



"Excellent Learning, Teaching and Leadership for All"

Teacher Appraisal and Capability Policy

For implementation September 2017

There are four schools in Windsor Learning Partnership and we believe that for teachers working in WLP, a common policy and approach for Teacher Appraisal and Capability across the trust would improve teacher retention, career development and succession planning through a formal collaborative approach.

The four very similar policies from the individual schools were blended to form a draft WLP Teacher Appraisal and Capability Policy and sent the following unions for consultation: ATL, NAHT, NASUWT, NUT, ASCL and Human Resources RBWM.

Union consultation ran from 6-21 October 2016.

Staff consultation ran from 18 January to 01 February 2017.

Windsor Learning Partnership

Teacher Appraisal and Capability Policy

INTRODUCTION

Revised appraisal arrangements came 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). This policy has been written in line with the model policy produced by the Department for Education in January 2012.

Policy for appraising teacher performance and dealing with capability issues

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 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 headteachers and to all teachers employed by Windsor Learning Partnership, 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 capability procedure, applies only to teachers (including the headteachers) about whose performance there are serious concerns that the appraisal process has been unable to address.

Part A – Appraisal

Appraisal in Windsor Learning Partnership 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. To be completed for all teachers by the 31st of October and for the headteacher by the 31st of December. 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 headteacher will be appraised by the Governing Body, supported by a School Improvement Partner (SIP).

The task of appraising the headteacher, including the setting of objectives, will be delegated to a sub-group consisting of two or three members of the Governing Body.

The headteacher will decide who will appraise other teachers. All appraisers appointed by the headteacher will have qualified teacher status and relevant experience. The teacher's line manager or another senior person in the teacher's subject area will normally be their appraiser. If they are unable to conduct the appraisal, an appropriately experienced appraiser will be appointed in their place. If legitimate concerns are raised about the choice of appraiser, these will be carefully considered and, if the headteacher (or, in the case of the headteacher, the governing body) considers these concerns to be valid, an alternative appraiser will be offered.

Setting objectives: The headteacher's objectives will be set by the delegated sub-group of the Governing Body after consultation with the SIP.

Three 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 students at that school. This will be ensured by each teacher having a whole school objective reflecting school development plan priorities and a team objective reflecting subject development plan priorities.

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. All teachers should be assessed against the set of standards contained in the document called "Teachers' Standards".

Reviewing performance

Quality of Teaching Assessment. The observation of classroom practice will form part of wider evidence base that can be used to assess the quality of teaching. Appraisers will use evidence of teacher feedback, student progress over time and student feedback

(appropriate to student's age) to assess the teacher in the round. This holistic approach 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 assessment will be carried out in a supportive manner.

Teachers' performance will be regularly assessed but the amount and type of assessment will depend on the individual circumstances of the teacher and the overall needs of the school. The amount of formal observation through the appraisal process will be no more than three times per academic year. Assessment of the quality of teaching will be carried out by those with QTS. Judgments on the quality of teaching can be taken from evidence formed during the quality of teaching by subject area task or through individual assessment as part of the performance management process. Additional evidence that is not directly related to the quality of teaching but that refers to teachers other responsibilities can be provided through the line management process.

Development and support: Appraisal is a supportive process which will be used to inform continuing professional development. Windsor Learning Partnership 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 assessment 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 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);
- explain the implications and process if no – or insufficient – improvement is made.

When progress is reviewed, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process. In the case where the appraiser has noted some areas for development, the teacher will be invited to an informal meeting to discuss these areas for development and the appropriate support.

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 headteacher, the Governing Body must consult the SIP.

This assessment is the end point to the annual appraisal process, but performance and

development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place once a year as part of an ongoing professional dialogue.

Teachers 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. Teachers will receive their written appraisal reports by the 31 October (31 December for the headteacher). 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 training and 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 training and development needs will inform the planning process for the following appraisal period.

The reviewee can request pay progression through the appraisal process. The reviewer will communicate this request to the Headteacher. It will be possible for a 'no progression' determination to be made without recourse to the capability procedure.

Confidentiality

Access to the written appraisal reports will be limited to the teacher, the appraiser, the headteacher and/or nominated member of the SLT. It may be necessary for members of the governors' appeals panel to have access when the need arises.

Equality and Consistency

The Headteacher has responsibility for the quality assurance of the appraisal process. This includes ensuring the consistency and equality of application of the process across the school.

