

## **TEACHER APPRAISAL AND CAPABILITY POLICY**

### **1 Introduction**

- 1.1 Revised appraisal arrangements come into force with effect from 1 September 2012. They are set out in the Education (Trust Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (Trust Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations).
- 1.2 The Appraisal Regulations set out the principles that apply to teachers where they are employed for one term or more. They retain the key elements of the 2006 Regulations but allow Trusts more freedom to design arrangements to suit their own individual circumstances.
- 1.3 Trusts 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).
- 1.4 Trusts must have an appraisal policy for teachers and a policy, covering all staff, which deals with lack of capability. This policy applies to all our teachers, including the head teacher and teaching assistants working in Student Services, (although they work to a separate set of standards).
- 1.5 The policy is in two separate sections. Part A covers appraisal and on 1 September 2013 it supersedes the previous performance management policy and guidance, which had been designed to support the 2006 Regulations.
- 1.6 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 2013, it replaced the statutory guidance "Capability Procedures for Teachers" that was issued in July 2000.
- 1.7 In the policy:

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

## **2 Purpose**

- 2.1 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 needs within the context of the Trust's improvement plan and their own professional needs. The assessment of performance against the Teachers Standards (or any other standards determined as applicable by the Trustee Board or the Headteacher) and of the teacher's objectives throughout the cycle as recorded in the Performance Management proforma (Appendix 5) will be the basis on which a recommendation on pay will be made by the appraiser, and will inform any decision on pay progression.
- 2.2 This policy should be read in conjunction with the Trust's pay policy which provides details of the arrangements relating to teacher's pay in accordance with the Trust Teachers' Pay and Conditions Document.
- 2.3 It also sets out the arrangements that will apply when teachers fall below the levels of competence that are expected of them.

## **3 LINKS TO TRUST IMPROVEMENT**

- 3.1 The Trustee Board expect that objectives set for all teachers including the head teacher, if achieved, will improve the education of students at our Trust and contribute to the implementation and achievement of the Trust Improvement Plan and any other plans adopted from time to time to improve the Trust's education provision and performance.

## **4 CONSISTENCY OF TREATMENT AND FAIRNESS**

- 4.1 The Trustee Board is committed to ensuring consistency of treatment and fairness in the operation of teacher appraisal.
- 4.2 To ensure this the following provisions are made in relation to moderation and quality assurance.
- 4.3 The head teacher has determined that s/he will delegate the appraiser role for some or all teachers for whom s/he is not the line manager. The head teacher (and/or Assistant Headteacher for Staff Development) will moderate a sample of appraisal reports to check that the objectives and standards recorded in the reports of teachers at the Trust and the recommendations on pay:
  - are consistent between those who have similar experience and similar levels of responsibility and demonstrate similar progress and performance, and
  - comply with the Trust's appraisal policy, the regulations and the requirements of equality legislation
- 4.4 The Trustee Board will review the quality assurance processes when the appraisal policy is reviewed.

## 5 Application of the policy

5.1 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 Trust, 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.**

5.2 The policy also applies to Teaching Assistants employed in Student Services

## Part A

### 6 Appraisal

6.1 Appraisal in this Trust 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.

### 7 The appraisal period

**7.1 The appraisal period will run for twelve months from 1 September to 31<sup>st</sup> August, (see Appendix 1 for appraisal cycle)**

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.**

7.2 There is flexibility to have a longer or shorter appraisal period when teachers begin or end employment with a Trust or when unattached teachers change post within the same authority. Where a teacher starts their employment at the Trust part-way through a cycle, the head teacher or, in the case where the teacher is the head teacher, the Trustee Board shall determine the length of the first cycle for that teacher, with a view to bringing his cycle into line with the cycle for other teachers at the Trust as soon as possible.

7.3 Where a teacher transfers to a new post within the Trust part-way through a cycle, the head teacher or, in the case where the teacher is the head teacher, the Trustee Board shall determine whether the cycle shall begin again and whether to change the appraiser.

### 8 Appointing appraisers

**8.1 The head teacher will be appraised by the Trustee Board, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Trustee Board for that purpose.**

8.2 At The Learning Trust the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of two/three members of the Trustee Board.

