

# Lavington Park Federation



## *Appraisal Policy and Capability Policy*

*Based on WSCC Model Policies, further guidance on the  
use of these policies available from WSCC HR*

Prepared by

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Approved by

Governing Board - May 2024

Next Review

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## Appraisal Policy

### ***1. Aim***

This policy sets out the framework for (a) a clear and consistent assessment of the overall performance of **all school employees**, and (b) to support the development of **all school employees** within the context of the school's plan for improving educational provision and performance, and the standards expected of employees.

### ***2. Scope***

This policy covers all employees at the school with the exception of:

- Those employed for less than one term.
- Teachers undergoing induction or support staff in their probationary period (e.g., newly qualified teachers and new starters);
- Employees who are subject to the Capability Policy.

For teachers there are certain legislative requirements which must be adhered to, shown in **bold**. Teachers holding QLTS status may be subject to this policy, but it is not mandatory.

### ***3. Purpose of Appraisal***

At this school, appraisal is a supportive and developmental process designed to ensure that all employees have the skills they need to carry out their role effectively, and access to the training and education required to fully develop those skills. For teachers, appraisal will help them to ensure that they are able to continue to improve their professional practice and to develop in their role.

### ***4. Appraisal Period***

**The appraisal period will run for twelve months** from October to October for teachers; and January to January for Teaching Assistants and support staff.

In certain circumstances, it may be necessary to set a shorter or longer appraisal period, for example when an employee begins or ends employment with the school or a change their role.

Employees on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. **The length of the appraisal period will be determined by the duration of their contract and the objectives should also take the length of contract into account.**

## ***5. Appointment of Appraisers***

**The headteacher will be appraised by the governance board, supported by a suitably skilled and/or experienced external adviser who has been appointed by the governance board for that purpose.**

The task of appraising the Head Teacher, including the setting of objectives, will be delegated to a sub-group consisting of two members of the Governing Body.

If the headteacher believes that any of the governors (trustees) appointed as an appraiser is unsuitable to act as an appraiser they may submit a written request for that governor (trustee) to be replaced, stating the reasons for the request.

The headteacher will determine who will appraise other employees.

**Note:** it is important that appraisers are trained and are familiar with this policy.

If the appraiser is absent for the majority of the appraisal cycle the headteacher may appoint another appraiser or take on the role of appraiser. Likewise, where an individual is experiencing difficulties, the headteacher may take on the role of appraiser.

Where an employee has an objection to the choice of appraiser the headteacher will consider their concerns and where required appoint an alternate appraiser.

## ***6. Setting Objectives and Specifying Standards***

**The headteacher's objectives will be set by the governance board after consultation with the external adviser and the headteacher.** The governance board has a duty to have regard to the work-life balance of the headteacher and objectives will reflect this.

**Objectives will be set before, or as soon as practicable after, the start of each appraisal period.** The objectives set will be SMART (Specific, Measurable, Achievable, Realistic and Time-bound) and will be appropriate to the employee's role and level of experience. The appraiser and employee will seek to meet and agree the objectives but, if agreement is not possible, the appraiser will determine the objectives. Objectives should be revised if circumstances change. **Note:** for additional information relating to the setting of objectives for teachers refer to the Setting Objectives section of the document titled "[Teacher Appraisal and Capability Model Policy for Schools](#)".

**The objectives set will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at the school.** This will be ensured by using the SIP as the focus of the objectives.

**Before, or as soon as practicable after, the start of each appraisal period, each employee will be informed of the standards against which their performance in that appraisal period will be assessed.**

**All teachers will be assessed against the Teachers' Standards,** to a level that is consistent with what should be reasonably expected in the relevant role and at the relevant stage of their career.

When setting objectives (including the number), appraisers will have regard to what can reasonably be expected in the context of the employee's role, responsibilities, and experience, consistent with the school's aim to achieve a work-life balance for everyone working at the school.

An individual employee's objectives are not intended to cover the full range of their responsibilities but should focus on the school's priorities for the appraisal period.

The objectives will contain a description of what is required for the objective to be successfully met (this is sometimes referred to as the 'success criteria', or 'deliverable(s)').

The objectives and the standards to be achieved will be documented.

Any learning and development needs, including those that are to be carried forward from the previous appraisal cycle or are identified as part of the objective setting process, will also be documented along with a description of how they will be met during the appraisal period.

Any targets that are set for individual employees, or a sample of targets, will be moderated across the school to ensure fairness and consistency and that all appraisers are working to the same standards.

## ***7. Reviewing Performance***

The performance of all employees and the progress they are making towards achieving their objectives will be reviewed regularly through interim review meetings, observations, and feedback.

