

## **Performance management policy Teaching staff**

<b>Formally adopted by the Governing Body/ Trust of:-</b>	<b>[school/academy name]</b>
<b>On:-</b>	
<b>Chair of Governors/Trustees:-</b>	
<b>Last updated:-</b>	

# **North Denes Primary School Teacher Performance Management Policy**

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## **Introduction**

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The performance management policy (on pages 4 to 21 of this document) has been designed for schools to use in conjunction with the appraisal arrangements set out in the Education (School Teachers' Appraisal) (England) Regulations 2012.

These regulations came into force on 1 September 2012. The revised regulations have applied for pay progression purposes from 1 September 2013. Schools should ensure that all teachers are briefed on the appraisal arrangements.

Statutory Instrument 2012 No: 155 sets out the requirements on governing bodies and school leaders in relation to the appraisal process.

The regulations require that the Governing Body shall ensure that the appraisal of teachers and the head teacher is managed and reviewed in accordance with the regulations and the school's appraisal policy. Before establishing or revising the school's appraisal policy the Governing Body shall seek to agree the policy with the recognised trade unions, having regard to the results of the consultation with all teachers.

As the school is required to demonstrate to Ofsted the link between appraisal, pay, school improvement and its development plan it is good practice to consult all teachers on the school improvement and development plan and self-evaluation process.

In the policy text in <b>Bold</b> is required by regulation. Text in <b><i>Bold italics</i></b> identifies issues which are required by regulation but where there are options on the way they are interpreted. Text in <i>Italics</i> is good practice guidance recommended for inclusion.
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The appraisal policy applies only to teachers in their induction period, qualified teachers including leading practitioners, head teachers, deputies and assistants. There are no national appraisal regulations which apply to support staff and there is no national agreement on appraisal with support staff unions. However for support, the County Council has a local appraisal scheme which, for schools purchasing Educator Solutions HR Services is on HR InfoSpace (P324).

The appraisal policy does not duplicate everything that is covered by regulations and guidance; rather it sets out what are considered to be the key points for school policies. For this reason this policy should be read in conjunction with the regulations.

This policy has been written in the context of schools, but the same principles apply equally to the appraisal of 'unattached' teachers i.e. those that are Centrally Employed.

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## **Equal Opportunities and Scope**

The school expects employees to adhere to this policy in line with the school's obligations under equality legislation. Headteachers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

### **1. Application of the policy**

**The policy applies to the head teacher and to all teachers employed by the school or local authority, except those on contracts of less than one term, and those who are subject to action under the formal capability procedure. Staff undergoing induction will be assessed with reference to the objectives set under the NQT process**

### **2. Purpose**

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the head teacher, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers.

It also includes the means by which pay progression will be determined.

### **3. Links to school improvement, school self-evaluation and school development planning**

*To comply with the Ofsted requirement to show how **the arrangements for appraisal link with those for school improvement, school self-evaluation and school development planning**, annual teacher pay progression, and to minimise workload and bureaucracy the appraisal process will be the main source of information as appropriate for school self-evaluation and the wider school improvement process.*

*Similarly, the school improvement and development plan and the school's self-evaluation statement are key documents for the appraisal process.*

*All appraisers are expected to ensure the alignment of appraisees' objectives with the school's priorities and plans. The objectives should also reflect appraisees' professional aspirations.*

### **4. Consistency of treatment and fairness**

*The Governing Body is committed to ensuring consistency of treatment and fairness in the operation of appraisal.*

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*To ensure this the following provisions are made in relation to moderation, quality assurance and objective setting.*

## **5. Quality assurance**

It is important to monitor the outcome of appraisals in order to ensure that these are fair, equitable and consistently applied.

*The head teacher has determined that they will:*

***Delegate the appraiser role for some or all teachers for whom they are not the line manager. In these circumstances the head teacher will:***

***(a) moderate all the appraisal reports to check that the plans recorded in the statements of teachers at the school:***

- are consistent between those who have similar experience and similar levels of responsibility***
- comply with the school's appraisal policy, the regulations and the requirements of equality legislation***

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**The Governing Body will:**

*Nominate (up to three governors - state the number) who will not be involved in the head teacher's performance management or any appeal regarding the head teacher's performance management to ensure that the head teacher's appraisal report is consistent with the school's improvement priorities and complies with the school's performance management policy and the Regulations.*

*The Governing Body will review the quality assurance processes annually when the appraisal policy is reviewed.*

