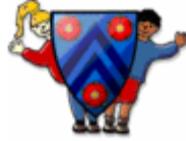


**Marshfield CE VC Primary School**

'Learning Together, Inspiring Each Other, Achieving Our Best'

# **Appraisal and Capability Procedure**

Ratified by Governing Body on:	Date: 24/11/2020
Due for review:	Date: November 2021



**Marshfield CE VC Primary School**

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## **Appraisal and Capability Procedure**

Contents:

Part A:      1. Appraisal of Teaching Staff  
                 2. Appraisal of Support Staff

Part B:      Capability Procedure (All School Staff)

Prepared by HR for Schools section, South Gloucestershire Council

### **Part A – APPRAISAL OF TEACHING STAFF**

#### **1. Purpose**

Appraisal in this school will be a supportive and developmental process designed to ensure that all teachers have the skills and support they need to carry out their role effectively. It will help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

A good appraisal process will help teachers know:

- what the school is trying to achieve
- what their role is in helping the school achieve its goals
- the skills and competencies they need to fulfil their role
- the standards of performance required
- how they can develop their performance and contribute to the development of the school
- how they are doing
- when there are performance problems and action required

## **2. The Appraisal Period**

- 2.1. The appraisal period will normally run for twelve months from September to September.
- 2.2. On occasions a longer or shorter period will be applied in order to accommodate teachers who may leave or take up posts during the school's appraisal cycle.
- 2.3. Teachers who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The specific arrangements and timescales will depend upon the nature and duration of their contract.

## **3. Appointing Appraisers**

- 3.1. The Headteacher will be appraised by the Governing Body, supported by a suitably skilled and experienced external adviser who has been appointed by the Governing Body for that purpose.
- 3.2. In this school the task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of 3 members of the Governing Body who will not be members of the school staff.
- 3.3. The Headteacher will decide who will appraise other teachers. All appraisers will have qualified teacher status and, where not the teacher's line manager, will have an equivalent or higher status in the school's staffing structure.
- 3.4. Where for any reason the appraiser will be absent for a substantial part of the appraisal period, the Headteacher may take on the role of appraiser or may nominate an alternative appraiser for the relevant period.
- 3.5. Where a teacher is experiencing difficulties and the Headteacher is not the appraiser, the Headteacher may take on the role of appraiser.
- 3.6. Any objection to the allocation of an appraiser should be explained in writing to the Headteacher (Chair of Governors in the case of the Headteacher) and will be considered accordingly.

## **4. Setting Objectives**

- 4.1. The Headteacher's objectives will be set by the nominated sub-group of the Governing Body after consultation with the external adviser.
- 4.2. Objectives for each teacher will be set before, or as soon as practicable, after the start of each appraisal period. The objectives set for each teacher will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the teacher's role and level of experience. The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.
- 4.3. The objectives set for each teacher 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 that school. They will also seek to reflect the professional aspirations of the teacher.

- 4.4. In order to focus on relevant priorities and having regard both to workload and the underlying framework of professional standards, the number of personal objectives set will not normally be more than 2 to ensure tight focus and positive impact on learning .
- 4.5. Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. All teachers should be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The Headteacher or governing body (as appropriate) will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

## **5. Reviewing Performance**

### **5.1. Observation and other evidence.**

- 5.1.1. The Governing Body believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion.
- 5.1.2. In this school, teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will be carried out by those with QTS. In addition to formal observation, the Headteacher 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
- 5.1.3. The school's arrangements for classroom observation will follow the principles set out in the school's protocol document attached as an annex to this procedure.
- 5.1.4. In addition to classroom observation other relevant evidence will be considered as part of the appraisal arrangements. This may include work sampling, pupil progress records and pupil conferencing.
- 5.1.5. Teachers (including the Headteacher) who have TLR or leadership responsibilities should also expect their performance of those additional responsibilities to be included within appraisal arrangements and for relevant sources of evidence to be identified.

### **5.2. Development and support**

- 5.2.1. Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.
- 5.2.2. The Governing Body will seek to provide adequate resources within the school budget for appropriate training and support to be available on an equitable basis to appraisees. Details of training and development needs identified through the appraisal process, including any constraints due to funding will be included in the Headteacher's annual report.

### 5.3. Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as possible after any observations have taken place or other evidence has been considered. Feedback will be of a developmental nature and will highlight particular areas of strength as well as any areas that may need attention, including guidance on how improvements may be achieved. Where appropriate, revised objectives and priorities may be proposed to reflect outcomes from the appraisal process.

