



Fladbury
Church of England First School

Appraising Teacher Performance and Dealing with Capability Issues Policy

Reviewed and approved by Personnel Committee October 2015
Ratified by Full Governors November 2015
To be reviewed November 2016

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.

Where teachers 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 reviewer. Therefore this policy should be read in conjunction with the school Pay Policy which provides details of the arrangements relating to teacher's pay in accordance with the School Teachers' Pay and Conditions Document.

Rationale

Performance management means a shared commitment to high performance. It helps to focus attention on more effective teaching and monitoring to raise the quality of teaching and to benefit pupils, teachers and the school. It means providing appropriate and effective personal training and development to ensure job satisfaction, a high level of expertise and progression of staff in their chosen profession.

We want to improve school performance by developing the effectiveness of teachers, both as individuals and as teams. The evidence is that standards rise when schools and individual teachers are clear about what they expect pupils to achieve. This is why performance management is important. We will implement our performance management arrangements on the basis of:

- Fairness. We all need to be aware of the potential for unconscious discrimination and to avoid assumptions about individuals based on stereotypes; and
- Equal opportunity. All teachers are encouraged and supported to achieve their potential through agreeing objectives, undertaking development and having their performance assessed.

Application of the policy

The policy is in two separate sections.

- **Part A** of the policy, which covers appraisal, 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 Part B of the policy.
- **Part B** of the policy, which sets out the formal capability procedure, applies only to teachers (including the head teacher) about whose performance there are serious concerns that the appraisal process has been unable to address.

The policy also applies to Teaching Assistants, Office Administration Staff and Lunchtime supervisors.

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 to October for teachers and from September to September for the head teacher. 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 part way through a cycle with our school. This longer or shorter appraisal period will be determined by the governing body, with a view to bringing his/her cycle into line with the cycle for other teachers 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 members of the Governing Body. Where the head teacher is of the opinion that any of the governors appointed by the governing body under this regulation is unsuitable for professional reasons, she may submit a written request to the governing body for that governor to be replaced, stating those reasons.

The head teacher will decide who will appraise other teachers, of which all will be qualified teachers and suitably trained. Where teachers have an objection to the head teacher's choice their concerns will be carefully considered and where possible an alternative appraiser will be offered. Good practise would be to limit the amount of appraisee's for each appraiser to six, however as we are such a small school, the Head Teacher is the appraiser for all teaching staff and Assistant Head Teacher for all other staff members.

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. 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 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 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 and their professional aspirations.

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 (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 us as 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 the appraiser is not satisfied with progress he/she will refer the matter to the head teacher and the teacher concerned 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.

Appraisal cycle and setting objectives

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

Performance Management and appraisal is an ongoing cycle, not an event, involving three stages of planning, monitoring and then reviewing performance. The end of year review/annual assessment and Stage One may happen at the same time. 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, making sure there is a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside of work, whilst also being consistent with our strategy to bring downward pressure on working hours. The targets will therefore be rigorous, challenging yet fair. 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.

Stage 1: Planning

Each teacher will discuss and agree objectives with Head Teacher and record these in an individual plan. As previously mentioned objectives will be challenging but realistic and take into account a teacher's job description and their existing skill and knowledge base.

Agreeing objectives does not mean itemising every activity, but picking out key expectations and yardsticks. The range of objectives should match the nature of the job, including leadership or management areas as appropriate. Where someone has a wide range of managerial duties, objectives might focus on specific areas of this work.

Teacher objectives will cover pupil progress as well as ways of developing and improving teachers' professional practice. Leadership group staff and those with management allowances will have objectives relating to their additional responsibilities. Head Teacher's objectives will cover school leadership and management as well as pupil progress.

