St John Henry Newman

Catholic Primary School

Appraisal and Capability Policy

Approved: October 2026

Next Review Date: October 2027

1. Introduction

St John Henry Newman Catholic Primary School is committed to developing a highly effective, professional and supportive staff team.

Our appraisal process is intended to:

- recognise effective practice;
- support professional development;
- identify and celebrate strengths;
- provide appropriate support where development is required;
- align individual development with the school's strategic priorities;
- protect staff workload and wellbeing; and
- ensure that persistent concerns about performance are addressed fairly and appropriately.

Appraisal is fundamentally a supportive and developmental process. It is not intended to create unnecessary bureaucracy or excessive evidence-gathering.

Capability procedures are different. They are a formal process for addressing serious or persistent concerns about an employee's ability to meet the standards required for their role after appropriate support has been provided.

The purpose of capability is to support the employee to improve and achieve the required standard wherever reasonably possible.

2. Legal and professional framework

This policy has regard to:

- Education (School Teachers' Appraisal) (England) Regulations 2012;
- School Staffing (England) Regulations 2009;
- Education Act 2002;
- Employment Rights Act 1996;
- Employment Relations Act 1999;
- Equality Act 2010;
- Health and Safety at Work etc. Act 1974;
- UK General Data Protection Regulation;
- Data Protection Act 2018, as amended;
- School Teachers' Pay and Conditions Document (STPCD), where applicable;
- Teachers' Standards;
- Keeping Children Safe in Education;
- Department for Education Teacher Appraisal Guidance;

- Department for Education Teacher Capability Guidance;
- ACAS Code of Practice on Disciplinary and Grievance Procedures; and
- relevant professional standards and statutory guidance.

The governing body of a maintained school must approve its appraisal and capability procedures.

The statutory teacher appraisal framework applies to teachers employed at maintained schools for one term or more, but does not apply to teachers undergoing induction or teachers subject to formal capability procedures.

3. Status of the policy

This policy does not form part of an employee's contract of employment.

The Governing Body may review and amend the policy following appropriate consultation.

The school will consult staff and recognised trade unions on significant changes to this policy.

Where statutory requirements change, the school will make the necessary amendments and implement them from the applicable date.

4. Definitions

Appraisal

A structured, supportive and developmental process for reviewing performance, setting objectives and identifying professional development needs.

Capability

An employee's ability to perform their duties to the standard required of their role.

Formal capability

The formal procedure used where serious or persistent concerns about performance remain after appropriate informal support.

Appraiser

The person appointed to undertake the appraisal of a teacher.

Capability Manager

The person appointed to manage a formal capability case.

Appraisee

The employee whose performance is being appraised.

Working day

A day on which the employee would normally be required to work.

Standards

The standards and expectations relevant to the employee's role, including the Teachers' Standards for teachers where applicable.

PART A – APPRAISAL

5. Scope of appraisal

The formal statutory appraisal provisions in this section apply to:

- all teachers employed by the school for one term or more;
- the Headteacher; and
- teachers who are not ECTs and who are not subject to formal capability procedures.

ECTs are excluded from this policy during their statutory induction period and are managed under the school's ECT Policy and the Early Career Framework.

The school may use the same principles of annual performance review for support staff where appropriate. This is a school performance-management arrangement rather than the statutory teacher appraisal process.

Support staff may also have objectives, professional development discussions, regular feedback and annual review meetings appropriate to their roles.

6. Purpose of appraisal

Appraisal will:

- support high-quality professional practice;
- provide an opportunity to recognise achievement;
- identify professional development needs;
- support career development;
- contribute to school improvement;
- promote a positive culture of professional learning;
- provide regular opportunities for feedback;
- support wellbeing and work-life balance; and
- identify concerns at an early stage so that appropriate support can be provided.

Appraisal should be a constructive process based on professional dialogue.

The DfE describes appraisal as a supportive and developmental process and emphasises that it should minimise bureaucracy and unnecessary workload.

7. Appraisal period

The normal appraisal year for teachers will run from:

1 September to 31 August.

Objectives should be set as soon as reasonably practicable at the beginning of the appraisal period.

Teachers joining the school part-way through an appraisal cycle will have an appropriate first appraisal period agreed with their appraiser, with the intention of aligning them with the school's normal cycle at the earliest appropriate point.