## **6. Objective setting**

*Objectives will be set before or as soon as practicable after the start of the appraisal period. The objectives set will be rigorous, challenging, achievable, time-bound, fair and equitable in relation to teachers with similar roles/responsibilities and experience, and their relevant standards. **They will have regard to what can reasonably be expected of any teacher in that position given the desirability of the appraisee being able to achieve a balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work. They shall also take account of the teacher's professional aspirations and any relevant pay progression criteria. They should be such that, if they are achieved, they will contribute to improving the progress of pupils at the school.***

*The appraiser and appraisee will seek to agree the objectives but **where a joint determination cannot be made the appraiser will make the determination.***

*In this school (choose as applicable):*

- The appraiser will determine the number and focus of the appraisee's objectives, having regard to the need to meet individual, team and whole school requirements. Where performance is deemed less than satisfactory, the focus of the appraisee's objectives is likely to be modified to address areas considered weaker.*
- The appraisal cycle is annual, but on occasions it may be appropriate to set objectives that will cover a period over more than one cycle. In such cases, the basis on which the progress being made towards meeting the performance criteria for the objective will be assessed at the end of the first cycle and will be recorded in the planning and review statement at the beginning of the cycle.*

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## **7. Annual assessment including pay decisions**

*Appraisal will be an assessment of **overall performance** of teachers and the head teacher, and for pay purposes be based on:*

- details of the teacher's objectives for the appraisal period in question;
- **an assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards;**
- **an assessment of the teacher's professional development needs and identification of any action that should be taken to address them;**
- **a recommendation on pay where that is relevant** (*NB – pay recommendations need to be made by 31 December for head teachers and by 31 October for other teachers*);
- (*schools to say here what else, if anything, their appraisal reports will include*).

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period.

\* or the equivalent, if objectives are of a short term nature

Following each appraisal, it would be good practice for the appraisee to receive a written appraisal report and be granted the opportunity to give written comments on its content within five working days.

## **8. Reviewing Progress and Performance**

In the vast majority of appraisals, the experience is likely to be seen by the appraisee as a supportive, constructive and developmental process in which the parties are able to conduct themselves in likely knowledge that the outcome will be positive.

Where that is not the case it may be necessary to amend appraisal objectives with the intention that concerns are addressed, under Annex 1 of this policy. This will take place until there is no longer a concern. However if the issue persists, or the circumstances are warranted, a decision can be made to address the matter under separate, formal capability, procedures.

## **9. Appeals**

**At specified points in the appraisal process teachers and head teachers have a right of appeal against any of the entries in their planning and assessment report.** *Where an appraisee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.*

The Governing Body must set up a committee (Performance Management Appeals Committee) which would hear appraisal appeals in accordance with this. The members of this Committee should not have participated in the appraisal process in the current round. The Chair of the Appraisal Appeals Committee must inform the

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member of staff of the outcome of the appeal and should also notify the Governing Body.

Details of the appeals process are set out in Annex 3.

## **10. Confidentiality**

*The whole appraisal process and the planning and assessment report generated under it, in particular, will be treated with strict confidentiality at all times. Only the appraiser's line manager or, where they have more than one, each of their line managers will be provided with access to the appraiser's plan recorded in their statement, upon request, where this is necessary to enable the line manager to discharge their line management responsibilities.*

*Confidentiality does not override the need for the head teacher (and for the headteacher, governors) to quality assure the process and effectiveness of the appraisal system. The professional development annex of the assessment report may be made available to the CPD co-ordinator.*

*Where teachers or headteachers move schools, during or at the end of the appraisal cycle, they can request that their appraisal report is sent to their next school to enable continuity in the appraisal process and any pay eligibility progression.*

## **11. Training and support**

*The school's CPD programme will be informed by the training and development needs identified in the training annex of the appraisees' appraisal statements.*

*The governing body will ensure in the budget planning that, as far as possible, appropriate resources are made available in the school budget for any training and support agreed for appraisees.*

*An account of the training and development needs of teachers in general, including the instances where it did not prove possible to provide any agreed CPD, will form a part of the head teacher's annual report to the governing body about the operation of the performance management in the school.*

*With regard to the provision of CPD in the case of competing demands on the school budget, a decision on relative priority will be taken with regard to the extent to which: (a) the CPD identified is essential for an appraisee to meet their objectives; and (b) the extent to which the training and support will help the individual and the school to achieve their priorities. Teachers should not be held accountable for failing to make good progress towards meeting their performance criteria where the support recorded in the appraisal report has not been provided.*

