

Appraisal and Capability Policy



Normand Croft Community School

An International Family of Learners

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Our Approach to Staff Appraisal

Background

In January 2012 the Department for Education (DfE) published new appraisal regulations for teachers effective from 1 September 2012. At the same time the Department published a model policy for schools on teacher appraisal and capability.

A key difference between the previous regulations and the previous national guidance (both published in 2006) which were agreed between the government, the national employers and (the majority of) the teacher trade unions and the new regulations and model policy is that these two former publications were much longer and more detailed than the new versions.

The decision to shorten the procedures was a clear Government policy designed to move away from the previous detailed national prescription and, consequently, to give schools more scope to determine the detail of their own performance management/appraisal and capability policies and procedures.

During Spring and Summer 2012, the HR departments in the London Borough of Hammersmith and Fulham, the Royal Borough of Kensington and Chelsea and Westminster City Council held formal consultation meetings with the recognised teacher and support staff trade unions.

The purpose of this consultation was to try to agree Tri borough guidance to schools with the relevant unions representing their members in the three boroughs on the implementation of the new regulations and DfE guidance. Head teacher and school improvement representatives were also involved in the consultation process.

It was also intended that the core principles contained in any resulting guidance to schools in relation to teachers should be considered as being appropriate for application to support staff.

Following consultation, during which a number of points of principle were discussed, it became clear that it would not be possible to issue jointly agreed Tri borough guidance to schools.

The 3 Councils therefore issued guidance to schools for their consideration.

December 2012: the guidance described above, along with materials from a range of other sources, were used in drafting a proposal for a new Appraisal Policy for consideration by the school's governing body at their meeting in December 2012.

It was unanimously agreed that the school should suspend any previous performance management arrangements and adopt the Appraisal Policy outlined in the following pages.

The Governors were clear that the policy should, in time, apply to all staff employed by the school. To this end they directed the head teacher to create an implementation timeline. The

timeline to ensure that the Policy would apply to teachers from January 2013, and then be applied to support staff following a consultation/induction period.

Policy for Appraising the Performance of the Staff Team

The Governing Body of Normand Croft Community School first adopted this policy on 3 December 2012.

The policy was reviewed by the school's Senior Leadership Team in Autumn Term 2014 and revised following consultation with governors, staff and unions.

Application of the policy

This policy specifies and interprets the requirements of the Education (School Teachers' Appraisal) (England) Regulations 2012.

The policy is in two separate sections:

Part A of the policy, which covers appraisal, applies to the head teacher and to all staff employed by the school or local authority, except those on contracts of less than one term, those undergoing induction (*i.e.* *NQTs*) and those who are subject to the associated capability procedure (**Part B**).

Appraisal in this school will be a supportive and developmental process designed to ensure that all staff have the skills and the support they need to carry out their role effectively. It will help to ensure that all staff are able to continue to improve their professional practice and to develop as effective members of our staff team working to achieve the school mission statement:

Together we will take our passion for learning and use it to create an outstanding school where everyone has the opportunity to thrive and achieve their best.

and achieve school development priorities.

Part B of the policy, sets out the formal capability procedure, and will only apply, to those members of staff whose performance is a serious concern and has not been able to be addressed through the appraisal process

This policy should be read in conjunction with the school's **pay policy** (which provides details of the arrangements relating to teacher's pay in accordance with the School Teachers' Pay and Conditions Document) and with the school's **CPD policy** which sets out CPD entitlements and responsibilities for staff.

PART A. Appraisal: SECTION 1

1. Purpose

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

2. Aim

- a. The aim of appraisal is to give all staff the necessary support they need to ensure that they have the skills necessary to carry out their role effectively, using professional standards as a benchmark.
- b. Our goal is to:
 - i. develop all staff as effective educators
 - ii. continuously improve the quality of teaching and learning
 - iii. ensure high levels of achievement for all children
 - iv. improve teaching, and teaching & learning support skills
 - v. promote job satisfaction and progression for staff in their chosen career plan

3. Process

- a. Appraisal, in conjunction with Continuing Professional Development (CPD), is the process that links priorities for school improvement, as set out in the School Development Plan (SDP), with priorities for career progression.
- b. Appraisal is the process for assessing the totality of an individual's performance, in the context of that individual's job description and in the case of teachers through the provisions of the School Teachers Pay & Conditions Document (STPCD).
- c. The Standards, will define requirements for conduct and practice for all staff. The relevant standards provide the basis for assessment of performance and (from September 2013) will be set out in an individual's job description.

