

## **APPRAISAL AND CAPABILITY POLICY**

**Lead** Director of Education

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# APPRAISAL AND CAPABILITY POLICY

## 1. Introduction

*The Collegiate Trust* is a partnership of schools in Crawley and Croydon whose purpose is to build *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: **ambition & collaboration**, as well as in our desired outcomes: **achievement & enjoyment**. This policy provides a key mechanism that informs our wider *School Improvement Strategy*.

### 1.1 Aims of the Policy

- 1.1.1 This policy sets out the framework for a clear and consistent assessment of the overall performance of all staff in each school and for supporting their development within the context of the school's *Development Plan* and their own professional needs. It also sets out the transition to capability procedures where there are serious concerns about a colleague's performance. Where colleagues are eligible for pay progression, the assessment of performance throughout the cycle against the performance criteria specified in the statement will be the basis on which the recommendation is made by the appraiser.
- 1.1.2 The policy is in two separate sections. Part A of the policy, which covers *Appraisal*, applies to the Principal or Headteacher (hereafter referred to as the *Principal*) and to all colleagues employed in the School, except those on contracts of less than one term, those undergoing induction (i.e. ECTs) and those who are subject to Part B of the policy. Part B of the policy, which sets out the formal *Capability* procedure, applies only to colleagues (including the Principal) about whose performance there are serious concerns that Part A of this policy has been unable to address.
- 1.1.3 Appraisal will be a supportive and developmental process designed to ensure that all colleagues have the skills and support they need to carry out their role effectively. It will help to ensure that staff are able to continue to improve their professional practice and to develop as valued and effective colleagues, making a positive contribution to performance improvement.

### 1.2 Principles of the Policy

- 1.2.1 Colleagues are encouraged to take ownership of their appraisal plans, using them for personal benefit as professional development tools. The key components of the appraisal cycle should be used to motivate and enthuse individuals:
- Discussion about one's own practice (job satisfaction)
  - Reviewing progress (achievement)
  - Acknowledging strengths and sharing expertise (recognition)
  - Setting new developmental targets (advancement)
- 1.2.1 This policy should be read in conjunction with the *Salary Policy* which provides details of the arrangements relating to pay. Colleagues should note that these policies and associated procedures are highly mechanistic and describe functions and systems. At no time should such systems represent the totality of work on performance management; high quality discussion, joint practice development and strong collaborative opportunities are key to successful performance improvement.

## 2. Part A - Appraisal

- 2.1 To comply with the requirement to show how the arrangements for appraisal link with those for school improvement, self-evaluation and development planning, and to minimise workload and

bureaucracy, the appraisal process will be the main source of information for the evaluation of teaching and learning and the wider school improvement process.

2.2 The appraisal process is the key mechanism for deciding on salary progression for staff, in accordance with the *Salary Policy*. As part of this process, analyses of the impact of professional development and performance improvement, such as pupil and student attainment / progress, will be reviewed.

2.3 All appraisers should explore the alignment of colleagues' development and performance objectives with the school's priorities and plans. The objectives should reflect colleagues' professional aspirations.

### **3. Quality Assurance and Consistency**

3.1 The Collegiate Trust is committed to ensuring consistency of treatment and fairness in the operation of appraisal. To ensure this, the following provisions are made in relation to moderation, quality assurance and objective setting.

3.2 The Principal will discuss with each line manager in the autumn term the appraisal objectives agreed with each member of the team. It is also good practice for the SLT to moderate the objectives they have set for members in their team, to ensure appropriate levels of challenge in objectives according to the role and responsibility of the colleague. Any necessary moderation will take place at this point, with further refinement at the mid-year review in February where necessary.

3.3 The Chair or Vice Chair of Governors, whichever is not involved in the review of the Principal's performance, will review the appraisal objectives of all members of the SLT with the Principal.

3.4 *The Collegiate Trust* will review the quality assurance processes when this policy is reviewed.