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## **12. Appointment of appraisers for the Headteacher/Teachers**

### **A) The Headteacher**

**The Governing Body is the appraiser for the head teacher *and to discharge this responsibility on its behalf will appoint 2 or 3 governors to carry out this function.* They will carry out this process with the support of an **external adviser.****

### **Appointment of External Adviser**

**The head teacher will be appraised by the Governing Body, who must be supported by a suitably skilled and experienced external adviser who has been appointed by the Governing Body for that purpose.**

### **B) Teachers**

### **Appointment of appraisers for teachers**

**In the case where the head teacher is not the teacher's line manager, the head teacher may delegate the duties imposed upon the appraiser, in their entirety, to the teacher's line manager. In this school the head teacher has decided that:**

***The head teacher will be the appraiser for those teachers they directly line manage and will delegate the role of appraiser, in its entirety, to the relevant line managers for some or all other teachers.***

***Line managers will be the appraisers for all those teachers they line manage.***

**Where a teacher has more than one line manager the head teacher will determine which line manager will be best placed to manage and review the teacher's appraisal.**

**Where a teacher is of the opinion that the person to whom the head teacher has delegated the appraiser's duties is unsuitable for professional reasons, they may submit a written request to the head teacher for that appraiser to be replaced, stating those reasons.**

**Where it becomes apparent that the appraiser will be absent for the majority of the cycle or is unsuitable for professional reasons the head teacher may perform the duties themselves or delegate them in their entirety to another line manager. Where this teacher is not the appraisee's line manager the teacher will have an equivalent or higher status in the staffing structure as the teacher's line manager.**

**\* for instance in large departments**

**An appraisal cycle will not begin again in the event of the appraiser being changed.**

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*All line managers to whom the head teacher has delegated the role of appraiser will receive appropriate preparation for that role.*

## **13. The Appraisal cycle**

**The performance of the head teacher and teachers must be reviewed on an annual basis. Performance planning and reviews must be completed for all teachers by 31 October and for head teachers by 31 December.**

***The appraisal cycle in this school, therefore, will run from 1<sup>st</sup> November to 31<sup>st</sup> October for teachers and from 1<sup>st</sup> January to 31<sup>st</sup> December for the head teacher. Any financial uplift that results from the appraisal outcome will become payable from 1<sup>st</sup> September in the same year.***

*Teachers, who are employed on a fixed term contract of at least one term but less than one year, will have their appraisal in accordance with the principles underpinning the provisions of this policy. The length of the cycle will be determined by the duration of their contract.*

**Where a teacher starts their employment at the school part-way through a cycle, the head teacher or, in the case where the teacher is the head teacher, the governing body shall determine the length of the first cycle for that teacher, with a view to bringing their cycle into line with the cycle, including any pay uplift, for other teachers at the school as soon as possible.**

**Where a teacher is absent owing to illness or maternity part-way through a cycle or is employed on a part-time basis, the objectives shall be adjusted so that they are proportionate.**

**Where a teacher transfers to a new post within the school part-way through a cycle, the head teacher or, in the case where the teacher is the head teacher, the governing body shall determine whether the cycle shall begin again and whether to change the appraiser.**

## **14. Retention of appraisal reports**

*Appraisal reports should be retained in a safe and secure manner for a period of 6 years and should then be destroyed via confidential means.*

## **15. Monitoring and evaluation**

*The governing body will monitor the operation and outcomes of appraisal arrangements.*

**The head teacher will provide the governing body with a written report on the operation of the school's appraisal policy annually. The report will not contain**

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any information which would intentionally enable any individual to be identified. The report will include:

- **the operation of the appraisal policy;**
- **the effectiveness of the school's appraisal procedures;**
- **teachers' training and development needs**
- **impact of appraisal on school improvement**
- **measures to support or address any poor performance**

*The Governing Body is committed to ensuring that the appraisal process is fair and non-discriminatory, and in accordance with its Equal Opportunities Policy.*

*This will include, in a confidential section, appropriate details of:*

- 1. any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the categories above in relation to performance management*
- 2. cases, including the circumstances, where teachers have not made satisfactory progress towards objectives*
- 3. any instances where the training and development set out in the training and development annex of a planning and review statement has not been provided*

*The report will intend not to enable any individual to be identified.*

## **16. Review of the policy**

**The Governing Body will review the appraisal policy every school year.**

*The Governing Body will take account of the head teacher's report in its review of the appraisal policy. The policy will be revised as required to introduce any changes in regulation to ensure that it is always up to date.*

