



Appraisal and Capability for Staff

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Responsible Reviewing Officer and Job Title:	James Passmore Chief Executive Officer
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1. Introduction

- a. Pickwick Academy Trust is committed to supporting the ongoing professional development of all its employees through a robust professional appraisal framework. An appraisal is a formal opportunity to analyse employee performance at work. It offers the chance to discuss achievements, career plans, identify support and training required and to set performance objectives. Responsibilities and issues can be discussed, assessed and adapted; successes celebrated; and areas for development actioned.
- b. Through our comprehensive recruitment processes, Pickwick Academy Trust seeks to employ people that have the appropriate skills, experience and knowledge to deliver the responsibilities and duties associated with their role. However, if employees fall below the levels of competence that are expected of them, and the shortfalls cannot be addressed informally through normal performance management procedures, a capability procedure is applied which assesses an employee's skill, aptitude, or knowledge in the job they are employed to do.

2. Purpose and Scope

- a. This policy sets out the framework for a clear and consistent assessment of the overall performance of all staff (except those on contracts of less than one term, those undergoing induction, e.g. ECTs, and those involved in a capability process), and for supporting their development within the Trust's strategic plan for improving educational provision and performance in our schools.
- b. The policy also sets out the arrangements that will apply when staff fall below the expected levels of competence (about whose performance the appraisal process has been unable to address), and ensures there is an effective mechanism for investigating and dealing with problems which appear to be caused by capability.
- c. The policy recognises that capability refers to the skill, knowledge and aptitude of an individual and that this is clearly distinguished from matters of conduct or misconduct which should be considered a disciplinary matter as opposed to a capability issue.
- d. The scope of this policy includes all members of staff at all Pickwick Academy Trust schools and staff within the central Pickwick Academy Trust team.

3. Responsibilities and Accountabilities

- a. The CEO is responsible for the broadcast of this policy across the Trust and for its promulgation through the South Hub Executive Lead, Executive Headteachers, Headteachers and Heads of School.
- b. Chairs of Governors are responsible for providing advice to the CEO who will make recommendations on pay progression for Executive Team Members, Headteachers and Heads of School to the Chair and Vice Chair of the Board.

- c. Chairs of Governors are responsible for providing advice to the South Hub Executive Lead, Executive Headteachers regarding pay progression for senior leaders and teachers in their schools (through a Remuneration Panel).
- d. The Board, Headteachers/Heads of School and Local Governors are responsible for implementing this procedure, and for monitoring the operation and effectiveness of the school's appraisal arrangements.
- e. Headteachers/Heads of School and reviewers are responsible for ensuring staff receive appropriate training and support, and receive adequate feedback on performance.
- f. Headteachers/Heads of School will ensure that, as far as possible, appropriate resources are made available in the overall budget for training and support agreed for appraisees.
- g. Employees are responsible for complying with the requirements of this procedure.
- h. Headteachers/Heads of School are responsible for deciding whether an individual's performance should move to be managed under the Trust's formal capability procedure.
- i. The Headteacher/Head of School has a responsibility to quality assure the operation and effectiveness of the appraisal system. The Headteacher/Head of School (or members of the leadership team as appropriate), will review written appraisal records to ensure consistency of approach and expectation across the school, and to ensure awareness of any pay recommendations that have been made.
- j. The Headteacher/Head of School will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

SECTION A - APPRAISAL

4. The Appraisal Process

- a. Appraisal in Trust schools is 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, and continue to develop their professional practice.
- b. Appraisal periods run across twelve months (September – August) and are based on the academic year.
 - For staff who are employed on a fixed term contract of less than one year the length of their appraisal period will be determined by the duration of their contract.
 - If staff start mid-way through a year, their appraisal period will run until the end of the academic year.

