

# Teacher Appraisal and Teacher Capability Policy

*Approved: 17/10/2016*

*Review: 01/07/2017*

*SLT Liaison: G Wright*

Wardle Trust Policy



Wardle  
Trust

## Contents

	<u>Page(s)</u>
<b>1. General Principals Underlying This Policy</b>	<b>3</b>
<b>2. Equality Statement</b>	<b>5</b>
<b>3. Introduction</b>	<b>5</b>
<b>4. Model Policy for Appraising Teacher Performance and Dealing with Capability Issues</b>	<b>5</b>
4.1 Purpose	
4.2 Application of the Policy	
<b>5. Part A: Appraisal</b>	<b>6</b>
5.1 Appraisal Period	
5.2 Appointment of Appraisers	
5.3 Setting Objectives	
5.4 Reviewing performance	
5.4.1 Observation	
5.4.2 Drop-ins	
5.4.3 Classroom Observation Protocol	
5.4.4 Development and Support	
5.4.5 Feedback	
5.4.6 Transition to Capability	
5.4.7 Annual Assessment	
<b>6. Part B: Capability Procedure</b>	<b>11</b>
6.1 Purpose	
6.2 Confidentiality	
6.3 Newly Qualified Teachers	
6.4 Rights of Representation	
6.5 Suspension	
6.6 Sickness	
6.7 Grievances	
6.8 Formal Stage	
6.9 Monitoring and Review Period following a Formal Capability Meeting	
6.10 Formal review meeting	
6.11 Decision meeting	
6.12 Decision to Dismiss	
6.13 Dismissal	
6.14 Appeal	
<b>Appendix 1: Schedule for Decision Meeting</b>	<b>17</b>
<b>Appendix 2: Schedule for an Appeal Hearing</b>	<b>18</b>
<b>Flowchart: Teacher Capability Process</b>	<b>19</b>

## 1. General principles underlying this policy

---

As an Academy Trust the school is not subject to the statutory requirements contained in the Appraisal Regulations or the School Staffing Regulations.

---

### 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 Headteacher and governance body to quality-assure the operation and effectiveness of the appraisal / capability system. Access to the written appraisal report will normally be limited to the appraisee, appraiser, the Headteacher and / or nominate member of the senior management team. Anonymised appraisal reports may be required to be provided to Ofsted inspectors as part of the evidence for a judgement on Leadership and Management. The Headteacher and Senior staff member responsible for overseeing appraisal will review all Teachers' objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers. The Headteacher will also be aware of any pay recommendations that have been made. Pay progression will only be considered if all Performance Management objectives have been satisfactorily completed in line with the academy's 2016/17 Pay Policy.

### DEFINITIONS

Unless indicated otherwise, all references to "Teacher" include the Headteacher.

### DELEGATION

Normal rules apply in respect of the delegation of functions by the local governing body and headteacher.

### 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 school's absence

policy with a referral to the Occupational Health service. The aim of the referral is to assess the Teacher's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

## MONITORING AND EVALUATION

The Local Governing Body will monitor the operation and outcomes of the school's appraisal arrangements.

The Headteacher will provide the Local Governing Body with a written report on the operation of the school's appraisal policy annually. The report will not contain any information which would enable any individual to be identified. The report will include:

- the operation of the appraisal policy;
- the effectiveness of the school's appraisal procedures;
- Teachers' training and development needs
- Recommendations for Pay Progression.

The Board of Trustees are committed to ensuring that the appraisal process is fair and non-discriminatory and the following monitoring data should be included in the Headteacher's report to governors because they represent the possible grounds for unlawful discrimination:

Race, Sex, Sexual orientation, Disability, Religion or belief, Age, Part-time contracts, Trade union membership, Gender re-assignment, Marriage and civil partnership, Pregnancy and maternity.

The Headteacher will also report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the categories above.

## RETENTION

The governing body and Headteacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed. The appraisal reports are confidential documents and should be kept in a secure place. The principles and provisions of the Data Protection Act 1998 should be followed at all times by those who have access to the documents.

## 2. Equality Statement

The Board of Trustees (Trust policies) and local governing body (school policies) aim to regularly review all the policies and procedures we operate to ensure there are no negative equality impacts on staff based on their age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation as outlined in the Equality Act 2010.

### 3. Introduction

As part of an academy trust, the school is not required to follow the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations), however, the Trust recognises that they provide a model of good practice.

This model policy applies only to Teachers, including Headteachers. It has been written in the context of schools.

