



NEWLAND SCHOOL FOR GIRLS

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APPRAISAL AND CAPABILITY POLICY FOR TEACHERS

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Review	October 2017

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SECTION ONE –TEACHER APPRAISAL AND CAPABILITY POLICY

Policy for Teacher Appraisal and Capability Issues

The IEB of Newland School for Girls adopted this policy on 7th May 2015.

It will be reviewed when changes to national legislation require such changes to be made.

Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the headteachers, and for supporting their development within the context of the school improvement plan 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.

Appraisal is the process for assessing the overall success of a teacher or head teacher against the revised Teachers' Standards, the individual's job description and the provisions of the School Teachers' Pay and Conditions Document (STPCD), and making plans for the individual's future development in the context of the schools' plans for improving the education of its pupils. Teachers and head teachers should feel confident and empowered to participate fully in an appraisal system with the following elements at its heart;

- An entitlement to sustained and relevant professional development
- To be able to engage in a professional dialogue about their work in an open and fair manner where their individual arrangements are managed effectively, transparently and fairly, and applied consistently.
- The process is consistent with the principles and practice of equal opportunities and the legislative requirements and duties which apply to schools and local authorities

The information and data that the school collects for appraisal should be capable of being used in a number of different ways, for example, for self-evaluation and school improvement and development planning. The data collected for appraisal will be used to inform other processes such as strategically planning professional development and its impact evaluation).

Application of the Policy

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to the Headteacher and to all teachers employed by the school, except those on contracts of less than one term, those undergoing induction (*i.e. Newly Qualified Teachers*)(*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 headteacher) about whose performance there are serious concerns that the appraisal process has been unable to address. It also applies to NQT's when there are issues regarding an NQT's performance against the Teachers Standards, and additional action plans, including monitoring, support and assessment, to address these concerns have not been effective in line with the Education (Induction Arrangements for School Teachers') (England) Regulations 2012. If Formal Capability proceedings commence it will run alongside the NQT support programme as required in the DfE Statutory Guidance document Sections 4.4 - 4.5.

The NUT and NASUWT teacher trade unions have stated that there should be a clear distinction made between the appraisal and capability procedures with an informal stage before formal capability. If a teacher's performance is causing serious concern a meeting with the teacher will be called to consider the evidence of serious concern. In such cases an appropriate period of support will be provided, at the end of which will be a further meeting to review progress. If the teacher is still experiencing difficulties then consideration may need to be given as to whether formal capability procedures should begin.

Roles and Responsibilities

Governors, head teachers and teachers all have key roles and responsibilities in leading and managing the appraisal process.

By way of a summary their main roles and responsibilities are as follows.

A. IEB

- Establish the school's Teacher Appraisal and Capability Policy, monitor the operation and outcomes of the arrangements, and review the policy and its operation as necessary.
- Appoint 2 members to review the head teacher's appraisal on an annual basis.
- Appoint an external adviser to advise appointed members on the head teacher's appraisal.
- Make decisions about pay and career progression based on pay recommendations made by reviewers.
- Retain a copy of the head teacher's planning and review statement (normally the Chair of IEB) in a secure place for six years and at the end of this time to destroy it.
- Where the head teacher makes such a request, to action requests for evidence from the appraisal process to be transferred if the head teacher transfers mid-cycle.
- Ensure the content of the head teacher's planning and review statement is drafted having regard to the need to be able to achieve a satisfactory work life balance.
- Undertake action in relation to appeals in line with the school's procedures.

B. Head Teachers

- Report annually to the governing body on appraisal arrangements and on training and development needs.
- Play an active role in their own appraisal and professional development including taking action as agreed at review meetings.
- Act as an appraisal reviewer for all teachers at the school or, where appropriate, delegate the role of reviewer.
- Retain copies of all planning and review statements in a secure place for six years and at the end of this time to destroy them.
- Take account of review outcomes in school improvement planning and ensure the school produces and resources an effective plan for the professional development of its workforce.
- Establish a protocol for classroom observation for inclusion in the appraisal policy.
- Action any request from a teacher for evidence from appraisal to be transferred if the teacher moves school mid-cycle.
- Evaluate standards of teaching and learning and ensure proper standards of professional practice are established and maintained.
- Ensure that the teacher's planning and review statement is drafted having regard to the need for a satisfactory work life balance.

C. Teachers

- Play an active role in their own appraisal and professional development, including taking action as agreed at review meetings.
- Where the role of reviewer has been delegated to them in accordance with the regulations, act as reviewers for other teachers.
- Contribute to the annual planning and assessment of other teachers where appropriate.

Note: Work/life Balance – School Teachers’ Pay and Conditions Document 2012 paragraph 63.4

‘Governing Bodies and headteachers, in carrying out their duties, must have regard to the need for the headteacher and teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties and time to pursue personal interests outside of work. Governing Bodies and headteachers should ensure that they adhere to the working limits set out in the Working Time Regulations 1998 and the Working Time (Amendment) Regulations 2007.’

Part A – Appraisal

Appraisal in this school will be a supportive and developmental process designed to ensure that all teachers have the skills and support they need to carry out their role effectively. It will help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

The Appraisal Period

The appraisal period will run for twelve months from October to October for Teachers.

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.

There is flexibility to have a longer or shorter appraisal period when teachers begin or end employment with a service and this is at the discretion of the headteacher.

Appointing Reviewers

Appointing Headteacher Reviewers

The head teacher will be appraised by the IEB, supported by a suitably skilled and/or experienced external adviser who has been appointed by the IEB for that purpose.

In this school the task of appraising the head teacher, including the setting of objectives, will be delegated to a sub-group consisting of two members of the IEB.

The head teacher will decide who will appraise other teachers.

