



St Michael's C E Primary

APPRAISAL AND CAPABILITY POLICY FOR TEACHERS AND SUPPORT STAFF

Policy

"We are the seeds. Our school is the good ground which provides everyone with all they need to grow and achieve." (Our children)

St Michael's is a Church of England Primary School built on distinctive Christian Values at the very heart of its community.

We will provide:

- a welcoming, inclusive school with strong relationships across our community, that celebrates diversity;
- excellent teaching with a nurturing approach, guiding first steps to next steps;
- an inspirational and challenging curriculum which ignites curiosity, encourages resilience and grows confidence so children become lifelong learners;
- a happy, safe and stimulating environment in which children can achieve their full potential;

So that our children will flourish in all they do and become good citizens

"And some seed fell on good ground. This seed grew and made 100 times more grain." (Luke 8:8)

SAFEGUARDING STATEMENT

Everyone at St Michael's Church of England Primary shares a commitment to keep children and young people safe by:

- **providing a safe environment for them to learn**
- **identifying those who are suffering or likely to suffer significant harm and to take appropriate action with the aim of ensuring they are kept safe both in school and at home.**

Wherever the word 'teacher' is mentioned, this includes all members of staff.

1.1 1 Purpose and aims

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the headteacher, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers. It also sets out the arrangements that will apply when teachers fall below the levels of competence that are expected of them.

1.2

2 Scope

The policy is in two main sections.

Section 2 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.

Section 3 of the policy, which sets out the formal capability procedure, applies only to teachers (including the headteacher) about whose performance there are serious concerns that the appraisal process has been unable to address.

The policy also applies to support staff.

1. 3 Policy Statement

Appraisal will be a supportive and developmental process designed to ensure that all employees have the skills and support they need to carry out their role effectively. The professional dialogue will help to ensure that staff improve their practice and continue their professional development.

1.3 4 The appraisal period

The appraisal period will run for twelve months:

- *From 1st September to 31st August for teaching staff including the headteacher*
- *From January to December for support, admin and site staff*

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.

1.4 5 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 headteacher, including the setting of objectives, will be delegated to a sub-group consisting of a minimum of 2 members of the Governing Body.

The headteacher will decide who will appraise other teachers.

1.5 6 Setting objectives

The headteacher's objectives will be set by the Governing Body after consultation with the external adviser. The objectives of all other employees will be set by the appraiser appointed by the headteacher.

Objectives 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 *and their intended impact will be considered*. Objectives will be appropriate to the teacher's role, career stage and *the school's context*. *Success criteria will be established so the appraiser and the appraisee understand the level of performance required and how this will relate, where relevant to pay progression for teachers. The main sources of evidence will also be clear at the outset including*

observations, work scrutiny, performance data and pupil feedback.

The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

The objectives set for each teacher will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school. This will be ensured by quality assuring all objectives against the school improvement plan. *The school operates a system of moderation to ensure all appraisers are working to the same standards.*

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. With the exception of those who are qualified teachers by virtue of holding and maintaining Qualified Teacher Learning and Skills (QTLS) status, all teachers must be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The headteacher or governing body (as appropriate) will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

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

1.6 7 Monitoring performance

7.1 Observation

This school believes that observation of classroom practice and other responsibilities, where appropriate, is important both as a way of assessing appraisee's performance in order to gain any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion. See Appendix 1.

In this school teachers' performance will be regularly observed by their line manager. The amount and type of observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will be

carried out by those with qualified teacher status (QTS). In addition to formal observation, headteachers or other leaders with responsibility for teaching standards may “drop in” in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of “drop in” observations will vary depending on specific circumstances. Appraisees (including the headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

7.2 Work Scrutiny

This school believes that the scrutiny of the work of pupils/students, where appropriate, is important both as a way of assessing appraisees’ performance in order to gain any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally.

