



Sheffield Lower School Appraisal and Capability policy

Written by	Reviewed and Ratified by Governors	Shared with Staff	Last Updated	Next Review due
Polly Ross	November 2023	November 2023	November 2023	November 2024

1.0 Statement of Intent

This policy sets out the framework for clear and consistent assessment of the overall performance of teachers, including the Headteacher and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers. It sets out the arrangements that will apply when teachers fall below the expected levels of competence.

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.* ECTs) 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.

Both parts of the policy should always be applied in a way that is robust whilst minimising the impact on workload for teachers, line managers, Headteachers and Governing Body.

2.0 Legal Framework

2.1 This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- The School Staffing (England) Regulations 2009 (as amended)
- DfE (2020) 'Governance handbook'
- DfE (2019) 'Teacher appraisal and capability: A model policy for schools'
- ACAS (2015) 'Code of practice on disciplinary and grievance procedures'
- DfE (2011) 'Teachers' Standards'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2014) 'The Equality Act 2010 and schools'

2.2 This policy operates in conjunction with the following school policies:

- Grievance Policy
- Confidentiality Policy

- Disciplinary Procedures
- Records Management Policy
- Whistleblowing Policy
- Teachers' Pay Policy
- Staff Attendance and Absence procedures outlined in the staff handbook
- School Development Plan (SDP)

3.0 Roles and Responsibilities

3.1 The Governing Body is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Ensuring that all members of staff have read and understood the provisions in this policy.
- Setting objectives for the Headteacher, with advice from an appropriate external adviser.
- Ensuring all objectives contribute towards the SDP and improve the education of pupils at the school.
- Taking advice from an external adviser on the assessment of the Headteacher's performance.
- Ensuring all members of the board are informed that the performance review process has taken place.
- Conducting formal capability meetings where there are concerns about the Headteacher's performance.
- Once a decision to dismiss has been taken, dismissing the teacher or Headteacher in question with notice. This will be done with the support of the LA.
- Ensuring consistency of treatment and fairness, and abiding by all relevant equality legislation.
- Ensuring all delegated responsibilities are carried out.

3.2 The Headteacher is responsible for:

- The day-to-day implementation of this policy.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Informing teachers of the standards against which their performance will be assessed.
- Conducting drop-in observations, where necessary, to evaluate standards of teaching and ensure high standards of professional performance are maintained.
- Conducting formal capability meetings where there are concerns about a teacher's performance.

3.3 Teaching staff are responsible for:

- Improving their teaching through proactive engagement in appropriate CPD opportunities.
- Attending performance review meetings.
- Adhering to this policy at all times.

4.0 General principles underlying this policy:

4.1 ACAS 'Code of Practice on Disciplinary and Grievance Procedures'

The capability procedure section of this policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

4.2 Confidentiality

The capability process will be treated with confidentiality; however, the desire for confidentiality does not override the need for the Headteacher and the Governing Body to quality-assure the operation and effectiveness of the capability procedure. This will be achieved by the Headteacher and Governing Body personally reviewing a sample of teachers' objectives for consistency.

4.3 Consistency of treatment and fairness

The Governing Body is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for teachers with disabilities. The Governing Body is aware of the guidance on the Equality Act 2010 issued by the DfE.

4.4 Definitions

Unless indicated otherwise, all references to “teacher” include the Headteacher.

4.5 Delegation

Normal rules (as set out in The School Staffing (England) Regulations 2009) apply in respect of the delegation of functions by the Governing Body and Headteacher.

4.6 Grievances

Where a teacher raises a grievance during the capability procedure, the procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently. Grievances should be handled in accordance with the school’s Grievance Policy.

4.7 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 Staff Attendance and Absence Policy. The case will be referred immediately to the occupational health service, to assess the teacher’s health and fitness for continued employment. Additionally, the suitability of continued monitoring or formal procedures will be evaluated in relation to the teacher’s health. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of absence.

Part A

5.0 Appraisal

Appraisal at Shefford Lower School will be a supportive and developmental process designed to ensure that all teachers have or fully develop the skills and access to 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 teacher. The appraisal period will run for twelve months from September to September for teachers and November to November for the Headteacher. 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 and an individual teacher’s objectives should take account of the length of contract. Teachers who join the school mid-year will have objectives for performance that take into account the length of time for the appraisal process.