**Note:** all review meetings should be set-up with fair notice to allow effective preparation time for both the employee and the appraiser. Meetings should be held at a mutually convenient time, in a suitable location (e.g., a private office) and for a suitable duration (e.g., for one hour).

**Note:** it's important for schools to review, and adjust as necessary, an employee's objectives when they change role during the appraisal cycle. In addition, in such circumstances the school should consider whether the appraiser also needs to be changed. Ensure that the progress made against any objectives which are not carried forward with a change of role is fully discussed, agreed and documented.

The document titled ["Implementing Your School's Approach To Pay"](#) states that assessments may be based on evidence from a range of sources – for example self-assessment, peer review, tracking pupil progress and lesson observations. The collection of evidence should be proportionate and not increase workload for employees, (for example, teachers should NOT be asked to produce written evidence against each of the Teachers' Standards).

### **Interim Review Meetings**

Interim Review Meeting provide a formal opportunity for the employee and the appraiser to take a checkpoint during the review period and to review progress against the objectives and standards, and the employee's learning and development needs.

Updates on progress against objectives and standards, the learning and development needs, plus

any actions and changes agreed during the Interim Review Meeting between the employee and the appraiser must be documented.

If the view of the appraiser at an Interim Review Meeting is that the employee is not making sufficient progress towards the achievement of their objectives, or is not meeting the required standards, their concerns should be addressed as described in the Feedback section below.

If relevant, the employee should also be advised by their appraiser that based on their current performance and if insufficient progress is made they would not be able to recommend pay progression at the end of the year. See the Pay Progression section below for more specific information on teachers and support staff.

Where an employee has been unable to fully meet their objectives or the required standards and support has been identified but not yet provided or completed, this will be taken into account by the appraiser at the Interim Review Meeting.

### **Observation**

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

In this school, performance will be regularly observed, but the amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of the school.

Classroom observation will be carried out by those with Qualified Teacher Status.

In addition to formal observation, Head Teachers or other leaders with responsibility for teaching standards may "drop in" in order to evaluate the standards of teaching, and to check that high standards of professional performance are established and maintained.

The length and frequency of "drop in" observations will vary depending on specific circumstances and will also link to the coaching cycle and the appropriate focus at the time for that member of staff.

Staff who have responsibilities outside of the classroom should also expect to have their performance of those responsibilities observed and assessed.

### **Feedback**

All employees will receive constructive feedback on their performance throughout the year, verbal feedback should be given as soon as possible and confirmed in writing within 5 working days 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 attention.

### **Supportive Interventions**

Where there are concerns about any aspects of an employee's performance these will be raised

with them at the earliest opportunity.

The objective is to provide them with support and guidance in such a way that their performance improves and the problem is resolved.

Support will be offered as soon as possible without waiting for the formal annual assessment. This is particularly important where there are indications that an employee's overall performance means they are not making sufficient progress towards the achievement of their objectives, or they are not meeting the required standards.

The headteacher or a member of the leadership team will meet with the employee to:

- Give clear feedback to the employee about the nature and seriousness of the concerns.
- Give the employee the opportunity to comment and discuss the concerns.
- Set clear objectives for required improvement.
- In consultation with the employee, agree an action plan including any support (e.g., coaching, training, mentoring, in-class support, structured observations, visits to other classes or schools or discussions with other experienced employees), that will be provided to help address those specific concerns.
- Make clear how, and by when, the appraiser will review progress
- Explain the implications and process if no, or insufficient, improvement is made – e.g., impact on pay progression and potential move to formal capability. When progress is reviewed, if the appraiser is satisfied that the employee 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.

The employee's progress will continue to be monitored as part of the appraisal process and a reasonable time given for their performance to improve. This will depend upon the circumstances with appropriate support provided as agreed in the action plan. During this monitoring period the employee will be given regular feedback (e.g., by the appraiser) on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made such that the employee is performing at a level that indicates there is no longer a possibility of capability procedures being invoked, they should be informed of this at a formal meeting with the appraiser or headteacher. Following this meeting the appraisal process will continue as normal. If insufficient progress has been made, please refer to the transition to capability section below.

## **8. Annual Assessment**

**Performance will be formally assessed in respect of each appraisal period. In assessing the performance of the headteacher, the governance board must consult the external adviser.**

This assessment is the end point of the annual appraisal process. **The employee will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on - a written appraisal report.**

In this school, teachers and support staff will receive their written appraisal reports at the end of the appraisal, as these are handwritten during the meeting to ensure that this document is live

and timely.