### 5.4. Teachers Requiring Additional Support

5.4.1. **In the event of significant and/or recurring concerns about a teacher's performance** being identified, arrangements will be made to establish a support plan with a view to securing the improvements required.

5.4.2. A support plan may be implemented as part of the appraisal procedure at any time where this becomes appropriate and does not need to await the formal annual assessment. The Headteacher, appraiser or nominated line manager will arrange a structured meeting with the teacher for this purpose and will invite the teacher to be accompanied by a union representative or workplace colleague. The meeting will:

- give clear feedback to the teacher about the nature and seriousness of the concerns;
- clarify any previous action taken to address the concerns;
- give the teacher the opportunity to comment and discuss the concerns;
- agree any support (e.g. coaching, mentoring, structured observations, teaching resources) that will be provided to help address these specific concerns;
- make clear how, and by whom, progress will be monitored and when it will be reviewed;
- explain the implications and process that will apply if no, or insufficient, improvement is made.

5.4.3. The time period for making improvement will depend upon the individual circumstances but will have regard to the nature and seriousness of the concerns, any support that has been or is to be provided and any other relevant factors. A structured support plan will not normally be of less than six weeks duration. This will be confirmed in writing to the teacher and a structured support plan will be drawn up.

5.4.4. When progress is reviewed, if the appraiser is satisfied that the teacher 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 period of monitoring may be extended in situations where there is good reason to do so. This will be confirmed in writing to the teacher.

### 5.5. Transition to Capability Procedure

If no, or insufficient improvement has been made after the monitoring period, the teacher will be notified in writing and invited to a formal capability meeting. The capability procedures will be conducted as in Part B of this document.

## **6. Annual assessment**

- 6.1. Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Headteacher, the sub group of the Governing Body must consult the external adviser.
- 6.2. This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which may take place on a planned or ad hoc basis.
- 6.3. The teacher will receive, as soon as practicable following the end of each appraisal period, a written appraisal report. In this school, teachers will receive their written appraisal reports by 31 October (31 December for the headteacher). The appraisal report will include:
- details of the teacher's objectives for the appraisal period in question;
  - an assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards;
  - an assessment of the teacher's training and development needs and identification of any action that should be taken to address them;
  - a recommendation on pay where that is relevant (NB – pay recommendations need to be made by 31 December for head teachers and by 31 October for other teachers);
- 6.4. The teacher will be provided with the opportunity to comment in writing on the appraisal report and to request that appropriate amendments are considered.
- 6.5. The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.

## **7. Monitoring and Evaluation**

The Governing Body and Headteacher will monitor the operation and effectiveness of the school's appraisal arrangements. This will be achieved by the Headteacher and/or other designated senior leader(s) undertaking scrutiny of appraisal documentation in order to establish consistency of approach and expectations between different appraisers. The Headteacher will present an annual report to the Governing Body which summarises the principal outcomes or issues that may require consideration or endorsement, including matters affecting standards, curriculum or resource planning. The monitoring arrangements will also seek to ensure that the appraisal procedures are conducted in a non-discriminatory way.

## **8. Confidentiality**

Appraisal procedures and documentation will be managed with due regard to confidentiality, subject to the over-riding need for the Headteacher and Governing Body to fulfil quality assurance expectations through the monitoring and evaluation arrangements outlined above. Access to appraisal documentation for individuals will normally be restricted to the appraiser and Headteacher or designated senior leader (where not the appraiser). It will only be made available to members of the Governing Body where this is necessary to resolve a pay, grievance or related matter raised by the employee.

## **9. Appeals**

Any concerns regarding the application of appraisal procedures or content of the written appraisal report should be discussed initially with the appraiser, and may be referred to the Headteacher, if appropriate. The school's grievance procedure may be invoked if the matter cannot otherwise be resolved.

Where the concern relates to a pay recommendation the matter will be dealt with as provided for in the School's Pay Policy.

# **PART A – APPRAISAL OF SUPPORT STAFF**

*As there are no statutory appraisal requirements for support staff this section must necessarily be completed by each school to reflect its locally determined practice. There is an expectation that all schools will as a minimum have, arrangements in place for induction, regular supervision, feedback and training for all types of support staff but it is recognised that these may not be formally set out. The following framework (based on the format for teaching staff) may be helpful in providing greater clarification of support staff appraisal arrangements. Relevant sections can be adapted, as required. Additional documentation to assist support staff appraisal, including a protocol for observations, is available from HR for Schools.*

## **1. Purpose**

Appraisal in this school will be a supportive and developmental process designed to ensure that all staff have the skills and support they need to carry out their role effectively. It should also help staff to develop their own practice and consider future career progression.

