

TEACHERS APPRAISAL & CAPABILITY POLICY

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Contents

PART A APPRAISAL.....	2
THE APPRAISAL PERIOD	2
APPOINTING APPRAISERS	2
SETTING OBJECTIVES	2
DEVELOPMENT AND SUPPORT.....	3
FEEDBACK	4
EVIDENCE.....	4
TRANSITION TO CAPABILITY	5
ANNUAL ASSESSMENT	5
PART B CAPABILITY	6
TARGETS.....	9
MEASURES.....	9
FEEDBACK	9
REVIEW	9
APPEAL.....	11
APPENDIX 1 TEACHERS STANDARDS.....	13
Appendix 1A Ascend Learning Trust UPS Expectations	16
APPENDIX 3 STAGE 2 - INTERVENTIONAL CPD PLAN TEMPLATE.....	17
APPENDIX 5 STAGE 4 - FORMAL SUPPORT PLAN: CAPABILITY TEMPLATE	19

RELATED POLICIES

- Teachers Pay Policy
- STP&C
- Individual school related QA policies

PART A APPRAISAL

Appraisals in schools within the Trust should be a supportive and developmental process designed to ensure that all teachers have or fully develop the skills and access to 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.

For members of the central team, where this policy relates to Headteacher, this will be implemented by the CEO.

THE APPRAISAL PERIOD

The appraisal period will run for twelve months from September to August. Teachers who are employed on a fixed term contract of less than one year will have the 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 contract.

There is flexibility to have a longer or shorter appraisal period when teachers begin or end employment with the Trust or when unattached teachers change post within the same Trust.

APPOINTING APPRAISERS

The CEO will be appraised by the Trust Board. In our schools the task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of one/two members of the Trust Board, the CEO, within written or verbal input from the COG.

The Headteacher will decide who will appraise other teachers.

SETTING OBJECTIVES

The Headteacher's objectives will be set by the CEO/Trust Board. The Trust board has a duty to have regard to the work-life balance of the Headteacher and objectives will reflect this.

Objectives for each teacher will be set before, or as soon as practicable after, the start of each appraisal period. 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.

Objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils.

Objectives can be set in relation to robust assessment data, however, these will not be used in isolation and other factors will also be considered when making decisions about pay progression.

For more information, please see Pay Policy. The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives should be revised if circumstances change.

The objectives set for each teacher will, if achieved, contribute to the school & trust's plans for improving the educational provision and performance and improving the education of pupils at all schools.

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 will be assessed against the set of standards contained in the document called "Teachers' Standards"

REVIEWING PERFORMANCE

OBSERVATION

We believe that observation of classroom practice and other responsibilities are important as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have, gaining useful information which can inform school improvement more generally and enabling teachers to learn from each other and collaborate.

All observation will be carried out in a supportive fashion and not add to teacher workload.

Please refer to your individual school T&L & Observation policy on how these are carried out in each school.

DEVELOPMENT AND SUPPORT

Appraisal is a supportive process which will be used to determine decisions on pay progression and inform continuing professional development. We wish to encourage a

culture in which all teachers take responsibility for improving their teaching through appropriate professional development.

Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers. See your school individual CPD or Trust wide offer for more details.

Pre-Support – Interventional Support such as CPD, caching and mentoring should be part of normal development opportunities for all staff. This can be recorded using Appendix 3 'Interventional CPD Plan or online using Perspective.

FEEDBACK

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light.

Feedback will highlight particular areas of strength as well as any areas that require further development.

Where there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher informally 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 (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns);
- explain the implications and process if no, or insufficient, improvement is made – e.g., impact on pay progression and potential move to formal capability.

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.

EVIDENCE

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

TRANSITION TO CAPABILITY

If a teacher demonstrates serious under performance and has not responded to support provided within the appraisal process (See Teacher Support Process), the teacher will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting.

The capability procedures will be conducted as in part B of this policy.

ANNUAL ASSESSMENT

Each teacher's performance will be formally assessed in respect of each appraisal period. 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 (e.g. once a term).

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment on – an appraisal report (via Perspective).

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);

The assessment of performance and of professional development needs will inform the planning process for the following appraisal period.

