

NENE VALLEY PRIMARY SCHOOL

APPRAISAL AND CAPABILITY POLICY



In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees. It has been developed in consultation with all staff to which appraisal applies.

1. APPLICATION OF THE POLICY

- 1.1. The policy applies to all teachers and the headteacher, and all support staff employed at the school as defined by paragraph 1 below.

2. DEFINITIONS

- 2.1. The term 'headteacher' also refers, where appropriate, to any other title used to identify the headteacher.
- 2.2. The term 'employee' refers to any member of the school staff employed to work solely at the school.
- 2.3. The term 'senior manager/leader' refers to any member of the Leadership Group, as defined by the School Teachers' Pay and Conditions Document, or a senior support employee in cases involving support staff, delegated by the headteacher to deal with an appraisal and/or capability matter under these procedures. A senior manager may only make a decision to issue a sanction up to and including a final written warning.
- 2.4. If the headteacher, following consultation with the Chair of Governors, considers that there is no senior manager to whom s/he can reasonably delegate a specific capability matter then the headteacher will take the role of the senior manager for that specific case and the role of the "headteacher" under this procedure will be performed by a "Disciplinary Committee" of the Governing Body consisting of not less than 3 governors, (except in circumstances provided for in the Secretary of State's guidance on the Staffing Regulations), none of whom will have had previous involvement in the case.
- 2.5. Lack of capability" is defined as a situation in which an employee fails consistently to perform his/her duties to a wholly satisfactory standard of performance over a period of time.

3. PURPOSE

- 3.1. This policy sets out the framework for a clear and consistent assessment of the overall performance of employees covered by the Appraisal and Capability Policy, the standards expected of employees in their respective roles and their own professional needs. It sets out the arrangements that will apply when employees fall below the levels of competence that are expected of them.
- 3.2. Where teachers (and non-teaching staff) are eligible for pay progression, the assessment of performance throughout the cycle against the performance criteria specified in the statement will be the basis on which the recommendation is made by the reviewer.
- 3.3. This policy should be read in conjunction with the Trust's Pay Policy which provides details of the arrangements relating to staff pay and in particular, teacher's pay in accordance with the School Teachers' Pay and Conditions Document.
- 3.4. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

PART A - APPRAISAL

1. LINKS TO SCHOOL IMPROVEMENT, SCHOOL SELF EVALUATION AND SCHOOL DEVELOPMENT PLANNING

- 1.1. The objectives set for each employee will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the educational opportunities of pupils at this school. This will be ensured by quality assuring all objectives against the Development Plan for School Improvement.
- 1.2. All reviewers are expected to explore the alignment of reviewees' objectives with the school's priorities and plans. The objectives should also reflect reviewee's professional aspirations.

2. CONSISTENCY OF TREATMENT AND FAIRNESS

- 2.1. The Governing Body is committed to ensuring consistency of treatment and fairness in the operation of appraisal and capability.
- 2.2. To ensure this the following provisions are made in relation to moderation, quality assurance and objective setting.

3. QUALITY ASSURANCE

- 3.1. The headteacher has determined that s/he will:
 - 3.1.1. delegate the reviewer role for some or all teachers and non-teaching staff for whom s/he is not the line manager.
 - 3.1.2 In these circumstances the headteacher will moderate all the planning statements to check that the plans recorded in the statements of staff at the school:
 - are consistent between those who have similar experience and similar levels of responsibility
 - comply with the school's appraisal and capability policy, the regulations and the requirements of equality legislation
- 3.2. The Governing Body will choose not to quality assure the planning statement.
- 3.3. The Governing Body will review the quality assurance processes when the Appraisal & Capability Policy is reviewed.

4. OBJECTIVE SETTING (see Appendices for non-teaching staff objective setting)

- 4.1. The headteacher's objectives will be set by the Board of Trustees (or its delegated representatives) following consultation with the external advisor.
- 4.2. Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period.
- 4.3. The objectives will have regard to what can reasonably be expected of any member of staff in that position given the desirability of the reviewee being able to achieve a satisfactory balance between the time required to discharge his professional duties and the time required to pursue his personal interests outside work, consistent with the school's strategy for bringing downward pressure on working hours. They shall also take account of the teacher's professional aspirations and any relevant pay progression criteria. Objectives will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the member of staff's role and experience.
- 4.4. The reviewer and reviewee will seek to agree the objectives but where a joint determination cannot be made the reviewer will make the determination. Objectives may be revised if circumstances change.