## **2. The Appraisal Period**

- 2.1. The appraisal period will normally run for twelve months from September to September.
- 2.2. On occasions a longer or shorter period will be applied in order to accommodate staff who may leave or take up posts during the school's appraisal cycle.
- 2.3. Staff who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The specific arrangements and timescales will depend upon the nature and duration of their contract.

## **3. Appointing Appraisers**

- 3.1. The Headteacher will decide who will appraise members of support staff. The choice of appraiser will have regard to the nature of the post, supervision arrangements and line management responsibilities. Support staff may be appraised by members of the teaching staff where this is appropriate to their role.
- 3.2. Any objection to the allocation of an appraiser should be explained in writing to the Headteacher and will be considered accordingly.

## **4. Setting Objectives**

- 4.1. Objectives for each member of support staff will be set before, or as soon as practicable after the start of each appraisal period. The objectives set will be appropriate to the member of staff's role and experience. The appraiser and member of staff will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.
- 4.2. The objectives set will, if achieved, contribute to the school's educational provision in a direct or indirect manner having regard to the nature of the role and the level of engagement with pupils. They will also be seen to reflect relevant career aspirations of the member of staff.

## **5. Reviewing Performance**

### **5.1 Evidence**

- 5.1.1. The appraisal procedure may draw upon a range of evidence which will depend upon the nature of the post. The evidence that may be considered for different types of post will be clarified by the appraiser and for relevant posts may include observation of classroom activities.
- 5.1.2. Where classroom observation forms part of the appraisal evidence, such observations will be carried out in a sensitive and supportive manner. The purpose of the observation should be clarified prior to the observation taking place. In addition, to formal observations, the Headteacher or other school leaders may sometimes 'drop in' to classrooms in order to monitor standards.

### **5.2. Development and Support**

- 5.2.1. Appraisal is a supportive process which is intended to help staff in fulfilling the requirements of their jobs. The school wishes to encourage a culture in which all staff wish to develop their skills and experience regardless of their role within the school. Training and development opportunities will be linked to the school's priorities and to the development needs of individual staff.
- 5.2.2. The Governing Body will seek to provide adequate resources within the school budget for appropriate training and support to be available on an equitable basis to appraisees. Details of training and development needs identified through the appraisal process, including any constraints due to funding will be included in the Headteacher's annual report.

### **5.3. Feedback**

Staff will receive constructive feedback on their performance throughout the year and as soon as possible after appropriate evidence or information has been obtained or observations undertaken. Feedback will be of a developmental nature and will highlight particular areas of strength as well as any areas that may need attention, including guidance on how improvements may be achieved. Where appropriate, revised objectives and priorities may be proposed to reflect outcomes from the appraisal process.

### **5.4. Staff Requiring Additional Support**

- 5.4.1. In the event of significant and/or recurring concerns about a member of staff's performance being identified, arrangements will be made to establish a support plan with a view to securing the improvements required.
- 5.4.2. A support plan should be implemented as part of the appraisal procedure at any time where this becomes appropriate and does not need to await the formal annual assessment. The Headteacher, appraiser or nominated line manager will arrange a structured meeting with the member of staff for this purpose and will invite the member of staff to be accompanied by a union representative or workplace colleague. The meeting will:
- give clear feedback to the member of staff about the nature and seriousness of the concerns;

- clarify any previous action taken to address the concerns;
- give the member of staff the opportunity to comment and discuss the concerns;
- agree any support (e.g. training, mentoring, work shadowing, additional resources or equipment) that will be provided to help address these specifications.
- make clear how, and by whom, progress will be monitored and when it will be reviewed;
- explain the implications and process that will apply if no, or insufficient, improvement is made.

5.4.3. The time period for making improvement will depend upon the individual circumstances but will have regard to the nature and seriousness of the concerns, any support that has been or is to be provided and any other relevant factors. A structured support plan will not normally be of less than six weeks duration. This will be confirmed in writing to the member of staff and a structured support plan will be drawn up.

5.4.4. When progress is reviewed, if the appraiser is satisfied that the member of staff 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 period of monitoring may be extended in situations where there is good reason to do so. This will be confirmed in writing to the member of staff.

