



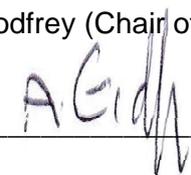
Staff Appraisal and Capability Policy

Policy Version Control

Version history see Annex A errata for details

Version No.	Policy Author	Date Updated	Review Date
1	G Mellefont	01.05.2017	May 18

Approval: A Godfrey (Chair of Board)


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Guiding principles

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

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

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

Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers and support staff and for supporting their development needs within the context of the school's improvement plan.

The appraisal

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

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

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

The appraisal period

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

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

Where a school leader or teacher is employed on a fixed term contract for a period less than 12 months, the length of the appraisal period will be determined by the duration of the contract.

The appraisers

All appraisers, including allocated members of the governing body, should be provided with appropriate training.

For the head teacher

The governing body is the appraiser for the head teacher, and to discharge this particular responsibility on its behalf, it will delegate this duty to the Personnel and Staffing committee. Head teachers can raise an objection to the chair of governors, in writing and with good reason, outlining why an appointed governor should be excluded from the appraisal process.

The governing body of the academy will appoint an external adviser for the purposes of providing it with advice and support in relation to the appraisal of the head teacher. The qualifications and experience required of an external adviser are not set by regulation. It is for the governing body to decide who they wish to use as an external adviser, ideally with the agreement of the head teacher.

The external adviser is not responsible for determining a recommendation to the personnel and staffing committee on whether an increment should be paid to the head teacher, following the review; this is a matter for the governing body alone. However, governors can ask for advice and should take account of any advice offered.

For all other employees

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

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

Objective setting

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

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

Objectives should be CSMART

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

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

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

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

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

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

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

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

Objectives may be revised if circumstances change.

Teachers' standards

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

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

In order to meet the teachers' standards, a teacher will need to demonstrate that their practice is consistent with the definitions set out in part one (teaching) and part two (personal and professional conduct).

Applying the teachers' standards

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

Teachers

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

Head teachers

Teachers' standards must also be applied to head teachers and school leaders as well as to all other teachers. However, on the grounds that only a proportion of head teachers and school leaders spend part of their scheduled week teaching, governing bodies should exercise particularly careful judgement when assessing such staff against the teachers' standards. Support from the external adviser will be important in this respect.

A full version of the teachers' standards can be found at <http://media.education.gov.uk/assets/files/pdf/t/teachers%20standards%20information.pdf>.

Gathering the evidence

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

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

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

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

- Classroom observations
- Task observations
- Reviews of assessment results
- Reviews of lesson planning records
- Internal tracking
- Moderation within and across schools
- Pupils' voice
- Parents' voice
- Head teachers' walkabouts
- Evidence supporting progress against teachers' standards

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

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

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

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

performance which will be assessed, the duration of the observation, when, during the appraisal cycle, the observation is likely to take place and who is likely to conduct the observation.

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

The three hours' statutory limit on classroom observations for appraisal has been removed; the government believes that head teachers and other appraisers should be free to decide how much observation is necessary for them to form an accurate assessment of a teacher's performance.

A head teacher has a duty to evaluate the standards of teaching and learning and to ensure proper standards of professional performance are established and maintained throughout the academy and may therefore determine that it is necessary to collect additional evidence to help inform the evaluation of teaching standards and school improvement strategies. This additional evidence may include walkabouts, task observation, reviews of assessment results and lesson planning records. It may not be practicable to provide advance notice of these additional monitoring activities.

Ofsted

As part of their overall inspection framework, Ofsted wishes to see evidence in schools that the appraisal procedure is used effectively and enables school improvement; if appraisal evidence is not available, this is likely to impact negatively on the Ofsted inspection grade for leadership and management.

It is therefore prudent for schools to generate and retain as much reasonable 'appraisal system' evidence as practicably possible and discharge the school's budget to differentiate appropriately between high and low performers. Where a teacher's performance is less than good, inspectors will seek evidence that this is rigorously managed and that appropriate training and support are provided. Where a teacher's performance is good, inspectors will expect to see evidence that this is recognised through the appraisal system.

Ofsted inspectors may ask to have sight of anonymised data from the last three years that illustrates the numbers of teaching staff who have:

- progressed along the main pay range;
- progressed to and through the upper pay range;
- progressed along the leadership scale; and
- received additional responsibility payments such as TLRs and SEN allowances.

Inspectors will expect to see a correlation between the pattern of pay progression and the improvements made to the overall quality of teaching and learning; where there is no or little correlation, the inspectors will want to investigate the reasons for this. However, inspectors will take account of the length of time the head teacher has been in post.

Reviewing performance and the annual assessment

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

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

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

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

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

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

The final version of the appraisal documentation will be placed on the employee's file and a copy of their CPD made available to the school's CPD coordinator. The sharing of such information is governed by the data protection principles set out under the Data Protection Act 1998.