4.5. In this school:

4.5.1. all employees, including the headteacher, will have no more than 5 objectives

4.5.2 teachers, including the headteacher, will not necessarily all have the same number of objectives

4.5.3 all teachers, including the headteacher, will have a whole school objective, including the headteacher, will have a target relating to improving progress and attainment data (this may be the whole school target)

4.5.4 teachers will have a target relating to the teachers'/threshold standards if deemed necessary (evidence of meeting the teachers/threshold standards will form a part of all teacher reviews)

4.6. Though appraisal is an assessment of overall performance of teachers and the headteacher, objectives cannot cover the full range of a teacher's roles/responsibilities. Objectives will, therefore, focus on the priorities for an individual for the cycle. At the review stage it will be assumed that those aspects of a teacher's roles/responsibilities not covered by the objectives or any amendment to the statement which may have been necessary in accordance with the provisions of the regulations have been carried out satisfactorily.

4.7. Before, or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. Each teacher will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011 and any subsequent amendment thereof. The headteacher 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.

5. REVIEWING PROGRESS

5.1. The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period. Performance against an objective will be judged on the basis of the performance criteria set at the beginning of the cycle. Good progress towards the achievement of a challenging objective, even if the performance criteria have not been met in full, will be assessed favourably.

5.2. The employee will receive as soon as practicable following the end of each appraisal period, a written appraisal report.

5.3. The appraisal report will include

5.3.1. An assessment of the employee's performance of their role and responsibilities against their objectives and, for teachers, against the relevant standards. This may include the completion of a self-review proforma. (Appendix 9)

5.3.2. An assessment of the employees training and development needs and identification of any action that should be taken to address them

5.3.3. A recommendation on pay where that is relevant

5.4. In assessing the performance of the headteacher the Trust Board may consult an external advisor.

5.5. The appraisal cycle is annual, but on occasions it may be appropriate to set objectives that will cover a period over more than one cycle. In such cases, the basis on which the progress being made towards meeting the performance criteria for the objective will be assessed at the end of the first cycle and will be recorded in the planning and review statement at the beginning of the cycle.

6. OBSERVATION

- 6.1. The school believes that observation of classroom practice and other responsibilities for teachers, and support staff who support teachers in the classroom, is important both as a way of assessing 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.
- 6.2. All observations will be carried out in a supportive fashion in accordance with an observation protocol determined by the headteacher following consultation with the staff to whom it applies. (Please refer to Annex 1 – Classroom Observation Protocol.)
- 6.3. In this school performance will be regularly observed but the amount and type of observation will depend on the individual circumstances of the member of staff and the overall needs of the school.
- 6.4. Teachers (including the headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.
- 6.5. Classroom observation of teachers will be carried out by those with Qualified Teacher Status.

7. APPEALS

- 7.1. At specified points in the appraisal process employees have a right of appeal against any of the entries in their planning and review statements.
- 7.2. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.
- 7.3. Details of the appeals process are covered in the Trust's Pay Policy.

8. CONFIDENTIALITY

- 8.1. The whole appraisal process and the statements generated under it, in particular, will be treated with strict confidentiality at all times. Only the reviewee's line manager or, where s/he has more than one, each of her/his line managers will be provided with access to the reviewee's plan recorded in her/his statement, upon request, where this is necessary to enable the line manager to discharge her/his line management responsibilities. Reviewees will be told who has requested and has been granted access. The headteacher will have access to all elements of the planning and review process for quality assurance purposes.

9. TRAINING AND SUPPORT (see Appendices for non-teaching staff Training and Support.)

- 9.1. The school's CPD programme will be informed by the training and development needs identified in the training annex of the reviewees' planning and review statements and linked to school improvement priorities.
- 9.2. The school wishes to encourage a culture in which all staff take responsibility for improving their performance through appropriate professional development.
- 9.3. The Governing Body will ensure in the budget planning that, as far as possible, appropriate resources are made available in the school budget for any training and support agreed for reviewees.
- 9.4. An account of the training and development needs of teachers in general, including the instances where it did not prove possible to provide any agreed CPD, will form a part of the headteacher's annual report to the governing body about the operation of the performance management in the school.
- 9.5. With regard to the provision of CPD in the case of competing demands on the school budget, a decision on relative priority will be taken with regard to the extent to which: (a) the CPD

identified is essential for a reviewee to meet their objectives; and (b) the extent to which the training and support will help the school to achieve its priorities. The school's priorities will have precedence. Teachers should not be held accountable for failing to make good progress towards meeting their performance criteria where the support recorded in the planning statement has not been provided.

10. APPOINTMENT OF REVIEWERS FOR THE HEADTEACHER

- 10.1. The Head teacher will be appraised by the Board of Trustees (or its delegated representatives), who may be supported by an external advisor who has been appointed by the Board of Trustees for that purpose.
- 10.2. In this school the task of appraising the headteacher, including the setting of objectives, will be carried out by a sub-group of 3 members of the Board of Trustees and the Chair of the Local Governing Body.
- 10.3. The HT's objectives will be set by the Board of Trustees' panel after consultation, where appropriate, with the external advisor.

