



Hunnyhill Primary School

Date of Review	7 th February 2017
Next Review Due	July 2017
Staff Responsibility	Headteacher
Responsibility FGB/Committee	Pay Committee and FGB
Signed by Chair of Governors	

Teachers Performance Management, Appraisal & Capability Policy

Part A

Policy for Appraising Teacher's Performance

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Policy for Appraising Teacher Performance

In formulating its policy, the governing body has taken account of the principles set out in the Introduction to the national model policy and retained all text in bold from the main body of the model policy itself.

This policy will be reviewed annually.

1 Purpose

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

2 Application of the policy

2.1 The policy covers performance management and development process, applies to the head teachers and to all teachers employed by the schools, except those on contracts of less than one term, those undergoing induction (i.e. NQTs) and those who are subject to the schools capability policy.

2.2 Throughout this policy, unless indicated otherwise, all references to 'teacher' include the head teachers.

3 Teacher Performance management and development process

3.1 Performance management and development process in the schools 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.

3.2 The Performance management and development process Period

The performance management and development process period will run for twelve months from 1 September to 31 August.

3.2.1 The annual audit against national standards will be completed by the reviewee no later than 30th July, in order to review the current and prepare for the next performance management and development process period.

3.2.2 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 length of the period will be determined by the duration of their contract.

3.2.3 Where a teacher starts their employment at the school part way through a cycle, the head teacher or in the case where the employee is the head teacher, the Governing Body, shall determine the length of the

first cycle for that teacher, with a view to bringing his/her cycle into line with the cycle of other teachers as soon as possible.

3.2.4 Where a teacher transfers to a new post within the school part way through a cycle, the head teacher, or if the employee is the head teacher, the Governing Body, will review the objectives to ensure accurate reflection of the new post.

3.3 Appointing Appraisers

3.3.1 The head teacher will be appraised by the Governing Body, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Governing Body for that purpose.

3.3.2 In this school, 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. Where the head teacher is of an opinion that any of the governors appointed by the Governing Body are unsuitable to act as an appraiser, he/she may submit a written request to the Chair of Governors, for that governor to be replaced, clearly stating the reasons for the request.

3.3.3 The head teacher will decide who will appraise other teachers. This will normally be:

- The Head teacher or a member of the Senior Leadership Team

Where teachers have an objection to the head teacher's choice, their concerns will be carefully considered but ultimately it will be the head teacher's decision.

3.4 Setting objectives

3.4.1 The head teachers' objectives will be set by the Governing Body after consultation with the external adviser. Objectives will be focused on key school priorities and take account of the national standards for head teachers (2015).

3.4.2 Objectives for each teacher, including the head teacher, will be set before or as soon as practicable after, the start of each performance management and development process period. The objectives set for each teacher will be linked to the relevant standards, 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, and the teacher may record their comments in writing as an appendix to the performance management and development process statement. Objectives may be revised if circumstances change.

3.4.3 The objectives set for each teacher, including the head 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. This link will be made:

- By ensuring that the pupil progress objective (all teachers) addresses the key attainment priority identified by the school improvement plan
- By ensuring that the professional development objective (all teachers) addresses the key development priority identified by the annual audit against teacher standards
- By ensuring that the leadership and management objective (all teachers with paid leadership responsibilities) addresses the key development priority identified by consideration of the leader's effectiveness - with reference to any relevant leadership standards - in addressing key school

improvement plan priorities. Where no national standards currently exist (e.g. for assistant and deputy heads), the head teacher will develop appropriate standards for these roles by reference to the draft national standards produced by NCSL

3.4.4 Under normal circumstances teachers will have a maximum of 3 objectives.

However, in exceptional circumstances where teachers who are found not to be meeting standards at the appropriate level for their career stage (Appendix B) by the annual standards audit, they may be given as many additional objectives as are required to ensure that the most appropriate support can be provided. The appraiser will take into account the effect of an individual's circumstances, including any disability, when agreeing objectives. For example, this might include a reasonable adjustment to allow an individual slightly longer to complete a task than might otherwise be the case. When staff return from a period of extended absence, objectives may be adjusted to allow them to re-adjust to their working environment.

