

Blessed Sacrament Catholic Primary School



Teacher Appraisal and Capability Policy 2018

“Aim high – live life to the full”

Written By	
Ratified by Governors	Summer 2018
Date for review	September 2019
Signed Chair of Governors	<i>Mr T Gunderson</i>
Signed Headteacher	<i>Mr C Davey</i>

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Statement of intent

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the headteacher. It is also designed to support the 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.

The policy is in two sections:

Part A of the policy, which covers appraisal, applies to the headteacher and to all teachers employed by the school, except those on contracts of less than one term, those undergoing induction and those who are subject to Part B.

Part B of the policy, which sets out the formal capability procedure, applies only to teachers, including the headteacher, whose performance raises serious concerns.

Signed by:

_____ Headteacher

Date: _____

_____ Chair of governors

Date: _____

Next review date: _____

1. Part A – Performance appraisal

Appraisal at this school will be supportive, and the developmental process is 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.

1.1. The appraisal period

The appraisal period will run for 12 months from 1st September to 31st August.

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.

1.2. Appointing appraisers

The headteacher will be appraised by the governing board, supported by a suitably skilled and/or experienced external adviser who has been appointed by the governing board 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 three members of the governing board.

The headteacher will decide who will appraise other teachers.

1.3. Setting objectives

The headteacher's objectives will be set by the governing board after consultation with the external adviser.

Teachers will be informed by the headteacher of the standards against which their performance in the set appraisal period will be addressed. The standards used in relation to appraisal are the 'Teachers' Standards' published by the government in 2011. The headteacher may also use any other set of teaching standards published by the government, which are applicable to the performance of that teacher.

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. 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 governing board's plans for improving the school's educational provision and performance, and improving the education of pupils at the school. This will be ensured by:

- Quality assuring all objectives against the improvement plan.
- Improved Ofsted results.
- Improved exam results.
- Improved pupil behaviour.

- Improved relationships with parents.
- Better use of resources.
- Better working dynamics among staff.

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.

1.4. Reviewing performance

Observation

This school believes that observation of classroom practice and other responsibilities is important both in assessing teachers' performance to identify any particular strengths and areas for development they may have, and for gaining useful information which could inform improvement.

The following guidelines will be adhered to:

- The number of official observations will not exceed three sessions each year
- Observations will not exceed one hour per session
- The focus and timing of annual observation sessions must be agreed in consultation with the teacher
- Observations will be conducted with professionalism, integrity and courtesy
- Observations will be conducted objectively
- Observation reports must be accurate and fair
- Confidentiality of the information in the report will be respected

In this school, 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 school. Classroom observation will be carried out by those with Qualified Teacher Status. In addition to formal observation, headteacher's or other leaders with responsibility for teaching standards may drop-in in order to evaluate 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.

Teachers, including the headteacher, who have responsibilities outside the classroom, should also expect to have their performance of those responsibilities observed and assessed.

Development and support

Appraisal is a supportive process which will be used to inform continuing professional development. The school encourages a culture in which all teachers take responsibility for improving their teaching through appropriate professional development.

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

Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place, or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

Teachers will also receive an assessment of their professional development requirements and any action that should be taken to address them.

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 any opportunity to comment and discuss the concerns.
- Agree any support 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.

Transition to capability

If the appraiser is not satisfied with progress, the teacher will receive written notification that their performance will be managed under the capability procedure instead of the appraisal system, and will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

Annual assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the headteacher, the governing board 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.

The teacher will, as soon as practicable, receive and have the opportunity to comment on a written appraisal report. In this school, teachers will receive their written appraisal reports by 31 October and the headteacher by 31 December. The appraisal report will include:

- Details of the teacher's objectives for the appraisal period in question.
- An assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards.
- An assessment of the teacher's professional development needs and identification of any action that should be taken to address them.
- A recommendation on pay where that is relevant.

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

2. Part B – Capability procedure

This procedure applies only to teachers or headteachers about whose performance there are serious concerns that the appraisal process has been unable to address.

At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about performance-related concerns and their possible consequences, to enable the teacher to prepare a defence for the formal capability meeting.

The notice 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.

1.5. Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the chair of governors (for headteacher capability meetings) or headteacher (for other teachers). The meeting allows the teacher 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 if they decide that further investigation is needed, or more time is needed to consider 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 of the teacher.
- Give clear guidance on the improved standard of performance needed to ensure that that the teacher can be removed from formal capability procedures.
- Explain any support that will be available to help the teacher to improve their performance.
- Outline the timetable for improvement and explain how performance will be monitored and reviewed.
- Formally warn the teacher 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 teacher. Where a warning is issued, he/she 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 appeals.

1.6. 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 teacher 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.

1.7. 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 restart. 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 staff member will receive a final written warning.

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, teacher will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in dismissal. He/she will also be 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.

1.8. Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be provided, and the notification will give details of the time and place of the meeting. The notice will also 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 restart. If performance remains unsatisfactory, a decision or recommendation to the governing board will be made that the teacher should be dismissed or required to cease working at the school.

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.

1.9. Decision to dismiss

Paragraph 5.7 of the Governors' Handbook outlines that academy trusts are responsible for establishing their disciplinary procedures, with reference to any relevant law. Any dismissal processes must be fair and correctly followed in order to avoid any claims of unfair dismissal.

The power to dismiss staff in this school rests with the governing body.

1.10. Dismissal

Once the decision to dismiss has been taken, the governing board or delegated authority will dismiss the teacher with notice.

1.11. Appeals

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, setting out the grounds for appeal at the same time. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place.

The same arrangements for notification and the 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.

2. General principles underlying this policy

2.1. 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.

2.2. Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the headteacher and governing board to quality-assure the operation and effectiveness of the appraisal system.

This will be achieved by:

- Personally reviewing all teachers' objectives and appraisal records for consistency.
- Being informed of any pay recommendations that have been made.

2.3. Consistency of treatment and fairness

The governing board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for teachers with disabilities. The governing board is aware of the guidance on the Equality Act 2010 issued by the DfE.

2.4. Definitions

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

2.5. Delegation

Normal rules apply in respect of the delegation of functions by the governing board and headteacher.

2.6. Grievances

Where a teacher raises a grievance during the capability procedure, the 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.

2.7. 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 school’s absence policy. The case will be referred immediately to the occupational health service, to assess the teacher’s health and fitness for continued employment. Additionally, the suitability of continued monitoring or formal procedures will be evaluated in relation to the teacher’s health. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence.

2.8. Monitoring and evaluation

The governing board and headteacher will monitor the operation and effectiveness of the school’s appraisal arrangements.

2.9. Retention

The governing board and headteacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.