4. Outcome

- a. The outcome of the appraisal process will be to provide evidence of performance

that will inform career and (where applicable) pay progression for staff.

- b. It may, for others whose performance is unsatisfactory or who consistently do not make required improvements, lead to capability.
- c. Vitally the school believes that appraisal should be in integrated process, able to inform and support the schools' evaluation of children's achievement, the quality of provision, behaviour & safety and leadership.

PART A. Appraisal: SECTION 2

How the Appraisal Arrangements link with those for School Improvement, School Self Evaluation Document (SSED) and School Development Planning (SDP)

- a. The appraisal arrangements and the process of setting objectives and standards will make an explicit link between SDP and SSED to ensure a fully integrated and complementary strategy for school and individual development.
- b. The appraisal process will be an integrated source of information for school self-evaluation and the wider school improvement process.
- c. All appraisers will be expected to assure the alignment of an individual's objectives and standards with the school's priorities and plans.
- d. The appraisal statement, provided to all staff, should also support the individual's career and professional development aspirations.

1. Links between pay, career stages and appraisal

a. The Teaching Team:

- i.* Aspects of pay progression decisions made by the Governing Body for all teachers / head teacher will be based on information about a teacher's / head teacher's performance determined through their appraisal.
- ii.* Details of teachers who are eligible for pay recommendations, based on their performance are set out in the **school pay policy**.
- iii.* Eligible teachers applying for threshold will be assessed against the teacher and post-threshold standards and decisions will be based solely on the outcomes of their last two appraisal reviews.
- iv.* Teachers on the Upper Pay Scale (UPS) will be considered for pay determination in accordance with STPCD and the school pay policy and decisions will be based on fully meeting the teacher standards set out in two consecutive successful appraisal cycles.
- v.* Teachers on main professional grade may be eligible for a discretionary

- pay increment based on outstanding performance review and judgement.
- vi. Needs identified for newly qualified teachers (NQTs) at their final review meeting of the induction period will inform their appraisal planning statement and professional development opportunities for their post induction year.
- vii. Evidence from a teacher's performance assessment will inform CPD and career development decisions set out in the school CPD and work life balance policies.

b. The Support Staff Teams:

- i. This Appraisal Policy was adopted by the Governing Body with the clear understanding and intention that it should be applied to the entire Staff team. It is the Governing Body's intention that in time all school staff should be appraised.
- ii. In the context of this Appraisal Policy 'Support Staff' is a generic term which covers and includes all staff in the school who are not teachers but who's primary responsibilities bring them into daily contact with children, this includes Early Years Educators, Teaching assistants, Special Support Assistants and the Mid-day Meals Supervisor Team. It does not currently apply to the school's admin. Team or the Cleaning / Site Care Teams.
- iii. Appraisal for Support Staff was introduced from January 2014. [NB. It was temporarily suspended for the Spring and Summer term 2015 during a major reorganisation of Support Staff.]
- iv. All Staff Teams will be consulted on a set of standards against which they will be appraised.

2. Capability

- a. Appraisal is the process for assessing the overall performance of an individual member of the staff in the context of that individual's job description.
- b. During the year-long appraisal cycle appraisers will monitor and support staff whose performance does not meet the required standards.
- c. Should they fail to respond to this support or be unable to meet the required standards they may be removed from the appraisal process and placed on capability (see pages 13 & 14 and **Part B**).

PART A. Appraisal: SECTION 3

Consistency of treatment and fairness between those staff with similar levels of responsibility

We will implement our appraisal arrangements on the basis of:

- a. **Fairness:** all staff need to be aware of the potential for unconscious discrimination and to avoid assumptions about individuals based on stereotypes. Appraisal objectives and standards for all staff will have regard to their job description
- b. **Consistency:** All staff will receive the same entitlement to support and advice. This will be continuously monitored through regular and routine quality assurance
- c. **Equal Opportunity:** All staff should be encouraged and supported to achieve their potential through agreeing objectives, undertaking development and having their performance assessed
- d. Compliance with all the requirements of discrimination legislation
- e. A clear timetable for the appraisal progress
- f. **Annual Review:** The policy will be reviewed after each cycle and changes made in the light of staff feedback, experience and advice from other relevant bodies

3. Quality Assurance

- a. The school recognises that appraisal is a shared responsibility.
- b. The Governing Body has a strategic role in agreeing the school's appraisal policy, ensuring that performance of all staff at the school is appraised and that staff receive a written report.
- c. The head teacher is responsible for implementing the school's appraisal policy and ensuring that all teachers and support staff are appraised.
- d. The head teacher will moderate a sample of appraisal planning statements to check that the actions recorded in the statements:
 - i. are consistent between those who have similar experience and similar levels of responsibility
 - ii. comply with the school's appraisal policy and the requirements of equality legislation
- e. The Governing Body will appoint an external adviser who will ensure that the head teacher's appraisal objectives and standards are consistent with the school's

improvement priorities and comply with the school's appraisal policy.

