



HR Service

Diocese of Nottingham Catholic Multi-Academy Trusts

Performance Review
Policy and Procedure
(Support Staff)

2019/20



**DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS
HR APPEALS PROCEDURE**

St Thérèse of Lisieux Catholic Multi Academy Trust

This Performance Review Policy and Procedure has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by St Thérèse of Lisieux Catholic Multi Academy Trust (“the CMAT”) on 02/03/2020.

It will be reviewed after 12 months.

Signed by Chair of CMAT Trust Board: 

Signed by CEO: 

DEFINITIONS

In this Performance Review Policy and Procedure for Support Staff, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. ‘Academy Trust Company’ means the company responsible for the management of the CMAT and, for all purposes, means the employer of staff at the CMAT.
- ii. ‘Board’ means the board of Directors of the Academy Trust Company (CMAT).
- iii. ‘Chair’ means the Chair of the Board as appointed from time to time.
- iv. ‘Companion’ means a work colleague or an accredited representative of a trade union.
- v. ‘Diocesan Schools Commission’ means the education service provided by the diocese in which the CMAT is situated, which may also be known, or referred to, as the Diocesan Education Service.
- vi. ‘Directors’ means directors appointed to the Board.
- vii. ‘Headteacher’ means the most senior teacher in the CMAT who is responsible for its management and administration. Such teacher may also be referred to as the Executive Headteacher, Principal or Head of School.
- viii. ‘Performance Review’ means the review and management of performance in accordance with this Policy and the terms Performance Review Period.
- ix. ‘Performance Review Period’ means the term set out under paragraph 4.1.
- x. ‘Performance Review Report’ means the report prepared in accordance with paragraph 8.3 and 8.4.
- xi. ‘Policy’ means this Performance Review Policy and Procedure for Support Staff.

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I. APPLICATION

- 1.1 Subject to Paragraph 1.2 below, this Policy applies to you if you are an employee within the CMAT, based within a school or the central team and employed in your capacity as support staff worker (hereinafter referred to as an “employee” or “you”). It does not apply if you are employed as a teacher or headteacher, or hold an executive post within the CMAT.
- 1.2 This Performance Review Policy and Procedure does not apply to those employees who are employed under a contract of employment for less than one term, are on probationary periods or those who are subject to action under the CMATs Capability Policy and Procedure.

2. SCOPE

- 2.1 The purpose of this procedure is to establish a framework for a clear and consistent assessment of the overall performance of employees and for supporting their development within the context of the school/CMATs plan for improving educational provision and performance. The assessment shall have regard to any applicable codes of practice or standards applicable to the employee’s employment.
- 2.2 The CMAT is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of performance management at a Catholic MAT. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the CMAT
- 2.3 The CMAT is committed to providing a supportive working environment for all employees through this performance review policy and procedure. Concerns about an employee’s performance will always be addressed in the first instance through the operation of this policy and procedure. Where it is not possible to resolve concerns through the operation of this Policy, it may be necessary to consider whether to invoke the CMAT’s Capability Policy and Procedure.
- 2.4 This Performance Review Policy and Procedure does not form part of any other procedure but relevant information on Performance Review, including Performance Review Reports, may be taken into account in relation to the operation of other applicable policies and procedures.
- 2.5 The CMAT is committed to ensuring that the operation of this policy and procedure does not lead to an unnecessary increase in workload for employees and reviewers. This Policy and Procedure will always be applied in a way which is robust, whilst monitoring the impact on workload for employees, reviewers and directors.

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3. PERFORMANCE REVIEW IN A CATHOLIC CONTEXT

- 3.1 Performance Review will be a supportive and developmental process designed to seek to ensure that all employees have the skills and support they need to carry out their role effectively within the context of the CMAT's ethos. It will help to ensure that employees are able to improve their professional practice and develop as professionals in their area of expertise.
- 3.2 Performance Review is a time to celebrate achievement wherever possible, as well as for discerning where there is scope for development. Challenge is at the heart of the Gospels. Christ challenged all whom he encountered, each according to their needs and readiness.
- 3.3 This Policy offers opportunities to allow for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personal growth and openness.