11. APPOINTMENT OF REVIEWERS FOR TEACHERS (see Appendices for non-teaching staff Appointment of Reviewers)

- 11.1. In the case where the headteacher is not the teacher's line manager, the headteacher may delegate the duties imposed upon the reviewer, in their entirety, to the teacher's line manager.
- 11.2. In this school the headteacher has decided that:
 - 11.2.1. The headteacher will be the reviewer for those teachers s/he directly line manages and will delegate the role of reviewer, in its entirety, to the relevant line managers for some or all other teachers.
 - 11.2.2. The maximum number of reviews that any line manager will be expected to undertake per cycle is 3.
 - 11.2.3. Where a teacher has more than one line manager the headteacher will determine which line manager will be best placed to manage and review the teacher's performance.
- 11.3. Where a teacher is of the opinion that the person to whom the headteacher has delegated the reviewer's duties is unsuitable for professional reasons, s/he may submit a written request to the headteacher for that reviewer to be replaced, stating those reasons.
- 11.4. Where it becomes apparent that the reviewer will be absent for the majority of the cycle or is unsuitable for professional reasons the headteacher may perform the duties himself/herself or delegate them in their entirety to another teacher. Where this teacher is not the reviewee's line manager the teacher will have an equivalent or higher status in the staffing structure as the teacher's line manager.
- 11.5. An appraisal cycle will not begin again in the event of the reviewer being changed.
- 11.6. All line managers to whom the headteacher has delegated the role of reviewer will receive appropriate preparation for that role.

12. THE PERFORMANCE MANAGEMENT CYCLE

- 12.1. The performance of teachers (and non-teaching staff) must be reviewed on an annual basis and will usually run for 12 months from November to November for the headteacher, October to October for Class Teachers, November to November for Teaching Assistants and January to January for all other staff. The length of the review period will be determined by the duration of their contract

- 12.2. Teachers and non-teaching staff who are employed on a fixed term contract of less than one year, will have their performance managed in accordance with the principles underpinning the provisions of this policy. The length of the cycle will be determined by the duration of their contract.
- 12.3. Where a teacher or non-teaching staff member starts their employment at the school part-way through a cycle, the headteacher or, in the case where the teacher is the headteacher, the Board of Trustees, shall determine the length of the first cycle for that teacher or staff member, with a view to bringing this cycle into line with the cycle for other teachers and non-teaching staff at the school as soon as possible.
- 12.4. Where a teacher or member of the non-teaching staff transfers to a new post within the school part-way through a cycle, the headteacher or, in the case where the teacher is the headteacher, the Board of Trustees, shall determine whether the cycle shall begin again and whether to change the reviewer.

13. RETENTION OF STATEMENTS

- 13.1. Appraisal planning and review statements will be retained for a minimum period of 6 years.

14. MONITORING & EVALUATION

- 14.1. The Governing Body will monitor the operation and outcomes of appraisal arrangements.
- 14.2. The headteacher will provide the Governing Body with a written report on the operation of the school's Appraisal and Capability Policy annually. The report will not contain any information which would enable any individual to be identified. The report will include:
 - 14.2.1 the operation of the Appraisal and Capability Policy;
 - 14.2.2 the effectiveness of the school's Appraisal and Capability procedures;
 - 14.2.3 staff training and development needs.
- 14.3 The Governing Body is committed to ensuring that the appraisal process is fair and non-discriminatory and the following monitoring data should be included in the headteacher's report because they represent the possible grounds for unlawful discrimination:
 - Race
 - Sex
 - Sexual orientation
 - Disability
 - Religion and belief
 - Age
 - Part-time contracts
 - Trade union membership.
- 14.4 The headteacher will also report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the categories above.

15. REVIEW OF THE POLICY

- 15.1. The Governing Body will review the Appraisal and Capability Policy every school year in line with the school cycle of policy review.
- 15.2. The Governing Body will take account of the headteacher's report in its review of the Appraisal and Capability Policy. The policy will be revised as required to introduce any changes in regulation and statutory guidance to ensure that it is always up to date.

15.3. The Governing Body will seek to agree any revisions to the policy with the recognised trade unions having regard to the results of the consultation with all teachers.

15.4. To ensure teachers are fully conversant with appraisal arrangements, all new teachers who join the school will be briefed on them as part of their introduction to the school.

16.ACCESS TO DOCUMENTATION

16.1. Copies of the Development Plan for School Improvement can be obtained from the headteacher.

17.CLASSROOM OBSERVATION PROTOCOL (Where relevant, see Appendices for non-teaching staff Observation)

17.1. All classroom observation will be undertaken in accordance with the associated guidance published by the Rewards and Incentives Group and the classroom observation protocol that is appended to this policy in Annex 1.