Teachers on fixed-term contracts of less than one year will have their performance managed in accordance with the principles of this policy, with objectives and the length of the review period proportionate to the period of employment.

8. Appraisers

The Headteacher will determine who appraises each teacher and will communicate this at the beginning of the appraisal cycle.

Appraisers will normally:

- be appropriately experienced;
- have sufficient knowledge of the employee's role;
- understand the appraisal process;
- have appropriate training or guidance; and
- have sufficient opportunity to undertake the role properly.

Teachers should have the opportunity to raise a concern about their appointed appraiser.

Where there is a reasonable concern about impartiality, the Headteacher will consider whether an alternative appraiser is appropriate.

The NEU's current appraisal guidance recommends that teacher appraisers are qualified teachers with current or recent teaching experience and that teachers have an opportunity to object to an appointed appraiser.

9. Headteacher appraisal

The Headteacher will be appraised by the Governing Body.

The Governing Body will appoint an appropriate panel of governors to undertake the Headteacher's appraisal and will obtain advice from a suitably skilled and experienced external adviser where appropriate.

The governing body has a specific role in ensuring that headteacher appraisal is effective and that appropriate development is identified.

The Headteacher's appraisal objectives will reflect:

- the school's strategic priorities;
- educational provision and outcomes;
- Catholic life and mission;
- leadership and management responsibilities;
- professional development; and
- appropriate consideration of workload and wellbeing.

10. Setting objectives

Objectives should be:

- specific;
- measurable where appropriate;
- achievable;
- relevant;
- time-bound;
- appropriate to the employee's role and experience;
- within the employee's reasonable control; and
- aligned with the school's strategic priorities.

The school will normally agree no more than three formal objectives per teacher per appraisal year.

Professional development priorities, agreed actions and routine responsibilities may be recorded separately and will not automatically count as additional formal objectives.

The NEU currently recommends a maximum of three formal teacher objectives and states that objectives should be SMART and within the teacher's reasonable control.

Objectives will not:

- be based solely on raw numerical pupil targets;
- depend on factors outside the teacher's reasonable control;
- be based solely on the performance of a single pupil group;
- require excessive evidence collection; or
- be used as a proxy for a formal capability concern.

Where pupil achievement or attainment data is relevant, it may form part of the wider evidence considered, but will not be used in isolation.

The DfE also advises that appraisal objectives should be aspirational but achievable and based on success criteria within the employee's control.

11. Consultation when setting objectives

Objectives will normally be discussed and agreed between the appraiser and appraisee.

Where agreement cannot be reached, the appraiser may determine appropriate objectives, but the employee should have an opportunity to explain any concerns and have those concerns recorded.

Where an objective becomes unrealistic or inappropriate because circumstances change, it should be reviewed.

Examples may include:

- significant changes to pupil numbers or needs;
- changes in role;

- changes in responsibilities;
- significant staffing changes;
- prolonged absence;
- maternity, adoption or parental leave;
- disability or other protected characteristics;
- changes in school priorities; or
- other significant circumstances.

The NEU specifically advises that teachers should raise concerns where objectives are unrealistic or affected by changed circumstances and that such circumstances should be considered when objectives are agreed.

12. StJHN appraisal priorities

Individual appraisal objectives should contribute to the school's current priorities.

For 2026–27, appraisal will particularly reflect the school's strategic direction of:

Refresh 2026 – from outstanding to world class

with a continued focus on:

- Who we are – Catholic identity, mission, values and professional culture;
- How we work – professional expectations, consistency, teamwork, routines and effective practice;
- What we achieve – ensuring children maximise their academic and personal potential.

Objectives may also support:

- Catholic Social Teaching;
- high-quality teaching and learning;
- inclusion and SEND;
- behaviour and relationships;
- attendance;
- curriculum development;
- subject leadership;
- professional development;
- safeguarding;
- environmental stewardship and the Common Home; and
- other identified school improvement priorities.

Individual objectives will remain appropriate to the employee's role and level of responsibility.

13. Teachers' Standards

Teachers will be assessed against the Teachers' Standards as required by the statutory appraisal framework.

The Standards provide the professional framework against which expectations can be understood.

They will not be treated as a tick-box checklist requiring every standard to be evidenced separately during every appraisal cycle.

Appraisal should begin from the premise that a teacher is meeting the Teachers' Standards unless there is clear evidence to the contrary.