8.3 Where a head teacher is of the opinion that any of the governors appointed by the Trustee Board under this regulation is unsuitable for professional reasons, s/he may submit a written request to the Trustee Board for that governor to be replaced, stating those reasons.

#### 8.4 **Appointment of External Adviser**

**The Trustee Board will appoint an external adviser to provide advice and support in relation to the appraisal of the head teacher. The Trustee Board will consult the external adviser before setting the head teacher's objectives.**

#### 8.5 **APPOINTMENT OF APPRAISERS FOR TEACHERS**

The head teacher must ensure that the appraisal of every other teacher employed in the Trust is carried out. The head teacher may delegate this duty, to the teacher's line manager or another suitably qualified member of staff. In this Trust the head teacher has decided that the head teacher will be the appraiser for those teachers s/he directly line manages (Deputy head and Assistant Heads) and will delegate the role of appraiser to other suitably qualified members of staff for some or all other teachers.

8.6 Where it becomes apparent that the appraiser will be absent for the majority of the cycle the head teacher may perform the duties himself/herself or delegate them to another teacher. Where this teacher is not the appraisee's line manager the teacher will have an equivalent or higher status in the staffing structure as the teacher's line manager. The appraisal cycle will not begin again in the event of the appraiser being changed.

8.7 Where a teacher is of the opinion that another teacher to whom the head teacher has delegated the role of appraiser is unsuitable, they may submit a written request to the head teacher for that appraiser to be replaced, stating the reasons why.

### 9 **STANDARDS**

9.1 Teachers will be assessed against the "Teachers Standards" and any other standards relating to teachers' performance published by the Secretary of State as the Trustee Board or headteacher determines is applicable to the performance of any individual teacher. **Teachers will be informed of these at the start of each appraisal period.**

9.2 The head teacher will be assessed against the National Standards for Headteachers and any other standards relating to teachers' performance published by the Secretary of State as the Trustee Board determines is applicable to their performance and **will be informed of this at the start of the appraisal period.**

### 10 **SETTING OBJECTIVES**

10.1 The objectives set will be rigorous, achievable, time-bound, fair and equitable in relation to teachers with similar roles/responsibilities and experience. They will have regard to what can reasonably be expected of any teacher at a given point of their career progression, the skills they will need to be able to evidence to show their professional progression and to meet the Trust's pay progression criteria and, where possible, the teacher's professional aspirations. **They will be**

**such that, if they are achieved, they will contribute to improving the education of students at the Trust and the implementation of any plans of the Trustee Board or head teacher designed to improve the Trust's education provision and performance.**

- 10.2 For part-time teachers, appraisers will also have regard to that teachers hours of work as a proportion of full time colleagues.
- 10.3 Governors also recognise the desirability of staff being able to achieve a satisfactory work-life balance.
- 10.4 The head teacher's objectives will be set by the Trustee Board after consultation with the external adviser.**
- 10.5 Objectives for each teacher will be set before, or as soon as practicable after, the start of each appraisal period, (1<sup>st</sup> September),** and before the deadline for Appraisal process to be completed in its entirety, i.e. 31<sup>st</sup> October. 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. In this case teachers will be able to appeal to the Assistant head teacher responsible for staff development. Objectives may also be revised if circumstances change, for example teachers undertaking a new role within Trust.

The objectives will also be equitable in relation to teachers with similar roles/responsibilities and experience, and will have regard to what can reasonably be expected of any teacher in that position given the desirability of the reviewee being able to achieve a satisfactory balance between the time required to discharge their professional duties and the time to pursue their personal interests outside work, consistent with our desire for all teachers to have an appropriate work/life balance. Appendix one shows the appraisal cycle.

- 10.6 The objectives set for each teacher will, if achieved, contribute to the Trust's plans for improving the Trust's educational provision and performance and improving the education of students in this Trust.** This will be ensured by a quality control system that requires the head teacher (or delegated assistant head teacher) to confirm that all objectives are appropriate to the needs of; the whole Trust development plan, the departmental development plan or the professional development needs of individual teachers, and are consistent between those who have similar experience and similar levels of responsibility. Where the head teacher, (or delegated assistant head teacher), judges that objectives are not appropriate with these three needs, they shall be amended; initially through discussions with the teacher and appraiser but if necessary by the head teacher (delegated assistant head teacher).
- 10.7 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.** All teachers should be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The head teacher (or delegated assistant head teacher), 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.

