



## APPRAISAL POLICY FOR TEACHING STAFF IN Diocese of Salisbury Academy Trust

Legislation - Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations)

**For adoption and implementation from**

**Approved**

**Amended after HR circulation** Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations)

This policy is a mandatory policy for all DSAT Academies and must be implemented with no amendments.

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## Introduction

- 1.1 Revised appraisal arrangements for teachers 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 Principal and Local Advisory Board (LAB) decides to end that cycle early and to begin a new appraisal period starting on or after that date.
- 1.2 The Appraisal Regulations set out the principles that will apply to teachers' in all [Diocese of Salisbury Academy Trust](#) (DSAT) where they are employed with responsibility for a class of pupils, regardless of the length of their employment,
- 1.3 The new Teachers' Standards also come into force on **1 September 2012**. They replace the existing standards for Qualified Teacher Status (QTS) and the Core Professional Standards, previously published by the Training and Development Agency for Schools (TDA).
- 1.4 Executive Heads, Principals, or appraisers where this is delegated, will assess qualified teachers (Principals or Executive Head) against the agreed standards to a level that is consistent with what should reasonably be expected of a teacher (Principal or Executive Head) in the relevant role and at the relevant stage of their career (whether a Newly-Qualified Teacher (NQT), mid-career teacher, or a more experienced practitioner). The professional judgment of either the Executive Head, Principal or appraisers will therefore be central to appraisal process against these standards which DSAT will strategically set for all DSAT Academies.
- 1.5 The standards as set out by DSAT will define the level of practice at which all qualified teachers are expected to perform at, or progress towards. It is proposed that teachers' performance will be assessed against the standards as part of the appraisal arrangements set out in this policy.
- 1.6 DSAT will adhere to the model policy that has been developed by Wiltshire and Dorset Councils and will consult on changes to this policy moving forward the in the future in the development and implementation of their Appraisal policies.
- 1.8 This policy is will be adoption by all DSAT Academies in order that they align their approach to the DSAT appraisal model system which is similar in approach to those set out by the LA as the preferred design for Wiltshire and Dorset Academies.

## 2. Policy Statement

- 2.1 DSAT believes that an effective appraisal process enhances the professional skills of teachers, Principals and Executive Heads and is essential for their continuous professional development. An effective appraisal process is also essential to the ongoing success of the Academy and in creating a shared vision of the purpose and aims of both DSAT and all Academies by ensuring that all teaching staff understand how they contribute to the aims and objectives of DSAT.
- 2.2 This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the Principal and Executive Head, and for supporting their development within the context of DSAT's plan for improving educational provision and performance, and the standards expected of all teachers Principals and Executive Heads. It also sets out the arrangements that will apply when teachers Principals or Executive Head fall below the levels of competence that are expected of them.

2.3 The statutory framework for performance management of school teaching staff in England is provided by the Education (School Teachers' Appraisal) (England) Regulations 2012.

### **3. Who does this policy apply to?**

- 3.1 This DSAT policy applies to the Executive Head, Principals and teaching staff of those Academies within the DSAT Multi Academy Trust.
- 3.2 This policy applies to the Executive Head, Principals and to all teachers employed in the Academies unless they fall into one of the categories listed in paragraph 4 below.

### **4. When does the policy not apply?**

- 4.1 This policy does not apply in cases of alleged misconduct or unacceptable behavior deemed to be willful or deliberate. If a teacher is capable of performing in their role but refuses to do so, the DSAT disciplinary policy and procedure should be followed.
- 4.2 This policy does not apply to teachers on contracts of less than two terms who do not have direct responsibility for pupil progress as a class teacher.
- 4.3 This policy does not apply to Newly Qualified Teachers (NQTs) undergoing their formal induction period.
- 4.4 This policy will cease to apply to those teachers who have been made subject to formal capability proceedings as a result of this appraisal policy and procedure. Once a teacher, Principal or Executive Head is deemed to be making 'unsatisfactory progress' (as detailed in section 16) the procedure to be followed from that point is the formal stage of the DSAT capability policy.