This policy is in two separate sections. Part A covers appraisal and Part B of this policy sets out the formal capability procedure and reflects the Local Authority agreed policies and ACAS Code of Practice on disciplinary and grievance procedures.

Capability procedures apply only to Teachers, unattached Teachers and headteachers about whose performance there are serious concerns that the appraisal process has been unable to address.

### 4. Model for Appraising Capability Performance and Dealing with Capability Issues

The Board of Trustees of the Wardle Academy Trust adopted this policy on 22 October 2016. It will be reviewed again no later than October 2017.

#### 4.1 PURPOSE

This policy sets out the framework for a clear and consistent assessment of the overall performance of Teachers, including the Headteacher, and for supporting their development within the context of the school's 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.

#### 4.2 APPLICATION OF THE POLICY

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to the Headteacher and to all Teachers employed by the academy, except those

- on contracts of less than one term,
- undergoing induction (*i.e.* NQTs),
- who are subject to the school's capability procedure (Part B of the policy),
- new teaching staff employed from September 2017 (exempt for a maximum of 12 months).

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

---

## PART A TEACHER APPRAISAL

---

### 5. Part A – Appraisal

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.

#### 5.1 THE APPRAISAL PERIOD

The appraisal period will run for twelve months from 1<sup>st</sup> September to 31<sup>st</sup> August. For Senior Leaders on the Leadership Group pay spine the period will be 1<sup>st</sup> December to 30<sup>th</sup> November.

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.

When teachers begin their employment (with effect from 1<sup>st</sup> September 2017), appraisal will be half-termly. A report on progress will be presented to the headteacher (or Local Governing Body and Board of Trustees if it is the headteacher) with a view to bringing the cycle into line with the cycle for other Teachers at the school no later than 12 months after the commencement of the contract.

Where a Teacher transfers to a new post within the school part-way through a cycle, the Headteacher shall determine whether the cycle shall begin again.

#### 5.2 APPOINTMENT OF APPRAISERS

At Wardle Academy the Board of Trustees are the appraiser for the headteacher. To discharge this responsibility on their behalf it appoints up to three members of governance, one of which will be the Chair of the local Governing Body or their representative.

This group will meet specifically for this purpose, with its composition agreed and shared with the headteacher ahead of the cycle commencing.

They will be supported by the Senior Executive Officer and/or a suitably skilled external adviser who has been appointed by the Board of Trustees for that purpose.

Where the Headteacher is of the opinion that any of the governance representatives appointed by the Board of Trustees under this regulation are unsuitable for professional reasons, s/he may submit a written request to the Board of Trustees for that governance representative to be replaced, stating those reasons.

The Headteacher will decide who will appraise other Teachers.

This will normally be:

- The Headteacher
- A member of the Senior Leadership Team
- The Teacher's line manager
- A Teacher trained to undertake appraisal of other Teachers in the school.

### 5.3 SETTING OBJECTIVES

The Headteacher's objectives will be set by the Governance Group after consultation with the external adviser.

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 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. Objectives may be revised if circumstances change.

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. This will be ensured by the Headteacher / Governing Body quality assuring all objectives against the school improvement plan.

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 are assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011.

Assessments will also be conducted as appropriate against:

- National Headteacher standards 2004
- Excellent Teacher standards
- Advanced Skills Teacher standards
- SENCO standards

### 5.4 REVIEWING PERFORMANCE

#### 5.4.1 Observation

This school 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.

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. If issues emerged from an observation that were not part of the focus of the

observation as recorded in the appraisal report these should also be covered in the written feedback.

Teachers (including the Headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

Classroom observation will be carried out by those with QTS.

#### 5.4.2 Drop-ins

In addition to formal observation, Headteachers 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. However, such visits will not take place excessively.

#### 5.4.3 Classroom observation protocols

In this school the Governance Body is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- evaluate objectively;
- report accurately and fairly;
- respect the confidentiality of the information gained; and
- observations should not be excessive but be reasonable and proportionate

Information gathered during the observation will be used, as appropriate, for a variety of purposes including to inform school self-evaluation and school improvement strategies in accordance with the school’s commitment to streamlining data collection and minimising bureaucracy and workload burdens on staff.

In keeping with the commitment to supportive and developmental classroom observation those being observed will be **notified in advance**, normally scheduled at the first appraisal meeting.

