



Appraisal and Capability Policy

Adopted: 24th March 2017

Reviewed: 9th October 2021

To be Reviewed: September 2023

Mission Statement

Why:

We believe in the right of every young adult at Chatsworth Futures to access high quality learning opportunities which will empower and enable them to live happy, safe, healthy, valued and fulfilling adult lives.

How:

We achieve this by providing a safe, caring, challenging and positive learning environment in which the dignity, individual choices and aspirations of each learner are respected and celebrated.

We strive to work collaboratively with learners, their families and colleagues to develop an inclusive, equitable and friendly organisation in which healthy risk taking is encouraged, enjoyable experiences are offered and strong relationships are at the heart of all we do.

What:

We endeavour to nurture independent, empowered and fulfilled individuals who are able to live purposeful, productive and happy lives as they move on from Chatsworth Futures.

Introduction

This policy outlines the principles and procedures for appraising all members of staff employed at Chatsworth Futures. It also describes the capability procedures which have been adopted by the Governing Body of Chatsworth Futures. This policy is based around the revised appraisal and capability arrangements published by the Department for Education which came into force in September 2012.

The policy is in two separate sections. Part A covers appraisal and should be used as a reference point to reflect the Appraisal Regulations. Part B of the policy sets out the formal capability procedure and reflects the ACAS Code of Practice on disciplinary and grievance procedures. Capability procedures apply only to those members of staff about whose performance there are serious concerns that the appraisal process has been unable to address.

Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of staff including the Principal, and for supporting their development within the context of improving educational provision and performance, and the standards expected of staff. It also sets out the arrangements that will apply when staff fall below the levels of competence that are expected of them.

Application of the policy

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to all staff employed by the College except those on contracts of less than one term, those undergoing induction (*ie* NQTs) and those who are subject to Part B of the policy.

Part B of the policy, which sets out the formal capability procedure, applies only to staff about whose performance there are serious concerns that the appraisal process has been unable to address.

Part A – Appraisal

Appraisal at Chatsworth Futures 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 will help to ensure that staff are able to continue to improve their professional practice and to develop.

The appraisal period

The appraisal period will run for twelve months from September to August. 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 length of the period will be determined by the duration of their contract.

Appointing appraisers

The Principal will be appraised by the Trustees of the Chatsworth Multi Academy Trust, supported by a suitably skilled and experienced external adviser who has been appointed by the Trustees for that purpose. This appraisal will take into account the views and priorities of the Chatsworth Futures Governing Body.

The Principal will decide who will appraise other members of staff.

Setting objectives

The Principal's objectives will be agreed by the Governing Body after consultation with the Trustees and their appointed external adviser. These objectives will reflect the Principal's remit across the Trust as well as one or more specific objectives relating to Chatsworth Futures.

Objectives for each member of staff will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each member of staff, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the person's role and level of 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.

The objectives set for each member of staff will, if achieved, contribute to the College's plans for improving educational provision and performance and improving the education of learners.

Before, or as soon as practicable after, the start of each appraisal period, each member of staff will be informed of the standards against which that person's performance in that appraisal period will be assessed.

Reviewing performance

Observation

Chatsworth Futures believes that the observation of practice is important both as a way of assessing performance in order to identify any particular strengths and areas for development and of gaining useful information which can inform improvement more generally. All observation will be carried out in a supportive fashion. Observation will focus on the performance of tutors and will not form a material part of other members of staff appraisal arrangements.

At Chatsworth Futures tutors' performance will be regularly observed but the amount and type of observation will depend on the individual circumstances of the tutor and the overall needs of the College. Formal observation will be carried out by those with QTS or QTLS. In addition to formal observation, senior 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. Senior leaders may also undertake regular learning walks in order to quality assure practice across the College.

Development and support

Appraisal is a supportive process which will be used to inform continuing professional development. The College wishes to encourage a culture in which all members of staff take responsibility for improving their practice through appropriate professional development. Professional development will be linked to the College's improvement priorities and to the ongoing professional development needs and priorities of individual members of staff.