We will follow the following principles in discussing objectives:

- the team leader should ensure that the teacher understands what his or her objectives involve, is in a position to achieve them, knows what they need to do to achieve them and understands when and how they will be reviewed.
- objectives are written clearly and concisely and are measurable
- objectives focus on issues/matters over which a teacher has direct influence/control and take into account fully the wider socio-economic, cultural and other external influences on pupils
- objectives for each teacher should relate to the objectives in the school development plan and any team plans as well as to his/her own professional needs
- all teachers including the head will have no more than three objectives

- teachers, including the head teacher will not necessarily all have the same number of objectives
- all teachers, including the head teacher will have a whole school objective

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, therefore the SIP and the school's self-evaluation form (SEF) are key documents for the appraisal process

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.

With the exception of those who are qualified teachers by virtue of holding and maintaining Qualified Teacher Learning and Skills (QTLS) status, all teachers must 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. (i.e. Threshold, Upper Pay Scale).

Stage 2: Monitoring Progress

The teacher and Head Teacher will keep progress under active review throughout the year using classroom observation and other relevant information. They will discuss any supportive action needed and keep development plans up-to-date.

Head Teacher should consult the teacher before seeking to obtain information, written or oral, relevant to the teacher's performance from other people.

Classroom observation is accepted as good practice although it is not a requirement to observe head teachers with teaching responsibilities.

In planning observation, we will follow these principles:

- successful observation requires preparation and training, and a clear understanding on the part of the teacher and team leader of its purpose
- the nature of the observation will depend on its purpose
- it is important that the observer ensures that the lesson proceeds in as normal an atmosphere as possible
- full, constructive and timely feedback offers an opportunity to discuss what went well, what might be done better or differently next time. When giving feedback, the team leader should take into account the range of activities carried out by the teacher and the time spent on each activity

Stage 3: Reviewing Performance/annual assessment

The annual review of the teacher's performance will use the recorded objectives as a focus to discuss his/her achievements and identify any development needs. It will be combined with agreeing objectives for the following performance management cycle.

In assessing the performance of the head teacher, the Governing Body must consult the external adviser. The focus of the review is on how to raise performance and improve effectiveness. It will involve:

- Reviewing, discussing and confirming the teacher's essential tasks and objectives
- Recognising strengths and achievements and taking account of factors outside the teacher's control
- Confirming action agreed with the teacher at other reviews

- Identifying areas for development and how these will be met
- Recognising personal development needs
- Agreeing new clear objectives and completing an individual plan for the year ahead.

Head Teacher should evaluate the teacher's overall performance, including an assessment of the extent to which objectives have been met, and the teacher's contribution to the life of the school during the review period. It should take account of the stage the teacher is at in his or her career e.g. teacher with 2 – 3 years' service, upper pay scale teacher or senior manager. Within ten days of the review meeting, the team leader will prepare a written review statement recording the main points made at the review and the conclusions reached including any identified development needs and activities recorded in a separate annex (but forming part of) the review statement. The teacher may within ten days of first having access to the statement, add to it comments in writing. Good practice shows that the review statement should be written as soon as possible after the review, whilst the facts are still fresh in the team leader's memory. 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 head teacher). 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*);

Links between Pay, Career stages and performance management/appraisal

Induction – the final review meeting of the induction period can be used to agree objectives and professional development opportunities as the first stage of the teacher's subsequent performance management cycle; (Circular No: 5/99 The Induction period for Newly Qualified Teachers par 58).

Information from the performance review statement can be used to inform aspects of the new pay structure.

- Up to the Threshold – teachers can no longer **expect** an annual increment. Rises in pay are linked directly to performance and if they are performing satisfactorily.
- Threshold – teachers who want to move to the upper pay spine should fill out the application form provided by the DfE. Evidence from reviews will be used to inform applications by teachers and assessment by heads.

- Leadership group – performance reviews will form part of the evidence which schools can use to make decisions about awarding performance pay points to eligible teachers.

