



HR Service

Diocese of Nottingham Catholic Multi-Academy Trusts

Performance Review Policy and Procedure (Teachers)

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 approved and adopted by **[INSERT ACADEMY NAME]** (“the Academy”) on 02/03/2020. It will be reviewed after 12 months.

Signed by Chair of the St Thérèse of Lisieux Catholic Multi Academy Trust:



Signed by CEO:



DEFINITIONS

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

- i. ‘Academy’ means the academy named at the beginning of this Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- ii. ‘Academy Trust Company’ means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. ‘Board’ means the board of Directors of the Academy Trust Company (CMAT).
- iv. ‘Chair’ means the Chair of the Board as appointed from time to time.
- v. ‘Companion’ means a work colleague or an accredited representative of a trade union.
- vi. ‘Diocesan Schools Commission’ means the education service provided by the Diocese in which the Academy is situated, which may also be known, or referred to, as the Diocesan Education Service.
- vii. ‘Directors’ means directors appointed to the Board from time to time.
- viii. ‘Headteacher’ means the most senior Teacher in the Academy who is responsible for its management and administration. Such Teacher may also be referred to as the Executive Headteacher, Head of School or Principal.
- ix. ‘Performance Review’ means the review and management of performance in accordance with this Policy.
- x. ‘Performance Review Period’ means the term set out under paragraph 4.1.
- xi. ‘Performance Review Report’ means the report prepared in accordance with paragraph 8.3 and 8.4.
- xii. ‘Policy’ means this Performance Review Policy and Procedure for Teachers.
- xiii. ‘Standards’ means the Teachers’ Standards published by the DfE in July 2011 as amended from time to time and, as appropriate, the National Standards of Excellence for Headteachers published by the DfE in January 2015 as amended from time to time.

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January 2020 FINAL

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

St Thérèse of Lisieux Catholic Multi Academy Trust

- xiv. 'Teacher' means a teacher employed by the CMAT to work at the CMAT and, where the context so admits, includes the Headteacher.

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January 2020 FINAL

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

St Thérèse of Lisieux Catholic Multi Academy Trust

I. APPLICATION

- 1.1 Subject to Paragraph 1.2 below, this Policy applies to you if you are a Teacher/Headteacher (hereinafter referred to as an “employee” or “you”).
- 1.2 This Policy does not apply to Teachers employed under a contract of employment for less than one term, those undergoing induction (i.e. Newly Qualified Teachers) and those who are subject to the Academy’s 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 Teachers and for supporting their development within the context of the CMAT plans for improving educational provision and performance. The assessment shall have regard to the Standards¹ and any other applicable codes of practice, such as the Special Educational Needs Code of Practice, where relevant.
- 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. 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 Teachers through this Performance Review Policy and Procedure. Concerns about a Teacher’s performance will always be addressed in the first instance through the operation of this Policy and Procedure.
- 2.4 This Policy 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 other applicable policies and procedures.
- 2.5 The Academy Trust Company is committed to ensuring that the operation of this Policy and Procedure does not lead to an unnecessary increase in the workload for Teachers and Appraisers. This Policy and Procedure will always be applied in a way which is robust, whilst monitoring the impact on workload for Teachers, Appraisers, Directors and Governors.

¹ Refers to the Teachers’ Standards in England and Wales

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS
HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

3. PERFORMANCE REVIEW IN A CATHOLIC CONTEXT

- 3.1 Teaching, as a ‘work of love, requires a radical commitment and service from all teachers, whatever their faith and whatever point they have reached on their spiritual journey’: “The Church looks upon you as co-workers with an important measure of shared responsibility...To you it is given to create the future and give it direction by offering your students a set of values with which to assess their newly discovered knowledge...[The changing times] demand that educators be open to new cultural influences and interpret them for young pupils in the light of Christian faith. You are called to bring professional skills and competence and a high standard of excellence to your teaching...But your responsibilities make demands on you that go far beyond the need for professional skills and competence...Through you, as through a clear window on a sunny day, students must come to see and know the richness and joy of a life lived in accordance with Christ’s teaching, in response to his challenging demands. To teach means not only to impart what we know, but also to reveal who we are by living what we believe. It is this latter lesson which tends to last the longest”². The CMAT recognises the challenge for all teachers in carrying out their ‘work of love’ and is committed to nurturing them throughout their professional careers.
- 3.2 This Policy is intended to provide a supportive and developmental process to ensure that all teachers have the skills and support they need to carry out their role effectively within the context of the CMATs ethos. It will help to ensure that Teachers are able to continue to improve their professional practice and to develop as Teachers.
- 3.3 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.
- 3.4 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 from 1 September to 31 August.
- 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 Headteacher or, in the case where the employee is the Headteacher, the CEO, 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.

