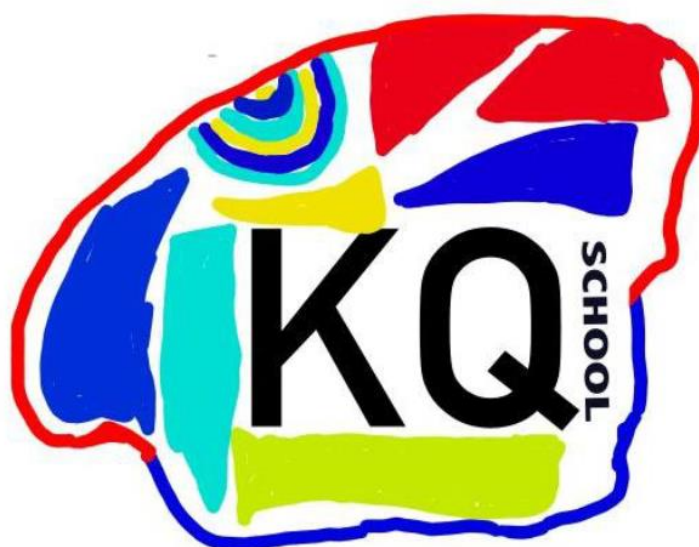


Performance Management and Capability of staff policy



Approved by:	Anita Bancercz/ Veronica Hilliard	Date: February 2023
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1. Aims

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers and other school staff, including the head teacher, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of staff. 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 teachers and other staff are able to continue to improve their professional practice and to develop their skills.

This policy also sets out a clear and consistent process for when any member of staff falls below the levels of competence expected of them, as set out in the relevant professional standards, job descriptions and overall performance expectations.

2. Legislation and guidance

This policy is based on the [Department for Education's model policy and guidance](#), and the [Acas code of practice on disciplinary and grievance procedures](#).

When carrying out capability procedures, we will ensure we abide by the [Equality Act 2010](#).

This policy also complies with our funding agreement and articles of association.

3. General Information

The appraisal period:

- The appraisal period will run for twelve months from 1st September to 31st August each year.

Lack of capability is defined as:

- A staff member failing to perform their role at the level of competence expected of them and that their job requires

4. Roles and responsibilities

4.1 Performance Management

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

Teachers and Therapists:

- The performance management cycle (PMC) for teachers will use the newly revised Department of Education Teachers' Standards. The headteacher will carry out all teacher appraisals. Senior therapists will carry out the PMC of any therapists they line-manage.
- Extracurricular Teachers will be appraised by the executive headteacher as their role is Trust wide.

Support Staff

- Classroom support staff will have their PMC with the teacher who line-manages them. Targets will include the following:
 - "For all support staff to be aware of pupils' NC and PLP targets in the class and support them in reaching them."
 - Additional targets, if needed, would be linked to the following:
 - Further professional development that fits in with the development planning of the school
 - Any development targets to improve and develop practice generally

Admin and site-care staff:

- The senior business manager and site care manager will be appraised by the executive headteacher. Admin staff will be appraised by the senior business manager. Site care staff will be appraised by the site care manager.

4.2 Capability

Where the member of staff subject to the procedure is the headteacher, the chair of governors will be responsible for co-ordinating the procedure.

Where the member of staff subject to the procedure is not the headteacher, the headteacher or a nominated member of senior staff will be responsible for co-ordinating the procedure.

Where appropriate, other members of staff may be asked to provide additional support to the teacher or to assist in monitoring the effectiveness of the policy. Where this happens, responsibilities will be made clear in advance.

5. Appraisal procedure

5.1 Setting Objectives

The head teacher's objectives will be set by the Governing Body after consultation with the external advisor.

Objectives for teachers and other school staff will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each teacher will be specific, measurable, achievable, realistic and time-bound and will be appropriate to the staff member's role and level of experience. Teachers will always be expected to meet the Teachers Standards (TS) and make progress against them as they progress through their career. At the beginning of each annual cycle, teachers will be asked to self-evaluate their progress against the TS and to note which areas they feel they need to continue to develop further. Targets against this will be agreed. Additional targets against pupil progress will also be set. These will be assessed at termly pupil progress meetings and support adjusted as and where necessary.

The agreed objectives will contain a description of what success may look like in accordance with the schools teaching and learning policy. Where use of numerical targets is appropriate, these will be reasonable, in the circumstances in which the teacher works and it will be recognised that factors outside teachers' control may significantly affect success.

The objectives set for each teacher and other staff will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at this school. This will be ensured by support given in all aspects of teaching pupils with severe and complex autism, as outlined on the school's classroom observation format, and held in great detail elsewhere in school policies.