The NEU's current guidance makes the same distinction and advises that the Standards should not be used as a checklist.

14. Reviewing performance

Performance will be reviewed throughout the appraisal cycle through normal professional activity and appropriate professional dialogue.

Evidence may include:

- classroom practice;
- planning and curriculum development;
- pupil work;
- assessment information;
- professional contributions;
- subject or leadership responsibilities;
- feedback;
- professional development;
- agreed objectives;
- attendance and punctuality where relevant to the role;
- safeguarding and professional responsibilities;
- leadership evidence; and
- other evidence routinely available through normal school activity.

The school will use the minimum evidence necessary to make a fair assessment.

Staff will not be required to create large portfolios of evidence solely for appraisal.

The DfE specifically advises that appraisal evidence should be proportionate and readily available through normal school activity rather than requiring large portfolios.

15. Classroom observation and professional monitoring

Observation can be valuable when used appropriately.

The purpose of appraisal observation is to:

- understand professional practice;
- identify strengths;
- support development;
- inform professional dialogue; and
- contribute proportionate evidence where appropriate.

Formal appraisal observations will normally be limited to no more than three observations and three hours in total in any appraisal year for a teacher, unless additional observation is specifically agreed because of individual circumstances or a clear professional need.

The school will seek to ensure that appraisal observations do not add unnecessary workload.

Routine:

- learning walks;
- drop-ins;
- book looks;
- planning reviews;
- safeguarding checks;
- behaviour monitoring;
- subject reviews; and
- other whole-school quality-assurance activity

will not automatically constitute formal appraisal observations.

Where routine evidence is relevant to appraisal, it may inform professional dialogue without requiring duplicate evidence gathering.

The NEU's current appraisal checklist recommends a maximum of three hours and three observations annually for appraisal purposes.

16. Drop-ins

The Headteacher and other leaders may undertake proportionate drop-ins as part of normal school quality assurance.

Drop-ins may be used to:

- check standards;
- understand classroom practice;
- monitor implementation of school priorities;

- support safeguarding;
- identify strengths and development needs; and
- inform school improvement.

Drop-ins should not be used in a way which creates unnecessary workload or repeated formal observations.

Where a specific concern about performance has arisen, this will normally be addressed through professional dialogue and the appropriate support process rather than through an escalating programme of unplanned observations.

17. Feedback

Employees will receive constructive and timely feedback.

Feedback should:

- identify strengths;
- identify development needs where relevant;
- be specific;
- be evidence-based;
- distinguish between fact and professional judgement; and
- identify practical next steps where appropriate.

Where a concern is identified, it should normally be discussed promptly rather than being saved for the end-of-year appraisal meeting.

18. Mid-year review

A formal mid-year review will normally take place during the spring term.

The review will consider:

- progress towards objectives;
- professional development;
- workload and wellbeing;
- support required;
- changes in circumstances;
- school priorities; and
- any issues requiring further attention.

The review may be shorter where progress is secure.

Additional meetings may be arranged where useful.

The DfE recommends that ongoing review includes discussion of workload, wellbeing, working hours, flexible working and career aspirations.

19. Professional development

Professional development is an important part of appraisal.

The school will seek to provide appropriate opportunities for staff to develop their practice.

These may include:

- training;
- coaching;
- mentoring;
- peer support;
- collaborative planning;
- professional reading;
- professional networks;
- visits to other schools;
- observation of colleagues;
- leadership development;
- subject-specific development; and
- formal qualifications where appropriate.

Professional development will consider both:

- the needs of the school; and
- the individual's professional development needs.

The DfE identifies professional development as a key component of effective appraisal and emphasises that responsibility for professional development is shared between the school and teacher.

20. Workload and wellbeing

Workload and wellbeing will be considered as part of appraisal.

The school will seek to ensure that appraisal does not:

- create unnecessary bureaucracy;
- require excessive evidence gathering;
- require unnecessary meetings;

- duplicate existing monitoring;
- interfere unnecessarily with protected PPA time; or
- create unreasonable additional workload.

Appraisal activities for teachers will be planned within directed time and will not normally take place during protected PPA time.

The DfE places a specific emphasis on minimising appraisal workload and ensuring a reasonable work-life balance.

21. Personal circumstances and equality

Appraisers will take account of relevant individual circumstances.

