induction (*i.e.* ECTs), those support staff subject to a probationary period and those have been transferred to Section B of the policy.

Teacher appraisals are carried out through the online platform 'Standards Tracker' or any other product approved for use during time of the Policy. Support staff appraisals are carried out on an Academy created pro-forma, which are then stored confidentially on individual Academy online cloud - based system. Further guidance on support staff appraisals can be found in this policy (see section 9 and appendix 1).

Horizons Education Trust have a formal capability procedure which applies to all employees of the trust (including Head Teachers and the CEO). Concerns about an employee's performance may have been identified by the appraisal process which it has been unable to address.

For the Trust capability procedure please refer to section B of this policy.

## **SECTION A - APPRAISAL**

The Appraisal Policy in this Trust will be a supportive and developmental process designed to ensure that all employees identified by the policy have the skills and support they need to carry out their role effectively. It will help to ensure that all employees are able to continue to improve their professional/employment practice and to develop in their respective roles.

### **1. THE APPRAISAL PERIOD**

- 1.1 The appraisal period will run for twelve months from September to September for Teaching staff and April to April for support staff.
- 1.2 Employees 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 review period will be determined by the duration of their contract and date of appointment in year.
- 1.3 Employees will not normally be dismissed for performance reasons without previous warnings.[However, in serious cases of gross negligence , or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate].

*There is some flexibility to have a longer or shorter appraisal period when teachers begin or end employment with an Academy unattached teachers change post within the same Trust.*

### **2. APPOINTING APPRAISERS**

- 2.1 CEO will be appraised by the Board of Trustees, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Board of Trustees for that purpose.
- 2.2 The task of appraising the CEO, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Board of Trustees.
- 2.3 CEO will decide who will appraise other employees covered by the policy. This will be notified to staff annually by Head Teachers for Academies.

### **3. SETTING OBJECTIVES**

- 3.1 CEO's objectives will be set by the Board of Trustees taking into account any advice from external adviser.
- 3.2 Head Teacher's objectives will be set by the CEO.
- 3.3 Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee's role and level of experience. The appraiser and employee 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.

- 3.4 The objectives set for each employee will, if achieved, contribute to the academies plans for improving the academies educational provision and performance and improving the educational opportunities of pupils at that Academy. This will be ensured by checking all employees have objectives linked to the Academy priorities.

#### **4. OVERALL PERFORMANCE OF TEACHERS**

- 4.1 Before, or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. Each teacher will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011 and any subsequent amendment thereof.
- 4.2 The Head Teacher or CEO (as appropriate) will need to consider whether certain teachers (such as UQT) should also be assessed against other sets of standards published by the Secretary of State that are relevant to them. *(Teachers who are qualified teachers by virtue of holding QTLS status or are UQT, it is for the CEO to decide which standards are most appropriate for them.)*

#### **5. REVIEWING PERFORMANCE**

##### 8.1 Observation

- 5.1.1 This Academy believes that observation of classroom practice and other responsibilities for teachers, and support staff who support teachers in the classroom, is important both as a way of assessing 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.
- 5.1.2 All observation will be carried out in a supportive fashion.
- 5.1.3 Teachers' 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 Academy.
- 5.1.4 Classroom observation of teachers will be carried out by SMT or TLR managers with QTS qualification.
- 5.1.5 Employees who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

## 6. SUPPORT STAFF

Support staff appraisal will focus on the job description of the employee and the expected standards of performance will be made clear by the appraiser.

6.1 Within the first 4 weeks/ Induction: All Support staff will be assigned a mentor to undertake the Academy Induction programme which involves a check list of competencies.

In addition, you should expect that within the first four weeks it will be necessary to focus on areas of development in relation to Trust policies and procedures and meeting the wider expectations of supporting pupils with SEND usually within the academies with considerable complexity.

Direct observation will be a tool used to support the process of supporting the adaptation from any other education phase or change of job with intention to connect to the Academy appraisal cycle.