5.2 Observation

The school believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development that they may have and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion.

In this school, teachers' and other staffs' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will be carried out by those with QTS. Observations will be in relation to our agreed whole school autism specific strategies. In addition to formal observation, head teachers or other leaders with responsibility for teaching standards may "drop in" in order 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.

Teachers (including the head teacher) and other staff who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

5.3 Development and support

Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to the school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.

The school's CPD programme will be informed by the training and development needs identified as part of the appraisal process.

An account of the training and development needs of teachers, including the instances where it did not prove possible to provide any agreed CPD, will form a part of the head teacher's annual report to the governing body about the operation of the appraisal process in the school.

With regard to the provision of CPD in the case of competing demands on the school budget, a decision on relative priority will be taken with regard to the extent to which:

- a) the training and support will help the school to achieve its priorities; and
- b) the CPD identified is essential for an appraisee to meet their objectives

Account will be taken in a review meeting of where it has not been possible for teachers and other staff to fully meet their performance criteria because the school has not been able to provide the necessary support.

5.4 Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention. Where there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher formally to:

- give clear feedback to the teacher about the nature and seriousness of the concerns
- give the teacher the opportunity to comment and discuss the concerns
- agree any support (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. In particular cases, it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time allowed for improvement will reflect the seriousness of the concerns;
- explain the implications and process if no – or insufficient – improvement is made (capability procedure)

When progress is reviewed, if the appraiser is satisfied that the teacher 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.

5.5 Performance Related Pay

The Department no longer wishes that teachers automatically receive a pay raise at the end of each year unless it is warranted by excellent practice. Teachers at Kensington Queensmill agreed to the following as the standards that will be expected of them in order to earn their annual pay progression:

1. Adherence to Teachers' Standards at all times, measured annually at the target-setting meeting in the autumn term. NB if management feel any aspect of the TS is lacking in any particular teacher, they will take this up with them immediately and set improvement targets which must be met if the pay progression is to be awarded.
2. Grades for all classroom observations must always be either Outstanding, or Good with Outstanding Features. If any observation falls below this standard, support will be put in place immediately and the practice brought up to the required standard. Failure to achieve these improved standards over a period of up to one cycle would result in capability or disciplinary procedures being followed, which would result in the pay progression not being awarded pending that procedure.

3. Required progress being made by students in each teacher's class:

- a. PLP targets – my learning and my autism. These would be agreed at pupil progress meetings, and any shortfall in expected progress would result in additional support in order to bring these up to required levels.

5.6 Annual Assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the head teacher, the governing body will consult the external advisor.

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place at least once a term.

Teachers and other staff will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on – a written appraisal report. The appraisal report will include:

- Details of the teacher's objectives for the appraisal period in question
- An assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards
- An assessment of the teacher's training and development needs and identification of any action that should be taken to address them
- A recommendation on pay progression where that is relevant
- Other relevant information relating to the appraisal

The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.

5.7 Monitoring and Evaluation

The governing body and head teacher will monitor the operation and effectiveness of the school's appraisal arrangements.

The head teacher will provide the governing body with a written report on the operation of the school's appraisal and capability policies annually. The report will not identify any individual by name. The report will include an assessment of the impact of these policies on race, sex, sexual orientation, disability, religion and beliefs, age, part-time status, pregnancy and maternity.

The head teacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

5.8 Specific cases

Particular considerations apply to the following categories of teachers:

- Part time teachers and those employed in more than one school: performance management applies as for full time teachers
- Teachers who join the school mid cycle: should have an appraiser appointed. May request their previous headteacher to forward documentation to the new school

- Teachers who are absent for a significant part of the cycle: the overall review should take account of what is reasonable
- Fixed term contracts of one term or more: as appropriate, the performance review should be conducted as if they were permanent

6. Capability procedure

Capability procedures will begin when line management support and the appraisal process have been unable to bring about satisfactory performance or improvements in the staff member's work.

An informal period of support, put in place and monitored by the line manager, will have been in place before capability procedures are triggered. Evidence of this will be available before the process begins.

6.1 Formal capability meeting

At least 5 working days' notice will be given of the formal capability meeting, and will explain:

- The concerns about performance and possible consequences
- Any written evidence
- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

It will be conducted by the Head of school and Phase Leader, or another relevant member of the senior management team.

The purpose of the meeting is to establish the facts, and to allow the staff member to respond to the concerns and make relevant representations.

6.1.1 Possible outcomes

The meeting may establish that there are no grounds to pursue the capability issue. In this case, the procedure will come to an end and the issues will continue to be addressed through the appraisal process.

