



West Norfolk
Academies Trust

APPRAISAL AND CAPABILITY POLICY FOR ALL EMPLOYEES

Reviewed by: Trustees

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**(Consulted with recognised trade unions on 2nd
December 2020)**

**(For use of Teaching Staff from December 2020.
Consultation pending for Support Staff –
proposed to be current for all staff from
September 2021)**

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1. Terms of Reference

1.1 This policy applies to all employees of the West Norfolk Academies Trust.

1.2 Definitions:

- “Executive Headteacher” also refers to any other title used to identify the Executive Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the Executive Headteacher.
- “Headteacher” also refers to any other title used to identify the Headteacher where appropriate, or other senior manager delegated to deal with the matter by the Headteacher.
- “Executive Team member” refers to any member of the Executive team and may also include Headteachers. It also refers to any other title used to identify those members of the executive team where appropriate.
- “Senior Manager” refers to any member of the Leadership Group, as defined by the School Teachers’ Pay and Conditions Document, or a senior support manager in cases involving support staff, delegated by the Headteacher or Executive Headteacher, to deal with an appraisal and/or capability matter under these procedures. A Senior Manager may only make a decision to issue a sanction up to and including a final written warning. “Companion” refers to a person chosen by the employee to accompany him/her at a formal meeting, who shall be a trade union representative or a workplace colleague. A companion is entitled to speak to the employee during any meeting, and confer privately, but may not answer questions on the employee’s behalf.
- “Lack of capability” is defined as a situation in which an employee fails consistently to perform their duties to a wholly satisfactory standard of performance over a period of time.
- “WNAT” and “the Trust” refers to the West Norfolk Academies Trust.

1.3 If the Executive Headteacher, following consultation with the Chair of Trustees, considers that there is no senior manager to whom they can reasonably delegate a specific capability matter then the Executive Headteacher will take the role of the senior manager for that specific case and the role of the “Executive Headteacher” under this procedure will be performed by a Committee of the Trustees consisting of not less than 3 Trustees, none of whom will have had previous involvement in the case.

1.4 The role of the Headteacher will be taken by the Executive Headteacher, or Trustees, as indicated where the appraisal and or capability being reviewed is that of the Headteacher, or the Executive Headteacher.

2. Purpose

2.1 This policy sets out the framework for:

- 2.1.1** A clear and consistent assessment of the overall performance of employees covered by the Appraisal and Capability policy.
- 2.1.2** Supporting employee development within the context of the school’s plan for improving educational provision and performance.
- 2.1.3** The standards expected of employees in their respective roles.
- 2.1.4** The arrangements that will apply if employees fall below the levels of competence that are expected of them.

- 2.2** This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

3. Application of the policy

- 3.1** The policy is in two separate sections.

3.1.1 Part A of the policy, which covers appraisal, applies to all teachers, including the Headteachers and Executive Headteacher, and all support staff employed by WNAT. The only exceptions are those on contracts of less than one term, those teachers undergoing induction (i.e. NQTs), those support staff subject to a probationary period and those who have been transferred to Part B of the policy.

3.1.2 Part B of the policy, which sets out the formal capability procedure, applies to all employees of WNAT (including the Headteachers and Executive Headteacher). Concerns about the employee's performance will have been identified under the appraisal process, but the employee has been unable to address these to a satisfactory standard.

Part A - Appraisal

WNAT's Appraisal Policy will be a supportive and developmental process designed to ensure that all employees identified by the policy have the skills and support they need to carry out their role effectively. It will help to ensure that all employees are able to continue to improve their professional/employment practice and to develop in their respective roles.

1. The Appraisal Period

- 1.1** The appraisal period will run for twelve months from September to August for all employees of WNAT.
- 1.2** Employees who are employed on a fixed term contract of more than a term but less than one year will have their performance managed in accordance with the principles underpinning this policy. The length of the review period will be determined by the duration of their contract. An individual employee's objectives, whether teaching or support staff, should take account of the length of their contract
- 1.3** Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate. In such cases, a fair and reasonable procedure will be followed that provides the employee with appropriate representation and a right of appeal.

