# Appraisal (Performance Management) Policy

## Policy Statement

1. This policy has been consulted upon with the recognised trade unions for Hampshire maintained schools. Where Hampshire maintained schools wish to localise this policy further, consultation will need to take place with staff and representatives of the recognised unions. This policy is recommended to academies and other schools which have freedom to develop their own policies and procedures, although such schools which wish to adopt this policy are advised to take this through their own negotiation/ consultation framework.
2. This policy does not form part of any employee's contractual terms and conditions. Any links within this document to other documents are for ease of use and do not form part of this policy.
3. This policy has been written keeping to the Model Pay Policy contained in the Manual of Personnel Practice. Schools that have chosen to adopt an alternative pay policy will need to make relevant adjustments.
4. Schools should make sure that employees clearly understand the ethos of the school and that appraisal (performance management) arrangements are in place to support employees to achieve their individual and school aspirations. It should be recognised that there is a collective responsibility to achieve these goals. The Appraisal (Managing Performance Concerns) Resource Pack must be read in conjunction with this policy. The Capability Policy is a supportive process aimed at generating sustained improvement.
5. Leaders should make sure the Career Expectations Framework is understood by all teaching staff and appraisal (performance management) reviewers. This includes how it may be used to support decisions in relation to their performance. The framework should be shared at the start of the appraisal (performance management) cycle.
6. For teachers, the statutory requirement for appraisal outcome to determine performance-related pay outcomes has been removed. However, the statutory requirement to make a pay decision each year remains. The policy retains appraisal outcomes as an objective basis for pay recommendations, with the expectation that all teachers will be deemed to be 'meeting expectations' and therefore eligible for progression unless there is a justified reason to apply an alternative appraisal outcome. Teachers can only be considered to be 'not met expectations' and may have pay progression withheld if the teacher has been subject to formal capability procedures during the appraisal year. In those circumstances, headteachers must assess each case individually before making a pay recommendation to governors.

## Scope

7. This document sets out the framework for a clear and consistent assessment of the overall performance of employees, 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 and other staff. It also sets out the arrangements that will apply when employees fall below the levels of competence that are expected.
8. The Model Appraisal (Performance Management) Policy is for all employees working within a school/school managed provision or establishment (which for ease of reference are referred to throughout this document as 'schools'), with the exception of those employees on contracts of less than one term, those undergoing formal induction (i.e. ECT's), and those who are subject to the Capability Policy.

# Appraisal (Performance Management) Policy

## Principles

9. Appraisal (Performance management) in this school will be a supportive and developmental process designed to make sure that all employees have the skills and support needed to undertake their role effectively. It will help to make sure that all employees are able to continue to improve their professional practice and to develop in their careers.

10. The process of setting and reviewing performance objectives for staff in schools is an integral part of the school's overall approach to school improvement and development. Appraisal/performance objectives will be written in such a way that the objectives complement and link to the targets expressed in the school improvement/development plan.

11. It is important to recognise that the objectives set for any employee will not represent the complete job that the employee is expected to perform. Reviewing performance is about measuring the progress made against the objectives set with appropriate support, which will represent key priorities for that employee, and in addition, assessing and recognising the overall performance of that person in the job, including an assessment against any relevant standards/accountabilities.

12. The career expectations framework, along with the associated Teachers Standards and Headteacher Standards guidance, is designed to outline what good performance may look like for teachers at different stages of their career.

13. Importantly, neither framework is a checklist. It is not intended that teachers will meet all of the detail listed to be considered for each appraisal outcome. Instead, the frameworks provide guidance for both reviewers and reviewees on what good performance broadly should look like.

14. These frameworks may be used to help managers understand where performance may be falling short and where additional support is required. The frameworks also highlight where performance is exceptional and may warrant a consideration of the use of the exceptional performance outcome.

15. These frameworks may also be used by teachers themselves to help understand their own performance and consider where the teacher may wish to develop further.

16. Professional Associations and Trade Unions recommend a maximum of 3 objectives but there is no limit. However, the Headteacher/Senior Manager must ensure the number and scope of objectives are reasonable and proportionate to the employee's workload and working pattern. This should take into account the employees role, current priorities, the nature and complexity of each objective and their contracted hours (FTE). It is good practice to include an objective which reflects the teacher's own development needs.

