



Teacher Appraisal and Capability Policy

This Policy was update February 2022

This Policy will be reviewed annually.

Trustees with responsibility – Leadership and Management.

Approval Level (I)

This policy does not apply to volunteers.

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Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers/staff, including the directors, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers/staff. It also sets out the arrangements that will apply when teachers fall below the levels of competence that are expected of them.

Application of the policy

The policy is in two separate sections:

- **Part A** of the policy, which covers appraisal, applies to the directors and to all teachers/staff.
- **Part B** of the policy, which sets out the formal capability procedure, applies to the directors and to all teachers/staff about any serious concerns that the appraisal process has been unable to address.
- Both parts of the policy should always be applied in a way that is robust whilst minimising the impact on workload for teachers/staff, directors and Trustees.

Part A – Appraisal

Appraisal at The Treehouse School will be a supportive and developmental process designed to ensure that the directors and teachers/staff have or fully develop the skills and have access to the support they need to carry out their role effectively. It will help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers/staff.

The Appraisal Period

The appraisal period will run for twelve months from September to September.

Appointing appraisers

The task of appraising the directors, including the setting of objectives, is delegated to a sub-group consisting of two members of the Trust. The director of Learning and Teaching appraises other teachers and the director appraises other staff. The Trustees are supported by a suitably skilled consultant.

Setting objectives

Both directors' objectives are set by the Trustees after consultation with the consultant. The Trustees have a duty to have regard to the work-life balance of the directors and objectives will reflect this.

Objectives for each teacher will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each teacher or staff member, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the individual's role and level of experience. The appraiser and appraisee will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives should be revised if circumstances change.

The objectives set for each teacher or staff member will contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school.

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Observation

This school believes that observation of classroom practice and other responsibilities is important as a way of assessing performance in order to identify any particular strengths and areas for development they may have, gaining useful information which can inform school improvement. Moreover it enables adults to learn from each other and collaborate. All observations will be carried out in a supportive fashion and not add to teacher workload.

Development and support

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

Feedback

Staff receive constructive feedback as soon as practicable after an observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that require further development. Where there are concerns about any aspects of a staff member's performance, the appraiser will meet the staff member formally to:

- give clear feedback about the nature of the concerns;
- give the opportunity to comment and discuss the concerns;
- set clear objectives for required improvement;
- 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 (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns);
- explain the implications and process if no, or insufficient, improvement is made – e.g., potential move to formal capability.

When progress is reviewed, if the appraiser is satisfied that staff member 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.

Evidence

The range and level of evidence collected for appraisal will always be proportionate and minimise workload.

Transition to capability

If a staff member demonstrates serious underperformance and has not responded to support provided within the appraisal process, the member of staff will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure. They will then be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

The Treehouse School

Nature, nurture and nourishment

Annual assessment

Each staff member's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the directors, the Trustees will consult the external adviser (consultant). 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, with an interim meeting during the year.

The staff member will receive, as soon as practicable, following the end of each appraisal period – and have the opportunity to comment on – an appraisal report. The appraisal report will include:

- details of objectives for the appraisal period in question;
- an assessment of their professional development needs and identification of any action that should be taken to address them;

Part B – Capability Procedure

This procedure applies only to staff and directors where there is serious underperformance which the appraisal process has been unable to address. At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information regarding concerns about performance and any possible consequences to enable the member of staff to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the member of staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent. Staff are entitled to request an alternative date which is within five days of the original date.

Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of Trustees (for director capability meetings) or director (for other staff). The meeting allows the member of staff, 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.

Whilst Suspension is not a form of sanction in itself, it might be appropriate to suspend a member of staff if their continuing presence at school may be prejudicial to the outcome of the capability process. Similarly, in cases of alleged serious poor performance it may be inappropriate for the member of staff to be at school whilst an investigation and review takes place. It does not follow that a formal Capability meeting will inevitably follow a period of suspension.

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

The Treehouse School

Nature, nurture and nourishment

- identify the professional shortcomings.
- give clear guidance on the improved standard of performance needed to ensure that the staff member can be removed from formal capability procedures (this may include the setting of 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 any support that will be available to help the member of staff to improve their performance.
- 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 in straightforward cases could be four weeks.
- and warn the member of staff formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the individual 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.

Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. 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 below).

Formal review meeting

As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the individual of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If the person conducting the meeting is satisfied that the member of staff 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 individual will receive a final written warning.

As before, 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 and given information about the handling of the further monitoring and review period, and the procedure and time limits for appealing against the final warning. The individual will be invited to a decision meeting.

The Treehouse School

Nature, nurture and nourishment

Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the member of staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

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, a decision, or recommendation to the board of Trustees will be made that the individual should be dismissed or required to cease working at the school.