Managing weak performance

Good management, with clear expectations and appropriate support, will go a long way towards identifying and handling weaknesses in performance. The review meeting and review statement do not form part of any formal disciplinary or capability procedures. However, relevant information from review statements may be taken into account by those who have access to them in making decisions and in advising those responsible for taking decisions, or making recommendations about performance, pay promotion, dismissal or disciplinary matters.

Access to outcomes

There will only be two copies of the review statement – one held by the teacher and another held by Head Teacher on a central file, to which the team leader or Governors responsible for making decisions regarding pay could request access. A copy of the head's review statement should go to the Chair of Governors.

Information about performance reviews should be made available as listed below:

- Head Teacher should ensure that individual training and development needs are reflected in the school development plan and the programme for professional development
- Head Teacher should ensure that training and development needs from the review statement are given to the person responsible for training and development at the school
- Head Teacher should report annually to the governing body on performance management in the school, including the effectiveness of the performance management procedures in the school, and the training and development needs of teachers
- The CEO can request from the Chair of Governors a summary of the performance assessment section of the head's review statement.

Complaints

Within ten days of receiving the review statement:

Teachers can record their dissatisfaction with aspects of the review on the review statement. Where these cannot be resolved with the team leader, they can raise their concerns with Head Teacher. Where Head Teacher is the team leader, the teacher can raise the issue with the Chair of Governors.

Head teachers can record their dissatisfaction with aspects of the review on the review statement. Where these cannot be resolved with the appointed governors, they can raise their concerns with the Chair of Governors. Where the Chair of Governors has been involved in the review process, the governing body should appoint one or more governors who have not participated in the head's review to act

as review officer. No governor who is a teacher or staff member can be involved in performance review.

The Review Officer (who could be the head, the Chair of Governors or the governors appointed by the governing body) will investigate the complaint and take account of comments made by the job holder. The review officer should conduct a review of the complaint within ten working days of referral. S/he may decide that the review statement should remain unchanged or may add any observations of his/her own. The review officer may decide, with the agreement of the person responsible for carrying out the initial review, or in the head's case all the appointed governors, to amend the review statement; or declare that the review statement is void and order a new review or part of the review to be repeated. Where a new review is ordered new governors will be appointed to carry out the review of the head teacher. For teachers, the head teacher will appoint a new team leader. Any new review or part review ordered should be conducted within a further fifteen days.

Evaluation of the policy

Head Teacher shall provide an annual report to the Governing Body on how effective the performance management procedures have been.

As a school committed to ensuring that individual teachers, teams and the school continues to improve, the Governing Body and Head Teacher will check that effective and challenging objectives are set, that all reviews are completed on time and the assessment of performance is consistently applied in school. We will evaluate the effectiveness of the policy in helping to improve standards of teaching and learning.

As part of our ongoing commitment the Governing Body and Head Teacher will update and amend the documentation and the process required, after consultation with all staff, to incorporate any major changes introduced either by the DfEE or Fladbury School to ensure that the policy is up-to-date and effective in our school.

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 head teacher capability meetings) or head teacher (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.

In Foundation Schools, Voluntary Aided Schools and Foundation Special Schools, the governing body is the employer but the power to dismiss can be delegated to the head teacher, to one or more governors, or to one or more governors acting with the head teacher

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 rests with the Governing Body.

Or: The power to dismiss staff in this school has been delegated to the head teacher/to one or more governors/to one or more governors acting with the head teacher (delete as appropriate).

Dismissal

Either: Once the decision to dismiss has been taken, the Governing Body will dismiss the teacher with notice, (*Voluntary Aided, Foundation and Foundation Special 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 whole appraisal and capability processes and the statements generated under it, will be treated with strict confidentiality at all times. Only the reviewee's line manager will be provided with access to the reviewee's appraisal record. 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. In our school the head teacher or appropriate colleague might review all teachers' objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers. The head teacher will be made 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 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 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 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 head teacher will monitor the operation and effectiveness of the school’s appraisal arrangements.

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.