5.1 Appointing appraisers

The Headteacher will be appraised by the governance body, supported by a suitably skilled and/or experienced external adviser who has been appointed by the governance body for that purpose. In this school the task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of two/three members of the Governing Body. The Headteacher will decide who will appraise other teachers from within the SLT. Allocated appraisers will provide the Headteacher with all appraisal documents and, subsequently, recommendations will be made to the Pay Committee of the Governing Body.

5.2 Setting objectives

The Headteacher’s objectives will be set by the Governing Body after consultation with the external adviser. The Governing Body has a duty to have regard to the work-life balance and wellbeing of the Headteacher and objectives will reflect this.

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. Objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils. The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives should be revised if circumstances change. The objectives set for each teacher will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school. Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. All teachers must be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011.

5.3 Instructional Coaching Model

A 6-step coaching model will be used to support the development of teachers against the teacher standards. The appraiser will coach the appraisee during a series of coaching conversations using the school's own model. Observations will inform coaching conversations and next steps. Coaches will receive support from the Headteacher in developing as instructional coaches.

6.0 Reviewing performance

6.1 Observation

This school believes that observation of classroom practice and other responsibilities is important as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have, gaining useful information which can inform school improvement more generally and enabling teachers to learn from each other and collaborate. All observation will be carried out in a supportive fashion and not add to teacher workload. Observations will be agreed between the appraiser and appraisee and will focus on using instructional coaching to improve performance. Observations will include a series of 'pop-ins' rather than 3 full hour observations.

6.2 Development and support

Appraisal is a supportive process which will be used to determine decisions on pay progression and 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. Concerns about performance should in all cases initially be addressed through support provided within the appraisal process, before consideration is given to use of this capability procedure. The use of this capability procedure must be distinguished and kept entirely separate from initial support provided under the appraisal procedure. It should only be used after such informal support has been provided. The appraisal process will be suspended when the capability procedure is invoked.

6.3 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 require further development. Where there are concerns about any aspects of the teacher's performance the appraiser will meet the teacher formally to:

- give clear feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment and discuss the concerns;
- set clear objectives for required improvement;
- agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress;
- explain the implications and process if no, or insufficient, improvement is made – e.g., impact on pay progression and potential move to formal capability.

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.

6.4 Evidence

The range and level of evidence collected for appraisal and pay determination purposes will always be proportionate and minimise workload.

6.5 Assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Headteacher, the Governing Body must consult the 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 interim meetings between the appraiser who will act as an instructional coach and the appraisee (the coachee) which will take place once a term as a minimum. The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment on – an appraisal report in this school, teachers will receive their appraisal reports by 31 October (31 December for the Headteacher). The appraisal report will include:

- details of the teacher's objectives for the appraisal period in question;
- an assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards;
- an assessment of the teacher's professional development needs and identification of any action that should be taken to address them;
- Details of the coaching conversations and actions which have taken place throughout the appraisal period;
- a recommendation on pay where that is relevant by 31 December for Headteachers and by 31 October for other teachers;

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

6.6 Initial Support

Cause(s) of difficulty may be due to one or more of the following:

- The knowledge and technical skills required for the post are changing but the employee does not possess the new skills and knowledge required despite opportunities to acquire them
- circumstances outside the school are affecting the employee's work performance
- circumstances within the school environment – for example redeployment or new or additional responsibility or perceived inadequate management support or unreasonable demands – are affecting the employee's work performance.

Whenever perceived lapses from acceptable standards of work performance arise, either through the appraisal process or otherwise, they should initially be discussed with the employee concerned by their immediate line manager. The line manager should seek to identify the nature and causes of any perceived problems. Some difficulties may be temporary because of family/personal circumstances or short-term health problems. The manager should also consider whether the issues are a matter of lack of capability, or of ill health or misconduct which should be dealt with through separate procedures.