PART B CAPABILITY

INTRODUCTION

Pre-Support – Interventional Support such as CPD, coaching and mentoring should be part of normal development opportunities for all staff. When through QA through it is noted that standards are not what is expected and therefore a plan may need to be put in place, this can be recorded using Appendix 3 'Interventional CPD Plan or online using Perspective.

This policy should be used when an employee's performance has been identified as falling below an acceptable level. The Teacher Support Process should be used, and the employee should have been notified they have moved from stage 2 to 3.

Its purpose is to provide a framework for resolving the issue, ideally through the improvement of the employee's performance. As a last resort, the policy specifies the circumstances in which the employee may be redeployed to more suitable work or dismissed on the ground of capability.

Before this procedure is engaged, the employee should receive feedback from their manager setting out the concerns about the employee's performance and how their performance can be improved. This procedure is designed to be used when such informal discussions do not lead to the employee improving their performance to an acceptable level.

Where an employee's poor performance is believed to be the result of deliberate negligence, or where serious errors have been made by them to the detriment of the organisation, the organisation may decide to use its disciplinary procedure instead.

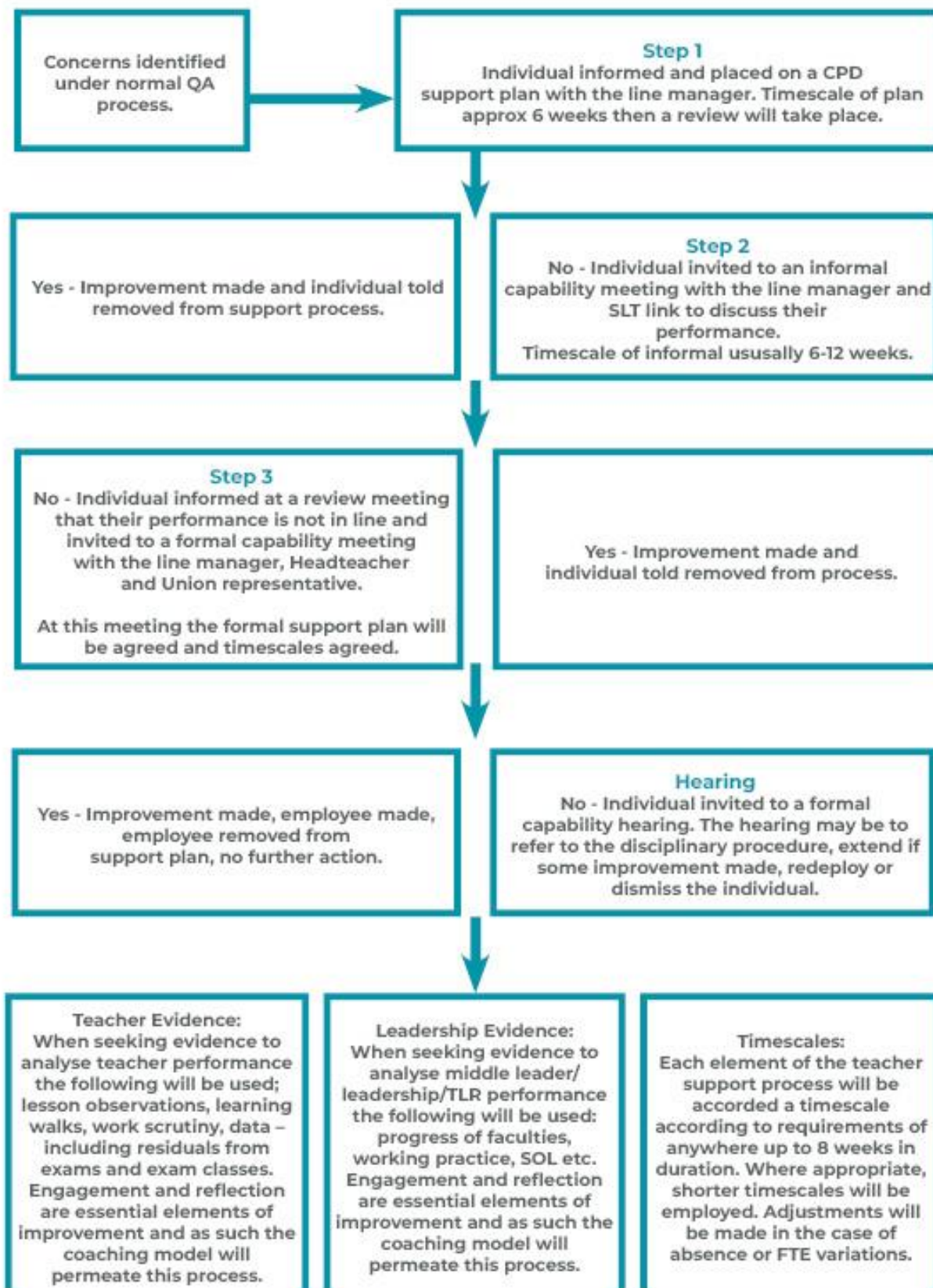
A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes. The organisation processes any personal data collected during the performance improvement procedure in accordance with its data protection policy.

Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately.

It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

PLEASE NOTE - Timelines and a flow chart are provided for a guide only. However, the capability procedure can be brought forward and informal stages bypass if there is evidence of significant concern or risk to others.

Flow Chart



Note: For serious concerns timescales can be reduced to 4 weeks in each step.

Step 1 (CPD Support Plan - Appendix 3)

The employee's manager will inform them of the nature of the problem and confirm this in writing. The employee will be invited to an informal meeting to discuss concerns regarding their performance.

The meeting will be conducted by the employee's manager. Use CPD Template

Following discussion of the problem, the manager may choose to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure; or
- issue guidance to the employee on what they need to do to improve their performance and give timescale for review.

Step 2 (Informal Support Plan - Appendix 4)

Where a CPD support plan does not lead to a satisfactory improvement in the employee's performance, the employee will be invited to a performance review meeting.

The purpose of a performance review meeting is to discuss the employee's performance and decide what measures should be taken, with a view to securing the required improvement in the employee's performance.

The meeting will be conducted by the employee's manager. Where it is considered appropriate by the organisation, a member of the HR department may also be present.

The employee will be given an opportunity to respond to any criticisms of their performance and to put forward any explanation they may have for the matters identified by the manager as amounting to poor performance.

The outcome of the meeting may be:

- a decision to take no further action;
- a decision to refer the matter for investigation under the disciplinary procedure; or
- the implementation of an informal support plan, designed to bring the employee's performance up to an acceptable level.
- At this stage the employee must be informed their employment may be at risk if the desired improvements are not made

The overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.

TARGETS

The performance improvement programme will specify the particular areas in which improved performance is needed and set out how, and on what criteria, the employee's performance will be assessed.

Where appropriate, specific targets will be set that will need to be achieved either by the end of the programme or at identifiable stages within it.

MEASURES

The performance improvement programme will specify what measures will be taken by the organisation to support the employee in improving their performance. Such measures may include: training; additional supervision; the reallocation of other duties; or the provision of additional support from colleagues.

FEEDBACK

As part of the performance improvement programme, the employee will be given regular feedback from their line manager indicating the extent to which the employee is on track to deliver the improvements set out in the programme.

If, at any stage, the organisation feels that the performance improvement programme is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue.

As a result of such a meeting, the employer may amend or extend any part of the programme.

REVIEW

At the end of the performance improvement programme, the employee's performance will be reviewed. If satisfactory progress has been made, the employee will be notified of this fact in writing.

However, if the manager feels that progress has been insufficient, they may decide to extend and/or amend the performance improvement programme to such extent as the manager considers appropriate. Alternatively, they may decide to refer the matter to a meeting under stage 3 of this procedure.

Step 3 (Formal Capability – Appendix 5)

Formal capability will be implemented by the Headteacher, the performance plan will specify the particular areas in which improved performance is needed and set out how, and on what criteria, the employee's performance will be assessed.

Where appropriate, specific targets will be set that will need to be achieved either by the end of the programme or at identifiable stages within it.

If the performance improvement programme see stage 4 plan has not led to sufficient improvement in the employee's performance, the employee will be invited to attend a formal capability hearing.

The invitation will set out the respects in which the employee's manager believes that the employee's performance still falls short of an acceptable standard.

The hearing will be conducted by the Headteacher and a member of the HR department.