Feedback

Members of staff will receive constructive feedback on their performance throughout the year and tutors as soon as practicable after observation has taken place. Feedback will highlight particular areas of strength as well as any areas that need attention. Where there are concerns about any aspects of a member of staff's performance the appraiser will meet them formally to:

- give clear feedback about the nature and seriousness of the concerns;
- give the member of staff the opportunity to comment and discuss the concerns;
- agree any support (eg coaching, mentoring, structured observations), 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 insufficient improvement is made.

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.

Transition to capability

If the appraiser is not satisfied with progress, the member of staff will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

Annual assessment

Each member of staff's performance will be formally assessed in respect of each appraisal period. 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 will take place each term for tutors and once during the year for other members of staff.

Tutors will receive a written appraisal report as soon as practicable following the end of each appraisal period; they will have the opportunity to comment in writing on their appraisal report. At Chatsworth Futures, tutors will receive their written appraisal reports by 31st August (31st December for the Principal). The appraisal report will include:

- details of the tutor's objectives for the appraisal period in question;
- an assessment of the tutor's performance of their role and responsibilities against their objectives and the relevant standards;
- an assessment of the tutor's professional 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 31st August for tutors and 31st December for the Principal)

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period. All other members of staff will receive a written appraisal report as soon as practicable following the end of each appraisal period; they will have the opportunity to comment in writing on their appraisal report.

Part B – Capability Procedure

This procedure applies only to members of staff about whose performance there are serious concerns that the appraisal process has been unable to address.

At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the member of staff to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the member of staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors, for the Principal's capability meetings, or the Principal for other members of staff. The meeting allows the member of staff, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information or evidence already collected.

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

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 shortcomings
- give clear guidance on the improved standard of performance needed to ensure that the member of staff can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses 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);
- explain any support that will be available to help the member of staff 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 but in straightforward cases could be between four and ten weeks. It is for the College 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; and

- warn the member of staff formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

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

Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

Formal review meeting

As with formal capability meetings, at least five 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 staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If the person conducting the meeting is satisfied that the member of staff 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 insufficient improvement has been made during the monitoring and review period, the member of staff will receive a final written warning.

As before, notes will be taken of formal meetings and a copy sent to the member of staff. The final written 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. The member of staff will be invited to a decision meeting.

Decision meeting

As with formal capability meetings and formal review meetings, at least five 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 staff of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

If 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. If performance remains unsatisfactory, a decision, or recommendation to the Governing Body, will be made that the member of staff should be dismissed or required to cease working at the school.

The member of staff 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.

Decision to dismiss

The power to dismiss members of staff rests with the Governing Body. Consequently any decision to dismiss must be ratified by a majority of the Governing Body.

Dismissal

Once the decision to dismiss has been taken, the Governing Body will dismiss the member of staff with notice.

Appeal

If a member of staff 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 five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the member of staff.

The appeal will be dealt with impartially and, wherever possible, by senior leaders or governors who have not previously been involved in the case.

The member of staff will be informed in writing of the results of the appeal hearing as soon as possible.

Annex

General Principles Underlying This policy

ACAS Code of Practice on Disciplinary and Grievance Procedures

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

Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Principal and Governing Body to quality-assure the operation and effectiveness of the appraisal system.

Consistency of Treatment and Fairness

The Governing Body is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled members of staff. The Governing Body is aware of the guidance on the Equality Act issued by the Department for Education.

Definitions

Unless indicated otherwise, all references to “tutor” include the Principal and Vice Principal

Delegation

Normal rules apply in respect of the delegation of functions by Governing Bodies, headtutors and local authorities.

Grievances

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

Sickness

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the College’s Absence Policy. In some cases, it may be appropriate for monitoring or formal procedures to continue during a period of sickness absence.

Monitoring and Evaluation

The Governing Body and Principal will monitor the operation and effectiveness of the College's appraisal arrangements.

Retention

The Governing Body and Principal will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

Appendix A

Process to support observation and appraisal of tutors

