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## **Legislation and guidance**

The minimum national requirements for teachers' appraisal in maintained schools are set out in The Education (School Teachers' Appraisal) (England) Regulations 2012.

## **Guiding principles**

In its oversight of the appraisal system, the governing body is committed to ensuring consistency of treatment and fairness and to stay within the prevailing legal framework applicable to all employers; for example, the Equality Act 2010, the Employment Rights Act 1996, the Part-Time Workers Regulations 2000, the Fixed Term Employees Regulations 2002 and the Data Protection Act 1998.

The head teacher will moderate a sample of the planning statements to check that the agreed plans are consistently weighted between employees who have similar levels of responsibility and that the plans comply with the school's appraisal policy.

The appraisal process and the supporting documentation will be treated with strict confidentiality at all times. Only those who need access to such information will be granted access to enable them to discharge their responsibilities as directed by the school. The governing body will monitor the operation of the appraisal system and review it at appropriate intervals.

## **Purpose**

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers and support staff and for supporting their development needs within the context of the school's improvement plan.

## **The Appraisal**

The governing body of a school must appraise the performance of a head teacher. In turn, the head teacher of a school is responsible for ensuring the review of the performance of every other teacher and member of support staff employed at the school.

Appraisal meetings should be held during normal working hours and should be scheduled for at least one hour or longer if necessary.

The purpose of the appraisal meeting is to review the employee's current job, their performance and their future plans. More specifically, the meeting will also be an opportunity to discuss how the employee can contribute to the wider work of the school and to agree and set a number (typically 3) of objectives (there is no minimum or maximum number of objectives however).

## **The Appraisal Period**

The appraisal period will be for 12 months and will begin on 1 September; it must be completed by 31 October for teachers and for support staff and by 31 December for head teachers. The cycle will begin

with a Planning Meeting and will end with a Review Meeting. Mid-year review meetings may also be held if agreed and considered necessary.

Where a teacher starts their employment or transfers to a new post within the school part way through a performance management cycle, the head teacher, or in the case where the employee is the head teacher, the governing body, shall determine appraisal arrangements for the remainder of the appraisal period, with a view to bringing their cycle into line with the cycle for other teachers and staff as soon as possible.

Where a teacher is employed on a fixed term contract for a period less than 12 months, the length of the appraisal period will be determined by the duration of the contract.

## **The Appraisers**

All appraisers, including allocated members of the governing body, should be provided with appropriate training.

### *For the head teacher*

The governing body is the appraiser for the head teacher, and to discharge this particular responsibility on its behalf, will appoint (typically) 3 governors. Head Teachers can raise an objection to the chair of governors, in writing and with good reason, outlining why an appointed governor should be excluded from the appraisal process.

The governing body of a school must appoint an external adviser for the purposes of providing it with advice and support in relation to the appraisal of the head teacher. The qualifications and experience required of an external adviser are not set by regulation. It is for the governing body to decide who they wish to use as an external adviser, ideally with the agreement of the head teacher.

The external adviser is not responsible for determining a recommendation to the Pay Committee on whether an increment should be paid to the head teacher, following the review; this is a matter for the governor's panel alone. However, governors can ask for advice and should take account of any advice offered.

### *For all other employees*

The head teacher is responsible for the appraisal of all other employees but may delegate this responsibility to others who will normally have line management responsibility for those they appraise.

Teaching staff should be able to object to the appointment of an appraiser, on professional grounds, in writing to the head teacher who will consider this and make a decision. Where the objections are rejected by the head teacher, the teacher should be advised in writing.

## **Objective setting**

The setting and agreement of objectives is fundamentally important to the effective operation of a performance management system that aims to link individual performance to pay progression. The job description can be a particularly useful place to begin the process of identifying relevant objectives for

each individual job holder. However, the job description is just one 'reference document' that can be helpful context to the process of setting and agreeing objectives. Other useful 'reference documents' may include the school improvement plan, the school's business plan, the Ofsted School Inspection Report and the Teachers' Standards.