4. THE PERFORMANCE REVIEW PERIOD

- 4.1 The Performance Review Period will run for twelve months as follows:
 - a) For classroom support staff performance reviews will be completed by 31 December.
 - b) Performance reviews for all other school-based support staff will be completed by the end of the Lent Term
 - c) Performance reviews for support staff in central teams will be completed by 31 December.
- 4.2 Employees who are employed on a fixed-term or temporary contract of less than one year will have their performance managed in accordance with the principles underpinning this Policy. The length of the Performance Review Period will be determined by the duration of their contract of employment.
- 4.3 Where an employee starts their employment at the CMAT part-way through the CMATs usual Performance Review Period, the line manager shall determine the proportionate length of the Performance Review Period for that employee with a view to bringing his/her Performance Review Period into line with the CMATs usual Performance Review Period (as per Paragraph 4.1 above) as soon as possible.
- 4.4 Where an employee transfers to another post within the CMAT part-way through a Performance Review Period, the line manager shall determine whether the Performance Review Period should be re-set and whether the Reviewer should be changed.

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5. APPOINTING REVIEWERS

- 5.1 A Reviewer, normally the member of staff's line manager, will be appointed by the Headteacher/CEO to carry out the Performance Review process in accordance with this Policy
- 5.2 The Reviewer will set employee objectives in accordance with Paragraph 6 below.
- 5.3 In undertaking the Performance Review process, the Reviewer, through the Headteacher and the HR Manager, may seek advice from external advisers including, but not limited to, the Diocesan Education Service.
- 5.4 Where it becomes apparent that a Reviewer appointed by the Headteacher will be absent for the majority of the Performance Review Period, the Headteacher/CEO may perform the duties of the Reviewer or delegate those duties to another line manager for the duration of the absence.

6. SETTING OBJECTIVES

- 6.1 Performance Review objectives should reflect the Catholic identity and mission of the CMAT and the values it proclaims¹ and Reviewers are expected to explore the alignment of such objectives with the Academy and CMAT priorities and plans, working at all times to ensure that the Catholic ethos is developed and maintained.
- 6.2 The Reviewer and the employee will engage in a professional dialogue with a view to agreeing a realistic number of objectives which shall be reasonably achievable during the course of the Performance Review Period, taking into account the professional development aspirations of the employee. Objectives may be revised following discussion with the employee if circumstances change. Objectives will be moderated across the CMAT to ensure that they are consistent between employees with similar experience and levels of responsibility. Should objectives not be agreed, a record of the employee's comments in relation to the objectives set shall be added to the review documentation, but the final decision on allocation of objectives rests with the Reviewer.
- 6.3 The objectives set for each employee will, if achieved, contribute to the CMAT plans for improving educational provision and performance and improving the progress, development and well-being of pupils at the CMAT. This will be ensured through the moderation of objectives and the quality assurance processes of the CMAT.
- 6.4 Objectives, where met, should contribute to improving the progress, development and well-being of pupils at the CMAT as understood in relation to the Catholic nature of the CMAT and so include the academic, spiritual, moral, social, emotional and cultural development of each pupil.
- 6.5 The employee's objectives will be set by the Reviewer before, or as soon as reasonably practicable after, the start of each Performance Review Period. The employee will be informed of the objectives (and

¹ Such values should include the principles of Catholic social teaching in respect of justice for all, the needs of the whole person, respect for the individual and the community and the preferential option for the poor. More information about these principles and how they might apply in the context of Performance Review can be found in the CES User Guide.

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relevant standards where applicable) against which their performance will be appraised in that Performance Review Period.