Classroom observations will only be undertaken by persons with QTS or teaching and learning responsibilities. In addition, in this school classroom observation will only be undertaken by those who have had adequate preparation, training and have the appropriate professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.

#### 5.4.4 Development and support

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.



### 5.4.5 Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after an observation has taken place (in accordance with the timeframe set out in the school's classroom observation protocol) or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

Oral feedback will be given as soon as possible after the observation and no later than the end of the following working day. It will be given during directed time in a suitable, private environment.

Written feedback will be provided within five working days of the observation taking place.

The written record of feedback also includes the date on which the observation took place, the purpose of the observation, the lesson observed and the length of the observation. The Teacher has the right to append written comments on the feedback document. No written notes in addition to the written feedback will be kept.

Where there are concerns about any aspects of the Teacher's performance the appraiser will meet the Teacher formally to:

- give clear feedback to the Teacher about the nature and seriousness of the concerns;
- give the Teacher the opportunity to comment and discuss the concerns;
- agree any support (e.g. 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 (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns);
- explain the implications and process if no, or insufficient, improvement is made.

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.

### 5.4.6 Transition to capability

If the appraiser is not satisfied with progress, the Teacher 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. This will trigger the commencement of the formal capability procedure (the capability procedures will be conducted in accordance with the school's capability procedure. (Part B of this policy).

### 5.4.7 Annual assessment

Each Teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Headteacher, the Governance Group must consult the external adviser.

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 (e.g. once a term).

The Teacher will receive as soon as practicable following the end of each appraisal period, and have the opportunity to comment in writing on, a written appraisal report. In this school, Teachers 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 Headteachers and by 31 October for other Teachers);

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

---

## PART B TEACHER CAPABILITY

---

### Part B – Capability Procedure

With the exception of the headteacher, all issues of capability that require governance involvement will be managed by the local governing body advised by the Trust's Head of HR. In the case of the headteacher, initial referral will be to the Chair of the Governance Group responsible for the Headteacher's performance management.

#### 6.1 PURPOSE

This procedure applies only to Teachers or Headteachers about whose performance there are serious concerns that the appraisal process has been unable to address.

The purpose is to encourage and support improvement where a Teacher is failing to meet the Teacher Standards.

The purpose is to ensure consistent and fair treatment for all Teachers with respect to action taken in response to failing to meet the required Standards.

This procedure does not deal with lack of capability due to ill-health, nor with misconduct, which may be defined as an act or omission by the Teacher which is considered to be unacceptable professional behaviour. Separate procedures exist and have been adopted by Trust Governance Bodies to deal with such matters.

This procedure shall apply equally to Headteachers as it applies to the teaching staff.

#### 6.2 CONFIDENTIALITY

Throughout this procedure, Teachers are entitled to confidentiality. It therefore follows that any discussions that take place at meetings are confidential to the individuals concerned, but action plan targets will, if necessary, be passed to those responsible for ensuring action on them is taken.

The Headteacher, at his/her discretion, may inform the Chair of Governors that matters relating to the capability of a Teacher are being addressed through this procedure. However the Teacher should not be named.

No other members of the Governing Body (or Trust Governance – i.e., Trustees/Members) should be informed except at the specific stages highlighted in the formal procedure.

### 6.3 NEWLY QUALIFIED TEACHERS (NQTs)

In a few particularly serious cases, it may become apparent that the education of the children being taught by a NQT is being seriously affected. In such instances the Headteacher may have to consider instigating a capability procedure at any stage before the end of the induction period for the NQT which may lead to dismissal before the end of the induction period for NQTs. If this is the case, for as long as the NQT remains at the school the induction procedure continues in parallel with the capability procedure.

Before instigating a capability procedure, it is important that the Headteacher is assured that the following has taken place:

- The NQT performance has been monitored.
- The NQT has been clearly advised about the aspects of their practice which is causing concern and understands the improvements which are expected. The NQT will have the right to representation at any meetings which take place in relation to their capability.
- A reasonable and time-limited period (at least four weeks) of careful and structured support/ training, monitoring, evaluation and evidence gathering has taken place, giving the NQT an opportunity to improve.
- The NQT has been given an informal warning that failure to improve may lead to entry to the formal capability procedure and that this may lead to dismissal.

If an NQT is dismissed on grounds of capability before the end of the induction period, they may seek to complete induction at another school. The Headteacher and Appropriate Body will, however, need to pass on any induction records and documentation to the new school and Appropriate Body.