In addition, it may be prudent to allow for some flexibility in the setting and agreement of objectives to enable objectives to be set and agreed around issues that are emerging for the school and that require some dedicated attention that is best articulated as one or as a set of objectives. On the grounds that emerging issues are unlikely to be known at the outset of an appraisal period, objectives may need to be adjusted throughout the appraisal period so that they remain relevant to the performance of the individual and to the priorities of the school. This is considered to be perfectly standard practice; the ideal outcome for all parties is that the overall weight of objectives is broadly or proportionately the same at the conclusion of any subsequent 'objectives' discussion.

Objectives should be CSMART

C = Challenging  
S = Specific  
M = Measurable  
A = Achievable  
R = Relevant  
T = Timed

Objectives should also be fair and equitable when judged across employees with similar roles and responsibilities. However, appraisal objectives will normally become more challenging as a teacher progresses up the main pay scale.

The governing body of a school must, before, or as soon as practicable after, the start of each appraisal period, in relation to a head teacher, inform the head teacher of the standards against which their performance will be assessed and set objectives for the Head teacher for the appraisal period.

The head teacher of a school must, before, or as soon as practicable after, the start of each appraisal period, in relation to every teacher employed at that school, inform the teacher of the standards against which their performance will be assessed and set objectives for the teacher for the appraisal period. Head teachers may delegate this responsibility to the line manager cohort.

The objectives must be set such that they will contribute to the improvement of a school's educational provision and performance and appraisers will therefore be expected to align individual objectives with the school's priorities.

Every effort should be made to achieve agreement on the head teacher's objectives; only in the last resort, should targets be imposed on the head teacher. Similarly, all appraisers and appraisees should look to agree objectives; where agreement cannot be reached, the appraiser will make the final determination.

Objectives should focus on the priorities for the school or individual for the duration of the appraisal cycle. Normally, staff should expect to have no more than (typically) 3 objectives but there is no actual minimum or maximum number.

Objectives will be set out in a planning statement, along with details of any training and support which have been agreed. The planning statement should also specify the evidence that will be collected to support the review of performance including details of the arrangements for task or classroom observation, where relevant.

Objectives may be revised if circumstances change.

## **Teachers' Standards**

The performance of all teachers, regardless of their career stage, will be assessed against the Teachers' Standards. The standards define the minimum level of practice expected of trainees and teachers from the point of being awarded QTS.

The standards against which performance must be assessed in respect of a teacher are the set of standards articulated in the Teachers' Standards document and any other set of standards relating to teachers' performance published by the secretary of state as the governing body or head teacher determine as being applicable.

In order to meet the Teachers' Standards, a teacher will need to demonstrate that their practice is consistent with the definitions set out in Part 1 (Teaching) and Part 2 (Personal & Professional Conduct).

### *Teachers*

The Teachers' Standards effectively set out a 'code' of good teaching practice and professional conduct and as such, it would seem to be perfectly reasonable for schools to expect all teaching staff to meet the expectations set out in the Standards document. Teachers should therefore be evaluated against all the elements set out in the Teachers' Standards and it is for schools to put appropriate arrangements in place to achieve a fair and equitable process of evaluation.

### *Head teachers*

Teachers' Standards may be applied to Head Teachers as well as to all other teachers. However, on the grounds that only a proportion of Head Teachers spend part of their scheduled week teaching, governing bodies should exercise particularly careful judgement when assessing Head Teachers against the Teachers' Standards. Support from the External Adviser will be important in this respect.

A full version of the Teachers' Standards can be found at <http://media.education.gov.uk/assets/files/pdf/t/teachers%20standards%20information.pdf>

## **Gathering the evidence**

As part of the overall appraisal process, it will be critically important for all members of staff who are subject to the school's staff appraisal policy to be clear about the evidence that will be required by their appraiser to enable the appraiser to assess their performance and make a substantiated and evidence-based pay recommendation to the 'decision maker'.

Judgements relating to performance should be supported by evidence, agreed at the beginning of the performance cycle. Evidence should show and demonstrate a contribution towards:

- an increasing positive impact in pupil progress;
- an increasing impact on wider outcomes for pupils;
- improvement in specific elements of practice, e.g. lesson planning;
- an increasing contribution to the work at the school;
- an increasing impact on the effectiveness of staff.