17. The process of appraisal (performance management) will be carried out keeping to this policy, which is underpinned by the statutory regulations for teachers and local agreements for support staff.

18. Appraisal (Performance management) will be carried out in such a way to make sure consistency of treatment and fairness.

19. The Governing Body and Headteacher will monitor the operation and effectiveness of the school's appraisal (performance management) arrangements.

20. The appraisal (performance management) process will be treated with confidentiality. Only the reviewer, reviewee and the Headteacher will have access to appraisal (performance management) information and documentation relating to the reviewee. However, to enable moderation of objectives and assessments to take place, paperwork may be shared with members of the Senior Leadership Team. Governors may request an anonymised sample of appraisal reports to enable the Governors to perform their role in monitoring the effectiveness of the school's appraisal (performance management) system.

21. The Governing Body and Headteacher will make sure that all written appraisal (performance management) records are retained securely in line with the County Council retention schedule and then destroyed.

22. Where an employee's performance is affected by a health problem and/or sickness absence, the matter will normally be dealt with keeping to the school's Managing Sickness Absence Policy and How to Guide. This may lead to a referral to Occupational Health in order to assess the employee's fitness for work.

23. When assessing performance, it should be recognised that circumstances such as periods of ill health, or family friendly leave, may reasonably impact an employee's ability to meet their objectives. These factors should be carefully and sensitively considered as part of a fair and supportive appraisal process.

24. The audio or video recording of any meetings held under this procedure is not normally permitted. Where an employee is unable to take their own notes of a meeting due to a physical, sensory or mental impairment, it is expected that the employee's representative will take notes on their behalf and/or alternative options will be considered to remove any potential disadvantage that an employee may have.

## The Appraisal (Performance Management) Cycle

25. The appraisal (performance management) cycle for the Headteacher and all teachers will run for twelve months, with the end of year review being completed by October for teachers, and by December for the Headteacher, in reference to the previous academic year. The appraisal (performance management) cycle for support staff will run for twelve months with the end of year review being completed by December, in reference to the previous academic year or current financial year (use whichever applies).

26. Employees who are employed on a fixed-term contract of less than one year will have their performance managed keeping to the principles underpinning this policy. The length of the period will be determined by the duration of their contract.

27. The appraisal (performance management) outcome will link to the pay recommendation for employees. In the case of teaching staff, the end of year review and the annual pay determination will take place by the end of October each year (December for the Headteacher) and is informed by the appraisal (performance management) outcome concluding at the end of the previous academic year (31 August). In the case of support staff who are performance managed via the Individual Performance Planning (IPP) process, the end of year review will be completed by December in order for decisions about pay to be made, effective from 1 April each year.

## Appointing reviewers

28. The Headteacher's performance will be reviewed by the Governing Body, supported by a suitably skilled external adviser who has been appointed by the Governing Body for that purpose.

29. In this school, the task of reviewing the Headteacher, including setting objectives, will be delegated to a sub-group of three members of the Governing Body. This sub-group will be known as the Headteacher Appraisal Panel (HAP).

30. Given the close working relationship between the Headteacher and the Chair of Governors, it would not normally be appropriate for the Chair of Governors to be part of the HAP.

31. The Headteacher may delegate performance reviews of teachers and support staff, normally to the employee's line manager. Reviewers will have the necessary knowledge and training to undertake this role.

32. The Headteacher will decide whether the reviewer also makes a recommendation about pay progression, in line with the school's Pay Policy. Whilst most eligible staff are expected to receive pay progression, the decision on pay must still be made by the Governing Body. Where performance concerns arise (see Dealing with Performance Concerns), the Headteacher may re-delegate the reviewer role to a senior manager or undertake the role of reviewer themselves.

## Setting Objectives

33. The Headteacher's objectives will be set by the Governing Body after consultation with the external adviser. At least one of the objectives for the Headteacher will relate to outcomes for pupils.

34. Objectives for each employee will be set before, or as soon as practicable after, the start of each appraisal (performance management) cycle. In setting objectives, reviewers will have regard to what can reasonably be expected given the employee's role and level of experience. The level of expectation of an employee's performance must also be communicated at the outset of the appraisal (performance management) cycle.

35. The objectives set for each teacher are intended to support the school's efforts to enhance the quality of education and foster a positive, engaging learning environment. These objectives will be guided by the needs and development of the school and its pupils, while also reflecting the employees own professional goals and aspirations.