3.4.5 Before, or as soon as practicable after the start of each performance management and development process period, each teacher will be informed of the standards against which that teacher's performance in that performance management and development process period will be assessed. All teachers will be assessed against the set of standards contained in the document called "Teachers' Standards" published in May 2012. Assessments will also be conducted (if appropriate) against:

- National Head Teacher Standards (2015)
- National Standards for Subject Leaders (1998)
- Excellent Teacher Standards
- Advanced Skills Teacher Standards
- SENCO standards
- Draft National Standards for School Leaders(NCSL)

3.4.6 The head teacher will be responsible for ensuring that the performance management and development process operates consistently, that objectives are focused on school priorities and that they take account of the standards audit. All objectives will be referred to the head teacher prior to the commencement of the cycle of monitoring. Where the head teacher has concerns about the relevance of the objectives set, these concerns will be discussed with the appraiser. The objectives may require amendment following discussion with the teacher.

3.4.7 Pay Progression

Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on the assessment of their performance against the agreed objectives. The decision made by the relevant decision making body will be based on the statutory criteria and guidance set out in the School Teachers' Pay and Conditions Document (STPCD) and the relevant teacher's standards. The Governing Body has agreed the pay policy of the school and has considered the implications of the performance management and development process policy with respect to the arrangements relating to teacher's pay in accordance with the STPCD. The Governing Body will ensure the decisions on pay progression are made by 31st October for teachers and senior leadership.

3.5 Reviewing performance

3.5.1 Observation

3.5.2 This school believes that observation of classroom and leadership practice 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 by those with QTS.

3.5.4 Development and support

3.5.5 Performance management and development process 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 as detailed in the section on "Setting Objectives" above.

3.5.6 Feedback

3.5.7 Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will include discussion with the teacher, will highlight particular areas of strength as well as any areas that need attention and could determine any appropriate action required.

3.5.8 Where, following the audit against teacher standards or during the review cycle, there are concerns about any aspects of the teacher's performance these will be addressed.

3.5.9 When progress is reviewed, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the performance management and development process will continue as normal, with any remaining issues continuing to be addressed through that process.

3.6 Transition to capability

3.6.1 If the appraiser is not satisfied with progress, the teacher will be notified in writing that the performance management and development process system will no longer apply and that their performance will be managed under the school's capability procedure. This notification will trigger the commencement of the formal capability procedure.

3.7 Annual assessment

3.7.1 Each teacher's performance will be formally assessed in respect of each performance management and development process period. In assessing the performance of the head teacher, the Governing Body will consult the external adviser.

3.7.2 This assessment is the end point to the annual performance management and development process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year by means of:

- Lesson observations
- Planning and work scrutiny, including work moderation
- Termly meeting with appraiser
- Mid-cycle review meeting with appraiser
- Observation / scrutiny of leadership and management activities where appropriate
- Other feedback obtained during the cycle relevant to the teacher's overall performance.

3.7.3 Within two months of the end of each performance management and development process period, the teacher will receive – and have the opportunity to comment in writing on - a written performance management and development process report. In this school, teachers, including the head teacher, will receive their written performance management and development process reports no later than 31 October. The performance management and development process report will include:

- details of the teacher's objectives for the performance management and development process 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.

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

3.7.5 Any recommendations on pay will be referred to the head teacher before being referred on to the Governing Body.

3.8 **Confidentiality**

3.8.1 Access to the written performance management and development process report will normally be limited to the appraisee, the appraiser, the head teacher and / or nominated member of the senior management team and where relevant the school's HR advisory service. Please note that Ofsted may request anonymised performance management documentation.

3.9 **Equality and consistency**

3.9.1 As outlined in paragraph 3.4.6 above, the head teacher will have overall responsibility for the quality assurance of the performance management and development process across the school. This will include ensuring the consistency and equality of application of the process throughout the school. The head teacher may delegate responsibility for monitoring consistency and equality of application to a teacher, by a member of the senior management team.