- 10.8 Each teacher will set three personal objectives, one specifically related to the improvement of teaching and learning, a second one related to the Trust or department development plan and a third related to a specific area of responsibility held by the teacher or of another agreed nature....and two others decided in negotiation between the teacher and line manager. All objectives should lead to improvements in student progress. Objectives can be linked to those of another teacher, but delineation of evidence and contribution must be clear.
- 10.9 Where there are concerns regarding the performance of a teacher, objectives will be re-examined, by the head teacher, (delegated assistant head teacher), in light of any capability action plan.
- 10.10 Appraisal is an assessment of overall performance; objectives cannot cover the full range of a teacher's roles/responsibilities. Objectives will, therefore, focus on the priorities for an individual for the cycle. At the review stage teachers will also be assessed as set out below.

## **11 Reviewing Progress**

### **11.1 Observation**

Progress and performance will be reviewed and addressed on a regular basis throughout the year. This may include scheduled review meetings and will include day to day dialogue between the appraisee and their appraiser and a number of lesson observations. Feedback will be constructive and will highlight particular areas of strength as well as any areas that need attention

- 11.2 This Trust 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 Trust improvement more generally. All observations will be supportive and undertaken in accordance with the Trust's Lesson Observation Protocol (Appendix 2) Observation feedback will be given in accordance with the timescales set out in the Protocol, other feedback will be given as soon as practicable after any issues relating to performance come to light. Appendix 3 shows the lesson observation recording form.
- 11.3 In this Trust 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 Trust. 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, (e.g. Members of the Leadership Group or Heads of Department), 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 –Appendix 3 illustrates how lesson "drop-ins" will be conducted at Christleton High Trust.
- 11.4 Teachers (including the head teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

## **12 Development and support**

12.1 Appraisal is a supportive process which will be used to inform continuing professional development. The Trust 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 Trust improvement priorities and to the ongoing professional development needs and priorities of individual teachers.

### 13. Feedback

13.1 Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after a lesson observation has taken place or other evidence has come to light. As regards lesson observations, we would aim for verbal feedback to be given within two working days and written feedback to be given within five working days. Feedback, (whether after a lesson observation, or more generally), 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 Trust but should reflect the seriousness of the concerns);
- explain the implications and process if no – or insufficient – improvement is made.

13.2 These concerns will be provided in writing to the teacher and line manager if so requested.

13.3 Where the appraiser has concerns about any aspect of the teacher's performance, this must be made known to the teacher's line manager and the head teacher (or delegated Assistant Head), supported by copies of the lesson observation outcomes and/or other evidence

Subsequent consultation will take place between the appraiser, line manager and the head teacher (or delegated Assistant Head) and a constructive 'Support and Improvement Strategy' produced which will include further lesson observations to be undertaken at the appropriate stage in the process. However, at this stage the teacher must be made aware that formal capability proceedings could follow-on, directly from this period.

13.4 This support period lies outside the nationally determined regulations. As a Trust we believe in supporting staff and aiding their professional development. This support period provides a pre-capability period for reflection and supportive action to ensure staff meet the teaching standards expected. The supportive action could include: joint lesson observations, the appointment of a mentor, peer lesson observations, appropriate CPD, regular meetings to discuss issues/progress.

13.5 **This Support and Improvement Strategy, (previously called 'pre-capability')** will not exceed seven weeks and will include formative and summative review. If appraiser, line manager and

the head teacher (or delegated Assistant head) agree that, during this period, issues have been, or are being satisfactorily addressed the appraisal process will continue as normal. If progress is not as expected, the decision will be to either extend the Support and Improvement Strategy for a further period of time (up to the maximum 7 weeks) or, if the seven week period has expired, proceed straight to Capability Proceedings.

## **14 Transition to capability**

- 14.1 If the appraiser/Head teacher (or delegated Assistant head) 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.

## **15 Annual assessment**

### **15.1 At the end of the appraisal cycle, the appraiser(s) will meet the appraisee to assess the performance of the teacher or head teacher against:**

- the “Teachers Standards” or the National Standards for Head teachers as applicable,
- any other set of standards relating to teachers’ or head teachers’ performance published by the Secretary of State and about which the teacher has been notified at the beginning of the appraisal period,
- the teacher or head teacher’s objectives and
- the teacher or head teacher’s professional development needs.