36. Objective setting will have regard to a reasonable level of expectations of the employee in the context of work/life balance.

37. Whilst the school may set some broad parameters in relation to objectives, it is expected that the process of determining objectives will be borne out of a constructive dialogue between the employee and their reviewer and this will include dialogue in relation to the detail of the objective, the success criteria and evidence that may be used for assessment.

38. Before, or as soon as practicable after, the start of each appraisal (performance management) cycle, each teacher will have had confirmation of the standards, objectives and success criteria against which their performance in that appraisal (performance management) cycle will be assessed. Headteachers will be informed if the Headteacher Standards are to be used as part of their appraisal (performance management). In addition, the reviewer and reviewee will agree the reviewee's development plan for that year. For teaching staff this will include having regard to the relevant section of the Career Expectations Framework and associated Teachers' Standard

guidance. It should be made clear to reviewees that the Career Expectations Framework and Teachers' Standards guidance provides a broad overview of what can constitute good performance at each career stage, rather than a checklist.

39. Before, or as soon as practicable after, the start of each appraisal (performance management) cycle, each employee will have had confirmation of the key accountabilities against which their performance in that appraisal (performance management) cycle will be assessed, for example those contained within the role profile applicable to that employee. In addition, the reviewer and reviewee will agree the reviewee's development plan for that year.

## Reviewing Performance: evidence and observations

40. A number of sources of evidence will be used to assess an employee's performance. These include those detailed below. Such evidence will be triangulated in order to undertake an overall assessment of the employee's performance against their objectives and against the relevant standards/key accountabilities for their role.
41. This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing the performance of classroom-based employees in order to identify any particular strengths and areas for development the employee may have, and of gaining useful information which can inform school improvement more generally. Therefore, feedback from lesson observations will be developmental and not simply a judgement. All observations will be carried out in a supportive manner.
42. In this school classroom-based employees' performance will be observed but the amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of the school at that time. Classroom observation of teachers will normally be carried out by Headteachers or those with QTS.
43. In addition to any formal observation undertaken for appraisal purposes, the Headteacher or other leaders with responsibility for standards in the classroom may "drop in" in order to evaluate the quality 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.
44. Observations are a snapshot in time and reviewers will use the information gathered from these alongside other types of evidence to make judgements about performance.
45. Where a formal lesson observation is undertaken for the purpose of appraisal, the observer must, as soon as practicable after an observation and within 3 working days, verbal feedback will be given to the employee. This will be followed up with written feedback within 5 working days of the observation taking place. Where it is not reasonably practicable to provide feedback within these timescales, feedback will be provided at the earliest opportunity thereafter.
46. Teachers (including the Headteacher) who have responsibilities outside the classroom, and support staff who are not classroom-based, will also have their performance of those responsibilities observed and assessed.
47. Observations undertaken by Ofsted inspectors or as a result of local authority monitoring will not, in themselves, be used for performance management/appraisal purposes. However, these observations may highlight the need for the school to undertake separate observations for performance management/appraisal purposes. Observations undertaken by a local authority officer may be used in appraisal (performance management) where this has been planned and communicated to all parties in advance.

**Reviewing Performance: pupil progress and attainment**

48. Pupil progress and attainment, are pertinent to a teacher's role and may be used in assessing a teacher's performance against the Teachers' Standards and, where relevant, against objectives.
49. Progress and attainment are one dimension of a teachers' performance and reviewers will note the need for performance to be assessed in the context of the overall performance of the teacher against all standards and objectives.
50. Teachers are encouraged to engage with their reviewer to discuss any pupil progress/attainment objective being set and reviewers should ensure that a range is used when setting such an objective.
51. The HAP, with advice from the External Adviser, will review levels of pupil attainment, rates of pupil progress and whole school performance in their assessment of a Headteacher's performance in addition to other objectives that may have been set.
52. Where support staff are providing support to groups or individual pupils, the progress and attainment of those pupils may be taken into account in assessing the performance of the employee. This will only be used alongside other evidence which supports the level of contribution of the employee to the progress and attainment of pupils.

