



## Capability & Performance Policy

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## General Statement

This policy sets out the framework for a clear and consistent assessment of the overall performance of members of 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 members of staff. It also sets out the arrangements that will apply when members of staff fall below the levels of competence that are expected of them.

## Application of the Policy

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to the Headteacher and to all members of staff employed by the school, except those on contracts of less than one term, those undergoing induction (*ie* 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 members of staff (including the Headteacher) about whose performance there are serious concerns that the appraisal process has been unable to address.

## Part A – Appraisal

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

## The Appraisal Period

The appraisal period will run for twelve months from September to August. Members of 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 members of staff begin or end employment.

## Appointing Appraisers

The Headteacher will be appraised by the Trustees, who will be supported by a suitably skilled and/or experienced school improvement adviser who has been appointed by the Trustees for that purpose.

In the school the task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of two members of the Trust Board. The Headteacher will decide who will appraise other members of staff.

Commented [SB1]: Insert the School Improvement Advisor

## Setting Objectives

The Headteacher's objectives will be set by the Trustees after consultation with the school improvement adviser.

Commented [SB2]: Again, the School Improvement Advisor

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 school's plans for improving the school's educational provision and performance and improving the education of students at that school.

Before, or as soon as practicable after, the start of each appraisal period, each member of staff will be informed of the standards against which that member of staff's performance in that appraisal period will be assessed. Teaching staff, including those paid on the unqualified teacher's pay scale (UQT's) will also be assessed against the set of standards contained in the current DfE teacher standards document.

## Reviewing Performance

This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing members of staff' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally.

All observation will be carried out in a supportive fashion. In the school, members of staff' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the member of staff and the overall needs of the school.

Classroom observation will be carried out by those with QTS, unqualified teachers may also be observed by the Deputy Head of the Centre. In addition to formal observation, the Headteacher 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. Members of staff (including the Headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

## Development and Support

Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all members of staff take responsibility for improving their teaching through appropriate professional development.

Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual members of staff.

### **Feedback**

Members of staff will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention. Where there are 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 staff member about the nature and seriousness of the concerns;
- give the member of staff the opportunity to comment and discuss the concerns;
- agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress;
- explain the implications and process if no, or insufficient, improvement is made. When progress is reviewed, if the appraiser 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.

Members of staff will receive feedback through the school's performance management portal (BlueSky) as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on through the portal. Reports on BlueSky will be available as soon as possible after 31 October and 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;
- a recommendation on pay where that is relevant

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period. It is incumbent on the staff member to provide evidence on Blue Sky to demonstrate the fulfilment of objectives. This information should be available on Blue Sky a week in advance of the Appraisal review.

**Commented [SB3]:** Add: it is incumbent on the staff member to provide evidence on Blue Sky to demonstrate the fulfilment of objectives. This information should be available on Blue Sky a week in advance of the Appraisal review.

### **Transition to Capability**

If the appraiser is not satisfied with progress, the staff member 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.

## Part B – Capability Procedure

This procedure applies only to members of staff 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 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.

### Formal Capability Meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of Trustees (for Headteacher capability meetings) or Headteacher (for other members of 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 members 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 (*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 member of staff improve their performance;

### Annual Assessment

The performance of all staff will be formally assessed in respect of each appraisal period. In assessing the performance of the Headteacher, the Trustees must consult the school improvement adviser. This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place.

Commented [SB4]: School Improvement Adviser

The staff member will receive a 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 six to eight weeks in length and 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.

### **Monitoring and Review**

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 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. The member of staff 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 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 school. 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.

The power to dismiss staff in this school rests with the Board of Trustees. Once the decision to dismiss has been taken, the Board of Trustees will dismiss the member of staff with notice.

### **Right to Appeal**

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 trustees who have not previously been involved in the case. The member of staff will be informed in writing of the results of the appeal hearing as soon as possible.

### **General Principles Underlying This Policy**

#### **Code of Practice**

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 governing body to quality-assure the operation and effectiveness of the appraisal system.

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

#### **Delegation**

Normal rules apply in respect of the delegation of functions by Trustees, Heads of Centre and local authorities.

**Grievances**

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

**Sickness**

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.