6.2 Links to other Policies and Guidance:

The role of the reviewer is to support the Support Staff member to link their teaching and learning duties to Academy policies. The policies that should be referenced include:

1. Induction guidance and policies.
2. values
3. 'Safeguarding policies including 'Keeping Safe in Education' DFE publication.
4. Health and safety Policy
5. Behaviour and the Physical Intervention Policy

Support staff are advised that all policies are on staff share/policies. We will ask staff to sign and date that policies have been read and understood as compliance is part of performance of the contract of employment.

6.3 Appraisal Cycle:

The Policy explains that there is an annual cycle of appraisal of support staff from April to April and you should expect a meeting in the Spring term unless trustees agree to move the appraisal cycle for that academic year.

Support staff employed or returning back to work assimilate into the appraisal cycle.

1. Head Teacher appoints reviewers and provides notification.
2. Targets set and success criteria / milestones have deadlines
3. Reviewer accepts assessment of progress with targets set and reviews evidence of impact
4. End of year the reviewer makes a summative assessment and assessment for pay.
5. End of year the reviewer makes a recommendation if scope of job has changed beyond 80% of the job description.
6. Right of appeal to employee within 5 working days to Head Teacher.
7. Notification by Head Teacher of recommendation by means of detailed summary for Academy pay awards for support staff signed off by CEO.
8. AAG decision approved or not approved
9. Staff informed of decision by Head Teacher.



Unless targets are written in a way that is SMART (Specific, measurable, achievable and time related) the Academy cannot know as an organisation if outcomes are met and progress has been achieved.

It is important for deadlines to be met unless there is a valid reason, or that in itself may be a performance matter.

#### 6.4 Forms to be used:

**Target setting:** Appraisal review statement  
Training plan

**Mid – year review:** Advisory / by arrangement with reviewer and noted.

**End of year review:** Summative assessment form to be agreed by Head and approved by CEO by end of appraisal cycle.

**Head Teacher:** Staff will receive an outcome letter from Head Teacher and pay statement prepared by Personnel provider, EPM Ltd once pay awards have been signed off by CEO and approved by Board of Trustees.

**CEO report:** Summary to Full Board for approval and information provided to Trust central team for pay roll with EPM Ltd.

#### 6.5 Appraisal target setting:

There is expectation from Trustees that reviewers will set ambitious targets to challenge and develop staff ahead. These target needs to be written in such a way that is specific so milestones can be obvious to meet overall aspiration for the Trust. Give the main purpose and intention and if required add sections or milestones to be achieved.

The success criteria must have clear milestones for the employee and at a catch - up review (or mid – term review) so you can evaluate if actions have been completed and the impact that can be backed up with evidence. If the objectives in scope are not manageable in the time frame this should be alerted to the appraiser to discuss the opportunity to readjust any expectations to end of cycle.

It is possible if circumstances change in the Academy to set additional or new targets as appropriate if the scope of the job for the staff has changed. You will of course reflect this in your summary if valid.

Reviewers need to maintain objectivity and fairness.

If under – performance is identified it must be stated and recorded with recommendations of improvement within the appraisal cycle.

The reviewer can arrange to meet with the Staff member at any time to discuss performance related to the job description, Academy policies and values.

#### 6.6 Evaluation of impact overtime

Over the time the staff member will experience a number of appraisal cycles and it is intended that the reviewer should enable the staff member to reflect back upon career progression. During these discussions it will be important to enable the staff member to reflect upon any barriers to career progression and how these might be overcome within the Trust.

### 6.7 Empower staff to collect evidence:

A purpose of appraisal is to enable staff to become reflective practitioners who care about their own professional development and to become respected within the Academy community, Trust and beyond.

It is our aim is to enable all staff to follow a moral view to care about our special needs and disabled children in or within the local community as part of the motivation for work.

Reviewers should be alert to 'coasting staff' at whatever pay scale level because they will not be taking an active part in their professional development which is a requirement of their ongoing condition of employment.