The headteacher is responsible for reporting annually to the Governing Body on any relevant issues, including those of underperformance and on any action required to address those issues. The report will enable governors to receive an overall general report of the process but will not include specific details relating to individual members of staff.

Appeals

Any appeals relating to the appraisal process, cycle, or outcomes should be directed to the headteacher in the first instance. Where the concern relates to the Headteacher the appeal should be directed to the Chair of Governors.

If a teacher feels that any part of the appraisal process, cycle, or outcome is either wrong or unjust, they may appeal in writing within five days of any decision, outcome or meeting, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capacity and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the teacher.

For the arrangements for an appeal to the Governing Body against the assessment and pay recommendation refer to the school's Pay Policy.

Part B Professional Capability Procedure

This policy sets out the formal capability procedure adopted by Windsor Learning Partnership and reflects provisions of the Department for Education model Capability Procedure which in turn reflects the ACAS Code of Practice on disciplinary and grievance procedures. Capability procedures apply only to teachers and head teachers about whose performance there are serious concerns that, for example, the appraisal process has been unable to address.

1. This procedure applies to teachers or headteachers about whose performance that the appraisal process has been unable to address. Application is to all teachers with the exception of those on contracts of less than one term/13 weeks, whichever is applicable. In addition, teachers supplied by agencies are exempt from this procedure and schools are expected to address any concerns to the agency.

2. Transition to capability where the appraisal process has identified concerns.

If, following a period of support and monitoring under the Appraisal Policy, the appraiser/Headteacher is not satisfied with progress, the employee will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the Professional Capability Procedure. He/she will be invited to a formal capability meeting

3. At least five working days' notice will be given of the meeting which would be the commencement of the formal capability process. The notification of the meeting will contain sufficient information on concerns regarding performance and their possible consequences to enable the (head) teacher to prepare to answer the case at the formal capability meeting. It will also contain:

- copies of any written evidence;
- the details of the time and place of the meeting;
- advice to the (head) teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

Formal capability meeting

4. This meeting is intended to establish the facts. It will be conducted by the Chair of Governors or Vice Chair (with SIP for Headteacher capability meetings) or Headteacher (for other teachers). The meeting allows the (head) teacher to be accompanied - with reference to the third bullet point above - if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

Those present at the meeting will be:

- I. The Headteacher or governor who is initiating the capability concerns (i.e.; the person conducting the meeting (see Paragraph 4 on the following page).
- II. The Headteacher or teacher who is the subject of the capability concerns
- III. An appropriate representative of the person at (II) if so requested by that person
- IV. A note-taker
- V. An adviser who may be required to attend so that s/he can understand and clarify his/her role in supporting or monitoring the (head) teacher or who may be required to advise on aspects of evidence of the (head) teacher's performance. This person may

not be required to attend for the whole of the meeting; the duration of his/her presence or whether s/he is involved or present at all will be at the discretion of the Headteacher or governor conducting the meeting

At this, or any meeting throughout the process, a representative of the HR service of Windsor Learning Partnership employing the centrally-funded teacher may be present.

5. 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, for example, the appraisal process. S/he may need wish to consult an external adviser/subject specialist as appropriate. In such cases, the capability procedure will come to an end on this occasion.

Alternatively, 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.

6. In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued the person conducting the meeting will:
 - identify the professional shortcomings, for example which of the standards expected of the (head) teacher are not being met;
 - give clear guidance on the improved standard of performance needed to ensure that the (head) teacher can be removed from formal capability procedures (this may include the setting of 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);
 - explain any support that will be available to help the (head) teacher improve his/her performance;
 - 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 eg between four and twelve weeks. It is for the school to determine the set period. It should be reasonable and proportionate but not excessively long, and should provide sufficient opportunity for an improvement to take place. The timetable for improvement should include a period - to be determined in individual cases - for the (head) teacher to work unsupported in order to demonstrate that s/he is able to work unaided, as would be the case after the period of capability had ended and the target(s) had been attained.

and:

- warn the (head) teacher formally that failure to improve within the set period could lead to dismissal. Very serious cases would include:
 - students' education/progress in jeopardy (as demonstrated by tracking data/students' work and school standards failing to rise)
 - failure to meet national standards
 - an inspection resulting in the school being placed in an OfSTED category
 - an overspend failing to be addressed or resolvedthis warning could be a final written warning.
7. Notes will be taken of formal meetings and a copy sent to the member of staff: a copy will be sent to a person supporting or monitoring the (head) teacher where applicable. Where a warning is issued, the teacher 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.