- 6.6 The objectives set will be Challenging, Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee's role and level of experience.
- 6.7 The Reviewer will take into account the CMAT's work/life balance strategy and the effects of an individual's circumstances, including any disability requiring the implementation of reasonable adjustments, when agreeing objectives and Reviewers will include a review of an employee's workload in the Performance Review Report.

7. REVIEWING PERFORMANCE

Gathering Evidence

- 7.1 In order to assess performance, the Reviewer will need to rely on the available evidence obtained in connection with the employee's performance. The evidence required will depend on the employee's role and where possible, the evidence to be obtained should be agreed when the objectives are set.
- 7.2 When collecting evidence, the focus will be on using evidence which is readily available from day to day practice wherever possible.

Observation

- 7.3 The CMAT believes that observation of work practice is important both as a way of assessing employee performance in order to identify any particular strengths and areas for development as well as gaining useful information which can inform CMAT improvement more generally.
- 7.4 All observation of work in practice will be carried out in a supportive fashion and will not lead to unnecessary increases in workload and all feedback will be developmental.
- 7.5 Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will include discussion with the employee, highlighting their areas of strength and areas that need attention and will determine any appropriate action required.

Development and Support

- 7.6 Performance Management is a supportive process which will be used to inform the employee's continuing professional development. The CMAT wishes to encourage a culture in which all employees take responsibility for improving the CMAT through appropriate professional development. Professional development will be linked to the CMAT improvement priorities and to the ongoing professional development needs and priorities of individual employees.

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Informal Support

- 7.7 An employee's line manager may identify concerns on an informal basis at any time about any performance falling short of the standards expected.
- 7.8 An employee's line manager may also provide informal advice and appropriate support which may include training, coaching, mentoring, counselling, monitoring, working in a professional learning community, learning and development opportunities, supervision, occupational health, arrangements for observation of lessons taught by teachers at the CMAT or elsewhere or discussing practice with advisory teachers or other employees (as appropriate to the employee's role). These arrangements will take into account the employee's workload.
- 7.9 Informal action could include establishing the expectations that the CMAT has of the employee and what support may be provided to help the employee to meet those expectations.
- 7.10 Informal action may be recorded in writing and may be referred to at a later stage as evidence of an attempt at informal action and the outcome of such an attempt. Where any informal action is recorded in writing, the employee will be provided with a copy of any written record and will be given 5 working days to comment on the written record in writing.

Alternative Action

- 7.11 There may be a situation where the employee's line manager and/or the Reviewer considers that a recent promotion or job change has been a contributory factor in any unsatisfactory performance. In such a case, informal support should be taken as described in Paragraphs 7.7 and 7.10 above. The Reviewer will seek to ensure that the employee has undergone an appropriate period of induction to their role, an up to date job description has been issued to them, professional standards and overall expectations of performance have been made clear and the employee's performance has been monitored and feedback has been provided.
- 7.12 If such informal support is ineffective, the employee's line manager/Reviewer may offer the employee the option of agreeing to voluntarily give up the promotion or job change as an alternative to proceeding with formal action pursuant to Paragraph 9 of this Performance Review Policy and Procedure.

8. ANNUAL ASSESSMENT

- 8.1 Employees' performance will be formally assessed in respect of each Review Period by way of an Annual Assessment.
- 8.2 The Annual Assessment is the end point to the Annual Review Period but performance and development priorities will be reviewed and addressed throughout the year at interim meetings (which shall be conducted in person or via other appropriate medium, depending on the circumstances) which may take place at the midpoint of the review cycle.