**The appraisal report will include:**

- The overall assessment of their performance.
- Details of the objectives for the appraisal period in question.
- **An assessment of the employee's performance of their role and responsibilities against their objectives and the relevant standards.**
- **An assessment of their training and development needs and identification of any action that should be taken to address them.**
- **A recommendation on pay where that is relevant, based on the overall assessment of performance, in accordance with the school's pay policy (Note: pay recommendations need to be made in good time in order to meet the deadlines of 31 December for headteachers and by 31 October for other teachers).**

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

## ***9. Professional Development***

Appraisal is a supportive process which will be used to determine decisions on pay progression and inform continuing professional development. The school wishes to encourage a culture in which all employees take responsibility for improving their performance through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individuals.

## ***10. Pay Progression***

Where teachers are eligible for pay progression the assessment of performance against agreed objectives will inform the recommendation, which will be made with reference **to the criteria contained within the agreed pay policy** for the school and the relevant teacher standards.

Annual progression for support staff is subject to satisfactory performance. The governance board may also award additional increments in accordance with the agreed pay policy.

## ***11. Transition to Capability Policy***

It is expected that concerns about performance (except serious concerns which will be handled much sooner) will have been discussed with the employee, and an appropriate framework of support will have been put in place to help them achieve the required standard before moving into the Capability Policy (see Feedback and Supportive Intervention sections above).

If performance does not improve despite the measures put in place or if there are serious concerns about performance, the employee will, after meeting with their appraiser to discuss this, be notified in writing that the Appraisal Policy will no longer apply and that their performance will be managed under the Capability Policy. They will be invited to a formal capability meeting. The capability procedures will be conducted in accordance with the school's Capability Policy.

The Capability Policy may be initiated at any time during the appraisal cycle.

For teachers: the expectation is that where a teacher's overall performance at the end of the year

has been assessed as ‘requires improvement’, and significant progress has not been made against the support plan (and there are insufficient mitigating circumstances), then the school should consider managing the teacher’s performance under the formal capability procedure.

If the teacher’s overall performance at the end of the year has been assessed as ‘inadequate’, it is expected that supportive interventions will have failed and that the teacher’s performance should be managed under the formal capability procedure.

## ***12. General Provisions***

### **Consistency of Treatment and Fairness**

The governance board is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation and will ensure that reasonable adjustments are put in place where necessary.

### **Confidentiality & Professional Relationships**

The outcomes of the appraisal process will be treated with confidentiality and access to the content of the appraisal document will be restricted to only those in the line management chain who need to know.

The process of gathering evidence for performance review will not compromise normal professional relationships between employees. The governance board recognises that the reviewer will consult with, and seek to secure the agreement of an employee, before seeking information from other colleagues about their work.

However, the desire for confidentiality does not override the need for the headteacher and governance board to quality-assure the operation and effectiveness of the appraisal system. The headteacher or appropriate colleague might, for example, review all teachers’ objectives and written appraisal records personally to check consistency of approach and expectation between different appraisers.

### **Monitoring and Evaluation**

The governance board and headteacher will monitor the operation and effectiveness of the school’s appraisal arrangements. The headteacher will provide the governance board with a written report on the operation of the school’s appraisal and capability policies annually.

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

### **Retention**

The governance board and headteacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

## Capability Policy

### **1. Aim**

The aim of this policy is to provide a framework for managing employees, who despite the help and support provided through the Appraisal Policy/regular feedback meetings are unable to demonstrate the required level of performance or behaviours in their role.

#### **Who can help?**

For advice on capability issues, headteachers/ line managers with queries about can get support from HR Professional Support for advice on 033022 22422 or email

[HR.Professional.Support@westsussex.gov.uk](mailto:HR.Professional.Support@westsussex.gov.uk)

### **2. Scope**

This policy covers all staff employed by the school and Centrally Employed Teachers with the exception of:

- Those employed for less than one term.
- Support staff in their probationary period.

Certain procedural variations apply to the Headteacher and Centrally Employed Teachers as detailed below.

#### **Headteachers**

Meetings will be conducted/chaired by a member of the Governing Body who may be supported by a senior colleague from the Education & Skills Directorate representing the Director.

#### **Centrally Employed Teachers**

Meetings will be conducted/chaired by the line manager or senior line manager. Appeals against notices to improve must be submitted to the employee's line manager and will be heard by a manager of equal or greater seniority within the directorate.

Centrally Employed Teachers have the right of appeal against dismissal to the Staff Appeals Panel and the timescales/arrangements applicable to that panel will apply instead of the provisions within this policy.

For Teachers there are certain legislative requirements, which must be adhered to, where this is the case this is shown in **bold**.