### **5. Link to the DSAT's capability procedure**

- 5.1 DSAT's capability policy and procedure where indicated at paragraph 16.1 in this policy, will therefore apply to those teachers (including Principals and the Executive Head) about whose performance there are serious concerns that the appraisal process has been unable to address. Formal capability proceedings should only be implemented where performance concerns have been identified and the individual made aware of these and any corrective action taken has failed to bring about an improvement.
- 5.2 DSAT's HR Officer will offer advice to the Academies on the application of this policy. The Executive Head and/or Principal should seek advice from the HR Officer as early as possible when performance concerns arise during the appraisal cycle. However, whenever action under the formal capability procedure is being considered, advice from the HR Officer must be sought.

## Part A THE APPRAISAL PROCESS

### 6. Introduction

- 6.1 Appraisals in the DSAT Academies will be a supportive and developmental process designed to ensure that all teachers, Principals and Executive Head have the skills and support they need to carry out their role effectively. It is also intended to ensure that all teaching staff are able to continue to improve their professional practice and to develop as teachers.
- 6.2 The appraisal process will link to DSAT's overall strategic direction and the Academies improvement plans, Academies self-evaluation in conjunction with DSAT and the wider DSAT Academies improvement process. Objectives agreed as part of the appraisal process will be aligned with DSATs wider priorities and plans as well as the Academies local requirements and reflecting teachers' professional aspirations.

### The appraisal period

- 6.3 The appraisal period will run for twelve months from October to September for all teaching staff and January to December for the Principals' and Executive Heads.  
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.
- 6.4 Where a teacher begins their employment with the school part way through a cycle, the Principal, (or in the case where the teacher is the Principal) the Executive Head , shall determine the length of the first appraisal period for the teacher, with a view to bringing the appraisal period into line with the cycle for other teachers at the school as soon as possible.
- 6.5 Where a teacher transfers to a new post within the school part way through an appraisal cycle, the Principal (or in the case where the teacher is the Principal) the Executive Head with the Local Advisory Board, shall determine whether the appraisal period should begin again and whether a different reviewer is needed. The aim will be to bring the new appraisal period into line with the cycle for other teachers at the school as soon as possible.

### 7. Appointment of appraisers of the Principal or Executive Head

- 7.1 Executive Head will be appraised by the DSAT Board or a delegated sub-group of the DSAT Board consisting of two members of the Board and an External Advisor. This will consist of Chief Executive Officer (CEO) and one other delegated members.
- 7.2 The Principal will be appraised by the Executive Principal and will be supported by two members of the Local Advisory Board. Following appropriate training by DSAT Governor Training Services

### 8. Appointment of appraisers of other teachers

- 8.1 All appraisers of teachers, other than the Principal, will be qualified teachers. All appraisers will be suitably trained in the appraisal process
- 8.2 The Principal will determine who will appraise other teachers. In the case where the Principal is the teachers' line manager they will undertake the appraisal. Where the Principal is not the direct

line manager they may decide to delegate the appraiser responsibilities, in their entirety, to the teachers' own line manager.

8.3 Where teachers have an objection to the choice of appraiser, they can make an application to the Principal in writing for an alternative. However, the Principals' decision is final.

## **9. The appraisal planning and review meeting**

9.1 The appraiser will arrange to meet with the teacher for a planning and review meeting at the start of the appraisal cycle to review the outcomes from the previous appraisal cycle and the plan for the forthcoming cycle in relation to the aims and objectives of DSAT.

The purpose of the meeting is to agree:

- The objectives for the appraisal period;
- How performance will be reviewed, including arrangements for classroom observation and any other evidence which will be taken into account in assessing the teachers' performance;
- The performance criteria against which the teachers' performance in each of these areas will be assessed. This should include discussion of what successful achievement of the confirmed objectives would look like;
- The support which may be needed to support the teacher in achieving the objectives set;
- Timescales for the achievement of objectives;
- The teachers' training and development needs and the actions that will be taken to address these.