2. Appointing Appraisers

- 2.1** The Executive Headteacher will be appraised by the Trustees, supported by a suitably skilled and/or experienced external adviser, who has been appointed by the Trustees for that purpose.
- 2.2** The task of appraising the Executive Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Trustees.
- 2.3** Headteachers will be appraised by the relevant school's Chair of Governors, a representative from the Trustees and the Executive Headteacher, Executive Team members, other than the Executive Headteacher, will be appraised by a team of two or three Trustees and the Executive Headteacher.
- 2.4** The task of appraising Headteachers and Executive Team members other than the Executive Headteacher, including the setting of objectives, will be delegated to those named in section 2.3
- 2.5** The Executive Headteacher will decide who will appraise other employees covered by the policy. The Executive Headteacher may delegate this responsibility to Headteachers.
- 2.6** All appraisers of teachers will be appointed by the Executive Headteacher and will have qualified teacher status and relevant experience. The teacher's line manager or another senior person in the teacher's subject areas will normally be their appraiser, unless there is mutual agreement for this role to be done by another. If they are unable to conduct the appraisal, an appropriately experienced appraiser will be appointed in their place. If legitimate concerns are raised about the choice of appraiser, these will be carefully considered and, if the Executive Headteacher (or, in the case of the Executive Headteacher, the Trustees) considers these concerns to be valid, an alternative appraiser will be offered.

2.7 All appraisers of support staff appointed by the Executive Headteacher will have relevant experience. The member of support staff's line manager, or another senior person in the relevant area of employment will normally be their appraiser, unless there is mutual agreement for this role to be done by another. If they are unable to conduct the appraisal, an appropriately experienced appraiser will be appointed in their place. If legitimate concerns are raised about the choice of appraiser, these will be carefully considered and, if the Executive Headteacher considers these concerns to be valid, an alternative appraiser will be offered.

3. Setting objectives

3.1 The Executive Headteacher's objectives will be set by the Trustees after consultation with the external adviser.

3.2 The objectives of Headteachers and members of the Executive Team other than the Executive Headteacher, will be set by those set out in Section 2.3, after consultation with the external adviser.

3.3 Objectives for each employee covered by the policy will be set before, or as soon as practicable after the start of each appraisal period. The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee's role and level of experience.

3.4 Teaching staff objectives will not be based on externally generated data and predictions, or solely on the assessment data for a single group of pupils. Objectives will be set in relation to robust assessment data. However, these will not be used in isolation and other factors will be considered.

3.5 The objectives set for each member of teaching staff will, if achieved, contribute to WNAT's and/or their school's plans for improving WNAT's and/or their school's educational provision and performance and improving the educational opportunities of pupils. This will be ensured by quality assuring all objectives against WNAT's and/or the schools strategic plan.

3.6 Support staff objectives will be based on WNAT's plan for improving schools' educational provision and performance and/or on the business needs of the school and WNAT and where appropriate take into account externally generated data and predictions. Objectives will be relevant to the employee's job description.

3.7 The appraiser and employee will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

3.8 The appraiser has a duty to have regard to the work-life balance of the employee, including the Executive Headteacher and the Headteachers. Objectives will reflect this duty.

4. Overall performance of Teachers

4.1 Before, or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. Each teacher will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011 and any subsequent amendment thereof.

4.2 The Headteacher, Executive Headteacher or Trustees (as appropriate) will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

