



**ST Matthew's Church
of England Primary
School**

*STAFF APPRAISAL
AND TEACHER
CAPABILITY POLICY*

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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. They provide the minimum national framework within which St Matthew's will operate.

This policy operates 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).

This policy applies to teachers, including head teachers and teaching assistants.

The model policy is in two separate sections. Part A covers appraisal and will be used as a reference point by school as we review our 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.

In the model policy:

Text in bold indicates statutory requirements contained in the Appraisal Regulations or the School Staffing Regulations.

The Governing Body of St Matthew's Church of England Primary School adopted this policy on 5th December
It will review it in 2015

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

The appraisal period

The appraisal period will run for twelve months from 1st September to 31st August. Staff 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.**

At the discretion of the Head teacher, there is flexibility to have a longer or shorter appraisal period when staff begin or end employment with a school or local authority or when unattached staff change post within the same authority.

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 up to three members of the Governing Body.

The head teacher will decide who will appraise other staff.

Setting objectives

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

Objectives for each member of staff will be set before or as soon as practicable after, the start of each appraisal period. The objectives set for each member of staff, 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 staff member 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 member of staff 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 quality assuring all objectives against the school development plan.

Before, or as soon as practicable after, the start of each appraisal period, each member of staff will be informed of the standards against which their performance in that appraisal period will be assessed. All teachers will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011.

Reviewing performance

Observation

This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing staff performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school development more generally. All observation will be carried out in a supportive fashion. Formal observations for performance appraisal purposes will take place every term. Staff whose formal observations are judged to be satisfactory or below, may be subject to additional formal observations. Staff will be notified at least five working days before their formal observation. Written feedback will be provided by the reviewer at least one week after the observation. Subject leaders may also observe all or parts of lessons, as part of their subject monitoring. Although it is expected that verbal feedback will be provided, within three days, written feedback will be provided at the discretion of the subject lead.

In this school staff performance will be regularly observed, but the amount and type of classroom observation will depend on the individual circumstances of the member of staff 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, but staff can reasonably expect this to be no more than ten minutes.

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

St Matthew’s actively encourages parents and stakeholders to come into school and work alongside children in the classroom. Any comments and suggestions from such parties, though welcomed, will not impact directly on a member of staff’s performance appraisal. (NB Staff will be notified when Parent Governors are observing in the ‘official’ capacity as strategic school leaders).

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 staff take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school development priorities and to the on-going professional development needs and priorities of individual staff.

Feedback

Staff will receive constructive feedback on their performance throughout the year and written feedback within a week after a formal observation has taken place. Feedback will highlight particular areas of strength as well as any areas that need attention. Where there are concerns about any aspects of the member of staff's performance the appraiser will meet the him/her 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.

When progress is reviewed, if the appraiser is satisfied that the member of staff 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 member of staff 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 for teachers.

Annual assessment

Each member of staff'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 once a term.

Staff 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 August (31 December for the head teacher). **The appraisal report will include:**

- details of the objectives for the appraisal period in question;
- **an assessment of performance of their role and responsibilities against their objectives and the relevant standards;**
- **an assessment of 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; by 31 October for other teachers and by 31 December for support staff)

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 head teacher capability meetings) or head teacher (for other teachers) (*schools to insert any alternative arrangements*). 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 most cases this will be within *four 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.

(NB IN Controlled schools, 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 may 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 decide that members of staff should no longer work at this school has been delegated *to one or more governors acting with the head teacher*.

Dismissal Once the head teacher and governors 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.

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. 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 and members of the finance and Staffing Committee will review a sample of performance objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers.

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 *(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 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.

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