- Where staff transfer to a new post within the Trust part-way through an appraisal period, their previous and new line manager will determine whether their appraisal period will begin again and whether to change reviewers.
 - Where staff take Maternity Leave part-way through the appraisal period, their line manager will decide whether to conduct a review prior to them leaving indicating their performance at that stage or following their return to work. This will be determined based on the timing of the maternity leave during the review period.
 - Employees who join the Trust or one of its schools, or who return from maternity leave, long-term sick leave or other leave, part way through the appraisal period, will normally have an objective-setting meeting within two months as part of their induction or return to work process. For employees joining in the summer term, this meeting may be postponed to the start of the next appraisal period, in September.
 - The appraisal process begins in September/October with a mid-point review in February/March.
- c. The Trust's Executive team and Headteacher/Head of School appraisal process is supported by an experienced education advisor, who guides the CEO and reports back to the Trust Board.
- d. Appraisals are carried out as follows:
- The Chair and Vice Chair of the Board appraise the CEO.
 - The CEO appraises the Executive team, including Executive Headteachers; and the Headteachers and Heads of School (with support from the Executive Headteachers and taking into consideration advice from Chairs of Governors).
 - The Headteacher/Heads of School appraise the senior leadership team and they are responsible for deciding who will appraise the teachers and support/admin staff in their schools. Reviewers must hold a staffing position in the school/Trust higher than those they are reviewing and be deemed to have the appropriate skills and knowledge to assess the performance of those assigned to them. Each line manager delegated appraisal responsibilities should appraise no more than five staff members, and will receive appropriate training/support. If a member of staff determines that their assigned reviewer is unsuitable for professional reasons, they may submit a written change request to the Headteacher/Head of School.
 - Where a reviewer is absent for a significant period of time, an appropriate substitute will be found. In this event, the appraisal period will not begin again.
- e. In order to ensure Trust priorities and objectives are applied across the organisation, the CEO, Executive Headteachers and Executive team will set objectives first, followed by Headteachers and Heads of School, then Senior Leadership teams, teachers and support staff. The CEO will ensure a consistent approach to objective setting is in place for the Executive team and Headteachers/Heads of School, and Headteachers/Heads of School will do the same for staff at their schools.

- f. Objectives set for each member of staff will be Specific, Measurable, Achievable, Realistic and Time-Bound (SMART) and will be appropriate to the member of staff's role and level of experience. The reviewer will determine the objectives following discussion with the appraisee, and objectives will be aligned to support the priorities of the Trust and School Development Plan, as well as considering national guidance documents such as the 'Teachers Standards'. The line manager and member of staff will agree the objectives set.
- g. Appraisals should take into consideration any work undertaken on behalf of, or in support of the aims of Pickwick Academy Trust and / or Pickwick Learning.
- h. The Trust is committed to a culture of continuing professional development, with all members of staff taking responsibility for their own progress. Development activities will be linked to school improvement priorities, and to the ongoing professional development needs and priorities of staff.
- i. Observing leadership, teaching or support practice will be used to help assess how well staff are performing, identifying strengths and areas of development. All observation will be carried out in a supportive and constructive manner. In addition to formal observation, senior leaders may 'drop-in' in order to evaluate standards and check that professional performance are established and maintained. The length and frequency of 'drop-in' observations / conversations will vary according to circumstances.
- j. All teachers will be assessed against the set of standards contained in the 'Teachers Standards'.
- k. The appraiser will gather information about performance throughout the appraisal period. The type of information gathered and the methods for collecting it will vary according to the job role of the appraisee. For teachers, the evidence to be considered when reviewing performance is set out in the school's pay policy.
- l. Staff will be provided with constructive feedback on their performance throughout the year. Feedback will highlight areas of strength as well as any areas for development. Where there are concerns about any aspects of a member of staff's performance, the reviewer will arrange to meet formally to:
 - Provide clear feedback about the nature and seriousness of the concerns.
 - Provide an opportunity for the member of staff to discuss any concerns.
 - Agree support and training available, e.g. coaching, mentoring, structured observations, support from peers.
 - Make clear how and by when the reviewer will review progress (it may be appropriate to revise objectives and consider how much time will be needed to make these improvements).
 - Explain the implications and process if insufficient progress is made.

- m. If a reviewer is satisfied with the progress and/or performance of a member of staff, the appraisal process will continue as normal with any remaining issues continuing to be addressed through the process. If the reviewer is not satisfied with progress or performance, the member of staff will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure. This transition can happen at any time during the year.
- n. Each member of staff's performance will be formally assessed either at the end of the academic year in July or prior to the setting of new appraisal objectives in September/October. A written evaluation, provided by 31 October, will include:
 - Reviewed objectives; an assessment of the individual's performance of their role and responsibilities
 - Evaluation of training and development needs; identification of actions that need to be taken next
 - Recommendation on pay (for teachers only in accordance with the Trust's Pay Policy)
- o. The appraisal process is treated with strict confidentiality at all times. Only the appraisee's line manager / reviewer will have access to appraisal records.
- p. Governors will monitor the day-to-day operation and outcomes of appraisal arrangements for the staff in their schools. The Headteacher/Head of School will provide governors with an annual report on the operation of the school's appraisal policy. The report will not contain any information which would enable any individual to be identified. The report will include:
 - The operation of the Appraisal Policy.
 - The effectiveness of the school's appraisal procedures.
 - Staff training and development needs.