18.TRANSITION TO CAPABILITY

18.1. If the appraiser is not satisfied with the progress, the member of staff 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 procedure. The capability procedures will be conducted as in part B of this policy.

PART B - CAPABILITY PROCEDURE

1. FORMAL CAPABILITY MEETING

- 1.1. This procedure applies only to employees about whose performance there are serious concerns that the appraisal process has been unable to address. If under Part A above an employee's performance, who is covered by Part A, is not wholly satisfactory, the senior manager, or other person with line management responsibility for the employee, will invite the employee to a formal capability meeting to discuss with the employee the identified poor performance as specifically as possible.
- 1.2. The senior manager will write to the employee at least 10 working days in advance to inform him/her about:
 - 1.2.1. the date, time and place of the meeting
 - 1.2.2. sufficient information regarding the concerns about the employee's performance and possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting
 - 1.2.3. the employee's right to be accompanied by a workplace colleague of his/her choice or a representative of his/her trade union who has been certified by their union as being competent
 - 1.2.4. the titles of enclosed copies of any documents to be used as written evidence at the meeting.
 - 1.2.5. names of any witnesses to be called
 - 1.2.6. his/her right to call witnesses on his/her behalf.
 - 1.2.7. The name and office of any adviser who will accompany the senior manager at the meeting.
- 1.3. This meeting is intended to establish the facts. It will be conducted by a senior manager delegated by the head teacher (or the Board of Trustees for head teacher). The meeting will allow the employee to respond to concerns about his/her performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.
- 1.4. The person conducting the meeting may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end.
- 1.5. The person conducting the meeting may also adjourn the meeting if it is decided 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.
- 1.6. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:
 - 1.6.1. In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met;
 - 1.6.2. Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations;
 - 1.6.3. Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
 - 1.6.4. Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures which may include the setting of new objectives focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made;
 - 1.6.5. Identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other schools, discussion with appropriate colleagues or professionals;

- 1.6.6 Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but will be reasonable and proportionate, between four and ten weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved; and
 - 1.6.7 Warn the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to his/her dismissal or that in very serious cases this warning could be final.
 - 1.6.8 Inform the employee of the right of appeal
 - 1.6.9 Agree with the employee and any companion the date of the formal review meeting
- 1.7 Notes will be taken of formal meetings and a copy sent to the employee. Where a first warning is issued, the employee will be informed in writing of the matters discussed above. S/he will also be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning which could then lead to dismissal if wholly satisfactory performance is not achieved, together with the time limit for appealing against the first written warning
- 1.8 If the concerns relate to a lack of capability that poses a risk to the health, safety or well-being of children, or is likely to result in serious damage to pupils' education, the shorter timescale may be appropriate. In such cases, the senior manager may exceptionally decide to issue a first and final written warning if to do otherwise would expose students to serious risk in terms of their health, safety, well-being or educational prospects.

2. SICKNESS ABSENCE AND THE USE OF THIS PROCEDURE

- 2.1. It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness for continued employment at the school.
- 2.2. Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or training. We may also consider making adjustments to this procedure in appropriate cases e.g. moving from this procedure to procedures used by the school to terminate the employment of the employee on the grounds of ill health.
- 2.3. If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting s/he may present a written submission for consideration and/or be represented by a companion in her/his absence.

3. MONITORING AND REVIEW PERIOD FOLLOWING A FORMAL CAPABILITY MEETING

- 3.1. A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will be invited to a formal review meeting (see below), unless s/he had been issued with a final written warning, in which case s/he will be invited to a decision meeting (see below).

4. FORMAL REVIEW MEETING

- 4.1. At least 5 working days before the date for the formal review meeting a written reminder will be given to the employee together with details of the time and place of the meeting and will 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. The formal review meeting will follow a similar procedure to that identified for the formal capability meeting.
- 4.2. If the person conducting the meeting (Delegated member of the Board of Trustees for the Head teacher) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start where the employee is subject to Part A above.
- 4.3. In cases:
 - where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
 - where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.
- 4.4 Notes will be taken at the formal review meeting and a copy will be sent to the employee.
- 4.5 Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The teacher will be invited to a decision meeting.
- 4.6 At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

5. RIGHT OF APPEAL AGAINST A FORMAL WRITTEN WARNING

- 5.1. If an employee feels that a decision to issue a first and/or final written warning is wrong or unjust, s/he may appeal in writing against the decision.
- 5.2. Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the Governance & Compliance Manager within 10 working days of the formal written warning having been received. All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.
- 5.3. The appeal will be heard by the Appeals Panel of Governors. The number of governors on the Appeals Panel of Governors will not be less than two. The panel may be advised by a person engaged for the purpose by the Governing Body. The panel can either confirm the warning, reduce a final warning to a warning, or cancel the warning. The employee will be informed in writing of the results of the appeal hearing as soon as possible.
- 5.4. The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee.
- 5.5. Pending any appeal, the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and his/her progress towards the achievement of these targets may be monitored during this period.

