



Inspiring Futures through Learning

Inspiring Futures through Learning Appraisal and Capability Policy for All Staff

September 2023 – September 2024

At Inspiring Futures through Learning, we are driven by our pursuit of excellence every day. We have high expectations of learning, behaviour and respect for every member of our community. We create independent, articulate thinkers and learners who have confidence in, not only their individual ambitions, but also those of the Academy and The Trust as a whole. We have collaboration at the heart of everything we do and our vision is to nurture exciting, innovative, outstanding Academies who embrace change and provide a world-class education for all it serves.

Including all IFtL Schools, Milton Keynes Teaching School Alliance and Two Mile Ash Initial Teaching Training Partnership

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IFtL website		School website	
1	Statutory publication	A	Statutory publication
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** Policy level:

1. Trust wide:
 - This one policy is relevant to everyone and consistently applied across all schools and Trust departments with no variations.
 - o *Approved by the IFtL Board of Trustees.*
2. Trust core values:
 - This policy defines the values to be incorporated fully in all other policies on this subject across all schools and Trust departments. This policy should therefore form the basis of a localised school / department policy that in addition contains relevant information, procedures and / or processes contextualised to that school / department.
 - o *Approved by the IFtL Board of Trustees as a Trust Core Values policy.*
 - o *Approved by school / department governance bodies as a relevantly contextualised school / department policy.*
3. School / department policies
 - These are defined independently by schools / departments as appropriate
 - o *Approved by school / department governance bodies.*

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The Board of Trustees of Inspiring Futures through Learning adopted this policy on DATE and it applies to all teachers, the Headteacher, and all Professional Services staff employed at the Trust as defined in paragraph 1 below.

1. Definitions

- 1.1 The term “Headteacher” also refers, where appropriate, to any other title used to identify the Headteacher.
- 1.2 The term “employee” refers to any member of the school staff employed to work solely at the school.
- 1.3 The term “senior manager” refers to any member of the Leadership Group, as defined by the School Teachers’ Pay and Conditions Document, or a senior support employee in cases involving Professional Services staff, delegated by the Head teacher to deal with an appraisal and/or capability matter under these procedures. A senior manager may only make a decision to issue a sanction up to and including a final written warning.
- 1.4 The Headteacher, if following consultation with the Chair of Governors, considers that there is no senior manager to whom s/he can reasonably delegate a specific capability matter then the Headteacher will take the role of the senior manager for that specific case and the role of the “Headteacher” under this procedure will be performed by a Committee of the Governing Body consisting of not less than 3 Governors, (except in circumstances provided for in the Secretary of State’s guidance on the Staffing Regulations), none of whom will have had previous involvement in the case.

“Committee of the Governing Body” may be convened to deal with a case where the Headteacher considers that s/he must act in the role of Senior Manager. In this event substitute ‘Headteacher’ with ‘Committee of the Governing Body’.

“Committee of the Board of Trustees” may be convened to deal with a case where the Headteacher is the subject and the CEO considers that s/he must act in the role of Senior Manager. In this event substitute ‘CEO’ with ‘Committee of the Board of Trustees’ throughout the procedure.

“Appeals Committee of the Governing Body/Trustees” may be convened to hear an appeal against a written warning or dismissal. Where possible, the committee will be three Governors/Trustees. In exceptional circumstances it will be no less than two. Where a decision cannot be reached the Appeals Committee members will look to reconvene at the earliest opportunity so that an agreement can be reached.

- 1.5 The role of the Headteacher will be taken by appropriate Governors as indicated, where the appraisal and or capability being reviewed is that of the Headteacher.
- 1.6 “Lack of capability” is defined as a situation in which an employee fails consistently to perform his/her duties to a wholly satisfactory standard of performance over a period of time.

1.7 **Where this is relevant Core Trust staff:**

- the term “employee” refers to the Core team
- the process is the same but the term “Headteacher” would be replaced by “CEO” and would be referred to the Board of Trustees

1.8 Where this is relevant the Headteacher:

- the term “employee” refers to the Headteacher
- the process is the same but the term “Headteacher” would be replaced by “CEO” and would be referred to the Board of Trustees

2. Purpose

- 2.1 This policy sets out the framework for a clear and consistent assessment of the overall performance of employees covered by the appraisal policy and for supporting their development within the context of the school’s plan for improving educational provision and performance, and the standards expected of employees in their respective roles. It also sets out the arrangements that will apply when employees fall below the levels of competence that are expected of them.
- 2.2 This policy does not form part of any employee’s contract of employment and it may be amended at any time following consultation with recognised Trade Unions.

