



Introduction

This document outlines the purpose, nature and operational management of the arrangements for teacher appraisal and capability in Kelsey Primary School from September 1st 2012.

Linked Policies

This policy should be read in conjunction with the following policies:

- Confidentiality and Data Protection
- Teachers pay
- Staff discipline, conduct and grievance
- Staff sickness and Absence

Aims

The teacher appraisal and capability policy is designed to:

- Ensure that Kelsey Primary School complies with its statutory legal duty with regard to teacher appraisal and capability.
- Adopt the model policy of the DfE for teacher appraisal and capability, dated May 2012.
- Ensure that the teacher appraisal and capability procedures at Kelsey Primary school are fair and transparent.

Statement of Intent

It is the intention of the governing body to ensure that all members of staff of Kelsey Primary School are annually appraised and that this appraisal whilst being a fair, transparent, supportive and developmental process will be demanding in terms of staff performance. This policy is for teaching staff, including the headteacher. Non-teaching staff will follow the regulations and procedures set down by Lincolnshire County Council.

Legal Framework

The Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations)

Note

The following statement of policy comes directly from the DfE model policy, dated May 2012. It is reproduced in its entirety.

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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 stay within the legal framework set out in the Appraisal Regulations and in other relevant legislation that affects all employers (for example legislation on equality, employment protection and data protection). 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 head teachers, 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 two 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 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 head teachers about whose performance there are serious concerns that the appraisal process has been unable to address.

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In the model policy:

- Text in bold indicates statutory requirements contained in the Appraisal Regulations or the School Staffing Regulations.
- *Text in italics* does not form part of the policy itself, but acts as additional advice for schools.

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 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.

Part A – Appraisal

Appraisal in Kelsey Primary 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 1st September to 31st August of each year. Although administrative work *i.e.* reviewing and setting new targets will be allowed to run until the 31st October following the end of the period on the 31st August.

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. This will be discussed as part of any offer of a contract to a member of staff employed at Kelsey Primary School for a period of less than one year.*

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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 Kelsey Primary School the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body – the chair, vice chair and one other governor, all supported by the school EA.

The head teacher will appraise all teachers. The appraisal of non-teaching staff will be shared by the headteacher and Senior teacher.

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. 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 linking and quality assuring all objectives against the school improvement plan.

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 most recent version of the document called "Teachers' Standards". 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.

For teachers who are qualified teachers by virtue of holding QTLS status, it is for the governing body or head teacher to decide which standards are most appropriate. Such teachers may be assessed against the Teachers' Standards, against any other sets of standards issued by the Secretary of State, against any other professional standards relevant to their performance or any combination of those three.

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.

(Schools may like to be more specific here about how observations will be conducted – or to refer to any separate document that clarifies how classroom observation will be conducted in their school).

- *At Kelsey Primary School classroom observation will be carried out by the headteacher. The judgements of the headteacher will be moderated by conducting paired observations with the EA or another suitably qualified / experienced person e.g. the headteacher of one of the collaborative partnership schools or a LA advisor.*
- *It is expected that at least 10% of the headteachers observations will be paired each year.*
- *The headteacher will conduct at least one observation per term of each member of staff. They will be of at least 30 minutes, but not more than 1 hour in duration. The lesson to be observed and any particular focus should be agreed beforehand between the headteacher and teacher being observed.*

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 the headteacher and EA.** 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 *(schools may wish to be more specific about “drop in” observations).*

- *At Kelsey Primary School drop in observations will be carried out by the headteacher, they will be of no more than 10 minutes duration, will be logged in the headteachers record of observations with a short comment. Teachers on capability will not have drop in observations.*
- *Drop in observations should not be excessive, it is expected that two per half term per member of staff would be the normal maximum.*

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

Other forms of evidence

Whilst classroom observation is important, it is not the only means of measuring a teacher's performance. At Kelsey Primary School alongside formal classroom observation and drop in observation, the following forms of evidence will be considered to build up a picture over time:

- Scrutiny of teachers planning
- Scrutiny of pupils work
- Results (attainment) in end of year and end of key stage examinations (ensuring they are moderated if internally assessed, for external assessments this should not be necessary – but the headteachers discretion is allowed here.)
- Progress over the course of the year (IE from the September to the July of an academic year).
- For the headteacher and senior teacher their performance in roles outside of the classroom should form part of the appraisal process.
- Any other information that is valid and reliable. (E.g. learning walks or pupil interviews conducted by suitably qualified and experienced individuals).

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 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 (e.g. 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.
- This meeting should be minuted and the signature of the member of staff and the headteacher obtained on the minutes, to confirm their accuracy. (If the member of staff refuses to sign them, there should be a discussion as to the reasons,

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leading to a mutual resolution – if the member of staff still refuses to sign, the headteacher should note this, but still sign them.)

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, 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 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 **half way through the year – in January.**

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 31st October (31st 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 31st December for head teachers and by 31st 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. **This meeting will still go ahead if the member of staff is unable / unwilling to attend. Only if the member of staff is able to produce**

documentary evidence (e.g. a medical certificate) that they are sufficiently unwell to attend will the meeting be postponed.

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 **will be between four and ten weeks. For more complex cases the time period will be decided by the person chairing the meeting (they may seek professional external advice). 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 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.

In Community, Voluntary Controlled, Community Special, and Maintained Nursery schools, the power to determine that the member of staff should no longer work at the school can be delegated in the same way as above 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). This is the case for Kelsey Primary 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*).

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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 decide that members of staff should no longer work at Kelsey primary School has been delegated to the headteacher acting with two members of the governing body one of whom must be the chair or vice chair. **(One of these governors will be on the governors' appeals committee – they **MUST** not be part of the capability process).**

Dismissal

Once the Headteacher and the two delegated members of the Governing Body have decided that the teacher should no longer work at the school, they 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. **(At Kelsey primary School we will ensure that only one of the chair and vice chair will be involved in capability processors – this will leave the other available to hear any appeals.)**

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

5.0 - 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. 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. *Schools to say here how they might achieve this, for example, the head teacher or appropriate colleague might review all teachers' objectives and written appraisal records personally, in order to check consistency of approach and*

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expectation between different appraisers. The head teacher might also wish to be aware of any pay recommendations that have been made.

At Kelsey primary School the headteacher will be responsible for setting all teachers objectives and for maintaining the written records. They may discuss this information for quality control purposes with another suitably qualified and experienced individual, for example the EA. The headteacher will also quality assure the objectives and records of teaching assistants set by the senior teacher. The headteacher will appraise the administrator, caretaker / cleaner and lunchtime staff. Whilst maintaining confidentiality the headteacher will discuss objectives and progress in general terms with the chair of governors to ensure quality assurance and that the chair of governors has an understanding of the current position in Kelsey Primary School with regards to appraisal.

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.

Policy Information:

Teacher Appraisal and Capability Policy – Kelsey Primary School

Date adopted by the governing body: December 2012

Policy Written by: Magnus Smedley (Headteacher)

Reviewed September 2017 (MA)

Policy Review Date: September 2018

Signed:

Chair of governors: _____

Headteacher: _____