9.2 The appraisal planning and review meeting should be a professional dialogue between the appraiser and the teacher.

9.3 In arranging the meeting, the appraiser should ensure that sufficient notice is provided to enable both the appraiser and the teacher to prepare. Regard should also be given to holding the meeting in a suitable location, away from potential interruptions or distractions.

9.4 Teachers should play an active part in the meeting making sure they put forward their own views and evidence about their performance and future development.

9.5 Where a teacher has started new employment in an DSAT Academy either before or during the school's normal appraisal cycle the Principal (Executive Head where a Principal or The DSAT Board where an Executive Head) shall determine whether the previous objectives are relevant to the DSAT Academy. Where the teachers' previous objectives are not relevant to the DSAT Academy priorities and plans, the Principal (Executive Head where a Principal or The DSAT Board where an Executive Head) shall set new objectives taking into account the period left in the cycle available for their achievement.

## **10. The appraisal planning and review statement**

10.1 The appraisal planning and review statement provides the record of agreed plans made at the planning and review meeting at the start of the appraisal cycle.

10.2 5 working days after the meeting, the appraiser will produce a draft statement and provide the teacher with a copy. The appraiser and teacher should seek to agree the statement. The statement should be a fair summary of what took place at the meeting and should include a summary of all the points covered, any action agreed and set out the objectives for the forthcoming period. It should also identify any support needed and how this will be provided (depending on the support required it may be necessary to pass the request to the Executive Principal or DSAT Board). The teacher should be given the opportunity to record comments.

Any disagreement should be recorded but the Principals' (Executive Head where a Principal or The DSAT Board where an Executive Head) decision is final.

10.3 Once the statement has been agreed and signed by both parties (including any additional comments) the appraiser will provide the teacher with a copy and pass the original to the Principal (Executive Head where a Principal or The DSAT Board where an Executive Head) teacher for retention. A copy will also need to be sent to the DSAT HR Officer for retention in the employees' staff file.

## **11. Setting objectives**

11.1 Executive Head's Objectives will be set by The DSAT Board or a delegated sub-group of the DSAT Board consisting of three members of the Board.

11.2 The Principals' objectives will be set by the Executive Head after consultation with the DSAT Board to reflect the strategic direction of the organisation.

11.3 Teachers' objectives will be set by the Principal, where they are the direct line manager, or the line manager nominated by the Principal to carry out the appraisal.

11.4 Objectives for each teacher, Principal or Executive Head will be set before or as soon as practicable after, the start of each appraisal period. The objectives set will be in line with the overarching strategies and goals of DSAT and the need for improvement within each Academy and will be based on the SMART principles (Specific, Measurable, Achievable, Realistic and Time-bound). The objectives will also be appropriate to the individuals' role and level of experience. The appraiser and teacher, Principal or Executive Head 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

11.5 The objectives set for each teacher, Principal or Executive Head will, if achieved, contribute to the teachers' professional development as well as DSAT's plans for optimising its educational provision and performance and improving the education of pupils.

11.6 Before, or as soon as practicable after, the start of each appraisal period, each teacher, Principal or Executive Head will be informed of the DSAT standards against which their performance in that appraisal period will be assessed. All teachers should be assessed against the set of standards contained in the "Teachers' Standards" document published in July 2011. The Principal, Executive Head or the DSAT Board (as appropriate) will need to consider whether certain teachers, Principal or Executive Head should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

## **12. Reviewing performance - observation**

12.1 DSAT 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 DSAT Academies about the improvements which need to be made in their expected standards more generally. DSAT anticipate that all observation will be carried out in a supportive and constructive manner and that there must always be a clear rationale and focus for any classroom observation undertaken by the appraiser.

12.2 DSAT teachers' or Principal's performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher or Principal and the overall needs of the school. Classroom observation will be carried out only by those with Qualified Teacher Status (QTS). In addition to formal observation, Principals or other 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 being maintained. The LAB in conjunction with DSAT will determine the use of “drop in” observations, such as length and frequency to ensure that the most is gained from each session.

12.3 Teachers (including the Principal) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities appraised and where relevant observed.