**The Governing Body will seek to agree any revisions to the policy with the recognised trade unions having regard to the results of the consultation with all teachers.**

*To ensure teachers are fully conversant with the appraisal arrangements, **all new teachers who join the school** will be briefed on them as part of their introduction to the school.*

## **17. Access to documentation**

*Copies of the school improvement and development plan and any other associated documents can be obtained from the school office (or other specified place).*

## **18. Classroom observation**

**All classroom observation will be undertaken in accordance with the appraisal regulations**

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This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion and in accordance with Annex 2. *(Schools may like to be more specific here about how observations will be conducted – or to refer to any separate document that clarifies how classroom observation will be conducted in their school).*

In this school teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will only be carried out by those with QTS. In addition to formal observation, head teachers or other leaders with responsibility for teaching standards may "drop in" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances *(schools may wish to be more specific about "drop in" observations).*

Teachers (including the head teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

## **19. Data Protection**

When conducting an employee's appraisal, the school processes personal data collected in accordance with its data protection policy. Data collected by the school as part of the operation of the appraisal process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their appraisal. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

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## **Annex 1 – Teachers experiencing difficulties in performance.**

When dealing with a teacher experiencing difficulties, the objective is to provide support and guidance in such a way that the teacher's performance improves and the problem is, therefore, resolved.

Where it is apparent that a teacher's personal circumstances are leading to difficulties at school, support will be offered as soon as possible, without waiting for the formal annual assessment.

If an appraiser identifies through the appraisal process, or via other sources of information, for example parental complaints, that the difficulties experienced by a teacher are such that, if not rectified, could lead to capability procedures the appraiser, the head teacher, or a member of the leadership team, will meet the teacher to:

- give clear oral and written feedback to the teacher about the nature and seriousness of the concerns, providing the teacher the opportunity to comment on and discuss these;
- following the feedback session, a teacher will be invited to a meeting where the concerns are outlined in more detail. At that meeting, which will be held following at least five days' notice, the teacher's targets for improvement will be discussed alongside a programme of support. Prior to the meeting, the teacher will be advised that they have the right to be assisted by a representative of an independent trade union or work place colleague, and at any future meetings where capability will be discussed;
- in consultation with the teacher at the above meeting, an action plan with support will be established (for example coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers), that will help address those specific concerns; and
- make clear how progress will be monitored and when it will be reviewed;
- explain the implications and process if no – or insufficient – improvement is made including the strong likelihood that there will be no pay progression.

The teacher's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the teacher's performance to improve. This will depend upon the circumstances, with appropriate support as determined by the Action Plan, in order that the aim of recovering and improving performance can be achieved. During this monitoring period the teacher will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made such that the teacher is performing at a level that indicates there is no longer a possibility of capability procedures being invoked the teacher should be informed of this at a formal meeting with the appraiser or head teacher. Following this meeting the appraisal process will continue as normal.

If no, or insufficient, improvement has been made over this period, the teacher will be invited to a First Formal Capability Meeting under the Formal Capability Procedure to determine whether formal capability proceedings need to be commenced or the appraisal

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process remains in place. The teacher may be assisted by a trade union representative or work colleague and will have at least five working days' notice of the meeting. (See Capability model policy – teaching staff (P329b) on HR InfoSpace.

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## **Annex 2 – Classroom observation protocol**

*The Governing Body is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:*

- *carry out the role throughout the year with professionalism, integrity and courtesy;*
- *evaluate objectively;*
- *report accurately and fairly; and*
- *respect the confidentiality of the information gained.*

*The amount of observation for each teacher should reflect and be proportionate to the needs of the individual.*

*Information gathered during the observation will be used, as appropriate, for a variety of purposes including to inform school self-evaluation and school improvement strategies in accordance with the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on staff.*

*In keeping with the commitment to supportive and developmental classroom observation those being observed will be notified five days in advance.*

**Classroom observations will only be undertaken by persons with QTS.** *In addition, in this school classroom observation will only undertaken by those who have had adequate preparation and the appropriate professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.*

*Oral feedback will be offered as soon as possible after the observation and normally no later than the end of the following working day. It will be given during directed time in a suitable, private environment. Feedback will highlight strengths and areas that need attention. Where there are concerns about any aspect of the teacher's performance, the appraiser will give clear feedback and give the teacher the opportunity to comment and discuss the findings and to agree any support*