SECTION B - CAPABILITY

5. Capability Procedure

- a. This procedure only applies to members of staff about whose performance there are serious concerns that the appraisal process has been unable to address.
- b. Early identification of problems either through performance review or professional awareness may help to avoid the need for formal capability procedures. Areas of concern may be highlighted to the employee informally and appropriate action, for example support, training or mentoring, could be discussed and put in place. Where informal support is not successful however, a formal approach will be required. It is not always necessary to complete an informal stage before a formal stage is initiated, for example, where concerns are particularly serious. The employee will be kept up-

to-date of the progress they are making throughout the informal process, which will not normally extend beyond a period of six weeks.

- c. Once a decision is taken to move to formal capability proceedings, there is a statutory requirement to disclose to a potential new employer through the provision of any reference request that the employee was subject to formal capability proceedings.
- d. **Formal Capability Meeting – Stage 1** (initiates the formal capability process): At least 5 working days' notice will be provided of the formal capability meeting. Written notification will be provided to the employee in advance of the meetings which outlines the concerns about performance and the possible consequences, providing evidence and details. The meeting provides an opportunity to deal with the capability concerns in a structured way and the meeting will normally be chaired by the employee's line manager. The purpose of the meeting is to establish the facts and to provide the employee with an opportunity to make a verbal case in the company of a colleague or trade union representative if they wish. This may be to provide additional information or provide a different context to information / evidence already collected. No decision will be reached at the meeting, because the line manager will need time to consider the evidence presented to them.

The meeting process and potential outcomes are as follows:

- If it becomes apparent that insufficient information is available to make a decision, the meeting can be rescheduled following further investigation. Any adjournment should be for a period of normally no more than ten school days. The meeting will be reconvened to consider any further information and one of the next two outcomes will take place.
- If the employee's line manager concludes there is insufficient grounds for pursuing the capability issue a decision will be made to continue addressing development needs through the appraisal process, the capability process ends, and the employee is informed in writing.
- If, having considered all the facts and representations from the employee and / or their representative, the concerns about performance are upheld, the formal process continues, the appropriate level of disciplinary sanction is applied (e.g. a formal written warning).

If performance concerns are upheld, the line manager will verbally and in writing:

- Confirm the level of disciplinary action being taken (e.g. written warning, or final written warning in very serious cases).
- Identify the professional shortcomings, e.g. which of the expected standards are not being met.
- Provide clear guidance on the required improvements that need to take place in order to cease formal capability procedures (setting out clear, measurable targets and the evidence that will be required to demonstrate success).
- Provide details of the support available to improve performance.

- Set out the timetable for improvement and explain how improvement will be monitored and reviewed (the timetable will depend on the circumstances of the individual case, but should not usually exceed six weeks. It should provide sufficient opportunity for improvements to take place, and identify a review date).
- Warn the employee that failure to improve within the timeframe could ultimately lead to dismissal.
- Advise the employee of their right to appeal to the governing body (school-based staff) or Trust Board (Executive/central team members) against the decision to write a formal warning.

A formal performance monitoring and review period will follow the formal capability meeting which will be conducted by the employee's line manager. Minutes of any meetings that take place should be kept in writing, and should be signed and dated by the employee. The member of staff will be invited to a formal review meeting (Stage 2), unless they were issued with a final written warning, in which case they will be invited to a decision meeting (Stage 3).

- e. **Formal Capability Meeting – Stage 2** (Review Meeting): At least 5 working days' notice will be provided of the Stage 2 review meeting. The meeting provides an opportunity to assess performance over the previous weeks and for the employee to make representations at the meeting before any decision is taken. The employee can be accompanied by a work colleague or trade union representative if they wish. No decision will be reached at the meeting, because the line manager will need time to consider the evidence presented to them.