The evidence gathered by a member of staff will largely be determined by the nature and scope of the agreed objectives and / or the Teachers' Standards. Examples of evidence may include:

- classroom observations
- task observations
- reviews of assessment results
- reviews of lesson planning records
- internal tracking
- moderation within and across schools
- pupils' Voice
- parents' Voice
- head teachers' walkabouts
- evidence supporting progress against Teachers' Standards

### **Observation protocol**

Observations are an important way of assessing teacher's performance. They can help identify a teacher's strengths and areas for improvement and can be used to identify good practice that can be shared across the school.

There will be both formal and 'drop in' observations. Teachers with responsibilities outside the classroom will also have these responsibilities observed.

All observations will:

- Be carried out in an objective, fair, professional and supportive manner
- Be carried out by teachers with Qualified Teacher Status
- Provide constructive feedback
- Remain confidential to those who need to know details as part of their jobs

## **'Drop in' observations**

Drop-in observations will usually be conducted by the Headteacher in order to monitor the quality of teaching and learning.

Notice of 'drop in' observations will be given twenty four hours in advance.

They will usually last around twenty minutes, and may involve the observer talking to pupils and looking at their work.

The frequency will depend on the individual teacher and the school's needs at the time.

Generally, verbal feedback will be given the following day.

Written feedback will be provided within five working days.

Drop-in observations can also take place where fellow teachers observe a lesson for their own professional development. Evidence will not be used as part of the appraisal process.

## **Formal Observations**

The purpose of formal observations is to assess the teacher's performance and progress against their objectives and the relevant standards.

The number of formal observations undertaken will take into account the teacher's workload and individual circumstances.

For example, early career teachers ( ECTs) and less experienced teachers who have recently started at the school will receive a number of formal observations to establish their strengths and areas for development. A very experienced teacher will typically receive fewer observations.

Teachers will not receive more than three formal observations over the year.

Generally, verbal feedback will be given the following day.

Written feedback will be provided within five working days.

Where evidence emerges about the appraisee's performance, which gives rise to concern during the cycle, additional observations may be arranged during the cycle.

## **Additional Observations**

Additional observations will take place if:

- The teacher requests them.
- There are concerns that the teacher's performance is not up to standard.
- The teacher is subject to formal capability proceedings.

The above protocols will still apply to these additional observations.

## **Reviewing Performance and the Annual Assessment**

At the end of the cycle, assessment of performance will be on the basis agreed at the beginning of the cycle.

In determining an appraisal, the governing body or head teacher must assess the performance in the appraisal period, apply the relevant 'Standards', assess performance against the agreed objectives and assess the professional development needs and identify any action that should be taken and, finally, include a recommendation relating to pay.

A written appraisal report must be provided at the conclusion of the appraisal process – by 31<sup>st</sup> October for teachers and support staff and by 31 December for head teachers; the report must record the overall performance assessment and pay recommendation.

Good progress towards the achievement of a challenging objective, even if the performance criteria have not been met in full, may be assessed favourably. If agreement cannot be reached, especially on the outcomes of an appraisal meeting, the teacher may appeal to the head teacher or the head teacher may appeal to the chair of the governing body, whose decisions will be final.

The overall assessment of performance and its subsequent performance rating for individual members of staff will be subject to a process of moderation, arrangements for which will be put in place by the head teacher with the approval of the governing body.

The final version of the appraisal documentation will be placed on the employee's file and a copy of their CPD made available to the school's CPD Coordinator. The sharing of such information is governed by the data protection principles under the Data Protection Act 1998.

The governing body and head teacher will ensure that all written appraisal records are retained in a secure place for 6 years and then destroyed.

## **Continuing Professional Development**

The school's CPD programme will be informed by the training and development needs identified through the appraisal procedure. The governing body will ensure in the budget planning, that, as far as possible, appropriate resources will be made available for any agreed training, support and continuing professional development.

Support to meet individual or collective development needs should be provided within the context of the school's improvement plan.

