

# Staff Appraisal and Capability Policy

## - September 2022

Monitoring Responsibility	Chief Operating Officer
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Chair of Committee Signature	

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## 1. Introduction

The Voyage Education Partnership (the Trust) is committed to enabling staff to work to the high standard expected of them with the aim of delivering outstanding educational provision. This policy complies with current legislation, including the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations), and is a key part of our effort to ensure that effective performance management and staff appraisal are carried out. Other relevant policies that may link to this policy include the school's staff discipline, conduct and grievance policy..

This policy applies to all staff employed by the Trust except those on contracts of less than one term, those undergoing induction (such as early career teachers) and those subject to capability procedures. It does not apply to agency workers.

This policy does not form part of any employee's contract of employment and may be amended at any time.

## 2. The Appraisal Period

The appraisal period will run for 12 months from October to October.

Employees who are employed on a fixed term contract of less than one year but more than one term will have their performance managed in accordance with the principles underpinning this policy. The length of the period and the objectives will be determined by the duration of their contract.

## 3. Roles and Responsibilities

### 3.1 Trust Board

The Trust Board are responsible approving and monitoring this policy.

The Trust Board is also responsible for appraising the Chief Executive Officer.

### 3.2 The Executive Team

The Executive is responsible for creating this policy, reviewing it and ensuring that it is operating effectively.

The Chief Executive Officer is responsible for appraising the Chief Financial Officer, Chief Education Officer and Chief Operating Officer.

The Executive Team is also responsible for appraising the Headteacher/Directorate Manager.

### 3.3 The Headteacher / Directorate Manager

The Headteacher/Directorate Manager will decide who appraises all other staff. Staff will be notified before or as soon as practicable after the start of each appraisal period who their appraiser will be.

It is the headteacher's responsibility to ensure that all staff, particularly those appraising others, have appropriate training and support to understand and use the policy.

## 4. The Appraisal Procedure

Each Academy will manage appraisal so that the process is clear to both appraiser and appraisee – throughout the cycle through an ongoing dialogue and meetings both will have a shared understanding of the objectives set, the criteria to be used to assess performance and progress towards meeting them.

In implementing this policy, the school will ensure that appraisal is managed in a way that avoids increased workload for all parties concerned, for example, reviewing the number and frequency of meetings and observations, and ensuring the process for collecting evidence is always proportionate.

#### 4.1 Setting Objectives

The Trust is committed to ensuring that objectives are linked to professionals developing into great practitioners without the need for over-bureaucratic or data driven targets. All employees (with the exception of Headteachers and the Executive Team) of the Trust will have one simple objective:

- Be great at what you do.

Each role has specific standards, either set out within Teachers Standards or other role specific standards. The appraisal procedure should focus on supporting the appraisee to best meet these standards.

#### 4.2 Evidence

Evidence of performance against the appropriate standards can be recorded on 'Every HR' through the year by both the appraisee and appraiser.

#### All Employee

During the appraisal period, each employee has a responsibility for providing and / or identifying evidence of their progress throughout the year for them to identify any particular strengths or areas for further development. The appraiser will then record the discussion on this evidence in the appraisal report. The range and level of evidence collected for appraisal purposes will always be proportionate and minimise workload.

#### Teachers

In addition, a range of evidence could be available to the appraiser on a teacher's performance as part of the school's quality of education assurance processes.

#### 4.3 Development and Support

Our appraisal process is supportive and is used to inform and decide continuing professional development which improves performance. As a tool for development, the school will use appraisal to inform decisions about continuing professional development that improves performance. Agreed training and professional development will seek to develop individual good professional practice and will also relate to whole-school improvement linked to the school's improvement priorities.

#### 4.4 Feedback

Managers are expected to give regular and timely feedback to all staff and for teachers based on observation and other relevant evidence. They will highlight strengths as well as weaknesses and consider what could usefully be shared with other staff. Feedback may be given in writing or face to face.

