

Performance Management Policy

Version 2

23rd July 2021

**Policy Details**

Blakehill Primary School has adopted the PACT HR recommended model procedure as agreed by the following Trade Unions;

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| --- |
| * Unison |
| * GMB |
| * NASUWT |
| * NEU |
| * NAHT |

*\*ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy.*

The Board has agreed that we will adapt the appraisal and capability procedures (written to be applicable to teaching staff), to be used as a process for dealing with the management of performance (both appraisal and capability) for all staff employed, whether class or non-class based.

Approved by: Buildings, Staffing and Finance Committee

Approved on: 01/04/2022

Reviewer: Lisa Keighley

To be reviewed on: 01/04/2028

NB. This policy/guidance will be retained for a period of 7 years from replacement.

**Summary of Key changes to the Appraisal and Capability Policies**

1. The Appraisal Policy has been combined with the Capability Policy to become the Performance Management Policy
2. The notice required of attendance at any meetings through the Capability section of the procedure has been reduced to 5 working days, with the exception of Stage 4 of the procedure (where a possible outcome is dismissal) where 10 working days’ notice will be given.
3. Guidance relating to the Appraisal period, appointment and role of an appraiser in addition to objective setting, the review of performance, training and feedback has been removed and inserted into a new document - Managers Guide to Performance Management
4. Guidance relating to Capability; appeal, decisions to dismiss and the provision of references following capability dismissal has been removed and inserted into a new document - Managers Guide to Performance Management

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# Preamble

1.1 Appraisal arrangements are set out in the Education (School Teachers’ Appraisal) (England) Regulations 2012 (the Appraisal Regulations).

1.2 The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and centrally employed (or unattached) teachers employed by a local authority where they are employed for a period of one term or more. The regulations detail the minimum national framework which schools must abide by. However, if required, schools may include in their own policies details that are no longer covered by the Appraisal Regulations. It is good practice for Academies to follow the appraisal regulations although they are not legally required to do so.

1.3 Schools and local authorities must stay within the legal framework set out in the Appraisal Regulations and all schools (including academies) must adhere to any other relevant legislation that affects all employers (for example equality, employment protection and data protection).

1.4 It is a statutory requirement for schools to have an appraisal policy for teachers and a capability policy applicable to all staff. There is no requirement for schools to have an appraisal policy for other staff but it is good practice to provide a fair and equitable scheme for all school-based staff. It is also good practice for schools to consult staff on their appraisal and capability policies.

1.5 Part A of this policy deals with appraisal and part B with capability and reflects the ACAS Code of Practice on disciplinary and grievance procedures. The capability procedures apply only to staff about whose performance there are serious concerns that the appraisal process has been unable to address. Further guidance on the management of both processes is contained within a separate document, Managers Guidance to Performance Management.

# Policy

2.1 The Board is committed to ensuring that staff are treated fairly and consistently during their annual appraisal and when capability procedures need to be instigated. The Board will, at all times, abide by the relevant Appraisal Regulations in force from time to time, whilst reserving the right to include additional requirements that are relevant to our School.

The Board is of the belief that the School can only be fully effective in delivering a high quality service to pupils and the community if it has well trained, motivated, committed and competent staff

# Purpose

3.1 This policy, together with the accompanying Manager’s Guidance document, set out the framework for a clear and consistent assessment of the overall performance of staff, including the Senior Leader, as well as supporting their development within the context of the School's plan for improving educational provision and performance and the standards expected of all staff. It also sets out the arrangements (in part B) that will apply when members of staff fall below the levels of competence that are expected of them. In the case of support staff, they will be assessed against the relevant job description for their post in school and their area of work, together with any nationally agreed standards in place from time to time.

# Application of the policy

4.1 The policy is in two separate sections. Section A (appraisal) and Section B (capability). Section A applies to all members of staff except those on fixed term contracts of one term or less, those undergoing induction (e.g. NQTs) and those who are subject to section B of the policy.

4.2 Section B of the policy applies only to those staff including the Senior Leader about whose performance there are serious concerns that the appraisal process has failed to address.

4.3 It is important that both the appraisal and capability processes are managed in a way that avoids increased workload for all parties concerned, but is sufficiently robust in order to achieve the required outcome.

# Section A – Appraisal

5.1 Appraisals will be a supportive and developmental process designed to ensure that all staff have, or are able to, fully develop the skills and access the support

they need to carry out their role effectively. In this way we will ensure that all members of staff are able to continue to improve their professional practice and to develop in their roles.