3. Application of the Policy

The policy is in two separate sections

Part A of the policy, which covers appraisal, applies to the Headteacher, Core Trust Team and to all teachers and all Professional Services staff employed by the Trust, except those on contracts of less than one term, those teachers undergoing induction (ie ECTs), those Professional Services staff subject to a probationary period and those have been transferred to Part B of the policy.

Part B of the policy, which sets out the formal capability procedure, applies to all employees of the school (including the headteacher). Concerns about the employee’s performance will have been identified by the appraisal process and which it has been unable to address.

Part A - Appraisal

The IFtL appraisal policy will be a supportive and developmental process will be designed to ensure that all employees identified by the policy have the skills and support they need to carry out their role effectively. It will help to ensure that all employees are able to continue to improve their professional/employment practice and to develop in their respective roles.

1. The Appraisal Period

- 1.1 The appraisal period will run for twelve months from September to August
- 1.2 Employees 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 review period will be determined by the duration of their contract, and an individual teacher's objectives should take account of the length of contract.
- 1.3 This will not be applied to ECT's whose performance will be assessed through a separate process of a statutory induction period.
- 1.4 Employees will not normally be dismissed for performance reasons without previous warnings.

2. Appointing Appraisers

- 2.1 The Headteacher will be appraised by the CEO and the Chair of the school's Governing Body.
- 2.2 The Headteacher will decide who will appraise other employees covered by the policy. Appraisers will usually be the member of staff's line manager. Teachers will only be appraised by staff who have achieved QTS.
- 2.3 The CEO will be appraised by the Chair of Trustees, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Trust Board for that purpose.
- 2.4 The CFO will be appraised by the CEO and supported by a suitably skilled and/or experienced external adviser who has been appointed by the Trust Board for that purpose.
- 2.5 The Head of School Development will be appraised by the CEO.
- 2.6 All other IFtL core team members will be appraised by the CEO or another senior manager.

3. Setting Objectives

- 3.1 The Headteacher's objectives will be set by the CEO and the Chair of the Governing Body. The Board of Trustees has a duty to have regard to the work-life balance of the Headteacher (which may be delegated to Local Governing Bodies as per the Scheme of Delegation) and the objectives will reflect this.
- 3.2 Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set will be

Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee's role and level of experience. There will be a limit of three objectives.

- 3.3 Objectives and performance management discussions for teachers will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils. Objectives can be set in relation to robust assessment data, however, these will not be used in isolation and other factors will also be considered when making decisions about pay progression. The appraiser and employee will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. If the member of staff disagrees with the objectives, they will have an opportunity to note their concerns. Objectives may be revised if circumstances change.
- 3.4 The objectives set for each employee will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the educational opportunities of pupils at that school. This will be ensured by showing a direct link between objectives and the school development plan and/or IFtL's strategic priorities

4. Overall Performance of Teachers

- 4.1 Before, or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. Each teacher will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011 and any subsequent amendment thereof. Please also refer to the IFtL Teacher Descriptors in the portal. Assessment against the Teachers' Standards will start from the premise that all Teachers are meeting the standards unless written evidence to the contrary is provided.
- 4.2 The Headteacher will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

5. Reviewing Performance

5.1 Observation

- 5.1.1 This Trust believes that observation of classroom practice and other responsibilities for teachers, and Professional Services staff who support teachers in the classroom, is important both as a way of assessing 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, and enabling employees to learn from each other and collaborate.
- 5.1.2 All observation will be carried out in a supportive fashion and not add to employee workload. These will be in accordance with an observation procedure

determined by the Headteacher following consultation with the staff to whom it applies.

5.1.3 There will be a maximum of three hours and three formal observations per appraisal cycle. Employee's performance will be regularly 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.