3.9.2 The head teacher will be responsible for reporting annually to the governing body on any relevant issues, including those of underperformance, arising from the annual review cycle and on any action required to address those issues. The report will enable governors to receive an overall general report of the process, but will not include specific details relating to individual members of staff.

3.9.3 The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by the school's single equalities scheme.

3.10 Retention of statements

3.10.1 The Governing Body and head teacher will ensure that all written performance management and development process records are retained in a secure place for six years and then destroyed.

Teachers Performance Management Appraisal & Capability Policy

Part B

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1. Introduction

This procedure has been produced following consultation with teachers' unions (ATL, NAHT, NASUWT and NUT) governing bodies and teaching staff ending February 2013.

This procedure should be used on completion of the measures outlined in the appraisal policy in Part A above, if these measures have proved unsuccessful.

- 1.1 Revised appraisal arrangements come into force with effect from 1 September 2012. They are set out in the education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations). The 2006 Regulations continue to apply to any performance management cycle which is in progress on 1 September 2012 unless the governing body or local authority decides to end that cycle early and begin a new appraisal period on or after that date.
- 1.2 The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and unattached teachers employed by a local authority, in each case where they are employed for one term or more. They retain the key elements of the 2006 regulations but allow schools more freedom to design arrangements to suit their own individual circumstances. They provide the minimum national framework within which schools should operate.
- 1.3 Schools and local authorities must have an appraisal policy for teachers and a policy which deals with lack of capability. This capability policy likewise applies to teachers and head teachers employed in all maintained schools and unattached teachers employed by the local authority. This policy should be used in conjunction with the Teacher Appraisal Policy (Part A) above, September 2012.
- 1.4 This policy sets out the capability procedure which reflects the ACAS Code of Practice on disciplinary and grievance procedures.
- 1.5 As from March 2013, this policy replaces the statutory guidance 'Capability Procedures for Teachers' that was issued in July 2000 for unattached teachers employed by the local authority. As from 1st March 2013 this policy applies to teachers and headteachers about whose performance there are serious concerns that the appraisals process has been unable to address. A transition from the Teacher Appraisal Policy to the Teachers' Capability Policy will trigger the commencement of the capability procedures.

2. General principles underlying this policy

2.1 Consistency of treatment and fairness

The governors are committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation – Equality Act 2010, including the duty to make reasonable adjustments for teachers who declare that they have a disability. The governors involved in the procedure are aware of the guidance on the Equality Act 2010 issued by the Department for Education (DfE) and further advice to be sought from our HR provider before instigating these procedures is advised)

2.2 Definitions

Unless indicated otherwise, all references to 'teacher' include the headteacher.

2.3 Delegation

Normal rules apply in respect of the delegation of functions by the governing body, Headteacher and local authority.

2.4 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.

2.5 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 accordance with the school's attendance management policy and will be referred immediately to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. (For the avoidance of doubt this means that a decision will be made whether or not the procedure will continue during absence or the member of staff will be invited to attend a meeting according to the school's attendance management policy for a decision regarding capability as a result of long term sickness. Long term sickness absence is deemed to be four weeks. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

2.6 Monitoring and evaluation

The governing body and Headteacher will monitor the operation and effectiveness of the school's appraisal arrangements

2.7 Retention

The governing body and Headteacher will ensure that all written records are retained in a secure place for six years and then destroyed but any written warnings should be retained on the teacher's personnel file for capability purposes only for the period specified by the warning

2.8 Right to be accompanied at formal meetings

The ACAS guidelines will be used. If a work colleague, trade union official or trade union representative is not available for the first scheduled meeting; the meeting will be rescheduled once, which should be within 5 working days. It is the responsibility of the teacher to arrange representation for the meeting.

3. Commencement of the formal procedure

3.1 This procedure applies to teachers and Headteachers about whose individual performance there are serious concerns that the appraisal process has been unable to address and where there has been a transition to this capability procedure at 3.6 of the Teachers Appraisal Policy 2012.

