



Sutton CE (VC) Primary School

DRAFT

Teacher Appraisal & Capability

Policy

July 2022



Part A Appraisal

The Appraisal Policy in this school will be a supportive and developmental process designed to ensure that all teachers identified by the policy have the skills and support they need to carry out their role effectively. It will help to ensure that all teachers are able to continue to improve their professional/employment practice and to develop as teachers.

1. The appraisal period

- 1.1 The appraisal period will run for twelve months from 1 November to 31 October for all teaching staff
- 1.2 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 and an individual teacher's objectives should take account of the length of the contract.

2. Appointing appraisers

- 2.1 The Headteacher will be appraised by the Governing Body, supported by a suitably skilled and experienced external adviser who has been appointed by the Governing Body for that purpose.
- 2.2 The task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body.
- 2.3 The Headteacher will decide who will appraise other teachers covered by the policy. This will be notified to staff annually.

3. Setting objectives

- 3.1 The Headteacher's objectives will be set by the Governing Body after consultation with the external adviser. The Governing Body has a duty to have regard to the work life balance of the Headteacher and objectives will reflect this.
- 3.2 Objectives for each teacher will be set before or as soon as practicable after, the start of each appraisal period. The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound (SMART) and will be appropriate to the teacher's role and level of experience. Objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on assessment data for a single group of pupils. Objectives can be set in relation to focus assessment data, however these will not be used in isolation and other factors will also be considered when making decisions about pay progression. 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.
- 3.3 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 educational opportunities of pupils at that school. 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 that are qualified teachers by virtue of holding and maintaining qualified teacher learning and skills (QTL) status, all teachers must be assessed against the set of standards contained in the document called "Teachers Standards" published in July 2011.*

For teachers that are qualified teachers by virtue of holding QTLS status it is for the Governing Body or Headteacher to decide which standards are most appropriate.

4. Reviewing performance

- 4.1 Observation
 - 4.1.1 This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing 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 and enabling teachers to learn from each other and collaborate.
 - 4.1.2 All observations will be carried out in a supportive fashion and not add to teacher workload. The observation protocol is outlined in the school's Classroom Observation Policy

5. Development and Support

5.1 Appraisal is a supportive process which will be used to determine decisions on pay progression and 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.

5.2 Teachers professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.

6. Feedback

6.1 Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after an 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.

6.2 Where there are concerns about any aspects of the teacher's performance the appraiser will meet with 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;
- Set clear objectives for required improvement;
- Agree any support (eg coaching, mentoring, monitoring, structured observation etc) ;
- 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 – eg. Impact on pay progression and a potential move to formal capability

6.3 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.

7. Evidence

7.1 The range and level of evidence collected for appraisal and pay determination purposes will always be proportionate and minimise workload.

8. Transition to capability

8.1 If a teacher demonstrates serious under performance, and has not responded to support provided within the appraisal process, the teacher will be notified in writing that the appraisal system will no longer apply and that his/her performance will be managed under the capability procedure. The teacher will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

9. Annual assessment

9.1 The performance of each teacher covered by the appraisal policy will be formally assessed in respect of each appraisal period.

9.2 In assessing the performance of the Headteacher, the Governing Body must consult the external adviser.

9.3 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 at least once a term.

9.4 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.

9.5 Teachers will receive their written appraisal reports by 31 October (31 December for the head teacher)

9.6 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 against the relevant standards;

- an assessment of the teacher's training and professional development needs and identification of any action that should be taken to address them. The assessment of performance and of professional development needs will inform the planning process for the following appraisal period.
- a recommendation on pay where that is relevant. Pay recommendations will be made by 31 December for Headteachers, by 31 October for other teachers.

Part B - Capability Procedure

1. Capability Procedures

- 1.1 This procedure applies only to teachers and Headteachers where there is serious underperformance which the appraisal process has been unable to address. At least 5 working days notice will be given of the formal capability meeting.
- 1.2 The senior manager will write to the employee at least 5 working days in advance to inform him/her about:
 - a) the date, time and place of the meeting.
 - b) the basic details of the concerns about the employee's performance
 - c) the teacher's 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
- 1.3 Teachers are entitled to request an alternative date which is within 5 days of the original date.