² Christ at the Centre – a summary of why the Church provides Catholic Schools – Bishops’ Conference and Catholic Education Service.

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

St Thérèse of Lisieux Catholic Multi Academy Trust

- 4.4 Where an employee transfers to a new post within the school/CMAT part-way through a Performance Review Period, the Headteacher or, in the case where the employee is the Headteacher, the CEO shall determine whether the Performance Review Period should be re-set and whether the Reviewer should be changed in discussion with the employee.

5. APPOINTING REVIEWERS

- 5.1 The table below sets out the persons to be appointed to review employee performance during the Performance Review Period depending on the employee who is being reviewed:

<i>Employee Level</i>	<i>Reviewer</i>	<i>Appeal Manager</i>
Headteacher	A panel appointed by the Board in accordance with Paragraph 5.3.	A Director.
Teacher	The Headteacher, or a person appointed by them	The Chief Executive Officer (CEO) or person appointed by the CEO.

- 5.2 In relation to the Headteacher, the Board will appoint a performance management panel to review the performance of the Headteacher.
- 5.3 The task of reviewing the performance of the Headteacher, including the setting of objectives in accordance with Paragraph 6 below, will be delegated by the Board to a sub-group consisting of the CEO and two governors supported by the Director of Performance and Standards in accordance with Paragraph 5.2 above.
- 5.4 The Board may also seek advice from other external advisers including, but not limited to, other CMATs or the Diocesan Education Service.
- 5.5 Where it becomes apparent that a Reviewer appointed by the Headteacher will be absent for the majority of the Performance Review Period, the Headteacher may perform the duties of the Reviewer or delegate those duties to another teacher for the duration of the absence.

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January 2020 FINAL

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS
HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

6. SETTING OBJECTIVES

General

- 6.1 Performance Review objectives should reflect the Catholic identity and mission of the CMAT and the values it proclaims³ and Reviewers are expected to explore the alignment of such objectives with the CMATs priorities and plans, working at all times to ensure that the Catholic ethos is preserved, developed and maintained.

The Reviewer and the employee will engage in a professional dialogue with a view to agreeing objectives which should be reasonably achievable during the course of the Performance Review Period, taking into account the professional development aspirations of the teacher. Objectives may be revised following discussion with the teacher if circumstances change during the Performance Review Period. Where an employee does not agree to objectives, a record of their relevant comments shall be added to the Performance Review documentation however the Reviewer shall have absolute discretion on the objectives set.

- 6.2 The CMAT operates a system of moderation across the CMAT to ensure that they are consistent between employees with similar experience and levels of responsibility.
- 6.3 The objectives set for each Teacher will, if achieved, contribute to the CMATs plans for improving educational provision and performance and improving education of the pupils within the CMAT.
- 6.4 Objectives, where met, should contribute to improving the progress, development and well-being of pupils at the Academy as understood in relation to the Catholic nature of the Academy and so include the academic, spiritual, moral, social, emotional and cultural development of each pupil.
- 6.5 The objectives set for Teachers will be Challenging, Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the Teacher's role and level of experience.
- 6.6 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 throughout the implementation of this policy and procedure. Reviewers will include a review of a Teacher's workload in the Performance Review Report. There will be a limit of three objectives for all teachers not on the leadership spine.
- 6.7 The Reviewer may, following discussion with the employee, revise any objectives in accordance with the needs of the school/CMAT and the Teacher, where it is considered appropriate to do so. Any such revision(s) will be recorded in writing and a copy will be provided to the employee.

³ 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.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

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

St Thérèse of Lisieux Catholic Multi Academy Trust

Headteacher

- 6.8 In accordance with Paragraph 5, the Headteacher’s objectives will be set by the CEO in consultation with the Performance Review Panel before, or as soon as reasonably practicable after, the start of each Performance Review Period. The Headteacher will be informed of the Standards against which their performance will be reviewed during that Performance Review Period.

Teachers

- 6.9 Objectives for each Teacher will be set before, or as soon as reasonably practicable after, the start of each Performance Review Period. Teachers will be informed of the Standards against which their performance will be reviewed during that Performance Review Period.