### **4. Appointment of Appraisers**

4.1 *The Collegiate Trust* is the appraiser for the CEO and will appoint a sub-committee of two non-executive Directors from the Board as a *Performance & Remuneration Committee* (PRC) to carry out this process. In doing so, the PRC considers:

- a. Educational outcomes across the Trust
- b. Leadership of the Trust
- c. Growth and complexity of the Trust

This is within the context of the Trust's annual Strategic Plan and agreed Trust objectives. This subcommittee makes a recommendation to the full Board – from which discussion the CEO is excluded – about quality of performance and salary level.

4.2 The CEO is the appraiser for all central Trust staff, although he may delegate aspects of this role to the Director of Education, COO or CFO.

4.3 *The Collegiate Trust* is the appraiser for the Principal and will appoint a sub-committee of three Governors from the LGB, to include the CEO or his nominee, and one of the Chair or Vice Chair of the LGB. In reviewing performance and salary, this committee considers:

- a. Educational outcomes in the school
- b. Leadership of the school

### c. Contribution as a leader across the wider Trust

This subcommittee makes a recommendation to the full LGB – from which discussion the Principal is excluded – about quality of performance and salary level.

## 5. Appointment of Appraisers for Colleagues in Academies

- 5.1 The Principal will be the appraiser for all members of the SLT.
- 5.2 The Principal will establish an appropriate line manager as the appraiser for each colleague. The Appraisal Tree will be published each year as part of the *Staff Handbook*.
- 5.3 Where a colleague is of the opinion that the person to whom the Principal has delegated the Appraiser's duties is unsuitable for professional reasons, they may submit a written request to the Principal for that appraiser to be replaced, stating those reasons.
- 5.4 Where it becomes apparent that the appraiser will be absent for the majority of the cycle or is unsuitable for professional reasons, the Principal may perform the duties themselves or delegate them in their entirety to another colleague. Where this colleague is not the colleague's line manager, the alternative appraiser will have an equivalent or higher status in the staffing structure as the original appraiser. Where necessary, the Principal or Chair of Governors may request support from the Director of Education in providing additional appraisal capacity. An appraisal cycle will not begin again in the event of the appraiser being changed.
- 5.5 All line managers to whom the Principal has delegated the role of appraiser will receive appropriate preparation for that role.

## 6. The Appraisal Cycle

- 6.1 The performance of colleagues must be reviewed on an annual basis. The *Annual Appraisal Reviews (AAR)* and objective setting for the coming year must be completed for all colleagues by 31<sup>st</sup> October and for the Principal by 31<sup>st</sup> December. All information is recorded in the Appraisal Plan.
- 6.2 The appraisal cycle, therefore, will run from 1<sup>st</sup> September to 31<sup>st</sup> August for colleagues and the Principal.
- 6.3 Colleagues who are employed on a fixed term contract of less than one year will have their performance managed 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.
- 6.4 Where a colleague starts their employment at the school part-way through a cycle, the Principal or, in the case where the colleague is the Principal, the Trust, shall determine the length of the first cycle for that colleague, with a view to bringing the cycle into line with the cycle for other staff at the school as soon as possible.
- 6.5 Where a colleague transfers to a new post within the school part way through a cycle, the Principal shall determine whether the cycle shall begin again and whether to change the Appraiser.

## 7. Objective Setting

- 7.1 The Principal's objectives will be set by the relevant sub-committee outlined in 4.3.

7.2 Objectives for each colleague will be set before, or as soon as practicable after, the start of each appraisal cycle. The objectives set will be *Specific, Measurable, Achievable, Realistic and Time-bound* and will be appropriate to the colleague's role, level of experience and professional development aspirations. All teachers should be assessed against the set of standards contained in the *Teachers' Standards* published in September 2012. Objectives will have regard to what can reasonably be expected of any colleague in that position given the desirability of the colleague being able to achieve a satisfactory balance between the time required to discharge professional duties and development, and the time required to pursue personal interests outside work; consistent with the Trust's strategy for bringing downward pressure on working hours.