### **5.5. Transition to Capability Procedure**

If no, or insufficient improvement has been made after the monitoring period, the member of staff will be notified in writing and invited to a formal capability meeting. The capability procedures will be conducted as in **Part B** of this document.

## **6. Annual Review**

6.1. The performance of each member of staff will be reviewed on a structured basis at the end of the appraisal period although performance and development priorities should also be reviewed and addressed on a regular basis throughout the year in interim meetings or through day to day supervision.

6.2. The annual review meeting should cover the following points:

- a self review by the member of staffing having regard to their job description and to the objectives set for the appraisal period.
- an assessment of performance by the appraiser, including consideration of how well the objectives have been met and reference to appropriate evidence (which may include feedback from observations for relevant posts).
- setting of objectives for the next appraisal period including clarification of timescales and expected outcomes, agreement about actions required to meet the objectives, including any support or development to be provided.
- clarification of aspects of the job description, if required, eg to reflect changes in working procedures or priorities.

6.3 The appraiser will arrange for an appraisal report to be collated as a record of the meeting. The member of staff will have the opportunity to comment in writing on the appraisal report and to request that the appropriate amendments are considered.

## **7. Monitoring and Evaluation**

The Governing Body and Headteacher will monitor the operation and effectiveness of the school's appraisal arrangements. This will be achieved by the Headteacher and/or other designated senior leader(s) undertaking scrutiny of appraisal documentation in order to establish consistency of approach and expectations between different appraisers. The Headteacher will present an annual report to the Governing Body which summarises the principal outcomes or issues that may require consideration or endorsement, including matters affecting standards, curriculum or resource planning. The monitoring arrangements will also seek to ensure that the appraisal procedures are conducted in a non-discriminatory way.

## **8. Confidentiality**

Appraisal procedures and documentation will be managed with due regard to confidentiality, subject to the over-riding need for the Headteacher and Governing Body to fulfil quality assurance expectations through the monitoring and evaluation arrangements outlined above. Access to appraisal documentation for individuals will normally be restricted to the appraiser and Headteacher or designated senior leader (where not the appraiser). It will only be made available to members of the Governing Body where this is necessary to resolve a pay, grievance or related matter raised by the employee.

## **9. Appeals**

Any concerns regarding the application of appraisal procedures or content of the written appraisal report should be discussed initially with the appraiser, and may be referred to the Headteacher, if appropriate. The school's grievance procedure may be invoked if the matter cannot otherwise be resolved.

## **Part B: CAPABILITY PROCEDURE (for all school staff)**

### **1. Introduction**

- 1.1. This procedure will be followed where there are serious concerns about an employee's failure to achieve or sustain an acceptable level of performance and where earlier intervention and support has not rectified the problem.
- 1.2. For those employees who are failing to meet the required standards of performance, the application of this procedure should follow on from earlier clarification of concerns under the school's normal supervision and appraisal arrangements. The employee should have been made aware of concerns at the earliest opportunity and have been provided with the opportunity to make improvements having received appropriate training, guidance and support. This will normally have involved a structured meeting and associated support plan as referred to within the Appraisal procedure in Part A of this document.
- 1.3. In the case of support staff, where there is no statutory framework for appraisal, it is expected that there will be some form of appraisal or supervision scheme in place under which any concerns will have been identified and relevant support provided prior to applying this procedure.
- 1.4. Where it is considered that the employee's performance is unsatisfactory because of a wilful refusal to carry out duties or to perform them to an acceptable standard, the matter may be treated as misconduct and the Disciplinary Procedure may then apply. Any sanctions taken under the Disciplinary Procedure may have regard to relevant steps taken under this Capability Procedure and vice versa.
- 1.5. In circumstances where performance and/or related attendance may be affected significantly by health factors medical advice will be sought and any reasonable adjustments considered. Where appropriate, subsequent action may be taken under ill health or sickness absence procedures.

