



# Melcombe Primary School Appraisal Policy

Reviewed by: Adam Morris

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Signed Dennis Charman:

Date 17-Oct-2017

Dennis Charman  
Chair of the Governing Board

Date for Review: 17<sup>th</sup> October 2019

## Preamble

This model staff appraisal policy sets out the broad content of a policy that schools may wish to adapt and / or adopt as their own; the policy aims to comply with the prevailing legislative framework and incorporate good practice.

As a principal change to schools' current appraisal arrangements, the Teachers' Standards, introduced in September 2012, must now be incorporated into a school's appraisal arrangements. Where a school already has satisfactory staff appraisal and capability policy arrangements in place, there is no requirement to change such arrangements other than to include an additional statement that all teachers must be assessed against the new Teachers' Standards.

## Introduction

Under statutory regulations, appraisal arrangements for all teachers in maintained schools in England will be changing from 1 September 2013.

The Education (School Teachers' Appraisal) (England) Regulations 2012, made under the Education Act 2002, came into force on 1 September 2012 and replace The Education (School Teacher Performance Management) (England) Regulations 2006; the new regulations can be found at [www.legislation.gov.uk/ukSI/2012/115/pdfs/ukSI\\_20120115\\_en.pdf](http://www.legislation.gov.uk/ukSI/2012/115/pdfs/ukSI_20120115_en.pdf)

The new regulations will apply to any teacher employed for one school term or more, in a community, voluntary, foundation, community special or foundation special school or a maintained nursery school, whether employed by the governing body of that school or by the local authority to work in that school.

The new regulations place a legal obligation on qualifying schools to have an appraisals procedure in place for all teachers and a capability procedure in place for all staff.

The regulations do not apply to a teacher whilst that teacher is undergoing an induction period or whilst a teacher is the subject of a formal capability procedure.

Support staff are not covered by the regulations but it would be both prudent and practicable for the governing body to agree and the head teacher to implement the same or a broadly similar staff appraisal policy for non-teaching staff.

### **Guiding principles**

In its oversight of the appraisal system, the governing body is committed to ensuring consistency of treatment and fairness and to stay within the prevailing legal framework applicable to all employers; for example, the Equality Act 2010, the Employment Rights Act 1996, the Part-Time Workers Regulations 2000, the Fixed Term Employees Regulations 2002 and the Data Protection Act 1998.

The head teacher will moderate a sample of the planning statements to check that the agreed plans are consistently weighted between employees who have similar levels of responsibility and that the plans comply with the school's appraisal policy.

The appraisal process and the supporting documentation will be treated with strict confidentiality at all times. Only those who need access to such information will be granted access to enable them to discharge their responsibilities as directed by the school. The governing body will monitor the operation of the appraisal system and review it at appropriate intervals.

### **Purpose**

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers and support staff and for supporting their development needs within the context of the school's improvement plan (improving educational provision and performance), and the standards expected of Teachers.

### **Application of the policy**

The policy applies to the head teacher, all teachers and support staff employed by the school or local authority, except those on contracts of less than one term, those undergoing induction (*ie* NQTs) and those who are subject to the associated capability procedure.

Appraisal in this school will be a supportive and developmental process designed to ensure that all staff have the skills and support 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 and to develop in their roles.

## **The Appraisal**

The governing body of a school must appraise the performance of a head teacher. In turn, the head teacher of a school is responsible for ensuring the review of the performance of every other teacher and member of support staff employed at the school.

Appraisal meetings should be held during normal working hours and should be scheduled for at least one hour or longer if necessary.

The purpose of the appraisal meeting is to review the employee's current job, their performance and their future plans. More specifically, the meeting will also be an opportunity to discuss how the employee can contribute to the wider work of the school and to agree and set a number (typically 3) of objectives (there is no minimum or maximum number of objectives however).

