



Policy No.: 1

Policy: Appraisal and Capability  
of Staff

Review Date: June 2017

Policy Name: Appraisal and Capability of Staff

Nominated Lead Member of Staff: Deputy Headteacher - Teaching and Learning

Review Cycle: 1 Year

Authorisation: Chair of Governors

Review Date: June 2017



## Appraisal and Capability Policy

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

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

### Application of the policy

This policy applies to the Headteacher and to all qualified teachers employed at the school except those on contracts of less than one term and those undergoing induction (i.e., NQTs) or teachers on capability procedures.

The policy is in two separate sections.

**Part A of the policy, which covers appraisal, applies to the Headteacher and to all teachers employed by the school or local authority, except those on contracts of less than one term, those undergoing induction (ie 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 is a supportive and developmental process designed to ensure that all teachers have the training and support they need to carry out their role effectively. It helps to ensure that teachers are able to continue to improve their professional practice and to collaboratively develop their skills and expertise.

### The appraisal period

**The appraisal period will run for twelve months.** Each period will begin in September. Objectives will be reviewed, and new objectives set, by the 31st of October each academic year.

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.**

### 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 head teacher, including the setting of objectives, will be delegated to the staffing committee of the Governing Body.

The Headteacher will decide who will appraise other teachers. 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. All appraisers appointed by the Headteacher will be teachers and will have current or recent teaching experience.

If the Headteacher appoints an appraiser who is not the teacher's line manager, the appraiser to whom she/he delegates those duties will have an appropriate position in the staffing structure, together with the necessary background knowledge, skills and training to undertake the role.

### Setting objectives

**The Headteacher'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 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 learners at that school.** Each teacher will have three appraisal objectives. The first objective is related to improving examination results, or other measurable learner outcomes. The second objective relates to improving Teaching, Learning and Assessment to narrow gaps in educational achievement and the third objective relates to the school's CHANGE entitlement.

**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.** Career Stage Expectations, based upon the national Teacher Standards, will be discussed in appraisal meetings and will be referred to in annual appraisal reports. The evidence used to determine the progress towards the objectives will be agreed at the appraisal meeting.

## Reviewing performance

### Observation

At Matthew Moss High School we believe that the observation of teaching is vital not only to gauge the quality of learning but to develop and improve the quality of learning through timely feedback and reflection on the effectiveness of different teaching strategies. Many observations take place that are not directly part of the appraisal process. Teachers frequently team-teach and observe one another's lessons and collaborative 'Lesson Study' is a key part of the CPD process at the school.

Each member of staff will have a minimum of one period of lesson observation each academic year. Teachers are given feedback on the progress learners make in this individual lesson and also on the progress learners typically make over time based on current and historic assessment data, learner voice and work scrutiny.

In addition to formal observations school leaders will undertake Learning Walks as part of the school's Typicality Reviews. These are not directly part of the Appraisal process but any concerns raised during Typicality Reviews can be followed up through Appraisal. Equally, any significant strengths and improvements noted through Typicality Reviews can be fed back to the teacher as part of the Appraisal process.

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 and study. 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. Feedback is crucial for all of us to develop and strengthen our personal and professional skills and abilities.

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, joint planning, peer observations), that will be provided to help address those specific concerns;
- make any changes that are necessary to the objectives that have been set through the appraisal process;
- make clear how, and by when, the appraiser will review progress;
- explain the implications and process if no – or insufficient – improvement is made.

If the impact of teaching on learning over time is considered to be below the required standard then a personalised support plan is agreed to enable the teacher to improve their teaching. Support plans typically run over at 6-8 week time period and include collaborative planning and peer observations. Observations are necessary during this time period to determine whether the necessary improvements have been secured.

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 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. Formal interim meetings take place in the Spring Term (Mid Year Appraisal Review Meetings), in addition to less formal discussions regarding progress towards appraisal objectives, and discussions surrounding professional development, that take place throughout the year.

**The teacher will receive as soon as practicable following the end of each appraisal period their appraisal report. Teachers will receive their appraisal reports by the 31st of October (31st of 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 B – 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.

The policy is in line with the Rochdale Metropolitan Borough policy regarding managing performance through the Capability Procedure.

### 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 that 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 would normally be between four and ten 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. The teacher will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

## **Decision to dismiss**

The power to dismiss staff in this school has been delegated to the Headteacher.

## **Dismissal**

**Once the Headteacher 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.

## **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 Headteacher and governing body to quality-assure the operation and effectiveness of the appraisal system. To achieve this end, copies of all appraisal reports will be given to the head teacher by the 31st of October each academic year.

### **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, 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 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.

### **Associated Policies:**

**Teacher Appraisal**

**Teacher's Pay**

**Central Record of Recruitment and Vetting Checks**

**Equality Information and Objectives**

**Staff Discipline, Conduct and Grievance**