7.3 There will be three objectives that may be revised if there is a significant change in circumstances, e.g. change of job role, long term sickness, maternity leave or if a colleague requires more support to meet the relevant standards. Appraisal plans should also detail how each objective will be achieved and clear success criteria for evaluation. For classroom-based staff, objectives should be as follows:

**Objective 1 Professional Outcomes**

Colleagues should use progress measures to generate a data-driven objective that requires progress for all. For TLR postholders, this should relate to the achievement of their area.

**Objective 2 Professional Practice / Relationships**

This objective should seek to develop an individual's teaching and learning practice and pedagogic capability and will include the informal observation of and the reflection on at least one lesson delivered by a peer.

**Objective 3 Professional Development**

This objective should support the achievement of the individual's professional development plan aligned with the School Development Plan / Team QIP.

The objectives for non-classroom based staff should be adapted accordingly and are likely to focus on the following standards for support staff:

- Managing self and personal skills
- Providing direction
- Facilitating change
- Working with people
- Effective use of resources
- Achieving results

Objectives should be such that, if they are achieved, will contribute to improving the achievement of students at the school.

7.4 The appraiser and colleague will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. They will take into account individual career aspirations, areas of professional development and the responsibility level of an individual member of staff.

7.5 Though appraisal is an assessment of overall performance of a colleague, objectives cannot cover the full range of each individual's roles and responsibilities. Objectives will, therefore, focus on the priorities for an individual for the cycle. At the review stage it will be assumed that those aspects of a colleague's roles and responsibilities not covered by the objectives, or any amendment to the

statement that may have been necessary in accordance with the provisions of the regulations, have been carried out satisfactorily.

## **8. Reviewing Progress**

- 8.1 Each colleague will have an interim review of progress, scheduled by the school and according to the terms of the Salary Policy
- 8.2 At the end of the cycle, assessment of performance against objectives will be on the basis of the performance criteria set at the beginning of the cycle and will consider whether a colleague has developed professionally and made a positive contribution to the performance improvement of the school. Alongside this, line managers will complete a review of each teacher against the [Teacher Standards](#), for classroom teachers, and the [Headteachers' Standards 2020](#) for all members of SLT; for support staff assessment will be against the *Support Staff Standards*. This review will seek to confirm that staff have met each of the relevant Standards. In considering the evidence of achievement of the performance objectives and the Professional Standards, the line manager will confirm that the member of staff has either demonstrated *a level of performance which is (a) good, or (b) not good enough*. From this, the Principal will make a decision about salary progression. For colleagues who have demonstrated an exceptional level of performance, the Principal will, at his or her discretion, award a bonus payment as outlined in the Salary Policy.
- 8.3 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 next cycle.

## **9. Classroom Observation Protocol**

- 9.1 Observation of classroom practice and other responsibilities is important, both as a way of assessing colleagues' 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.
- 9.2 Colleagues (including the Principal) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.
- 9.3 All classroom observation will be undertaken in accordance with the appraisal regulations and this classroom observation protocol.
- 9.4 Classroom observation will be developmental and supportive. Staff involved in the process will:
- carry out the role with professionalism, integrity and courtesy;
  - evaluate objectively;
  - report accurately and fairly; and
  - respect the confidentiality of the information gained, subject to requirements of paragraph 14 below.
- 9.5 Each colleague will be formally observed at least twice and not more than three times in a cycle, for the purposes of performance management and appraisal, or Teaching Learning Leadership Review (TLLR). Outside of the requirements for appraisal, colleagues may also be observed through any external reviews, e.g. OFSTED, or to support the developments in and research of teaching and learning.
- 9.6 The arrangements for classroom observation will be included in the planning and review statement and will include the amount of observation, specify its primary purpose, any particular aspects of

the colleague's performance which will be assessed, the duration of the observation, when during the appraisal cycle the observation will take place and who will conduct the observation.