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

Continuing professional development

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

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

Conflict of interest

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

Pay progression linked to performance

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

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

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

- a. The decision, whether or not to award pay progression, must be related to a teacher's performance
- b. A pay recommendation must be made in writing as part of a teacher's annual appraisal report
- c. Where a teacher is not subject to either the 2012 or the 2011 regulations, the relevant body must determine through what process the teacher's performance will be assessed and a pay recommendation made for the purposes of making its decision on pay
- d. Continued good performance, as defined by an individual school's pay policy, should give a classroom or an unqualified teacher an expectation of progression to the top of their respective pay ranges
- e. A decision may be made not to award pay progression, whether or not the teacher is subject to capability proceedings

The relevant body must set out clearly in the school's pay policy how pay progression will be determined. The head teacher will be responsible for ensuring that appropriate arrangements are put in place to support

the links between performance and pay and that agreed rates of pay progression are affordable and comply with prevailing legislation (eg equal pay).

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

To move up the main pay range, one point at a time, teachers will need to have made good progress towards achieving their objectives and have demonstrated that they are competent in all elements of the Teachers' Standards. Teaching should be consistently 'good', as defined by Ofsted (however, this does not mean that every lesson observed needs to be rated as 'good').

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

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

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

Applications to be paid on the upper pay range

From 1 September 2013, any qualified teacher can apply to be paid on the upper pay range. All applications should include the results of appraisals; where such information is not available, a written statement and summary of evidence that sets out how the applicant has met the assessment criteria will be sufficient. Teachers who have been absent through sickness, disability or maternity may cite written evidence from previous years in support of the application.

To be assessed successfully, a teacher will be required to meet the criteria set out in the school teachers' pay and conditions document (STPCD):

- The teacher is 'highly competent' in all the elements of the teachers' standards
- The teacher's achievements and contribution to the school is 'substantial' and 'sustained'

Highly competent

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

Substantial

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

Sustained

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

Leading practitioner role

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

- A leadership role in developing, implementing and evaluating policies and practices in a school that contribute to school improvement
- The improvement of teaching within school which impacts significantly on pupil progress
- Improving the effectiveness of staff and colleagues, particularly in relation to specific areas eg lesson planning

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

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

Staff, especially teachers, experiencing difficulties

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

If long-term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will be referred to the occupational health service who will assess the member of staff's health and fitness for continued employment and whether either continuing with informal monitoring or formal procedures is deemed to be appropriate.

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

- give clear written feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment on and discuss the concerns;
- give the teacher at least five working days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support and remind the teacher that they have the right to be accompanied by a work colleague or trade union representative at any future meetings where capability will be discussed;
- agree and establish, in consultation with the teacher, an action plan with support that will help to remedy specific concerns;
- make clear, how progress will be monitored and when it will be reviewed; and
- explain the implications and process if no, or insufficient, improvement is made.

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

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

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

As a final check and balance to invoking the capability procedure, it is advised that line managers ensure that the following have been put in place:

- The employee has undergone an appropriate period of induction to their role
- An up to date job description has been issued to the employee
- Professional standards and overall expectations of performance have been made clear
- The employee's performance has been monitored and feedback has been provided

Transition to capability

1. Introduction

1.1 This procedure applies to employees about whose performance there are concerns that day to day management support and the performance management framework have not been able to address.

1.2 This capability procedure is not designed to be a punitive management process but is intended to encourage improvement in work performance at an early stage before a problem becomes unmanageable. The procedure allows for fair and consistent treatment of employees and hopefully through co-operation of all involved, a positive outcome will be achieved.

1.3 At each stage of this procedure the timescale for the required improvement should be indicated after making an assessment of the problem.

2. Alternative Procedures

2.1 Capability issues refer to the skills, knowledge and abilities of an employee and where this can be clearly distinguished from their conduct or misconduct this will be dealt with under the Capability procedure. If this distinction can't be clearly made the matter should be considered as a disciplinary issue.

2.2 The Academy Trust may determine in respect of an issue that it will be considered under an alternative procedure, where it considers it appropriate to do so.

2.3 If an appointment is terminated during or on completion of the probationary period the appropriate procedure in relation to probationary periods should be followed.

3. Informal Stage

3.1 When a performance problem cannot be resolved by day-to-day management support, advice and guidance the Manager/Head teacher should follow a structured method to try and resolve this. Advice should be sought from HR& OD.

3.2 The Manager should arrange a meeting with the employee to discuss the concerns. The meeting should be conducted in a positive manner with the aim of achieving a joint resolution to the problems. At the meeting the concerns should be clarified and then followed up in writing to the employee.

3.3 At the meeting the following should be covered:

3.3.1 An explanation of the areas of performance which are causing concerns.

3.3.2 An explanation of the required level of performance.

3.3.3 Identification of any reasons why the performance is causing concern e.g. domestic difficulties or health issues.

3.3.4 Explanation of and agreement to the improvements that need to be made.

3.3.5 An explanation of what remedial action needs to be taken and an agreed action plan of support with clear and achievable success criteria.