## **The Appraisal Period**

The appraisal period will be for 12 months and will begin on 1 September; it must be completed by 31 October for teachers and for support staff and by 31 December for head teachers. The cycle will begin with a Planning Meeting and will end with a Review Meeting. Mid-year review meetings may also be held if agreed and considered necessary.

During the appraisal period the appraiser and/or appraisee should raise issues of concern which need to be addressed, so that the appraisee can get back on track to meet their objectives. Mid-year reviews meetings may also be held if agreed and considered necessary to undertake a more formal review of progress against the objectives set.

All 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.

Where a teacher or member of support starts their employment or transfers to a new post within the school part way through a performance management cycle, the head teacher, or in the case where the employee is the head teacher, the governing body, shall determine appraisal arrangements for the remainder of the appraisal period, with a view to bringing their cycle into line with the cycle for other teachers and staff as soon as possible.

## **The Appraisers**

### *For the headteacher*

The head teacher will be appraised by the Governing Body, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Governing Body for that purpose.

In this school the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of two/three (*delete as appropriate*) members of the Governing Body.

The head teacher is responsible for the appraisal of all other employees but may delegate this responsibility to others who will normally have line management responsibility for those they appraise

Teaching staff should be able to object to the appointment of an appraiser, on professional grounds, in writing to the head teacher who will consider this and make a decision. Where the objections are rejected by the head teacher, the teacher should be advised in writing.

### **Objective setting**

The setting and agreement of objectives is fundamentally important to the effective operation of a performance management system that aims to link individual performance to pay progression. The job description can be a particularly useful place to begin the process of identifying relevant objectives for each individual job holder. However, the job description is just one 'reference document' that can be helpful context to the process of setting and agreeing objectives. Other useful 'reference documents' may include the school improvement plan, the school's business plan, the Ofsted School Inspection Report and the Teachers' Standards.

In addition, it may be prudent to allow for some flexibility in the setting and agreement of objectives to enable objectives to be set and agreed around issues that are emerging for the school and that require some dedicated attention that is best articulated as one or as a set of objectives. On the grounds that emerging issues are unlikely to be known at the outset of an appraisal period, objectives may need to be adjusted throughout the appraisal period so that they remain relevant to the performance of the individual and to the priorities of the school. This is considered to be perfectly standard practice; the ideal outcome for all parties is that the overall weight of objectives is broadly or proportionately the same at the conclusion of any subsequent 'objectives' discussion.

Objectives should be CSMART

C = Challenging  
S = Specific  
M = Measurable  
A = Achievable  
R = Relevant  
T = Timed

Objectives should also be fair and equitable when judged across employees with similar roles and responsibilities. However, appraisal objectives will normally become more challenging as a teacher progresses up the main pay scale and if the member of support staff holds a senior role.

The governing body of a school must, before, or as soon as practicable after, the start of each appraisal period, in relation to a head teacher, inform the head teacher of the standards against which their performance will be assessed and set objectives for the Head teacher for the appraisal period.

The Head teacher of a school must, before, or as soon as practicable after, the start of each appraisal period, in relation to every teacher employed at that school, inform the teacher of the standards against which their performance will be assessed and set objectives for the teacher for the appraisal period. Head teachers may delegate this responsibility to the line manager cohort.

The objectives must be set such that they will contribute to the improvement of a school's educational provision and performance and appraisers will therefore be expected to align individual objectives with the school's priorities.

Every effort should be made to achieve agreement on the head teacher's objectives; only in the last resort, should targets be imposed on the head teacher. Similarly, all appraisers and appraisees should look to agree objectives; where agreement cannot be reached, the appraiser will make the final determination.

Objectives should focus on the priorities for the school or individual for the duration of the appraisal cycle. Normally, staff should expect to have no more than (typically) 3 objectives but there is no actual minimum or maximum number.

Objectives will be set out in a planning statement, along with details of any training and support which have been agreed. The planning statement should also specify the evidence that will be collected to support the review of performance including details of the arrangements for task or classroom observation, where relevant.

Objectives may be revised if circumstances change.