3.2 See Appendix B for a flowchart of the following procedure

4. Formal capability meeting

4.1 The purpose of the meeting is to agree the facts and issues that led to the instigation of this capability procedure and to allow the teacher to respond to concerns about their

performance, making any relevant representations. This may result in new information being provided or that, which has already been provided, being seen in a different context.

- 4.2 The person at this school who will chair the meeting could be (headteacher) for teachers unless that person has been the key provider of evidence (through the appraisal process) with a panel of two others and (the chair of governors) for the headteacher unless that person has been the key provider of evidence (through the appraisal process) with a panel of two others. For local authority employed unattached teachers, the teacher's line manager will chair the meeting unless that person has been the key provider of evidence (through the appraisal process) in which case the teachers line manager's line manager will chair the meeting.
- 4.3 At least five working days' notice (not days that the teacher works but when the school is open, this will also apply to local authority unattached teachers) will be given of the capability meeting. The written notification will set out the nature of the issues that gave rise to the instigation of the capability procedure and their possible consequences to enable the teacher to prepare for the meeting. It will contain:
- I. Details of the time and place of the meeting (ensure that this is in an appropriate location if the member of staff has declared that they have a disability);
 - II. Copies of written evidence;
 - III. Notification of the right to be accompanied by a companion who maybe a colleague, a trade union official or a trade union representative.

5. Potential outcomes of the meeting

- 5.1 The panel conducting the meeting may conclude by a simple majority 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. Such a decision should be recorded in writing and a copy sent to the teacher and a copy retained on the personnel file for the period of time specified above (2.1 Retention). In the case of the local authority unattached teacher the manager chairing the meeting will make the decision. Further references to 'manage' will refer to local authority unattached teachers
- 5.2 The chair of the panel (or manager) 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. The meeting should be reconvened by agreement within 10 working school days.
- 5.3 In other cases the meeting will continue. During the meeting, or any other meeting which could lead to a formal written warning being issued, the panel (or manager) will:
- I. Identify the professional shortcomings;
 - II. Provide the employee with the opportunity to respond fully, including an explanation of their performance and/or mitigating factors;
 - III. Give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (this may include the setting of new objectives focussed 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 improvements has been made;

- IV. Set out the precise nature of any support that will be available to help the teacher improve their performance;
- V. Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstance of the individual case. It will be for the panel to decide what a target appropriate period of time should be. Consideration should be given to what is reasonable and proportionate and should provide sufficient opportunity for an improvement to take place
- VI. Warn the teacher formally that insufficient improvement within the set period could lead to a written warning, in very serious cases it could be a final written warning and ultimately dismissal.
- VII. Notes will be taken and a copy sent to the teacher. There will be an opportunity to challenge the notes before they are agreed as a true record of the meeting. Where a warning is issued, the teacher 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 for appealing against the warning. (see section 10 for appeal procedure guidance)

6. Monitoring and review period following a formal capability meeting

- 6.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period
- 6.2 If the teacher has been issued with a formal warning, the next stage of the procedure would be the formal review meeting. If the teacher had been issued with a final warning the next stage of the procedure would be the decision meeting.

7. Formal review meeting

- 7.1 The person conducting this meeting in this school will be the chair of the panel (or the manager)
- 7.2 At least five working days' notice will be given of the formal capability meetings. It should contain:
 - I. Details of the time and place of the meeting (ensure that this is in an appropriate location if the member of staff has declared that they have a disability);
 - II. Copies of any written evidence;
 - III. Notification of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative
 - IV. A statement summarising the nature of the issues which gave rise to the instigation of the capability procedure
- 7.3 If the panel is satisfied by majority decision (or the manager is satisfied) that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start;
- 7.4 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. In this case the panel will:
 - I. Identify where further improvements can be made and if appropriate which of the professional standards expected of teachers are still not being met;

- II. Provide the employee with the opportunity to respond fully, including an explanation of their performance and/or mitigating factors;
- III. Explore and set out any additional support that could be available to help the teacher to continue to improve their performance;
- IV. Set out the timetable for continued improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case. It will be for the panel (or manager) to decide what a target appropriate period of time should be. Consideration should be given to what is reasonable and proportionate and should provide sufficient opportunity for an improvement to take place;
- V. Warn the teacher formally and in writing that not achieving the required improvements within the revised period could lead to a final written warning and ultimately dismissal.

