



**BURY CHURCH OF ENGLAND HIGH SCHOOL**

# **APPRAISAL POLICY**

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## Introduction

Revised appraisal arrangements come into force with effect from 1 September 2012. They are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations). The 2006 Regulations continue to apply to any performance management cycle which is in progress on 1 September 2012, unless the governing body or local authority decides to end that cycle early and to begin a new appraisal period starting on or after that date.

The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and unattached teachers employed by a local authority, in each case where they are employed for one term or more. They retain the key elements of the 2006 Regulations but allow schools more freedom to design arrangements to suit their own individual circumstances. They provide the minimum national framework within which schools should operate and say nothing, or very little, on many subjects on which the 2006 Regulations made detailed provision. If they wish, schools may include in their own policies details that are no longer covered by the Appraisal Regulations.

Schools and local authorities 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).

Schools and local authorities must have an appraisal policy for teachers and a policy, covering all staff, which deals with lack of capability. This model policy applies only to teachers, including head teachers, but schools might wish to adapt it for use with all staff. It has been written in the context of schools, but the same principles apply to unattached teachers. It is good practice for schools to consult staff on their appraisal and capability policies. This model policy has been provided as an optional resource for schools and others to which they can refer as they wish as they review and develop their own policies.

The model policy is in two separate sections. Part A covers appraisal and should be used as a reference point by schools and others as they review their policies to reflect the Appraisal Regulations. On 1 September 2012 it supersedes the previous performance management model policy and guidance, which had been designed to support the 2006 Regulations.

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 2012, it replaces the statutory guidance "Capability Procedures for Teachers" that was issued in July 2000. Capability procedures apply only to teachers and head teachers about whose performance there are serious concerns that the appraisal process has been unable to address.

In the model policy:

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

*Text in italics* does not form part of the policy itself, but acts as additional advice for schools.

# Bury CE High School Appraisal policy.

The Governing Body of Bury CE High School adopted this policy on 7<sup>th</sup> October 2014

It will review it in two years

## Purpose

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 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.

## Application of the policy

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 school, 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.**

Part B of the policy, which sets out the formal National Society 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.

The policy also applies to ... (*insert any other staff, if appropriate, or delete*).

## Part A – Appraisal

Appraisal in this school 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.

### The appraisal period

**The appraisal period will run for twelve months** from October to September

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.**

### Appointing appraisers

**The head teacher 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 head teacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body.

The head teacher will decide who will appraise other teachers.

### Setting objectives

**The head teacher's objectives will be set by the Governing Body after consultation with the external adviser.**

**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 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 objectives being drawn from the school development plan or the various approved Departmental, Year Group or Area development plans.

**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** At Bury CE High School, all teachers must be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011

## Reviewing performance

### Observation

This school 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 school improvement more generally. All observation will be carried out in a supportive fashion.

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 QTS. In addition to formal observation, head teachers 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

Teachers (including the head teacher) 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 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 school 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. Where there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher formally with a member of the School Leadership Team 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 (*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, usually involving handing over the appraiser role to a member of the school leadership team.

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 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. In assessing the performance of the head teacher, 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 informal basis throughout the year and at a mid-year review meeting which will take place in the Easter 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 head teacher). **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.

## Part B – Capability Procedure

### Capability Procedure

1. This procedure applies only to teachers or headteachers or other staff about whose performance there are serious concerns that the appraisal process has been unable to address.
2. Where the headteacher is the subject of capability procedures, it is suggested that the Vice Chair of the governing body should carry out the first phase, so that the Chair can hear any appeal.
3. At least five (*or insert alternative*) school days' notice will be given of a formal capability meeting. The notification will give sufficient information about the concerns about performance and their possible consequences to enable the staff member to prepare to answer the case at a formal capability meeting
  - a. Note that there is no longer an informal stage
4. The notice of formal capability meeting will also:
  - a. contain copies of any written evidence
  - b. contain details of the time and place of the meeting, and
  - c. inform the staff member of their right to be accompanied by a companion<sup>1</sup>

### Formal capability meeting

1. This meeting is intended to establish the facts. For the headteacher, it may be conducted by the Vice Chair of Governors. For teachers, it will be conducted by the headteacher. For other members of staff, the meeting will be conducted by (*insert alternative arrangements*)
2. The meeting allows the staff member, with his/her companion or Trade Union Representative if they wish, to respond to concerns about their performance and make any relevant representations and provide any new information
3. The person conducting the meeting may decide that there are insufficient grounds for pursuing the capability issue and that the appraisal process may be a more appropriate way to address any remaining concerns.
  - a. In this case, the capability procedure comes to an end and the appraisal process restarts
4. The person conducting the meeting may also adjourn the meeting to enable further investigation, or because more time is needed to consider any additional information
5. If the meeting is not ended or adjourned, it will continue. The outcome of the meeting could be that a formal warning is issued
6. The person conducting the meeting will:
  - a. Identify the professional shortcomings (*eg which of the standards expected of teachers are not being met*)

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<sup>1</sup> Companion may be a fellow worker, an official employed by a trade union, or a trade union representative certified by their union as being competent to accompany a worker