### 6.4 RIGHTS OF REPRESENTATION

Teachers have the right to be accompanied by a Teacher Association representative or work colleague, but no one else. The role of the representative is to be present at meetings to support and advise the Teacher and to observe the proceedings and make representation on behalf of the Teacher. If these rights have not been afforded to the Teacher any action taken as part of this procedure will be deemed to be void and any record made will be expunged.

Where the chosen representative cannot attend on the date proposed by the school, the member of staff or their representative can offer an alternative time and date which is reasonable and within 5 working days, beginning with the first working day after the day proposed by the employer.

No formal action shall be taken against a Teacher who is an accredited representative of one of the recognised Teachers' Associations until the circumstances of the concern have been discussed.

- (i) in the case of a school representative or local officer, with a local secretary; or
- (ii) in the case of a local secretary, with a full-time official of the union.

### 6.5 SUSPENSION

The Headteacher and the Chair of Governors have the power to suspend on full pay if it is deemed necessary. The suspension must be referred to a committee of the Governing Body within 21 calendar days, for their consideration.

The purpose of the meeting will be to consider:

- to continue the suspension and refer the Teacher to a disciplinary committee of the Governing Body; or
- to revoke the suspension.

Any suspension must immediately be reported in confidence to the Chair of the Governing Body.

## 6.6 SICKNESS

If issues of ill-health arise during the course of this procedure, the matter may be referred to the school's Occupational Health Provider for prognosis relating to the individual's health and fitness for continued employment.

Absences should not delay any part of the formal stage of the formal capability Procedure. Reasonable steps should be made to enable the Teacher to attend evaluation meetings, but where the Teacher is unable to attend, the meeting may proceed in the Teacher's absence if delay would otherwise compromise the maximum time set aside for the procedure. If the Teacher does not attend the evaluation meetings due to absence a full account of the evaluation should be provided in a letter to the individual confirming the decision taken.

## 6.7 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.

## 6.8 FORMAL STAGE

At least seven calendar days notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and the possible consequences to enable the Teacher to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; and the details of the time and place of the meeting.

This meeting is intended to establish the facts. It will be conducted by the Chair of the Headteacher's PM Governance Group (for Headteacher capability meetings) or Headteacher (for other Teachers). The meeting allows the Teacher, accompanied by a Teachers' Association representative or work colleague 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/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.

At the formal capability meeting, the Chair of the Governance Group or Headteacher will:

- identify the professional shortcomings, and provide the Teacher with the opportunity to comment;
- 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 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);
- A formal action plan will be drawn up by the Chair of the Governance Group or the Headteacher to assist the Teacher to achieve the required standards. The plan will, wherever possible, be drawn up in partnership with the Teacher and will include the areas of concern (professional standards not being met), and appropriate support programme to improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases could be at a minimum 6 weeks (or 4 weeks for newly appointed teachers within their first 12 months). The period will be reasonable and proportionate, but not excessively long, although it will provide sufficient opportunity for an improvement to take place); and
- warn the Teacher 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 copies of the notes and action plan will be sent to the Teacher. Any comments submitted by the Teacher will be appended to the notes. Where a warning is issued, the Teacher will be informed in writing of the matters covered and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

Within seven calendar days of the formal capability meeting, the Headteacher/ Chair of the Governance Group will provide the Teacher and his/her representative with:-

- (i) confirmation of the appropriate warning.
- (ii) a copy of the notes of the meeting for agreement; and
- (iii) a written copy of the action plan setting out clearly:
  - the targets/performance standards to be attained,
  - the support and resources to be made available;
  - details of how progress will be monitored and by whom; and
  - the timescale for the review meeting.

## 6.9 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 as detailed in the action plan will continue during this period. The Teacher 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.

## 6.10 FORMAL REVIEW MEETING

As with formal capability meetings, at least seven calendar days notice of the review meeting will be given. The notification must be advised in writing, advising the Teacher of their right to be accompanied by a Teacher Association representative or work colleague.

If the person conducting the meeting is satisfied that the Teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start.

In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- If no, or insufficient improvement has been made during the monitoring and review period, the Teacher will receive a final written warning;
- Referral to a decision meeting if a final written warning has previously been issued.

As before, notes will be taken of formal meetings and a copy sent to the Teacher. Any comments submitted by the Teacher will be appended to the notes. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the Teacher will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal, and information will be given about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The Teacher will be invited to a decision meeting.