### **Teachers' Standards**

Under the appraisal arrangements that took effect from 1 September 2013, the performance of all teachers, regardless of their career stage, will be assessed against the Teachers' Standards. The standards define the minimum level of practice expected of trainees and teachers from the point of being awarded QTS.

The standards against which performance must be assessed in respect of a teacher are the set of standards articulated in the Teachers' Standards document and any other set of standards relating to teachers' performance published by the secretary of state as the governing body or head teacher determine as being applicable.

In order to meet the Teachers' Standards, a teacher will need to demonstrate that their practice is consistent with the definitions set out in Part 1 (Teaching) and Part 2 (Personal & Professional Conduct).

### **Applying the Teachers' Standards**

Teachers make the education of their pupils their first concern and are accountable for achieving the highest possible standards in their work and their conduct. Teachers act with honesty and integrity, have strong subject knowledge and are self-critical. They forge positive professional relationships with those around them and work with parents in the best interests of their pupils.

### **Teachers**

The Teachers' Standards effectively set out a 'code' of good teaching practice and professional conduct and as such, it would seem to be perfectly reasonable for schools to expect all teaching staff to meet the expectations set out in the Standards document. Teachers should therefore be evaluated against all the elements set out in the Teachers' Standards and it is for schools to put appropriate arrangements in place to achieve a fair and equitable process of evaluation.

### **Head Teachers**

Teachers' Standards may be applied to Head Teachers as well as to all other teachers. However, on the grounds that only a proportion of Head Teachers spend part of their scheduled week teaching, governing bodies should exercise particularly careful judgement when assessing Head Teachers against the Teachers' Standards. Support from the External Adviser will be important in this respect.

A full version of the Teachers' Standards can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/283566/Teachers\\_standard\\_information.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283566/Teachers_standard_information.pdf)

### **Gathering the evidence**

As part of the overall appraisal process, it will be critically important for all members of staff who are subject to the school's staff appraisal policy to be clear about the evidence that will be required by their appraiser to enable the appraiser to assess their performance and make a substantiated and evidence-based pay recommendation to the 'decision maker'.

Judgements relating to performance should be supported by evidence, agreed at the beginning of the performance cycle. Evidence should show and demonstrate a contribution towards:

- an increasing positive impact in pupil progress;
- an increasing impact on wider outcomes for pupils;
- improvement in specific elements of practice, e.g. lesson planning;
- an increasing contribution to the work at the school;
- an increasing impact on the effectiveness of staff.

The evidence gathered by a member of staff will largely be determined by the nature and scope of the agreed objectives and / or the Teachers' Standards. Examples of evidence may include:

- classroom observations
- task observations
- reviews of assessment results
- reviews of lesson planning records
- internal tracking
- moderation within and across schools
- pupils' Voice
- parents' Voice
- head teachers' walkabouts
- evidence supporting progress against Teachers' Standards

Any classroom or task observations will be carried out in accordance with the schools 'classroom and task observation protocol'. Classroom observation will be carried out by qualified teachers. At least 5 working days' notice of the date and time of the observation will be given and verbal feedback provided by the end of the next school day in a suitable private environment. Written feedback will be provided within 5 working days. The appraisee has the right to append written comments to the feedback document.

For appraisal purposes, the governing body is committed to ensuring that classroom and task observation is developmental and supportive and that those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- evaluate objectively;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

The arrangements for classroom / task observation will be stated in the appraisal planning statement and will include the amount of observation, specify its primary purpose, any particular aspects of the employee's performance which will be assessed, the duration of the

observation, when, during the appraisal cycle, the observation is likely to take place and who is likely to conduct the observation.

Where evidence emerges about the appraisee's performance, which gives rise to concern during the cycle, additional observations may be arranged during the cycle.