**Reviewing performance: work sampling and other evidence**

53. Work sampling may be used in assessing teacher performance against the standards for the role, and where relevant, against objectives.
54. Other evidence may be considered, where it is pertinent to the objectives set and the standards/accountabilities for the role.
55. Examples of such evidence for teachers may include (but are not limited to):
    - Medium and long-term planning.
    - Effective deployment and management of classroom-based support staff.
56. Examples of such evidence for Headteachers may include (but are not limited to):
    - Evidence from reports from external sources such as Ofsted, the local authority, or other reviews.
    - Other performance data (e.g attendance data, suspension data).
57. Examples of such evidence for support staff may include (but are not limited to):
    - A sample of written correspondence produced (administrative staff).
    - A sample of budget correspondence (finance staff).
    - A sample of health and safety monitoring (site staff).
    - Examples of displays and resources prepared (classroom-based support staff).
58. It may also be appropriate to consider evidence such as feedback from colleagues, including peers, and for line managers, their staff.

**Feedback**

59. Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after any formal observation has taken place or other evidence has come to

light. Feedback will highlight particular areas of strength and celebrate success, as well as any areas that need development and support. Where there are concerns about any aspects of an employee's performance, this will be managed keeping to the Dealing with Performance Concerns section of this policy.

**Annual Assessment**

60. Every employee's performance will be formally assessed in each appraisal (performance management) cycle. In assessing the performance of the Headteacher, the Governing Body will consult the external adviser.
61. This assessment is the end point of the annual appraisal (performance management) process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take once per term.
62. An employee will receive a written appraisal report as soon as practicable following the end of each appraisal (performance management) cycle. The employee will have the opportunity to comment on this. Teachers will receive their written appraisal report by 31 October (31 December for the Headteacher). Support staff will receive their appraisal report by 31 December. The appraisal report will include:
    - an assessment of the employee's performance of their role and responsibilities against their objectives in the last appraisal (performance management) cycle;
    - an assessment of the employee's performance of their role and responsibilities against the standards/accountabilities for their role in the last appraisal (performance management) cycle;
    - summary of the sources of evidence considered to support the decision(s) made;
    - n appraisal (performance management) rating
63. The employee will also receive a new appraisal report for the new appraisal (performance management) cycle. This will include:
    - details of the employee's objectives for the new appraisal (performance management) cycle;
    - details of the standards/accountabilities to apply in the new appraisal (performance management) cycle;
    - an assessment of the employee's current training and development needs and identification of any action that should be taken to address the employee in the new appraisal (performance management) cycle;
    - an indication of when monitoring will take place.
64. The assessment of performance against the objectives and standards will confirm the planning process and training and development needs for the next appraisal (performance management) cycle.
65. All staff and reviewers are encouraged to also use appraisal (performance management) meetings to discuss other matters pertinent to their employment.
66. With the exception of the Headteacher pay recommendation, all pay recommendations must be approved by the Headteacher before being shared with the employee to whom the recommendation relates and before being referred to the governors' pay panel. The HAP must also refer their recommendation to the governors' pay panel. Pay recommendations will only be

made where the employee has scope to progress on their pay range. Whilst appraisal will take place on an annual basis, teachers on the Upper Pay Range will have a pay recommendation every other year subject to reaching the maximum of the Upper Pay Range.

67. Pay progression for all staff will be as set out in the school's Pay Policy.

**Moderation of Appraisal (Performance Management) Statements**

68. The Headteacher will take responsibility, where the reviewer role has been delegated, for ensuring there is an appropriate system in place to moderate appraisal report and pay recommendations, to make sure consistency and equality of treatment.

## Appraisal outcomes and pay recommendations for teaching staff

69. Whilst a determination about performance does not have a statutory link to pay, governing bodies are required to make pay decisions and must have an objective basis for doing so. Therefore, appraisal outcomes will link to pay recommendations, where eligible, as outlined below:

    - Exceptional performance: 2 points salary progression
    - Achieved expectations: 1 point salary progression
    - Not met expectations: No salary progression*

    *This appraisal outcome can only apply where the employee has been on formal capability policy during the appraisal year. Decisions about what this outcome means for pay progression will be made on a case-by-case basis.