This may include:

- disability;
- pregnancy and maternity;
- adoption;
- caring responsibilities;
- bereavement;
- menopause;
- long-term sickness;
- phased return to work;
- part-time working;
- flexible working;
- changes in role; and
- other relevant circumstances.

Where appropriate, objectives, evidence requirements, timescales and support arrangements may be adjusted.

The school will consider its duties under the Equality Act 2010 and its wider duty of care towards staff.

The DfE guidance expects staff wellbeing and individual circumstances to be considered when setting objectives and making appraisal decisions.

22. Additional support during appraisal

Where concerns arise, the appraiser will normally provide informal support before considering formal capability.

The employee should be told clearly:

- what the concern is;
- what standard is expected;

- what evidence has led to the concern;
- what support will be provided;
- how progress will be reviewed;
- the expected timescale; and
- what may happen if sufficient improvement is not achieved.

Support might include:

- coaching;
- mentoring;
- professional development;
- modelling;
- team teaching;
- structured observation;
- peer support;
- additional resources;
- workload adjustments where appropriate;
- additional planning time where reasonably possible;
- occupational health advice where appropriate; or
- other reasonable measures.

A written support plan should normally be used where concerns are more than minor or are likely to require sustained monitoring.

23. Informal support period

Formal capability should not normally begin until reasonable opportunities for informal improvement have been provided.

For teachers, informal support will normally be provided for approximately one term and up to 13 weeks, depending on the circumstances.

This reflects the NEU position that support should ordinarily be around a term in length, while remaining consistent with DfE guidance that informal support should be provided for a reasonable period appropriate to the individual circumstances.

The period may be:

- shorter in exceptional circumstances involving a serious and immediate risk to pupils or the organisation;
- extended where there is evidence that additional time is likely to result in sustainable improvement; or
- adjusted because of absence or other significant circumstances.

The employee may request to be accompanied by a trade union representative or work colleague at meetings concerning additional support. The school will normally permit this.

The NEU's current capability guidance advocates extending accompaniment rights to informal support meetings as a matter of good practice.

24. Failure to meet an objective

Failure to achieve an individual appraisal objective does not automatically mean that capability procedures will commence.

The school will consider:

- why the objective was not achieved;
- whether it remained realistic;
- factors outside the employee's control;
- evidence of overall performance;
- support provided;
- changes in circumstances;
- professional development needs; and
- whether the underlying performance standard has genuinely not been met.

The NEU specifically states that failure to meet objectives alone should not trigger formal capability.

25. Annual appraisal assessment

At the end of each appraisal period, the performance of each teacher covered by the statutory appraisal process will be formally assessed.

The appraisal report will include:

- the objectives;
- an assessment of progress against those objectives;
- an assessment against relevant professional standards;
- an assessment of training and development needs;
- agreed development priorities for the following year; and
- an opportunity for the teacher to comment.

Teachers will normally receive their written appraisal report by 31 October following the end of the appraisal period.

The Headteacher will normally receive the written appraisal report by 31 December, in accordance with the statutory framework and the school's governor-led arrangements.

The DfE model provides for an end-of-cycle report containing objectives, assessment, standards and development needs.

26. Appraisal and pay

Appraisal is primarily a developmental process.

The school's separate Pay Policy governs teacher pay decisions.

The school does not use appraisal as a mechanism to create unnecessary performance-related bureaucracy.

Any decision concerning teacher pay progression will be made in accordance with:

- the applicable STPCD;
- the school's Pay Policy; and
- the statutory requirements applying at the time.

Nothing in this policy guarantees pay progression or creates an entitlement to a particular pay outcome.

Where a teacher is subject to formal capability procedures, applicable statutory pay provisions will be taken into account.

The current STPCD provides that maintained-school pay progression arrangements may differ according to whether a school retains performance-related pay, while progression can be withheld where a teacher is in capability proceedings.

The NEU's position is that appraisal should not be linked to pay and that progression should normally be automatic; this is a recognised union position rather than a statutory requirement.

27. Appeal or review of appraisal

Where an employee has a substantive concern about an appraisal decision, they should first raise it with the appraiser.

Where the matter cannot be resolved, the employee may raise a formal grievance where appropriate.

The school will also consider an internal review where the concern relates specifically to:

- an unreasonable objective;
- a procedural error;
- inappropriate evidence;
- significant new information; or
- a failure to take relevant circumstances into account.

