

Teacher Appraisal And Capability Policy 2017/18

Part A – Appraisal

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 sets out the arrangements that will apply when teachers fall below the levels of competence that are expected of them.

Application of the policy

The policy covers appraisal which 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, those undergoing induction (i.e. NQTs) and those who are subject to the capability procedure.

The policy also applies to support staff within the school subject to variations detailed in the Addendum.

Appraisal

Appraisal in this school will be a supportive and developmental process designed to ensure that all teachers have the skills and support they need to carry out their role effectively. It will help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

The appraisal period

The appraisal period will run for twelve months.

Teachers who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. **The length of the period will be determined by the duration of their contract.**

Where a teacher ceases employment other than at the end of the appraisal period applying in this school the appraisal period ends with the last day of such employment. In this situation an appraisal statement will be produced by the school to reflect performance against the relevant standards and progress against objectives.

Where a teacher joins the school prior to the beginning of the appraisal period applying in this school a shorter or longer appraisal period will be applied with a view to bringing the cycle in line with that of other teachers at the school as soon as possible.

Appointing appraisers

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

In this school the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of two/three (*delete as appropriate*) members of the Governing Body.

The head teacher will decide who will appraise other teachers. *In this school where the head teacher is not the appraiser, the head teacher will determine which line manager will be best placed to manage and review the teacher's performance. Where the head teacher decides to delegate the role of appraiser the role is delegated in its entirety.*

Setting objectives

The head teacher's objectives will be set by the Governing Body after consultation with the external adviser.

Objectives for each teacher will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each teacher, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the teacher's role and level of experience. *Consideration will be given to appropriate support and training needed by the teacher to achieve their objectives and where agreed these should be recorded. Consideration will also be given to the necessary monitoring arrangements and these should be recorded.* The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

The objectives set for each teacher will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school. This will be ensured by *appropriate moderation as determined by the head teacher.*

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. *All teachers should be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The head teacher or governing body (as appropriate) will need to consider whether*

certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

Reviewing performance

Observation

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. *(Specific guidance on the conduct of classroom observations in this school is contained within the classroom observation protocol which can be found in Appendix 2).*

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 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 standard performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances.

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

Development and support

Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.

Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. *Verbal feedback from formal observations for the purposes of Appraisal should be provided as soon as possible following the observation. Written feedback will be provided within 5 working days.* Feedback will highlight particular areas of strength as well as any areas that need attention.

Where there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher formally to:

- give clear feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment and discuss the concerns;
- agree any support (eg coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- 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 for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns*);
- explain the implications and process if no – or insufficient – improvement is made.

When progress is 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.

Transition to capability

If serious concerns remain regarding a teacher's performance that have not been able to be addressed within the Appraisal process, the teacher 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 they will be invited to a Stage 1 capability meeting. Capability issues will be conducted as per the separate policy on capability.

Annual assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the head teacher, the Governing Body must consult the external adviser.

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 in interim meetings which will take place *termly /mid-year*.

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on - a written appraisal report. The appraisal report will include:

- 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 training and development needs and identification of any action that should be taken to address them;**
- **a recommendation on pay where that is relevant**

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

Confidentiality

The appraisal process will be treated with confidentiality. However, the desire for confidentiality does not override the need for the head teacher and governing body to quality-assure the operation and effectiveness of the appraisal system.

The following provisions are made in relation to moderation and quality assurance:

- a) In this school the head teacher has determined that she will delegate the appraiser role for some or all teachers for whom s/he is not the line manager. In these circumstances the head teacher will moderate a sample of the teachers' objectives and written appraisal report to ensure that the teacher's objectives and appraisal report comply with the school's appraisal policy and the regulations and to check consistency of approach and expectation between different appraisers.
- b) The head teacher will also be made aware of any pay recommendations that have been made.
- c) In this school the governing body will choose not to quality assure the head teachers objectives or appraisal report.

Consistency of Treatment and Fairness

The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Definitions

Unless indicated otherwise, all references to "teacher" include the head teacher.

Delegation

Normal rules apply in respect of the delegation of functions by governing bodies, head teachers and local authorities.

Grievances

Where a member of staff is aggrieved in relation to the application of this policy, they will have recourse to the School's Grievance Procedure.

Monitoring and Evaluation

The governing body and head teacher will monitor the operation and effectiveness of the school's appraisal arrangements. To facilitate this, 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 any information which would enable any individual to be identified.

Retention

The governing body and head teacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

Part B Capability Procedure

This procedure applies only to teachers or head teachers about whose performance there are serious concerns that the appraisal process has been unable to address.

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 teacher 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 teacher 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.

