

St. Egwin's CE Middle School

Appraisal and Capability Policy

Approved by: N Pullan

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Introduction

Revised appraisal arrangements come into force with effect from 1 September 2012. They are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations). The 2006 Regulations continue to apply to any performance management cycle which is in progress on 1 September 2012, unless the governing body or local authority decides to end that cycle early and to begin a new appraisal period starting on or after that date.

The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and unattached teachers employed by a local authority, in each case where they are employed for one term or more. They retain the key elements of the 2006 Regulations but allow schools more freedom to design arrangements to suit their own individual circumstances. They provide the minimum national framework within which schools should operate and say nothing, or very little, on many subjects on which the 2006 Regulations made detailed provision. If they wish, schools may include in their own policies details that are no longer covered by the Appraisal Regulations.

Schools and local authorities must have an appraisal policy for teachers and a policy, covering all staff, which deals with lack of capability. This model policy applies only to teachers, including headteachers, but schools might wish to adapt it for use with all staff. It has been written in the context of schools, but the same principles apply to unattached teachers. It is good practice for schools to consult staff on their appraisal and capability policies. This model policy has been provided as an optional resource for schools and others to which they can refer as they wish as they review and develop their own policies.

The model policy is in **four** separate sections. Part A covers appraisal and should be used as a reference point by schools and others as they review their policies to reflect the Appraisal Regulations. On 1 September 2012 it supersedes the previous performance management model policy and guidance, which had been designed to support the 2006 Regulations.

Part B deals with underperformance of teachers where the appraisal process can be used to improve.

Part C deals with underperformance of teachers where it is felt that the appraisal process is not sufficient to improve. This is still pre-competence.

Part D of the policy sets out the formal capability procedure and reflects the ACAS Code of Practice on disciplinary and grievance procedures. On 1 September 2012, it replaces the statutory guidance "Capability Procedures for Teachers" that was issued in July 2000. Capability procedures apply only to teachers and headteachers about whose performance there are serious concerns that the appraisal process has been unable to address.

Modified from the DfE policy for appraising teacher performance and dealing with capability issues