For Further Guidance on the following please refer to Annex 1

1. *Role of External Advisers*
2. *Appointing Reviewers for Teachers*
3. *Requesting a Change of Reviewer*
4. *The Appraisal Process*
5. *The Planning and Review Meeting*
6. *Reviewers and Reviewees Preparations*
7. *Preparing for the Planning and Review Meeting – Reviewees*
8. *For the review of the last cycle:*
9. *In preparing for the next cycle:*
10. *Preparing for the planning and review meeting – Reviewers*
11. *For the review of the last cycle:*
12. *In preparing for the next cycle:*
13. *What Must a Planning and Review Document Cover?*
14. *Timescales for producing Planning and Review Statements*
15. *Moderation of plans and the scope for the head teacher to change planning and review statements*

Setting Objectives

The headteacher's objectives will be set by the nominated 2 members after consultation with the external adviser.

Objectives for each teacher will be set before or as soon as practicable after, the start of each appraisal period. The objectives set for each teacher, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the teacher's role and level of experience. Please refer to the career expectations enclosed within the policy. The Reviewer and teacher will seek to agree the objectives but, if that is not possible, the Reviewer will determine the objectives. Objectives may be revised if circumstances change. If this is deemed necessary by the reviewer then a formal meeting must be convened and the timescales for producing planning and review statements must be followed.

The objectives set for each teacher will be aligned with the school's priorities and plans and, if achieved, contribute to the schools' plans for improving the educational provision and performance of its pupils. This will be ensured by the headteacher (or in the case of the headteacher the nominated member) quality assuring all objectives against the school improvement plan.

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the Teachers' Standards against which that teacher's performance in that appraisal period will be assessed. All teachers including the Headteacher should be assessed against the set of standards contained in the document called "Teachers' Standards" which came into effect on the 1st September 2012. The head teacher will need to consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

Reviewers are responsible for ensuring rigour when objectives are set. The use of numerical objectives and success criteria are permitted. It is accepted good practice that three objectives should be set and that these should focus on priorities, however this is the decision of the Reviewer. They should be time bound, challenging but achievable, and reflect the need for a satisfactory work/life balance. A reviewee's objectives should reflect any relevant team, year or whole school/service objectives. They should reflect the experience and aspirations of the reviewee. Some objectives may be achievable within the appraisal cycle. Others may require a longer time span, in which case the record of objectives should show the milestones towards that objective to be achieved in the current cycle. Reviewees must record their concerns at the earliest date and share these concerns with the head teacher. Reviewees may wish to seek guidance from their union.

Assessment against the Teachers' Standards should start from the premise that all teachers are meeting the Teachers' Standards in line with their contract of employment and should be assessed as meeting the standards unless clear, written evidence to the contrary is provided.

Success Criteria

The success criteria should indicate what success would look like at the end of the cycle. The success criteria should provide clarity about the basis on which the reviewer will assess the overall success of the reviewee based on progress towards the achievement of objectives, classroom observation, and the other evidence (School Improvement Plan, school's business plan, recent Ofsted School Inspection Report). These matters should be

determined taking into account the reviewee's job description, the Teachers' Standards, what can reasonably be expected of the reviewee at the relevant stage of their career, and, where the reviewee is eligible, the relevant pay progression criteria in the STPCD. It is the responsibility of reviewers to ensure that success criteria are applied appropriately in terms of equal opportunities considerations. This could include groups such as part time employees, people with disabilities, carers, trade union members etc. Reviewers will need to consider the nature and scope of the success criteria, their relevance and appropriateness, the circumstances of the school, the needs of the individual, and whether or not the success criteria might be deemed to be either directly or indirectly discriminatory under the provisions of the relevant legal frameworks.

Development and Support

Appraisal is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.

Monitoring and Feedback

Lesson Observation

This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All classroom observation will be undertaken in accordance with the Education (School Teachers' Appraisal) (England) Regulations 2012, and the school's Lesson Observation Protocol.

In this school teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will be carried out by those with QTS and will be dual wherever possible. In addition to formal observations, a head teacher has a duty to evaluate the standards of teaching and learning. Headteachers on their nominated personnel (SLT & DOL) have a right to "drop in" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances.

Teachers (including the head teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

Guidance on the Lesson Observations see the Classroom Observation Protocol at Annex 2

Feedback

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

All evidence gathered during the cycle must be shared with the reviewee as it is collected so that there are no surprises at the end of the cycle. The reviewee is responsible for making sure that, during the appraisal cycle; they make the reviewer aware of things they consider have been helpful and impacted positively on their personal success. Similarly, reviewees should make their reviewers aware, as soon as possible, if they have any concerns about the professional development and other support they are receiving and of any changes in circumstances that might bear on their success.

Other evidence

The other evidence which will be taken into account will normally be in the form of data or written feedback from specific individuals, including on work scrutiny. Those providing evidence should always have direct professional knowledge of the reviewee's work. Other evidence may relate to any areas of the reviewee's work which are not reflected directly in the reviewee's objectives or classroom observation and help the reviewer to make a judgement about the overall performance of the reviewee.

Where an element – marking, teaching, outcomes of a teachers practice is R.I they will be placed on appraisal support and for a maximum of 6 weeks. If performance is not good by the end of the 6 weeks they will be placed on additional support I.M.

Appraisal - Additional Support and Monitoring Action Plan – 6 Weeks

Where there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher formally to:-

- discuss the additional monitoring and support programme and the timescale involved for the performance to improve to 6 weeks (this will be decided by the Reviewer);
- 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 (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- agree further monitoring to be put in place which will probably include further lesson observations and drop ins
- make clear how, and by when, the appraiser will review progress (*it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns*);
- explain the implications and process if no – or insufficient – improvement is made.
- Identify any personal reason for the situation and offer any necessary support such as counseling, referral to occupational health if necessary; Focus Counseling and/or the Teacher Support Network.

Where agreement cannot be reached then the reviewer has the final say. This additional support and monitoring should be summarised in an additional Appraisal and Monitoring

Action Plan so that is clear what the teacher has to achieve and how this will be measured and by when.

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.