70. Please refer to the school's pay policy for definitions against these appraisal outcomes.

## IPP outcomes and pay recommendations for support staff

71. A determination about performance will impact pay progression where eligible, as outlined below:

    - Exceptional performance: 1 step progression plus 3% one-off payment (in exceptional circumstances, 2 step progression may be awarded instead of 1 step plus 3% one-off payment)
    - Achieved expectations: 1 step progression
    - Improvement required: 0 steps progression

72. Please refer to the school's pay policy for definitions against these IPP outcomes.

## Dealing with Performance Concerns

73. The majority of employees are competent in their role for the majority of the time. On occasions, however, an employee's performance can be deemed to be below accepted standards and support is needed to help the employee re-attain and sustain the required level of performance.

74. There may be reasons to explain why an employee is unable to perform to the required standards. This may happen due to a physical, cognitive, mental, sensory, emotional, or developmental disability, impairment, condition or illness which may be temporary or permanent. Consideration must be given to whether reasonable adjustments are appropriate.

75. Concerns about performance will be addressed at the time the concerns are identified and not left to the employee's next appraisal (performance management) meeting. This will assist the employee to recognise issues at an early stage.

76. Performance concerns may be identified by the reviewer or by a Senior Manager/Headteacher. Where a concern is identified that is likely to require a management discussion which may lead to structured managerial support, the Headteacher may re-delegate the reviewer role to a senior manager or undertake the role themselves. A reviewer must notify the Headteacher where the reviewer identifies performance concerns and agree with the Headteacher how to proceed.

77. Concerns about the performance of the Headteacher may be identified by an individual or combination of sources. Where a concern is identified via the HAP, the Chair of the HAP must notify the Chair of Governors. Where the initial concern is identified by the Chair of Governors, the Chair of Governors must notify the Chair of the HAP. In both circumstances, the Chair of the HAP will review the evidence available with the School Improvement provider to decide how to proceed.

78. Where it is necessary to take forward a performance concern for the Headteacher, this will be undertaken by the HAP, with professional advice from the School Improvement provider, and the Chair of Governors will be kept appraised of the situation.

79. When raising performance concerns with an employee, the Headteacher/Senior Manager/HAP will take into account any factors which may be having an impact on the employee's ability to perform their duties. However, such factors in themselves do not negate the need to address performance concerns.

80. While there are no formal rights of representation at this stage, employees are encouraged to contact their professional association or trade union representative for advice and support.

Identifying when performance is below accepted standards

81. The Headteacher/Senior Manager/HAP may consider an employee to be underperforming where:

- the standard of performance falls below that which is required to meet or make progress towards a specific appraisal objective; and/or
- the standard of performance falls below that which is required to meet the expectations of a particular role in their school; and/or
- the performance falls below the relevant standards/accountabilities for the role; and/or
- the overall school performance falls below that which is required (in the case of the Headteacher).

82. If the Headteacher/Senior Manager/HAP has evidence to show that an employee is no longer meeting the expectations of their role, the Headteacher/Senior Manager/HAP must raise the concerns with the employee promptly.

83. Where the school has clearly communicated a level of expectation, the Headteacher and senior managers may consider an employee to be underperforming if the employee is not reaching this level of expectation.

Determining possible initial courses of action

84. Depending on the severity of the underperformance, the Headteacher/Senior Manager/HAP need to take a view as to the proportionate response. This may include:
    - an early conversation to confirm the expected standards of the role;
    - coaching/mentoring support;
    - a Management Discussion, the outcome of which may be structured managerial support during an improvement period
    - consideration of application of the Capability Policy (exceptional circumstances or concerns).

85. An early conversation and coaching/mentoring support will only be used on their own to support low level or early stage concerns where these may be an effective measure. Where the performance concern is more significant or continues, the performance concerns will be discussed at the Management Discussion stage. Structured managerial support will normally be put in place during an improvement period.

Management Discussion stage which may lead to Structured Managerial Support

86. A Management Discussion is an opportunity for the Headteacher/Senior Manager to support the employee to improve their performance and prevent further instances of unsatisfactory performance. The Headteacher/Senior Manager can achieve this by providing clear instructions and guidance on what is expected in the future and what is considered to be unsatisfactory performance.

87. The Management Discussion could be a separate meeting or part of a normal one-to-one meeting. However the Headteacher/Senior Manager holds the meeting, the Headteacher/Senior Manager should tell the employee that the discussion is a Management Discussion under the Appraisal (Performance Management) Policy

88. In cases involving the Headteacher, the HAP will normally invite the School Improvement provider to give support at this meeting.