The 3 hours statutory limit on classroom observations for appraisal has been removed; the government believes that head teachers and other appraisers should be free to decide how much observation is necessary for them to form an accurate assessment of a teacher's performance. However, a head teacher may determine that it is necessary to collect additional evidence to help inform the evaluation of teaching standards and school improvement strategies. This additional evidence may include walkabouts, task observation, reviews of assessment results and lesson planning records. It may not be practicable to provide advance notice of these additional monitoring activities.

As part of their overall inspection framework, Ofsted wishes to see evidence in schools that the appraisal procedure is used effectively and enables school improvement; if appraisal evidence is not available, this is likely to impact negatively on the Ofsted Inspection Grade for Leadership and Management. It is therefore prudent for schools to generate and retain as much reasonable 'appraisal system' evidence as practicably possible.

### **Reviewing Performance and the Annual Assessment**

At the end of the cycle, assessment of performance will be on the basis agreed at the beginning of the cycle.

In determining an appraisal, the governing body or head teacher must assess the performance in the appraisal period, apply the relevant 'Standards', assess performance against the agreed objectives and assess the professional development needs and identify any action that should be taken and, finally, include a recommendation relating to pay.

It will be for individual schools to establish their own arrangements for determining the overall evaluation and rating of individual performance. Many schools may wish to continue to use their existing arrangements for evaluating and rating individual performance, applying the Teachers' Standards where appropriate. In their School Inspection Handbook, Ofsted also provide some useful 'grade descriptors' that schools may find helpful in determining the overall assessment of teachers' performance.

A written appraisal report must be provided at the conclusion of the appraisal process – by 31st October for teachers and support staff and by 31 December for head teachers; the report must record the overall performance assessment and pay recommendation.

Good progress towards the achievement of a challenging objective, even if the performance criteria have not been met in full, may be assessed favourably. If agreement cannot be reached, especially on the outcomes of an appraisal meeting, the teacher may appeal to the head teacher or the head teacher may appeal to the chair of the governing body, whose decisions will be final.

The overall assessment of performance and its subsequent performance rating for individual members of staff will be subject to a process of moderation, arrangements for which will be put in place by the head teacher with the approval of the governing body.

The final version of the appraisal documentation will be placed in the employee's electronic file and a paper copy will be given to their HR Officer. The sharing of such information is governed by the data protection principles under the Data Protection Act 1998.

The governing body and head teacher will ensure that all written appraisal records are retained in a secure place for 6 years and then destroyed.

### **Continuing Professional Development**

The school's CPD programme will be informed by the training and development needs identified through the appraisal procedure. The governing body will ensure in the budget planning, that, as far as possible, appropriate resources will be made available for any agreed training, support and continuing professional development.

Support to meet individual or collective development needs should be provided within the context of the school's improvement plan.

### **Conflict of Interest**

In any circumstances where an individual believes that their participation in any part of the appraisal process amounts or may amount to a 'conflict of interest' they should declare this to their appraiser and / or absent themselves from any part of the appraisal process where they believe that a 'conflict of interest' would or is likely to prevail.

### **Pay progression linked to performance**

The governing body must consider annually whether or not to increase the salary of teachers who have completed a year of employment since the previous annual pay determination and, if so, to what salary within the relevant pay ranges.

All pay recommendations should be clearly attributable to the performance of an employee.

The relevant body must decide how pay progression will be determined, subject to the following:

The decision, whether or not to award pay progression, must be related to a teacher's performance.

A pay recommendation must be made in writing as part of a teacher's annual appraisal report.

Where a teacher is not subject to either the 2012 or the 2011 regulations, the relevant body must determine through what process the teacher's performance will be assessed and a pay recommendation made for the purposes of making its decision on pay.

Continued good performance, as defined by an individual school's pay policy, should give a classroom or an unqualified teacher an expectation of progression to the top of their respective pay ranges.

A decision may be made not to award pay progression, whether or not the teacher is subject to capability proceedings.

The relevant body must set out clearly in the school's pay policy how pay progression will be determined. The head teacher will be responsible for ensuring that appropriate arrangements are put in place to support the links between performance and pay and that rates of pay progression are affordable and comply with prevailing legislation (e.g. Equal Pay).

Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on an assessment of performance against agreed performance objectives. The decision made by the relevant decision-making body will be based on the statutory criteria and guidance set out in the STPCD and the relevant teacher standards.



To move up the main pay range, one point at a time, teachers will need to have made good progress towards achieving their objectives and have demonstrated that they are competent in all elements of the Teachers' Standards. Teaching should be 'good', as defined by Ofsted.

If the overall appraisal evidence shows that a teacher has demonstrated exceptional performance, the governing body will consider awarding enhanced pay progression, up to a maximum of 2 reference points. Teaching should be 'outstanding', as defined by Ofsted.

The head teacher will consult with staff and union representatives on the establishment of appraisal and pay policies and will ensure that appraisers have the knowledge and skills to apply procedures fairly.

Teachers will work with their appraisers to ensure that there is sufficient evidence to support pay recommendations. Teachers will also keep records of objectives and review them throughout the appraisal period.

### **Applications to be paid on the Upper Pay Range**

From 1 September 2013, any qualified teacher can apply to be paid on the Upper Pay Range. All applications should include the results of the last two appraisals; where such information is not available, a written statement and summary of evidence that sets out how the applicant has met the assessment criteria will be sufficient. Teachers who have been absent through sickness, disability or maternity may cite written evidence over a 3-year period before the date of the application.

To be assessed successfully, a teacher will be required to meet the criteria set out in the School Teachers' Pay and Conditions Document (STPCD):

The teacher is 'highly competent' in all the elements of the Teachers' Standards;  
The teacher's achievements and contribution to the school is 'substantial' and 'sustained'.

#### **Highly competent**

The teacher's performance is assessed as having excellent depth and breadth of knowledge, skills and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.

#### **Substantial**

The teacher's achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own classroom but also in making a significant wider contribution to school improvement which impacts on pupil progress and the effectiveness of staff and colleagues.

#### **Sustained**

The teacher must have had two consecutive successful appraisal reports and have made good progress towards their objectives; they will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

### **Leading Practitioner role**

Typically, the additional duties of a leading practitioner role will include:

A leadership role in developing, implementing and evaluating policies and practices in a school that contribute to school improvement;

The improvement of teaching within school which impacts significantly on pupil progress;  
Improving the effectiveness of staff and colleagues, particularly in relation to specific areas  
e.g. lesson planning.

The head teacher will agree appraisal objectives for the leading practitioner, who, in turn,  
must demonstrate that, they:

have made good progress towards their objectives;  
are an exemplar of teaching skills which should impact significantly on pupil progress within  
school and within the wider school community;  
have made a substantial impact on staff and colleagues, including any specific elements of  
practice that have been highlighted as in need of improvement;  
are highly competent in all aspects of the Teachers' Standards;  
have shown strong leadership in developing, implementing and evaluating policies and  
practices in their workplace that contribute to school improvement.

Staff, especially teachers, experiencing difficulties

When a member of staff is experiencing difficulties, support and guidance will be provided  
through the appraisal process. Where it is clear that a member of staff's personal  
circumstances are leading to difficulties at work, appropriate support should be offered at the  
earliest opportunity.

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 and will be referred to the occupational health service who will  
assess the member of staff's health and fitness for continued employment and whether  
continuing with monitoring or formal procedures is deemed to be appropriate.

If the appraiser identifies through the appraisal process or through other sources of  
information, parental complaints for example, that the difficulties experienced by a teacher  
are such that, if not rectified could lead to the capability procedure, the appraiser will, as part  
of the appraisal process, meet the member of staff to:

give clear written feedback to the teacher about the nature and seriousness of the concerns;

give the teacher the opportunity to comment on and discuss the concerns;

give the teacher at least 5 working days' notice that a meeting will be held to discuss targets  
for improvement alongside a programme of support and remind the teacher that they have  
the right to be accompanied by a work colleague or trade union representative at any future  
meetings where capability will be discussed;

agree and establish, in consultation with the teacher, an action plan with support that will  
help to remedy specific concerns;

make clear, how progress will be monitored and when it will be reviewed;

explain the implications and process if no, or insufficient, improvement is made.