3.3.6 Set a reasonable period within which the employee should achieve the improved performance, which normally will be no more than 6 weeks.

3.3.7 Set a date for an interim and final review meeting.

3.3.8 Explain and clarify the implications for the employee if improvement is not achieved.

3.3.9 A written record should be kept and a copy given to the employee.

3.3.10 During the review period the employee's performance should be monitored and the employee should be supported and kept informed of their progress.

3.4 At the end of the review period a further meeting should be held to consider the situation.

3.4.1 If the required improvement has been made, the employee should be told of this and encouraged in writing to maintain the improvement.

3.4.2 If the action plan has not been met satisfactorily, the Manager will determine whether to extend the period of review or to convene a formal capability hearing. The decision will be confirmed in writing.

3.5 If it becomes apparent at this stage that the poor performance is caused, not by capability, but by a lack of willingness to carry out reasonable duties, then the formal disciplinary procedure should be invoked (see Disciplinary Procedure).

3.6 There is no right of appeal at the informal stage.

4. Formal Capability procedure

4.1 The Manager supported and advised by HR&OD will meet with the employee. At least 5 working days notice will be given and the notification will give details of the time and place of the meeting, and will advise the employee of their right to be accompanied by a work colleague or trade union representative. The employee will be informed in writing of the nature of the concern(s) regarding their perceived lack of capability and given copies of any documents or evidence from previous stages that will be used. The employee will be told that he/she can present a written statement prior to the hearing should they wish to do so.

4.2 If performance is unsatisfactory an appropriate formal warning (first written warning or final written warning) will normally be issued dependent upon the seriousness of the problem and a review period set. The length of the review period will be no more than 3 months.

4.3 Where a formal warning is issued, the Manager should:

4.3.1 Explain to the employee where the shortfall in their performance is.

4.3.2 Give clear guidance on the improved standard or performance required.

4.3.3 Explain the support that will be available, and how performance will be monitored. The support should be provided by someone other than the person undertaking the monitoring.

4.3.4 Depending on the level of warning issued, identify the timetable for improvement and agree a date for the next or final review meeting.

4.3.5 Make it clear that failure to improve may lead to further formal action up to and inclusive of dismissal.

4.3.6 Inform the employee of their right of appeal against the decision.

5.0 Final Stage

5.1 The Manager will meet with the employee at the end of the review period and if satisfactory improvement has not been made, the Manager will refer the matter to a senior manager to consider the case.

5.2. The senior manager, who will be advised and supported by HR&OD, will meet with the employee. At least 5 working days notice will be given and the notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a work colleague or trade union representative. The employee will be informed in writing of the nature of the concern(s) regarding their perceived lack of capability and given copies of any documents or evidence from previous stages that will be used. The employee will be told that he/she can present a written statement prior to the hearing should they wish to do so.

5.3 The senior manager may determine one or more of the following:

5.3.1 That the matter be referred back to the Manager for further actions, together with any other recommendations made.

5.3.2 Action short of dismissal, e.g. demotion, compulsory transfer to another post.

5.3.3 That the employee be dismissed on grounds of poor performance, subject to the right of appeal.

5.3.4 The decision will be conveyed in writing to the employee and will also indicate his/her right of appeal where appropriate.

6.0 Appeal

6.1 The employee will have the right to appeal against any formal action. To appeal, an employee must notify their Academy Trust board in writing setting out that they wish to appeal the decision within 10 working days from receipt of the letter confirming the decision. The employee must also submit a written statement setting out the detail of their grounds for appeal. The employee will have a further 5 working days to submit this written statement to their Academy Trust Board.

6.2 An appropriate Appeal Hearing will then be arranged, without unreasonable delay. The employee will be invited to the Appeal Hearing in writing, which will include notification of their right to be accompanied by a trade union representative or an appropriate work colleague. The manager who made the decision at the previous hearing will be present at the appeal to explain their decision.

6.3 For any other formal action taken against an employee e.g. Final Written Warning, the appeal will be heard and determined by the Trust Board, advised by the Director of HR&OD (or their authorised officer). In cases of dismissal or demotion, an appeal will be heard and determined by the Trust Board Appeals Panel, advised by the Director of HR&OD (or their authorised officer).

6.4 The decision made at the Appeal will be confirmed in writing to the employee, without unreasonable delay, and will be final with no further internal right of appeal.

7.0 Additional Information

7.1 Where an employee 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.

7.2 If 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 attendance management procedure and the employee will be referred immediately to occupational health to obtain advice on the employee's health and fitness to continue with this procedure. In some cases it may be appropriate for this procedure to continue during a period of sickness absence.

7.3 There may be instances where concerns about performance are sufficiently serious to warrant the procedure being implemented at either the formal capability hearing stage or final stage of the procedure, where it is deemed reasonable and appropriate to do so (with advice from an HR Adviser).

Annex A

Version No.	Change History	Guidance reference (if any)	Date
1	Created		01.03.2018