- f. The head teacher and senior leadership team will quality assure the performance of appraisers by:
 - i. providing induction training for all appraisers
 - ii. setting out responsibilities and protocols for Appraisers (see *Teacher Performance Appraisal and Capability Guidance*)
 - iii. including the appraiser responsibilities in job descriptions for all those with appraiser responsibility (review Autumn 2015)
 - iv. holding moderation meetings during the appraisal cycle process with appraisers to assure the consistency and fairness of each staff member's objectives and standards and performance
 - v. 'dropping-in' on appraisers meetings and observations to observe and monitor their work
 - vi. commissioning observation from outside appraisers to validate internal assessments
 - vii. the Governing Body reviewing the quality assurance processes when the performance policy is reviewed

PART A. Appraisal: SECTION 4

4. The appraisal cycle

- a. The appraisal period will run for twelve months.
- b. The performance of staff will be reviewed on an annual basis.
- c. Performance planning and reviews will be completed:
 - i. for the head teacher and all teachers by 31 October annually
 - ii. for support staff by 31 January annually
- d. Appraisal is an ongoing cycle, not an event, involving three stages:
 - i. setting objectives against agreed standards (planning stage)
 - ii. monitoring performance and providing constructive advice and support to improve performance (implementation stage)
 - iii. assessing performance (review stage)
- e. There will be an interim, minuted monitoring meeting for teachers, at least once, mid-way through the year.
- f. Progress towards achieving the objectives and meeting the relevant

standards will be recorded on the planning statement in the following way:

- i.* Red = No evidence of progress towards meeting criteria
 - ii.* Amber = Some evidence of progress but criteria not fully met
 - iii.* Green = Evidence that criteria are fully met.
- g. Staff who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning the provisions of this policy. The length of the cycle will be determined by the duration of their contract.
- h. The school will retain the flexibility to have a longer or shorter appraisal period when staff begin or end employment with the school during an appraisal cycle, with the aim of bringing his/her cycle into line with the cycle for other staff as soon as possible.

PART A. Appraisal: SECTION 5

5. Appointing Appraisers

- a. The head teacher will be appraised by the Governing Body which will be supported by a suitably experienced external adviser who has been appointed by the Governing Body for that purpose.
- b. In this school the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of at least two members of the Governing Body. The make-up of this appraisal group to be confirmed by the Chair of Governors annually.
- c. The head teacher will decide who will appraise all other members of the staff team. An appraiser should normally be a line manager who has a clear understanding of the competencies required to ensure an *appraisee* can undertake their role effectively to support both children's learning and school development priorities.

PART A. Appraisal: SECTION 6

6. Setting objectives and applying relevant standards

- a. The head teacher's objectives will be set by the Governing Body after consultation with the external adviser.
- b. Objectives for all staff will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set will be **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime-bound and will be appropriate to the individual's role and level of experience.
- c. The appraiser and *appraisee* will seek to agree the objectives.
- d. Objectives may be revised at a later date if circumstances change.
- e. In determining the objectives, what might reasonably be expected of any staff member at the stage in their career, their aspirations and work life balance, will be borne in mind.
- f. At the first meeting in the Appraisal Cycle the appraiser will aim to set the member of staff a number (at least 2, usually no more than 4) performance objectives to be met over the coming 12 months.
- g. This school will operate a system of moderation to ensure that all appraisers (when there is more than one) are working to the same quality standards. Targets will be moderated across the school to ensure that they are consistent between members of staff with similar experience and levels of responsibility.
- h. Should the objectives not be agreed, the final decision on allocation of objectives will rest with the head teacher.
- i. The agreed objectives will contain a description of what success may look like, and could include agreed milestone towards achieving the objective. Objectives will be set in accordance with the schools policies and practices.
- j. Where use of numerical targets is appropriate, these will be reasonable, in the circumstances in which the member of staff works and it will be recognised that factors outside a staff member's control may significantly affect success.
- k. For a member of staff working directly with children, objective might typically include for example, targets relating to:
 - i. pupil progress
 - ii. the quality of teaching and learning
- l. The head's and SLT objectives will also cover school leadership and management as well as pupil progress.
- m. The objectives set for each member of staff will, if achieved, contribute to the school's plans for:

- i.* improving the school's educational provision and performance
 - ii.* improving the education of pupils at the school
- n. This will be ensured by linking objectives to school improvement plan priorities.
- o. In setting an objective, there will be a balance between the needs of the school and individual development priorities. Performance/success criteria will be specified at the outset for each objective including areas of 'totality' of performance not covered by the objective.
- p. Before, or as soon as practicable after, the start of each appraisal period, each member of staff will be informed of the relevant standards against which their individual performance in that appraisal period will be assessed eg. all teachers will be assessed against the set of standards contained in the document called 'Teachers' Standards' published in May 2012 (**Appendix 1**)
- q. The head teacher or governing body (as appropriate) will take into account any other sets of standards that are relevant to the staff team at the school.

7. Reviewing Performance

- a. **Observation** This school believes that regular observation of classroom practice and/or other responsibilities is important both as a way of assessing individual performance in order to identify any particular strengths and areas for development; and gaining useful information which can inform school improvement more generally.
- b. All observation will be carried out in a supportive fashion (see **Appendix 2**). *For example:* in this school all teachers' performance will be regularly observed as part of our coaching programme
- c. Those with QTS will carry out classroom observation.
- d. In addition to formal observation, head teachers or other leaders with responsibility for teaching standards may undertake regular 'learning walks' or 'drop-ins' 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.
- e. Members of staff (including the head teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.
- f. **Feedback**

- i.* Staff will receive constructive feedback on their performance throughout the year most regularly from their direct line manager, and as soon as practicable after observation has taken place or other evidence has come to light.
- ii.* Feedback will highlight particular areas of strength as well as any areas that need attention.
- iii.* Where there are concerns about any aspects of performance the appraiser will meet the *appraisee* formally to:
 - 1. give clear written feedback about the nature and seriousness of the concerns
 - 2. provide an opportunity for the *appraisee* to comment on, explain and discuss the concerns
 - 3. agree any support (e.g. coaching, peer-modelling, structured observations) that will be provided to help address those specific concerns – this agreed support will be recorded in writing and the appraiser will also make clear how, and by when, a review of progress will take place (*ie. it may be appropriate to revise objectives, and the school recognises that it will be necessary to allow sufficient time for improvement. The amount of time allowed will reflect the seriousness of the concerns*)
 - 4. explain the implications and process if no – or insufficient – improvement is made
- iv.* When progress is reviewed, if the appraiser is satisfied that the member of staff 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.
- v.* Any outcomes from the meeting will be recorded in a Personal Professional Development Plan (PPDP) which outline in writing what actions need to take place and what support will be made available to ensure that staff are able to make the required improvement. This is intended to be a supportive process enabling staff to rapidly improve the quality of their practice.

g. Transition to capability

- i.* If the appraiser is not satisfied with progress, the member of staff will be notified in writing that the appraisal system (including any agreed PPDP) will no longer apply and that their performance will be managed under the capability procedure. They will be invited to a formal capability meeting. The capability procedures will be conducted as in **Part B** of this policy.
- ii.* At the initial stage of the capability procedure, the member of staff and their representative will be provided with the evidence from the appraisal process which has prompted the move to capability procedures.

- h. **Annual assessment** Each member of staff's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the head teacher, the Governing Body will consult the external adviser.
- i. This annual assessment is the end point to the 12 month appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year.
- j. The member of staff 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 should receive their written appraisal reports by October 31 and support staff by January 31.
- k. The appraisal report will include:
 - i. details of the member of staff's objectives for the appraisal period in question
 - ii. an assessment of performance of their role and responsibilities against their objectives and the relevant standards
 - iii. an assessment of training and development needs and identification of any action that should be taken to address them
 - iv. (and for teachers-only) a recommendation on pay where the teacher is eligible for mandatory or discretionary pay progression (*NB – pay recommendations should be made by 31 December for head teachers and by 31 October for other teachers*)
- l. The assessment of performance and of training and development needs will inform the school planning process for the following appraisal period.