- 15.2 In assessing performance the appraiser will also consider the impact the teacher has had through both achievement of their objectives and their day to day performance on:

- student progress
- wider outcomes for students
- specific elements of practice where appropriate
- the effectiveness of other teachers or other staff
- the wider work of the Trust

- 15.3.1 Assessment of performance against an objective will be on the basis of the performance criteria set at the beginning of the cycle. Good progress towards the achievement of a challenging objective, even if the performance criteria have not been met in full, will be assessed favourably. Assessment may be based on a range of sources:

- lesson observations;
- work monitoring reviews
- student progress
- student tracking records
- self-assessment
- peer reviews

15.3a – during the appraisal review meeting it will be the responsibility of the line manager to make a judgment as to whether the evidence presented by the teacher is of an acceptable standard. In making this judgment the line manager will decide if the evidence is less than acceptable, meets the standard, exceeds the standard or enhances the standards. This judgment will be taken into account by the Pay Review Committee when deciding pay progression. See Pay Policy for further details.

- 15.4 The appraisal cycle is annual, but on occasions it may be appropriate to set objectives that will cover a period over more than one cycle. In such cases, the basis on which the progress being

made towards meeting the performance criteria for the objective will be assessed at the end of the first cycle and will be recorded in the report at the beginning of the next cycle.

15.5 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 during the Spring and Summer terms.

**15.6 In relation to the Head teacher, Governors will consult the external adviser when assessing performance**

The appraiser(s) will also where relevant under the Trust Teachers' Pay and Conditions Document, make a recommendation relating to the teacher or head teacher's pay.

**15.7 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 which will record the assessment of their performance against the criteria set out** In this Trust, teachers will receive their written appraisal reports by 31 October (31 December for the head teacher). **The performance management/appraisal report, (see Appendix 5) 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 indication of the teacher's training and development needs and identification of any action that should be taken to address them;**
- **The report will also, where relevant under the Trust Teachers' Pay and Conditions Document, record a recommendation relating to the teacher or head teacher's pay.**
- **details and evidence of all lesson observations.**

15.8 Much of this detail will be completed by the teacher prior to the formal review meeting.

15.9 The assessment of performance and of training and development needs will inform the planning process for the following appraisal period and the Trusts CPD plan for the year ahead.

## **16 APPEALS**

16.1 Where a member of staff is dissatisfied with the application of the appraisal process (except for decisions on pay) they have recourse to the Trust's Grievance Procedure to pursue the matter.

16.2 Where a member of staff is dissatisfied with a recommendation or decision on pay, they have a right of appeal through the appeals mechanism of the Trust Pay Policy.

## **17 CONFIDENTIALITY**

17.1 The appraisal process and the reports generated under it will be treated with confidentiality at all times. The appraiser and the Head teacher will have access to the appraisee's plan and review recorded in her/his report. Where a teacher has multiple roles, their additional managers (as agreed at the start of the cycle) will also have access.

- 17.2 Access to the appraisal report of a teacher can be made available to Governors where they are being asked to make a decision on pay.
- 17.3 Appraisees will be told who has been granted access to their report.
- 17.4 Governors directly involved in the head teacher's appraisal and the external adviser will be provided with access to the head teacher's plan and review recorded in his/her report. Details of the head teacher's objectives will be reported to the full Trustee Board as soon as practicable after the beginning of the appraisal cycle. Governors not directly involved in the head teacher's appraisal will be given access to the review of his/her performance, on request, and where they are being asked to make a decision on pay.

## **18 TRAINING AND SUPPORT**

- 18.1 The Trust's CPD programme will be determined by the training and development needs of teachers identified during the appraisal process.
- 18.2 The Trustee Board will ensure in the budget planning that, as far as possible, appropriate resources are made available in the Trust budget for any training and support agreed for appraisees. It is recognised that priority may have to be given to the needs of a teacher causing concern or who has entered capability proceedings to ensure appropriate support for improvement is provided.
- 18.3 An account of the training and development needs of teachers in general, including the instances where it did not prove possible to provide any agreed CPD, will form a part of the head teacher's annual report to the Trustee Board about the operation of appraisal in the Trust.
- 18.4 With regard to the provision of CPD in the case of competing demands on the Trust budget, a decision on relative priority will be taken with regard to the extent to which: (a) the CPD identified is essential for an appraisee to meet their objectives; and (b) the extent to which the training and support will help the Trust to achieve its priorities. The Trust's priorities will have precedence.
- 18.5 Teachers should not be held accountable for failing to make good progress towards meeting their performance criteria where the support recorded in the appraisal report has not been provided.