7.5 In a case where insufficient improvement has been made and in the absence of any mitigating circumstances that have had a significant effect during the monitoring and review period, the teacher will receive a final written warning;

7.6 Notes will be taken at the review meeting and a copy sent to the teacher. There will be an opportunity to challenge the notes before they are agreed as a true record of the meeting. The final written warning will repeat any previous warnings that have been issued. It must be made clear that the teacher may be dismissed if they do not achieve an acceptable standard of performance within a revised timescale. The teacher will be informed in the final written warning of the matters discussed at the meeting and given information about the timing and management of the decision meeting and the procedure for appealing against the warning (see section 10).

8. Decision meeting

8.1 the person at this school who will chair the meeting could be (headteacher) for teachers unless that person has been the key provider of evidence (through the appraisal process) with a panel of two others and (the chair of governors) for the headteacher unless that person has been the key provider (through the appraisal process) with a panel of two others. Ideally, for continuity of process the panel will consist of the same members of the previous formal meetings. For local authority employed unattached teachers, the head of service will chair the meeting.

8.2 As with formal capability meetings and formal review meetings at least five school working days' notice will be given of the decision meeting. It will contain:

- I. Details of the time and place of the meeting (ensure that this is in an appropriate location if the member of staff has declared that they have a disability);
- II. Copies of any written evidence
- III. Notification of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative
- IV. A statement summarising the nature of the issues which gave rise to the instigation of the capability procedure

8.3 If an acceptable standard of performance has been achieved during this further monitoring and review period, the capability procedure will end and the appraisal process will re-start. If the performance remains unsatisfactory, a recommendation to the governing body will be

made that the teacher should be dismissed from employment at this school. For local authority unattached teachers the head of services will make the decision.

- 8.4 Before the governing body makes a decision it is essential that the matter is discussed with the local authority should they have the responsibility as the employer of any teacher being taken through the capability process.
- 8.5 Once the decision has been ratified by the Governing Body (and employer, where the local authority is the employer) the teacher will be informed as soon as possible and confirmed in writing of the following:
 - I. The reasons for the dismissal;
 - II. The date on which the employment contract will end;
 - III. The appropriate period of notice;
 - IV. Their right of appeal

9. Dismissal

- 9.1 Once the decision to dismiss has been taken, the governing body will confirm the dismissal in writing to the teacher with appropriate notice
- 9.2 Where the local authority is the employer, once the governing body has decided that the teacher should be dismissed, it will inform the teacher in writing and will notify the local authority of its decision immediately and the reasons for it. The local authority will confirm the decisions to the teacher in writing within fourteen days. (for non- attached teachers, the head of service will inform the teacher in writing)

10. Appeal

- 10.1 The teacher has the right to appeal against any written warnings at each stage of the procedure including dismissal. The appeal should be made in writing giving full details of the rounds for the appeal within ten school working days of the decision being made.
- 10.2 Appeals will be heard without unreasonable delay. The same arrangements for notification and the right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative will apply with formal capability and review meetings. As with other formal meetings, notes will be taken and a copy sent to the teacher. There will be an opportunity to challenge the notes before they are agreed as a true record of the meeting.
- 10.3 The appeal process will be dealt with impartially by a strategic director within the local authority for unattached teachers or governors from the school who have not been previously been involved in the case.
- 10.4 The teacher will be informed in writing of the results of the appeal meeting as soon as possible.