5.1.4 Classroom observation of teachers will be carried out by a qualified Teacher, selected by the Head teacher as appropriate to the school's line management structure.

Where a Teacher returns to the school following a period of long-term absence as a result of illness, disability or maternity, it is acknowledged that their performance may be impacted for the short term, therefore this will be taken into consideration within the first 6 weeks of the employee returning to normal duties. In this instance the Headteacher will review the timescales and criteria of lesson observation, taking into consideration any reasonable adjustments that have been made as well as medical advice provided by Occupational Health, medical professionals or the Fit for Work note provided. The school will provide and agree tailored support and CPD throughout and beyond the 6-week period in order to ensure a smooth reintegration back into the workplace and to help the employee reach their expected level of performance.

5.1.5 Employees who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

5.2 Professional Services staff

5.2.1 Professional Services staff appraisal will focus on the job description of the employee and the expected standards of performance found in the appraisal forms in the IFtL Portal.

6. Drop Ins

6.1 In addition to formal observation, the Headteacher 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.

6.2 All "drop ins" will be carried out in accordance with a procedure determined by the Head teacher following consultation with the staff to whom it applies.

7. Development and Support

7.1 Appraisal is a supportive and developmental process which will be used to determine decisions on pay progression and inform continuing professional development. The school wishes to encourage a culture in which all employees take responsibility for improving their performance through appropriate development.

- 7.2 Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual employees.

8. Feedback

- 8.1 Employees will receive constructive feedback on their performance throughout the year. Wherever possible, verbal feedback will be provided within 48 hours and written feedback will be provided within 5 working days. Feedback will highlight particular areas of strength as well as any areas that need attention.

- 8.2 Where there are concerns about any aspects of the employee's performance the appraiser will meet with the employee to:

- give clear feedback about the areas of concern;
- give the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, monitoring, structured observation);
- clarify the required standards and 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
- if it is appropriate to revise objectives, it will be necessary to allow sufficient time for improvement.
- explain the implications and process if no, or insufficient, improvement is made (e.g. impact on pay progression and potential move to formal capability)
- the amount of time will reflect the seriousness of the concerns; explain the implications and process if no, or insufficient, improvement is made.

- 8.3 When progress is reviewed, if the appraiser is satisfied that the employee 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.

- 8.4 The appraiser will keep a note of any concerns, the support given and the review judgement. A copy of this note will be given to the employee. (See 10.4 below). If required, this will inform any decision on transition to the capability procedure.

9. Evidence

- 9.1 The evidence collected for appraisal and pay determination purposes will be agreed in the planning meeting. The evidence will always be proportionate and minimise workload

10. Transition to Capability

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

11. Performance Management following a period of long-term sickness absence

- 11.1 It is acknowledged that following a period of long-term sickness the performance of the employee may be impacted for the short term. In this instance the Line manager and/or Headteacher will review the objectives set previously, taking into consideration any reasonable adjustments that have been made as well as medical advice provided by Occupational Health, medical professionals or the Fit for Work note provided. The school will provide and agree tailored support and CPD to ensure a smooth reintegration back into the workplace and to help the employee reach their expected level of performance. Where appropriate the objectives may be revised.

12. Annual Assessment

- 12.1 The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period
- 12.2 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 6 months on from the annual appraisal.
- 12.3 The employee will receive as soon as practicable following the end of each appraisal period and have the opportunity to comment in writing on an appraisal report.
- 12.4 Teachers will receive their appraisal reports by 31 October (31 December for the Head teacher) and Professional Services staff by 31 October.
- 12.5 The appraisal report will include:
- details of the employee’s objectives for the appraisal period in question;
 - an assessment of the employee’s performance of their role and responsibilities against their objectives and, for teachers, against the relevant standards;
 - an assessment of the employee’s training and development needs and identification of any action that should be taken to address them. The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.
 - a recommendation on pay where that is relevant. Teachers pay recommendations will be made by 31 October (31 December for the Headteacher) and Professional Services staff by 31 October.

Part B – Capability Procedure

The Capability process can be invoked at any point throughout the year if there are performance concerns which need addressing.

This procedure applies only to employees about whose performance there are serious concerns.