## **19. MONITORING**

- 19.1 The Trustee Board will ensure that all teachers, including the head teacher, have their performance appraised on an annual basis.
- 19.2 The head teacher will provide the Trustee Board with a written report on the operation of the Trust's appraisal policy annually. The report will not contain any information which would enable any individual to be identified. The report will include:
- the operation of the appraisal policy;
  - the effectiveness of the Trust's appraisal procedures;
  - the delivery of training and development opportunities against previously identified need.

## **20 EQUALITY ACT 2010**

- 20.1 In accordance with its Public Sector Equality Duty, the Trustee Board has given due regard to equality considerations in adopting this policy/procedure and is satisfied that its application will not impact adversely on members of staff who have a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) within the meaning of the Equality Act 2010
- 20.2 In addition, the Trustee Board is committed to promoting equality and will ensure that the appraisal process is fair and non-discriminatory and that monitoring data should be included in the head teacher's report covering each of the protected characteristics within the Equality Act 2010.
- 20.3 The head teacher will also report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the protected characteristics.

## **Part B**

### **22 Capability Procedure**

- 22.1 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.
- 22.2 Teachers entering formal capability proceedings will have been made aware of this possibility during the onset of the Support and Improvement Strategy and a formal date set for the review of this period. In all other instances, at least ten 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. Appendix 6 illustrates the Capability Process

### **23 Formal capability meeting**

- 23.1 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, (or delegated Assistant head), for other teachers. The Trust may also invite a HR representative to the meeting. The meeting allows the teacher, accompanied by a companion or union official, 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.
- 23.2 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. 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.

23.3 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 should be between four and ten weeks. It is for the Trust to determine the set period. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place; and
- warn the teacher formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.
- Set a date for a Formal Review meeting – normally four/five weeks from this meeting.

23.4 Notes will be taken of formal meetings and a copy sent to the teacher concerned. 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.

## **24 Monitoring and review period following a formal capability meeting**

24.1 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).

## **25 Formal Review meeting**

25.1 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. This date will have been set at the previously held Formal Capability Meeting.

25.2 If the person(s) 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.

- 25.3 As before, notes will be taken of formal meetings and a copy sent to the teacher. 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.
- 25.4 At this stage a date will be set for the Decision meeting – normally 4/5 weeks from this meeting.

## **26 Decision meeting**

- 26.1 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, where possible, an agreed 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 date will have been set at the Formal Review meeting.
- 26.2 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 re-start. If performance remains unsatisfactory, a decision, or recommendation to the Trustee Board, will be made that the teacher should be dismissed or required to cease working at the Trust.
- 26.3 Before the decision to dismiss is made, the Trust will discuss the matter with an HR representative.
- 26.4 The Decision meeting will be chaired by the Chair of the Governors Staffing Committee and two other Governors.
- 26.5 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.

## **27 Decision to dismiss**

- 27.1 The power to dismiss staff in this Trust rests with the Trustee Board.

## **28 Dismissal**

- 28.1 Once the decision to dismiss has been taken, the Trustee Board will dismiss the teacher with notice.

## **29 Appeal**

- 29.1 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 working 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.

29.2 The appeal will be dealt with impartially and by governors who have not previously been involved in the case, in normal circumstances this will be by the Chair or Deputy Chair of the Trustee Board and two other Governors.

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

### **30 General Principles Underlying This policy**

#### **30.1 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.

#### **30.2 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. Delegated senior leader will review all teachers' objectives and written appraisal records personally in order to check consistency of approach and expectation between different appraisers. The head teacher will also be made aware of any pay recommendations that have been made in order to make the final signing off decision.