PART A. Appraisal: SECTION 7

8. Development and support

- a. Appraisal is a supportive process which will be used to inform continuing professional development.
- b. The school wishes to encourage a culture in which all staff take responsibility for improving their knowledge and skills through appropriate professional development.
- c. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual staff.
- d. The school's CPD programme will be informed by the training and development needs identified as part of the appraisal process. The governing body will ensure in the budget planning that, as far as possible, resources are made available in the

school budget for appropriate training, and support agreed for *appraisees*, maintaining access on an equitable basis.

- e. An account of the training and development needs of staff including the instances where it did not prove possible to provide any agreed CPD, will form a part of the head teacher's annual report to the governing body about the operation of the appraisal process in the school.
- f. With regard to the provision of CPD in the case of competing demands on the school budget, a decision on relative priority will be taken with regard to the extent to which:
 - i. the training and support will help the school to achieve its development priorities; and
 - ii. the CPD identified is essential for an *appraisee* to meet their objectives.
- g. Account will be taken in a review meeting of where it has not been possible for staff to fully meet their performance criteria because the school has not been able to provide the necessary support.

PART A. Appraisal: SECTION 8

9. Monitoring and Evaluation

- a. The governing body and head teacher will monitor the operation, outcomes and effectiveness of the school's appraisal arrangements.
- b. The head teacher will provide the Pay Committee with a written report on the operation of the school's appraisal and capability policies annually. **This will be included in the head teacher's report to governors in the Autumn term annually.**
- c. The Governing Body is committed to ensuring that the performance appraisal process is fair and non-discriminatory and the head teacher's report will include a statement of equal opportunities monitoring because they represent the possible grounds for unlawful discrimination. The report will not identify any individual by name.
- d. The report will include an assessment of the impact of these policies on:
 - i. Race
 - ii. Sex
 - iii. Sexual Orientation
 - iv. Disability
 - v. Religion and Beliefs

- vi. Age
 - vii. Part-time Status
 - viii. Maternity and Pregnancy
- e. The head teacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

10. Specific cases

- a. Particular considerations apply to the following categories of staff:
- i. Part-time staff and those employed in more than one school – the appraisal process applies as for full time staff;
 - ii. Staff who join the school mid-cycle – will have an Appraiser appointed and may request their previous employer to put forward relevant documentation to support their appraisal;
 - iii. Staff who are absent for a significant part of the cycle - the appraisal will continue and the overall review will take account of what has taken place
 - iv. For fixed term contracts of one term or more, the appraisal process will be conducted as if they were permanent.

11. Review of the Policy

- a. **The Governing Body will review the appraisal policy every school year during the Spring term.**
- b. The Governing Body will take account of the head teacher's report in its review of the appraisal policy. The policy will be revised, as required, to introduce any changes in regulation and statutory guidance to ensure that it is always up to date.
- c. The Governing Body will have regard to the result of any consultation with staff when seeking to agree any revisions to the appraisal policy.
- d. **To ensure staff are fully conversant with the appraisal arrangements, all new staff who join the school will be briefed as part of their induction.**

12. Access to Documentation

- a. Copies of the latest School Development Plan, school self-evaluation document, the relevant standards, the school pay policy, the CPD policy, the work/life balance policy etc. will be published in the staff section of the school's website.

PART B. Formal Capability Procedure

Every reasonable effort will be made (see paragraphs 7. & 8.) to identify issues and resolve concerns in a timely and supportive manner prior to suspending the appraisal system. However, if despite support and advice, the appraiser is not satisfied with an individual's progress under the school's performance appraisal policy, they will be notified in writing that the appraisal system no longer applies and their performance will be managed under the capability procedure.

This procedure applies only to staff where there are serious concerns about performance that the appraisal process has been unable to address.

STAGE 1. Formal Capability Meeting

13. Notification

- a. The member of staff will be invited, in writing, to a formal capability meeting. They must receive at least five working days' notice of the meeting.
- b. This written notification will:
 - i. Contain detailed information about the concerns about performance and their possible consequences to enable the member of staff to prepare to answer the case at a formal capability meeting
 - ii. Contain copies of any written evidence
 - iii. Confirm the details of the time and place of the meeting
 - iv. Advise the member of staff of their right to be accompanied by a companion who may be a colleague or a trade union representative
 - v. Advise the member of staff of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting
 - vi. Advise the member of staff who will be conducting the meeting
- c. **Purpose of the Meeting:** This meeting is intended to establish the facts and will be conducted by the Chair of Governors (for head teacher capability meetings) or head teacher (for all others).
 - i. It is essential that at this meeting it is made clear to the member of staff exactly how he or she has failed to meet expectations and states clearly the standard of performance that is expected.
 - ii. The purpose of the meeting is to allow the member of staff, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations.
 - iii. This process may provide new information or a different context to the information / evidence already collected.
 - iv. 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 and the appraisal process will be reinstated; no formal record of the capability proceedings will be made.