## **Conflict of Interest**

In any circumstances where an individual believes that their participation in any part of the appraisal process amounts or may amount to a 'conflict of interest' they should declare this to their appraiser and / or absent themselves from any part of the appraisal process where they believe that a 'conflict of interest' would or is likely to prevail.



## **Pay progression linked to performance**

The governing body must consider annually whether or not to increase the salary of teachers who have completed a year of employment since the previous annual pay determination and, if so, to what salary within the relevant pay ranges.

All pay recommendations should be clearly attributable to the performance of an employee.

The relevant body must decide how pay progression will be determined, subject to the following:

- a. The decision, whether or not to award pay progression, must be related to a teacher's performance.
- b. A pay recommendation must be made in writing as part of a teacher's annual appraisal report.
- c. Where a teacher is not subject to either the 2012 or the 2011 regulations, the relevant body must determine through what process the teacher's performance will be assessed and a pay recommendation made for the purposes of making its decision on pay.
- d. Continued good performance, as defined by an individual school's pay policy, should give a classroom or an unqualified teacher an expectation of progression to the top of their respective pay ranges.
- e. A decision may be made not to award pay progression, whether or not the teacher is subject to capability proceedings.

The relevant body must set out clearly in the school's pay policy how pay progression will be determined. The head teacher will be responsible for ensuring that appropriate arrangements are put in place to support the links between performance and pay and that rates of pay progression are affordable and comply with prevailing legislation (e.g. Equal Pay).

Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on an assessment of performance against agreed performance objectives. The decision made by the relevant decision-making body will be based on the statutory criteria and guidance set out in the STPCD and the relevant teacher standards.

To move up the main pay range, one point at a time, teachers will need to have made good progress towards achieving their objectives and have demonstrated that they are competent in all elements of the Teachers' Standards. Teaching should be 'good', as defined by Ofsted.

If the overall appraisal evidence shows that a teacher has demonstrated exceptional performance, the governing body will consider awarding enhanced pay progression. Teaching and learning should be 'outstanding', as defined by Ofsted.

The head teacher will consult with staff and union representatives on the establishment of appraisal and pay policies and will ensure that appraisers have the knowledge and skills to apply procedures fairly.

Teachers will work with their appraisers to ensure that there is sufficient evidence to support pay recommendations. Teachers will also keep records of objectives and review them throughout the appraisal period.

### **Applications to be paid on the Upper Pay Range**

From 1 September 2013, any qualified teacher can apply to be paid on the Upper Pay Range. All applications should include the results of appraisals; where such information is not available, a written statement and summary of evidence that sets out how the applicant has met the assessment criteria will be sufficient. Teachers who have been absent through sickness, disability or maternity may cite written evidence over a 3-year period before the date of the application.

To be assessed successfully, a teacher will be required to meet the criteria set out in the School Teachers' Pay and Conditions Document (STPCD):

- The teacher is 'highly competent' in all the elements of the Teachers' Standards;
- The teacher's achievements and contribution to the school is 'substantial' and 'sustained'

#### *Highly competent*

The teacher's performance is assessed as having excellent depth and breadth of knowledge, skills and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.

#### *Substantial*

The teacher's achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own classroom but also in making a significant wider contribution to school improvement which impacts on pupil progress and the effectiveness of staff and colleagues.

#### *Sustained*

The teacher must have had two consecutive successful appraisal reports and have made good progress towards their objectives; they will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

### **Leading Practitioner role**

Typically, the additional duties of a leading practitioner role will include:

- A leadership role in developing, implementing and evaluating policies and practices in a school that contribute to school improvement;
- The improvement of teaching within school which impacts significantly on pupil progress;
- Improving the effectiveness of staff and colleagues, particularly in relation to specific areas e.g. lesson planning.

The head teacher will agree appraisal objectives for the leading practitioner, who, in turn, must demonstrate that, they:

- have made good progress towards their objectives;
- are an exemplar of teaching skills which should impact significantly on pupil progress within school and within the wider school community;
- have made a substantial impact on staff and colleagues, including any specific elements of practice that have been highlighted as in need of improvement;
- are highly competent in all aspects of the Teachers' Standards;
- have shown strong leadership in developing, implementing and evaluating policies and practices in their workplace that contribute to school improvement.