11. The appeal process

A teacher has the right to appeal against any sanction imposed at any stage of the formal capability procedure, including dismissal. The request for an appeal must be made in writing to the clerk to the governing body (or in the case of local authority unattached teachers the appeal should be made to the manager who made the decision that is being appealed).

The appeal must be made within ten school working days of the date of the warning letter or decision letter and must state clearly the grounds upon which an appeal is being made. Save in exceptional circumstance, the teacher may only make an appeal on the following grounds:

- I. The decision; the evidence did not support the conclusion of the panel and/or
- II. The penalty: this was too severe given the circumstances of the case; and/or
- III. New evidence has come to light since the meeting and was not reasonably available at the time of that meeting; and/or
- IV. It is considered that the capability procedure was not followed correctly

The appeal meeting will normally take place within fifteen school working days of receipt of the employee's written notice of appeal or on a date which is mutually agreed by the parties.

The clerk to the governing body will work with the person who conducted the previous capability review meetings to arrange the appeal meeting. The appeal will be heard by a panel of three governors who have not been involved in any part of the proceedings to date. This school may use governors from other schools under the LA Collaboration agreement. For local authority employed unattached teachers the strategic director will arrange the appeal meeting and write to the teacher to invite them to attend an appeal meeting.

For teachers in this school the clerk to the governing body will write to the teacher to invite them to attend an appeal meeting.

The teacher will have the right to be accompanied by a colleague, a trade union official or trade union representative. They must take all reasonable steps to attend. Account will be taken of any reasonable adjustments requirements under the Equality Act 2010.

Where the employee and / or their work colleague, trade union official or trade union representative is unable to attend the meeting and provides with notice a good reason for not being able to attend, the meeting will be reconvened within five school working days of the original date or on another date which is mutually agreed by the parties.

The appeal panel / strategic director will consider representations from the teacher and /or work colleague, trade union official or trade union representative. The teacher must provide any supporting evidence for the basis of their appeal to the clerk to the governing body or strategic director, at least five school working days prior to the appeal meeting date including the details of any witnesses the teacher wishes to call. Witnesses may also be called by the panel/strategic director.

All parties will receive copies of the information (including any new information) to be presented at the appeal meeting at least two clear working days prior to the meeting including details of any witnesses. The chair of the panel that made the decision at the previous meeting will be required to attend the appeal meeting to respond to the grounds of the appeal. For local authority employed unattached teachers, the manager who made the decision at the previous meeting will be required to attend the appeal meeting to respond to the grounds of the appeal.

12. The appeal meeting

The appeal panel/strategic director will:

- I. Consider all the information, including any new information presented;
- II. Determine whether the grounds for the previous capability sanction were valid;
- III. Determine whether the sanction should remain the same, or should be increased, reduced or removed

The chair of the panel/strategic director conducting the meeting may adjourn proceedings if this is considered necessary and the teacher (and their companion) will be informed of the period of the adjournment. If further information is to be gathered, the teacher will be allowed a reasonable period of time, together with their companion, as should the panel/strategic director, to consider the new information prior to the reconvening of proceedings.

As soon as possible after the conclusion of the appeal meeting, the chair of the panel/strategic director will convey the decision verbally to the teacher and to the governor who presented the case at the meeting.

The decision will be confirmed in writing to the teacher by the clerk to governors on behalf of the chair of the panel within five school working days of the meeting; the teacher will also be informed of the reasons for the decision and that the decision is final.

For local authority employed unattached teachers the decision will be confirmed in writing to the teacher by the strategic director. The teacher will also be informed of the reasons for the decision and that the decision is final.