5.2 Appraisal will be an annual process as detailed in the accompanying guidance document. Where concerns are noted about the performance of a member of staff, a meeting will take place to discuss the concerns and a period of support put in place.

5.3 The Senior Leader will have their performance appraised, including the setting of objectives, by the Board who will be supported by a suitably skilled and/or experienced external adviser who has been appointed specifically for that purpose. The Senior Leader will decide who will appraise all other staff.

## Moderation and Quality Assurance

5.4 There should be a system of moderation in place to ensure that there is consistency in the management of the appraisal process and the understanding and application of the relevant standards.

5.5 The Senior Leader is responsible for ensuring that objectives/ targets are moderated across the school to ensure that they are consistent between members of staff with similar experience and levels of responsibility.

5.6 The Senior Leader is also responsible for ensuring that all appraisal processes comply with the performance management policy, the relevant regulations and the requirements of current equality legislation.

5.7 Anyone who is an appraiser will be provided with suitable training sufficient to enable them to carry out that role appropriately and effectively. This includes:

* conducting the performance management reviews,
* setting objectives/ targets,
* classroom observation, and
* providing quality feedback to the employee whose performance they are appraising.

# Staff experiencing difficulties during appraisal cycle

6.1 Additional support and monitoring can play an integral part of the appraisal cycle where necessary, however, occasionally a staff member may be identified as having particular difficulties in achieving a satisfactory standard of performance.

## Meeting to discuss difficulties and additional support

6.2 If an appraiser identifies through the appraisal process that the staff member is experiencing difficulties in reaching the expected standard of performance, and that the use of capability procedures could be necessary if the situation is not rectified, a meeting will be arranged to discuss the situation. Concerns may arise through appraisal monitoring, observations of performance or via other sources of information (for example parental complaints).

6.3 At least 5 working days’ notice of the meeting will be given and the staff member will be informed that he/she has the right to be assisted by a representative of an independent trade union or workplace colleague at the meeting.

6.4 The meeting will be conducted by the appraiser, the Senior Leader, or a member of the leadership team. The purpose of the meeting will be to:

* give clear feedback about the nature and seriousness of the concerns;
* give the opportunity to comment and discuss the concerns;

## Possible Outcomes of this Discussion

* it is agreed that the concerns do not merit special support over and above the normal arrangements for all staff and that normal appraisal arrangements should continue

or

* it is decided that special support under an Action Plan would be beneficial

and

* in all cases the staff member will be advised that the capability procedure may be used if under-performance continues and that the aim was to avoid such an eventuality.

**Preparing the Action Plan**

* discuss targets for improvement;
* agree an Action Plan in consultation with the staff member, which includes any possible forms of support (e.g. coaching, training, in-class or on the job support, mentoring, structured observations, opportunities to observe outstanding practitioners and discussions with outside experts), that will be provided to help address those specific concerns;
* make clear how, and by when, the appraiser will review progress and set dates for Review Meetings
* It may be appropriate during the process 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, including the possible use of capability procedures;
* where it is apparent that a staff member’s personal circumstances or health are contributing to the difficulties at work, appropriate support including access to occupational health, will be offered as soon as possible, without waiting for the formal annual assessment.
* date for a final review meeting should be set reflecting the time allowed for improvement and that the outcome of this meeting could result in:
* the staff member has improved performance so that this is no longer a concern; or
* continued support where good progress towards improvement is being made; or
* the use of capability procedures is considered.
* The outcome of the meeting will be confirmed in writing including details of the Action Plan, the expected standards of performance and the timescale for improvement.

6.5 When dealing with a staff member experiencing difficulties, the objective is to provide support and guidance through the appraisal process in such a way that the staff member’s performance improves and the problem is, therefore, resolved and the use of capability procedures becomes unnecessary.

6.6 The staff member also has a responsibility to engage with the support programme and to discuss with the appropriate manager any other forms that may be of assistance.

6.7 If sufficient progress is made such that the staff member is performing at a level that indicates there is no longer a possibility of capability procedures being invoked, then he or she should be informed of this at a formal meeting with the appraiser or Senior Leader and confirmed in writing. Following this meeting the appraisal process will continue as normal.