## 5. Where There are Concerns About an Employee's Performance

The appraiser will arrange a face-to-face meeting with the appraisee to:

- give feedback that clearly explains concerns, their nature and seriousness
- give the appraisee the opportunity to comment on and discuss the concerns

- find out if there are any issues (both in or outside of work) that are affecting their performance that the appraiser can assist with or provide extra support
- make clear how the appraisee will be supported (e.g. coaching, mentoring, training, structured observations, observing others in a similar role) to address the concerns. [This will be an informal review period and will be confirmed in an Action Plan]
- set a date to review progress using targets that are reasonable and practical, related to the seriousness of the concerns and which allow sufficient time for improvement
- make sure the appraisee understands the implications, including the use of the capability procedure, if insufficient or no progress is made during the review period.

This meeting can take place at any time during the appraisal period. It is intended to be supportive, and to give the appraisee the opportunity to improve. At the meeting, the appraiser will present evidence collected that indicates how the employee's performance is not up to the required standard. There is no right to be accompanied to this meeting. The appraiser will provide the appraisee with notes from the meeting and an Action Plan so that the appraisee is clear about the improvements that need to be made, the support that will be provided and the timescales.

An informal review period will follow this meeting; the length will be determined by the appraiser based on the individual circumstances of the situation but it should not be unduly long. During the informal review period, regular meetings should take place to ensure progress is being made.

At the end of the review period, if the appraiser is satisfied that the appraisee has made or is making sufficient progress, the appraisal process will continue as normal and any remaining issues will be addressed as part of the appraisal process. The review period may be extended for a further limited period. If there is no improvement, or insufficient improvement, the capability process of this policy will be followed.

## 6. Transition into Capability

Performance management is an ongoing process. If the appraiser is not satisfied with progress, despite support being provided, the employee will be notified in writing that the appraisal process will no longer apply and that their performance will be managed under the capability procedure, and they will be invited to a formal capability meeting.

## 7. Capability Procedure

This procedure applies to all staff employed by the where there is serious underperformance that the appraisal process has been unable to address. The procedure is intended to provide a framework to support them to improve.

The procedure has been designed to comply with current legislation and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

In cases of misconduct, procedures outlined in the school's staff discipline, conduct and grievance policy will be followed.

### 7.1 Stage 1: Formal Capability Meeting

If it is considered that there are serious performance concerns you will be invited to a formal capability meeting to establish the facts and give you the opportunity to respond before formal action is taken

The Headteacher/Directorate Manager will conduct meetings where concerns are about a member of their academy team or directorate.

A member of the Executive Team will conduct meetings where the concerns are about a Headteacher or Directorate Manager.

The Chief Executive Officer will conduct meetings where the concerns are about a member of the Executive Team.

The Trust Board will conduct the meeting where concerns relate to the Chief Executive Officer.

### **Possible Outcomes**

At the end of the meeting, the chair of the meeting may decide that:

- there are insufficient grounds to use the capability procedure rather than appraisal
- further investigation is required or more time to consider additional information
- a warning should be issued.

### **Notice**

The employee about whom there are concerns will be:

- given at least five working days' notice of the meeting
- informed by letter of the date, time and venue of the meeting, of their right to be accompanied by a colleague, trade union official or trade union representative certified by the trade union as being competent
- provided with copies of written evidence to be referred to at the meeting
- informed of any witnesses attending the meeting (if appropriate).

### **Format for the Meeting**

The person conducting the meeting will:

- identify the professional shortcomings that have led to this meeting, including which of the standards expected are not being met
- listen to the response of the employee, including any new information they provide
- identify the action (including support) that has been taken to date and the outcomes
- state what the improved standard of performance needs to be for the capability procedure to end
- outline a timeframe for improvement and the ways in which performance will be supported, monitored and reviewed during this time, ensuring that the arrangements minimise the impact on workload for all parties
- decide whether to issue a formal first written warning and advise that failure to improve performance within the timeframe 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 of this meeting, including arrangements for monitoring and review, will be taken and copies sent to the employee subject to the procedure with a letter confirming the warning that has been issued. Appraisal and capability procedures are confidential.