The employee will be entitled to be accompanied by a fellow employee or a trade union official. Please note where the formal capability review is of the Headteacher the CEO will conduct the Hearing with a member of the Staffing Panel of the Trust.

At the hearing, the employee will be given an opportunity to respond to any criticism of their performance and to make representations about any aspect of the way in which the process has been managed.

The outcome of the meeting may be a decision to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure;
- extend the current one if some improvement
- to redeploy the employee to a new role • issue a formal warning to the employee.
- make a decision to dismiss the employee

A formal warning or decision to dismiss will be issued if the hearing concludes that reasonable steps have been taken by the organisation that should have allowed the employee to perform to an acceptable standard, but that these measures have not worked.

The warning will explain the nature of the improvement that is required in the employee's performance and state that the improvement must be immediate and sustained.

Where an employee is issued with a formal warning or is dismissal in accordance with this procedure, they will have a right of appeal.

Any offer to redeploy the employee will be entirely at the organisation's discretion. Such an offer will be made only where the organisation is confident that the employee will be able to perform well in the redeployed role.

It will normally be offered only as an alternative to dismissal in circumstances in which the organisation is satisfied that the employee should no longer be allowed to continue to work in their current role.

While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

Where an employee is dismissed in accordance with this procedure, they will have a right of appeal.

APPEAL

An employee has a right of appeal against a sanction issued under stages 3 or 4 of this procedure. A request for an appeal should be sent in writing to the Headteacher and set out the grounds on which the employee believes that the decision was flawed or unfair.

The request should be sent within seven days of the employee receiving written confirmation of the sanction imposed on them by the organisation.

An appeal hearing will be convened to consider the matter. It will be chaired by a Senior Manager, CEO or Trustee than the manager who conducted the original hearing, together with the head of HR.

The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

The result of the hearing will be either to confirm the sanction or substitute any outcome that was available to the panel conducting the hearing at which the sanction was imposed on the employee.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

Acas code of practice on disciplinary and grievance procedures, and related guidance Paragraph 1 of the “Acas code of practice on disciplinary and grievance procedures” anticipates that the same procedure is used for both conduct and capability issues.

That may be a suitable approach for straightforward cases or for small employers, but larger employers or employers facing complicated performance issues that require more than just a straightforward warning are likely to benefit from a separate procedure.

The code states that where a separate procedure is used, the basic principles of fairness set out in the code should still be followed (and adapted where necessary).

Capability is a potentially fair reason for dismissal under s.98(2)(a) of the Employment Rights Act 1996. To comply with the requirement of reasonableness under s.98(4) of the Employment Rights Act 1996, the employer must show that the employee's performance was sufficiently bad to justify dismissal and that it acted reasonably in dismissing the employee for this reason.

Under s.10 of the Employment Relations Act 1999, workers have the statutory right to be accompanied by a fellow worker, a full-time trade union official, or a lay trade union official certified by the union as having experience of or having received training in acting as a companion at disciplinary hearings when invited or required to attend formal disciplinary hearings.

For the purposes of s.10, a disciplinary hearing is one that could result in the worker being issued with a formal warning, penalised in some other way or dismissed, or in the confirmation of the warning issued or the action taken.

APPENDIX 1 TEACHERS STANDARDS

PREAMBLE

Teachers' Standards Preamble

Teachers make the education of their pupils their first concern and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.

Part One: Teaching

A teacher must:

1. Set high expectations which inspire, motivate and challenge pupils
 - establish a safe and stimulating environment for pupils, rooted in mutual respect
 - set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
 - demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.
2. Promote good progress and outcomes by pupils
 - be accountable for pupils' attainment, progress and outcomes
 - be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these
 - guide pupils to reflect on the progress they have made and their emerging needs
 - demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching
 - encourage pupils to take a responsible and conscientious attitude to their own work and study.
3. Demonstrate good subject and curriculum knowledge
 - have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils'
 - interest in the subject, and address misunderstandings
 - demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship
 - demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject

- if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
- if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.

4. Plan and teach well-structured lessons

- impart knowledge and develop understanding through effective use of lesson time
- promote a love of learning and children's intellectual curiosity
- set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding pupils have acquired
- reflect systematically on the effectiveness of lessons and approaches to teaching
- contribute to the design and provision of an engaging curriculum within the relevant subject area(s).