6. DECISION MEETING

- 6.1. At least 5 working days before the date of the decision meeting a reminder will be given in writing together with details of the time and place of the meeting and will 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. The meeting will be conducted by the Head teacher (Delegated member of the Board of Trustees for the Head teacher).
- 6.2. If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start where the employee is subject to Part A above.
- 6.3. If performance has remained unsatisfactory, a decision or recommendation to the Governing Body will be made that the employee will be dismissed or required to cease working at the school. The employee will be informed in writing 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 whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

7. DECISION TO DISMISS

- 7.1. The power to decide that members of staff should no longer work at this school has been delegated to the headteacher.

8. RIGHT OF APPEAL AGAINST A DECISION TO DISMISS

- 8.1. The employee has a right of appeal to the Appeals Committee of the Governing Body against a decision to dismiss.
- 8.2. The Appeals Committee shall consist of at least 3 governors, none of whom will have had any previous involvement in the case.
- 8.3. The employee's notice of appeal should be sent to the Governance & Compliance Manager within 5 working days of receipt of the written decision to dismiss, setting out the grounds of appeal.
- 8.4. Appeal hearings should be held as soon as possible after receipt of the appeal and will be conducted in the same way as appeals referred to above.

9. NOTICE OF DISMISSAL

- 9.1. Following a decision to dismiss, the Governing Body will notify the Board of Trustees and the employee in writing that the employee is to be dismissed, whether with notice or with pay in lieu of notice in accordance with the decision of the Head teacher and the reasons for the decision.
- 9.2. In the event that the Appeal Committee of the Governors decides not to uphold the decision to dismiss, the employee shall be informed immediately and the notice of dismissal shall be immediately withdrawn.

10. GRIEVANCES ARISING DURING THE PROCEDURE

- 10.1. Where an employee has a grievance against the way the senior manager has conducted the procedure this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered

11. TRADE UNION OFFICIALS

- 11.1. Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

12. CONFIDENTIALITY

- 12.1. Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.
- 12.2. The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action under the school's disciplinary procedure

ANNEX 1 - CLASSROOM OBSERVATION PROTOCOL

The Governing Body is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will be senior or middle managers and those with QTS:

- carry out the role with professionalism, integrity and courtesy;
- evaluate objectively;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

The total period for classroom observation arranged for any teacher as part of the appraisal process should reflect and be proportionate to the needs of the individual.

In this school 'proportionate to need' will be determined by: the number, range and type of objectives agreed, the stage of professional development of the reviewee and current level of performance.

The arrangements for classroom observation will, as far as possible, be included in the planning and review statement and will include the amount of observation, specify its primary purpose, any particular aspects of the teacher's performance which will be assessed, the duration of the observation, when during the performance management cycle the observation will take place and who will conduct the observation.

Where evidence emerges about the reviewee's teaching performance which gives rise to concern during the cycle 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.

Information gathered during the observation will be used, as appropriate, for a variety of purposes including informing school self-evaluation and school improvement strategies in accordance with the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on staff.

In keeping with the commitment to supportive and developmental classroom observation those being formally observed will be notified in advance, either through the agreement of specific times or through the identification of a window period for observation to take place.

Classroom observations will only be undertaken by persons with QTS. In addition, in this school classroom observation will only undertaken by those who have had adequate preparation and the appropriate professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues. Oral feedback will be given as soon as possible after the observation and no later than the end of the following working day. It will be given during directed time in a suitable, private environment.

Written feedback will be provided within five working days of the observation taking place. If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement these should also be covered in the written feedback and the appropriate action taken in accordance with the regulations and guidance. The written record of feedback also includes the date on which the observation took place, the lesson observed and the length of the observation. The teacher has the right to append written comments on the feedback document. No written notes in addition to the written feedback will be kept.

A headteacher has a duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. Heads have a right to drop in to inform their monitoring of the quality of learning.

Clearly the performance management arrangements are integral to fulfilling this duty and headteachers may consider the classroom observations they have agreed for performance management are sufficient and that drop in will not be needed.



In this school:

drop ins will only be undertaken by the headteacher, Deputy headteacher and Phase Leaders.

Drop ins will only inform the performance management process where evidence arises which merits the revision of the appraisal planning statement, in accordance with the provisions of the regulations.