The employee can appeal against the warning within 5 working days. This should be stated in the letter and notes.

## **Monitoring and Review Following the Capability Meeting**

At the end of the monitoring and review period the employee will be invited to a formal review meeting– Stage 2. If they have been issued with a final written warning at their capability meeting, they will be invited to a decision meeting – Stage 3 instead.

### **7.2 Stage 2: Formal Review Meeting**

The arrangements for notice are the same as those outlined above for the formal capability meeting – Stage 1.

If the person conducting the meeting is satisfied that there has been sufficient improvement, the capability procedures will end here, and the appraisal process will resume. This will be confirmed in writing.

Or they may:

- extend the review period if they think that the employee is making some improvement and are confident that more is likely
- issue a final written warning (unless a final warning was issued at Stage 1) if there has been no or insufficient improvement.

Notes of this meeting will be taken, and a copy sent to the employee about whom there are performance concerns with a letter confirming that a warning has been issued.

Where a final written warning is issued, the employee will be informed:

- that failure to achieve an acceptable standard of performance within the set timeframe may result in dismissal
- of arrangements for monitoring and review
- of the time limits to appeal against the warning.

They will be invited to a decision meeting – Stage 3 at the end of the review period.

### **7.3 Stage 3: Decision Meeting**

The arrangements for notice are the same as those outlined above for the formal capability meeting – Stage 1.

If the person conducting the meeting is satisfied that there has been sufficient improvement, the capability procedures will end here and the appraisal process will resume.

If performance is still unsatisfactory, a further limited extension of the review period may be considered in exceptional circumstances, or a decision will be made to dismiss the employee.

### **7.4 Dismissal**

Once the decision to dismiss has been made, the employee will be dismissed with notice as outlined in their contract of employment.

### **7.5 Appeals**

The employee can appeal against the decision in writing to the Human Resources Manager, setting out the grounds for appeal within 5 working days of being notified of the warning/dismissal. They may wish to appeal on the grounds that they think the action being taken against them was unjust or that the process of review was flawed.

The appeal will be dealt with impartially, and wherever possible by a panel consisting of:

- The Chief Financial Officer, Chief Education Officer and the Chief Operating Officer where the decision was previously made by the Headteacher/Directorate Manager
- The Chief Executive Officer and two members of the Trust Board where the decision was previously made by the Chief Financial Officer, Chief Education Officer and the Chief Operating Officer
- Three members of the Trust Board that has had no previous involvement where the decision was made by the Chief Executive Officer and/or other member of the Trust Board.

The appeals panel may:

- uphold all or part of the appeal
- dismiss all or part of the appeal

In addition, they may:

- recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

The employee will be informed in writing of the results of the appeal hearing within 5 working days. The panel's decision is final and there is no further right of appeal.

## 7.6 Sickness

If at any stage long term sickness absence appears to have been triggered at any stage of this procedure, the case will be dealt with in accordance with the Trust's absence management policy.

The employee will be referred immediately to the occupational health service to assess their 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.

## 8. General Principles Underlying this Policy

### 8.1 Confidentiality

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

### 8.2 Consistency of Treatment and Fairness

The Trust are 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 Trust Board is aware of the guidance on the Equality Act 2010 issued by the Department for Education.

### 8.3 Monitoring and Evaluation

The Trust will monitor the operation and effectiveness of the appraisal arrangements. In developing, applying and evaluating this policy we will monitor the impact on different groups of people with protected characteristics in line with the Trust's Equal Opportunities policy and our Workforce Privacy Notice. This will ensure that what we do is done fairly.

### 8.4 Retention and Data Protection

The Trust will ensure that all written appraisal records are retained in a secure place. As part of the application of this policy, the school will collect, process and store personal data in accordance with our Data Protection policy.

We will comply with the requirements of the Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998).The data will be held securely and kept in accordance with our Workforce Privacy Notice, our Data Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.