2. Formal Capability Meeting

- 2.1 This meeting is intended to establish the facts. It will be conducted by the Headteacher (for teachers) or the Chair of Governors for Headteacher. The meeting will allow the teacher, accompanied by a companion if they wish, to respond to concerns about his/her performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.
- 2.2 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.
- 2.3 The person conducting the meeting may also adjourn the meeting, for example if it is decided 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.
- 2.4 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 which may include the setting of new objectives focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are 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.
 - In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met;
 - 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 will be reasonable and proportionate, between four and ten weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place.
 - warn the teacher formally that failure to improve within the set period could lead to a final written warning which could then lead to no pay progression or his/her dismissal.
- 2.1.1 Notes will be taken of formal meetings and a copy sent to the teacher and any companion. Where a warning is issued, the teacher will be informed in writing of the matters discussed in the bullet points above and given information about the timing and the handling of the review stage and procedure and time limits for appealing against the warning.

3. Monitoring and review period following a formal capability meeting

3.1 A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the member of staff will be invited to a formal review meeting (see paragraph 4 below), unless s/he had been issued with a final written warning, in which case s/he will be invited to a decision meeting (see paragraph 7 below).

4. Formal review meeting

4.1 As with formal capability meetings at least 5 working days 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.

4.2 If the person conducting the meeting is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start.

4.3 In other cases:

- where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- where no or insufficient improvement has been made during the monitoring and review period, the teacher will receive a final written warning.

4.4 Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.

4.5 Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance, within the set timescale, may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The teacher will be invited to a decision meeting.

5. Sickness absence and the use of this procedure

5.1 It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness for continued employment at the school.

5.2 Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employees duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g moving from this procedure to procedures used by the school to terminate the employment of the employee on the grounds of ill health.

5.3 If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting s/he may present a written submission for consideration and/or be represented by a companion in her/his absence.

6. Right of Appeal against a formal written warning

6.1 If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, s/he may appeal in writing against the decision

6.2 Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the Clerk to the Governors within 5 working days of the formal written warning having been received.

6.3 All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.

6.4 The appeal will be heard by the Appeals Panel of Governors. The number of governors on the Appeals Panel of Governors will not be less than two. The panel may be advised by a person engaged for the purpose by the

Governing Body. The panel can either confirm the warning, reduce a final warning to a warning, or cancel the warning. The employee will be informed in writing of the results of the appeal hearing as soon as possible.

- 6.5 The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee and any companion.
- 6.6 Pending any appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and his/her progress towards the achievement of these targets may be monitored during this period.

7. Decision meeting

- 7.1 At least 5 working days before the date of the decision meeting a notification will be given in writing together with details of the meeting as in paragraph 1.2 above. The meeting will be conducted by the Headteacher (Governor Panel for the Headteacher).
- 7.2 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 restart. If performance has remained 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.
- 7.3 Before the decision to dismiss is made, the school will discuss the matter with the Local Authority.
- 7.4 The teacher will be informed in writing 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 whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

8. Right of Appeal against a decision to dismiss

- 8.1 The employee has a right of appeal to the Appeals Committee of the Governing Body against a decision to dismiss.
- The Appeals Committee shall consist of at least 3 governors, none of whom will have had any previous involvement in the case.
 - The employee's notice of appeal should be sent to the Clerk to the Governors within 5 working days of receipt of the written decision to dismiss, setting out the grounds of appeal.
 - Appeal hearings should be held as soon as possible after receipt of the appeal and will be conducted in the same way as appeals referred to in paragraph 5 above.

9. Notice of Dismissal

- 9.1 Following a decision to dismiss, the Governing Body will notify [the Local and the employee in writing that the employee is to be dismissed, whether with notice or with pay in lieu of notice in accordance with the decision of the Head teacher or Disciplinary Committee. The Local Authority must give written notice to the employee within 14 days of notification by the Governing Body.
- 9.2 In the event that the Appeal Committee of the Governors decides not to uphold the decision to dismiss, the Local Authority and the employee shall be informed immediately and the notice of dismissal shall be immediately withdrawn.

10. Trade Union Officials

- 10.1 Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning, will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

11. Confidentiality

- 11.1 Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure. The desire for confidentiality does not override the need for the Headteacher and the Governing Body to quality assure the operation and effectiveness of the appraisal system.