An employee will not be disadvantaged for raising a genuine concern about their appraisal.

PART B – CAPABILITY

28. Purpose of the capability procedure

The capability procedure is intended to support an employee to achieve the required standard of performance.

Formal capability should be used only where:

- performance concerns are serious or persistent;
- appropriate informal support has been provided and exhausted; and
- there remains a reasonable basis for concluding that the required standard has not been achieved.

Capability is not intended to punish employees.

The DfE defines capability as an employee's ability to perform their duties to the standards required and states that teachers and school leaders should not normally enter formal capability without prior informal support.

29. Matters not normally dealt with under capability

Capability should not normally be used for:

- misconduct;
- deliberate breaches of school policy;
- dishonesty;
- inappropriate professional conduct;
- safeguarding allegations;
- persistent unauthorised absence;
- sickness absence or ill health;
- failure caused primarily by a disability where reasonable adjustments have not been considered; or
- issues relating to an ECT's induction.

These matters should be dealt with under the appropriate policy.

The school's:

- Staff Discipline and Grievance Policy;
- Attendance / Sickness Absence arrangements;
- Safeguarding and Child Protection Policy; and
- ECT Policy

should be used where appropriate.

The NEU's current capability checklist specifically states that ill health and misconduct should be dealt with separately and that ECT performance concerns should normally be addressed through the Early Career Framework.

30. Capability and ill health

Where poor performance may be connected to a medical condition, the school will consider whether the sickness absence or occupational health process is more appropriate.

The school may seek advice from Occupational Health where necessary.

The school will consider:

- whether the employee has a disability;
- whether reasonable adjustments are required;
- whether adjustments to duties are appropriate;
- whether additional support is required;
- whether the employee is fit to participate in meetings; and
- whether the capability process itself should be adjusted.

The school will not assume that poor performance is a capability issue where there is credible evidence that it may arise from an underlying health condition.

31. Capability and safeguarding

Where concerns about performance create a safeguarding concern or a risk to pupils, the school's safeguarding procedures will apply.

The school may need to take immediate temporary measures while safeguarding enquiries are undertaken.

Capability action will not replace safeguarding procedures.

Where safeguarding and performance issues overlap, the Headteacher will seek appropriate professional advice.

32. Decision to commence formal capability

Before commencing formal capability, the Headteacher or appropriate senior manager will consider:

- the evidence;
- whether informal support has been adequate;
- whether the required standards have been made clear;
- whether sufficient time has been provided;
- whether the employee has had reasonable access to support;
- whether workload or resources may have contributed;
- whether individual circumstances have been taken into account;
- whether reasonable adjustments have been considered;
- whether another procedure is more appropriate; and
- whether formal capability is proportionate.

The employee will be informed in writing that the matter is moving to formal capability.

Formal capability should not come as a surprise to the employee.

33. Formal capability meeting

The employee will normally receive at least 10 working days' written notice of a formal capability meeting.

The written notification will include:

- the date, time and location;
- the concerns about performance;
- the standards expected;
- relevant evidence;
- possible outcomes;
- details of any witnesses;
- any documents to be relied upon;
- the employee's right to be accompanied; and
- details of the person conducting the meeting.

The employee may be accompanied by:

- a trade union representative;
- a certified trade union official; or
- a workplace colleague.

The school will normally allow reasonable requests to postpone a formal meeting to enable appropriate representation.

The DfE guidance requires sufficient notice and information to allow a teacher to prepare and confirms the statutory right to be accompanied at formal meetings.

34. Conduct of the formal capability meeting

The purpose of the meeting is to consider the evidence fairly and decide what support and action are appropriate.

The employee will have the opportunity to:

- respond to the concerns;
- ask questions;
- provide evidence;
- identify relevant witnesses;
- explain mitigating circumstances;

- challenge inaccuracies; and
- make representations.

The capability manager will consider:

- the standard required;
- the evidence;
- the employee's explanation;
- the likely causes of the concern;
- previous support;
- individual circumstances;
- workload;
- professional development;
- relevant health information;
- safeguarding or risk considerations; and
- what further support could reasonably be provided.

The meeting may be adjourned if further investigation is needed.

35. Performance Improvement Plan

Where formal capability is confirmed, the employee will normally receive a written Performance Improvement Plan (PIP).