The teacher's progress will continue to be monitored as part of the appraisal process and a  
reasonable time given for the teacher's performance to improve. During this monitoring  
period, the teacher will be given regular feedback on progress and arrangements will be  
made to modify the support programme if appropriate.

If sufficient progress is made, the teacher should be informed of this at a formal meeting and the appraisal process will continue as normal.

If no, or insufficient improvement has been made, the teacher will be invited to a transition meeting to determine whether formal capability proceedings will be invoked.

## **Transition to Capability**

Performance concerns should be dealt with through the staff appraisal policy but if progress towards addressing performance concerns is insufficient or the concerns are sufficiently serious, a 'transition meeting' should be held; the expectation is that this meeting will reduce the likelihood of invoking the capability procedure or triggering a prolonged period of sickness absence.

In this event, further support should be granted through the appraisal procedure or, alternatively, the employee will be advised to consider the relative merits of resigning their post before the formal capability procedure is invoked.

## **Capability Procedure**

This procedure complies with the provisions of the ACAS code of practice.

The capability procedure applies only to teachers and head teachers where there are serious concerns about their performance that are not able to be addressed by the appraisal procedure.

The purpose of a capability meeting is to establish the facts and will usually be chaired by either the chair of governors or the head teacher. The subject of the capability meeting will be able to respond to concerns about their performance and to present any relevant evidence.

## **Stage 1- Formal Capability Meeting**

### **Notification**

The teacher will be invited in writing to a formal capability meeting. They will receive at least five working days' notice of the meeting.

This written notification will:

- Contain detailed information about the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting.
- Contain copies of any written evidence
- Confirm the details of the time and place of the meeting
- Advise the teacher of their right to be accompanied by a companion who may be a colleague or a trade union representative.
- Advise the teacher of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
- Advise the teacher who will be conducting the meeting. For teachers below head level, the head teacher/deputy head will conduct the meeting. The chair of governors will conduct capability meetings in relation to head teacher performance.

### **Purpose of the Meeting:**

This meeting is intended to establish the facts. During the meeting the teacher will be advised clearly how he or she has failed to meet expectations and the standard of

performance that is expected. The purpose of the meeting is to allow the teacher, 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.*

### **Structure of the Meeting**

The person conducting the meeting will:

- Identify clearly how the standards are not being met and show the evidence to support the concerns.
- Ask the teacher to respond to the concerns being raised.
- Give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures. This will form the action plan, setting 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 the support that will be available to help the teacher improve their performance. This may include mentoring, observing effective practitioners, training and partnership teaching.
- 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. In cases where there are serious concerns a review period of four weeks will be appropriate. In other cases the school should set the review period having taken into account what is reasonable and proportionate and gives sufficient time for improvement. The maximum timescale for a review period should be ten weeks.
- Formally warn the teacher that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.
- Advise the teacher of their right of appeal within ten working days against any sanction issued.
- Confirm that the teacher will receive notes of the meeting and 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.

There may be occasions when an employee is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or a refusal to face up to the issue. Schools will need to consider all the facts and come to a reasonable decision on how to proceed. Considerations may include:

- the seriousness of the capability issue under consideration

- a medical opinion on whether the employee is fit to attend the meeting
- Where an employee is persistently unable or unwilling to attend a meeting without good cause the head teacher should make a decision on the evidence available.

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

A performance monitoring and review period agreed above will follow the formal capability meeting. The agreed formal monitoring, evaluation, guidance and support will take place during this period. Depending on the circumstances, it may be appropriate for the head teacher or another senior member of staff to monitor progress.

### **Stage 2 - Formal review meeting**

At the end of the agreed monitoring and review period, the member of staff will be invited in writing 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. They will receive at least five working days' notice of the meeting.