Informal Capability Process

- 1.1 The Headteacher will convene a meeting with the employee which must be held in private. There is no right for an employee to be accompanied at an informal meeting. At the meeting the Headteacher will:
 - Outline the specific performance shortcomings
 - Explore the reasons for underperformance (is it work or non-work related?)
 - Explain the standards expected
 - Agree the performance standards required (Performance Improvement Plan) and the timeframe (the 'Informal Review Period') in writing
 - Decide on the support and help that will be offered
- 1.2 The nature of the alleged shortcoming(s) will determine the type of help to be provided.
- 1.3 Any support agreed should be clearly detailed on a Performance Improvement Plan.
- 1.4 The employee should also be reminded of the Employee Assistance Program which can be reached 24/7 for support.
- 1.5 The employee must be supported for a period of time which is reasonable considering the role, the nature of the shortcoming(s) and the employee's length of service. This would normally be between 4 and 12 weeks.
- 1.6 The Headteacher and employee should set dates for the interim review meetings to assess progress against the employee's Performance Improvement Plan. These will take place at regular intervals during the Informal Review Period.
- 1.7 A date must also be set for a meeting to review achievement at the end of the Informal Review Period. Depending on progress, this meeting will serve one of two purposes:
 - Where the employee's performance improves to the standard required the employee should be informed of this and also reminded of the need to maintain the improved standard. The procedure will be suspended on the understanding that it will be re-invoked if performance becomes unsatisfactory at any time in the future. This should be confirmed in writing. A copy of the written record or a note of any informal discussions will be sent to the employee and will be placed on the employee's

personnel file, but only referred to should another similar matter arise within a 12-month period.

- If the employee's performance does not reach the standard required this meeting will inform the employee that the process is moving to a Formal Process and could result in the issue of a Formal Warning up to and including dismissal.

2. Formal Capability Meeting

- 2.1 Following the end of the informal period and review meeting, the Headteacher will write to the employee at least 5 working days in advance to inform them about:
- the date, time and place of the meeting.
 - the basic details of the concerns about the employee's performance
 - the employee's right to be accompanied by a representative of his/her trade union or a workplace colleague of his/her choice
 - the titles of enclosed copies of any documents to be used at the meeting.
 - names of any witnesses to be called
 - his/her right to call witnesses on his/her behalf.
 - the name and office of any HR adviser who will accompany the Headteacher at the meeting.
- 2.2 An extra copy, together with any enclosures, will be provided for his/her companion.
- 2.3 This meeting is intended to establish the facts. It will be conducted by the Headteacher (or CEO for the Headteacher). The meeting will allow the employee to respond to concerns about his/her performance and to make any relevant representations and provide evidence. This may provide new information or a different context to the information/evidence already collected during the informal stage.
- 2.4 The Headteacher may also adjourn the meeting if it is decided that further investigation is needed, or that more time is needed in which to consider any additional information. In other cases, the meeting will continue.
- 2.5 During the meeting, or any other meeting which could lead to a formal warning being issued, the senior manager will:
- In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met;
 - Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations;
 - Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
 - Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures

which may include agreeing a support program focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made;

- identify whether there are further measures which may improve performance and explain any agreed support that will be considered and planned to help the employee, e.g. in-service training, visits to other schools, discussion with appropriate colleagues or professionals;
- 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 will be reasonable and proportionate, between four and twelve weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved; and
- notify the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to his/her dismissal or other serious implications such as no pay progression.
- inform the employee of the right of appeal
- agree with the employee and any companion the date of the formal review meeting
- The employee's appraisal process will be put on hold during a capability.

2.6 Notes will be taken of formal meetings and a copy sent to the employee and any companion. Where a first warning is issued, the employee will be informed in writing of the matters discussed in 2.5 above. The written warning will be placed in the employee's file and remain live for 12 months. She/he will also be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning which could then lead to dismissal if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning.

2.7 A final written warning will be placed in the employee's file and remain live for 18 months

2.8 In exceptional circumstances if the concerns relate to a lack of capability that poses a risk to the health, safety or well-being of children, or is likely to result in serious damage to pupils' education, the shorter timescale may be appropriate. In such cases, the Headteacher may exceptionally decide to issue a first and final written warning, if to do otherwise would expose students to serious risk in terms of their health, safety, well-being or educational prospects.