- b. Give clear guidance on the improved standard of performance required to ensure that the teacher can be removed from formal capability procedures. This may include:
    - i. Setting of new objectives focussed on specific weaknesses that need to be addressed
    - ii. Any appropriate success criteria and the evidence used to assess whether the necessary improvement has been made
  - c. Detail any support that will be available to help the person improve their performance
  - d. 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 will be 6 weeks
  - e. Warn the staff member formally that failure to improve within the time period set could lead to dismissal
  - f. In very serious cases, this warning could be a final written warning
7. Notes will be taken of formal meetings and a copy sent to the staff member. Where a warning is issued, the person will be informed in writing of the matters covered in a. to f. above. They will be given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning

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

- 8. A performance monitoring and review period will follow the formal capability meeting, during which formal monitoring, evaluation, guidance and support will continue. The member of staff will then 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)

### **Formal review meeting**

- 9. At least five school days' notice will be given and the notification will give details of the time and place of the meeting and the right to be accompanied by a companion (as previously defined).
- 10. If the staff member is deemed by the person conducting the meeting to have made sufficient improvement, the capability procedure will cease and the appraisal process will restart.
- 11. If there has not been sufficient progress, but some progress has been made and there is confidence that more is likely, the monitoring and review period may be extended if appropriate
- 12. If no, or insufficient improvement has been made, the staff member will receive a final written warning
- 13. Notes will be taken of formal meetings and a copy sent to the staff member. The final written warning will mirror any previous warnings that have been issued
- 14. Where a final written 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



15. The staff member will be given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final written warning
16. The staff member will then be invited to a decision meeting, which will take place at least four weeks after the review meeting.

### **Decision meeting**

17. At least five school days' notice will be given and the notification will give details of the time and place of the meeting and the right to be accompanied by a companion (as previously defined).
18. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will cease and the appraisal process will restart
19. If performance remains unsatisfactory, a decision, or recommendation to the governing body, will be made that the staff member should be dismissed or required to cease working at the school<sup>2</sup>
20. Before the decision to dismiss is made, the school may discuss the matter with the diocese and the LA as appropriate.
21. The staff member 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 of their right to appeal

### **Decision to dismiss**

The power to dismiss staff in this school has been delegated to the headteacher and the governors' staff dismissal committee.

### **Dismissal**

22. Once the decision to dismiss has been taken, the chair of governors will dismiss the staff member, with notice

### **Appeal**

23. If the staff member 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 ten school days of the decision, setting out the grounds for appeal
24. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place
25. The same arrangements for notification and the right to be accompanied by a companion or Trade Union representative 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 staff member

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<sup>2</sup> In VA and Foundation schools, the governing body is the employer, but the power to dismiss can be delegated to the headteacher, to one or more governors, or to one or more governors acting with the headteacher.

26. The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case
27. The staff member will be informed in writing of the results of the appeal hearing as soon as possible

## **General Principles underlying this policy**

### **Confidentiality**

1. Both appraisal and capability processes will be treated with confidentiality. This 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 designated members of the SLT will monitor the consistency of appraisers and objectives set to ensure that they reflect the school's development objectives, and that they are appropriate. Any appraiser who has concerns regarding an appraisal will be expected to draw this to the attention of the headteacher, who may choose to delegate that appraisal of that appraisal to a member of the SLT.

### **Consistency of treatment and fairness**

2. The governing body 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 disabled teachers. The governing body is aware of the guidance on the Equality Act 2010<sup>3</sup> issued by the Department for Education

### **Grievances**

3. Where a member of staff raises a grievance<sup>4</sup> during the capability procedure, the capability procedure may be temporarily suspended to deal with the grievance. Where the grievance and capability cases are related, it may be appropriate to deal with both issues concurrently

### **Sickness**

4. If long term sickness absence appears to have been triggered by the start of a monitoring or formal capability procedure, the case will be dealt with in accordance with the school's absence policy<sup>5</sup>. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence

### **Monitoring and evaluation**

5. The governing body and the headteacher will monitor the operation and effectiveness of the school's appraisal arrangements

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<sup>3</sup> <http://media.education.gov.uk/assets/files/pdf/e/dfe%20equality%20act%20guidance%20oct%202012.pdf>

<sup>4</sup> See separate NS Grievance Procedures guidance

<sup>5</sup> Schools may expand on this: cases may be referred immediately to the occupational health service to assess the staff member's health and fitness for continued employment and whether it is appropriate to continue monitoring or formal procedures

## **Records**

6. The governing body and the headteacher will ensure that all written appraisal records are kept in a secure place for 6 years and then destroyed

## **Model policy for appraising teacher performance and dealing with capability issues**

The Governing Body of Bury CE High School adopted this policy on:

It will review it annually

### **Purpose**

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 and other staff fall below the level of competence expected of them.

### **Application of this policy**

The policy is in two separate sections.

**Part 1 of this policy (above), 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 (NQTs) and those who are subject to Part 2 of the policy.**

Part 2 of the policy (above) 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.

This policy also applies to *(insert any other staff, if appropriate, or delete)*

Approved by the Governing Body October 2014