5. Overall Performance of Support Staff

- 5.1 The Trustees are committed to ensuring, through appraisal, that the skills and knowledge of all support staff are commensurate with their job descriptions and person specification.
- 5.2 Support staff appraisal will focus on the job description and person specification for the role the employee is undertaking and the expected standards of performance will be made clear by the appraiser.
- 5.3 Where support staff have a role which involves supporting teachers in the classroom their performance management may include an element of observation and drop-ins, as set out in sections 6.1 and 6.2 respectively. The amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of their school. Performance management may include an element of observation for other support roles, if this is deemed appropriate, as set out in sections 6.1 and 6.2 respectively.
- 5.4 Support staff appraisals will consider employee performance against the following expected key skills/behaviours:
- **Integrity** – the employee demonstrates honesty, sound judgement and takes accountability for their actions.
 - **Positive Attitude to Work** – the employee demonstrates a positive work ethic and is self-motivated. They commit to keeping their skills up-to-date and reflective of current practice.
 - **Teamwork** – the employee works collaboratively with their team and the wider school community in a positive manner. They maintain strong and professional working relationships.
 - **Effective Communication** – the employee demonstrates the ability to communicate appropriately and clearly, using relevant methods to do so.
 - **Student-Focus** – even if their role is not student-facing, the employee demonstrates an understanding of safeguarding, they behave appropriately within the school environment and understand that the Trust's key customers are its students
- 5.5 The Trustees require that all support staff employees participate in the appraisal process. The Trustees are committed to developing the quality of education that WNAT provides and recognise the benefits individuals gain from reflecting on their work, setting targets to achieve and engaging with training and professional development opportunities.
- 5.6 The support staff appraisal period will run from September to August. Appraisals will be completed as soon as practicably possible during the Autumn Term but no later than 31st December other than in exceptional circumstances.

6. Reviewing performance

6.1 Observation

- 6.1.1 WNAT believes that observation of classroom practice and other responsibilities for teachers and support staff who support teachers in the classroom is important and may be required to:
- assess performance in order to identify any particular strengths and areas for development;
 - gain useful information which can inform school improvement more generally;
 - enable colleagues to learn from each other and collaborate.

- 6.1.2** All observation will be carried out in a supportive fashion and will not to add to workload. These will be recorded using the feedback and review sheets available as Appendix A and B of this document as appropriate.
- 6.1.3** Teacher's performance may be observed, but not all teaching staff will be observed on an annual basis. The amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of their school.
- 6.1.4** Teachers can request an observation.
- 6.1.5** Classroom observation for relevant employees, will be carried out by Executive Team members, Headteachers, senior managers, the Trust SENCO, or Heads of Department/Faculty with QTS.
- 6.1.6** Observation of support staff who are not classroom based will be carried out by line managers, senior managers or Headteachers.
- 6.1.7** Employees who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

6.2 Drop Ins

- 6.2.1** Those stated in section 6.1.5, may "drop in" to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances. A formal "drop in" is when evidence is recorded.
- 6.2.2** All "drop ins" will be carried out in accordance with a protocol determined by the Headteacher following consultation with the staff to whom it applies. An informal "drop in" will produce no formally recorded evidence, although professional courtesy is expected and remains protocol.

7. Development and Support

- 7.1** Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all employees take responsibility for improving their performance through appropriate development.
- 7.2** Teachers' professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.
- 7.3** Support staff's professional development will be linked to Trust and/or School and/or departmental improvement priorities and to the ongoing professional development needs and priorities of individual employees.

8. Feedback

- 8.1** Employees will receive constructive feedback on their performance throughout the year and as soon as practicable, after an observation has taken place, or other evidence has become known. Feedback will highlight particular areas of strength as well as any areas that need attention.
- 8.2** For teaching staff, in order to monitor progress and enable support where required, to help to ensure a successful appraisal outcome, there should be at least one interim appraisal meeting on the cycle and evidence of this meeting submitted as part of the evidence.
- 8.3** For support staff, in order to monitor progress and enable support where required to help to ensure a successful appraisal outcome, one review meeting may be held by the appraiser, within the appraisal cycle. Evidence of any meeting will be submitted as evidence at the annual review meeting.

8.4 Where there are concerns about any aspects of the employee's performance the appraiser, Senior Manager or Headteacher will meet with the employee to:

- give clear feedback about the areas of concern;
- give the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, monitoring, structured observation);
- clarify the required standards and agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress; the amount of time will reflect the seriousness of the concerns. If it is appropriate to raise objectives, it will be necessary to allow sufficient time for improvement;
- explain the implications and process if no, or insufficient, improvement is made (e.g. that performance may be managed under the formal capability procedure and the impact on pay progression (for teachers) or salary increment (for support staff – see section 10.8. for more information)

8.5 An informal support plan will be implemented by the appraiser in consultation with the employee as a result of the feedback meeting in 8.4. This will include:

- the areas of concern;
- the required standards;
- the support measures to be provided;
- any revised objectives;
- the timescales for improvement and review.