Note: In extreme cases where the performance is raising substantial concern which is supported by strong evidence and where the education of the pupils is at jeopardy the Additional Support and Monitoring Stage can be waived and a teacher can be placed straight on to the Formal Capability Procedure.

At the Additional Support and Monitoring meeting the employee does not have the right to be represented by a work colleague or a trade union representative who has been certified by their trade union as being competent, only at the appeal stage. However, if the headteacher believes it would be helpful to involve a representative at this stage, then this is the decision of the headteacher.

Transition to Capability

If following a period of Additional Support and Monitoring of 6 to 12 weeks, 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 (Letter 3). This decision will not be subject to an appeals process, as there are appeals mechanisms within the capability process in this guidance. This may happen at any time during the appraisal year and is not just dependant on outcomes of annual or termly reviews but could come from the ongoing monitoring of the reviewees work at any time during the year. **The capability procedures will be conducted as in part B of this policy.**

Annual Assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the head teacher, the nominated governors must consult an external adviser.

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in formally recorded interim meetings which will take place once half term.

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment in writing on - a written appraisal report. Teachers and head teachers will receive their written appraisal reports by 31 October (or insert other agreed date). The appraisal report will include:

- details of the teacher's objectives for the new 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 (*NB – pay recommendations need to be made by 31 October*);

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

Please Note: *Teachers should be set objectives that are referenced to the Teachers' Standards which will be used to assess the teacher's performance over the year. However if during the course of the year performance issues arise that are not directly related to a teachers objectives, then the performance will still need to be addressed as part of a teachers responsibilities using not only the Teachers' Standards but the School Teachers Pay and Conditions Document and the teachers' job description as part of the 'overall' performance of a teacher.*

Appeals

Appeals are allowed under the Appraisal Process at the following points:-

(a) Following the head teacher's moderation of the annual planning and review statement, if the reviewee feels that their statement is not consistent with other teachers (of a similar level of responsibility) in terms of their planned objectives and success criteria, or judgements made about them in the review section, including pay progression decisions, they may appeal to the appeals committee of the governing body.

(b) An appeal is also available following any changes made to the statement during the cycle that has resulted from an additional meeting.

(c) An appeal is possible during the course of the appraisal cycle if a decision is made that a reviewee's performance is not up to scratch and is need of additional monitoring and support that will be detailed in an additional action plan.

Reviewees can appeal within 5 working days of the decision, setting out at the same time the grounds for appeal. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing. Simple disagreements should be capable of being resolved by discussion between the reviewer and the reviewee without recourse to an appeal.

The appeals process will not stop the additional monitoring and support, of 6 weeks that will be put into place as the reviewee moves into this stage of the appraisal process.

Note: - It is hoped that the moderation role of the head teacher for teachers' appraisal and the governing body for head teachers' appraisal can also help to smooth out issues and prevent them from ending up in an appeals process.

Making a Pay Recommendation

The School Teachers Review Body (STRB) is currently working on the implications of the new Teachers' Standards and the new appraisal regulations for School Teachers Pay and Conditions (STPC). This Policy may therefore be updated following any changes to legislation.

Where teachers are eligible for pay progression, the assessment of performance throughout the cycle, against the performance criteria specified in the statement, will form the basis on which the recommendation is made by the Reviewer, unless there are issues with the overall performance. Reviewers' pay recommendations are passed to the head

teacher as part of the planning and review statement and the headteacher passes the pay recommendation on to the governing bodies pay committee. Headteacher pay recommendations are also passed on to the governing bodies pay committee; this will be in line with the School's Pay Policy.

If a teacher or headteacher has made significant progress towards meeting their objectives, then the headteacher with respect to teachers, or in the case of the headteacher the IEB pay may still determine that a person is eligible for pay progression but this must be justified and the rationale fully recorded.

Confidentiality and Access to Statements

The whole appraisal process and, in particular, the statements generated under it should be treated with confidentiality at all times. Reviewees should be informed in writing if anyone outside the appraisal process (other than their reviewer and the head teacher as part of the pay and appeals processes (if appropriate)) has been granted access to their statement and for what purpose, where their name is specifically identified. Names must be anonymised for Ofsted or if shared with a leadership team for consistency of objective setting. Training and Development plans will be shared with all: Tel for CPD purposes.

Review statements for teachers should be retained by the head teacher (or, where the head teacher is the reviewee, the chair of governors) in a secure place for 6 years.

For Further Guidance on the following please refer to Annex 1

1. Special Circumstances
2. What to do if plans need to change mid-cycle
3. Teachers who join or transfer to another school during the cycle
4. Teachers who are absent for a significant part of the cycle
5. Part-time teachers (including job-sharers)
6. Teachers employed at more than one school
7. Teachers on fixed-term contracts and teachers employed through an agency

Part B

Capability Procedure

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

Stage 1 - First Formal Capability Meeting

At least five working days' notice will be given inviting the teacher to a formal capability meeting. This notification, will take the form of a letter (see Letter 4) highlighting the areas of concern, the date, time and place of the meeting, the right to be represented by a work colleague or trade union official, or a trade union representative who has been certified by their union as being competent, the possible consequence of the outcome of the meeting e.g. formal warning, final written warning, or to continue to address the concerns through the appraisal process and the possible review period – minimum 4 weeks up to 10 weeks.

Attached to the letter must also be:-

- 1) The Teacher Appraisal and Capability Grid, which includes a breakdown of the areas of concern, cross referenced with the Teachers' Standards in detail that the teacher is failing to meet as well as the evidence to support these areas of concern. This evidence should be taken from the Appraisal Additional Support and Monitoring Action Plan, which will have previously been discussed with the teacher before a decision was taken to move the teacher onto the Formal Capability Procedure.
- 2) The Additional Support and Monitoring Action Plan from the appraisal process – which forms part of the evidence.