## **13 Annual assessment and Pay progression**

13.1 Each teacher’s or Principals performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Executive Head DSAT will consult with the external adviser as appointed by them under section 7 for that purpose.

13.2 The teacher, Principal or Executive Head will receive within 10 working days following the end of each appraisal period a written appraisal report. The Individual will also have the opportunity to comment in writing on their appraisal. DSAT recommend that teachers receive their written appraisal reports by end of September - (end of December for Principals and Executive Heads). The appraisal report will include:

- details of the Individuals’ objectives for the appraisal period in question;
- an assessment of the teachers’ performance of their role and responsibilities against their objectives and the relevant standards;
- an assessment of the teachers’ training and development needs and identification of any action that should be taken to address them;

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

13.4 There is no automatic right of salary progression within the pay structure. Where there is recommendation on pay this needs to be submitted to DSAT by 31 December for Head teachers and by 31 October for other teachers. Any recommendations made will be considered by DSAT, any salary increases made will be advised to those individuals in writing.

## **14 Development and support**

14.1 The appraisal process is intended to be a supportive process which will be used to inform continuing professional development. DSAT wishes to encourage a culture within all academies in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to both DSATs overarching improvement plan and agreed local improvement priorities of each Academy and to the ongoing professional development needs and priorities of individual teachers. These may take a number of forms, for example, coaching and mentoring, additional assistance in the classroom, or equipment.

## **15 Feedback**

15.1 Teachers will receive constructive feedback on their performance throughout the year and 5 working days after observation has taken place or other evidence has come to light both verbally and in writing for their records. Feedback will highlight particular areas of strength as well as any areas that need development.

15.2 Performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings between the appraiser and the teacher (Executive Head where a Principal). DSAT have set a minimum number of 3 appraisal meetings for individuals (the initial meeting plus two additional meetings) in the appraisal year. However, this number may be increased; DSAT good practice proposes that a mid-year review should ideally happen in January/February and if necessary appraisal targets can be reviewed. All discussions will be recorded and a copy provided to the appraisee for their records as well as the appraiser retaining a copy locally.

## Part B CAPABILITY PROCEDURE

This procedure applies to all staff employed by the academy about whose performance there are serious concerns including teachers, Principal and Executive Head where the appraisal process has been unable to address.

In the case of Newly Qualified Teachers please refer to Section 4 of the DFE's Statutory Guidance for the Induction of Newly Qualified Teachers (England) 2012.

### 16 What is unacceptable performance?

16.1 This is performance that falls below the standards that have been set for, or that could reasonably be expected of, a member of staff. In the case of teachers this will include the national teachers' standards that are in place. Managers should also consider whether the member of staff is fulfilling the requirements of their job description, particularly in relation to specific additional roles and responsibilities related to leadership e.g. TLR post holders and Advanced Skills Teachers etc.

16.2 Under the Employment Rights Act 1996 performance can be assessed by reference to skill and/or aptitude, for example, a lack of skill or ability in achieving objectives.

### 17 How does it differ from Discipline?

17.1 A clear distinction should be made between unacceptable performance which is due to a lack of skill, ability, knowledge, experience or aptitude. Unacceptable performance due to lack of care and/or wilful refusal may be considered to be misconduct and should be addressed using the Disciplinary Policy and Procedure.

17.2 If a case is initially dealt with under the Disciplinary Policy and Procedure and it becomes clear that performance issues are due to a lack of capability rather than misconduct, the matter should transfer to this procedure (and vice versa).

### 18 What if a teacher's health is affecting their performance?

18.1 If it is clear that a teacher's health is affecting their **attendance** at work, the Principal or Executive Head will seek relevant advice from the HR Officer. Where a teacher's health is affecting their **performance** at work, the Principal or Executive Head should consider referring their concerns to Occupational Health before commencing with any stage of this procedure to ensure relevant medical advice is taken into account they should seek guidance from the HR Officer.

18.2 The Principal or Executive Head will consider whether an employee has a disability as defined in the Equality Act 2010 and therefore whether reasonable adjustments need to be made.