Formal Capability Meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for headteacher capability meetings) or headteacher (for other teachers) The meeting allows the teacher, 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.

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.

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 teachers are not being met;*
- give clear guidance on the improved standard of performance needed to ensure that the teacher 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 teacher 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 *(insert time period – eg between four and ten weeks. It is for the school to determine the set period. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place);* and
 - warn the teacher 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.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the teacher 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.

Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff 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).

Formal review meeting

As with formal capability meetings, at least five (*or insert alternative*) working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher 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.

If the person conducting the meeting is satisfied that the teacher 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 teacher will receive a final written warning.

As before, notes will be taken of formal meetings and a copy sent to the member of staff. 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 teacher will be invited to a decision meeting.

Decision meeting

As with formal capability meetings and formal review meetings, at least five (*or insert alternative*) working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher 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.

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, or recommendation to the Governing Body, will be made that the teacher should be dismissed or required to cease working at the school.¹

Before the decision to dismiss is made, the school will discuss the matter with the local authority (*N.B. this is not a legal requirement but schools may find it helpful*).

The teacher 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

Decision to dismiss

The power to dismiss staff in this school has been delegated to the headteacher/to one or more governors

Dismissal

Once the decision to dismiss has been taken, the Governing will dismiss the teacher with notice.

Appeal

If a teacher 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 (*or substitute alternative*) 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 teacher.

The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case.

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

Appendix 1

ADDENDUM TO THE APPRAISAL POLICY TO ENABLE GOVERNING BODIES TO ADOPT A SINGLE POLICY FOR THE WHOLE SCHOOL WORKFORCE.

Support Staff

The provisions set out within the school's Appraisal Policy relate to the statutory requirements for the appraisal processes and the links to pay progression that have been established for staff employed on School Teachers Pay and Conditions.

It is important, however, that this school acknowledges and formally records that whilst these statutory elements do not apply to support staff, all of the principles underpinning appraisal as outlined in the school's Appraisal Policy apply equally to those staff.

This school is committed to ensuring that *all* staff receive the appropriate support to enable them to develop professionally in their respective roles and maximise their contribution to the schools overall efficiency and effectiveness.

Therefore, support staff in this school will be provided with a comparable appraisal process to that of teachers.

Whilst all of the principles underpinning appraisal as outlined in the school's appraisal policy apply equally to support staff, specific differences will exist in the practical application of the policy to those staff. These differences are outlined below.

The Appraisal Process for Support Staff

1. Reviewing Progress

Rotherham's pay and grading structure provides opportunity for annual incremental pay progression, within the grade, for all support staff, linked to performance.

Progression will be dependent upon:

- having a successful appraisal
- no formal final written warnings (sickness warnings not included).

Increments are awarded from the 1st July each year following an assessment of performance based on an assessment of the previous year. *In this school the appraisal cycle for support staff will be completed no later than June 30th.* If an increment is to be withheld then the head teacher will need to inform their payroll provider.

Once awarded, increments will not be removed.

For employees who on assessment may be judged not to have fully met their appraisal objectives there are a number of considerations to be made, and options available:

- In the case where an increment is withheld due to an unsuccessful appraisal, unachieved performance objectives may be carried forward into the next appraisal cycle and appropriate support and development planned. Should it be appropriate, the position could be reviewed at a 6 month interim review and, subject to satisfactory assessment, can be awarded from a date prior to the end of the formal cycle.
- Other issues such as inability or unwillingness to perform should be considered under the school's capability or disciplinary procedures as applicable. This is assuming the individual has been provided with sufficient notification and opportunities to improve performance.

New Starters

- In the case of new starters, promotions, regradings and redeployees assessment includes successful completion of an induction programme, basic training and the probation period (where appropriate).
- Employees with less than 6 months service in the band by 1st July i.e. those people appointed between 1 February and 30 June will be assessed 6 months after their date of appointment. Pay progression may be awarded at that time on the basis of performance.
- If the start date or appointment date into new grade falls between 1 July and 31 January, then the normal appraisal cycle should be used for assessment.

Long Term Absence (Sickness or Maternity)

- If an employee has had a long period of absence of 6 months or more i.e. maternity or sickness then incremental progression will not be withheld for this reason alone.
- In rarer situations of longer periods of absence e.g. a full year due to maternity or sickness, providing a satisfactory assessment period has been completed on return to work then increments can be awarded to place the employee at exactly the same point as they would have been had they not been absent. I.e. up to 2 increments awarded from the one assessment.

Appendix 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 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 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 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 in a suitable, private environment. 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 plan, these should also be given as written feedback.

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.

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 inform their monitoring of the quality of learning.