### **Staff, especially teachers, experiencing difficulties**

When a member of staff is experiencing difficulties, support and guidance will be provided through the appraisal process. Where it is clear that a member of staff's personal circumstances are leading to difficulties at work, appropriate support should be offered at the earliest opportunity.

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 and will be referred to the occupational health service who will assess the member of staff's health and fitness for continued employment and whether continuing with monitoring or formal procedures is deemed to be appropriate.

If the appraiser identifies through the appraisal process or through other sources of information, parental complaints for example, that the difficulties experienced by a teacher are such that, if not rectified could lead to the capability procedure, the appraiser will, as part of the appraisal process, meet the member of staff to:

- give clear written feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment on and discuss the concerns;
- give the teacher at least 5 working days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support and remind the teacher that they have the right to be accompanied by a work colleague or trade union representative at any future meetings where capability will be discussed;
- agree and establish, in consultation with the teacher, an action plan with support that will help to remedy specific concerns;
- make clear, how progress will be monitored and when it will be reviewed;
- explain the implications and process if no, or insufficient, improvement is made.

The teacher's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the teacher's performance to improve. During this monitoring period, the teacher will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made, the teacher should be informed of this at a formal meeting and the appraisal process will continue as normal.

If no, or insufficient improvement has been made, the teacher will be invited to a transition meeting to determine whether formal capability proceedings will be invoked.

### **Transition to Capability**

Performance concerns should be dealt with through the staff appraisal policy but if progress towards addressing performance concerns is insufficient or the concerns are sufficiently serious, a 'transition meeting' should be held; the expectation is that this meeting will reduce the likelihood of invoking the capability procedure or triggering a prolonged period of sickness absence.

In this event, further support should be granted through the appraisal procedure or, alternatively, the employee will be advised to consider the relative merits of resigning their post before the formal capability procedure is invoked.

### **Capability Procedure**

This procedure complies with the provisions of the ACAS code of practice.

The capability procedure applies only to teachers and head teachers where there are serious concerns about their performance that are not able to be addressed by the appraisal procedure.

The purpose of a capability meeting is to establish the facts and will usually be chaired by either the chair of governors or the head teacher. The subject of the capability meeting will be able to respond to concerns about their performance and to present any relevant evidence.

### **Formal Capability Meeting**

At least 5 working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about performance concerns and the possible consequences to enable the teacher to prepare to present their case at the meeting. The notification of a capability meeting will be accompanied by copies of written evidence, details of the date and time of the meeting and will confirm the teacher's entitlement to be accompanied by a companion who may be a work colleague or a trade union representative.

The chair of the capability meeting will aim to a) identify the teacher's professional shortcomings; b) give clear guidance on the improved standard of performance needed; c) explain any support that will be available to help the teacher improve to a point where they can be removed from the capability procedure; d) set out the timetable for improvement and explain how performance will be monitored and reviewed; and e) warn the teacher formally that failure to improve within the set period could lead to dismissal (in very serious cases, the warning could be a final written warning). Notes will be taken of the formal meeting and a copy sent to the member of staff.

### **Monitoring and Review Period following a Capability Meeting**

A performance monitoring and review period will follow the formal capability meeting.

## **Formal Review Meeting**

Following the conclusion of a monitoring and review period, the member of staff will be invited to a formal review meeting. At the formal review meeting, if the person conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will end and the appraisal process will re-start. 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.

## **Decision Meeting**

At the decision meeting, if an acceptable standard of performance has been achieved during the 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 (consulting the Local Authority in those schools where the Local Authority is the teacher's employer).

## **Dismissal**

Once the decision to dismiss has been taken, the governing body will dismiss the teacher with notice or once the governing body has decided that the teacher should no longer work at the school, it will notify the local authority of its decision and the reasons for it. The local authority must dismiss the teacher within 14 days of the date of the notification.

## **Appeal**

If a teacher feels that the decision to dismiss them is wrong or unjust, they may appeal in writing against the decision, setting out the grounds of the appeal. The teacher will be informed in writing of the results of the appeal hearing without unreasonable delay.