The informal support plan will be reviewed and updated throughout the improvement period through regular meetings between the appraiser, and the employee. The employee will be encouraged to contribute to the informal support plan, and will be given the opportunity to make written comments on the plan throughout the process. Appendix C provides a pro forma for the informal support plan.

8.6 When progress is reviewed, if the appraiser is satisfied that the employee has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process.

8.7 The appraiser will keep a note of any concerns, the support given and the review judgment. A copy of this note will be given to the employee. (See section 10.4 below). If required, this will inform any decision on transition to the capability procedure.

9. Transition to Capability

9.1 If the Appraiser is not satisfied with the progress, the employee will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the Capability Procedure. The employee will be invited to a formal capability meeting. The capability procedures will be conducted as in Part B of this policy.

10. Annual assessment

10.1 The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period.

10.2 In assessing the performance of the Executive Headteacher, the Trustees must consult the external adviser (see Section 2.1)

10.3 Annual assessment - Teachers

10.3.1 This assessment is the end point of the annual appraisal process, but performance and development priorities will be reviewed and addressed, where appropriate throughout the year and specifically in the annual interim meeting (see Section 8.2.)

10.3.2 The teacher will receive feedback as soon as practicable following the end of each appraisal period, and have the opportunity to comment, in writing, on a written appraisal report.

10.3.4 Teachers will receive their written appraisal reports by 31st October (31st December for the Executive Headteacher and Headteachers).

10.3.5 The appraisal report will include the following and will be drawn up in discussion between the Appraiser and Appraisee:

- Details of the employee's objectives for the appraisal period in question;
- An assessment of the employee's performance of their role and responsibilities against their objectives and the relevant standards;
- An assessment of the employee's training and development needs and identification of any action that should be taken to address them. The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.
- Where relevant, pay recommendations will be made by the 31st December for Headteachers, by 31st October for teachers. Pay recommendations will be considered at Trust level to ensure equity and consistency.

10.4 Conduct of the Annual Assessment

10.4.1 To be effective the annual assessment should be:

- Planned and prepared with sufficient time and notice for both parties to prepare and exchange information.
- Conducted in the spirit of support and encouragement
- Unsurprising, as problems should be raised throughout the year in a timely manner, not stored for the annual review meeting.
- Uninterrupted, private and unrushed.
- Open and honest, with the employee taking the lead.
- A chance for both the appraiser and the employee to commit to any actions arising.

10.4.2 It is the responsibility of the appraiser to complete assessment paperwork in consultation with the employee. Objectives should reflect the key tasks and responsibilities of the employee's role and be challenging enough to raise performance. Easy to achieve objectives will not stimulate an individual or make best use of their potential. However, they must be realistic and balanced. The number of objectives set will vary according to the nature of the job and the level of responsibilities.

Normally, there will be 3 objectives. Staff with higher responsibilities may have more objectives where appropriate, where this is the case, consideration will always be given to ensure that the number of objectives set is realistic and reasonable.

10.4.3 Where an employee has not achieved an objective, it is important to establish the reasons for non-achievement, since those reasons may inform future decisions, actions and development opportunities.

10.4.4 The annual review meeting and development of objectives should be based around:

- Relevant department, school and/or Trust objectives.
- Previous annual review forms, where appropriate.
- Job Descriptions and person specifications
- Employee experience and feedback.

10.5 The Annual Review Meeting – Support Staff

10.5.1 Support staff appraisal is a continuous performance management cycle. This appraisal process will include an annual review meeting.