### **2. Roles and Responsibilities**

- 2.1. This procedure will normally be carried out by the Headteacher or, in appropriate circumstances, by a designated Senior Line Manager. Where the concerns are about the Headteacher's performance the term 'line manager' will refer to the Chair of Governors and/or other designated governors. In this situation the expectation is that professional advice will be provided by the Local Authority or an appropriate external adviser engaged by the governing body.
- 2.2. The person responsible for managing the procedure will have responsibility for issuing any relevant warnings under this procedure up to the point of recommending dismissal.
- 2.3. The Governing Body has the right to delegate to the Headteacher the power to determine that the employees should cease to work at the school. However, if the Headteacher is involved in managing the earlier stages of the procedure then, applying the principles of 'natural justice', he/she should not also take the initial dismissal decision.
- 2.4. Where the dismissal decision will not be taken by the Headteacher, any proposal to dismiss the employee will be considered by a panel of 3 governors nominated by the Governing Body. Any appeal hearing will be conducted by a second panel comprised of at least the same number of different governors.

- 2.5. Any appeal against the issue of a written warning under this procedure will normally be conducted by a nominated panel of 3 governors.
- 2.6. The Headteacher may report to the Governing Body that the capability procedure has been invoked as a confidential staffing item. Further details must not be discussed as this may prejudice the position of governors at any subsequent hearing or appeal that may be required.
- 2.7. The Local Authority has statutory advisory rights at any hearing to consider dismissal in a Community or Voluntary Controlled School and may also have been granted these rights in a Voluntary Aided School.
- 2.8. All references to dismissal within this procedure will have regard to the specific provisions of the prevailing School Staffing Regulations and, in particular, the provision that the Governing Body of a Community or Voluntary Controlled School may determine that an employee should cease to work at that school but it is the Local Authority that issues notice and confirms any dismissal decision.

### **3. General Points of Procedure**

- 3.1. Where it is proposed to invoke this procedure a copy will be provided to the employee and he/she will be advised to contact his/her professional association or trades union representative.
- 3.2. At all stages of the procedure the employee must be given at least 5 working days written notice of any formal meeting. The letter will include clarification of the purpose of the meeting, brief details of the matters to be considered, who will attend and copies of any relevant documentation.
- 3.3. The employee is entitled to be accompanied by a professional association/trades union representative or a workplace colleague at any formal meeting at each stage of this procedure. The right of accompaniment will not apply to any intermediate supervisory or review meetings that may take place between these formal meetings but may be considered on request from the employee.
- 3.4. Where this procedure is invoked and a written warning is issued, the statutory appraisal arrangements (in the case of teaching staff) will be suspended for the duration of the procedure. Any school based performance review system for support staff will be similarly suspended.
- 3.5. Should the employee raise a grievance during the capability procedure it may be necessary to suspend the procedure to deal with the grievance. However, if the matter is related to capability, the issues will normally be considered concurrently.
- 3.6. Where warnings are issued under this procedure they will remain current for the following periods:

Formal Written Warning – for one year

Final Written Warning – for two years

This means that if further concerns arise within these timescales the procedure may recommence at the appropriate stage.

## **4. Timescales**

- 4.1. There are no prescriptive timescales for the different stages of this procedure. The time allowed for improvement will depend upon the nature and complexity of the post, the seriousness of the concerns (including any risks to the safety and welfare of pupils or colleagues) and the level of support that has been, or may continue to be, provided.
- 4.2. It is envisaged that the formal capability procedures will rarely extend over a period of more than two (old) terms. In cases where there is clear evidence of prior structured support and monitoring under appraisal arrangements a significantly shorter period may be justified. E.g. a review period of 6 to 10 weeks following a formal warning followed by a further review period of 4 to 6 weeks after a final warning.
- 4.3. This procedure will normally be worked through sequentially. However, in exceptional circumstances and where there are serious concerns, the Headteacher/Line Manager may move directly to a later stage.
- 4.4. For staff in short-term employment (ie. a temporary post of less than one year's duration) the principles of this procedure should be applied but may be accelerated to respond to the specific circumstances of the employment.
- 4.5. The written outcome of any formal meeting will be provided to the employee within 5 working days of the meeting taking place.
- 4.6. Any appeal against the issue at a formal or final written warning or dismissal decision must be requested in writing within 5 working days of the written notification being received.

## **5. Procedure**

### **5.1. First Formal Meeting**

5.1.1. The employee will be invited to attend a meeting with the Headteacher / Line Manager in order to establish the facts and to determine what further action or clarification is appropriate. The employee should be given at least 5 working days notice, in writing, of the meeting.

5.1.2. The meeting will include consideration of:

- the areas of concern and how these have been evidenced
- the level of performance that is required with reference to any particular objectives or professional standards that may apply
- any previous action taken within the school's supervision or appraisal arrangements, including any training, guidance or support that has been provided
- any observations from the employee about organisational workload or personal matters affecting their performance
- appropriate actions and timescales for making improvements, including support and monitoring arrangements.