- Appendix 1 – Training and Development Annex for all staff
- Appendix 2 – Self Review Form (optional) for all staff
- Appendix 3 – Planning and Review Statement for teachers and teaching assistants
- Appendix 4 – Exemplar Classroom Observation recording sheet
- Appendix 5 – Appendix for Teaching Assistant Performance Management and Cycle
- Appendix 6 – Appendix for Non-Teaching Staff Performance Management (other than Teaching Assistants) and Cycle
- Appendix 7 – Planning and Review Statement for Non-Teaching Staff (other than Teaching Assistants)
- Appendix 8 – Non-Teaching Staff (other than teaching assistants) - Appraisee's Checklist for the Appraisal and Development Meeting, Appraiser's Checklist for the Preparation Meeting, the Appraisal and Development Interview
- Appendix 9 – Teacher/Threshold Standards Self-Review Template.

Agreed by the Governing Body of Nene Valley Primary School:

<p>Signed:</p>  <p>Mr Richard Isley Chair of Governors</p> <p>Date: Autumn 2021</p>	<p>Signed</p>  <p>Mr Nick File Acting Headteacher</p> <p>REVIEW DATE: Autumn 2022</p>
--	---

Appendix 1
CONFIDENTIAL
TRAINING AND DEVELOPMENT ANNEX



Relating to annual cycle: 202_ to 202_

A copy of this Annex should be sent to whoever in school is responsible for the training and development of teachers and non-teaching staff.

This Annex will be sent to:

Reviewees name:

Reviewer's name:

Training and Development Needs (and how they link to **school improvement priorities**).

Action to be taken

Signed (Reviewee):

Signed (Reviewer):

Date:

Date:

Reviewee comments:

Appendix 2
CONFIDENTIAL
SELF REVIEW FORM (OPTIONAL)



Relating to annual cycle: 202_ to 202_

Reviewees name:

Areas during the previous year that I am particularly proud of, or indicate professional progress and development:

Areas that I would like to develop:

Possible suggestions for objectives: (not whole school or team)

Other comments:

Signed (Reviewee):

Date:

Appendix 3
CONFIDENTIAL
PLANNING AND REVIEW STATEMENT
For Teachers and Teaching Assistants



Relating to annual cycle: 202_ to 202_

Reviewees name:

Reviewer's name:

Assessment of performance for the appraisal cycle just ended and recommendation for pay progression (where reviewee is eligible):

(Please include reference to the reviewee's performance against teacher/threshold standards as appropriate)

Current pay level:

Recommended pay level:

Reasons for recommendation:

Objectives for next cycle including any relevant whole school/year/team objectives:

Extent, pattern and focus of planned classroom observation:

Other evidence:

Support:

Timescales for Completion:

Signed (Reviewee):

Signed (Reviewer):

Date:

Date:

Reviewee comments:

Appendix 4

Classroom Observation Recording Sheet



The descriptions provided in this form give the typical features of a lesson in each category. Not every feature needs to be present for a lesson to be seen as meeting the criteria for a particular grade. This form will be used after deciding on a particular focus for the lesson observation.

Teacher:	Observer:	Date and time:
Year group:	Subject:	Number of pupils:
Support staff or teaching assistants:		
Focus:	Context:	
Summary of main points: <i>Observers should focus on the impact of teaching on pupils' progress. Notes should be evaluative rather than descriptive.</i>		
Key strengths		
Agreed areas for development		

TEACHING ASSISTANT APPRAISAL

Planning Meeting/Objective setting

Teaching Assistants will have no more than 3 objectives

One will be a whole school objective relating to the DPSI.

One may be a team and or an individual target as appropriate.

Objectives will focus on the reviewee's role in relation to the priorities of the school.

Reviewing process

Objectives will be reviewed during a yearly cycle with interim meetings to discuss progress as appropriate. The timings of which will be decided during the planning meeting.

Training and Support

The schools CPD programme will be informed by the training and development needs identified in the training annex of the reviewee's planning and review statements.

Appointment of reviewers for Teaching Assistants

In the case where the headteacher is not the assistant's line manager, the headteacher will delegate the duties imposed upon the reviewer, in their entirety, to the appropriate line manager.

In this school the headteacher has decided that:

- The maximum number of teaching assistant reviews that any line manager will be expected to undertake per cycle is 3.
- Where a teaching assistant has more than one line manager the headteacher will determine which line manager will be best placed to manage and review the teaching assistant's performance.
- Where a teaching assistant is of the opinion that the person to whom the headteacher has delegated the reviewer's duties is unsuitable for professional reasons, s/he may submit a written request to the headteacher for that reviewer to be replaced, stating those reasons.
- Where it becomes apparent that the reviewer will be absent for the majority of the cycle or is unsuitable for professional reasons the headteacher may perform the duties himself/herself or delegate them in their entirety to another appropriate line manager. Where this person is not the reviewee's line manager he/she will have an equivalent or higher status in the staffing structure as the teaching assistant's line manager.
- An appraisal cycle will not begin again in the event of the reviewer being changed.
- All line managers to whom the headteacher has delegated the role of reviewer will receive appropriate preparation for that role.