10.5.2 The purpose of the annual review meeting is to help the employee to:

- Understand their performance over the reporting period.
- Reflect on achievement throughout the reporting period
- Formally acknowledge and celebrate successes
- Meet the expectations of the key skills and behaviours (see section 6.4)
- Identify areas for improvement
- Contribute to relevant department, school and/or WNAT objectives

10.5.3 The annual review meeting will be recorded using the form 'Support Staff Performance Management: Annual Review Form'. This form is available at Appendix D.

10.5.4 The annual review form is the primary documentation for support staff appraisal and confirms the contribution required of the individual towards the achievement of relevant departmental, school and/or WNAT aims.

10.6 Preparation for the Annual Review Meeting

10.6.1 Reasonable notice should be given to the employee of the date and time of their appraisal. Elements of the annual review form need to be completed by both the appraiser and the employee independently, prior to the meeting. Therefore, a minimum notice period of 10 working days should be given to the employee by the appraiser prior to the annual review meeting. The appraiser must also complete the section detailing the previous year's appraisal objectives and provide the employee with the annual review form, at this point.

10.6.2 The employee must complete the relevant sections of the annual review form in advance of the annual review meeting. They must return it to the appraiser a minimum of 5 working days prior to the annual review meeting.

10.6.3 The appraiser must complete the relevant sections of the annual review form in readiness for the annual review meeting.

10.7 Conduct of the Annual Review Meeting

10.7.1 To be effective the annual review meeting should be:

- Planned and prepared with sufficient time and notice for both parties to prepare and exchange information.
- Conducted in the spirit of support and encouragement
- Unsurprising, as problems should be raised throughout the year in a timely manner, not stored for the annual review meeting.
- Uninterrupted, private and unrushed.
- Open and honest, with the employee taking the lead.
- A chance for both the appraiser and the employee to commit to any actions arising.

10.7.2 It is the responsibility of the appraiser to complete the annual review form in consultation with the employee. Objectives should reflect the key tasks and responsibilities of the employee's role and be challenging enough to raise performance. Easy to achieve objectives will not stimulate an individual or make best use of their potential. However, they must be realistic and balanced. The number of objectives set will vary according to the nature of the job and the level of responsibilities. Normally, there will be between 3 – 6 objectives.

10.7.3 Where an employee has not achieved an objective, it is important to establish the reasons for non-achievement, since those reasons may inform future decisions, actions and development opportunities.

10.7.4 The annual review meeting and development of objectives should be based around:

- Relevant department, school and/or Trust objectives.
- Previous annual review forms, where appropriate.
- Job Descriptions and person specifications
- Employee experience and feedback.

10.8 Conclusion of the Annual Review Meeting Process

10.8.1 Following the annual review meeting, both the appraiser and employee will sign the annual review form to agree that the form reflects the annual review meeting and to agree the set objectives and learning and development opportunities.

10.8.2 Support staff will receive their final written appraisal reports by 31st December, except in exceptional circumstances. Pay recommendations will be considered at Trust level.

10.8.3 Relevant information from the annual review form may be taken into account in matters related to performance, pay, promotion or disciplinary matters. Section 10.9 contains more information related to pay.

10.8.4 The annual review form is a 'living' document to be discussed as required by the appraiser and employee and revised as appropriate.

10.8.5 A copy of the annual review form will be held on the employee's personnel file.

10.9 Performance Related Pay – support staff

- 10.9.1** The main purpose of the annual review meeting is to provide support staff with motivation and focus, regardless of whether they are eligible to increment or not.
- 10.9.2** The annual review meeting will, subject to contractual terms, inform incremental advances through the pay scale. This may include withholding an increment for service that is less than satisfactory.
- 10.9.3** Pay recommendations will be made by 31st December for support staff.
- 10.9.4** There is a right of appeal regarding salary decisions, in accordance with the WNAT 's pay policy.

Part B - Capability Procedure

1. Formal Capability Meeting

1.1 This procedure applies only to employees about whose performance there are serious concerns that the appraisal process has been unable to address. If under Part A above, an employee's performance, is not wholly satisfactory, the Senior Manager, or another person with line management responsibility for the employee will invite the employee to a formal capability meeting to discuss their identified poor performance as soon as possible.