The plan will clearly identify:

1. the performance concern;
2. the required standard;
3. the evidence that will demonstrate improvement;
4. the support to be provided;
5. who will provide the support;
6. how progress will be monitored;
7. the review dates;
8. the timescale;
9. the consequences of insufficient improvement; and
10. the employee's appeal rights.

The PIP should be realistic, proportionate and within the employee's reasonable control.

36. Formal first written warning

Where the formal capability meeting establishes that performance is below the required standard, a first written warning may be issued.

The warning will explain:

- the concerns;
- the required standard;
- the improvement required;
- the support to be provided;
- the monitoring period;
- the review arrangements;
- the consequences of insufficient improvement; and
- the right of appeal.

The first warning will normally remain live for six months.

The school will not normally rely on an expired warning to escalate a later capability matter.

37. Formal monitoring and review

A formal monitoring period will follow the capability meeting.

For teachers, the normal monitoring period will be one term or approximately 13 weeks, subject to the circumstances of the case.

The period may be:

- shortened in exceptional cases involving serious and immediate risk;
- extended where further improvement is reasonably achievable; or
- adjusted because of significant absence or other individual circumstances.

Formal monitoring will include:

- regular feedback;
- agreed evidence;
- support;
- professional development;
- progress meetings; and
- documented review of the PIP.

The school will avoid unnecessary duplication of evidence.

The DfE states that the timetable should be reasonable and proportionate and provide sufficient opportunity for improvement.

38. Formal review meeting

The employee will receive at least 10 working days' notice of a formal review meeting.

The meeting will consider whether:

- the required standard has been achieved;
- substantial and sustainable improvement has been made;
- more time is reasonably likely to lead to improvement; or
- insufficient improvement has been made.

Possible outcomes are:

Sufficient improvement

The formal capability procedure will end and appraisal/performance management will resume.

Significant progress but further time required

The monitoring period may be extended for a clearly specified period.

Insufficient improvement

A final written warning may be issued.

The decision and reasons will be confirmed in writing.

39. Final written warning

A final written warning may be issued where:

- insufficient improvement has been made during the first monitoring period; or
- the concerns are sufficiently serious to justify a final warning as a first formal sanction.

The final warning will specify:

- the performance standards still not met;
- the improvement required;
- the support to be provided;
- the monitoring period;
- the consequences of further insufficient performance; and
- the right of appeal.

A final warning will normally remain live for 12 months.

No warning issued under this procedure will normally remain live for more than 12 months.

This aligns with the NEU's current capability checklist, which recommends that capability warnings are removed after a maximum of 12 months.

40. Further monitoring period

A further monitoring period will normally follow a final warning.

The school will provide reasonable support and will monitor performance against the agreed standards.

The employee will understand that failure to achieve and sustain the required standard may lead to a decision on continued employment.

Where improvement is made but is not yet fully secure, the period may be extended where there is a reasonable prospect that a short further period will produce sustainable improvement.

41. Decision meeting

Where performance remains below the required standard after the further monitoring period, the employee will be invited to a decision meeting.

The employee will normally receive at least 10 working days' notice.

The meeting will consider:

- the original concerns;
- the required standards;
- the support provided;
- the evidence gathered;
- the employee's response;
- any new information;
- mitigating circumstances;
- equality and reasonable adjustment considerations; and
- whether continued employment is reasonably sustainable.

Possible outcomes include:

- no further action;
- extension of the monitoring period;
- continuation of support;
- consideration of an alternative role where appropriate and agreed; or
- dismissal.

42. Dismissal

Dismissal for capability will only occur following a fair procedure and after appropriate support and reasonable opportunities for improvement have been provided, except where an exceptional case justifies a different approach.

In a voluntary-aided maintained school, the Governing Body is the employer.

The power to dismiss may be exercised by the Governing Body or by a person/body to whom the power has been properly delegated under the school's staffing arrangements.

The school will comply with the School Staffing (England) Regulations 2009.

The DfE confirms that, in voluntary-aided schools, the governing body is the employer and may delegate dismissal powers to the Headteacher, governors, or governors acting with the Headteacher.

The employee will receive written confirmation of:

- the reason for dismissal;
- the effective date;
- notice arrangements or pay in lieu where applicable; and
- the right of appeal.

43. Capability of the Headteacher

Where the Headteacher's performance is the subject of concern, the Governing Body will manage the process.