After this discussion has taken place, the manager may decide that:

- the matter is groundless and should be dropped
- the matter is of a relatively trivial or 'one-off' nature and that informal discussion is enough to resolve the matter without further action
- the matter is not an issue of capability and should be dealt with under separate procedures
- the matter is one where informal support should be provided in relation to performance through the appraisal process.

Where support has already been provided to the teacher as part of the appraisal process and concerns remain, the manager may refer the matter to the head teacher in order that a meeting may be held to consider whether the matter should be dealt with through the capability procedure.

6.7 Transition to capability

If a teacher demonstrates serious underperformance, and has not responded to support provided within the appraisal process, the teacher will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure, and will be invited to a formal capability meeting. The capability procedures will be conducted as in part B of this policy.

Part B

7.0 Capability procedure

This procedure applies only to teachers and Headteachers where there is serious underperformance which the appraisal process has been unable to address. At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about performance-related concerns and their possible consequences to enable the teacher to prepare a defence for the formal capability meeting. Teachers are entitled to request an alternative date which is within five days of the original date. The notice will also contain copies of any written evidence, the 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.

7.1 Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of governors (for Headteacher capability meetings) or Headteacher (for other teachers). The meeting allows the teacher 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 or evidence already collected. 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. The person conducting the meeting may also adjourn the meeting if they decide that further investigation is needed, or more time is needed to consider additional information. In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- Identify the professional shortcomings of the teacher for example which of the 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 to improve their performance;
- Outline 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 in straightforward cases could be between four and ten weeks and will provide sufficient opportunity for improvements to take place.
- Formally warn the teacher that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning or no pay progression.

Notes will be taken of formal meetings and a copy sent to the teacher. Where a warning is issued, they will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage, and the procedure and time limits for appeals.

7.2 Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The teacher will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting.

7.3 Formal review meeting

As with formal capability meetings, at least five working days' notice will be given. The notification will give 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. If the person conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will restart. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period.
- If no or insufficient improvement has been made during the monitoring and review period, the staff member will receive a final written warning.

As before, notes will be taken of formal meetings and a copy sent to the teacher. The final written warning will mirror any previous warnings that have been issued. Where a final warning is issued, the teacher will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in dismissal. They will also be given information about the handling of the further monitoring and review period, and the procedure and time limits for appealing against the final warning. The teacher will be invited to a decision meeting.

7.4 Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be provided, and the notification will give details of the time and location of the meeting. The notice will also 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.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will restart. If performance remains unsatisfactory, a decision or recommendation to the Governing Body will be made that the teacher should be dismissed or required to cease working at the school. Before the decision to dismiss is made, the school will discuss the decision with the LA. The LA has the right to attend any dismissal related meetings. The teacher will be informed as soon as possible of the reasons for their dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

8.0 Dismissal

Once the Governing Body has decided that the teacher should no longer work at the school, it will notify the local authority of its decision and the reasons for it. Where teachers work solely at this school, the local authority must dismiss them within fourteen days of the date of the notification. Where they work in more than one school, the local authority must require them to cease to work at this school.

8.1 Appeals

If a teacher feels that a decision to dismiss them, or another action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days, setting out the grounds for appeal at the same time. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and the right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the teacher. The appeal will be dealt with impartially and, wherever possible, by governors who have not previously been involved in the case. The teacher will be informed in writing of the results of the appeal hearing as soon as possible and in writing.

8.2 Suspension

Given that the purpose of the capability procedure is to allow a member of staff to demonstrate an improvement in performance, and that this can only happen if the member of staff is at work, it is not appropriate to suspend an employee who is subject to a capability procedure.

8.3 Warnings

Any letter confirming a warning will make it clear that, if the teacher's performance is subsequently judged to have reached the required standard, the warning will be disregarded and will be expunged from the file after no more than 12 months.

8.2 Monitoring and review

The Governing Body and Headteacher will monitor the operation and effectiveness of the school's appraisal arrangements and capability procedures, including monitoring the impact on workload. The Governing Body and Headteacher will ensure that all written records of capability procedures are retained in a secure place for six years in line with the school's Records Management Policy and in accordance with DfE guidance. This policy will be reviewed on an annual basis.