



## **Staff Capability and Appraisals Policy**

### **Purpose**

This policy sets out the framework for a clear and consistent assessment of the overall performance of all staff and for supporting their development within the context of the school's plan for improving educational provision and performance. It also sets out the arrangements that will apply when teachers 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 teachers (including the Head Teacher) about whose performance there are serious concerns that the appraisal process has been unable to address.

Both parts of the policy should be applied in a robust manner whilst minimising the impact on workload for teachers, line managers, Head Teachers and the governing body.

### **Part A – Appraisal**

Appraisal in Watchorn Christian School will be a supportive and developmental process designed to ensure that all teachers develop the skills they need, to carry out their role effectively. It will help to ensure that all staff are able to continue to improve their professional practice

#### **The appraisal period**

The appraisal period runs for twelve months from September to September. Teachers 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 teacher's objectives should take account of the length of contract.

#### **Appointing appraisers**

The Head Teacher will be appraised by a member of the governing body supported by another person nominated by the governing body

The Head Teacher will decide who will appraise other teachers.

#### **Setting objectives**

The Head Teacher's objectives will be set at the appraisal and will have regard to the work-life balance of the Head Teacher.

Objectives for each teacher will be set at the start of each appraisal period. These objectives will be SMART and will be appropriate to the teacher's role and level of experience. The appraiser and teacher will agree the objectives and these will be revised if circumstances change.

The teacher will be informed of the standards against which they are being assessed in that appraisal period. These will be the 'Teachers Standards as published in July 2011.

### **Reviewing performance**

#### **Observation:**

Watchorn Christian School will use classroom observation and practice as a way of assessing teachers' performance in order to identify any particular strengths and areas for development.

All observation will be carried out in a supportive way and not add to teacher workload.

Observations will involve peer on peer observation and governor observation.

The school wishes to encourage a culture in which all teachers 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 teachers.

#### **Feedback**

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place

This will highlight particular areas of strength as well as any areas that require further development. Where there are concerns about any aspects of the teacher's performance the appraiser will talk to the head teacher and they will meet the teacher formally to:

- give clear feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher 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 a time frame for when progress will be reviewed
- explain the implications and process if insufficient, improvement is made – e.g., potential move to formal capability.

When progress is reviewed, if the appraiser is satisfied that the teacher 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.

#### **Evidence**

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

#### **Transition to capability**

If a teacher demonstrates serious underperformance, and has not responded to support provided within the appraisal process, the teacher will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure. They will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

#### **Annual assessment**

This assessment is the end point of the appraisal process

The teacher will receive as soon as practicable an appraisal report

This will include:

- Details of the teacher's objectives
- An assessment of the teacher's performance
- An assessment of the teacher'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.

### **Part B – Capability Procedure**

This procedure applies to teachers and Head Teachers where there is serious underperformance which the appraisal process has been unable to address.

At least five working days' notice will be given of a formal capability meeting.

The notification will contain

- Information about the concerns of the teachers' performance and possible consequences to enable the teacher to prepare for the capability meeting.
- Copies of any written evidence;
- The details of the time and place of the meeting;
- Will advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official or representative

Teachers are entitled to request an alternative date which is within five days of the original date.

### **Formal capability meeting**

This meeting will establish the facts. It will be conducted by the Head Teacher (or for Head Teacher capability meetings, the Chair of Governors). The meeting allows the teacher to respond to concerns about their performance and to make any relevant representations. This may provide new information/ evidence.

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 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 if they decide that further investigation is needed, or that more time is needed to consider additional information.

During the meeting the person conducting the meeting will:

- identify the professional shortcomings, for example which of the teachers standards is not being met;
- give clear guidance on the improvement needed to ensure the teacher can be removed from formal capability procedures

(this may include the setting new objectives focused on the specific weaknesses, 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 teacher 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 could be between four and ten weeks.. It should be reasonable and proportionate, and provide sufficient opportunity for an improvement to take place

- warn the teacher formally that failure to improve within the set period could lead to dismissal.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the teacher 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**

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 teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative

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 this will continue, the monitoring and review period will be extended;
- If no, or insufficient improvement has been made during the monitoring period, the teacher will receive a final written warning.

Notes will be taken of formal meetings and a copy sent to the member of staff.

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**

At least five working days' notice will be given of a decisions meeting 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. 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 recommendation to the governing body, will be made that the teacher should be dismissed or required to cease working at the school.

The teacher 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
- their right of appeal.

### **Decision to dismiss**

The power to dismiss staff in this school rests with the governing body.

### **Dismissal**

Once the decision has been taken, the governing body will dismiss the teacher with 14 days notice

### **Appeal**

If a teacher feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing within five days of the decision, setting out the grounds for appeal.

Appeals will be heard without unreasonable delay and, 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 notes will be taken and a copy sent to the teacher.

The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case.

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

#### **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 strictest confidentiality. However, the governing body reserves the right to quality-assure the operation and effectiveness of the appraisal system.

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

#### **Definitions**

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

#### **Grievances**

Where a member of staff raises a grievance during the capability procedure it 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 referred to the occupational health service to assess the member of staff’s health and fitness for continued employment. 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 governing body and Head Teacher 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 governing body and Head Teacher will ensure that all written appraisal records are retained and stored in a secure place in line with their GDPR Data Retention Policy

**Reviewed 08/07/2020**