Appendix A – order of events at an appeal hearing

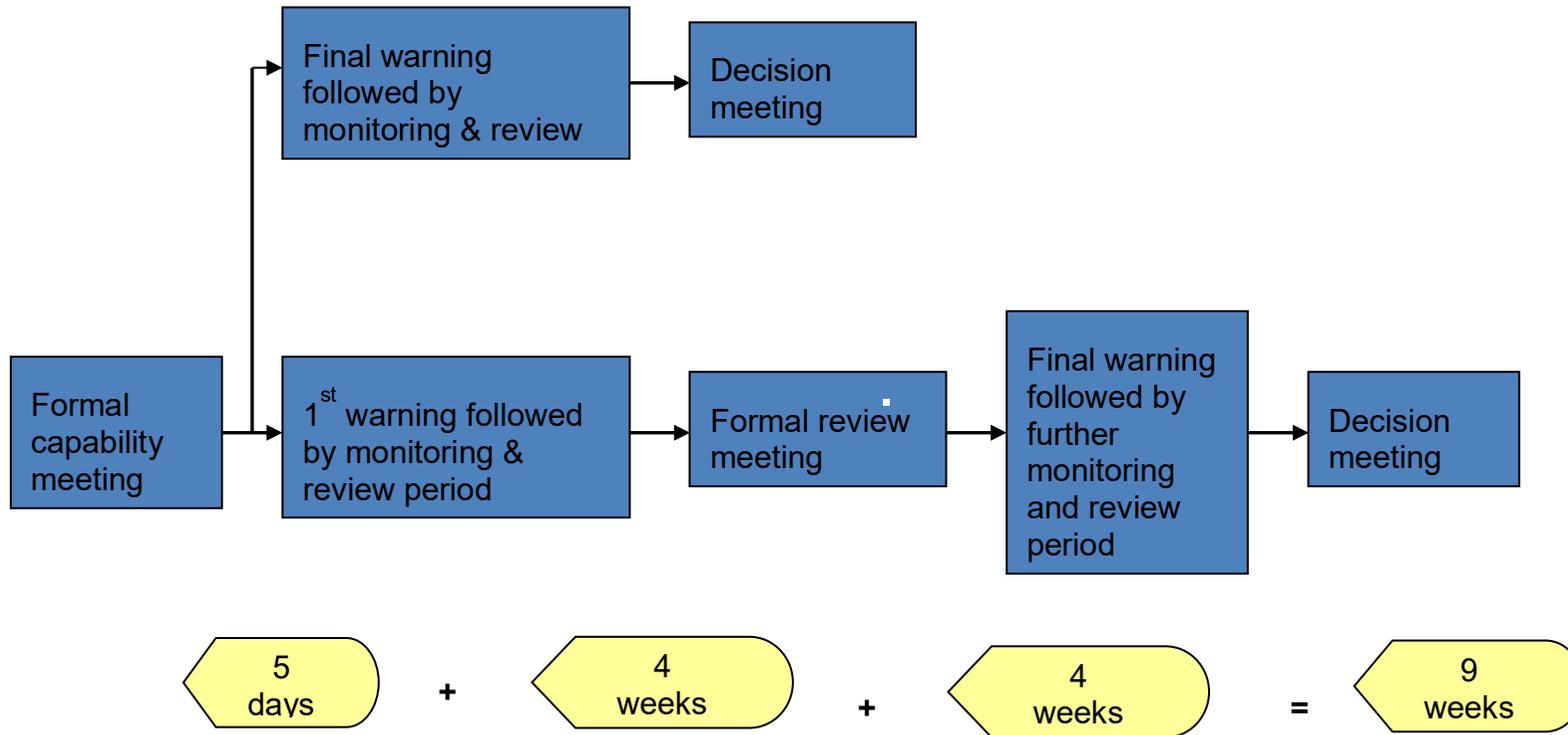
The purpose of an appeal meeting will be to establish whether any of the grounds for the appeal should be upheld or not.

The chair will invite the teacher to state the grounds of their appeal first and then the chair of the panel/manager who made the decision to issue the sanction appealed against will then provide the background and reason for the decision.

The meeting should be adjourned to enable the panel/strategic director to consider the information presented.

The decision of the appeal panel/director will be final and there will be no further right of appeal.

Procedure for dismissing teachers under new capability procedures



Note: The timings given above are illustrative only and are offered as minimum periods, which will be appropriate only in straightforward cases. Schools will need to tailor the length of their monitoring and review periods to suit individual circumstances.