## 6.11 DECISION MEETING

As with formal capability meetings and formal review meetings, at least seven calendar days' notice of the decision meeting will be given. The notification must be advised in writing, advising the Teacher of their right to be accompanied by a Teachers' Association representative or work colleague.

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 the performance remains unsatisfactory, a decision, or recommendation to dismiss the Teacher will be made to the Governing Body.

The decision meeting will be before the Headteacher or a Committee consisting of at least three members of the school's Governing Body (where this number is not reasonably practicable it can be reduced to two). The meeting will be held in accordance with the attached Schedule.

For teachers other than the headteacher, before a recommendation to dismiss is made, the school will discuss the matter with the Senior Executive Officer.

The Teacher 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.

### 6.12 DECISION TO DISMISS

As the Wardle Academy Trust is the employer, the power to dismiss can be delegated to the Headteacher, to one or more local governors, or to one or more local governors acting with the Headteacher

The power to decide that members of staff should no longer work at Wardle Academy Trust has been delegated to two or more governors acting with the Headteacher.

### 6.13 DISMISSAL

Once the two or more governors acting with the headteacher have decided that the Teacher should no longer work at the school dismissal will take place within fourteen days of the date of the notification.

### 6.14 APPEAL

If a Teacher 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 seven calendar 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 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 Teacher.

The appeal will be dealt with impartially by the appeals committee of the governing body who have not previously been involved in the case. The Teacher will be informed in writing of the results of the appeal hearing within seven calendar days.



## Appendix 1 – Schedule for Decision Meeting

### PREAMBLE

Arrangements for a decision meeting will be made within seven calendar days.

The decision meeting can be conducted by either the Headteacher, or a Governance panel. The Committee, as far as practicable, will not have been involved in any related proceedings. No details of the capability issues shall be given to any member of the Committee prior to the hearing.

At the decision meeting a Teacher may be represented by one of the recognised Teachers' Associations or work colleague.

### PROCEDURE

The School will arrange a suitable date for the decision meeting. The Teacher will be given seven calendar days' notice of the date.

Notification in writing will be given to the Teacher of the date, time and place of the meeting, and their right to be accompanied by a Teachers' Association representative, or a work colleague.

Copies of all the documents to be referred to at the decision meeting will have previously been issued to the Teacher.

At the decision meeting the Headteacher/Nominated Person/Chair of Governance, will outline the professional shortcomings in the presence of the Teacher concerned and the decision maker/s.

The Teacher or his/her representative will respond to the professional shortcomings that have been presented in the presence of the Headteacher/Nominated Person/ Chair of Governance.

The decision maker/s may ask questions or seek clarification at any time of either party.

The decision maker/s will deliberate in private, only recalling the Headteacher/Nominated Person/Chair of Governance and the Teacher, and their representatives, to clarify points of uncertainty in the evidence already given. If such a recall is necessary, both parties will return to the decision meeting, even if only one party is concerned with the point raised.

The decision maker/s will announce their decision, with reasons, to both parties, in writing within seven calendar days.

During the decision meeting the decision of the decision maker/s as to procedure and which matters are of relevance to the proceedings will be final.

## Appendix 2 – Schedule for an Appeal Hearing

### PREAMBLE

Arrangements for an appeal hearing will be made within seven calendar days of an appeal being lodged.

The appeal hearing will be conducted by the Appeals Committee of the Governing Body (for Headteachers – a difference group of Trustees/Governors not involved in the Headteacher’s PM group). Any appeal must be submitted to the Clerk to the Governing Body. The Committee will not have been involved in any related proceedings. No details of the appeal shall be given to any member of the Committee prior to the hearing.

At the appeal hearing a Teacher may be represented by one of the recognised Teachers’ Associations, or work colleague.

### PROCEDURE

The Clerk will arrange a suitable date for the appeal. The Teacher will be given seven calendar days’ notice of the date.

Notification in writing will be given to the Teacher of the date, time and place of the meeting, and their right to be accompanied by a Teachers’ Association representative, or a work colleague.

Copies of all the documents to be referred to at the appeal hearing will have previously been issued to the Teacher.

Copies of the documentation will be available to the appeal panel on the day of the hearing for their consideration.

At the appeal hearing the Headteacher/Nominated Person/Chair of Governors, will outline the professional shortcomings in the presence of the Teacher concerned and the decision maker/s.

The Teacher or his/her representative will respond to the professional shortcomings that have been presented in the presence of the Headteacher/Nominated Person/Chair of Governors.