6.8 Where concerns about the staff member’s progress persist, he or she will continue to be monitored as part of the appraisal process and a reasonable time given for their performance to improve. The amount of time allowed for improvement will depend upon the circumstances with appropriate support as agreed in the Action Plan, in order that the aim of recovering and improving performance can be achieved. During this monitoring period the staff member will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

*6.9 NB A decision not to award a pay increment should not be made unless concerns about standards of performance have been raised in writing and discussed with the teacher as part of the normal appraisal cycle and also where the concerns raised have not been sufficiently addressed through appropriate support provided by the* School*.*

## Appeals

6.10 Appraisees have a right of appeal against any of the entries in the written appraisal report. Staff will have the right to comment on the appraisal report and discussion regarding its contents may avoid the need for appeal

6.11 For further details on appeal please refer to the accompanying guidance document – Managers Guide to Performance Management

# Transition to Capability

7.1 Where a member of staff demonstrates unacceptable underperformance and

has not responded to support offered during the appraisal process or has not demonstrated a sustained improvement in performance, a formal capability meeting will be arranged (Transition meeting) to advise that their performance will no longer be managed through the appraisal process but through the capability procedure, part B of this policy.

# Section B – Capability

7.2 The capability process will be supportive, allowing an appropriate period of time in which the member of staff will be supported to improve their practice to the standard required by the **Please select from the list**..

7.3 The time period allowed will be determined by a number of factors including the level of experience of the individual member of staff, the degree of improvement required and the impact of managing the underperformance on the **Please select from the list**..

7.4 Where the concerns relate to the Senior Leader, the formal capability meeting will be conducted by the Chair of the Board. The Senior Leader will conduct the meeting for all other members of staff.

7.5 It is important that any member of staff having their performance managed through the capability procedure is made aware, at each stage of the process, what the possible outcome could be whether performance is judged to have improved or not.

# Capability Procedure

## Stage 1 - Transition Meeting

8.1 A transition meeting may be held at any stage of the appraisal cycle if the member of staff’s performance remains a cause for concern as part of the normal appraisal procedure.

8.2 The staff member may be assisted by a trade union representative or work colleague and will have at least 5 working days’ notice of the meeting if the date had not been agreed at an earlier stage in the appraisal procedure.

8.3 The meeting will provide an opportunity to review progress towards meeting the targets for improvement. The process for the meeting will be as follows:

* A summary of the concerns will be given at this meeting by the Senior Leader who may be assisted by the appraiser or another manager.
* The staff member will be provided with an opportunity to respond.
* If the Senior Leader will express a view on whether the appraisal process should remain in place or whether formal capability proceedings continue.
* The employee, assisted by the trade union representative or accompanying work colleague, may make representations regarding their performance and targets set and progress made in meeting the targets.
* If it is decided that transition to Stage 2 of the Capability Procedure is inappropriate at this time, then the staff member will continue to be supported under an Action Plan, as described in the Appraisal Policy for staff experiencing difficulties, and a new timescale for improvement will be set together with a date for a review meeting.
* If it is decided that capability procedures will continue and progress to Stage 2 of the Policy, the staff member will be notified in writing that the appraisal system will no longer apply and that their performance will continue to be managed under the capability procedure.
* The parties should agree a date when the Stage 2 Formal Capability Meeting will be held, ensuring that the written notification of the meeting, the evidentiary documents and a copy of the procedure are supplied to the staff member a minimum of 10 working days ahead of the meeting.

## Stage 2 - Formal Capability Meeting

8.4 The written notification of the meeting, together with the evidentiary documents and a copy of the procedure should be supplied to the staff member a minimum of 10 working days ahead of the meeting.

8.5 This meeting is intended to establish the facts. It will be conducted by the Chair of the Board for Senior Leader capability meetings, or the Senior Leader (or a Deputy Senior Leader) for all other staff. The meeting allows the staff member, accompanied by a work colleague or a trade union representative who has been certified as being competent by the union to respond on behalf of their member 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.

8.9 The procedure for the meeting is set out in the document Recommended Procedure for Meetings and Appeals.

8.10 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 if, for example, they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

8.11 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:

* identify the professional areas for development to enable performance standards to be met, (for example which of the standards expected of teachers are not being met);
* give clear guidance on the improved standard of performance needed to ensure that the staff member has every opportunity to improve their performance. This may include the setting of new objectives focused on the specific areas of development 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;
* the staff member may request an adjournment at any point in order to consider the management proposals and develop alternative or additional suggestions;
* explain any support that will be available to help the staff member 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. In straightforward cases there could be between four and ten weeks depending on the time required for support and assessment processes. It is for the School to determine the set period. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place;
* in very serious cases, where the progress of pupils is being seriously jeopardised or where there are serious concerns on the grounds of health and safety this warning could be a written/final written warning being issued with a four-week period for improvement being given.;
* advise the staff member formally that failure to improve within the set period could lead to dismissal. Normally, a warning will be issued where applicable.