The meeting may be adjourned if further investigation is needed, or if more time is needed to consider additional information presented.

If the meeting continues, the person conducting the meeting will:

- Explain the expected standards that are not being met based on the Teachers' Standards or other relevant standards, career stage expectations and/or job description
- Give clear guidance on the standard of performance needed to end the procedures
- Explain the support available to help the staff member improve their performance
- Set out the timetable for improvement and explain how performance will be monitored and reviewed
- Warn the staff member that failure to improve within this timetable could lead to dismissal

6.1.2 After the meeting

The staff member will be sent formal meeting notes. If a formal warning has been issued, the staff member will also receive:

- A written record of the bullet points above
- Information about the timing and handling of the review stage
- Information about the procedure and time limits for appealing against the warning

6.2 Monitoring and review period

A performance monitoring and review period consisting of formal monitoring guidance and support will follow the formal capability meeting.

The member of staff will be invited 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 (see 5.4, below).

6.3 Formal review meeting

At least 5 working days' notice will be given of the formal review meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If the person conducting the meeting is satisfied that the staff member 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 is likely, 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 staff member will receive a final written warning

Notes will be taken of formal meetings and a copy sent to the member of staff.

The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in dismissal. They will be given information about the further monitoring and review period, the procedure and time limits for appealing against the final warning. The staff member will be invited to a decision meeting.

6.4 Decision meeting

At least 5 working days' notice will be given of the decision meeting, and will explain:

- The time and place of the meeting
- That the staff member has the right to be accompanied by a work colleague or trade union representative

If an acceptable standard of performance has now been achieved, the capability procedure will end and the appraisal process will re-start.

If the staff member's performance does not improve to a sufficient standard, a decision, or recommendation to the governing board, may be made that the staff member should be dismissed or required to cease working at the school.

The staff member will be informed as soon as possible of:

- The reasons for the dismissal
- The date on which the employment contract will end
- The appropriate period of notice
- Their right of appeal

6.5 Dismissal

The power to dismiss staff in this school has been delegated to the governing body.

Once the decision to dismiss has been taken, the governing body will dismiss the staff member with notice.

7. Right to appeal

If a staff member feels that a decision to dismiss them is wrong or unjust, they may appeal in writing against the decision within 5 working days of the decision, setting out at the same time the grounds for appeal.

Appeals will be heard without unreasonable delay and at an agreed time and place. The same arrangements for notification and statutory right to be accompanied will apply as with formal capability and review meetings. Notes will be taken and a copy sent to the staff member.

The appeal will be dealt with impartially and by senior leaders or governors who have not previously been involved in the case.

The staff member will be informed in writing of the results of the appeal hearing within 10 working days.

8. Confidentiality

The capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the headteacher and governing board to quality assure the operation and effectiveness of the system.

9. Consistency of treatment and fairness

The governing board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate.

The governing board is aware of the guidance and provisions of the Equality Act 2010.

10. Monitoring arrangements

The effectiveness of this policy will be monitored by the headteacher and governing board.

This policy will be reviewed annually, but can be revised as needed.

This policy will be approved by the governing body.

11. Links with other policies

This policy links to our policies on:

- Staff code of conduct
- Staff grievance procedures
- Staff disciplinary procedures
- Equality information and objectives

Appendix 1: capability action plan template

This template can be used as part of the process of supporting a teacher who is underperforming. It records the outcomes of the initial capability meeting, where targets and timescales are set and agreed.

Where possible, the objectives should be linked to the relevant professional standards, appropriate to the career experience of the member of staff concerned.

NAME OF STAFF MEMBER	NAME OF APPRAISER	DATE OF MEETING

OBJECTIVE 1:		
Professional standard(s) that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date

OBJECTIVE 2:

Professional standard(s) that the objective relates to	Success criteria	Evidence to be used to assess progress
Support/resources to be provided	Monitoring arrangements	Review date

OBJECTIVE 3:

Professional standard(s)
that the objective relates to

Success criteria

Evidence to be used to
assess progress

OBJECTIVE 4:

OBJECTIVE 5:

Support/resources to be provided

Monitoring arrangements

Review date

Support/resources to be provided	Monitoring arrangements	Review date

Other support provided

MENTOR/COACH ALLOCATED	YES/NO (IF YES GIVE NAME)
Counselling to be provided	Yes/No
Occupational health referral to be made	Yes/No
[Insert any other support provided]	
Formal review date	

SIGNED BY MEMBER OF STAFF	SIGNED BY APPRAISER	DATE