## **19 Who is responsible for managing the process?**

19.1 The Principal or Executive Head a delegated senior leader is responsible for managing the process. In the case of the unacceptable performance of a Executive Head the DSAT subcommittee manages the process. The person managing this process is referred to as 'the manager' throughout the policy.

## **20 Can a grievance be raised during this process?**

20.1 In the event that a teacher raises a grievance in the course of the capability procedure, or there remains an outstanding grievance, the Academy will consider suspending this procedure until the outcome of the grievance investigation is known; each case will, however, be considered on its merits to ensure that the academy is acting reasonably. Guidance from the HR officer should be sort in all cases.

## **21 Absence during this process**

21.1 If a teacher becomes unwell during a period of performance monitoring. Careful consideration should be given to any health related problems and the Occupational Health Team are available to provide advice where required.

21.2 Odd days of absences should not delay any part of this procedure. Reasonable steps should be taken to enable the teacher to attend meetings. If necessary, the meeting will be rearranged on one occasion within 5 working days of the original date.

21.3 In the case of long term absences the procedure may be suspended and resumed on the member of staff's return to duty.

## **22 Formal capability meeting**

22.1 The member of staff will be given at least five working days' notice of the formal capability meeting. The notification will contain sufficient information regarding 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 Trade Union Representative or a current workplace colleague, but not a family member or relative not acting in a professional capacity.

22.2 This meeting is intended to establish the facts. It will be conducted by the Executive Head (for Principal capability meetings) or Principal (for other teachers) the meeting allows the teacher, or other staff member, 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/evidence already collected.

22.3 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.

22.4 If the manager conducting the meeting concludes that the formal capability measures should be implemented, the meeting will continue. During this meeting, or any other meeting which could lead to a formal warning being issued, the manager conducting the meeting will:

- identify the professional shortcomings, for example which of the standards expected of teachers are not being met;
- 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*);
- explain any support that will be available to help the teacher 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 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.

22.5 Full and detailed records will be kept by the manager at each stage of the procedure identifying the reasons for the teacher's failure to meet the required standards of performance and the manager's response. These records should include the agreed targets, timescales and the support that is being put in place for the member of staff. Notes of all meetings should be kept and made available to the member of staff.

22.6 The decision to issue a final warning at the first formal capability meeting should be made by the Chair of the meeting in conjunction with advice from the HR Officer and having heard representations from the member of staff.

22.7 In issuing a final warning, the academy may choose to consider whether the following circumstances apply, although this list is not exhaustive:

- Performance is likely to endanger the health and safety of other people;
- Performance will have a significant impact on the business;
- An member of staff's performance has already been reviewed as part of this procedure, only for it to deteriorate again in a relatively short period of time;
- If there is evidence that the education of the pupils is being put in jeopardy. Where this is the case, the school will provide evidence to support the decision, which will include an explanation as to why the problem was not resolved at an earlier stage.

## **23 Monitoring and review period following a formal capability meeting**

23.1 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).

23.2 A timetable of regular monitoring sessions with the manager should be arranged. These sessions may coincide with or replace normal or existing management meetings. If there are any further concerns these must be identified at the meeting and the support and monitoring in place should be reviewed. Any progress made should be discussed and recognised with the member of staff.

## **24 Formal review meeting**

24.1 As with formal capability meetings, at least five working days' notice in writing will be given and the notification will give details of the time and place of the meeting and will advise the teacher 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 but not a family member or relative.

24.2 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.

24.3 Where a final warning is issued, a final programme of support and monitoring should be discussed and agreed, emphasising that significant and rapid improvement in performance is required. If the required improvement in performance is not achieved by the end of the final review period, the manager may refer the case to a hearing where continuation of employment will be considered.

24.4 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.

24.5 Notes will be taken of formal review meetings and a copy will be sent to the member of staff who will also be given information about the handling of any further monitoring and review period and the procedure and time limits for appealing against the final warning. At the end of the final review period, the teacher will be invited to a decision meeting.

## **25 Decision meeting**

25.1 The member of staff will be given at least five working days' notice in writing of the meeting and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a Trade Union Representative or a current workplace colleague, not acting in a professional capacity but not a family member or relative.