8.12 Notes of this formal meeting will be taken and a copy sent to the member of staff. Where a warning is issued, the staff member will be informed in writing in addition to 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.

8.13 There is a right of appeal to a panel of Board Members not involved in the original decision. Details of the appeal should be provided in writing within 5 days of the decision being communicated.

## Stage 3 – Formal Capability meeting

8.14 Again, the staff member has the right to be accompanied by a work colleague or trade union representative or who has been certified by their union as being competent.

8.15 The written notification of the meeting, together with the evidentiary documents and a copy of the procedure should be supplied to the staff member a minimum of 10 working days ahead of the meeting.

8.16 The procedure for the meeting is set out in the Recommended Procedure for Meetings and Appeals.

8.17 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 warning.

8.18 Where a warning is issued, the staff member will be informed in writing in addition to 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. The final 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.

8.19 There is a right of appeal to the panel of Board Members. Details of the appeal should be provided in writing within 5 days of the decision being communicated.

8.20 At the end of the improvement period there will be a discussion with the staff member and their trade union or colleague supports at which progress towards improvement will be discussed. If the manager remains dissatisfied, then the staff member will be invited to a Stage 4 final capability decision meeting at which dismissal can be considered. The staff member must be advised that dismissal is a possible outcome of the Stage 4 meeting.

8.21 Although it is not a legal requirement, before a decision is made to move towards dismissal, the school may discuss the matter with the School's education advisers and HR Business Partner.

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## Stage 4 – Final Capability Decision Meeting

8.22 Unless the Board has formally delegated powers of dismissal to the Senior Leader, this meeting will be held by a Panel of Board Members.

8.23 As with formal capability meetings and formal review meetings, at least 10 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 their right to be accompanied by a work colleague or trade union representative who has been certified by their union as being competent.

8.24 If the Stage 4 meeting finds that 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.

8.25 If performance remains unsatisfactory, the panel may make a decision to dismiss the employee on the grounds of lack of professional capability.

8.26 The panel (or the persons hearing the case) also have the power to order a further period of improvement if they believe that there has been some progress and that there is a likelihood of the staff member being able to reach the required standard of performance with additional support and time for improvement. In this case the panel will adjourn the meeting for a period of four working weeks when it will reconvene to consider whether an appropriate standard of work has been achieved or whether to go ahead with a decision to dismiss the employee.

8.27 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 and their right of appeal. Any Appeal will be heard by a panel of Board Members not involved in the original decision.

## Appeal

8.28 If a staff member 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 5 days of the decision, setting out at the same time the grounds for appeal.

8.29 Please refer to the accompanying guidance document for further details – Managers Guide to Performance Management

8.30 The format for Appeals is set out in Recommended Procedure for Meetings and Appeals

## Decisions to Dismiss

8.31 Please refer to the accompanying guidance document – Managers Guide to Performance Management

# General Principles Underlying This Policy

## 

## ACAS Code of Practice on Disciplinary and Grievance Procedures

9.1 Section B of the policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

## Consistency of Treatment and Fairness

9.2 The Board is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation, including the duty to make reasonable adjustments for any members of staff considered to have a disability.

## Confidentiality

9.3 The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Board or the Senior Leader to quality assure the operation and effectiveness of the appraisal system.

## Sickness

9.4 If sickness absence appears to have been triggered by monitoring performance at any stage of the procedure, the absence will be dealt with in line with the Managing Attendance policy. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

**Grievances**

9.5 Where a member of staff raises a grievance during the capability procedure, consideration may be given to temporarily suspending the procedure in order to deal with the grievance. However, where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

## Monitoring and Evaluation

9.6 The Board and Senior Leader will monitor the operation and effectiveness of the performance management arrangements, ensuring that the arrangements minimise the impact on workload for all parties involved

## Retention

9.7 The Board and Senior Leader will ensure that all written performance management records are retained in a secure place for six years and then destroyed.

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