#### **30.3 Consistency of Treatment and Fairness**

The Trustee Board is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

#### **30.4 Definitions**

Unless indicated otherwise, all references to "teacher" include the head teacher.

#### **30.5 Delegation**

Normal rules apply in respect of the delegation of functions by governing bodies, head teachers and local authorities.

#### **30.6 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.

#### **30.7 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 Trust'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.

### **30.8 Monitoring and Evaluation**

The Trustee Board and head teacher will monitor the operation and effectiveness of the Trust's appraisal arrangements.

### **30.9 Retention**

The Trustee Board and head teacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

Approved by the Trustee Board on 17 July 2018.

## Appendices

Appendix 1 – Appraisal Cycle

Appendix 2 – Lesson observation principles

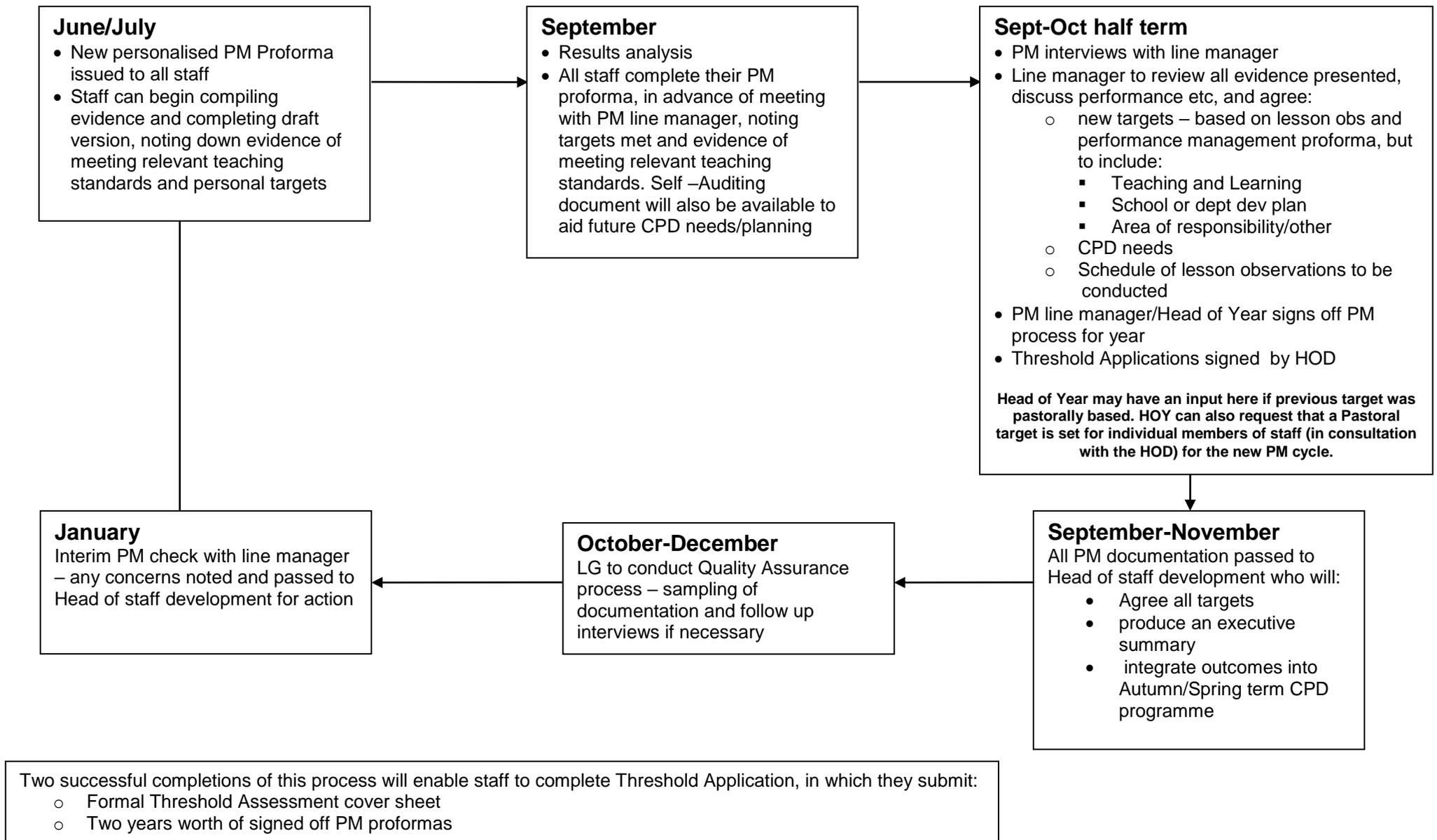
Appendix 3 – Lesson observation recording proforma