This will enable the teacher to prepare for the capability meeting. If the representative isn't able to attend the meeting then under the Employment Relations Act 1999, in the event of a meeting being postponed due to the non availability of the teacher's representative s/he is entitled to propose an alternative time which must a) be reasonable, and b) fall within 5 working days after the day proposed by the school. The teacher will also be informed that if his/her representative is not available s/he will have the right to choose another companion or alternatively s/he will have to attend without one as the meeting will not be postponed again due to the non availability of his/her representative.

This is why is it important for the date and time for future meetings to be agreed at the end of each meeting to ensure everyone's availability. This applies to all stages of the Capability Process.

First Formal Meeting – The Purpose

The purpose of the meeting is intended to establish the facts. It will be conducted by the nominated IEB members (for head teacher capability meetings) or headteacher (for other teachers), if the role hasn't been delegated. The meeting allows the teacher and their representative to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected. The headteacher 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 headteacher conducting the meeting will go through the Teacher Appraisal and Capability Grid as this will:

- identify the professional shortcomings, for example which of the Teachers' Standards expected of teachers are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the 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 teacher improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed.
- Identify any personal reason for the situation and offer any necessary support such as counseling, referral to occupational health if necessary; Focus Counselling and/or the Teacher Support Network.

Before the headteacher makes a decision regarding the outcome of the meeting an adjournment should take place for the headteacher to consider any points raised by the teacher or his/her representative. The outcomes are as follows:-

- i) Continue to address the concerns via the appraisal system – this could include someone from the school coaching and mentoring the employee. In such cases, the capability procedure will come to an end.
- ii) A formal warning or in very serious cases a final written warning. If a final written warning is issued the headteacher must warn the teacher formally that failure to improve within the set period could lead to dismissal.
- iii) The review period 4 up to 10 weeks. The school will determine the period. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place.
- iv) Date and time of the Second Formal review meeting
- v) The teachers' right of appeal, which must be made 5 working days in writing from the date of the letter confirming the decision against the formal warning.

A letter (see Letter 6) confirming the outcome of the meeting must be sent to the teacher covering the bullet points as well as a copy of the revised Teacher Appraisal and Capability Grid. In the event of the teacher being represented a copy should be sent to the appropriate representative.

Stage 2 - Second Formal Capability Review Meeting

At least five working days' notice will be given reminding the teacher of the Second Formal Review meeting, as this date will have been agreed at the First Formal Review Meeting. This notification, will take the form of a letter (see Letter 4). Attached to the letter must also be:-

- a) The letter which gave the formal warning/final written warning
- b) The updated Teacher Appraisal and Capability Grid
- c) The evidence collated during the review period
- d) An updated summary of the support which has been offered.

This will again enable the teacher to prepare for the Second Formal Review meeting. If the teacher wasn't represented at the last meeting, the letter will need to advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent. In the event of the teacher being represented a copy should be sent to the appropriate representative who attended the last meeting.

The format of the Second Formal Review capability meeting will be the same as for the First Formal Meeting.

Before the headteacher makes a decision regarding the outcome of the meeting an adjournment should take place for the headteacher to consider any points raised by the teacher or his/her representative. The outcomes are as follows:-

- 1) If the headteacher conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start.
- 2) If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the First Formal monitoring and review period, when the formal warning was issued, or if a final written warning was issued or,
- 3) If no, or insufficient improvement has been made during the monitoring and review period, the teacher will receive a final written warning.
- 4) A further review period 4 up to 10 weeks.
- 5) Date and time of the Third Formal Review meeting
- 6) The teachers' right of appeal, which must be made 5 working days in writing from the date of the letter confirming the decision against the final written warning.

As before a letter confirming the outcome of the Second Formal Review meeting will be sent to the teacher which will include not only the matters covered above but also:-

a) A copy of the revised Teacher Capability Grid – including a) continued areas of concern, professional standards, b) monitoring process during the review period, c) how evidence will be gathered and d) the support programme etc

Notes:-

- i) Where a final written warning is issued, the letter confirming the outcome to the teacher will also include that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal.
- ii) Where a final written warning was issued as part of the First Formal Meeting the teacher will be invited to a decision meeting (see below).

Stage 3 - Third Formal Capability Decision Meeting

At least five working days' notice will be given reminding the teacher of the Third Formal Review meeting, as this date will have been agreed at the Second Formal Review Meeting. This notification, will take the form of a letter (see Letter 4). Attached to the letter must also be:-

- e) The letter which gave the final written warning
- f) The updated Teacher Appraisal and Capability Grid
- g) The evidence collated during the review period
- h) An updated summary of the support which has been offered.

This will again enable the teacher to prepare for the Third Formal Review meeting. If the teacher wasn't represented at the last meeting, the letter will need to advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent. In the event of the teacher being represented a copy should be sent to the appropriate representative who attended the last meeting.

The format of the Third Formal review capability meeting will be the same as for the Second Formal Meeting.

Before the headteacher makes a decision regarding the outcome of the meeting an adjournment should take place for the headteacher to consider any points raised by the teacher or his/her representative.

The outcomes of the Third Formal Capability Review Meeting are as follows:-

- 1) If the headteacher conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will re-start.
- 2) If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the Second Formal monitoring and review period, when the final written warning was issued.
- 3) If no, or insufficient improvement has been made during the monitoring and review period, the teacher will be referred to the governing body (appropriate Committee) for dismissal, or may be dismissed if the headteacher has the delegated powers to dismiss. The teacher will be able to present their case to the governors of the appropriate Committee and be accompanied as per the previous stages. The headteacher will also be required to present the case on behalf of the school. An employee should not be dismissed unless warnings and an adequate chance to improve has been given.
- 4) The HR Account Manager Schools has the right to attend any dismissal hearings, on behalf of the Local Authority for Community Schools.
- 5) In the event of the teacher being dismissed this must be confirmed in writing by a letter, outlining the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.
- 6) The Local Authority must also be notified as they have to enact this decision within 14 days for Community Schools – see below.