The meeting process and outcomes are as follows:

- If the level of performance has been at the required standard and there is confidence that it can be sustained, the capability procedure will end, and this will be confirmed in writing by the line manager. The employee will return to the normal appraisal process.
- If some progress has been made and there is sufficient confidence that more is likely or possible, the monitoring and review process will be extended. This will be confirmed in writing.
- If no, or insufficient, improvement has been made during the monitoring and review period, the employee will receive a final written warning.

If some or no progress has been made, formal monitoring, evaluation, guidance and support will continue for a further extended period. The details of this will be confirmed in writing. The employee will be informed that failure to achieve an acceptable performance standard may result in dismissal and will be given information about the handling of the further monitoring and review period, as well as the date for a decision meeting (Stage 3). The employee will also be advised of their right to appeal (within five working days of receipt of the outcome of the formal review meeting).

- f. **Formal Capability Meeting – Stage 3** (Decision Meeting): At least 5 working days' notice will be provided of the decision meeting (Stage 3), advising the employee of their right to be accompanied by a work colleague or trade union representative if they wish. A full assessment of performance over the previous weeks will take place during this meeting.

The meeting process and outcomes are as follows:

- If the level of performance has been at the required standard and there is confidence that it can be sustained, the capability procedure will end, and this will be confirmed in writing by the line manager. The employee will return to the normal appraisal process.
 - If some progress has been made and there is sufficient confidence that more is likely or possible, the monitoring and review process can be extended to provide one further opportunity for the employee to achieve the required standard. This will be confirmed in writing.
 - If no, or insufficient, improvement has been made during the monitoring and review period, a recommendation to the Governors/Trust Board will be made that the employee should be dismissed. The employee will be informed in writing as soon as possible detailing the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.
- g. **Involvement of Governors/Trustees:** Governors/Trustees should not normally be involved with a capability before the dismissal stage. The exception to this is where a governor/trustee is involved in considering an appeal against a warning. The use of governors/trustees to hear appeals should be limited to ensure a sufficient number of impartial governors/trustees remain available for appeals hearings. It is possible to utilise governors from other schools to serve where it would otherwise be impossible to form an appeal panel.
- h. **Decision to dismiss:** A panel (staff dismissal committee) of three governors will be convened in the event of a dismissal being recommended for a teacher or support/admin member of staff, and a panel of three Trustees in the event of a Headteacher, Head of School, Executive team member recommendation. Details of the evaluation of employee performance, support provided and the process followed should be discussed by the panel. The decision whether to uphold the recommendation should be documented in a letter to the employee (signed by the Chair of Governors/Chair of the Board), following consultation with the CEO (assuming it is not the CEO being dismissed). The employee will be notified of their right to appeal the decision (within five working days). None of the governors/trustees on the dismissal panel will be on the dismissal appeals panel. The decision of the appeals panel is final. If the dismissal panel do not uphold the decision to dismiss, the capability procedure will end or will revert to an earlier stage in the process, and the employee will be notified in writing.

- i. Staff absence which is, or appears to be, triggered by the capability procedure should be managed under the 'Managing Absence and Ill-Health' Policy, referring to the occupational health advisor to assess whether the member of staff is fit for continued employment. Short absences should not delay any part of the formal stage of the capability procedure. Reasonable steps should be taken to enable the employee to attend review meetings, but where they are unable to attend, these may proceed in their absence if delay would otherwise compromise the maximum time set aside for the procedure. In such circumstances, a full account of the evaluation should be provided in the letter confirming the decision taken.
- j. It is possible that an employee may raise a grievance against the behaviour of a line manager during a capability procedure. Depending on the circumstances, it may be appropriate to suspend the procedure until the grievance can be considered.

6. Equal Opportunities

- a. An Equality and Diversity Impact Assessment has been completed in order to ensure this policy complies with equality obligations outlined in discrimination legislation. We believe the policy positively reflects the aims and ambitions identified in each Trust School's Single Equality Scheme. The policy positively reflects the aims and ambitions of Pickwick Academy Trust.

7. References, acknowledgements and associated documents

- a. This policy will be implemented in conjunction with other Pickwick Academy Trust policies in the same group of policies.
- b. This policy will be published on the Schools' websites and reviewed every three years by the Local Governors of the School and Trust Board.

8. Appendices

None