**Wribbenhall School**

**Appraisal and Capability Policy**



Re-Written: Spring Term 2020

Date of Next review: Spring Term 2021

**To be read in conjunction with:**

Complaints Policy

Staff Grievance Policy

Discipline Policy and Procedure

Staff Absence and Sickness Policy

**Approved by:**

Proprietor: Ellis Wells

29th March 2020

# Purpose

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

# Application of the policy

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to all staff employed by the school, 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 of the policy, which sets out the formal capability procedure, applies only to staff (including the headteacher) about whose performance there are serious concerns that the appraisal process has been unable to address.

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

# Part A – Appraisal

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

## The appraisal period

The appraisal period will run for twelve months from September to August (one academic year). 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 period will be determined by the duration of their contract and an individual employee’s objectives should take account of the length of contract.

There is flexibility to have a longer or shorter appraisal period when employees begin or end employment with the school.

## Appointing appraisers

In this school the task of appraising the headteacher, including the setting of objectives, will be delegated to a sub-group consisting of up to two senior members of staff.

The headteacher will decide who will appraise the other employees.

## Setting objectives

The headteacher’s objectives will be set by the school improvement plan. The school has a duty to have regard to the work-life balance of the headteacher and objectives will reflect this.

Objectives for each employee will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each employee, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee’s role and level of experience. For teachers, objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils. Teacher objectives can be set in relation to robust assessment data, however, these will not be used in isolation and other factors will also be considered when making decisions about pay progression. The appraiser and employee will seek to agree the objectives but, if that is not possible, the appraiser has authority to determine the objectives. Objectives should be revised if circumstances change.

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

Before, or as soon as practicable after, the start of each appraisal period, each employee will be informed of the standards against which that employee’s performance in that appraisal period will be assessed. With the exception of those who are qualified teachers by virtue of holding and maintaining Qualified Teacher Learning and Skills (QTLS) status, all teachers must be assessed against the set of standards contained in the document called “Teacher’s Standards” published in July 2011.

For other employees including those who are qualified teachers by virtue of holding QTLS status, it is for the headteacher to decide which standards are most appropriate.

## Reviewing performance

### Observation

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

### Development and support

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

### Feedback

Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that require further development.

### Concerns

Where there are concerns about any aspects of the employee’s performance the appraiser will meet the employee formally to:

• give clear feedback to the employee about the nature and seriousness of the concerns;

• give the employee the opportunity to comment and discuss the concerns;

• set clear objectives for required improvement;

• agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;

• make clear how, and by when, the appraiser will review progress (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns);

• explain the implications and process if no, or insufficient, improvement is made – e.g., impact on pay progression and potential move to formal capability.

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

### Evidence

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

## Transition to capability

If an employee demonstrates serious underperformance, and has not responded to support provided within the appraisal process, 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, and will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

## Annual assessment

Each employee’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 will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place (e.g. once a term).

The employee will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment on – an appraisal report. In this school, employee will receive their appraisal reports by 31 October (31 December for the headteacher). 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 the relevant standards;

• an assessment of the employee’s professional development needs and identification of any action that should be taken to address them;

• a recommendation on pay where that is relevant (NB – pay recommendations need to be made by 31 December for Headteacher and by 31 October for other employee);

The assessment of performance and of professional development needs will inform the

planning process for the following appraisal period.

# Part B – Capability Procedure

This procedure applies only to employee and Headteacher where there is serious underperformance which the appraisal process has been unable to address. At least five working days’ notice will be given of the formal capability meeting.

The notification will contain sufficient information of the concerns about performance and their possible consequences to enable the employee 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 employee 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. Employee are entitled to request an alternative date which is within five days of the original date.

### Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the Governor (for headteacher capability meetings) or headteacher (for other employee’s). The meeting allows the employee, 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 employees are not being met;

• give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);

• explain any support that will be available to help the employee improve their performance;

• set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases could be between four and ten weeks. It is for the meeting to determine the set period. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place; and warn the employee 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 or other serious implications such as no pay progression.

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

### Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

### Formal review meeting

As with formal capability meetings, at least five working days’ notice will be given and the notification will give details of the time and place of the meeting and will advise the employee 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 teacher 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 teacher will receive a final written warning.

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

### Decision meeting

As with formal capability meetings and formal review meetings, at least five (or insert alternative) working days’ notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher 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 proprietor, will be made that the employee should be dismissed or required to cease working at the school.

Before the decision to dismiss is made, the school will discuss the matter with a solicitor to ensure that all rights of the employer and employee are being met.

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

### Decision to dismiss

The power to dismiss staff in this school rests with the Proprietor

Once the decision to dismiss has been taken, the Proprietor will dismiss the employee with notice.

Where they work in more than one school, the dismissal notice will apply only to Wribbenhall School.

### Appeal

If an employee 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 working 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 employer.

The appeal will be dealt with impartially and, wherever possible, by the Appeals panel, which is made up of three Trustees of Northleigh House School (Ms Vivien Morgan (Chair), Mr Ronald Flint and Mrs Janet Williams).

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

### The Disclosure and Barring Service (DBS)

If the findings against any member of staff is in any way connected to the safeguarding of children, a referral will be made to the Disclosure & Barring Service (DBS). If misconduct and safeguarding are both involved, a referral will be made to both the DBS and the DfE. If appropriate information will also be passed to the Police and Social Services.

### General Principles Underlying this policy, ACAS Code of Practice on Disciplinary and Grievance Procedures

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

# Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the headteacher and proprietor to quality-assure the operation and effectiveness of the appraisal system. The headteacher or appropriate colleague might review all of the employee’s objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers.

The headteacher might also wish to be aware of any pay recommendations that have been made.

# Consistency of Treatment and Fairness

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

# Definitions

Unless indicated otherwise, all references to “employee” include the teachers, teaching assistants, headteacher and all other staff, or employees.

# Grievances

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

# Sickness

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

# Monitoring and Evaluation

The proprietor and headteacher will monitor the operation and effectiveness of the school’s appraisal arrangements. This will include ensuring that the arrangements minimise the impact on workload for all parties involved.

# Retention

The proprietor and headteacher will ensure that all written appraisal records are retained and stored in a secure place in line with the Records Management Policy.