89. The employee is not usually accompanied at a Management Discussion. There may be circumstances when the employee asks to be accompanied, and consideration should be given to any requests. This should be accommodated where this is a reasonable adjustment and where it does not cause a delay to the process.

90. The Headteacher/Senior Manager should keep a record of the Management Discussion. A template form is available for this purpose in the Manual of Personnel Practice.

91. The discussion will:

- explain their performance is not at the standard required
- provide clear examples of when and why performance has been unsatisfactory, this could be from observations, rates of pupil progress and attainment, work sampling, other evidence
- be specific about what is required of the employee. This may be in relation to their job role, behaviour, attitude, or another aspect
- explore the reasons why the employee is not meeting the required standards - these may include:
  - any system faults that the Headteacher/Senior Manager are not aware of
  - insufficient skills, knowledge and/ or experience
  - insufficient training and support
  - a health condition, which may be temporary or permanent
  - bereavement
  - caring responsibilities
  - dyslexia

  - domestic abuse
  - menopause
  - a lack of motivation in the role that could be due to several reasons
- determine the extent to which the reason given for the unsatisfactory performance is because the employee:
  - did not fully understand what they were expected to do – unclear expectations
  - could not do it – ability
  - did not know how to do it – skill
  - would not do it – attitude
- use discovery questions to gain a fuller understanding of the employee's view, examples include:
  - how does the employee see / what's the employees view…
  - what's important about…
  - what does the employee think about…
  - what did the employee do…
  - is there anything else the employee could have done…
  - is there any reason for xxx not being done…
  - what does the employee believe will work…
- give the employee time to think, reflect and answer
- establish whether the employee has taken action to address the concern(s)
- ask if there are any issues with their work-life balance, and if so discuss if there are ways to help address the issues
- explore any support that is required, ensuring the employee is made aware of sources of support [see Support].
- if the employee has a disability, the Headteacher/Senior Manager should refer to Reasonable Adjustments How to Guide. Discuss whether the unsatisfactory performance is related to that disability.
- end by restating what the Headteacher/Senior Manager wants to happen - what does the employee need to do differently.

92. The Management Discussion may lead to any of the following next steps:

- no further action as the employee provides an explanation and the Headteacher/Senior Manager decide there is no on-going performance concern
- provide further structured managerial support, training or workplace options such as considering alternative working patterns or changes to the role
- seeking input from Occupational Health
- if the employee has a disability, the Headteacher/Senior Manager must review the existing reasonable adjustments and make any reasonable amendments. Alternatively, the Headteacher/Senior Manager must review whether there are any new reasonable adjustments and if there are, put these in place

- a specific review date is set relating to identified actions or information, such as completion of agreed training or receipt of medical advice.

93. Structured Managerial Support may include setting an Improvement Period and, where appropriate, an action plan is written that sets out the timeframes for actions to be taken by the Headteacher/Senior Manager and the employee (see 'Action Plan') Performance management and capability | Education and learning | Hampshire County Council

94. Make a clear statement to the employee that the employee is required to improve their performance. If the employee is unable to achieve this within any set timeframe and then maintain the required performance, then further action under the Capability Policy may be necessary. The Headteacher/Senior Manager should also tell the employee that if their performance does not improve and the employee moves onto a formal stage of the Capability Policy, then any possible pay progression may be withheld.

95. The Management Discussion form should be used to record the initial discussion with the employee and also any following discussions to record any improvement made/not made, and when any concerns are resolved.

96. When completing the Management Discussion form, the Headteacher/Senior Manager should:

- agree the record with the employee if possible
- share the record with the employee
- keep a copy on the employee's personnel file

Improvement Period

97. An Improvement Period is a period when an employee must achieve and maintain the required level of performance. An Improvement Period may be set as a result of a Management Discussion or a formal stage meeting under the Capability Policy.

98. If an Improvement period is set:

- as part of a Management Discussion under the appraisal (performance management) policy. The Headteacher/Senior Manager will decide how long it will last, and what improvement is required to be achieved and maintained within the period
- as a stand-alone outcome of a formal capability meeting. The chair of meeting will

decide how long the Improvement Period will last and set out what specific improvements are required to be achieved within a given timeframe/s and then maintained

- when a formal warning is given under the Capability Policy. The Improvement Period should be set alongside the warning for the same period. The chair will set out what specific improvements are required to be achieved within a given timeframe/s. The teacher must achieve these targets in the set timeframe and then maintain the required performance level for the remainder of the formal warning period.