Where necessary the meeting may be adjourned to enable additional information to be obtained.

5.1.3. The Headteacher / Line Manager may decide:

- a) That it is not appropriate to proceed with formal capability procedures and that any relevant support, training or guidance should be provided outside of this procedure; or
- b) That there are sufficient grounds for a formal written warning to be issued (which, in exceptional circumstances, could be a final written warning).

5.1.4. Where a Formal Written Warning is issued this will make clear

- the areas requiring improvement and the relevant outcomes or standards to be achieved
- any further training, guidance or support that is to be provided
- the arrangements for further monitoring of performance
- the date by which there will be a formal review of progress
- the consequences of failing to make the required improvements
- the right of appeal

## 5.2. Second Formal Meeting

5.2.1. The purpose of this meeting is to review progress against the requirements and timescale set out in the formal written warning. It will assess the employee's ability to reach and maintain the required level of performance having been provided with appropriate support and the opportunity to demonstrate how this has been applied in the workplace.

5.2.2. The Headteacher/Line Manager may decide that:

- a) the necessary improvements have now been demonstrated and that no further formal action is required; or
- b) a specified period of further monitoring is appropriate; or
- c) the level of performance remains unacceptable and that the employee should be issued with a final written warning.

5.2.3. Where a final written warning is issued this will make clear:

- the areas of performance that remain unsatisfactory;
- any further arrangements for support and/or monitoring;
- the date at which there will be a final formal review of performance;
- that failure to meet the required level of performance may lead to dismissal;
- the right of appeal.

5.2.4. Where such discussions have not already occurred, it may be appropriate to explore any relevant options with the employee at this stage. For example where the employee is failing to meet the requirements of a 'promoted' post, it may be appropriate at this stage to consider and clarify if demotion to a lower graded post in the school is an option.

5.2.5. The employee should have the opportunity to discuss any proposal involving a change to their salary or contractual position with their professional association/trade union representative. HR advice may also be sought by the school.

## 5.3. Third Formal Meeting (Final Review)

5.3.1. At this meeting there will be a final assessment of the employee's performance and the Headteacher/Line Manager will decide if appropriate improvement has been demonstrated or if the concerns about performance are such that dismissal is now to be recommended. In appropriate circumstances, the alternative of demotion to a lower graded post may be given further consideration.

5.3.2. Where dismissal is to be recommended, the employee should be notified in writing and arrangements made to convene a dismissal hearing at the earliest opportunity. The employee will normally be removed or suspended from his/her normal duties pending the outcome of the hearing.

#### **5.4. Dismissal Proceedings**

5.4.1. The hearing at which dismissal is to be considered will normally be conducted by a nominated panel of not less than 3 governors. The hearing may exceptionally be conducted by the Headteacher, if he/she has been given delegated responsibility by the Governing Body and has not been involved in earlier proceedings.

5.4.2. Written notice of the hearing arrangements and copies of relevant documentation will be provided to the employee accordingly and he/she may be accompanied as provided for throughout this procedure. The employee should be given at least 5 working days notice, in writing, of the hearing.

5.4.3. The Headteacher/Line Manager will attend, as appropriate, to present the management case. A Local Authority representative (normally a senior member of the HR for Schools section) may attend for the purposes of providing advice to the Panel.

5.4.4. The outcome of the hearing may be that:

- there is sufficient reason to provide further period of support and monitoring, subject to a specified review date
- the employee should be demoted to a lower graded post within the school;
- the employee should be issued with notice of dismissal.

5.4.5. The outcome of the hearing will be notified in writing to the employee and, where appropriate, will set out the arrangements for lodging an appeal. The grounds for an appeal must be provided in writing prior to the appeal hearing. This must be provided in writing and set out the grounds for an appeal.

5.4.6. Formal notice of dismissal will be issued, where applicable, by the Local Authority on receiving instructions from the Governing Body. (In the case of Voluntary Aided schools notice will be issued directly by the Governing Body). The relevant period of paid contractual notice will apply during which it will normally be appropriate for the employee to be removed or formally suspended from his/her normal duties if this has not already occurred.

5.4.7. Any necessary appeal hearing should be conducted as soon as possible after the initial decision has been confirmed but having regard to the timescale and procedural requirements set out elsewhere. In the event of the employee being reinstated, then notice of dismissal (if already issued) will be withdrawn.