The Appraisal Cycle

The performance of support staff will be reviewed on an annual basis. The cycle will run from November to November roughly in line with the cycle for the headteacher and the Teaching staff.

Classroom Observation.

Each reviewee will be observed a minimum of twice during the year.

The observation focus and timing will be discussed during the Planning Meeting and finalised nearer the agreed time.

Feedback will be given as soon as possible after the observation (not later than the end of the next working day).

Teaching Assistants Performance Management Cycle.

Review meeting.

Summer Term

- Interim review of progress against targets.
- Consider subject of targets for following year.

Planning meeting

Autumn Term

- Final review of targets and pay recommendation
- Targets discussed and set.
- Timeframe agreed.
- Observation opportunities planned.

Interim review meeting.

Spring term

- Discuss progress against targets.
- Agree next steps.

Non-Teaching Staff Appraisal (other than Teaching Assistants)

Planning Meeting/Objective setting

Non-teaching staff will have no more than 3 objectives

One will be a whole school objective relating to the DPSI, where appropriate.

One may be a team and or an individual target as appropriate.

Objectives will focus on the reviewee's role in relation to the priorities of the school.

Reviewing process

Objectives will be reviewed during a yearly cycle with interim meetings to discuss progress as appropriate. The timings of which will be decided during the planning meeting.

Training and Support

The schools CPD programme will be informed by the training and development needs identified in the training annex of the reviewee's planning and review statements.

Appointment of reviewers for Non Teaching Staff

In the case where the headteacher is not the employee's line manager, the headteacher will delegate the duties imposed upon the reviewer, in their entirety, to the appropriate line manager.

In this school the headteacher has decided that:

- The maximum number of non-teaching staff (other than teaching assistants) reviews that any line manager will be expected to undertake per cycle is 5.
- Where an employee has more than one line manager the headteacher will determine which line manager will be best placed to manage and review the employee's performance.
- Where an employee is of the opinion that the person to whom the headteacher has delegated the reviewer's duties is unsuitable for professional reasons, s/he may submit a written request to the headteacher for that reviewer to be replaced, stating those reasons.
- Where it becomes apparent that the reviewer will be absent for the majority of the cycle or is unsuitable for professional reasons the headteacher may perform the duties himself/herself or delegate them in their entirety to another appropriate line manager. Where this person is not the reviewee's line manager he/she will have an equivalent or higher status in the staffing structure as the employee's line manager.
- An appraisal cycle will not begin again in the event of the reviewer being changed.
- All line managers to whom the headteacher has delegated the role of reviewer will receive appropriate preparation for that role.

The Appraisal Cycle

The performance of non teaching staff will be reviewed on an annual basis. The cycle will run from January to January.

Non-Teaching Staff (other than
Teaching Assistants) Appraisal Cycle.

Review meeting.

Autumn Term

- Review of progress against targets.
- Consider subject of targets for following year.

Planning meeting

Spring Term

- Final review and pay recommendation
- Targets discussed and set.
- Timeframe agreed.

**Interim review
meeting.**

Summer term

- Discuss progress against targets.
- Agree next steps.

Appendix 7
CONFIDENTIAL
PLANNING AND REVIEW STATEMENT
FOR NON-TEACHING STAFF
(other than Teaching Assistants)



Relating to annual cycle: 202_ to 202_

Reviewees name:

Reviewer's name:

Assessment of performance for the appraisal cycle just ended and recommendation for pay progression (where reviewee is eligible):

Current pay level:

Recommended pay level:

Reasons for recommendation:

Objectives for next cycle including any relevant whole school/year/team objectives:

Other evidence:

Support:

Timescales for Completion:

Signed (Reviewee):

Signed (Reviewer):

Date:

Reviewee comments:

APPENDIX 8

APPRAISEE'S CHECKLIST FOR THE APPRAISAL AND DEVELOPMENT MEETING

The documents you need are:

1. Your current job description (including goals and training plan if you have previously had an interview)
2. The notes from previous Appraisal and Development meeting(s)
3. Training record, Competencies Documentation or NVQ information if relevant
4. **Please review your work since the last Appraisal and Development meeting so that you can discuss it at the meeting. (You will need to bring any evidence that you feel will be useful in demonstrating performance against objectives.)**
 - How well have I done in relation to the goals that were set at the last meeting?
 - What has been happening, of note, in my area of work?
 - Have there been any developments/changes/ things I do differently in my work?
 - Anything I am particularly pleased with or which I am not satisfied with?
 - What do I do well in my present job?
 - What could I do better?
 - What training have I had since the last meeting?
 - Does my job description need to be reviewed?
5. **Then forward plan by answering the following questions**
 - Do I see my job changing or developing?
 - What new knowledge and/or skills do I need?
 - What support might I need from colleagues?
 - What constraints or problems do I foresee?
 - What resources and/or training do I need?
 - What goals do I want to achieve?