The Chair of Governors, supported by an appropriate governor panel and suitably skilled external adviser where appropriate, will lead the process.

The Headteacher will receive:

- clear identification of concerns;
- appropriate support;
- reasonable opportunities to improve;
- appropriate evidence;
- the right to be accompanied; and
- a right of appeal.

Governors involved in Headteacher capability must have had no previous substantive involvement in the matter wherever practicable.

44. Redeployment or alternative duties

Where an employee's performance remains below the required standard, the school may consider whether an alternative role or duties could provide a reasonable solution.

Any such arrangement will require appropriate consideration of:

- suitability;
- contractual arrangements;
- required qualifications;

- safeguarding;
- pay;
- staff deployment;
- operational requirements; and
- the employee's agreement where required.

Redeployment will not be used as an automatic alternative to fair capability management.

45. Right to be accompanied

Employees will normally be permitted to be accompanied at meetings under the capability procedure by:

- a trade union representative;
- a certified trade union official; or
- a workplace colleague.

This includes:

- formal capability meetings;
- formal review meetings;
- decision meetings; and
- appeals.

The school will also normally permit accompaniment at informal support meetings connected with a capability concern.

The NEU's current capability guidance recommends extending accompaniment rights beyond the statutory minimum to informal support meetings.

46. Capability appeals

An employee may appeal against:

- a first written warning;
- a final written warning;
- a dismissal decision.

An appeal should normally be submitted in writing within 10 working days of the written decision.

The appeal should state the grounds, which may include:

- procedural error;

- significant new evidence;
- unreasonable decision;
- disproportionate outcome;
- failure to take relevant circumstances into account;
- inappropriate evidence;
- failure to provide reasonable support; or
- other substantive grounds.

47. Capability appeal hearing

The appeal will normally be heard by a panel of governors who have had no previous substantive involvement in the case.

The employee will normally receive at least 10 working days' notice of the appeal hearing.

The appeal panel may:

- uphold the decision;
- overturn the decision;
- reduce a warning;
- require further review; or
- where appropriate, remit the matter for reconsideration.

An appeal against a warning will not increase the sanction.

An appeal against dismissal will be final within the school's internal procedure.

The NEU's current capability checklist recommends an appeals process with reasonable notice and an appeals committee.

48. Capability and absence during the process

Where an employee is absent during a capability process, the school will consider whether the absence is connected to:

- health;
- disability;
- stress;
- workplace circumstances; or
- another relevant factor.

The school may seek Occupational Health advice.

Where appropriate, the employee will be given reasonable time to re-adjust following a significant absence before performance is assessed.

The effect of absence on the employee's ability to achieve targets will be taken into account.

Where appropriate, the monitoring period may be paused or extended to ensure fairness.

The NEU recommends that absence arising during capability should be taken into account and, where appropriate, excluded from the monitoring and review period.

49. Exceptional cases involving risk to pupils

In exceptional circumstances, a shorter capability process may be appropriate where continuing to allow the current performance level creates a serious risk to:

- pupil safety;
- pupil wellbeing;
- safeguarding;
- health and safety; or
- the quality of education.

In such cases, the school may:

- provide a shorter monitoring period;
- provide intensified support;
- issue a first and final written warning; or
- take other proportionate action.

Any accelerated approach must still be fair, evidence-based and consistent with employment law.

The DfE capability guidance recognises that a shorter timescale may be appropriate in the most serious cases where there is a significant risk to pupils or the organisation.

50. Capability and misconduct

Capability concerns and misconduct concerns must be distinguished.

Examples of conduct issues include:

- deliberately failing to follow reasonable instructions;
- dishonesty;
- deliberate breach of policy;
- inappropriate professional conduct;
- deliberate misuse of school systems; or
- safeguarding misconduct.

These should normally be considered under the Staff Discipline and Grievance Policy, not capability.

The fact that an employee's performance is unsatisfactory does not automatically mean that misconduct has occurred.

51. Confidentiality

Information relating to appraisal and capability will be handled confidentially.

Information will only be shared with individuals who have a legitimate need to know.

Records will be maintained in accordance with the school's:

- Data Protection Policy;
- Data Retention Policy; and
- staff privacy information.

52. Records

The school will retain appropriate records of:

- objectives;
- appraisal meetings;
- appraisal reports;
- agreed development plans;
- informal support;
- capability meetings;
- evidence;
- warnings;
- reviews;
- appeals; and
- decisions.