Monitoring and review period following a formal capability meeting

8. A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff will be invited to a formal review meeting at the end of this review period, unless they were issued with a final written warning, in which case they will be invited to a decision meeting (see Paragraph 12). There may in addition be interim review meetings which the (head) teacher or the Headteacher/governor conducting the process may request.

Formal review meeting

9. As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied. Please refer to Paragraph 4 for details of those who would normally attend the meeting .
10. If the person conducting the meeting is satisfied that the (head) teacher has made sufficient improvement with an unaided period, the capability procedure will cease and the appraisal process, where begun and suspended, will re-start. In other cases:
 - If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period and therefore to schedule a further formal review meeting. Please refer to Paragraph 6, fourth bullet point, of this Procedure for details of the overall timescales.
 - If no, or insufficient improvement has been made during the monitoring and review period, the (head) teacher will receive a final written warning. A final warning will need to set out the timescale for improvement, including the period of time during which the employee is expected to maintain the standards unsupported; 4 weeks in total would be the normally expected timeframe.
11. As before, notes will be taken of formal meetings and a copy sent to the member of staff within three working days of the meeting. The final written warning will mirror any previous warnings that have been issued. Where a final 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 and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning. The (head) teacher will be invited to a decision meeting.

Decision meeting

12. As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting with the Headteacher or Chair/Vice Chair of Governors. It will advise the (head) teacher of their right to be accompanied by a companion who may be a colleague or an official or representative of their union. Others present could include:
 - any advisers supporting the (head) teacher and
 - anyone monitoring progress against targets.
 - HR could also be represented, and at this stage such involvement may be advisable.

13. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will restart. If performance remains unsatisfactory, a decision, or recommendation to the Governing Body and Windsor Learning Partnership CEO, will be made that the (head) teacher should be dismissed or required to cease working at the school.
14. Before the decision to dismiss is made, the school will discuss the matter with the CEO of Windsor Learning Partnership.
15. The (head) teacher will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and his/her right of appeal.

Decision to dismiss

16. **Decision to dismiss:** The power to dismiss staff in the school rests with the Governing Body who, in turn delegate it to the Headteacher, one or more governors and with CEO support. The power to dismiss the Headteacher rests with the Governing Body in conjunction with the CEO of Windsor Learning Partnership and the external advisor.

Dismissal

17. Once the decision to dismiss has been taken, the Headteacher will dismiss the teacher with notice giving reasons for the dismissal and notify Windsor Learning Partnership board of the decision and reasons for it. For a Headteacher, once the Governing Body in conjunction with the CEO of Windsor Learning Partnership and the external advisor have made the decision to dismiss, they will notify the Headteacher of their decision, together with the reasons for it.
18. This will not be a dismissal hearing: the Decision meeting, referred to in Paragraphs 12 and 13, is the forum at which a decision to dismiss will be taken. Where a decision has been taken that the (head) teacher will no longer work at the school, a decision on any notice arrangements will need to be considered since it is unlikely that the teacher should remain in the classroom or the Headteacher undertake his or her duties at the school.

Appeal

19. If a teacher feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal: this would be in accordance with Windsor Learning Partnership appeal procedure. 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 teacher.
20. The appeal will be dealt with impartially and, wherever possible, by managers, governors or Windsor Learning Partnership Trustees who have not previously been involved in the case.
21. The (head) teacher will be informed in writing of the results of the appeal hearing as soon as possible.

General Principles Underlying This Policy

ACAS Code of Practice on Disciplinary and Grievance Procedures

22. The policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

Confidentiality

23. The capability process will be treated with confidentiality. For example, information will only be shared on a strictly need-to-know basis.

Consistency of Treatment and Fairness

24. Windsor Learning Partnership is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Delegation

25. Normal rules apply in respect of the delegation of functions by Windsor Learning Partnership, Governing Bodies and Headteachers.

Grievances

26. Where a member of staff raises a grievance during the capability procedure the capability procedure may not necessarily be temporarily suspended in order to deal with the grievance. However, where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

Sickness

27. 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 immediately to the occupational health service to assess the member of staff's health and fitness for continued employment. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence. Where Occupational Health advise that a period of phased return to work after a period of absence might be advisable, the school will need to consider very carefully the feasibility of such an arrangement and its impact on the school.

Subsequent lapse in performance

28. Where a (head) teacher meets his or her targets with reference to Paragraph 12, including a period unaided, but subsequently fails to sustain the improvement, the formal meeting as described at Paragraph 3 will take place and, depending on information received at the meeting, the process would be reinvoked from Paragraph 10.

Monitoring and Evaluation

29. The CEO of Windsor Learning Partnership, Governing body and Headteacher will

monitor the operation and effectiveness of the school's appraisal arrangements.

Retention

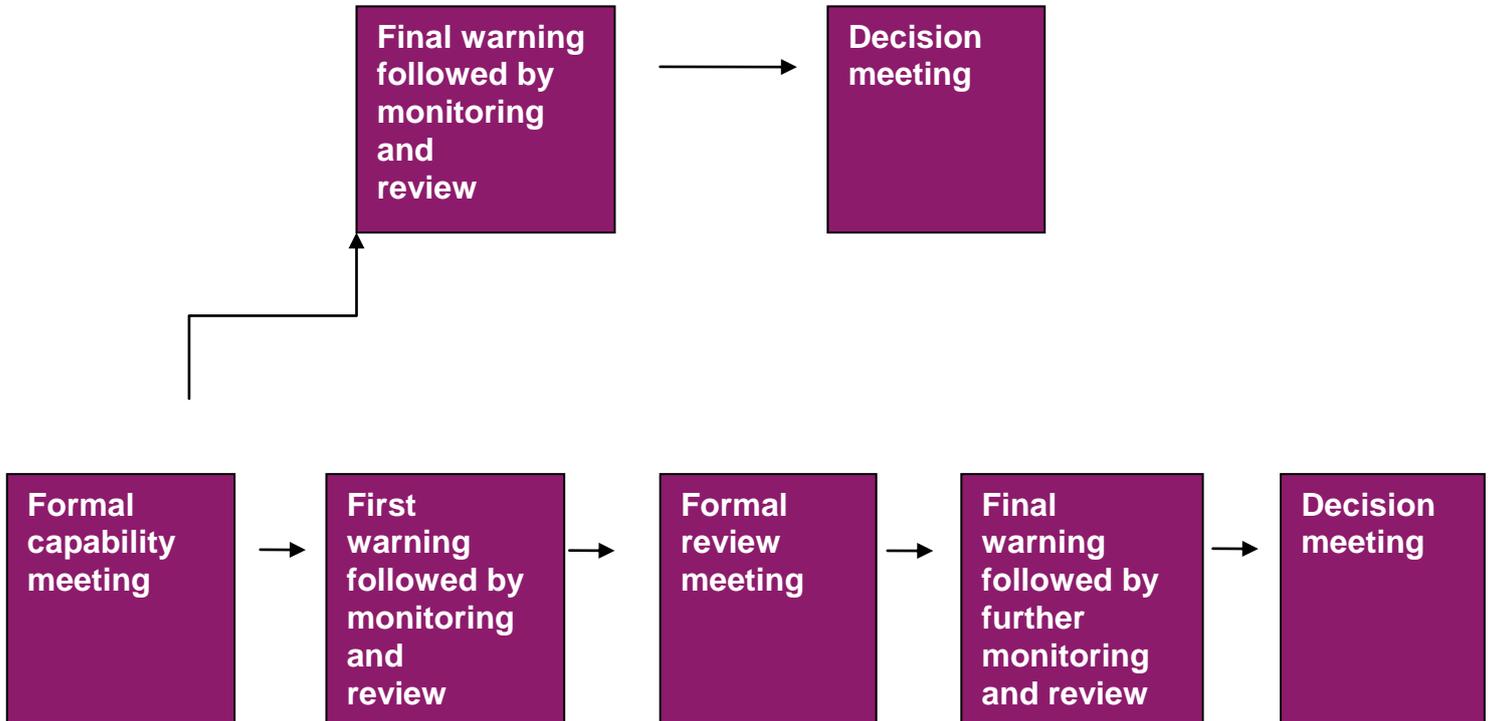
30. The Governing body and headteacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

Signed:

Date: 16.03.2017

<i>Policy Approved</i>	16.03.2017
<i>Reviewed on</i>	
<i>New Review Date</i>	

Flowchart of process



5 working days' notice

4-12 working weeks

Timescales