An Daras Trust
Igniting Curiosity Growing Capabilities

Performance Management and Capability Policy

An Daras Multi-Academy Trust

Adopted Date: 11 December 2019

Reviewed: 11th November 2026

Next Review: November 2027

Committee: FRS

1. Introduction

1.1. This policy applies to all staff and aims to ensure that performance is managed effectively, that good performance is recognised and that weaknesses are addressed. All staff should be appraised annually, with the appraisal period beginning in September. You will be given appropriate targets and then assessed against them.

Roles and responsibilities

1.2. The Headteacher will decide who appraises you. You will be notified as soon as practicable after the start of each appraisal period who is to be your appraiser.

1.3. It is the Headteacher's responsibility to ensure that you have appropriate training and support to understand and use the policy.

1.4. The Trust CEO or DEO and Local Governing Body is responsible for appraising the performance of the Headteacher. Trust Directors and a suitably skilled external advisor is responsible for appraising the performance of the CEO. The CEO is responsible for appraising the performance of the DEO(s).

The appraisal procedure

1.5. A more structured approach is required for teaching staff, who will have interim assessments during the appraisal year. Non-teaching staff will have ~~an~~ a formal annual assessment only, but in all other respects, or unless otherwise stated, the policy will apply to all employees.

1.6. We aim to manage appraisals so that the process is clear to both you and the appraiser. It is important that throughout the annual appraisal cycle we have a shared understanding of the objectives set, the criteria to be used to assess performance and progress towards meeting them.

Setting objectives

1.7. Objectives will be set as soon as practicable after the beginning of the appraisal period. The objectives will be SMART (specific, measurable, achievable, realistic and time-bound) and appropriate to your role and level of experience.

1.8. The Headteacher's objectives will be set by the Trust CEO or DEO and Local Governing Body. Trust Directors and a suitably skilled external advisor will set objectives for the CEO. The CEO will set objectives for the DEO(s).

1.9. You will be consulted by your appraiser over the objectives to be set, with a view to agreement wherever possible. There will normally be three objectives, with a view to improving the school's/Trust's educational provision, pupil achievement and any new professional development requirements.

1.10. The appraiser will provide the relevant standards against which your performance in that appraisal period will be assessed, which for Teachers are set out in the Teachers' Standards.

Performance Reviews

Interim Appraisal Meetings for Teachers

1.11. For teaching staff, Interim Appraisal Meetings will take place at mid-year. At these Appraisal Meetings your performance will be assessed against the *Teacher's Standards* and may include a review of a classroom observation and your progress towards achieving your individual objectives.

1.12. Classroom observation and learning evidence scrutiny is an important part of continuing professional development for all teaching staff. The amount and type of classroom observation or learning evidence scrutiny will depend on your individual circumstances and the overall needs of the school. It will be carried out in a supportive way and only by those with QTS.

1.13. If you hold responsibilities outside of the classroom, such as in extra-curricular activities, you may also be observed in that capacity.

Development and support

1.14. The appraisal will then inform decisions about continuing professional development. Agreed training will seek to develop good professional practice and to support the school's improvement priorities.

Feedback

1.15. Managers are expected to give regular and timely feedback to you based on observation and other relevant evidence. They will highlight strengths as well as weaknesses and consider what could usefully be shared with other staff. Feedback may be given in writing or face to face but will always be given in writing following an Appraisal Meeting.

Where there are concerns about your performance

1.16. The appraiser will arrange a face-to-face meeting with you to:

a) explain any concerns, their nature and seriousness;

b) allow you to comment on and discuss them;

c) make clear how you will be supported (e.g. coaching, mentoring, training, structured observations, observing others in a similar role) to address the concerns;

d) set a date to review progress using targets that are reasonable and practical, proportionate, and which allow sufficient time for improvement;

e) make sure you understand the implications, including the use of the capability procedure, if insufficient progress is made during the review period.

1.17. This meeting can take place at any time during the appraisal period. It is intended to be supportive, and to give you the opportunity to improve. The appraiser will write to you to confirm what improvements need to be made, to outline any support that will be provided and to set a period for review.

1.18. At the end of the review period, if the appraiser is satisfied that you have made or are making sufficient progress, the appraisal process will continue as normal and any remaining issues will be addressed as part of the appraisal process. Alternatively, the review period may be extended, or if there is no improvement, or insufficient improvement, the capability process will be followed.

1.19. 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 your working arrangements, including changing your duties or providing additional equipment or training. We may also consider adjusting this procedure in appropriate cases.

1.20. If you wish to discuss this or inform us of any medical condition you consider relevant, you should contact your line manager

Annual Assessment

1.21. An annual assessment is the end point to the appraisal cycle and will formally record and assess your performance. Once feedback has been given and in 10 academy working days you will receive a copy of your formal appraisal report. This will be a summary of performance during the year and set out development needs for the next year. In particular, the report will outline:

a) details of the appraisal period objectives

b) the assessment of your performance in relation to these objectives and any relevant standards

c) an assessment of your development needs and any action required to address them

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

2. CAPABILITY PROCEDURE

2.1. This procedure applies if serious concerns emerge about your performance which the appraisal process has been unable to address, or which have arisen independently of the appraisal process. The procedure is intended to provide a framework to support you to improve.