99. In most cases, employees are expected to show improvement within a standard timeframe of four school weeks to half a term. However, some issues may be resolved in 2–4 weeks, while others may take longer. The exact timeframe depends on the nature of the issue, the role, and how the poor performance/underperformance affects the school. The Headteacher or Senior Manager will decide the length of the improvement period and what progress is expected, based on the specific situation. If they are not the employee's line manager, it may help to involve the line manager in setting the timeframe.

100. The following circumstances may lead to a shorter Improvement Period:

- employees with less than two years' continuous service – it is reasonable to set a shorter Improvement Period for employees with a short length of service
- the performance concerns have occurred in quick succession or are a repeating pattern, so it is reasonable to expect the employee to be able to demonstrate the required standard in a shorter period
- the employee is in a critical role and their individual level of performance is having a significant impact on service delivery
- any history of unsatisfactory performance – have there been previous concerns that have been discussed with the employee.

101. The following circumstances may lead to a longer Improvement Period:

- if there is an underlying health condition that is currently being treated, then it may be appropriate to set an Improvement Period that is linked to the treatment. However, the Improvement Period should normally be no longer than 12 weeks
- the reasons for the unsatisfactory performance – are there any other issues that could be impacting on performance?
- whether any workplace changes or reasonable adjustments are required and if so, how long this might take to arrange. The Headteacher/Senior Manager should act quickly to address any such actions. If the reasonable adjustments are not put in place in a timely manner, the Improvement Period should be adjusted accordingly.

102. The Headteacher/Senior Manager should explain to the employee why this Improvement Period has been determined. The Headteacher/Senior Manager should say the Headteacher/Senior Manager will support the employee to help the employee to meet the required standards, but if the employee does not meet the required standards of the role within this time, it may result in support being provided under the Capability Policy.

### Review Meetings

103. Regular review meetings should be scheduled throughout the length of the Improvement Period to provide opportunities to:

- review the employee's performance
- review any action plan in place
- recognise and record improvement
- discuss any other support/ training that may be relevant
- review where performance has improved to the required standard and is being maintained
- review where performance has not improved sufficiently, or the improvement cannot be maintained without additional support, what the reasons are and how they could be resolved

- at a final review meeting - determine whether to progress to the Capability Policy.

104. The frequency of review meetings should reflect a period in which the employee is expected to be able to demonstrate some improvement. This could be every week or fortnight depending on how quickly someone should be able to demonstrate an improvement. The Headteacher/Senior Manager may decide to set review meetings over a longer period of time if the performance concern relates to an infrequent activity.

105. The Headteacher/Senior Manager must review the employee's performance – recognising any improvement and discussing any areas where performance continues to be below the standards required. Try to establish the reason/s behind the performance issue and explore with the employee any action/s that may resolve the gap between their current performance and what their role requires.

106. Once the employee is maintaining an improvement in performance, together the Headteacher/Senior Manager and employee can agree to decrease the frequency of the review meetings.

107. A final review should be held at the end of an Improvement Period where the Headteacher/Senior Manager make an assessment of whether:

- sufficient improvement has been attained and maintained, and no further action is to be taken
- sufficient improvement has not been attained, or is not being maintained without additional support, and progression to the Capability Policy is appropriate
- in exceptional circumstances, extend the Improvement Period and set further review meetings with another final review.

108. A written record should be made of each discussion. The Headteacher/Senior Manager should:

- agree the record with the employee if possible
- share the record with the employee

- keep a copy on the employee's personnel file (ePF)

Specific Review Dates

109. If it is not helpful to set an Improvement period until the Headteacher/Senior Manager has further information, the Headteacher/Senior Manager may set a Specific Review Date for when it this information is expected to be available. This is expected to be no longer than 3 months after the Management Discussion. The following may be reasons for setting a Specific Review Date:

- advice is expected from Occupational Health
- agreed training is to be completed (also determine if additional time is to be given for the employee to embed their learning)
- an Access to Work assessment is to be undertaken
- any other relevant factor that leads to specific information being available to support a more informed decision.

110. The Headteacher/Senior Manager should tell the employee that between now and the review date the Headteacher/Senior Manager will continue to discuss their performance and any issues as part of the normal one-to-one meetings.