APPRAISER'S PREPARATION CHECKLIST FOR THE PLANNING MEETING

The appraiser should check prior to the planning meeting that each person has addressed each point

1. Check the person has an up to date job description which will provide the basis for the planning meeting
2. Check that the person has a copy of the notes of the previous meeting - if not, provide one before the planning meeting.
3. Check that the person has copies of any competencies or training documentation
4. Check that the person understands the review process and that any queries are answered before the planning meeting.

THE APPRAISAL PLANNING MEETING

- 1 A reminder of the purpose of the discussion by the appraiser.
- 2 A brief exchange in which each party itemises the key points to be discussed - setting the agenda.
- 3 A discussion of the results of the aims and action agreed at the last review.
- 4 A check against each element in the employee's job description, considering which have gone well and which less well, and why.
- 5 Discussion and agreement on the employee's job- performance targets for the next review period.
- 6 A similar discussion on the employee's development targets.
- 7 A check that there is mutual understanding of the key points and action plans.
- 8 Set the date for the interim review meeting.

APPENDIX 9.

Teaching Standards – Self-Review Template

(Please also refer to the OWN Trust Pay Policy, particularly if considering an application to go to the Teachers Upper Pay Scale).

This may be used in advance of the appraisal meeting to identify standards already being met and areas for development. Where there are development needs this should form part of the discussion at appraisal and incorporated into the objectives, evidence/success criteria, training and support agreed. We recommend that this is used year on year (rather than starting a new one each year) unless an individual's job changes significantly. A copy of the teaching standards can be obtained from the DfE www.education.gov.uk. Teachers will need to meet all professional standards as part of a satisfactory performance review.

Part one: Teaching

Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils

Standard	Exemplification	Meet/ partially/ not	Notes/Evidence/ Dates
1. A teacher must set high expectations which inspire, motivate and challenge pupils	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• be accountable for pupils' attainment, progress and outcomes• be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these• 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 impact on teaching• encourage pupils to take a responsible and conscientious attitude to their own work and study.		

Standard	Exemplification	Meet/ partially/ not	Notes/Evidence/ Dates
3. Demonstrate good subject and curriculum knowledge	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 		

Standard	Exemplification	Meet/ partially/ not	Notes/Evidence/ Dates
	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 		

Standard	Exemplification	Meet/ partially/ not	Notes/Evidence/ Dates
8. Fulfil wider professional responsibilities	<ul style="list-style-type: none"> • 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

Standard	Meet/ partially/ not	Notes/Evidence/Dates
A. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by: <ul style="list-style-type: none">• treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position• having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions• showing tolerance of and respect for the rights of others• 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• ensuring that personal beliefs are not expressed in ways, which exploit pupils' vulnerability or might lead them to break the law.		
B. 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		
C. Teachers must have an understanding of, and always act within, the statutory frameworks, which set out their professional duties and responsibilities		

Post Threshold Standards – Self Review Template

Post threshold teachers must show evidence of continuing to meet the teacher standards in order to be assessed against the 10 post threshold standards. There must be evidence against all the standards to show they have been sufficiently met. This template can be used to identify standards met and areas for development. Where there are development needs this should form part of the discussion at appraisal and incorporated into the objectives/success criteria/training and support agreed. A copy of the standards can be found on the DfE website www.education.gov.uk

	Standard	Meet/ partially/ not	Notes/Evidence/Dates
Professional attributes Frameworks	P1. Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.		
Professional knowledge and understanding Teaching and learning	P2. Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalize learning to provide opportunities for all learners to achieve their potential.		
Professional knowledge and understanding Assessment and monitoring	P3. Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangements for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.		
	P4. Have up to date knowledge and understanding of the different types of qualifications and specifications and their suitability for meeting learners' needs.		

	Standard	Meet/ partially/ not	Notes/Evidence/Dates
Professional knowledge and understanding Subjects and curriculum	P5. Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy including how learning progresses with them.		
	P6. Have sufficient depth of knowledge and experience to be able to give advice on the development and well-being of children and young people.		
Professional skills Planning	P7. Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well matched to learning objectives and the needs of the learners and which integrate recent developments, including those relating to subject/curriculum knowledge.		
Professional skills Teaching	P8. Have teaching skills, which lead to learners achieving well relative to their prior attainment, making progress as good as, or better than, similar learners nationally.		
	P9. Promote collaboration and work effectively as a team member.		
	P10. Contribute to the professional development of colleagues through coaching and mentoring, demonstrating effective practice, and providing advice and feedback.		