1.2 The senior manager will write to the employee at least 5 working days in advance to inform them of:

- The date, time and place of the meeting;
- The basic details of the concerns about the employee's performance;
- The employee's right to be accompanied by a representative of their trade union, or a workplace colleague of their choice;
- The titles of enclosed copies of any documents to be used at the meeting;
- Names of any witnesses to be called;
- Their right to call witnesses on their behalf;
- Details regarding any adviser who will accompany the senior manager at the meeting

An extra copy, together with any enclosures, will be provided for their companion.

1.3 This meeting is intended to establish the facts. It will be conducted by a senior manager delegated by the Headteacher (or the Executive Headteacher for Headteachers, or the Chair of Trustees for the Executive Headteacher). The meeting will allow the employee 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.

1.4 The senior manager 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 and there will be no reference to the issues in any future employment references.

1.5 The senior manager may also adjourn the meeting if it is decided that further investigation is needed, or that more time is needed, in which to consider any additional information. In other cases, the meeting will continue.

1.6 During the meeting, or any other meeting which could lead to a formal warning being issued, the senior manager will:

- Identify the poor performance, and, in the case of a teacher, identify which teacher standards are not being met;
- Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations;
- Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;

- give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures. This may include the setting of new objectives that are focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made;
 - identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other schools, discussion with appropriate colleagues or professionals;
 - set out the timetable for improvement and explain how performance will be monitored and reviewed;
 - the timetable will depend on the circumstances of the individual case but will be reasonable and proportionate, between four and ten weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved;
 - warn the employee formally that failure to improve within the set period could lead to a final written warning, which could then lead to their dismissal.
 - inform the employee of the right of appeal
 - agree with the employee and any companion the date of the formal review meeting
- 1.7** Notes will be taken of formal meetings and a copy sent to the employee and any companion for approval. Where a first warning is issued, the employee will be informed in writing of the matters discussed in Section 1.6 above. They will also be informed in writing that failure to achieve an acceptable standard of performance within the set timescale, may result in a final written warning which could lead to dismissal if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning.
- 1.8** If the concerns relate to a lack of capability that poses a risk to the health, safety or wellbeing of children, or is likely to result in serious damage to pupils' education, the shorter timescale may be appropriate. In such cases, the senior manager may exceptionally decide to issue a first and final written warning, if to do otherwise would expose students to serious risk in terms of their health, safety, well-being or educational prospects.

2. Sickness absence and the use of this procedure

- 2.1** It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an Occupational Health Adviser to assess the employee's health and fitness for continued employment at the school.
- 2.2** Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g. moving from this procedure to WNAT's Policy and Procedure for the Management of Sickness Absence to terminate the employment of the employee on the grounds of ill health.

2.3 If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the Occupational Health Adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting they may present a written submission for consideration and/or be represented by a companion in their absence.

3. Monitoring and review period following a formal capability meeting

3.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will be invited to a formal review meeting (see Section 4 below), unless they have been issued with a final written warning, in which case they will be invited to a decision meeting (see Section 6 below).

4. Formal review meeting

4.1 At least five working days before the date for the formal review meeting a written reminder will be given to the employee together with details of the meeting as set out in Section 1.2 above.

4.2 The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in Section 1.6 above.

4.3 If the senior manager (or the Executive Headteacher for Headteachers, or the Chair of Trustees for the Executive Headteacher) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start where the employee is subject to Part A above.

4.4 In cases:

- where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- where no, or insufficient, improvement has been made during the monitoring and review period, the employee will receive a final written warning.

4.5 Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion for approval.

4.6 Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date of the decision meeting will be agreed with the employee and any companion.