- v. The person conducting the meeting may also adjourn the meeting *for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information*. In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:
- vi. **Structure of the Meeting**
 1. Identify clearly how the relevant standards are not being met and show the evidence to support the concerns.
 2. Ask the member of staff to respond to the concerns being raised.
 3. Give clear guidance on the improved standard of performance needed to ensure that the member of staff can be removed from formal capability procedures. This will take the form of an action plan, setting new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made.
 4. Explain the support that will be available to help the member of staff improve their performance. This may include mentoring, observing effective practitioners, training and partnership teaching.
 5. 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. The school will set the review period having taken into account what is reasonable and proportionate and gives sufficient time for improvement. The minimum timescale should be four weeks, the maximum timescale for a review period should be eight weeks.
 6. Formally warn the member of staff that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.
 7. Advise the member of staff of their right of appeal within ten working days against any sanction issued.
 8. Confirm that the member of staff will receive notes of the meeting and where a warning is issued, the member of staff will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning.
- vii. There may be occasions when an employee is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or a refusal to face up to the issue. The school will consider all the facts and come to a reasonable decision on how to proceed.

Considerations may include:

1. the seriousness of the capability issue under consideration
2. an Occupational Health/medical opinion on whether the employee is fit to attend the meeting
3. where an employee is persistently unable or unwilling to attend a meeting without good cause the head teacher will make a decision on the evidence available.

14. Monitoring and Review Period following a formal capability meeting

- a. A performance monitoring and review period agreed above will follow the formal capability meeting.
- b. The agreed formal monitoring, evaluation, guidance and support will take place during this period.
- c. Depending on the circumstances, it may be appropriate for the head teacher or another senior member of staff to monitor progress

STAGE 2

15. Formal review meeting

- a. At the end of the agreed monitoring and review period, the member of staff will be invited in writing 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. They must receive at least five working days notice of the meeting.
- b. This written notification will:
 - i.* Contain detailed information about the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case.
 - ii.* Contain copies of any written evidence
 - iii.* Confirm the details of the time and place of the meeting
 - iv.* Advise the member of staff of their right to be accompanied by a companion who may be a colleague or a trade union representative.
 - v.* Advise the member of staff of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
 - vi.* Advise the member of staff who will be conducting the meeting. It will be conducted by the Chair of Governors (for head teacher capability meetings) or head teacher (for other staff).
 - vii.*
- c. **Structure of the Formal Review Meeting:** This meeting will follow the same structure as a formal capability meeting.

- d.
- e. If the person conducting the meeting is satisfied that the member of staff has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start.
- f. In other cases:
 - i. 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;
 - ii. If no, or insufficient improvement has been made during the monitoring and review period, the member of staff will receive a final written warning.
- g. The final written warning will clearly state:
 - i. the improved standard of performance required
 - ii. the evidence that will be used to assess whether or not the necessary improvement has been made
 - iii. the support that will be available to help the member of staff improve their performance.
- h. It will also set out the timetable for improvement and explain how performance will be monitored and reviewed and confirm the procedure and time limits for appealing against the warning.
- i. The final written warning will inform the member of staff that failure to achieve an acceptable standard of performance (within the set timescale), may result in the requirement to attend a decision meeting and dismissal from their post.

16. Monitoring and review period following a formal review meeting

- a. A performance monitoring and review period agreed above will follow the formal review meeting.
- b. The agreed formal monitoring, evaluation, guidance and support will take place during this period.
- c. Depending on the circumstances, it may be appropriate for the head teacher or another senior member of staff to monitor progress.
- d. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start.
- e. If performance remains unsatisfactory, the member of staff will be invited to a decision meeting held by whoever has the authority to dismiss someone from their post in the school (see below).

- f. This meeting will make the decision that the member of staff should be dismissed or required to cease working at the school.