7.3 Performance Data

This school believes that relevant performance data, is important both as a way of assessing appraisee's’ performance in order to gain any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally.

7.4 Pupil/Student Feedback

This school believes that the feedback from pupils/students, where appropriate, is important both as a way of assessing appraisee's’ performance in order to gain any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally.

7.5 Development and support

Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all staff take responsibility for their practice through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual appraisees.

7.6 Feedback

All staff will receive constructive feedback on their performance throughout the year and as soon as practicable after any 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.

7.7 Concerns about performance

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), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress;
- explain the implications and process if no – or insufficient – improvement is made.

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. If the appraiser is not satisfied that the appraisee has made, or is making, sufficient improvement, the appraisee will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure. The appraisee will be invited to a formal capability meeting to start that procedure. The capability procedures will be conducted as in section 13 of this policy.

8 Reviewing Performance

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 which will take place (eg once a term).

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on - a written appraisal report. In this school, teachers will receive their written appraisal reports by 31 October (31 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 (NB – pay recommendations need to be made by 31 December for headteachers and by 31 October for other teachers);
- (schools to say here what else, if anything, their appraisal reports will include).

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period. Reviewing performance Each appraisee'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 which will take place once during the academic year.

The appraiser will ensure that the appraisee is aware if they do not appear to be on track to meet their objectives or any relevant standards including any risk to pay progression arising from performance where relevant. The appraiser should document this in their notes of the discussion.

The evidence in the report will be sufficiently detailed and robust to support the appraiser's pay recommendation for a teacher eligible for performance pay progression. The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.

9 Specific considerations

It is recognised that a significant period of absence for a teacher during the appraisal period may affect the recommendation about whether the teacher should be awarded pay progression. Each situation will be reviewed on a case by case basis to consider whether the individual has attended work for sufficient period of time for a robust judgement to be made on their performance.

Where that absence is a result of the protected characteristic for example pregnancy/ maternity or disability under the Equality Act 2010, the appraiser in making a recommendation will consider the following factors:

- What proportion of the appraisal cycle has been completed?
- Have objectives been proportionately adjusted to reflect the absence?
- Has the employee received performance related pay in the past?
- Was the performance in the affected cycle in line with previous performance? In order for performance management to be robust the appraiser should ensure:

- The employee is given the opportunity to be consulted on question of progression.
- At the outset of the cycle the criteria for progression is very clear.
- The employee is provided with the same information that is available to other teachers who are not absent.
- The employee is provided with a fair, balanced and reasonable approach to gathering, presenting and analysing information in relation to their performance.
- Employees are kept "in the loop" when absent by informing and involving them in any on-going performance management activities.

10 Confidentiality and record keeping

The appraisal process 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. The headteacher or appropriate colleague will review all objectives, the evidence considered and written appraisal records (including any performance pay recommendation made) in order to moderate the planning and review stages of the appraisal process. The purpose is to check the consistency of approach and expectation between different appraisers and ensure compliance with the school's policies, particularly before pay recommendations are submitted to the governing body for decision. Heads should use their professional judgment based on suitable evidence to make any pay recommendations to the relevant committee. The governing body and head teacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

11 Governor Moderation

Governors should satisfy themselves that the process of moderation of appraisal objectives and pay recommendations is carried out fairly and e.g. one/two governors will examine anonymised examples to scrutinise the differences for staff at different levels of responsibility.

12 Appeals Procedure

Governors involved in the earlier moderation procedure will not be able to participate in any appeals committee established under the school's pay policy. The governing body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation. The governing body and headteacher will monitor its operation and effectiveness of the school's appraisal arrangements. The governing body will review this policy every year.

2.

3. 13 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.

1.7 13.1 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) (schools to insert any alternative arrangements). The meeting allows the teacher, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, for example which of the standards expected of teachers are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);
- explain any support that will be available to help the teacher improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the

individual case but in straightforward cases could be (insert time period – eg between four and ten weeks. It is for the school 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.