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- 8.3 The employee will receive, as soon as practicable following the end of each Review Period, a written Performance Review Report. The employee will have the opportunity to comment on the Report in writing.
- 8.4 The Performance Review Report will include:
- (a) Details of the employee's objectives for the relevant Performance Review Period.
 - (b) An assessment of the employee's performance of their role and responsibilities against their objectives and any relevant standards.
 - (c) An assessment of the employee's training and development needs and details of any action that should be taken to address them.
 - (d) A recommendation on pay where that is relevant.
 - (e) A space for the employee's own comments.
 - (f) Notes on the interim review discussion.
- 8.5 A review meeting will take place after the end of the Review Period to discuss the content of the Report and the employee's written comments in the Performance Review Report (if any), to decide any further action required, including setting a period for review of performance, and to inform objective setting for the next Performance Review Period.
- 8.6 Where it has not been possible for employees to fully meet their objectives because the agreed support has not been provided this will be taken into account in the review meeting.

9. ANNUAL ASSESSMENT

- 9.1 It is the CMAT's aim, when dealing with an employee experiencing difficulties, to provide support and guidance through the performance review process in such a way that the employee's performance improves and the problem is, therefore, resolved.
- 9.2 Where it is apparent that an employee's personal circumstances are leading to difficulties at work, the CMAT will aim to establish informally whether the reason is due to ill-health, lack of competence or misconduct. Support will then be offered and/or appropriate action taken as soon as reasonably practicable, without waiting for the Annual Assessment detailed in Paragraph 8. Support could include informal advice and appropriate support which may include training, coaching, mentoring, counselling, monitoring, working in a professional learning community, learning and development opportunities, supervision, occupational health, arrangements for observation of lessons taught by other teachers at the CMAT or elsewhere or discussing practice with advisory teachers or other employees (as appropriate to the employee's role). These arrangements will take into account the employee's workload.
- 9.3 If a Reviewer identifies through the performance review process, or via other sources of information, that the difficulties experienced by the employee are such that, if not rectified, could lead to the CMAT Capability Policy and Procedure being invoked, the Reviewer will meet with the employee to:

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- (a) Give clear written feedback to the employee about the nature and seriousness of the concerns.
- (b) Give the employee the opportunity to comment on and discuss the concerns.
- (c) Give the employee at least 5 Working Days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support and inform the employee that they have the right to be accompanied at any such meetings by a Companion.
- (d) In consultation with the employee at the above meeting, an action plan with support will be established (e.g. coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers or other employees, (as appropriate to the employee's role), that will help address those specific concerns;
- (e) Make clear how progress will be monitored and when it will be reviewed; and
- (f) Explain the implications and process if no, or insufficient improvement is made.

9.4 The employee's progress will continue to be monitored as part of the performance review process and a reasonable time will be given for their performance to improve. The relevant monitoring period will depend on the circumstances but will usually be for a period of between 6 and 8 Working Weeks, with appropriate support as agreed in the action plan detailed in Paragraph 9.3(d) above in order that the aim of recovering and improving performance can be achieved. During this monitoring period the employee will be given regular feedback on their progress and arrangements will be made to modify the support programme if appropriate.

9.5 At the end of the monitoring period, the employee will be invited to a review meeting. The employee will be given at least 5 working days' notice, in writing, of such formal meeting and will have the right to be accompanied by a Companion.

9.6 If sufficient progress is made such that the employee is performing at a level that no longer indicates there is no longer a possibility of the CMAT's Capability Policy and Procedure being invoked, the employee will be informed of this at a formal meeting with the Reviewer. Following this meeting, the Performance Review process will continue as normal. The outcome of such a meeting will be confirmed in writing within 5 days of the meeting taking place.

9.6 If the review meeting concludes that no or in sufficient improvement has been made by the end of the monitoring period, the Reviewer will determine whether they should be invited to a formal meeting in accordance with the CMAT Capability Policy and Procedure or whether a further review period (and action plan) should be provided under this Policy. The outcome of such a meeting will be confirmed in writing within 5 working days of the meeting.

9.7 If the review meeting concludes that some progress has been made and a further period of monitoring and support could result in an acceptable level of performance, the review period may be extended. The Reviewer should discuss what amendments (if any) could be made to the action plan to achieve this and to identify whether any additional support could be provided. The outcome of such meeting will be confirmed in writing to the Teacher within 5 working days of the meeting. The total review period should

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not exceed a total of 12 weeks. At the end of an extended period a further review meeting will be held in accordance with 9.5 above.