3. Sickness Absence and the use of this Procedure

- 3.1 It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness for continued employment at the school.
- 3.2 Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g moving from this procedure to procedures used by the school to terminate the employment of the employee on the grounds of ill health.
- 3.3 If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. If the member of staff is not fit for work, the capability procedure will be paused, and the absence procedure will be followed.

4. Monitoring and review period following a formal capability meeting

- 4.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will be invited to a formal review meeting (see paragraph 5 below), unless s/he had been issued with a final written warning, in which case s/he will be invited to a decision meeting (see paragraph 7 below).

5. Formal Review Meeting

- 5.1 At least 5 working days before the date for the formal review meeting a written invitation to the meeting will be given to the employee together with details of the meeting as set out in paragraph 2.1 above.
- 5.2 The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in section 2 above.
- 5.3 If the Headteacher (CEO for the Head teacher) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease.
- 5.4 In cases:
 - where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
 - where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.

- 5.5 Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.
- 5.6 Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within a notified timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date the decision meeting will be agreed with the employee and any companion.
- 5.7 At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

6. Right of Appeal against a Formal Written Warning

- 6.1 If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, s/he may appeal in writing against the decision
- 6.2 Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the Clerk to the Governors within 5 working days of the formal written warning having been received.
- 6.3 All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.
- 6.4 The appeal will be heard by an Appeals Committee of Governors and/or Trustees. The number of Governors/Trustees on the Appeals Committee of Governors/Trustees will usually be three, but not be less than two. The panel may be advised by a person engaged for the purpose by the Governing Body. The panel can either confirm the warning, reduce a final warning to a warning, or cancel the warning. The employee will be informed in writing of the results of the appeal hearing as soon as possible.
- 6.5 Where a decision cannot be reached the Appeals committee members will look to reconvene at the earliest opportunity so that an agreement can be reached.
- 6.6 The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken, and a copy sent to the employee and any companion.
- 6.7 Pending any appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and his/her progress towards the achievement of these targets may be monitored during this period.

7. Decision Meeting

- 7.1 At least 5 working days before the date of the decision meeting a letter inviting the member of staff to the meeting together with details of the meeting as in paragraph 2.2 above. The meeting will be conducted by a panel of the Governing Body (CEO and Trustees for the Headteacher).
- 7.2 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 where the employee is subject to Part A above.
- 7.3 If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short-specified assessment period.
- 7.4 If performance has remained unsatisfactory, a decision will be made that the employee will be dismissed.
- 7.5 If the outcome of the hearing is dismissal the Chair of the Panel will notify an agreed representative of the Board of Trustees, detailing the procedure that has been followed in reaching the decision.
- 7.6 The employee will be informed in writing within 5 working days 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 whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

8. Right of Appeal against a Decision to Dismiss

- 8.1 The employee has a right of appeal to the Appeals Committee of the Governing Body/Board of Trustees (appropriate to the role) against a decision to dismiss.
- 8.2 The Appeals Committee shall usually consist of 3 governors/Trustees, but not less than two. None of whom will have had any previous involvement in the case.
- 8.3 The employee's notice of appeal should be sent to the Clerk to the Governors within 5 working days of receipt of the written decision to dismiss, setting out the grounds of appeal.
- 8.4 Appeal hearings should be held as soon as possible after receipt of the appeal and will be conducted in the same way as appeals referred to in paragraph 6 above.

9. Notice of Dismissal

- 9.1 Following a decision to dismiss, the Governing Body/Board of Trustees will notify the employee in writing that the employee is to be dismissed, whether with notice or with pay in lieu of notice in accordance with the decision of the Head teacher or Governors/Trustees Committee.

- 9.2 In the event that the Appeals Committee decides not to uphold the decision to dismiss, the employee shall be informed immediately, and the notice of dismissal shall be immediately withdrawn.

10. Grievances arising during the process

- 10.1 Where an employee has a grievance against the way the senior manager or Headteacher has conducted the procedure this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered

11. Trade Union Officials

- 11.1 Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

12. Confidentiality

- 12.1 Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.
- 12.2 The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the school's disciplinary procedure.