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.

1.8 13.2 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).

1.9 13.3 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.

1.10 13.4 Decision meeting

As with formal capability meetings and formal review meetings, at least five (or insert alternative) 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.¹

Before the decision to dismiss is made, the school will discuss the matter with the local authority (N.B. this is not a legal requirement but schools may find it helpful).

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.

In Foundation Schools, Voluntary Aided Schools and Foundation Special Schools, the governing body is the employer but the power to dismiss can be delegated to the head teacher, to one or more governors, or to one or more governors acting with the head teacher. In Community, Voluntary Controlled, Community Special, and Maintained Nursery schools, the power to determine that the member of staff should no longer work at the school can be delegated in the same way as above but it is the local authority (as the employer) that actually dismisses staff (or – for those who work in more than one school – requires them to cease to work at the school).

1.11 13.5 Decision to dismiss

For Foundation Schools, Voluntary Aided Schools and Foundation Special Schools

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

1.12 13.6 Dismissal

For Foundation Schools, Voluntary Aided Schools and Foundation Special Schools

Once the decision to dismiss has been taken, the Headteacher will dismiss the teacher with notice.

1.13 13.7 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 (or substitute alternative) 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.

Definitions

Unless indicated otherwise, all references to “teacher” include the headteacher.

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

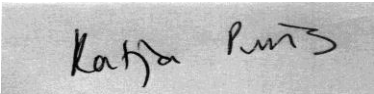
If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school’s Managing Absence policy and will be (eg referred immediately to the occupational health service to assess the member 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.

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.

This policy has been approved by the Governing Body and Head teacher of St. Michael’s C of E Primary School.

Chair of Governors

Signed: 

Print Name: Katja Purvis.....

Date:... .. 31/01/2023.....