### **3. When to use the Capability Policy**

Early intervention is critical when dealing with poor performance. The Headteacher/Line Manager is expected to raise concerns with individuals about their performance, through feedback, at the earliest possible opportunity and to put in place supportive interventions to help support the employee reach the required standards/behaviours. This is particularly important

where a teacher could be given a 'requires improvement' or 'inadequate' assessment at their mid-year or end of year appraisal.

For support staff it is recognised that they may not be subject to the full appraisal process, but their performance should be managed, with concerns about performance being raised informally first through normal regular feedback meetings.

The Capability Policy will be instigated when, despite the help and supportive interventions provided through the Appraisal Policy/ normal regular feedback meetings, the employee is still unable to meet the required standards and has **been formally notified that the Appraisal Policy/normal regular feedback meetings will no longer apply.**

The Capability Policy may also be instigated when there are serious concerns about an employee's performance and immediate action is warranted.

In cases where the employee does not reach and maintain the required standard of performance, the employee may be dismissed.

If the required standard is not met for reasons of misconduct (e.g. refusal to co-operate or follow instructions) then this will be treated as a disciplinary matter under the disciplinary policy.

If the reason for poor performance is as a direct consequence of an underlying health condition or disability, this will be managed through the sickness policy. Sickness absence will also be managed through the sickness policy.

This policy should be read in conjunction with the guidance notes.

#### ***4. Right to be Accompanied***

Employees have the right to be accompanied at all formal meetings within the procedure. There is no right for the employee to be accompanied to regular meetings during review periods.

The employee's companion can be:

- a work colleague;
- a Trade Union Official; or
- an accredited Trade Union Representative.

If the employee is attending a dismissal appeal meeting, the employee may bring a legal representative as their companion, for example a solicitor.

The name of the companion attending any formal meeting should be notified to the Headteacher/Line Manager, no later than 3 working days prior to the formal meeting.

#### ***5. The Formal Procedure.***

Prior to commencing the formal procedure, the employee will have been **notified in writing that their performance is to be managed under the formal capability policy and that the appraisal policy no longer applies.**

For a detailed outline of the procedure and additional information please refer to the Guidance notes.

The formal procedure consists of three stages.

| <b>Stage</b>  | <b>Purpose.</b>  | <b>Outcomes</b>   | <b>Meeting<br/>Chaired by</b>                             |
|---|--|---|---|
| Stage 1 -<br>Formal<br>Meeting                          | To formally discuss the shortfall in the employee's performance and make clear the required standards, set objectives and timescales for improvement.                                  | Written notice to improve<br>OR<br>No action is necessary and returns to normal appraisal policy/normal regular feedback.   | Headteacher/<br>Line Manager                              |
| Stage 2 -<br>Formal<br>Review<br>Meeting                | To review the employee's progress against the standards and objectives set in the written notice to improve and decide the next steps.   | Final Written notice to improve.<br>OR<br>Extended monitoring period is given<br>OR<br>Employee has improved and formal capability procedures are discontinued and returns to appraisal policy/normal regular feedback. | Headteacher/<br>Line Manager                              |
| Stage 3 -<br>Final<br>Review and<br>Decision<br>Meeting | To review the employee's progress against the standards and objectives set in the written notice to improve and decide on the appropriateness of continuing the employee's employment. | Dismissal with notice.<br>OR<br>Employee has improved and formal capability procedures are discontinued.  | Headteacher/panel of no fewer than 3 governors (trustees) |

These would normally be followed sequentially, however there are certain circumstances where it would be appropriate to initiate the capability policy at a later stage, this includes:

- Where a notice of improvement is still 'active' and the employees' performance lapses during this period; OR
- Where there is a significant or sudden drop in performance that jeopardises the education of children, their safety or significantly compromises the operations, functions and services provided by the school.

In cases where it is not clear where the procedure should commence, advice should be sought from the HR Professional Support Team.

### **Notice of meetings**

Where possible the date of the Formal Review meeting and Final review meeting should be set in advance, but in any case at least 5 working days' written notice should be given of attendance at any formal meeting under the procedure.

The notice of the meeting must contain sufficient information about the concerns, and their possible consequences to enable the employee to prepare their response.

### **Postponements**

A postponement may be requested in advance of the meeting and providing the reasons for the request are reasonable this will be agreed to. Only one postponement will be allowed.

In the event that the employee fails to attend the meeting or chooses not to attend the meeting, the matter may be considered and decided in their absence.

### **Document Exchange**

Any documentation to be considered at any formal meeting must be sent to the employee with the invitation to attend the meeting.