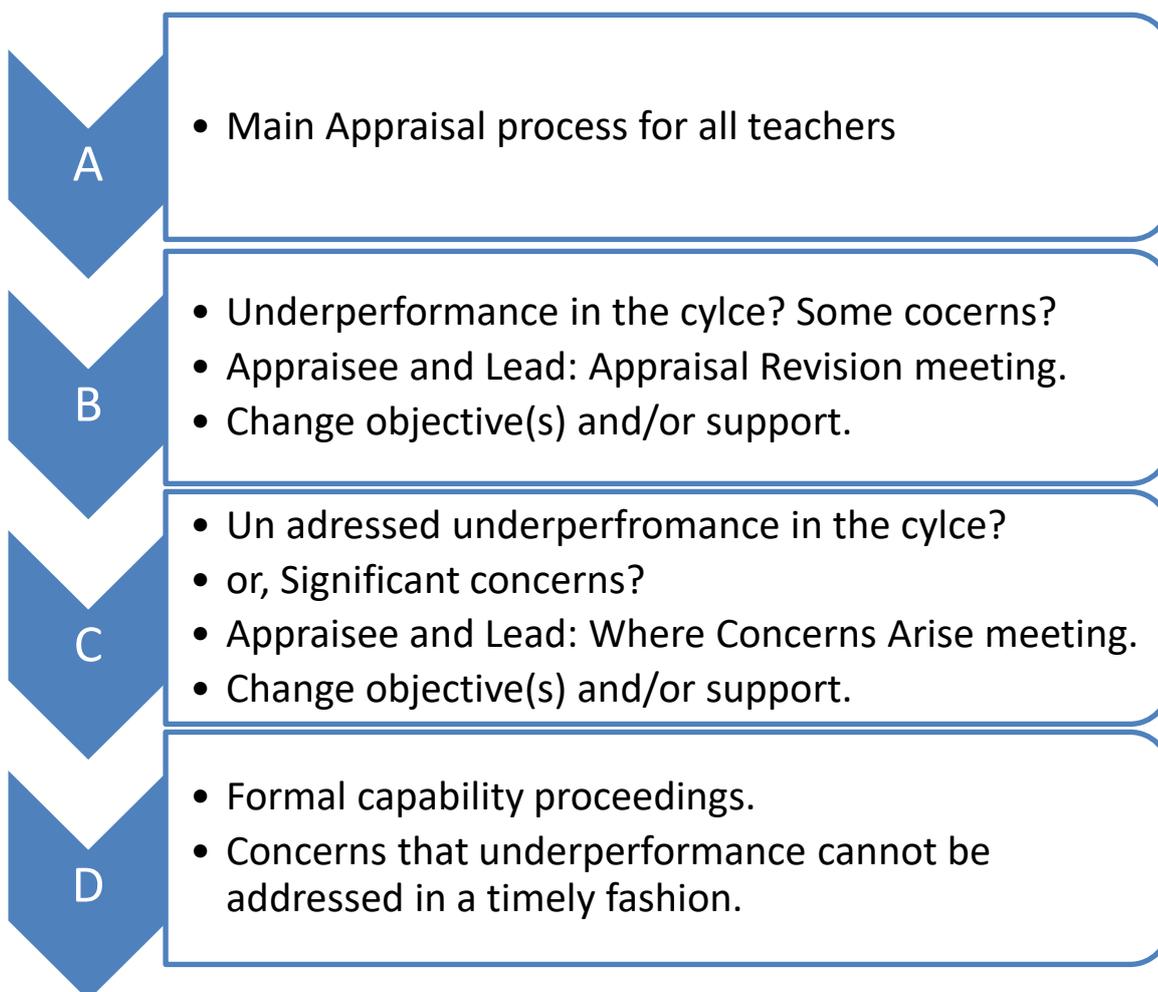
Purpose

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.

NB. 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 is in four separate sections.



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 31/10 to 31/10.

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.**

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 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 **two** members of the Governing Body.

The headteacher will decide who will appraise other teachers. SLT, more experienced UPS teachers or aspiring Senior teachers will be given these roles and will have no more than 2 appraisees. The HT will appraise the 4 members of the SLT.

Setting objectives

The headteacher's objectives will be set by the Governing Body after consultation with the external adviser. See appendices for the relevant paperwork to support the process.

Objectives (3-4) for each teacher will be set before, or as soon as practicable after, the start of each appraisal period. At least one objective will be purely based on T&L, one on attainment and the other on a wider professional duty (including leadership and management). 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. 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 moderation of each of the objectives, one week after they have been set, by the HT. All staff will be involved in the setting of the objectives of the school and will be made fully aware of school improvement priorities. Evidence and success criteria for each of the objectives can be aligned to those in the SDP.

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 must be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. Teachers who are paid on the upper Pay Scale will use the appropriate standards. More experienced teachers can use either the post-threshold standards, AST standards or, in the case of SLT and aspiring SLT, the HT standards.

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. Information on classroom performance will be available to the Lead Appraiser and appraisee. Appraisees can request lesson observation (of them) if that helps to collect evidence. Lesson observations are not a mandatory part of the process.

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, headteachers 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.

Teachers (including the headteacher) 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. Feedback will highlight particular areas of strength as well as any areas that need attention.

Underperformance during an appraisal cycle

Part B of the policy, which sets out the first part of the pre-formal capability procedure, applies only to teachers (including the headteacher) about whose performance there are some concerns that the appraisal process has been unable to address. In this case, the lead appraiser and/or the HT, will be of the belief that the teacher concerned has the capacity to make the improvements in a timely manner.

If, during the appraisal cycle, it is clear that the teacher is underperforming significantly (evidence may come from the lead appraiser or the SLT), the Lead Appraiser will call a meeting immediately with the appraisee and begin the **Appraisal Revision process**. See appendices for additional documentation.

This process will enable the 2 staff to outline the concerns [1a] and then look at the original objectives and progress against them. A decision will be made about changing/amending the objectives if appropriate. Additional support for the teacher will be considered. The timescale for improvement will be dependent on the concern (from 1 to 6 weeks). The headteacher will not attend this meeting but 2 copies of the Appraisal Revision Meeting form will be sent to the Lead Appraiser and the HT at the end of the meeting.

It is expected that the vast majority of teachers will improve in a timely fashion.

Part C 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. The next stage is still pre-competency. It will not be managed within the appraisal process. Instead, the HT will manage it under the **Where Concerns Arise** process.

If the appraiser is not satisfied with progress, the teacher will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the pre-capability procedure (**Where Concerns Arise**), and will be invited to a (second) formal review meeting.

Transition to capability

If the appraiser is not satisfied with progress, (and that the Appraisal Review Process has been unsuccessful or deemed inappropriate, and the Where Concerns Arise (beyond appraisal) process has failed) 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 C of this policy.

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

- make clear how, and by when, the appraiser will review progress – this will be done using the Where Concerns Arise (beyond appraisal) Documents.
- 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 (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific 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.

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 in interim meetings which will take place.

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 (**

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

Part D – Capability Procedure

This procedure applies only to teachers or headteachers 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 *a maximum of 6-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.

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

Either: The power to dismiss staff in this school rests with the Governing Body.

Or: 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.

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 D 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. However, the desire for confidentiality does not override the need for the headteacher and governing body to quality-assure the operation and effectiveness of the appraisal system.

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

1 Normal rules apply in respect of the delegation of functions by governing bodies, headteachers 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 (e.g. 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.

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.