Decision to Dismiss

The power to dismiss staff in this school has been delegated to the head teacher/to one or more governors/to one or more governors acting with the head teacher.

The power to decide that members of staff should no longer work at this school rests with the IEB

Dismissal

Once the IEB 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. Where teachers work solely at this school, the Local Authority must dismiss them within fourteen days of the date of the notification.

In cases of dismissal the employee will be given the full period of notice to which he/she is entitled to under their contract of employment but **will not be required to attend work**

during the notice period. During this period the salary will be paid at the normal times and the termination date will be at the end of the notice period.

Appeal Process

At each stage of the Formal Capability Policy the teacher will have a right of appeal when warnings are issued. In the event of an appeal being lodged against a warning the procedure will still continue. An appeal must be made 5 working days in writing from the date of the letter confirming the decision. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The teacher will have the right to be accompanied as before. As with other formal meetings, a letter confirming this decision will be sent to the teacher. The appeal will be heard by the governors of the Appeal Committee. The teacher will be informed in writing of the results of the appeal hearing as soon as possible, but within a maximum of 5 working days. Any appeal must be arranged during the notice period.

General Principles Underlying This Policy

Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the head teacher and governing body to quality-assure the operation and effectiveness of the appraisal system. *Schools to say here how they might achieve this, for example, the head teacher or appropriate colleague might review all teachers' objectives and written appraisal records personally, in order to check consistency of approach and expectation between different appraisers. The head teacher might also wish to be aware of any pay recommendations that have been made.*

Consistency of Treatment and Fairness

The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Definitions

Unless indicated otherwise, all references to "teacher" include the head teacher.

Delegation

Normal rules apply in respect of the delegation of functions by governing bodies, head teachers and local authorities.

Sickness

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will be referred immediately to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of sickness absence. Relate Counselling can be also offered by the employee contacting telephone 329621.

In the event of a teacher going off work during the review period but returns to work, the headteacher will need to make a decision as to whether or not the performance during the remainder of the time can be assessed. If it can, then the Capability Policy will continue at

that the relevant Stage, alternatively the Formal Stage may be extended dependent upon the circumstances of the case as one of the outcomes.

Monitoring and Evaluation

The IEB and head teacher will monitor the operation and effectiveness of the school's appraisal arrangements. The Headteacher should provide the IEB with a written report on the operation of the School's Teachers' Appraisal and Capability Policy annually. The report must not contain any information that would enable the individual to be identified. The report could be included in the annual Headteacher's report to the IEB.

The report will include:-

- a) The operation of the Policy
- b) The effectiveness of the school's Policy and its implementation
- c) Any appeals
- d) Teachers' training and development needs

Retention

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

Review of the Policy

The IEB will review the Teachers' Appraisal and Capability Policy every school year at its Summer Term meeting. The IEB will take account of the Headteacher's report to ensure that it is always up to date and abides by any changes in legislation. The IEB will consult with the recognised Local Secretaries. To ensure that all teachers are fully conversant with the Policy all new teachers who join the school will be briefed on them as part of their introduction to the school.

Access to Documentation

All staff will have access to any documentation which relates to them personally regarding the implementation of this Policy. The Teacher's Appraisal and Capability Policy will be published on the school's intranet and/or can be obtained from the school office.

SECTION TWO
DOCUMENTATION
TO
SUPPORT
THE
IMPLEMENTATION OF
THE APPRAISAL AND CAPABILITY POLICY

Appendix 2

Additional Support and Monitoring Action plan- Teacher Appraisal and Capability Policy

Name of Reviewee: _____

Name of Reviewer: _____

Signature of the Reviewee: _____

Signature of the Reviewer: _____

Date: _____

Date: _____

Area of Concern Teachers' Standard Required	
Detail of the Area of Concern/ objective - Cross reference with the Evidence Doc No...	
Agreed Action – Tasks to achieve the Standard and Objective (s)	
Agreed Support Programme including training and development/ CPD to help with areas of concern (See appendices)	
By whom	
Timescale	
Success criteria (include figures and dates)	
Evidence to be produced for scrutiny - How the performance will be measured and monitored - impact/outcomes	
Comments Evaluation of Progress – Formal Review of the Additional Support and Monitoring	

Appendix 3: Teacher Appraisal and Capability Grid

This gives a more detailed breakdown of a) The areas of concern, b) Teachers' Standards, c) actions b) support programme and d) evidence base.

Name: _____ Post Title: _____ School: _____ Date: _____

Area of concern – professional Teachers' Standard required – cross reference with the Teachers' Standards Nos 1- 8	
Detail of the area of concern – to be cross referenced with evidence e.g. Document No....	
Agreed action – tasks to achieve the standard	
Agreed support programme inc training & development (can be listed on a separate sheet)	
By whom	
Timescale	
Success criteria (include figures and dates)	
How the performance will be measured and monitored (evidence base/impact)	
Comments re evaluation of progress – formal review.	

TEACHERS' STANDARDS – WEF SEPTEMBER 2012

PART ONE: TEACHING

1 Set high expectations which inspire, motivate and challenge pupils

- establish a safe and stimulating environment for pupils, rooted in mutual respect
- set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
- demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.

2. Promote good progress and outcomes by pupils

- be accountable for pupils' attainment, progress and outcomes
- plan teaching to build on pupils' capabilities and prior knowledge
- guide pupils to reflect on the progress they have made and their emerging needs
- demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching
- encourage pupils to take a responsible and conscientious attitude to their own work and study.

3. Demonstrate good subject and curriculum knowledge

- have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils' interest in the subject, and address misunderstandings
- demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship
- 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
- if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
- if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.