- 9.7 Where evidence emerges about the colleague's teaching performance that gives rise to concern during the cycle, classroom observations may be arranged in addition to those recorded at the beginning of the cycle, subject to a revision meeting being held in accordance with the regulations.
- 9.8 Information gathered during the observation will be used, as appropriate, for a variety of purposes including informing school self-evaluation and wider improvement strategies in accordance with the Trust's commitment to streamlining data collection and minimising bureaucracy and workload burdens on staff.
- 9.9 The purpose of lesson observation is to support and develop practice.
- 9.10 Classroom observations will only be undertaken by persons with QTS. In addition, observation will only be 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.
- 9.11 Oral feedback will be given as soon as possible after the observation and no later than the end of the following working day. It will be given during directed time unless otherwise agreed, in a suitable, private environment.
- 9.12 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.
- 9.13 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 colleague has the right to append written comments on the feedback document. No written notes in addition to the written feedback will be kept.
- 9.14 The Principal, SLT and senior staff have a duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. They have the right at any time to drop in and spend time in lessons to inform monitoring of the quality of learning and to support the good order of the school.
- 9.15 Learning walks will only inform the appraisal process where evidence arises which merits the revision of the appraisal planning statement, in accordance with the provisions of the regulations.

## **10. Feedback**

- 10.1 Colleagues will receive constructive feedback on their performance throughout the year. Feedback will highlight particular areas of strength as well as any areas that need attention. Where there are concerns about any aspects of the colleague's performance, the appraiser will meet the colleague formally to:
- give clear feedback to the colleague about the nature and seriousness of the concerns;
  - give the colleague the opportunity to comment and discuss the concerns;
  - if the concerns are sufficiently serious that, if not addressed, they could lead to formal capability procedures, invite the colleague to be accompanied by a Trade Union representative or work based colleague at the above meeting and any subsequent review meeting (meetings will not be delayed if a companion is not available);
  - agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns (as part of the support, it may be agreed that additional

classroom observations are needed in excess of those referred to in the Classroom Observation Protocol);

- make clear how, and by when, the appraiser will review progress (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time, reflecting the seriousness of the concerns, for improvement);
- explain that if no, or insufficient, improvement is made then the matter could move to the formal capability procedure.

Written confirmation of the support that is to be offered and the timescales for improvement will be provided within 5 working days of the meeting.

10.2 The intention of this process is that it should be supportive and is designed to bring about an improvement in performance. The *Teacher Support and Development Programme (TSDP)* will be considered and may be used as a vehicle for supporting colleagues and improving the quality of classroom practice. At the end of the support process, progress will be reviewed. If the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process. If progress has been insufficient, the teacher will be advised and will be invited to a formal meeting using the process described in paragraph 12. The teacher should be aware that this could have been a possibility if they have not made sufficient progress during the support process.

## **11. Transition to Capability**

11.1 If the appraiser is not satisfied with progress, this will be discussed with the Principal for approval to transition to the capability route. If approved by the Principal, the colleague will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting. The capability procedures will be conducted in accordance with Part B of this policy.

## **12. Annual Appraisal Review**

12.1 Each colleague's performance will be formally assessed in respect of each appraisal period in the *Annual Appraisal Review (AAR)*. This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year, to include a formal interim review half way through the year; during which the line manager will confirm that the member of staff is demonstrating *a good level of performance* or *a level of performance which is not good enough*.

12.2 The process for the AAR, and its links to the *Annual Salary Assessment (ASA)* are outlined in Annex B of the *Salary Policy*.

12.3 The colleague will receive a written appraisal report as soon as practicable following the end of each appraisal period (no later than 31<sup>st</sup> October for colleagues, no later than 31<sup>st</sup> December for the Principal). Colleagues will have the opportunity to comment in writing on this report which will include:

- details of the colleague's objectives for the appraisal period in question;
- an assessment of the colleague's performance of their role and responsibilities against their objectives and the relevant standards;
- an assessment of the colleague's training and development needs and identification of any action that should be taken to address them;

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

### **13. Appeals**

- 13.1 At specified points in the appraisal process colleagues have a right of appeal against any of the entries in their planning and review statements. Where a colleague wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.
- 13.2 Details of the appeals process are the same as in the *Salary Policy*.