25.2 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 DSAT or the LAB, will be made that the teacher should be dismissed or required to cease working at the Academy.

25.3 Before the decision to dismiss is made, the Principal and/or Executive Head will consult with the HR Officer.

25.4 As an Academy the power to dismiss rests with the LAB but this responsibility may be delegated to the Principal.

25.5 The teacher will be informed within 10 working days in writing if 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.

## **26 Dismissal**

26.1 Once the decision to dismiss has been taken, the LAB, Principal or Executive Head will dismiss the staff member in writing with notice in line with their contractual arrangements.

26.2 In certain circumstances depending on individual circumstances the staff member may be dismissed with immediate effect and receive pay in lieu of notice.

## **27 Appeal**

27.1 If the staff member feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, based on a failure to follow procedures or factually incorrect, they may appeal in writing against the decision within ten days of the decision, setting out the grounds for appeal.

27.2 Appeals will be heard within ten working days of the appeal letter being received 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 teacher.

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

27.4 The staff member will be informed in writing of the results of the appeal hearing within ten working days of the appeal hearing.

## Appendix 1

### Appeal hearing procedure for warning, final warnings and dismissals

#### **Presentation of the management case**

- The Chair hearing the case will make introductions and outline the process to be followed to ensure that everyone present understands what is going to happen.
- The Chair or Panel will be advised throughout the hearing by a personnel practitioner. The personnel practitioner will take notes of the meeting throughout which will then be available to all parties present.
- The manager will then present their case highlighting key points and calling any witnesses if any to present their evidence. The manager will refer to any documents as necessary.
- The member of staff and/or their representative may question any witnesses or question the manager on their evidence.
- The Chair or Panel hearing the case may also question any person present.
- Each witness will join the hearing to give evidence and leave after doing so, although they may need to be recalled if necessary.

#### **Presentation of the Member of Staff's Case**

- The member of staff or representative presents their case, referring to any relevant documents, and calling any witnesses as appropriate.
- The manager may question the member of staff or any of the witnesses on their evidence.
- The Chair or Panel hearing the case may also question any person present.
- Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled if necessary.

#### **Summing Up**

- The manager summarises the main points of the case.
- The member of staff or their representative summarises the main points of their case, including any mitigating circumstances.
- At this stage no new evidence may be introduced. The manager, the member of staff and their representative then leave the meeting.

#### **The Decision**

- The Chair or Panel hearing the case will consider whether there is sufficient grounds to issue the warning, final warning or to dismiss the member of staff because of their poor performance or uphold the appeal. The Chair or Panel should take into account any mitigating circumstances. If further clarification of information is required in order to make a decision, both parties will be recalled, or the hearing adjourned until the information is provided.
- The Chair or Panel should consider all the evidence available at the time of the hearing.
- The Chair or Panel will read out their decision, including the reasons for it. In complex cases deliberation may take some time. If this occurs, a decision should be made within 2 working days of the conclusion of the hearing, and, in both situations the outcome of the hearing should be confirmed in writing within 5 working days.

## Appendix 2

### 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 DSAT to quality-assure the operation and effectiveness of the appraisal system. DSAT to advise how they might achieve this, for example, the Principal in conjunction with the Executive head might review all teachers' objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers.

DSAT will need to be aware of any recommendations made in relation to any pay increases that have been made. However this does not necessarily automatically follow that a pay award will be given.

#### Consistency of Treatment and Fairness

DSAT is committed to ensuring consistency of treatment and fairness across all its Academies. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled teachers. DSAT is aware of the guidance on the Equality Act issued by the Department for Education.

#### Definitions

Unless indicated otherwise, all references to "teacher" include the Principal and Executive Head.

#### Delegation

Normal rules apply in respect of the delegation of functions by DSAT to LAB, Executive Heads and Principals.

#### 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 DSAT's absence policy and will be (*eg 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*). In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

#### Monitoring and Evaluation

DSAT will regularly monitor the operation and effectiveness of the Academy's appraisal arrangements.

#### Retention

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