Head Teacher

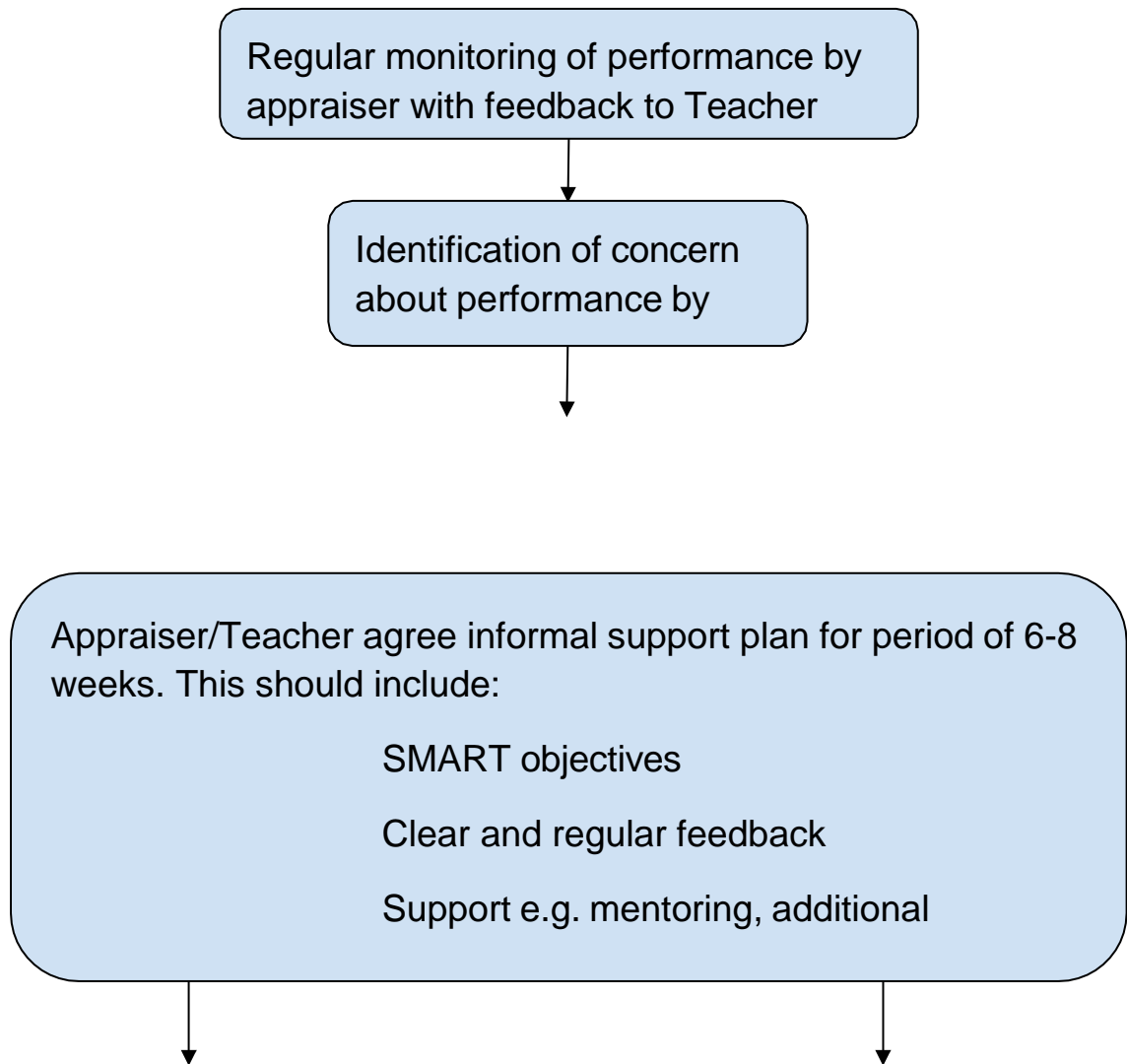
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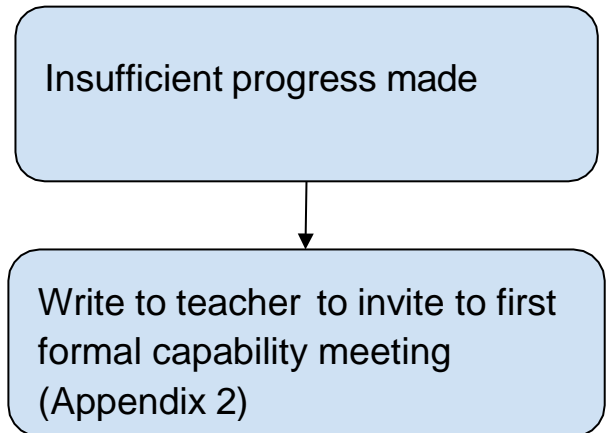
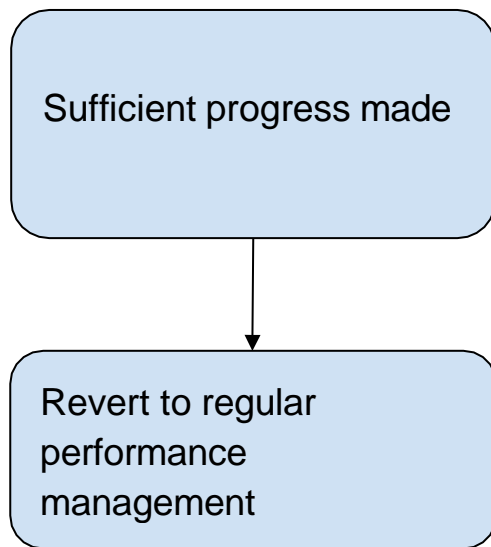
Print name:.....GAVIN JOHNSTON.....

Date:31/01/2023.....

REVIEW DATE ...January 2024

Appendix One - Flow Chart for Informal Performance Management Procedure





Appendix 2 Capability Process Flowchart