4.7 At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

5. Right of appeal against a formal written warning

5.1 If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, they may appeal in writing against the decision

- 5.2** Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the Clerk to the Trustees within five working days of the formal written warning having been received.
- 5.3** All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.
- 5.4** The appeal will be heard by the Trustee Panel. The number of Trustees on the Panel will not be less than two. The panel may be advised by a person engaged for the purpose by the Trustees. The panel can either confirm the warning, reduce a final warning to a warning, or cancel the warning. The employee will be informed in writing of the results of the appeal hearing as soon as possible.
- 5.5** The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee and any companion for approval.
- 5.6** Pending any appeal, the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and their progress towards the achievement of these targets may be monitored during this period.

6. Decision meeting

- 6.1** At least 5 working days before the date of the decision meeting a reminder will be given in writing together with details of the meeting as in Section 1.2 above. The meeting will be conducted by the Executive Headteacher (or a Trustee Panel for Headteachers and the Executive Headteacher).
- 6.2** 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 where the employee is subject to Part A above.
- 6.3** If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short specified assessment period.
- 6.4** If performance has remained unsatisfactory, a decision will be made that the employee will be dismissed. The employee will be informed in writing as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

7. Right of appeal against a decision to dismiss

- 7.1** The employee has a right of appeal to the Trustees against a decision to dismiss.
- 7.2** The Appeals Panel shall consist of no less than 2 Trustees, none of whom will have had any previous involvement in the case
- 7.3** The employee's notice of appeal should be sent to the Clerk to the Trustees within five working days of receipt of the written decision to dismiss, setting out the grounds of appeal.
- 7.4** Appeal hearings should be held as soon as possible after receipt of the appeal and will be conducted in the same way as appeals referred to in Section 5 above.

8. Notice of dismissal

- 8.1** Following a decision to dismiss, the employee shall be notified in writing that they are to be dismissed, whether with notice or with pay in lieu of notice in accordance with the decision of the Executive Headteacher (or Trustee Appeal Panel).
- 8.2** In the event that the Trustee Appeal Panel decides not to uphold the decision to dismiss, the employee shall be informed immediately and the notice of dismissal shall be immediately withdrawn.

9. Grievances arising during the procedure

- 9.1** Where an employee has a grievance against the way the senior manager has conducted the procedure, this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered.

10. Trade Union Officials

- 10.1** Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, informal or formal beyond an informal oral warning will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

11. Confidentiality

- 11.1** Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.
- 11.2** The employee and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under WNAT's Disciplinary Procedures for All Employees.

Appendix A

Teaching and Learning Feedback form

Teaching and Learning Feedback

Lesson details

Teacher		Reviewer	
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Date		Subject		Year Group	
------	--	---------	--	------------	--

Self-Review *(to be completed by the teacher before receiving feedback)*

Strengths	Areas for further development
•	•
•	•
•	•

Record of Dialogue

Date of Dialogue	
------------------	--

Key Notes <i>(including discussion on identified strengths/development):</i>

Agreed Target:

Agreed Development Need <i>(including actions for teacher):</i>

Teacher

Reviewer

Name: _____

Signed: _____

Date: _____

Appendix B

Teaching and Learning Review form

Teaching and Learning Review

Observation notes

Lesson details

Teacher		Reviewer	
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Date		Subject		Year Group	
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Summary of Review

Strengths	Areas for further development
<ul style="list-style-type: none">•	<ul style="list-style-type: none">•
<ul style="list-style-type: none">•	<ul style="list-style-type: none">•
<ul style="list-style-type: none">•	<ul style="list-style-type: none">•