### **14. Confidentiality**

- 14.1 The whole appraisal process and the statements generated under it, in particular, will be treated with strict confidentiality at all times. Only the colleague's line manager or, where s/he has more than one, each of her/his line managers will be provided with access to the colleague's plan recorded in her/his statement, upon request, where this is necessary to enable the line manager to discharge her/his line management responsibilities. Colleagues will be told who has requested and has been granted access. Copies of lesson observations completed within the appraisal process form a central part of the school's self-evaluation of teaching and learning and must be provided to the colleague, line managers and Principal. Copies of training and development needs must be provided also to the senior colleague who carries the responsibility for training issues.

### **15. Continuing Professional Development (CPD)**

- 15.1 Each school's CPD programme will be informed by the training and development needs identified in the training annex of the colleagues' planning and review statements.
- 15.2 The Principal 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 colleagues.
- 15.3 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 a colleague to meet their objectives; and (b) the extent to which the training and support will help the school to achieve its priorities. The school's priorities will have precedence. Colleagues should not be held accountable for failing to make good progress towards meeting their performance criteria where the support recorded in the planning statement has not been provided.

### **16. Retention of Statements**

- 16.1 Appraisal planning and review statements will be retained for six years and then destroyed.

### **17. Monitoring and Evaluation**

- 17.1 The Director with oversight of HR will monitor the operation and outcomes of appraisal arrangements by considering the analysis of salaries presented by the CEO in the spring term.
- 17.2 The Trust is committed to ensuring that the appraisal process is fair and non-discriminatory.
- 17.3 The Principal will report to the CEO on any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

### **18. Review of the Policy**

- 18.1 The Trust will consider this policy every school year.
- 18.2 The policy will be revised as required to introduce any changes in regulation and statutory guidance to ensure that it is always up to date.

18.3 Where significant changes have been made, the review by the Trust will follow consultation on the policy between the CEO and colleagues through their union representatives.

18.4 To ensure colleagues are fully conversant with the appraisal arrangements, all new colleagues who join the school will be briefed on them as part of their induction.

## **19. Access to Information**

19.1 Copies of the school's Development Plan and analyses of examination performance are available from senior staff.

## **PART B – CAPABILITY**

### **20. Formal Capability Meeting**

20.1 At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the colleague to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the colleague of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

20.2 This meeting is intended to establish the facts. It will be conducted by the Principal (or CEO in the case of the Principal's capability). The meeting allows the colleague, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

20.3 The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting, for example, if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

20.4 In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, for example, which of the standards expected of colleagues are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the colleague can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);
- explain any support that will be available to help the colleague improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases could be between four and ten weeks, which should provide sufficient opportunity for an improvement to take place);
- warn the colleague formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

20.5 Notes will be taken of formal meetings and a copy sent to the colleague. Where a warning is issued, the colleague will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.

## **21. Monitoring and Review Period following a Formal Capability Meeting**

21.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The colleague will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see below).

## **22. Formal Review Meeting**

22.1 As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the colleague of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

22.2 If the person conducting the meeting is satisfied that the colleague has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- If no, or insufficient improvement has been made during the monitoring and review period, the colleague will receive a final written warning.

22.3 As before, notes will be taken of formal meetings and a copy sent to the colleague. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The colleague will be invited to a decision meeting.

## **23. Decision Meeting**

23.1 As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the colleague of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

23.2 If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory, a decision will be made that the colleague should be dismissed or required to cease working in the Trust.

23.3 The colleague will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

## **24. Decision to Dismiss**

24.1 The power to decide that members of staff should no longer work at a school rests with the Principal (and the CEO in the case of the Principal).

24.2 Once the decision to dismiss has been taken, the Principal (or CEO in the case of the Principal) will dismiss the colleague with notice.

**25. Appeal**

25.1 If a colleague feels that a decision to dismiss them, or other action taken against them is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the colleague.

25.2 The appeal will be heard by the CEO, or in the case of the dismissal of the Principal by a panel of 3 Directors, not including the CEO.

25.3 The colleague will be informed in writing of the results of the appeal hearing as soon as possible.