11.2 The employee, and anyone accompanying the employee including witnesses, must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the school's disciplinary procedure.

Appendix 1 – Performance Management Proforma Exemplar

Teacher Performance Management (Year)

Employee Name:

Role:

Performance Management Lead:

Date:

Summary of SDP Actions	
<p style="text-align: center;">Leadership & Management</p> <ul style="list-style-type: none"> - Leaders ensure there is an ambitious curriculum, coherently planned and sequenced - Leaders ensure that teachers have a good subject knowledge - Assessment data is moderated and used to inform the effectiveness of their own leadership - Governors will ensure that the school fulfils its statutory duties 	<p style="text-align: center;">Quality of Education</p> <ul style="list-style-type: none"> - School implements a curriculum that is ambitious and inclusive - Schools curriculum is coherently planned and develops both knowledge and skills - Teachers have good knowledge of the subjects they teach - Teachers check pupils understanding and respond to further their learning
<p style="text-align: center;">Behaviour & Safety</p> <ul style="list-style-type: none"> - School has high expectations for pupils behaviour and conduct - Pupils have a positive attitude towards their own education and STRIVE to do their best - Relationships among pupils and staff are both positive and respectful 	<p style="text-align: center;">Personal Development</p> <ul style="list-style-type: none"> - Pupils are confident, resilient and independent - The school provides high quality pastoral support - The school provides a wide range of opportunities to nurture, develop and stretch pupils talents and interests

Target 1: Leadership & Management	
<p><i>To lead and coordinate their identified subject area, ensuring:</i></p> <ul style="list-style-type: none"> - <i>strong teacher subject knowledge,</i> - <i>high expectations</i> - <i>inclusive lesson sequences</i> - <i>rigorous curriculum coverage</i> - <i>engaging and memorable content</i> - <i>accelerated academic progress</i> - <i>use of formative and summative assessment data to evaluate leadership impact of teaching and learning</i> 	
<p>Within curriculum leadership role:</p> <ol style="list-style-type: none"> 1. devise a strategic action plan, in-line with the SDP, which outlines your leadership and management intentions within your subject area 2. monitor delivery, content and outcomes within your subject area 3. use allocated staff meeting time to develop identified issues within your subject area 	<p>Actions/Evidence of impact:</p>

Target 2: Quality of Education
<p><i>Teacher will deliver an ambitious, broad, balanced and inclusive curriculum</i></p>

- Apply the agreed marking and feedback policy, empower pupils to develop the capacity to learn from mistakes and become keen learners who want to find out more	Actions/Evidence of impact:
- Adhere to agreed long term planning, ensuring rigorous curriculum coverage of knowledge and skills	Actions/Evidence of impact:
- Create memorable learning experiences through the CUSP curriculum.	Actions/ Evidence of impact:
- The percentage of pupils working in line with age related expectations in reading, writing and maths combined must exceed that of the previous academic year - All pupils working 'Just Below', 'ARE' and 'Greater Depth' targeted to work at minimum ARE by end of academic year.	Actions/Evidence of impact:

12

Target 3: Behaviour & Safety	
<i>To promote STRIVE and the positive behaviour policy</i>	
- Apply positive behaviour policy	Actions/Evidence of impact:
- Apply marking and feedback to evidence excellence through providing challenge and high expectations of presentation	Actions/Evidence of impact:
- Celebrate pupil success through displays and develop a safe and calm learning environment which pupils can effectively learn	Actions/Evidence of impact:

Target 4: Personal Development	
<i>Teachers contribute to the school's wide range of opportunities to nurture, develop and stretch pupils talents and interests</i>	
- To provide opportunities to stretch talents and interests	Actions/Evidence of impact:
- New school values evident in the classroom environment and developed within the curriculum	Actions/Evidence of impact:

Mid-Year Review Summary & Agreed Actions	
Targets	On Track to Achieve Target?
Target 1: Leadership & Management	

Target 2: Quality of Education	
Target 3: Behaviour & Safety	
Target 4: Personal Development	

End of Year Review Summary & Agreed Actions	
Targets	Target Achieved?
Target 1: Leadership & Management	
Target 2: Quality of Education	
Target 3: Behaviour & Safety	
Target 4: Personal Development	