Teaching and Learning Review

Observation notes

<p><i>Current class data</i></p>	
<p><i>Use the questions on the right hand side to make notes during the lesson observation</i></p>	<ul style="list-style-type: none"> • Does teacher create a focused and purposeful atmosphere? • Are all children engaged from the start? • Is learning linked to students' prior learning and placed in a wider context? • Are students given an overview and an indication of what will come next? • Do students have a sense of curiosity, challenge and high expectations? • Do activities match the ability of students and are they differentiated to allow all students to access and feel challenged? • Is the pace of the lesson sufficient? • Is the ratio of taught time to processing time appropriate? • Is homework challenging, differentiated and understood by all? • Is questioning used by teacher to enhance learning? • How are resources used to support learning (including ICT)? • Are students praised appropriately for their effort and progress? • Is there any evidence of care, guidance and support? • Can all students spoken to articulate the learning that is taking place and the progress that they are making? • Does the teacher know who the vulnerable children/ groups are and the progress that they are making? • Do students reproduce information or are they able to re-create using the information they are being taught? • Do students show a positive attitude towards learning? • Are students given opportunities to demonstrate understanding? • Is the teacher able to assess how much has been understood/ what assessment has taken place over time/ are books marked appropriately? • Are students able to work independently? • What learning strategies are used? • Does the teaching environment facilitate and support student progress? • How are students made aware of their targets? • What evidence is there of personal development? • Are progress checks linked to objectives? • Are students encouraged to reflect on own progress? • Has assessment for learning strategies been used to allow for future planning? • Is there a sense of achievement evident? • Do students understand what level they are working at? • Do students act on feedback and do they know how to improve?

Appendix C
Staff Support Plan
Informal pro-forma

Staff Support Plan – Informal **[Strictly Confidential]**

Employee:	Line Manager:	Support Manager:
Date of Planning Meeting:	Plan Term: <i>(usually between 4-10 weeks)</i>	Final Review Date:

Background: *(Note here the context of the role, why an informal support plan is needed at this point and any previous meetings/discussions regarding capability/performance)*

Staff Support Plan – Informal **[Strictly Confidential]**

Support and Review Plan							
Standard to achieve	Reason/s standard not currently reached	Action steps	Support Personnel	Timescale	Measure of success Success criteria (what needs to be done to achieve objective)	√ / X / ?	Evidence /Comments

Key: √ - Achieved X - not achieved ? - partially achieved

Staff Support Plan – Informal **[Strictly Confidential]**

Employee's Comments (*Optional*)

..... Signed Employee

.....Signed Manager

Appendix D
Support Staff Performance Management
Annual Review Form pro forma

Support Staff Performance Management: Annual Review Form

Employee Name:		Appraiser Name:	
Job Title:		School:	
Current Salary Point		Eligible to increment (Y/N)	

Review of previous objectives

Objectives from last appraisal (to be completed by the appraiser prior to issuing form to employee)	Progress/comments – appraisee (employee to complete before the review and send to appraiser 5 working days before appraisal)	Progress/comments – appraiser (appraiser to complete before the review)	Objective met – Y/N To be completed at appraisal

Support Staff Performance Management: Annual Review Form

Review of key skills and behaviours

Key Skill/Behaviour	How demonstrated – Appraisee (Employee to complete before the review and sent to line manager 5 working days before appraisal. Please give actual examples of activities completed this year that support value)	How demonstrated/Areas for Improvement - Appraiser (Appraiser to complete before the review)	Rating – 1-4 To be completed at appraisal. Subject to Trust review.
Integrity			
Positive Attitude to Work			
Student-focus			
Teamwork			
Effective Communication			

Overall Rating (1-4):

Increment recommended due to performance (Y/N or N/A): (Subject to Trust Review)

Ratings guide: 1 = significantly and consistently falls below performance standards 2 = seldom achieves performance standards
3 = achieves performance standards 4 = often exceeds performance standards N – Too new in role to accurately assess

Objectives for forthcoming appraisal year

Objective (both appraiser and appraisee to bring ideas to appraisal for discussion and agreement – appraiser, remember to make objectives SMART)	Success Criteria (complete at appraisal)	Reason for objective (relate objective to relevant department/school/Trust aims)

Areas to be developed through learning and development in the forthcoming appraisal year

Area requiring learning and development (Both appraiser and appraisee to bring ideas to appraisal for discussion and agreement)	Reason for learning and development (link to department/school/Trust/personal objective)	Method of delivery	Time Frame	Resource Needed

Appraisee's comments: (to complete after the review, please note how you felt the review went and any other comments)

Appraiser's summary:

I agree that this form accurately reflects the contents of the annual review meeting. I agree to the objectives and learning and development opportunities set out above.

Appraisee Signature:

Date:

Appraiser Signature:

Date