4 Plan and teach well structured lessons

- impart knowledge and develop understanding through effective use of lesson time
- promote a love of learning and children's intellectual curiosity
- set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding pupils have acquired
- reflect systematically on the effectiveness of lessons and approaches to teaching
- 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

- know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively
- have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these
- 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
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; 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

- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
- make use of formative and summative assessment to secure pupils' progress
- use relevant data to monitor progress, set targets, and plan subsequent lessons

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

- 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
- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them
- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

8 Fulfill wider professional responsibilities

- make a positive contribution to the wider life and ethos of the school
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
- deploy support staff effectively
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues
- communicate effectively with parents with regard to pupils' achievements and well-being.

PART TWO: PERSONAL AND PROFESSIONAL CONDUCT

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - o treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - o having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - o showing tolerance of and respect for the rights of others
 - o 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
 - o ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must 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. Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

ANNEX 1 – Reviewee and Reviewers

Appointing and External Adviser

The external adviser will support and advise, for example about:

- the progress the head teacher has made towards the previous appraisal objectives set by the reviewers;
- suitable objectives for the reviewers to agree with the head teacher for next review cycle; and
- how the school's appraisal systems are contributing to raising attainment, achievement and pupils' wider well-being.
- The external adviser should have no personal connection with the Headteacher.

Appointing Reviewers for Teachers

The head teacher may either be the reviewer for teachers, or may delegate this role. Where the head teacher delegates this role, they will decide who will be the most appropriate reviewers for other members of staff, taking into account the roles and responsibilities of both the appraiser and appraisee, to ensure a practical, objective and effective model for conducting appraisal. Wherever possible the role of reviewer should be delegated to the teacher's line manager, i.e. the person who directs, manages and has a post of responsibility for the area in which the reviewee mainly works. This is consistent with a distributive approach to school leadership and the recognition of these responsibilities through the revised staffing structures. All reviewers should receive appropriate preparation for their role. Schools may want to consider whether to dedicate all or part of one of the five teacher days for a whole school briefing on these revised arrangements.

Schools may have to consider their responsibility structures in the light of the demands made on those appointed as reviewers. Schools may decide that several teachers in a large service area should have line management responsibilities. Line managers should be paid an appropriate Teaching and Learning Responsibility Payment.

Requesting a Change of Reviewer

If, in exceptional circumstances and for professional reasons, the reviewee wishes to request a change of reviewer, where this role has been delegated, they may ask the head teacher to appoint an alternative reviewer of comparable or higher status in the staffing structure than the original reviewer. Any such request from a reviewee should be made in writing and state the reason for requesting a change. A head teacher requesting an alternative reviewer should send a written request to the chair of the IEB, who will consider whether to accept the request. Where a reviewee's request for change is not accepted, the reasons for this should be explained in writing by the head teacher (or in the case of the head teacher, the chair of the IEB) and be appended to the planning and review statement, together with the reviewee's request.

The Appraisal Process

The description of the process that follows begins with the planning process. Planning and review discussions take place in a combined meeting and the outcomes of the meeting in relation to planning for the next cycle and the outcomes of the summative review of the previous cycle are recorded in a single planning and review statement. The reviewer should ensure that there are no surprises by the end of the appraisal period. Reviews are completed and recorded. Are formal half-termly, formative meetings between reviewers and reviewees that are undertaken during directed time and not in PPA or lunchtimes.

The Planning and Review Meeting

The reviewer and reviewee should schedule planning and review meetings as far in advance as possible to meet the school deadline of mid-October.. The reviewer and reviewee should confirm that the scheduled meeting is taking place as planned at least 5 working days in advance. If the review meeting cannot take place as planned, a new date and time should be scheduled with at least five working days' notice. The reviewer and the reviewee should ensure they set aside sufficient directed time for the meeting. An hour should be sufficient in many cases. Lunch breaks and PPA time must not be used for this purpose.

Reviewers and Reviewees Preparations

Preparing for the Planning and Review Meeting – Reviewees

The planning and review meeting should be a professional dialogue between the reviewer and the reviewee. Reviewees should play an active part in the meeting making sure they put forward their views about their success and future development. They may find it helpful to consider the following ways of preparing:

For the review of the last cycle:

- (a) Reflect on their achievement in the last appraisal cycle, including against the success criteria recorded in the planning and review statement and the Teacher Standards.
- (b) Ensure they have copies of any relevant documentation and evidence, and written feedback on classroom observations.
- (c) Identify any issues that have affected their success, positively or negatively
- (d) Consider any issues about the planned support they needed/received.
- (e) Assess the impact of the engagement in professional development, both their own and, as appropriate, their support for the professional development of others, recognising that it can take time for benefits to be realised fully and reflected in improved classroom practice.

In preparing for the next cycle:

- (f) Consider what they would like to achieve in the next cycle taking account as appropriate of service improvement plans.
- (g) Consider their strengths and areas for development related to the Teacher Standards, and, where the reviewee is eligible for pay progression, the relevant criteria for pay progression set out in the STPCD.
- (h) Identify what professional development might help them develop their practice
- (i) Consider their professional aspirations.

These are points for reflection. There is no requirement for reviewees to provide written input on their reflections on the above points to inform the meeting, and school should not impose one.

Preparing for the planning and review meeting – Reviewers

Reviewers will want to be well prepared for the planning and review meeting, and may find it helpful to:

For the review of the last cycle:

- (a) Check the planning element of the planning and review statement and that all the elements have been addressed
- (b) Check that all documents to which they will refer at the meeting have been shared with the reviewee, to assist their preparation for it.

In preparing for the next cycle:

- (c) Consider the improvement objectives of the school and the relevant key stage or curriculum area(s) and how these may be relevant to planning with the reviewee.
- (d) Ensure they are familiar with the Teacher Standards, and the relevant criteria for pay progression set out in the School Teachers' Pay and Conditions Document.
- (e) Ensure they have consulted with relevant third parties with direct professional knowledge of the reviewee, about possible objectives for the next review cycle, success criteria, evidence, and arrangements for collecting it and support to be provided to the teacher. Where the reviewee works for more than one line manager, the reviewer should consult other line managers in advance of the planning and review meeting about the issues to be explored in the next cycle.
- (f) be familiar with the CPD that the school can offer the reviewee to support the objectives and success criteria agreed. There should be a strategic agreement from the schools as to what CPD is available for reviewers to help support the objectives that they agree with their reviewees.