This written notification will:

- Contain detailed information about the outcome of the monitoring, including any continuing concerns about performance and their possible consequences to enable the teacher to prepare to answer the case.
- Contain copies of any written evidence
- Confirm the details of the time and place of the meeting
- Advise the teacher of their right to be accompanied by a companion who may be a colleague or a trade union representative.
- Advise the teacher of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
- Advise the teacher who will be conducting the meeting. It will be conducted by the Chair of Governors (for head teacher capability meetings) or head teacher (for other teachers).

### **Structure of the Formal Review Meeting**

This meeting will follow the same structure as a formal capability meeting.

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 progress is likely to be made, 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.
- The final written warning will clearly state the improved standard of performance required, the evidence that will be used to assess whether or not the necessary improvement has been made and the support that will be available to help the teacher improve their

performance. It will also set out the timetable for improvement and explain how performance will be monitored and reviewed and confirm the procedure. A teacher may appeal against the final written warning within 5 working days of the notification.

- The final written warning will inform the teacher that failure to achieve an acceptable standard of performance (within the set timescale), may result in the requirement to attend a decision meeting, which may lead to dismissal from their post.

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

A performance monitoring and review period agreed above will follow the formal review meeting. The agreed formal monitoring, evaluation, guidance and support will take place during this period. Depending on the circumstances, it may be appropriate for the head teacher or another senior member of staff to monitor progress. 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, the teacher will be invited to a decision meeting held by whoever has the authority to dismiss someone from their post in the school. This meeting will have the authority to make the decision, or recommendation that the teacher should be dismissed or required to cease working at the school.

### **Stage 3 - Decision meeting**

#### **Notification**

The teacher will be invited in writing to a decision meeting. They will receive at least five working days' notice of the meeting.

This written notification will:

- Contain detailed information about the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case.
- Contain copies of any written evidence including previous warnings.
- Confirm the details of the time and place of the meeting
- Advise the teacher of their right to be accompanied by a companion who may be a colleague or a trade union representative.
- Advise the teacher of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
- Advise the teacher who will be conducting the meeting.

#### **Structure of a Decision Meeting**

This meeting will follow the same structure as a formal capability meeting. However the meeting must be held by whoever has the authority to dismiss someone from their post in the school. Guidance is given below:

#### **Decision to dismiss**

*Either:* The power to dismiss staff in this school rests with the Governing Body.

Or: The power to dismiss staff in this school has been delegated *to the head teacher/to one or more governors/to one or more governors acting with the head teacher (delete as appropriate)*.

*(NB: the two options above are available only to Foundation Schools, Voluntary Aided Schools and Foundation Special Schools).*

Or: The power to decide that members of staff should no longer work at this school rests with the Governing Body.

Or: The power to decide that members of staff should no longer work at this school has been delegated *to the head teacher/to one or more governors/to one or more governors acting with the head teacher. (delete as appropriate)*.

*(NB: these two options are available only to Community, Voluntary Controlled, Community Special, and Maintained Nursery schools,*

### **Dismissal**

Before the decision to dismiss is made, the school will discuss the matter with the local authority *(N.B. this is not a legal requirement but schools may find it helpful)*.

The teacher will be informed within five working days of the decision meeting 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.

*Either:* Once the decision to dismiss has been taken, the Governing Body *(or insert details of person or people to whom the power to dismiss has been delegated)* will dismiss the teacher with notice, *(Voluntary Aided, Foundation and Foundation Special schools only)*.

Or: **Once the Governing Body** *(or insert details of person or people to whom the power has been delegated)* **has decided that the teacher should no longer work at the school, it will notify the Local Authority of its decision and the reasons for it.** Where teachers work solely at this school, the Local Authority must dismiss them within fourteen days of the date of the notification. Where they work in more than one school, the local authority must require them to cease to work at this school *(Community, Voluntary Controlled, Community Special and Maintained Nursery Schools only)*.

### **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 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 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.