17. Decision meeting

- a. **Notification** The member of staff will be invited in writing to a decision meeting. They must receive at least five working days' notice of the meeting. This written notification will:
 - i. Contain detailed information about the concerns about performance and their possible consequences to enable the member of staff to prepare to answer the case.
 - ii. Contain copies of any written evidence including previous warnings.
 - iii. Confirm the details of the time and place of the meeting.
 - iv. Advise the member of staff of their right to be accompanied by a companion who may be a colleague or a trade union representative.
 - v. Advise the member of staff of their right to respond to the concerns raised and submit relevant evidence to the person conducting the meeting, prior to the meeting.
 - vi. Advise the member of staff who will be conducting the meeting.
- b. **Structure of a Decision Meeting** This meeting will follow the same structure as a formal capability meeting. However the meeting must be held by whoever has the authority to dismiss someone from their post in the school.
- c.
- d. **Decision to dismiss** The power to decide that members of staff should no longer work at this school has been delegated to the head teacher acting with one or more governors. Selection of governors will follow the standard school procedure ie. selection from all available governors by alphabetical order (surname) in rotation.
- e. **Dismissal**
 - i. Before the decision to dismiss is made, the school will discuss the matter with the local authority.
 - ii. The school may also seek to find alternative employment for the member of staff.
 - iii. The member of staff will be informed, within five working days of the decision meeting, 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.
 - iv. Once the Dismissal Panel has decided that the member of staff should no longer work at the school, it will inform the Local Authority of its decision and the reasons for it.
 - v. Where staff work solely at this school, the Local Authority must dismiss them within fourteen days of the date of the notification. Where they work in more than one school, the local authority must require them to cease to work at this school.

f. Appeal

- i.* If a member of staff 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 of the decision, setting out at the same time the grounds for appeal.
- ii.* Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place.
- iii.* The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the member of staff.
- iv.* The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case. Selection of governors will follow the standard school procedure ie. selection from all available governors by alphabetical order (surname) in rotation.
- v.* The member of staff will be informed in writing of the results of the appeal hearing as soon as possible.

Appendices

Appendix 1	Teachers' Standards May 2012
Appendix 2	Lesson Observation Protocol
Appendix 2(a)	Lesson Feedback Proforma

Appendix 1 Summary of Teacher Standards 2012

PART 1 - TEACHING
1. SET HIGH EXPECTATIONS WHICH INSPIRE, MOTIVATE AND CHALLENGE PUPILS
(a) establish a safe and stimulating environment for pupils, rooted in mutual respect
(b) set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
(c) demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils
2. PROMOTE GOOD PROGRESS AND OUTCOMES BY PUPILS
(a) be accountable for pupils' attainment, progress and outcomes
(b) be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these
(c) guide pupils to reflect on the progress they have made and their emerging needs
(d) demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching
(e) encourage pupils to take a responsible and conscientious attitude to their own work and study
3. DEMONSTRATE GOOD SUBJECT AND CURRICULUM KNOWLEDGE
(a) have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils' interest in the subject, and address misunderstandings
(b) demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship
(c) 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
(d) if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
(e) if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies
4. PLAN AND TEACH WELL STRUCTURED LESSONS
(a) impart knowledge and develop understanding through effective use of lesson time
(b) promote a love of learning and children's intellectual curiosity
(c) set homework and plan other out-of-class activities to consolidate and extend the knowledge & understanding pupils have acquired
(d) reflect systematically on the effectiveness of lessons and approaches to teaching
(e) 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
(a) know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively
(b) have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these
(c) 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
(d) have a clear understanding of the needs of all pupils, including those with SEN; those of high ability; those with EAL; 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
(a) know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
(b) make use of formative and summative assessment to secure pupils' progress
(c) use relevant data to monitor progress, set targets, and plan subsequent lessons
(d) 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
(a) 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
(b) have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
(c) manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them
(d) maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary

3. FULFIL WIDER PROFESSIONAL RESPONSIBILITIES
3(a) make a positive contribution to the wider life and ethos of the school
3(b) develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
3(c) deploy support staff effectively
3(d) take responsibility for improving teaching through professional development, responding to advice & feedback from colleagues
3(e) communicate effectively with parents with regard to pupils' achievements and well-being
PART 2: PERSONAL & PROFESSIONAL CONDUCT
Uphold public trust in the profession and maintain high standards of ethics and behaviour, within & outside school
(a) treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
(b) having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
(c) showing tolerance of and respect for the rights of others
(d) 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
(e) ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
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
Have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Appendix 2:

1. Classroom Observation Protocol for FORMAL observations linked to Appraisal

- a. The head teacher has a duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. The appraisal arrangements are integral to fulfilling this duty.
- b. In addition to formal observation, the head teacher, senior staff and line managers with responsibility for teaching standards and achieving school improvement priorities, will observe teacher and learning as part of the schools coaching programme, undertake wide ranging 'learning walks' and may "drop in" to classes 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.
- c. Teachers (including the head teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

2. Our Approach to 'Formal' Observation

- a. The Governing Body is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:
 - i. carry out the role with professionalism, integrity and courtesy;
 - ii. evaluate objectively;
 - iii. report accurately and fairly
- b. General arrangements for classroom observation will be included in the planning and review statement and should include:
 - i. the amount of observation (eg. termly)
 - ii. specify the primary purpose of the observation or particular aspect of the member of staff's performance which will be assessed
 - iii. the duration of the observation (eg. 30 minutes)
 - iv. when during the appraisal cycle the observation will take place
 - v. who will conduct the observation. NB. Where evidence emerges about the member of staff's performance which gives rise to concern during the cycle, observations may be arranged in addition to those recorded at the beginning of the cycle, subject to a revision meeting being held in accordance with the Regulations.

- c. Where applicable, a copy of planning will be made available to the observer prior to the observation and any relevant background data relating to context eg. students' needs (SEN G&T etc.).
- d. The member of staff should be aware that the Observer will have the following expectations:
 - i. That learning objectives are shared, displayed and articulated
 - ii. That the needs of individual learners are met
 - iii. That there is effective EYE/TA/SSA deployment (as appropriate)
 - iv. That the impact of teaching on progress in learning will be critical to any judgment about quality
 - v. The "Teaching & Learning Policy" will form the basis of an overall view about the quality of teaching and learning and any development needs.
- e. The Observer will not usually take part in the lesson, and will not intervene unless a child's health and safety is at risk. This may be dependent on the focus of the observation and participation may have been agreed.
- f. During the lesson the Observer will look at children's work and talk with children to:
 - i. check prior knowledge
 - ii. check understanding of the work/learning objective and whether they know how to make further progress
 - iii. briefly check marking and assessment, when looking at written work
 - iv. check for evidence that marking is in accordance with school policy.
- g. Any professional development needs arising from the monitoring process will be addressed as soon as possible.
- h. The process must be manageable and should not require additional preparation by staff.
- i. Staff will be invited to make constructive suggestions about ways in which the process can be improved.
- j. Observations are an integral part of improving standards and will not be postponed unless it is wholly unavoidable.
- k. The pro-forma for undertaking observations will be the standard observation pro-forma (Appendix 2a.)
- l. Information gathered during the observation will be used, as appropriate, for a variety of purposes including informing school self-evaluation and school improvement strategies in accordance with the school's commitment to streamlining data collection and minimising bureaucracy and workload

burdens on staff.

- m. In keeping with the commitment to make Appraisal a supportive and developmental process, those being formally observed will be notified in advance. The notice period will (in normal circumstances) be five working days.
- n. In the case of teacher observations, they will only be undertaken by persons with QTS.
- o. In addition, in this school, observation will only be undertaken by those who have had adequate preparation and the appropriate professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.
- p. Oral feedback will be given as soon as possible after the observation and no later 48 hours after the observation. It will be given during directed time in a suitable, private environment. The Observer(s) and teacher will set aside sufficient time to:
 - i. discuss the qualities in the lesson and potential areas for development
 - ii. provide an opportunity for the member of staff to identify strengths and potential development areas
- q. To ensure objectivity and consistency, use of the Teaching & Learning Policy will form an integral part of the review of an observation.
- r. Written feedback will be provided within five working days of the observation taking place. If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement these should also be covered in the written feedback and the appropriate action taken in accordance with the regulations and guidance.
- s. The written record of feedback will include the date on which the observation took place, the lesson observed and the length of the observation. The member of staff has the right to append written comments on the feedback document. No written notes in addition to the written feedback will be kept.

Appendix 2a. : Observation Feedback proforma



Normand Croft
 Community School

Observation Form 2012/2013

School: Normand Croft	Year Group/Class:	Subject:
Teacher:	Grouping:	No. Present:
Support Staff	Date:	Obs Time:

Observer[s]:

Focus of observation:	
Outline of lesson:	
LO:	
What promoted learning & achievement well... [strengths to be shared]	Even better if... [areas for development/CPD implications]
•	•
Points for action/reflection:	
1.	