### 6.8 General Principles Underlying appraisal

#### **ACAS Code of Practice on Disciplinary and Grievance Procedures**

Capability will be implemented in accordance with the provisions of the ACAS Code of Practice.

#### **Confidentiality**

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Head Teacher / CEO to quality assure the operation and effectiveness of the appraisal system.

The Head Teacher will review objectives and appraisal records to check consistency of approach and recommend pay decisions to the CEO.

Head Teacher will receive all pay recommendations if staff are eligible and these will be advised and approved by CEO for Board of Trustees.

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

The Academy Advisory Group for the Academy and Board of Trustees are committed to ensuring consistency of treatment and fairness for staff and will abide by all relevant equality legislation.

#### **Definitions**

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

## **7. DROP INS**

- 7.1 In addition to formal observation, the Head teacher 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.
- 7.2 All "drop ins" will be carried out in accordance with a protocol determined by the Head teacher following consultation with the staff member to whom it applies.

## **8. DEVELOPMENT AND SUPPORT**

- 8.1 Appraisal is a supportive process which will be used to inform continuing professional development. The Academy wishes to encourage a culture in which all employees take responsibility for improving their performance through appropriate development.
- 8.2 Teacher's professional development will be linked to Academy improvement priorities and to the ongoing professional development needs and priorities of individual teachers or support staff.

## **9. FEEDBACK**

- 9.1 Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after an 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.
- 9.2 Where there are concerns about any aspects of the employee's performance the appraiser will meet with the employee to:
  - give clear feedback about the areas of concern;
  - give the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, monitoring, structured observation) ;
  - clarify the required standards and agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
  - make clear how, and by when, the appraiser will review progress
  - If it is appropriate to revise objectives, it will be necessary to allow sufficient time for improvement.
  - The amount of time will reflect the seriousness of the concerns; explain the implications and process if no, or insufficient, improvement is made.
- 9.3 When progress is reviewed, if the appraiser is satisfied that the employee 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.
- 9.4 The appraiser will keep a note of any concerns, the support given and the review judgement. A copy of this note will be given to the employee. If required, this will inform any decision on transition to the capability procedure.

## **10. TRANSITION TO CAPABILITY**

- 10.1 If the appraiser, is not satisfied with progress, the employee will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure. The employee will be invited to a formal capability meeting. The capability procedures will be conducted as outlined in this policy and advised by EPM our HR provider.

## **11. ANNUAL ASSESSMENT**

- 11.1 The performance of each employee covered by the Appraisal Policy will be formally assessed in respect of each appraisal period.
- 11.2 In assessing the performance of the CEO, the Board of Trustees must consult an external adviser.
- 11.3 This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place at least once a term.
- 11.4 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.
- 11.5 Teachers will receive their appraisal reports for end of cycle by 31 October (31 December for the Head teacher) and support staff by 30<sup>th</sup> June. Head Teachers will be encouraged to complete prior to these deadline dates to resolve any issues that might arise.
- 11.6 The appraisal report will include:
- Details of the employee's objectives for the appraisal period in question;
  - An assessment of the employee's performance of their role and responsibilities against their objectives and, for teachers, against the relevant standards;
  - An assessment of the employee's training and development needs and identification of any action that should be taken to address them. The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.
  - A recommendation on pay when that is relevant. Pay recommendations will be made by 31 December for Head teachers, by 31 October for other teachers, and by 31st May for support staff.

## **12. GRIEVANCES**

Where a member of staff raises a grievance during the capability procedure due to process queries, the capability procedure might be temporarily suspended in order to deal with this grievance and find a new reviewer if this is deemed appropriate by the Head. If the grievance and capability cases are related both issues may be dealt with concurrently without delay.

### **13. 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 Sickness management of absence policy and will be referred 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.

Monitoring normal procedures continue during a period of sickness absence and this includes appraisal and capability procedures.

### **14. MONITORING AND EVALUATION**

The Head Teacher will monitor the operation and effectiveness of the academies appraisal arrangements and report this to the CEO and AAG.