Appendix 4 – Lesson “drop-in” principles

Appendix 5 – Appraisal Proforma

Appendix 6 – Capability Process

# Appendix 1 Appraisal Cycle



**Lesson Observation Principles**

1. The Learning Trust is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:
  - carry out the role with professionalism, integrity and courtesy;
  - evaluate objectively against shared criteria;
  - report accurately and fairly;
  - respect the confidentiality of the information gained.
  
2. Purpose of Lesson Observations
  - To improve learning and teaching as part of individual staff member, subject department, whole Trust self-evaluation procedures.
  - To give teachers the opportunity to reflect on and discuss their practice with each other and with Trust management
  - To share success and good practice.
  - To promote a collegiate approach to developing learning and teaching
  - To allow a better understanding of the work and professional practice of teachers.
  - To contribute to standards and quality reporting, including reports to Ofsted.
  - To contribute to the process of professional review and development, as appropriate.
  - To contribute to the process of professional development at the request of the member of staff.
  
3. Protocol
  - All teachers will have one lesson observation in each academic year linked to the Appraisal procedures outlined in this policy. This will normally be the duly appointed line manager of that teacher, or the Head of department where the line manager is a member of leadership group.
  - All teachers will have one lesson observation in each academic year conducted by a member of the Trust's Leadership Group.
  - Where there are areas of concern regarding the teacher's performance, follow-up lesson observations may take place, conducted by the teacher's line manager or member of the Trusts leadership team.
  - All teachers will be given at least three working days notice of a lesson observation. Teachers should be notified in writing and/or by e-mail of a lesson observation
  - Information gathered during each observation will be used, as appropriate, for Trust self evaluation.
  - All teachers are entitled to feedback following a lesson observation; verbal feedback should be given within two working days and written feedback within five working days.
  - All lesson observation notes should be recorded on the Trust's Lesson Observation Form – see Appendix 3.

- A copy of the Lesson Observation Form goes to
  - the teacher observed
  - the line manager and/or Head of Department
  - the head teacher or delegated Assistant headteacher
- Information recorded on the Lesson Observation Form may be used by the Leadership Group for whole Trust self evaluation purposes.
- Lesson observations for the purpose of Appraisal will only be conducted by persons with QTS
- Teachers are also encouraged to conduct Peer lesson observations, for example, as part of their Learning and Teaching project or Paired Department work.



*Christleton High School*

**Leadership Group Teaching and Learning – Lesson Observation**

|                          |                        |                        |              |
|--------------------------|------------------------|------------------------|--------------|
| <b>Teacher Observed:</b> |                        | <b>Observer:</b>       |              |
| <b>Department:</b>       |                        | <b>Group:</b>          | <b>Date:</b> |
| <b>Period:</b>           | <b>Part of lesson:</b> | <b>Time in lesson:</b> | <b>Room:</b> |

**Context:** Ability - mixed ability, setted upper ability, setted average ability, setted lower ability; target grades progress; where on the specification eg first lesson of a new topic  
**Lesson Objectives:** From the lesson plan  
**Learning Outcomes:** Differentiated, in student speak, inform structure of lesson

|   | Yes | No |   | Yes | No |
|---|-----|----|---|-----|----|
| Learning outcomes shared with students    |     |    | Evidence of student participation in AsL  |     |    |
| Students understand the learning outcomes |     |    | Good Pace to student learning             |     |    |
| Evidence of Independent Learning          |     |    | Evidence of enjoyment/purposeful activity |     |    |
| Students are challenged by activities     |     |    | Student behaviour is respectful and calm  |     |    |
| All Students make progress                |     |    | Classroom environment is a learning one   |     |    |

**Observation Narrative:**  
 Effectiveness of teaching and learning: planning (incl differentiation), learner-centred strategies such as personalisation, appropriate variety of activities addressing the full range of learners' needs including challenge; meeting course requirements; use of resources, use of e-learning, quality of communication; subject specific expertise - knowledge, enthusiasm, linking theory/practice; teaching and developing functional skills; evidence of teacher's personal skills.