What Must a Planning and Review Document Cover?

The reviewer and reviewee should start with an assessment of the reviewee's success against the previous planning and review statement, their responsibilities within the school and the Teacher Standards. The planning and review statement should focus on priorities and areas where specific action is required. There is no need for every aspect of the reviewee's responsibilities to be covered in the plans.

The plans agreed should be realistic and manageable and enable the reviewee to achieve a satisfactory work/life balance. They should cover:

- (a) the reviewee's objectives;
- (b) the arrangements for observing the reviewee's success in the classroom;
- (c) any other evidence which will be taken into account in assessing the reviewee's success;
- (d) the success criteria against which the reviewee's success in each of the areas listed above will be assessed;
- (e) the support that will be provided to help the reviewee to meet the success criteria;
- (f) timescales for the achievement of objectives and within which support will be provided where these differ from the length of the review cycle; and
- (g) the reviewee's training and development needs and the actions that will be taken to address them.

Timescales for producing Planning and Review Statements

The planning and review statement provides the record of agreed plans and should cover all of the points set out above. Planning and review statement is provided in the appendix to this policy and guidance. At the end of the planning and review meeting, the reviewer should summarise the points that have been covered and are to be included in the statement. It may be helpful to make notes of the key content of the statement as practicable, in the course of the review meeting, as this avoids misunderstandings and minimises the workload for both reviewer and reviewee.

The reviewer should within five working days of the meeting produce a draft statement and provide the reviewee with a copy. The reviewee and reviewer should seek to agree the statement. The reviewee may request changes to the draft statement and make written comments on it. The statement should record all the required elements of the plans and be a fair summary of what took place at the meeting. The reviewee should, therefore, only be able to secure changes when the statement does not convey this fairly or where the wording is capable of the wrong interpretation.

The reviewer must within ten working days of the meeting, ensure a final statement is prepared. This ten day period must include an appropriate period of reflection, if necessary, for the reviewer and reviewee to sign the planning and review statement to confirm that it is an accurate reflection of what was agreed or determined by the reviewer. The reviewee can add any comments in writing and should countersign the additional comments. Reviewees may wish to seek guidance from their union. Where the reviewer is not the head teacher the reviewer gives the reviewee a copy of the final statement and passes the original to the head teacher for retention, or if the reviewee is the head teacher, to the chair of IEB. The five and ten day periods referred to above can be extended if either party does not work or is absent from work during those school days following receipt of the draft success review and planning statement.

Moderation of plans and the scope for the head teacher to change planning and review statements

The head teacher and IEB has a duty to ensure that these procedures and processes are applied fairly and consistently across the school and with regard to equal opportunities considerations. It is anticipated that head teachers will set up procedures for monitoring and moderating the plans for the forthcoming cycle agreed in planning and review statements. As part of this the head teacher may review planning and review statements, within 10 working days of their completion, and where necessary instruct the reviewer to prepare a new statement prior to it being finalised and retained. It is not a statutory

requirement for head teachers to review planning statements, but it is considered good practice and can really help avoid appeals regarding disagreements between reviewees and reviewers.

The IEB has a duty to ensure that the head teacher's appraisal is carried out fairly and consistently with regard to equal opportunities considerations. They may appoint 2 members to moderate the heads planning and review statement. The same timescales and procedures described for teachers would also be appropriate for head teachers.

Usually the grounds on which a head teacher may change the statement are that the statement is;

- not consistent with those for other teachers with similar experience and/or who had similar levels of responsibility;
- or that the statement was not in line with the school's appraisal policy or school improvement plan.

If a head teacher is concerned about a statement, following discussion with the reviewer and reviewee, a revised statement must be prepared. The reviewer and reviewee must produce a revised statement within 10 working days of being instructed by the head teacher so to do. This ten day period must include an appropriate period of reflection, if necessary, for the reviewer and reviewee to sign the planning and review statement to confirm that it is an accurate reflection of what was agreed or determined by the reviewer. The reviewee can add any comments in writing and should countersign the additional comments. Reviewees may wish to seek guidance from their union.

ANNEX 2

Classroom Observation Protocol

This classroom observation protocol has been adopted by the IEB of Newland School for Girls on 7th June 2015.

The IEB of Newland School for Girls is committed to ensuring that classroom observation will be undertaken in accordance with the Education (School Teachers' Appraisal) (England) Regulations 2012, and the HR Schools Workforce Development Team Non Statutory Teacher's Appraisal and Capability Policy for Schools (November).

Introduction

This IEB is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- seek to reach agreement in advance on how classroom observations are to be carried out;
- evaluate objectively;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

Planning and Preparing for Observations

- There will be 6 observations per year, 1 per half term.
- 2 observations for appraisal will be conducted (as part of the 6) one towards the beginning of the cycle and one towards the end of the cycle.
- Where necessary release time for observers to observe teaching and then provide quality verbal and written feedback will be provided. PPA or lunch times will not be used to either observe teachers teaching or to feed back. A suitable private venue will be provided in order that feedback can be confidential and allow discussion.

Conducting Observations

- All formal observations for appraisal purposes will be carried out with professionalism, integrity, confidentiality and courtesy, by teachers who have Qualified Teacher Status (QTS) and the appropriate subject knowledge and or phase experience in order to make accurate judgements and give appropriate advice. They will be graded using Ofsted grade criteria from the Ofsted framework September 2014. All observers will have received appropriate training for observing teaching and learning and giving appropriate developmental feedback, including being able to make clear Ofsted grade judgements and be able to explain them orally and in writing. There should be a clear in house quality assurance structure in place to ensure consistency of judgements across the school.
- Teachers will have opportunities to engage in developmental classroom observations with colleagues, by agreement, in order to review and develop their practice.