5. Adapt teaching to respond to the strengths and needs of all pupils

- know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively
- have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these
- demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support pupils' education at different stages of development
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.

6. Make accurate and productive use of assessment

- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
- make use of formative and summative assessment to secure pupils' progress
- use relevant data to monitor progress, set targets, and plan subsequent lessons
- give pupils regular feedback, both orally and through accurate marking, and encourage pupils to respond to the feedback.

7. Manage behaviour effectively to ensure a good and safe learning environment

- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy

- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them
- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

8. Fulfil wider professional responsibilities

- make a positive contribution to the wider life and ethos of the school
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
- deploy support staff effectively
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues
- communicate effectively with parents with regard to pupils' achievements and wellbeing.

Part Two: Personal and professional conduct

- A teacher is expected to demonstrate consistently high standards of personal and professional conduct.
- The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
 - not undermining fundamental British values, including democracy, the rule of law, individual liberty and
 - mutual respect, and tolerance of those with different faiths and beliefs
 - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities

Appendix 1A Ascend Learning Trust UPS Expectations

- Excellent teaching and pupil learning practice is embedded, and outstanding pedagogy is evident and developing.
- Best practice is consistently demonstrated and cascaded with an increasing impact on pupils.
- The teacher plays a proactive role in building and leading school-wide teams or works across a number of schools to improve provision and outcomes.
- Contribution to the school improvement plan is clear and distinctive, with leadership of distinct areas and evidence of effective implementation and sustained impact in these areas.
- Significant and consistent whole school contribution in developing the curriculum and impacting significantly on pupil progress
- Makes a significant contribution to development of policies and develops others to uphold them.
- Makes a substantial and strategic contribution to their area of specialism, modelling outstanding practice over time.
- Regularly leads individual and group activity involving coaching, mentoring, staff meetings, observations and professional development in area of own responsibility.
- Contributes to and implements whole school or workplace policies and supports others to uphold them whether it be through building key stage teams and/or whole school development.
- Takes a proactive role in accessing relevant support and professional development from colleagues
- Delivers or leads professional development to colleagues within a department, in school, across the Trust or across a wider group of schools. Designs and leads CPD sessions and programmes.
- Models best practice (open-door policy)
- Coaching and/or mentoring staff and/or trainees with evidence of improvement.
- Designs learning and leads on the development of schemes of work.
- Significant and consistent whole school contribution over a sustained period, sharing good practice and developing the curriculum and impacting significantly on pupil progress

APPENDIX 3 CPD SUPPORT PLAN TEMPLATE (step 1)



Name	
Faculty	
Date of Meeting	
Timescale	
Our Aim	
Values	
Line manager	
Leadership Link	
Teaching and Learning/ Areas for Development	
Teaching and Learning/ Areas for Development	
Action Points	

APPENDIX 4 INFORMAL TEACHER SUPPORT PLAN TEMPLATE (step 2)

(EXAMPLE, PLEASE EDIT FOR NEED)

NAME:

DURATION:

START DATE:

LINE MANAGER:

END DATE:

SLT LINK

KEY AREA	TEACHER STANDARD	ACTIONS	CO- ORD	TIME FRAME	SUCCESS INDICATOR
Quality of Teaching, learning & assessment					
Personal, Behaviour & Welfare					

SLT will support you by: **Examples**

- Providing a coach
- Weekly meetings with Line Manager
- Meeting with Behaviour SLT Link

Summary	
Items to be carried forward via on-going Line Management Meetings from	

APPENDIX 5 FORMAL SUPPORT PLAN: CAPABILITY TEMPLATE (step 3)

NAME: _____ **DURATION:** _____ **START DATE:** _____
LINE MANAGER: _____ **END DATE:** _____ **SLT LINK** _____

KEY AREA	TEACHER STANDARD	ACTIONS	CO- ORD	TIME FRAME	SUCCESS INDICATOR
Quality of Teaching, learning & assessment					
Personal, Behaviour & Welfare					

SLT will support you by: **Examples**

- Providing a coach
- Weekly meetings with Line Manager
- Meeting with Behaviour SLT Link

Summary	
Items to be carried forward via on-going Line Management Meetings from	