### **15. RETENTION**

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

## **SECTION B - CAPABILITY**

### **1. FORMAL CAPABILITY MEETING**

- 1.1. This procedure applies only to employees about whose performance there are serious concerns that the appraisal process has been unable to address. If under Section A above, an employee's performance is not wholly satisfactory, the senior manager, or another person with line management responsibility for the employee, will invite the employee to a formal capability meeting to discuss their identified poor performance as soon as possible.
- 1.2. The senior manager will write to the employee at least 5 working days in advance to inform them about:
  - The date, time and place of the meeting
  - The basic details of the concerns about the employee's performance
  - The employee's right to be accompanied by a representative of their trade union or a workplace colleague of their choice
  - The titles of enclosed copies of any documents to be used at the meeting
  - Names of any witnesses to be called
  - Their right to call witnesses on their behalf
  - The name and office of any adviser who will accompany the senior manager at the meeting

An extra copy, together with any enclosures, will be provided for their companion.
- 1.3. This meeting is intended to establish the facts. It will be conducted by a senior manager delegated by the Head Teacher (or the Chair of Governors for the Head Teacher). The meeting will allow the employee 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.
- 1.4. The senior manager 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.
- 1.5. The senior manager may also adjourn the meeting if it is decided 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.
- 1.6. During the meeting, or any other meeting which could lead to a formal warning being issued, the senior manager will:
  - In the case of a teacher, identify the poor performance, including which of the teacher standards is not being met

- Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations
  - Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement
  - Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures. This may include the setting of new objectives that are focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made
  - Identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other academies, discussion with appropriate colleagues or professionals
  - Set out the timetable for improvement and explain how performance will be monitored and reviewed
  - The timetable will depend on the circumstances of the individual case but will be reasonable and proportionate, between four and ten weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved
  - Warn the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to their dismissal
  - For teachers, warn the employee that failure to improve within the set period could have implications on pay progression
  - Informed the employee of the right of appeal
  - Agree with the employee and any companion the date of the formal review meeting
- 1.7. Notes will be taken of formal meetings and a copy sent to the employee and any companion. Where a first warning is issued, the employee will be informed in writing of the matters discussed in 1.6 above. They will also be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning, which could lead to dismissal if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning.
- 1.8. If the concerns relate to a lack of capability that poses a risk to the health, safety or wellbeing of children, or is likely to result in serious damage to pupils' education, the shorter timescale may be appropriate. In such cases, the senior manager may exceptionally decide to issue a first and final written warning, if to do otherwise would expose pupils to

serious risk in terms of their health, safety, wellbeing or educational prospects.

## **2. SICKNESS ABSENCE AND THE USE OF THIS PROCEDURE**

- 2.1. It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an Occupational Health Adviser to assess the employee's health and fitness for continued employment at the Academy.
- 2.2. Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employees duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g. moving from this procedure to procedures used by the Academy to terminate the employment of the employee on the grounds of ill health.
- 2.3. If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the Occupational Health Adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting they may present a written submission for consideration and/or be represented by a companion in their absence.

## **3. PERFORMANCE MONITORING AND REVIEW PERIOD FOLLOWING A FORMAL CAPABILITY MEETING**

- 3.1. A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will be invited to a formal review meeting (see paragraph 4 below), unless they had been issued with a final written warning, in which case they will be invited to a decision meeting (see paragraph 6 below).

## **4. FORMAL REVIEW MEETING**

- 4.1. At least 5 working days before the date for the formal review meeting a written reminder will be given to the employee together with details of the meeting as set out in paragraph 1.2 above.
- 4.2. The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in paragraph 1.6 above.
- 4.3. If the senior manager (Chair of Governors for the Head Teacher) is satisfied that the employee has made sufficient improvement, the formal



capability procedure will cease and the appraisal process will re-start where the employee is subject to Section A above.

