



# Romero

## Catholic Academy Trust

### Appraisal Appeal Policy & Procedure

This Appraisal Appeal Policy & Procedure has been approved and adopted by the Academy Trust Company on 1<sup>st</sup> April 2020 and will be reviewed on 1<sup>st</sup> April 2021.

Signed by Director of Academy Trust Company:

#### DEFINITIONS

In this Appraisal Appeal Policy & Procedure, 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.
- iv. 'Chair' means the Chair of the Board or the Clerk to the Local Governing Body of the Academy appointed from time to time, as appropriate.
- v. 'Clerk' means Clerk to the Board or Clerk to the Local Governing Body of the Academy appointed from time to time, as appropriate.
- vi. 'Companion' means a willing work colleague not involved in the substance of the employee's performance under review by the Appraisal Policy, or an accredited representative of a Trade Union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this policy and procedure.
- vii. 'Directors' means Directors appointed to the Board of the Academy Trust Company.
- viii. 'Governing Board' means the body carrying out the employment functions of the Academy Trust Company and such term may include the Board of Directors and/or a Local Governing Body of the Academy.
- ix. 'Governors' means the governors appointed and elected to the Local Governing Body of the Academy, from time to time.
- x. 'Local Governing Body' means the group of governors appointed and elected to carry out specified functions in relation to the Academy as delegated by the Academy Trust Company.

- xi. 'Teacher' means a teacher employed by the Academy Trust Company to work at the Academy and, where the context so admits, includes principal/headteacher.
- xii. 'Support Staff' means a worker employed by the Academy Trust Company that is not a Teacher or Headteacher.
- xiii. 'Vice Chair' means the Vice-Chair of the Board or of the Vice-Chair of the Local Governing Body of the Academy elected from time to time, as appropriate.

## **APPLICATION**

- 1.1 Subject to paragraph 1.2 below, this Appraisal Appeal Policy and Procedure applies to you if you are an employee or worker at the Academy.
- 1.2 This Appraisal Appeal Policy and Procedure does not apply to you if you are undergoing induction or probation, or if you are subject to the Academy's Capability Policy and Procedure.

## **SCOPE**

- 2.1 The purpose of this procedure is to set out clear steps relating to the process of appeal against a decisions made as part of the Teachers Appraisal Policy or Support Staff Appraisal Policy.

## **PROCESS - TEACHERS**

- 3.1 Teachers have a right of appeal against any of the entries in the Written Appraisal Report and a separate right of appeal against a decision made to invoke the Academy's Capability Policy and Procedure made at the Transition Meeting with the Appraiser, as per paragraph 9 of the Teacher Appraisal Policy. If an Appeal relates to a decision about pay, the employee is referred to the Academy's Pay Policy and Procedure.
- 3.2 An appeal lodged in accordance with Paragraph 3.1 above, must be made in writing to the Clerk and lodged within 10 working days of receiving the Appraisal Report or the letter confirming the outcome of the Transition Meeting with the Appraiser.
- 3.3 Your appeal letter must set out the grounds of appeal in detail.
- 3.4 The Appeal meeting will normally be held within 20 working days of your appeal letter being received by the Clerk.
- 3.5 In the case of an appeal by the Principal/Headteacher, the Appeal Manager will be appointed by the Vice-Chair. In the case of an appeal lodged by any other Teacher, the Appeal Manager will usually be the Principal/Headteacher, unless they have participated in the appraisal review which is being appealed, in which case, the Appeal Manager may be the Chair assisted by a representative appointed by the Academy Trust Company.
- 3.6 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are:-
  - a) the Appeal Manager may uphold the entries made in the Appraisal Report and/or the outcome of the Transition Meeting, or

- b) the Appeal Manager may uphold the employee's appeal and overturn the decision of the Appraiser.

Where such appeal relates in whole, or part, to entries in the Appraisal report, the disputed entries will be referred back to the Appraiser for reconsideration.

- 3.7 Where an appeal is against entries in the Appraisal Report and the outcome of a Transition Meeting, the appeals will be heard together.

#### **PROCESS – SUPPORT STAFF**

- 4.1 Support Staff have a right of appeal against any of the entries in the Written Appraisal Report and a separate right of appeal against a decision made to invoke the Academy's Capability Policy and Procedure, as per paragraph 8 of the Support Staff Appraisal Policy. If an Appeal relates to a decision about pay, the employee is referred to the Academy's Pay Policy and Procedure.

- 4.2 An appeal lodged in accordance with Paragraph 4.1 above, must be made in writing to the Clerk and lodged within 10 working days of receiving the Appraisal Report or the letter confirming the outcome of the Transition Meeting with the Appraiser.

- 4.3 Your appeal letter must set out the grounds of appeal in detail.

- 4.4 The Appeal meeting will normally be held within 20 working days of your appeal letter being received by the Clerk.

- 4.5 In the case of an appeal lodged by a member of Support Staff, the Appeal Manager will usually be the Principal/Headteacher, excluding where the Principal/Headteacher is the Appraiser, in which case, the Appeal Manager may be the Chair assisted by a representative appointed by the Academy Trust Company.

- 4.6 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are:-

- a) the Appeal Manager may uphold the entries made in the Appraisal Report and/or the transition to capability proceedings, or
- b) the Appeal Manager may uphold the employee's appeal and overturn the decision of the Appraiser.

Where such appeal relates in whole, or part, to entries in the Appraisal report, the disputed entries will be referred back to the Appraiser for reconsideration.

- 4.7 Where an appeal is against entries in the Appraisal Report and the outcome of a Transition Meeting, the appeals will be heard together.

#### **COMPANION**

- 5.1 Where meetings are held under Paragraphs 3 and 4 above, you may be accompanied by a companion.

- 5.2 You must let the Appeal Manager know who your Companion will be at least one working day before the meeting.

- 5.3 If you have a particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper. You must again let the Appeal Manager know who your suitable helper will be at least one working day before the meeting.
- 5.4 Your Companion can address the meeting in order to:
- a) put forward 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
- 5.5 Your Companion can also confer with you during the meeting.
- 5.6 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 putting forward your case
- 5.7 Where you have identified your Companion and they have confirmed in writing to the Appeal Manager that they cannot attend the date or time set for the meeting, the Appeal Manager will not usually postpone the meeting for a period in excess of five working days from the date set by the Academy to a date or time agreed with your Companion, provided that it is reasonable in all the circumstances. 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.

#### **TIMING OF MEETING**

- 6.1 The aim is that meetings under this policy and procedure, is that meetings will be arranged at mutually convenient times, but depending on the circumstances, meetings may:
- a) need to be held when Teachers are timetabled to teach
  - b) need to exceptionally be held during Teacher's planning, preparation and administration time, if this does not impact on lesson preparation
  - c) be held after the end of the school day
  - d) may not be 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.

#### **REVIEW OF THIS PROCEDURE**

This procedure will be reviewed in April 2021.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY