



# Teacher Appraisal and Capability Policy

May 2021

Signed:

Chair of Governors

## **Purpose**

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the Headteacher, 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.

The appraisal procedure will be used also to address any concerns that are raised about a teacher's performance. If concerns are such that they cannot be resolved through the appraisal process, there will be consideration of whether to commence the capability procedure.

## **Application of the policy**

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to the Headteacher and to all teachers employed by the school or local authority, except those on contracts of less than one term, those undergoing induction (*including Early Career Teachers*) 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 teachers (including the Headteacher) about whose performance there are serious concerns that the appraisal process has been unable to address.

## **Part A – 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** from October 31<sup>st</sup>.

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 and an individual teacher's objectives should take account of the length of contract.**

*There is flexibility to have a longer or shorter appraisal period when teachers begin or end employment with a school or local authority or when unattached teachers change post within the same authority.*

### **Appointing appraisers**

The Headteacher will decide who will appraise other teachers. Where teachers have an objection to the Headteacher's choice, their concerns will be carefully considered and where possible an alternative appraiser will be offered.

The Headteacher 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 Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of at least two members of the Governing Body – the Chair of Governors, and a representative from both or either, Curriculum and Resources, as well as the School Improvement Advisor.

### **Setting Objectives**

The Headteacher's objectives will be set by the appraisal sub-group of the Governing Body after consultation with the external adviser and the Head teacher.

Objectives will be set before or as soon as practicable after, the start of each appraisal period. The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the appraisee's role and level of experience. In setting the objectives, reviewers will have regard to what can reasonably be expected in the context of roles, responsibilities and experience, consistent with the school's strategy for achieving a work/life balance for all staff. Appraisees may at any point append their comments alongside their objectives.

The appraiser and appraisee will seek to agree the objectives. Objectives may be revised if circumstances change. The school operates a system of moderation to ensure that all appraisers are working to the same standards. Targets will be moderated across the school to ensure that they are consistent between teachers with similar experience and levels of

responsibility. Should the objectives not be agreed, the final decision on allocation of objectives rests with the head teacher.

The agreed objectives will contain a description of what success may look like. Where use of numerical targets is appropriate, these will be reasonable, in the circumstances in which the teacher works and it will be recognised that factors outside teachers' control may significantly affect success.

Setting more than three objectives, or using sub-targets, can lead to teachers experiencing unreasonable workload and pressure, making the objectives more difficult to achieve. Therefore, other than in exceptional circumstances, no teacher will be given more than three objectives.

The objectives set for each teacher are intended to contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school and will take into account the professional aspirations of the teacher.

The appraiser will take into account the effects of an individual's circumstances, including any disability, when agreeing objectives. For example, this might include a reasonable adjustment to allow an individual slightly longer to complete a task than might otherwise be the case. When staff returns from a period of extended absence, objectives may be adjusted to allow them to readjust to their working environment.

Before the start of each appraisal cycle, staff will be expected to complete a self-review (linked to the teacher standards) which will be discussed at the appraisal meeting. This will form a discussion between the appraisers and appraisee and be a basis of discussion of setting targets. If the appraiser doesn't agree with the self-assessment, evidence may be asked to be seen in order to prove the standard has been met.

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. Teachers will be assessed against the appropriate set of standards contained in the document "Teachers' Standards" published in June 2013 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/665520/Teachers\\_Standards.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/665520/Teachers_Standards.pdf)), which have been split into three criteria bands according to experience of the teacher (see pay policy). The Headteacher or Governing Body (as appropriate) will need to consider whether certain teachers should be assessed against other sets of standards published by the Secretary of State or other body that are relevant to them. For QTLS holders, that may include the overarching professional standards for teachers in the lifelong learning sector, held by the Learning and Skills Improvement Service.

## **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 and not add to teacher workload.

At least 5 working days' notice of the date and time of the observation will be given and verbal feedback provided by at least by the end of the next school day and written feedback if required, within 5 working days, unless circumstances make this impossible.

Classroom observation will be carried out by qualified teachers.

For the purposes of appraisal, teachers' performance will be observed on an appropriate and reasonable number of occasions and will, as far as possible, be agreed by the appraiser with the appraisee based on the individual circumstances of the teacher and the overall needs of the school. The number and duration of appraisal observations will be in accordance with the school observation protocol, which includes provision for exceptional circumstances where concerns have been raised about a teacher's performance, or where the teacher requests additional observation visits.

Headteachers or other leaders with responsibility for learning and teaching standards may "drop in" or undertake other observations to evaluate the standards of teaching and learning and to ensure that high standards of professional performance are established and maintained. The length and frequency of "drop in" or other observations, and the notice to be given, will vary depending on specific circumstances but will be in accordance with the school's classroom observation and drop-in policy.

For the purpose of professional development, feedback about lesson observations should be developmental, not simply a judgement using grades.

This school will use the findings of each observation, including appraisal observations, for other management requirements (for example subject area reviews), thereby seeking to minimise the total numbers of occasions on which teachers are observed.

Teachers (including the Head teacher) whose posts 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 on-going 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. Feedback will highlight particular areas of strength as well as any areas that need further development. 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, e.g. impact on pay progression and potential move to formal capability.

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.

### **Appeals – appraisal report**

Appraisees have a right of appeal against any of the entries in the written appraisal report. Details of the appeals process are available from the Headteacher or from the school Governing Body. Where the Headteacher has not been recommended for pay progression she will be informed by the appropriate Governor. The Headteacher will notify any teacher who has not been recommended for pay progression of the date when the Governing Body (Resources committee) meets to consider pay recommendations, following which the teacher (and Headteacher when the Head has not been recommended for pay progression) may exercise the right of appeal, assisted by a companion who may be a colleague, a trade union official or a trade union representative.

### **Transition to capability**

If the appraiser is not satisfied with progress, and has not responded to support provided 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 will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

### **Annual assessment**

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Headteacher, 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 with an interim meeting which will take place in March the following 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. In this school, teachers will receive their written appraisal reports by 31 October (31 December for the Headteacher). 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 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*);

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

## 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 should be no more than 10 weeks; 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 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 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.

The power to determine that the member of staff should no longer work at the school can be delegated to the Headteacher, to one or more governor, or to one or more governors acting with the Headteacher, but it is the local authority (as the employer) that actually dismisses staff (or – for those who work in more than one school – requires them to cease to work at the school).

Before the decision to dismiss is made, the school will discuss the matter with the local authority.

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 one or more governors acting with the Headteacher.

### **Dismissal**

**Once the Governing Body has decided that the teacher should no longer work at the school, it will notify the Local Authority of its decision and the reasons for it.** Where teachers work solely at this school, the Local Authority must dismiss them within fourteen days of the date of the notification. Where they work in more than one school, the local authority must require them to cease to work at this school (*Community, Voluntary Controlled, Community Special and Maintained Nursery Schools only*).

### **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 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.

### **General Principles Underlying This policy**

#### **ACAS Code of Practice on Disciplinary and Grievance Procedures**

Part B of the policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

#### **Confidentiality**

The appraisal and capability processes will be treated with confidentiality. Only the appraiser's line manager or, where s/he had more than one, each of her/his line managers will be provided with access to the appraisee's plan recorded in her/his statements. This will be done upon request and only where this is necessary to enable the line manager to discharge her/his line management responsibilities. Appraisees will be consulted on requests for access to statements in the context of this policy.

The process of gathering evidence for performance review will not compromise normal professional relationships between teachers. The Governing Body recognises that the

reviewer will consult with, and seek to secure the agreement of, the reviewee before seeking information from other colleagues about the work of the reviewee.

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 Head teacher or appropriate colleague will review all teachers' objectives and written appraisal records personally – to check consistency of approach and expectation between different appraisers. The Head teacher will be aware of any pay recommendations that have been made.

### **Consistency of Treatment and Fairness**

The governing body is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for disabled teachers. The governing body is aware of the guidance on the Equality Act issued by the Department for Education.

**Definitions** Unless indicated otherwise, all references to “teacher” include the Headteacher.

### **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 raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

### **Sickness**

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will be (*eg referred immediately to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures*). In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

### **Monitoring and Evaluation**

The governing body and Headteacher will monitor the operation and effectiveness of the school's appraisal arrangements. This will include ensuring that the arrangements minimise the impact on workload for all parties involved.

### **Retention**

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