7. REVIEWING PERFORMANCE

Gathering Evidence

- 7.1 In order to assess performance, the Reviewer will need to rely on the evidence agreed in the planning meeting and evidence obtained in connection with the employee’s performance. This may include classroom observations, task observations, reviews of assessment results, reviews of lesson planning records, internal tracking and evidence supporting progress against Standards.

Observation

- 7.2 Observation of classroom practice and other responsibilities is an important way of assessing Teachers’ performance to identify particular strengths and/or areas for development and of gaining useful information which can inform academy improvement more generally.
- 7.3 Teachers’ performance will be regularly observed however the amount and type of classroom observation will depend on the individual circumstances of the Teacher and the overall needs of the school/CMAT. All observation will be carried out in a supportive fashion and will not lead to unnecessary increases in Teacher workload.
- 7.4 Unless it is not reasonably practicable, at least 5 working days’ notice of the date and time of an observation will be given to the teacher and verbal feedback will be provided by at least the end of the next Working Day with written feedback within 5 working days.
- 7.5 Classroom observation will normally be carried out by those with Qualified Teacher Status.
- 7.6 In addition to formal observation, the CEO, Director of Performance and Standards, Headteacher or any other senior leader with responsibility for teaching standards may “drop in” usually for a maximum of 30 minutes 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 the specific circumstances but will be reasonable.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

- 7.7 Teachers who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.
- 7.8 All feedback about lesson observations will be developmental.

Development and Support

- 7.9 Performance Review is a supportive process which will be used to inform Teachers' continuing professional development and pay progression. The CMAT wishes to encourage a culture in which all Teachers and Headteachers take responsibility for improving teaching through appropriate professional development. Professional development will be linked to the Academy's improvement priorities and to the ongoing professional development needs and priorities of individual Teachers.

Informal Support

- 7.10 An employee's line manager may identify concerns on an informal basis at any time about any performance falling short of the standard expected by the CMAT.
- 7.11 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 other teachers at the school/CMAT or elsewhere or discussing practice with advisory teachers. These arrangements will take into account the Employees workload.
- 7.12 Informal support includes reaffirming the expectations that the school has of the employee and considering what support may be provided to help the employee to meet those expectations.
- 7.13 Informal support should be agreed with the teacher. It may be recorded in writing and may be referred to at a later stage as evidence that an informal approach was attempted and to demonstrate the success or failure of such an approach. Where any informal action is recorded in writing, the Teacher will be provided with a copy of any written record and will be given 5 Working Days to comment on the written report in writing.

Alternative Action

- 7.14 There may be a situation where the employee's line manager and/or the Reviewer consider that a recent promotion or job change has been a contributory factor in any unsatisfactory performance. In such a case, informal support should be provided as described in paragraphs 7.10 to 7.13 above.
- 7.15 If such informal support is ineffective, the CMAT may, offer the employee the option of taking a voluntary demotion or job change as an alternative to proceeding with formal action under this Performance Review Policy and Procedure, and specifically Paragraph 9.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS
HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

8. ANNUAL ASSESSMENT

- 8.1 In assessing the performance of the Headteacher, the Performance Review Panel must consult the Director of Performance and Standards in accordance with Paragraph 5.
- 8.2 An employee's performance will be formally reviewed in respect of each Performance Review Period.
- 8.3 The annual review is the end point to the annual Performance Review Period however performance and development priorities will be reviewed and addressed on a regular basis throughout the year at interim meetings (which shall be conducted in person or via other appropriate medium depending on the circumstances) which will usually take place during the Lent term.
- 8.4 The employee will, as soon as practicable following the end of each Performance Review Period, but by no later than 31st October for teaching staff and 31st December for the Headteacher, be sent a written Performance Review Report. The employee will have the opportunity to comment on the Performance Review Report in writing.
- 8.5 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 the relevant Standards.
 - (c) An assessment of the employee's training and development needs and identification of any action that should be taken to address them.
 - (d) A recommendation on pay where that is relevant.
 - (e) A space for employee's own comments
 - (f) A summary of discussions at the mid-year review meeting.
- 8.6 A review meeting will take place to discuss the content of the Performance Review Report and any further action required and to inform objective setting for the next Performance Review Period. Following the meeting amendments will be made and the report recirculated.
- 8.7 Where it has not been possible for Teachers to fully meet their objectives because the agreed support has not been provided this will be taken into account in the review meeting.