111. At the review date, meet with the employee and discuss the additional information. Review their performance in light of the new information and their current circumstances.

112. Potential outcomes of the review are:

- no further action
- to review performance at the Management Discussion stage
- to progress to the Capability Policy

113. In exceptional circumstances, set a further specific Review Date that is associated with outstanding information or actions.

114. A written record should be made of each discussion. The Headteacher/Senior Manager should:

- agree the record with the employee if possible
- share the record with the employee
- keep a copy on the employee's personnel file

115. If the employee is not making the necessary progress towards the required improvement, the employee will be informed that failure to achieve this may lead to support being provided under the Capability Policy and that there may be an impact on their pay progression. The Headteacher/Senior Manager/HAP will make a judgement about when to communicate this given that it may not be appropriate to do so during the first discussion. However, if a move to the Capability Policy is a likely outcome, the potential for this must be communicated to the employee in good time. It must be recorded in writing that the employee has been informed of the potential consequences should their performance not meet the required standard. If the necessary improvement is then not achieved within the agreed timescales, the Headteacher/Senior Manager/HAP will need to consider use of the Capability Policy.

116. Where the employee has initially made the required improvement but this performance has not been maintained independently over a 24-month period, the Headteacher/Senior Manager/HAP it may be reasonable to consider use of the Capability Policy.

Patterns/history of unsatisfactory performance, including expired warnings that the Headteacher/Senior Manager should consider when making decisions

117. There may be a history of concerns about an employee's performance. Previous formal warnings or Management Discussions should be on record. There may be other examples of unsatisfactory performance.

118. If the Headteacher/Senior Manager has previously set an Improvement Period which resulted in improved performance, but performance then declines, it may be reasonable to progress straight to the Capability Policy without setting a further Improvement period under the Management discussion stage of the Appraisal (Performance Management) policy. These circumstances include:

- where the employee has been set an Improvement Period in the last 24 months
- where the employee has received a Formal Warning, that has expired within the last 24 months.

119. While a Formal Stage One warning is live and a new and/or further performance concern arises, the new matter must be discussed with the employee. It may be reasonable to progress to a Formal Stage Two meeting. It would not be appropriate to consider the underperformance under this Appraisal (Performance Management) policy while there is a live warning under the Capability Policy.

By-passing Management Discussion /structured managerial support

120. In most circumstances, a Management Discussion will be held with the employee. Where support is needed, structured managerial support will be put in place during an improvement period, before support is provided under the Capability Policy. However, the Headteacher/Senior Manager/HAP may decide after taking advice from Education Personnel Services that it is appropriate to move straight to the Capability Policy, in exceptional circumstances, for example:

- the employee's performance is putting the health and safety of pupils and/or staff at risk;
- the employee's performance is putting the education of pupils in serious jeopardy;
- If performance does not improve with structured management support, or if initial improvements are not maintained independently without additional support over a 24 month period, you should consider moving to the Performance Management (Capability) Policy. For further information, refer to the section below entitled Transition to the Capability policy.

**Transition to the Capability Policy**

121. At any time, the Headteacher/Senior Manager/HAP may consider transition to the Capability Policy. The Headteacher/Senior Manager/HAP will have specific regard to:

- the nature and severity of the underperformance;
- the impact on pupils and colleagues both in the short and longer term;
- the likely and required timescale for improvements to be made;
- the engagement of the employee in the programme.

122. In all circumstances, the teacher should be made aware of the performance concerns before management under the Capability Policy starts. It is expected the Headteacher/Senior Manager/HAP will have had Management Discussions; however, it may be appropriate to start formal capability without a documented Management Discussion under this policy. The Headteacher/Senior Manager/HAP should use their judgement to decide if this is appropriate in instances which include where:

- there may be a history of concerns about an employee's performance. For further information, refer to the section above entitled Patterns/history of unsatisfactory performance.
- there is strong evidence of gross incompetence.

123. Transition to Capability policy normally occurs if:

- the requirements of an Improvement Period will not be met
- the requirements of an Improvement Period have not been met
- an initial improvement has not been maintained within 24 months of an Improvement Plan
- there is a requirement to improve, and the teacher has previously received a Formal Warning under the Capability Policy (only applies if warning expired within the last 24 months).

124. When performance is being managed under the Capability Policy, appraisal activity under the Managing Performance (Appraisal) Policy will be suspended.

## Governance

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