Records will be factual, proportionate and securely stored.

Evidence should not be collected simply for the purpose of creating a large file.

53. Equality monitoring

The operation of this policy will be reviewed for equality and consistency.

The school will consider whether there are patterns indicating disproportionate impact relating to protected characteristics.

Where appropriate and lawful, anonymised equality information may be shared with the Governing Body and recognised trade unions.

The NEU's current capability checklist recommends annual equality monitoring of the policy's operation and sharing relevant results with recognised unions.

54. Staff consultation and union involvement

The school recognises the role of recognised trade unions in supporting staff.

Recognised unions will be consulted on proposed significant amendments to this policy.

Employees may seek advice and representation from their trade union.

The involvement of a trade union representative does not prevent the school from managing performance fairly and promptly.

55. Workload and professional autonomy

The school recognises that excessive bureaucracy can undermine effective professional practice.

The appraisal and capability processes will therefore:

- use evidence already available through normal professional activity wherever possible;
- minimise duplication;
- avoid unnecessary paperwork;
- focus on professional improvement;
- avoid excessive observation;
- avoid unreasonable data collection;
- take account of staff workload; and
- keep documentation proportionate.

The DfE's guidance specifically states that appraisal processes should minimise the workload impact on teachers, line managers, school leaders and governors.

56. Review and monitoring of the policy

The Governing Body will review this policy annually.

The review will consider:

- legislative changes;
- DfE guidance;
- ACAS guidance;
- STPCD requirements;

- relevant union guidance;
- equality data;
- workload;
- staff feedback;
- experience of implementing the policy; and
- safeguarding considerations.

The school will consult staff and recognised trade unions on significant proposed amendments.

Appendix 1 – Appraisal Cycle

Autumn Term

September

- confirm appraisers;
- set objectives;
- identify professional development needs;
- confirm evidence sources;
- consider workload and wellbeing.

Spring Term

- mid-year review;
- review objectives;
- review workload and wellbeing;
- identify additional support;
- adjust objectives where circumstances have materially changed.

Autumn Term – following year

- appraisal report normally issued to teachers by 31 October;
- Headteacher report normally completed by 31 December;
- new appraisal cycle begins.

Appendix 2 – Informal Support Process

Where a concern about performance is identified:

1. Identify

Clearly explain the concern.

2. Discuss

Give the employee an opportunity to explain and identify factors affecting performance.

3. Clarify

Set out the standard required.

4. Support

Agree appropriate support, such as:

- coaching;
- mentoring;
- modelling;
- training;
- observation;
- collaborative planning;
- resources;
- professional advice.

5. Agree

Set clear success criteria and review dates.

6. Review

Consider progress regularly.

7. Decide

Either:

- return to normal appraisal;
- extend support; or
- move to formal capability where appropriate.

Appendix 3 – Formal Capability Process

Stage 1	Formal capability meeting
Stage 2	First written warning + Performance Improvement Plan
Stage 3	Monitoring and support – normally one term
Stage 4	Formal review meeting
Stage 5	Sufficient improvement → capability ends Some progress → monitoring may be extended Insufficient improvement → final written warning
Stage 6	Further monitoring and support
Stage 7	Decision meeting Possible outcomes: • capability ends; • further short extension; • alternative duties/role where appropriate; • dismissal.
Stage 8	Appeal

Appendix 4 – Performance Improvement Plan

A Performance Improvement Plan should normally include:

Area	Detail
Performance concern	Clear description of the issue
Required standard	What satisfactory performance looks like
Evidence	How performance will be assessed
Objective	Specific improvement required
Support	Training, coaching, mentoring etc.
Manager	Person responsible for support
Review dates	Dates for progress reviews
Timescale	Overall period
Success criteria	Clear evidence of successful improvement
Consequences	What may happen if improvement is insufficient

Appendix 5 – Evidence Principles

The school will seek to use evidence which is:

Relevant
Directly connected to the role or objective.

Proportionate
No more than reasonably necessary.

Reliable
Based on credible information.

Fair
Considered alongside the employee's explanation.

Current
Reflecting the employee's present performance.

Contextualised
Considering pupil, staffing, workload and other relevant circumstances.

Within the employee's control
Particularly when considering objectives.

- Safer Recruitment Policy; and
- relevant individual contracts and terms and conditions.