9. TEACHERS (INCLUDING HEADTEACHERS) EXPERIENCING DIFFICULTIES

- 9.1 It is the CMATs aim when dealing with a teacher experiencing difficulties, to provide support and guidance through this Policy in such a way that the teachers performance improves, and any concerns are therefore resolved.
- 9.2 Where it is apparent that an employee's personal circumstances are impacting on their performance at work, the CMAT will speak to them to try to establish the reason behind this. Support will be offered

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

and/or appropriate action taken as soon as is reasonably practicable without waiting for the Annual review. Such support may, at the CMATs discretion, include informal advice, training, coaching, mentoring, counselling, risk assessments, monitoring, working in a professional learning community, learning and development opportunities, supervision, occupational health, arranging observation of lessons taught by other teachers within the Academy or discussing practice with the Director of Performance and Standards. Support programmes and meetings to discuss support programmes will take into account employees workloads.

- 9.3 Where an Reviewer and/or line manager identifies, whether through this Policy or otherwise, that such concerns could lead to the Academy's Capability Policy and Procedure being invoked, the Reviewer, the Headteacher or a member of the senior leadership team (as appropriate) will meet with the Teacher (or in the case of the Headteacher the CEO) to:
- (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.

The purpose of that meeting will be to:

- (a) Prepare an action plan, setting out what support has been identified as being necessary in order to help address those specific concerns.
 - (b) Make clear how progress will be monitored and when it will be reviewed.
 - (c) Set out a schedule for the review of performance (usually over a period of between 6 and 8 weeks depending on the nature of the concerns); and
 - (d) Explain the implications and process if no, or insufficient, improvement is made.
- 9.4 The employee's progress against the action plan will continue to be monitored as part of the Performance Review process. During this period the employee will be given regular feedback on progress and, where necessary, 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 teacher will be given at least 5 working days' written notice of such formal meeting(s) 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 Teacher 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.
- 9.7 If the review meeting concludes that no or insufficient improvement has been made by the end of the monitoring period, the Reviewer will determine whether to recommend that the employee should be invited to a formal meeting in accordance with the CMAT Capability Policy and Procedure or whether a

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

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.

- 9.8 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 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.
- 9.9 Information gathered during the Performance Review process may be used under the Academy's Capability Policy and Procedure.

10. APPEALS

- 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 CMAT Capability policy and procedure. If an appeal relates to decisions about pay, the employee is referred to the CMATs Pay Policy and Procedure.
- 10.2 An appeal must be made in writing, 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 referred to in paragraph 8.6)or the letter confirming the outcome of the meeting provided for in paragraph 9.5.
- 10.3 The employee will be invited to an Appeal Meeting which will normally be held within 20 working days of an appeal letter being received by the HR Manager.
- 10.4 In the case of an appeal by the Headteacher, the Appeal Manager will be a Director. In the case of an appeal lodged by any other Teacher, the Appeal Manager will usually be the Headteacher unless they have participated in the Performance Review which is being appealed, in which case the Appeal Manager will be the CEO or person appointed by the CEO.
- 10.5 The outcome of the Appeal Meeting will be confirmed in writing to you within 5 working days of the date of the Appeal Meeting. The decision reached following the Appeal meeting is final and there will be no further right of appeal. The possible 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 9.6 stands and the CMAT Capability Policy and Procedure 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.
- 10.7 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

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

DIOCESE OF NOTTINGHAM CATHOLIC MULTI ACADEMY TRUSTS
HR APPEALS PROCEDURE

St Thérèse of Lisieux Catholic Multi Academy Trust

the outcome of each appeal, where both entries in the Performance Management Report and the outcome of a meeting under 9.5 are appealed to be different.

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 under this procedure will usually be held at mutually convenient times but depending on the circumstance's meetings may:
 - a) need to be held when you are timetabled to teach.
 - b) exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation; or

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL

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

St Thérèse of Lisieux Catholic Multi Academy Trust

- c) exceptionally be held after the end of the Academy day.
- d) not held on days that you would not ordinarily work.
- e) be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

13. VENUE FOR MEETINGS

- 13.1 Any meeting held under Paragraph 9 or 10 may be held off the Academy site to minimise any distress to the employee.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE CMAT

January 2020 FINAL