- 9.8 Whilst the performance review report does not form part of any formal capability or disciplinary procedures, any relevant information from the performance review process including the contents of the Report may be taken into account by those responsible for taking decisions about capability and disciplinary matters.

10. ANNUAL ASSESSMENT

- 10.1 Employees have a right of appeal against any of the entries in the written Performance Review Report and a separate right of appeal against a decision to invoke the Capability Policy and Procedure made in accordance with paragraph 9.5 above. If an appeal relates to a decision about pay, the employee is referred to the CMAT appeals procedure.
- 10.2 An appeal must be made in writing on the CMAT Appeal Registration Form, setting out the full reasons for the appeal, and sent to the HR Manager within 10 working days of the employee receiving the Performance Review Report (which will usually be received in the review meeting) or the date of the letter confirming the outcome of the meeting in paragraph 9.5.
- 10.3 An Appeal Meeting will normally be held within 20 working days of your appeal letter being received by the HR Manager. The Appeal Meeting will be run in accordance with the CMAT Appeals Procedure
- 10.4 The Appeal will usually be heard by the Headteacher, unless they have participated in the Review, in which case the Chief Executive Officer shall appoint an appropriate Appeal Manager.
- 10.5 The outcome of the Appeal Meeting will be confirmed in writing to you within 5 days of the Appeal Meeting. The decision reached following the Appeal Meeting is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are any one or more of the following (as appropriate):
- (a) the entries made in the Performance Review Report are upheld.
 - (b) the outcome of the meeting provided for in Paragraph 9.5 stands and the Capability Policy is invoked.
 - (c) The appeal is upheld and any disputed entries in the Performance Review Report are referred back to the reviewer for reconsideration.
 - (d) The outcome of the meeting under Paragraph 9.5 is overturned and the performance review process will continue as normal
- 10.6 Where an appeal is against entries in the Performance Review report and the outcome of a meeting heard under paragraph 9.5, the appeals will be heard together. For the avoidance of doubt, it will be possible for the outcome of each appeal, where both entries in the Performance Review Report and the outcome of a meeting under paragraph 9.5 are appealed, to be different.

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11. COMPANION

- 11.1 Where a meeting is held under Paragraphs 9 or 10 above, you may be accompanied by a Companion.
- 11.2 You must let the person appointed to hold such meeting under Paragraphs 9 or 10 above know who your Companion will be at least one working day before the meeting.
- 11.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.
- 11.4 Your Companion can address the meeting in order to:
- (a) put your case.
 - (b) sum up your case.
 - (c) respond on your behalf to any view expressed at the meeting; and
 - (d) Ask questions on your behalf.
- 11.5 Your Companion can also confer with you during the meeting.
- 11.6 Your Companion has no right to:
- (a) answer questions on your behalf.
 - (b) address the meeting if you do not wish it; or
 - (c) prevent you from explaining your case.
- 11.7 Where you have identified your Companion and they have confirmed in writing to the relevant person appointed under Paragraphs 9 or 10 that they cannot attend the date or time set for the meeting, the meeting will be postponed for a period not in excess of five working days from the date set by the CMAT to a date or time agreed with your Companion. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

12. TIMING OF MEETINGS

- 12.1 The aim is that meetings held under this policy and procedure will usually be held at mutually convenient times, however depending on the circumstances meetings may:
- (a) need to be held when you are timetabled to assist with lessons (if that is appropriate to your role);
or
 - (b) exceptionally be held after the end of the Academy day.
 - (c) not be held on days on which you do not ordinarily work;
 - (d) may be extended by agreement between the parties if time limits cannot be met for any justifiable reason.

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13. VENUE FOR MEETINGS

- 13.1 Any meeting held under Paragraph 9 or 10 may, at the discretion of the CMAT, be held off the school site.

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