If the employee wishes to submit documentation to be considered this should be submitted no later than 3 working days prior to the meeting.

### **Witnesses**

In certain circumstances it may be appropriate for the Headteacher/Line Manager, or the employee to call witnesses to attend the hearing. Where this is the case, the Headteacher/Line Manager shall notify the names of the witnesses they intend to call in the invitation to attend the meeting. Where the employee wishes to call their own witness the name of the witnesses should be notified in writing no later than 3 days before the meeting.

### **Formal confirmation of decisions**

The formal decision of the meeting and a copy of the notes of the meeting must be confirmed in writing to the employee within 5 working days of the meeting being held. (see below for special provisions relating to dismissal).

### **Monitoring Periods**

The length of a monitoring period depends on the seriousness of the issue, but is expected in most cases, to be between 4 to 8 weeks per monitoring period, with the aim of completing the procedure, within a term of commencing the process.

### **Currency of notice to improve**

If, at the end of their monitoring period, the employee has achieved the required standard, formal capability procedures will be discontinued and the employee will return to the normal appraisal process. The employee should be notified formally in writing of this.

However, the notice to improve will remain 'live' for a period of 9 calendar months (written notice to improve) or 12 calendar months (final notice to improve) or to the end of the academic year (whichever is the greater period) commencing from the date of the meeting, which

confirms that formal procedures no longer apply.

Should the employee's performance lapse during this period they will return to the Capability procedure at the stage they left it.

### **Dismissal**

Final Review and Decision Meetings, where dismissal may be the outcome must be conducted in accordance with the procedure outlined in Appendix A of the Guidance Document (this does not apply to Centrally Employed Teachers).

In Community, Voluntary Controlled, Community Special and Maintained Nursery Schools, the decision to dismiss is delegated to the Headteacher and Governing Body, but must be confirmed by the Local Authority.

Where an employee is dismissed from such a school, they will be formally notified within 5 working days of the Headteacher/Governing Body's recommendation. This will be followed by a formal notice of dismissal from the Local Authority within 14 days of receipt of the recommendation for dismissal.

In Foundation, Voluntary Aided, Foundation Special Schools and some Academies, the Governing Body shall issue the notice of dismissal, within 5 working days of the decision being made. This will be confirmation of the employee's dismissal.

Centrally Employed Teachers will be issued with notice of dismissal by the Authority, within 5 working days of the decision being made. This will be confirmation of the employees' dismissal.

### **Appeals**

There is the right of appeal at all stages of the formal Capability policy.

In the case of dismissal, the employee has the right to appeal against any such dismissal to a Panel of no fewer than three Governors (trustees) representing the Governing Body (Board of Trustees) of the School.

Employees wishing to appeal against a notice to improve or dismissal, must submit their appeal in writing, stating the grounds for their appeal, with 5 working days of receiving written confirmation of the decision to the Clerk to the Governing Body (Board of Trustees).

The Clerk to the Governing Body (Board of Trustees) will make arrangements for the appeal meeting to be held within 10 working days of receiving the employee's letter.

The Appeal Panel cannot increase the level of the notice to improve.

## ***6. General Provisions***

### **Overlapping Procedures**

In certain circumstances an employee may have a difficulty that is covered by two policies (for example, Grievance); or another difficulty arises during the application of one policy (e.g. sickness absence). In these circumstances the meetings required could be combined to ensure that the issue is dealt with in its entirety rather than viewed in isolation. The aim should be to focus on resolving the difficulty, ensuring that the essential elements from each procedure have

been included in order to minimise the number of meetings and correspondence.

Sickness Absence or Grievances will not necessarily mean the Capability Policy is suspended, each individual case will be examined on its merits and timescales may be amended accordingly.

HR Professional Support can provide advice in these circumstances.

### **Link with Incremental Pay (Non-Teaching staff only)**

The pay policy states that employees will usually progress to the next spinal column point on an annual basis, subject to their performance, until they reach the top of the pay spine. If an employee is given a notice to improve their Line Manager may authorise for the employee's increment to be withheld until the notice to improve has lapsed. If this is to be actioned, the employee will be told in writing.

### **Trade Union Representatives**

No formal action will be taken under this policy against an accredited representative of a trade union, until the circumstances of the case have been discussed with a full-time official of the trade union concerned.

### **Employees with Disabilities**

If an employee requires any reasonable adjustments to be made to enable them to fully participate in the process, they should notify their Headteacher/Line Manager as soon as possible.

In the case of any formal meeting, any reasonable adjustments should be notified as soon as possible (and providing a minimum 3 working days' notice). See the Guidance notes for further information.