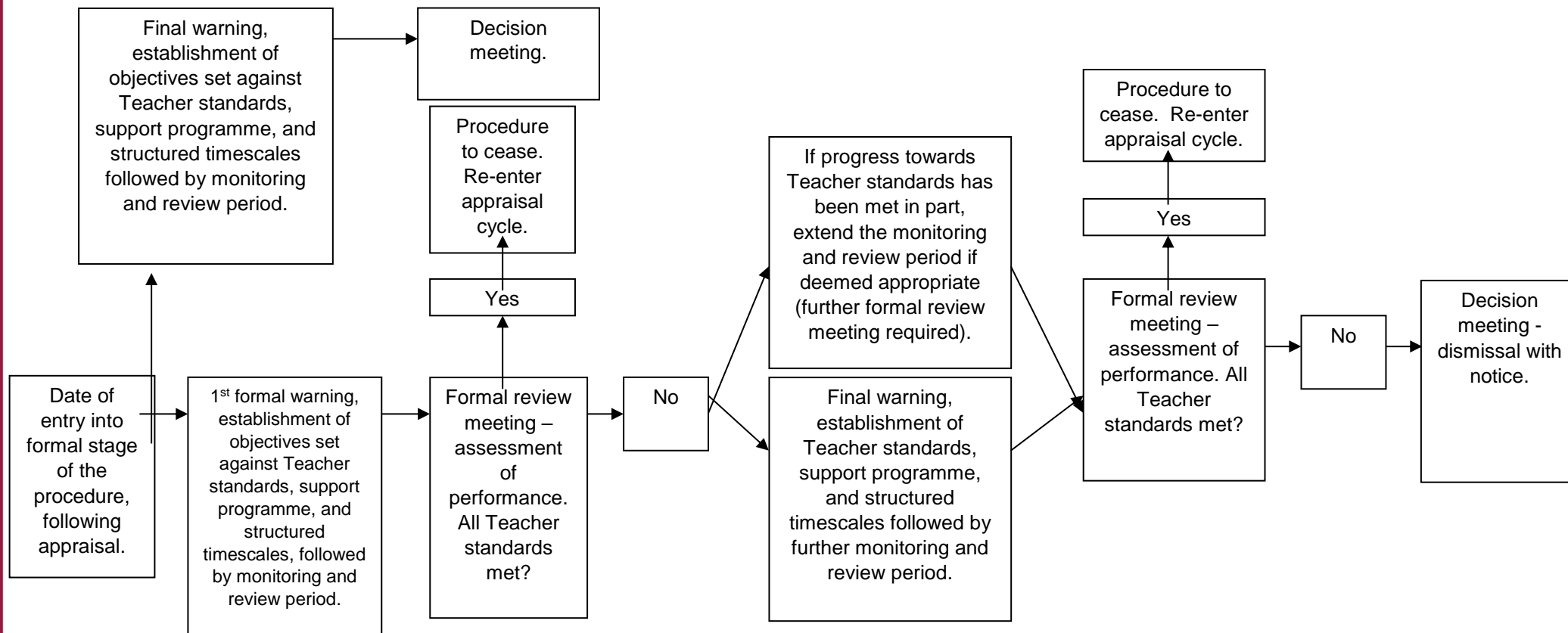
The decision maker/s may ask questions or seek clarification at any time of either party.

The decision maker/s will deliberate in private, only recalling the Headteacher/Nominated Person/Chair of Governors and the Teacher, and their representatives, to clarify points of uncertainty in the evidence already given. If such a recall is necessary, both parties will return to the appeal hearing, even if only one party is concerned with the point raised.

The decision maker/s will announce their decision, with reasons, to both parties, in writing within seven calendar days. During the appeal hearing the decision of the decision maker/s as to procedure and which matters are of relevance to the proceedings will be final



## Appendix 3: Teacher Capability Process



### Notes:

- 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.
- At each stage of the process the Teacher has the right to appeal against any decisions that have been made.
- The Teacher is entitled to seven calendar days notice of any meetings conducted within this procedure.

**REVIEWED: OCTOBER 2016**

**NEXT REVIEW: JULY 2017**

© WARDLE TRUST 2017 ALL RIGHTS RESERVED - The copyright in this document, which contains information of a proprietary nature is vested in The Wardle Trust. The contents of this website may not be used for any purposes other than for which it has been supplied and may not be reproduced, either wholly or in part, in any way whatsoever, nor may it be used by, or its contents divulged to, any other person whatsoever without the prior written permission of The Wardle Trust.