



Staff Appraisal and Capability Policy

February 2019

Part A of this policy applies to the Head of School, all tutors and support staff employed by the school, except those on contracts of less than one term. NQTs and those subject to capability procedures are described in Part B below.

Part A

Tutor appraisal

Young Women's Hub 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 Tutors' Appraisal) (England) Regulations 2012 (The Appraisal Regulations), and is a key part of our school's 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**, which can be found in the policy folder in the Head of School's main office.

The appraisal period

The appraisal period will run for 12 months, commencing from September, with regular staff supervisions throughout that period.

Roles and responsibilities

Governing body

The governing body is responsible for creating this policy, reviewing it and ensuring that it is operating effectively. In developing the policy, the governing body has consulted with the relevant trade unions and staff. The governing body is also responsible for appraising the Head of School. In appraising the performance of the Head of School, the governing body must consult the Chair of Governors or an external advisor, as they will be responsible for arranging regular appraisals and supervision with the Head of School.

Head of school

The Head of School will decide who appraises all other tutors. Staff will be notified after the start of each appraisal period who their appraiser will be.

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

The appraisal procedure

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

Setting objectives

Objectives will be set before or as soon as it can be put into practice, after the beginning of the appraisal period. The objectives will be SMART (specific, measurable, achievable, realistic and time-

bound). The objectives set for each tutor will, if achieved, contribute to the school's plans for improving educational provision, performance and outcome improvement for students.

The Head of School's objectives will be set by the governing body following consultation with the external adviser.

Tutors' objectives will be agreed by the appraiser and tutor. Where it is not possible for them to agree, the appraiser will decide the objectives. There will be a moderation exercise for objectives where the Head of School ensures that overall, they are appropriate and consistent.

Objectives may be revised if circumstances change during the appraisal period.

The appraiser will inform the member of staff of the relevant standards against which their performance in that appraisal period will be assessed. For tutors in this school these are set out in the Tutors' Standards.

For support staff, these will be in accordance with [Professional standards for teaching assistants](#) June 2016.

Reviewing performance

Observation – for tutors/support staff

Classroom observation is an important part of continuing professional development for all teaching staff, and a good way to assess performance, highlight strengths that can be celebrated, expertise that can be shared and pinpoint concerns that need to be addressed through support. Observation is therefore key to whole-school improvement.

In this school, performance will be observed regularly, but the amount and type of classroom observation will depend on the individual circumstances of the tutor and the overall needs of the school. Classroom observation will be carried out in a supportive way and by those with QTS.

Tutors, who hold responsibilities outside of the classroom, such as in extra-curricular activities, should also expect to be observed.

Evidence

All employees

During the appraisal period, each employee has a responsibility for gathering evidence of their progress throughout the year for them to identify any strengths or areas for further development. The appraiser will then record the discussion on this evidence in the appraisal report.

Tutors/support staff

In addition, a range of evidence should be available to the appraiser on a tutor's performance as part of the school quality assurance processes. Evidence may include, but is not limited to:

- Lesson observations (including "drop ins")
- Work scrutiny
- Questionnaires (pupil or parent – where obtained)
- Planning scrutiny

- Learning walks
- Pupil feedback (where obtained)
- Tracking data of pupil's progress
- progress of individuals/groups
- Evidence of meeting Standards
- Assessment of TLR]

Development and support

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 positive and individual professional practice and will also relate to whole school improvement linked to the school's improvement priorities.

Feedback

Managers and members of the senior leadership team are expected to give regular and timely feedback to all staff and tutors 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 in person.

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
- Clarify 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
- Ensure that 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. The review period will be a duration of six weeks.

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 at Section B of this policy will be followed.

The appraisal report and annual assessment

An annual assessment is the end point to the annual appraisal cycle and will formally assess an employee's performance. By September, once feedback has been given, each employee will receive a copy of their formal appraisal report. This will be a summary of performance during the year and set out development needs for the next year. In particular, the report will outline details of the appraisal period objectives including

- The assessment of staff performance in relation to these objectives and any relevant standards
- An assessment of the appraisee's development needs and any action required to address them
- A recommendation on pay in accordance with the Pay Policy which will include reference to sources of evidence that may be used in assessment of pay progression

Appraisal reports will be kept and will inform planning for the next appraisal period.

Transition into capability

Performance management is an ongoing process. If the appraiser is not satisfied with the 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, they will then be invited to a formal capability meeting.

Part B

Capability procedure

This procedure applies to the Head of School, tutors and support staff about those whose performance there are serious concerns 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.

See the opening paragraph of the policy for details of its scope.

In cases of misconduct, procedures outlined in the school's **Staff Discipline, Conduct and Grievance Policy** will be followed.

Formal capability meeting – stage 1

The purpose of the meeting is to establish the facts.

The Chair of Governors will conduct the meeting where concerns relate to the Head of School.

The Head of School will conduct meetings where concerns are about a tutor or support staff.

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 tutor/Head of School 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
- Listen to the response of the Head of School/tutor, 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
- Decide whether to issue a formal first written warning (if very serious, a final written warning) and advise that failure to improve performance within the timeframe could lead to dismissal. Dependent on the allegation the timeframe for the warning will be between six and twelve months; this warning will remain active on file. After the active period the warning will remain on your personnel file, but will be disregarded in deciding the outcome of any future capability proceedings

Notes of this meeting, including arrangements for monitoring and review, will be taken and copies sent to the tutor/Head of School subject to the procedure with a letter confirming the warning that has been issued. Appraisal and capability procedures are confidential.

The tutor/Head of School can appeal against the warning within 7 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 member of staff 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.

Formal review meeting – Stage 2

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 member of staff 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 Head of School/tutor about whom there are performance concerns with followed by 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.

Decision meeting – Stage 3

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.

Decision to dismiss

Dismissal

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

Appeals

Note after any warning there should be a right of appeal

A member of staff can appeal against the decision in writing to the Chair of Governor's setting out the grounds for appeal within 14 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.

All appeals will be taken to the appeals panel of the governing body.

The appeals panel

The appeal will be dealt with impartially, and wherever possible by a panel of three governors who have not had any former knowledge or involvement in the case that is being dealt with at that time.

The arrangements for notice are the same as those outlined above for the formal capability meeting. Notes will be taken at the meeting and provided to the employee making the appeal.

Appeals procedure

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 14 days. The panel's decision is final and there is no further right of appeal.

Young Women's Hub will review relevant systems regularly to ensure that they work fairly, effectively and in line with its legal responsibilities.

Sickness

If at any stage long term sickness absence appears to have been triggered by the commencement of this procedure, the case will be dealt with in accordance with the school's Sickness Absence 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.

General principles underlying this policy

Confidentiality

The appraisal process will be treated confidentially. However, the desire for confidentiality does not override the need for the Head of School and governing body to quality-assure the operation and effectiveness of the appraisal system. In this school the Head of School, in conjunction with the senior leadership team, is responsible for reviewing objectives and written appraisal records, in order to check consistency of approach and expectation between different appraisers.

Consistency of treatment and fairness

The school and the governing body 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 governing body is aware of the guidance on the Equality Act 2010, issued by the Department for Education.

Retention and data protection

The governing body and Head of School 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 school's Equal Opportunities Policy. This will ensure that what we do is done fairly.

Monitoring and evaluation

The governing body and Head of School 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. The data will be held securely and kept in accordance with our Data Protection Policy in line with the requirements of Data Protection Legislation.

Signed by

Chair

Head of School

Date

This policy will be reviewed annually