Before the decision to dismiss is made, the matter will be discussed with all Trustees. The director/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 and their right of appeal.

Decision to dismiss

The power to dismiss staff at The Treehouse School rests with The Trustees.

Dismissal

Once the decision to dismiss has been taken, The Trustees will dismiss the director/staff member with notice.

Appeal

If a member of staff 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 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 director/staff member. The appeal will be dealt with impartially and, wherever possible, Trustees who have not previously been involved in the case. The individual will be informed in writing of the results of the appeal hearing as soon as possible.

General Principles Underlying this policy

Part B of the policy will be implemented in accordance with the provisions of the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice.

Confidentiality

The appraisal and capability processes will be treated with confidentiality.

Consistency of Treatment and Fairness

The Trustees are committed to ensuring consistency of treatment and fairness. They will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled teachers.

The Treehouse School

Nature, nurture and nourishment

Definitions

Unless indicated otherwise, all references to "staff or teacher" include the director.

Grievances

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

Sickness

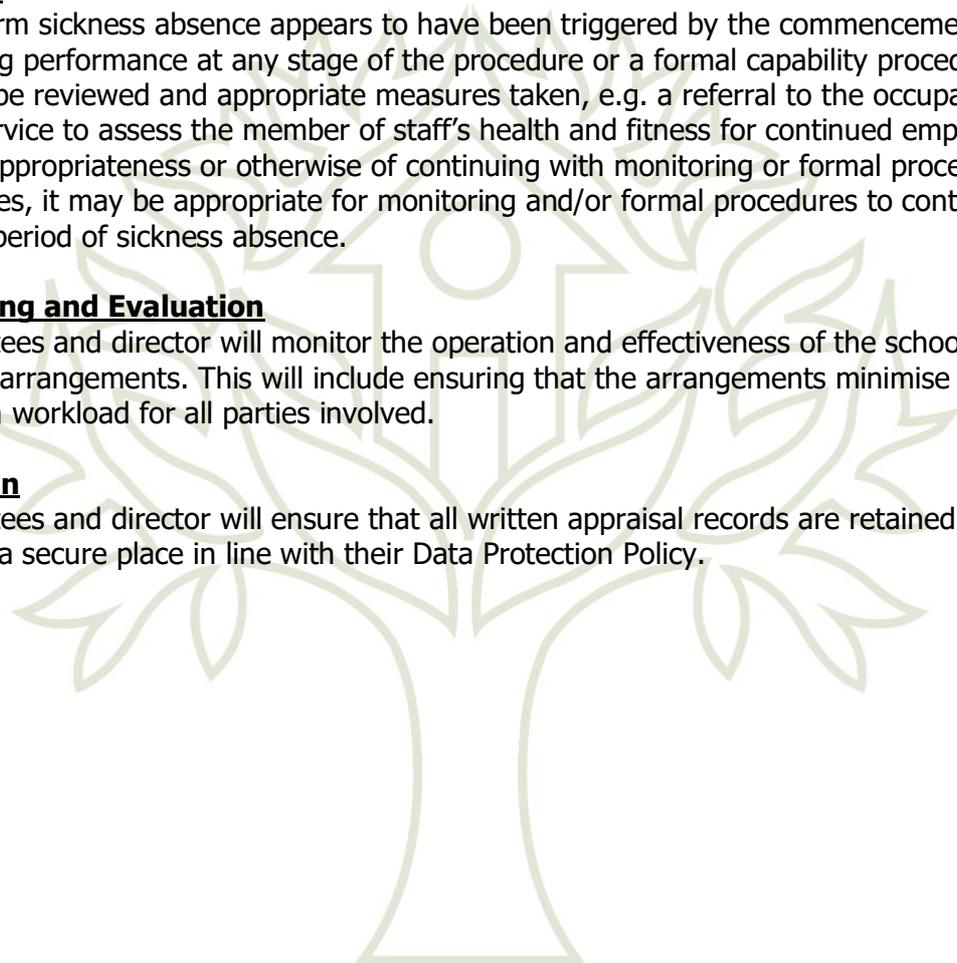
If long term sickness absence appears to have been triggered by the commencement of monitoring performance at any stage of the procedure or a formal capability procedure, the case will be reviewed and appropriate measures taken, e.g. a referral to the occupational health service to assess the member of staff's 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.

Monitoring and Evaluation

The Trustees and director will monitor the operation and effectiveness of the school's appraisal arrangements. This will include ensuring that the arrangements minimise the impact on workload for all parties involved.

Retention

The Trustees and director will ensure that all written appraisal records are retained and stored in a secure place in line with their Data Protection Policy.



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