**Written feedback will be provided within five working days of the observation taking place.** *If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement these should also be covered in the written feedback and the appropriate action taken in accordance with the regulations and guidance. This will include details on how the appraiser will continue to review progress and the implications of the process, if progress was insufficient and continued to be so.*

*The written record of feedback also includes the date on which the observation took place, the lesson observed and the length of the observation. **The teacher has the right to append written comments on the feedback document.** No written notes in addition to the written feedback will be kept.*

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*A head teacher has a duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. Heads have a right to drop in to classrooms to inform their monitoring of the quality of learning. Head teachers may consider the classroom observations they have agreed for appraisal are sufficient and that drop ins will not be needed.*

*In this school:*

drop ins will be undertaken by an appropriate member of staff, as designated by the headteacher

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## **Annex 3 – Pay and Performance Management Appeal Procedure**

A member of staff may make an appeal against any determination or proposed determination in relation to their pay or performance management.

- i) The possible grounds for appeal are that the person or committee by whom the decision was made:
  - incorrectly applied any provision of the Teacher Appraisal Regulations;
  - failed to have proper regard for the relevant statutory guidance;
  - failed to take proper account of any relevant evidence;
  - took account of irrelevant or inaccurate evidence;
  - failed to apply the **school's own performance management policy**;
  - was biased; or
  - otherwise unlawfully discriminated against the teacher.
  
- (ii) Any appeal against non-spinal column point progression will not be dealt with by this procedure. Such appeals will be dealt with by the school's Pay Policy Appeal Procedure.

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## **ANNEX 3 (a) – Performance Management Appeal Procedure**

### **Procedure at a Hearing of the Performance Management Appeal Committee of the Governing Body (Headteacher)**

1. The committee should elect a Chair who should then introduce those present and explain the purpose of the hearing.
2. The Headteacher, or nominated person, should present evidence on the case, referring to any relevant documentation.
3. The designated member of the appropriate Performance Management Committee should be given the opportunity to ask questions.
4. The members of the committee and their adviser(s) should be given the opportunity to ask questions.
5. The designated member of the appropriate Performance Management Committee should present their case referring to any relevant documentation.
6. The Headteacher, or their representative, should be given the opportunity to ask questions.
7. The members of the Committee and their adviser(s) should be given the opportunity to ask questions.
8. The Headteacher, or their representative, should make a closing statement.
9. The designated member of the appropriate Performance Management Committee should make a closing statement.
10. The Chair of the Performance Management Appeal Committee should call an adjournment. All parties will be required to withdraw except members of the Committee and their adviser(s) who consider the evidence, discuss the case and the Committee will reach a decision.

#### **Note**

The Chair of the Committee may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for the Chair may be granted at the discretion of the Committee.

11. The Performance Management Appeals Committee will deliberate in private and will communicate their decision to all parties within 48 hours.
12. The decisions of the Governing Body's Performance Management Appeals Committee are final and there is no recourse to the staff grievance procedure.

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## **ANNEX 3<sup>(b)</sup> - Performance Management Appeal Procedure**

### **Procedure at a Hearing of the Performance Management Appeal Committee of the Governing Body (for staff other than the Headteacher)**

1. The committee should elect a Chair who should then introduce those present and explain the purpose of the hearing.
2. The appellant or their representative should present evidence on the case, referring to any relevant documentation.
3. The Headteacher or designated member of the appropriate Performance Management Committee and their representative should be given the opportunity to ask questions.
4. The members of the committee and their adviser(s) should be given the opportunity to ask questions.
5. The Headteacher or designated member of the appropriate Performance Management Committee and their representative should present his/her case referring to any relevant documentation.
6. The appellant, or their representative, should be given the opportunity to ask questions.
7. The members of the Committee and their adviser(s) should be given the opportunity to ask questions.
8. The appellant, or their representative, should make a closing statement.
9. The Headteacher, or their representative, should make a closing statement.
10. The Chair of the Performance Management Appeal Committee should call an adjournment. All parties will be required to withdraw except members of the Committee and their adviser(s) who consider the evidence, discuss the case and the Committee will reach a decision.

#### **Note**

The Chair of the Committee may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for the Chair may be granted at the discretion of the Committee.

11. The Performance Management Appeals Committee will deliberate in private and will communicate their decision to all parties within 48 hours.
12. The decisions of the Governing Body's Performance Management Appeals Committee are final and there is no recourse to the staff grievance procedures.

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