Action, Feedback and Records Following Observations

- Oral feedback will be given as soon as possible after the observation, and within 48 hours. It will be given during directed time in a suitable, private environment. Time for preparation and feedback for classroom observation will be made available, in addition to PPA time.
- Written feedback describing both strengths and areas for development, will be provided within five working days of the observation taking place. Classroom observation records will be signed and dated by all parties involved in the observation and the teacher being observed will have two days to consider what, if any comments, they would like to append to the observation prior to signing it and returning it to the observer. No written notes in addition to the written feedback can be kept.
- Any issues that emerged from an observation (even if they were not part of the focus of the observation, as recorded in the planning and review statement), should also be covered in the verbal and written feedback and the appropriate action taken in accordance with the regulations and guidance. Any RI observation will have an additional observation agreed within 3-4 weeks with a specific focus to allow the teacher an opportunity to rectify an area of practice to show their teaching is good. A subsequent RI observation could result in a further meeting taking place between reviewer and reviewee where additional formal observations are arranged, either as part of the ongoing appraisal process or as part of the 6-12 week additional monitoring and support stage of appraisal, depending on the seriousness of the issues observed in the observation.
- Where evidence emerges about the reviewee's performance from any other source that is not directly related to lesson observations described above (e.g. pupil data), which gives rise to concern during the cycle, additional classroom 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.

Drop-ins

- Head teachers or delegated senior members of staff have the right to drop in to inform their monitoring of the quality teaching and learning within the school. For ad-hoc drop-ins through focused patrol there will not be any notice given to teachers. Drop-ins through focused patrol are used as part of our strategy to monitor a particular aspect of the schools performance in a strategically planned way, following directed whole school CPD there will be two weeks of focused patrol. These are calendared from September. These are not formally recorded observations where a formal record is kept, but will help inform judgements about the overall quality of teaching and learning in the school and also of that particular teacher. If there are serious issues observed, it could result in a further meeting taking place between reviewer and reviewee where additional formal observations are arranged, either as part of the ongoing appraisal process or as part of the 6-12 week additional monitoring and support stage of appraisal, depending on the seriousness of the issues observed in the drop in.

ANNEX 3 - Special Circumstances

What to do if plans need to change mid-cycle

There may be occasions when it is necessary to review what has been agreed in the review statement during the appraisal cycle. For example:

- where the reviewee's post and/or responsibilities have changed;
- if there have been difficulties in accessing agreed support;
- where the reviewee has been on maternity or long term sickness absence;
- where reasonable adjustments required under the provisions of the Equality Act 2010 need to be made.

Where this is the case, either party can request a meeting as provided for above. Any proposed changes to the objectives, arrangements for classroom observation, evidence and arrangements for its collection, success criteria, or support available to the reviewee in the review statement must be recorded as a written addition to the statement.

Teachers who join or transfer to another school during the cycle

Where a reviewee joins the school part way through the cycle the reviewer may or may not take into account the reviewee's previous objectives and professional development in drawing up their new planning and review statement. Objectives should be set for the remainder of the appraisal cycle taking into consideration the length of time before the next review period.

Teachers who are absent for a significant part of the cycle

In assessing a teacher's overall success, the reviewer should take account of what it was reasonable for the teacher to achieve, including against the objectives, during the time when they were not absent. It may be appropriate to revise the planning and review statement upon the return of the teacher to work. Teachers who are on maternity leave or teachers with serious health issues, for example cancer, should not be disadvantaged, in line with the Equalities Act 2010, and must be kept informed regarding the judgements and changes to the expectations for their appraisal.

Part-time teachers (including job-sharers)

Appraisal arrangements should apply on the same basis as for full-time staff, including the length of the review period. The same degree of challenge in the process should also apply but the breadth and volume of each element in the process should be proportionate to and reflect the period of time worked. The intention is to ensure that part-time staff have equivalent access to developmental support/feedback as their full time colleagues.

Teachers employed at more than one school

Where a teacher is employed in more than one school, they will undergo a separate appraisal process within each school which will be in line with the policy that each governing body has adopted.

Teachers on fixed-term contracts and teachers employed through an agency

The circumstances in which teachers are employed for short periods of time vary substantially and the actual period of employment often extends beyond that which was first anticipated. In applying appraisal arrangements, every effort should be made to mirror as closely as possible all the arrangements for teachers permanently based at the school.

Head teachers will want to consider:

- Employment legislation which provides protection for staff on fixed-term contracts against being treated detrimentally in comparison to permanent staff. This is particularly significant where a teacher may be approaching eligibility for threshold assessment or progression on the upper pay spine.

- The definition of a year's employment in paragraph 1.8 of the STPCD. The employing school should ensure that any teacher who has, or is anticipated to fulfil a year's employment is considered for relevant pay progression in the same way as a permanent member of staff.

The head teacher will want to discuss with each teacher employed on a fixed-term contract at an early stage how to proceed in relation to appraisal with a view to establishing an agreed approach that is appropriate to the circumstances.

Where a teacher working in a school is employed by an agency, to which the school pays a fee, there are no legislative requirements in relation to appraisal. If the teacher is likely to be in the post for a significant period of time, the school may choose to include the teacher in its appraisal arrangements. Arrangements in relation to teachers employed by an agency should also be reviewed with the teacher if the duration of the employment is extended significantly.

If a school considers full appraisal arrangements are not appropriate, it may wish to make alternative arrangements for the teacher to receive feedback at the conclusion of their placement at the school, possibly providing a statement from the school relating to the teacher's work and success. The school will need to ensure that if there are concerns they are raised as they occur to give the teacher an opportunity to respond – there should be no surprises as they leave. The purpose of providing feedback would be:

- seek to achieve and record a shared understanding of the progress made by the teacher towards meeting any agreed objectives and success criteria, in the context of the teacher's job description; and
- where appropriate, provide an opportunity for the teacher briefly to record their views.