2.2. 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.

2.3. You may be accompanied to any capability meetings by a work colleague or Trade Union representative and should tell the manager conducting the hearing who your chosen companion is in good time before the hearing. Neither you, nor anyone accompanying you, may record the meeting.

Stage 1: Formal capability meeting

2.4. The Headteacher/Executive Headteacher will conduct the meetings, unless the concerns relate to the Headteacher, in which case the Trust CEO or DEO and Chair of Local Governors will do so.

2.5. You will be given at least five working days' notice of the meeting; informed by letter of the date, time and venue, and of your right to be accompanied.

2.6. The person conducting the meeting will:

a) identify the professional shortcomings that have led to this meeting;

b) listen to your response, including any new information you provide;

c) identify the action (including support) that has been taken to date and the outcomes;

d) state what the improved standard of performance needs to be for the capability procedure to end;

e) outline a timeframe for improvement and the ways in which performance will be supported, monitored and reviewed during this time;

f) Identify the appropriate outcome.

Possible outcomes

2.7. The Chair of the meeting may decide that:

a) there are insufficient grounds to use the capability procedure rather than appraisal;

b) further investigation is required or more time to consider additional information;

c) the capability procedure should continue and to give a formal warning (if very serious, a final written warning) that failure to improve performance within the timeframe could lead to dismissal.

Notice

2.8. Notes of this meeting, including arrangements for monitoring and review, will be taken and a letter will be sent to you. You can appeal against the warning within *5 days*. This should be stated in the letter.

Monitoring and review following the capability meeting

2.9. At the end of the monitoring and review period you will be invited to a formal review meeting. If you have been issued with a final written warning at your capability meeting, you will be invited to a decision meeting instead.

Stage 2 Formal review meeting

2.10. The arrangements for notice are the same as those outlined above for the formal capability meeting.

2.11. As before, the meeting will be conducted by the Headteacher or the Chair of Local Governors. If the concerns relate to the Head Teacher, in which case the Trust CEO or DEO and Chair of Local Governors will do so.

2.12. If the person conducting the meeting is satisfied that there has been sufficient improvement, the capability procedures will end here, and the appraisal process will resume.

2.13. Or they may**:**

a) **extend the review period** if they think that you are making some improvement and are confident that more is likely;

b) **issue a final written warning** if there has been no or insufficient improvement.

2.14. Notes of this meeting will be taken and a letter will be sent to you.

2.15. Where there is a final written warning, you will be informed:

a) that failure to achieve an acceptable standard of performance within the set timeframe may result in dismissal;

b) of arrangements for monitoring and review;

c) of the time limits to appeal against the warning.

2.16. You will be invited to a decision meeting at the end of the review period.

Stage 3: Decision hearing with Local Governing Body

2.17. The arrangements for notice are the same as those outlined above for the formal capability meeting.

2.18. A decision hearing will be convened before a Local Governors staffing panel. A Local Governor staffing panel should be made up of no less than three Local Governors none of whom will have had any prior direct involvement with the case.

2.19. If the panel conducting the meeting are satisfied that there has been sufficient improvement, the capability procedures will end here, and the appraisal process will resume.

2.20. **If performance is still unsatisfactory**, a decision or recommendation will be made to the Local Governing Body to dismiss you or require you to cease working at the school.

Decision to dismiss

Dismissal

2.21. Once the decision to dismiss has been made you will be dismissed with notice as outlined in your contract of employment.

Appeals

2.22. You can appeal against any decision to give you a warning or to dismiss you. This should be done in writing to the Governance Officer of the Trust

Board / Local Governors, setting out the grounds for appeal within *5 academy working days* of being notified of the decision. All appeals will be taken to the Local Governing Board.

2.23. Since the decision may be the result of a number of previous meetings and assessments, including the appraisal process, it will generally not be practicable to reconsider all of the factual conclusions which led to the decision to dismiss you. The appeal will be a review of the process followed, to consider whether the decision taken was a reasonable one in the circumstances. You may therefore wish to appeal on the grounds that you think the action being taken against you was disproportionate, or that it would have been reasonable to allow you longer to improve, or that the process or decision was otherwise flawed or unfair.

The panel

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

2.25. The arrangements for notice are the same as those outlined above for the formal capability meeting.

2.26. Notes will be taken at the meeting and the outcome will be confirmed in writing.

Appeals procedure

2.27. The appeals panel may:

a) Uphold/dismiss all or part of the appeal;

b) Decide on action to be taken to resolve the situation;

c) Evaluate the evidence and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

2.28. We will review relevant systems regularly to ensure that they work fairly, effectively and in line with its legal responsibilities.

2.29. You will be informed in writing of the results of the appeal hearing *as* soon as possible.

2.30. If a decision to dismiss you is overturned on appeal, the net result is that the dismissal never took effect. You will return to work with any shortfall in salary reimbursed. Attention will then be given to ways of reintroducing

you into the workplace as harmoniously as possible, and you will be consulted about any steps necessary.