- 4.4. In cases:
  - Where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
  - Where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.
- 4.5. Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.
- 4.6. Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date the decision meeting will be agreed with the employee and any companion.
- 4.7. At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

## **5. RIGHT OF APPEAL AGAINST A FORMAL WRITTEN WARNING**

- 5.1. If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, they may appeal in writing against the decision
- 5.2. Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the Clerk to the Governors [usually the school secretary] within 5 working days of the formal written warning having been received.
- 5.3. All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.
- 5.4. The appeal will be heard by the Appeal Committee of Governors or Trustees in case of central team staff. The number of governors on the Appeal Committee of Governors will not be less than two. The panel may be advised by a person engaged for the purpose by the Governing Body. The panel can either confirm the warning, reduce a final warning to a warning, or cancel the warning. The employee will be informed in writing of the results of the appeal hearing as soon as possible.
- 5.5. The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal

capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee and any companion.

- 5.6. Pending any appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and their progress towards the achievement of these targets may be monitored during this period.

## **6. DECISION MEETING**

- 6.1. At least 5 working days before the date of the decision meeting a reminder will be given in writing together with details of the meeting as in paragraph 1.2 above. The meeting will be conducted by the Head Teacher (Governor Panel for the Head Teacher, Trustees panel for Central team).
- 6.2. 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 where the employee is subject to Section A above.
- 6.3. If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short - specified assessment period.
- 6.4. If performance has remained unsatisfactory, a decision will be made that the employee will be dismissed. The employee will be informed in writing 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 whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

## **7. RIGHT OF APPEAL AGAINST A DECISION TO DISMISS**

- 7.1. The employee has a right of appeal to the Appeals Committee of the Governing Body against a decision to dismiss.
- 7.2. The number of governors on the Appeal Committee of Governors or in case of Central team, Trustees will not be less than two, none of whom will have had any previous involvement in the case.
- 7.3. The employee's notice of appeal should be sent to the Clerk to the Governors [usually the school secretary] within 5 working days of receipt of the written decision to dismiss, setting out the grounds of appeal.
- 7.4. Appeal hearings should be held as soon as possible after receipt of the appeal and will be conducted in the same way as appeals referred to in paragraph 5 above.

## **8. NOTICE OF DISMISSAL**

- 8.1. Following a decision to dismiss, the Governing Body or in case of Central team Trustees will notify the employee in writing that the employee is to be dismissed, whether with notice or with pay in lieu of notice in accordance with the decision of the Head Teacher (or Disciplinary Committee).
- 8.2. In the event that the Appeal Committee of the Governors or in case of Central Team Trustees decides not to uphold the decision to dismiss, the employee shall be informed immediately and the notice of dismissal shall be immediately withdrawn.

## **9. GRIEVANCES ARISING DURING THE PROCESS**

- 9.1. Where an employee has a grievance against the way the senior manager has conducted the procedure, this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered.

## **10. TRADE UNION OFFICIALS**

- 10.1. Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

## **11. CONFIDENTIALITY**

- 11.1. Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.
- 11.2. The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the Academies disciplinary procedure.

## Appendix 1 – Support Staff Appraisal Form



### Support Staff Appraisal Form

**Academy:**

**NAME:**

**Reviewed by:**

<p><b>Reflecting back</b></p> <p><b>Progress with Training and Development since last year</b></p> <p><b>Progress with targets</b></p> <p><b>Any issues identified throughout the year:</b></p>
<p><b>Professional Standards/Job Description</b></p> <p><b>Attendance</b></p>
<p><b>Welfare:</b> <b>Stress and wellbeing</b> – are there any issues relating to stress and wellbeing either at work or home that you would like to talk about?</p>
<p><b>Targets Identified for Academic Year.</b></p>
<p><b>Training: Areas for Development</b></p>

Appraiser Signed:

Date:

Line Manager Signed

Date:

Policy agreed on: \_\_\_\_\_

Signed on behalf of the Trustees \_\_\_\_\_

Committee: \_\_\_\_\_

Author: \_\_\_\_\_

Review date (optional): \_\_\_\_\_

Website Y/N