**Achievement of Learners:** Suitability and use of assessment, including questioning, self assessment and peer assessment; standard of learners' work; evidence of **progress** relative to prior attainment, initial assessment and potential; learners attendance and engagement; acquisition of knowledge and/or skill.

**Areas of Strength and Successes:**

**Areas for development:**

**Action Plan:**

**Teaching Assistant Deployment:** Effectiveness of support: planning, learner-centred support, such as personalisation, appropriate variety of interaction and intervention addressing the full range of learners' needs including challenge; value of TA input into Statemented/SEN students to achieve academic or social best.

\_\_\_\_\_  
**Signed: Observer**

\_\_\_\_\_  
**Class Teacher**

**Date of Feedback** \_\_\_\_\_

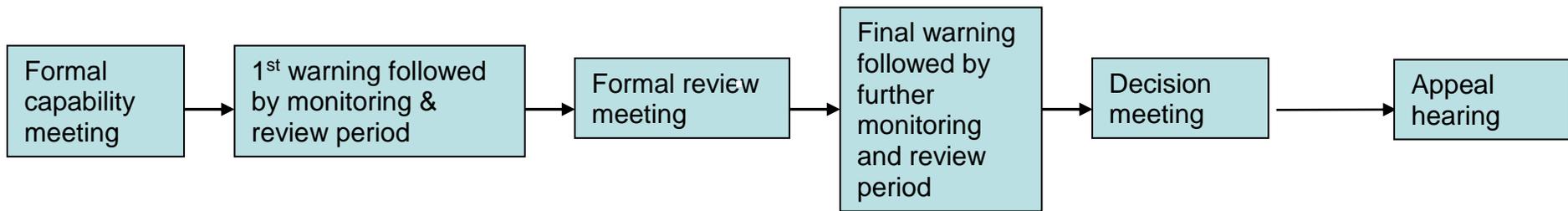
## Appendix 4

### Lesson Drop-in Principles

1. There may be lesson visits outside Trust's Appraisal policy as part of a head teacher's (or delegated members of Leadership Group) right to drop in. Unless these observations give rise to a concern about a teacher's performance or it has been requested by the Appraisee, the evidence for these may not be used in the Appraisal Process. On rare occasions drop-in observations may provide evidence that shows a teacher is experiencing difficulties, the person undertaking the observation should alert the appropriate line manager allowing for further documented discussion under the Trusts Appraisal policy.
2. Drop-in visits may include:
  - a Monitoring the progress of a Trust strategy.
  - b Monitoring the consistency of application of Trust policy.
  - c Accompanying visitors around Trust - Trust improvement partners, parents, students
  - d Monitoring the behaviour of students
  - e Monitoring the general progress of students or groups of students
3. Drop-in visits take two forms
  - a A Learning Walk of lesson visits conducted by the Leadership Group and/or HOD – There will be one drop-in week per term and the timing, year group and focus, will be notified to all staff in advance
  - b Informal drop-ins by the Head of Department or any member of the Leadership group at any time.
4. Drop-in lesson observations play an important role in allowing Trust leaders to monitor progress of students in their care. However, they are not to be over invasive or detract from the lesson observations carried as part of the Appraisal process. Where teachers feel that drop-in lesson observations are becoming excessive, or making little contribution to department processes or progress, they should in the first instance raise the matter with their line manager and/or with the member of the leadership group who has responsibility for teaching and learning.
5. Staff conducting a drop-in observation will not normally leave written feedback, unless otherwise requested by the teacher concerned.
6. Information from drop-in lesson observations and conclusions drawn may be used to inform whole Trust or department monitoring, evaluation and development discussions.

**Appendix 5  
Appraisal  
Proforma /  
Report**

# Procedure for dismissing teachers under new capability procedures



Formal Capability would only begin after a period of department/school support and would only be instigated if the line manager and/or senior leader felt that the evidence suggested that continuation of the normal appraisal cycle is unlikely to lead to sufficient improvement in teacher performance. This period of department/school support cannot exceed one half term.