



AMBITIONS
Academies Trust



APPRAISING TEACHER PERFORMANCE & DEALING WITH CAPABILITY ISSUES

The Directors of Ambitions Academies Trust (AAT) adopted this policy at Elm Academy on 1st September 2017.
It will review it in three years' time.

1. Purpose

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

2. Application of the Policy

The policy is in two separate sections.

Part A of the policy which covers appraisal, applies to the Chief Executive Officer, Director of Special Education, Associate Principal and all teachers employed by the AAT except those on contracts of less than one term, those undergoing induction (ie NQTs) and those who are subject to Part B of the policy.

Part B of the policy which sets out the formal capability procedure, applies only to teachers (including the Chief Executive Office, Director of Special Education, Associate Principals) about whose performance there are serious concerns that the appraisal process has been unable to address.

PART A – APPRAISAL

Appraisal in AAT 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.

1. The Appraisal Period

The appraisal period will run for twelve months from 1st September to 31st August.

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.

2. Appointing Appraisers

The Chief Executive Officer will be appraised in accordance with the Performance Appraisal Process for Chief Executive Officer Policy.

The Director of Primary Education, Director of Special Education and Director of School Improvement will be appraised by the Chief Executive Officer and Chair of Directors.

In AAT the task of appraising the Director of Primary Education, Director of Special Education and Director of School Improvement will be delegated to a sub group consisting of two members of the Directors.

The Associate Principal will be appraised by the Chair of the Academy Advisory Committee and Director of Primary Education/ Director of Special Education.

In AAT the task of appraising the Associate Principal will be delegated to a sub-group consisting of the Director of Primary Education/ Director of Special Education and two AAC Reviewers.

The Associate Principal will decide who will appraise other teachers.

3. Setting Objectives

The Associate Principal's objectives will be set by the Director of Primary Education/ Director of Special Education and two AAC Reviewers.

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 (SMART) and will be appropriate to the teacher's role and level of experience. The appraiser and teacher will seek to agree the objectives, but if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

The objectives set for each teacher will, if achieved, contribute to the AAT's plans for improving the AAT's educational provision and performance and improving the education of pupils at the Academy. This will be ensured by quality assuring all objectives against the Academy's Raising Attainment Plan (RAP).

Before or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. All teachers should be assessed against the set of standards contained in the "Teacher's Standards" published July 2011 (Appendix A – Summary of Teacher's Standards). The Associate Principal 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.

4. Reviewing Performance

Observation

AAT 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 observations will be carried out in a supportive fashion. (See Appendix B – Lesson Observation Flow Chart)

In AAT 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 including Learning Walks will be carried out by the Associate Principal and/or those with QTS. In addition to formal observation, the Chief Executive Officer, Director of Primary Education, Director of Special Education, Director of School Improvement, Associate Principal or other leaders with responsibility for teaching standards may "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 who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

5. Development and Support

Appraisal is a supportive process which will be used to inform continuing professional development. The Academy 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 on-going professional development needs and priorities of individual teachers.

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

- a) Give clear feedback to the teacher about the nature and seriousness of the concerns.
- b) Give the teacher the opportunity to comment and discuss the concerns for areas requiring improvement.
- c) Agree any support (eg coaching, mentoring, structured observations) that will be provided to help address those specific concerns.
- d) Make clear how, and by when, the appraiser will review progress.
- e) Explain the implications and process if no – or insufficient – improvement is made.

When progress is reviewed, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process.

7. Transition to Capability

If the appraiser is not satisfied with progress, the teacher will be notified in writing that the appraisal system will no longer apply and that their performance will be managed under the Capability Procedure and will be invited to a formal capability meeting. The Capability Procedures will be conducted as in part B of this policy.

8. Annual Assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Director of Primary Education, Director of Special Education and the School Improvement Director the AAC must consult the Chief Executive Director. In assessing the performance of the Associate Principal the AAC must consult the Director of Primary Education and Director of Special Education.

This assessment is the end point to the annual appraisal process but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place as agreed between the appraiser and appraisee. All teachers must take responsibility for improving their teaching through appropriate professional development.

The teacher will receive as soon as practicable following the end of each appraisal period a written appraisal report and have an opportunity to comment in writing. Teachers will receive their written appraisal reports by 31st October. The Director of Primary Education, Director of Special Education, Director of School Improvement and the Associate Principal will receive their written appraisal by 31st October. The appraisal report will include:

- a) Details of the teacher's objectives for the appraisal period in question.
- b) An assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards.
- c) An assessment of the teacher's training and development needs and identification of any action that should be taken to address them.
- d) A recommendation of pay increase where that is relevant (NB: pay recommendations need to be made by 31st October for the Director of Primary Education, Director of Special Education, Director of School Improvement and the Associate Principal and for other teachers).

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

PART B – CAPABILITY PROCEDURE

This procedure applies only to the Director of Primary Education, Director of Special Education, Director of School Improvement and the Associate Principal or Teacher about whose performance there are serious concerns that 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 the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting. It 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 colleague, a trade union official or a trade union representative who has been certified by their union as being competent.

1. Formal Capability Meeting

This meeting is intended to establish the facts. It will be conducted by the Chair of the AAC and Chief Executive Office (for Directors capability meetings), the Chair of the AAC and Director (for Associate Principal capability meetings) or the Associate Principal or his/her representative for other teachers. The meeting allows the teacher, accompanied by a colleague if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/ evidence already collated.

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 that more time is needed in which to consider any additional information.

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- a) Identify the professional shortcomings eg. standards expected of teaching are not being met.
- b) 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 focussed 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.
- c) Explain any support that will be available to help the teacher improve their performance.
- d) 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 in straight forward cases this would be 6 weeks.
- e) Warn the teacher formally that failure to improve within the set period could lead to dismissal. In very serious cases this warning could be a final written warning.

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

2. Monitoring & 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 member of staff 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 (see below).

3. Formal Review Meeting

As with formal capability meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by a colleague, a trade union official or a trade union representative who have 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 re-start. In other cases:

- a) 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.
- b) If no, or insufficient improvement has been made during the monitoring and review period, the teacher will receive a final written warning.

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

4. Decision Meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the teacher of their right to be accompanied by 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 re-start. If performance remains unsatisfactory, a decision or recommendation to the AAC will be made that the teacher should be dismissed or required to cease working at the Academy.

The teacher will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

5. Decision to Dismiss

Power to dismiss staff rests with:

- a) Ambitions Academies Trust AAC for the posts of Chief Executive Officer, Director of Primary Education, Director of Special Education, Director of School Improvement and Associate Principal.
- b) One or more members of the AAC acting with the Associate Principal for all posts up to the level of Vice Principal.

6. Dismissal

Once the decision to dismiss has been taken the Chief Executive Officer will dismiss the teacher with notice.

7. Appeal

If a teacher feels that a decision to dismiss them or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days' of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a colleague 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 managers or 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.

GENERAL PRINCIPLES UNDERLYING THIS POLICY

1. ACAS Code of Practice on Disciplinary & Grievance Procedures

Part B of the policy will be implemented in accordance with the provisions of the ACAS Code of Practice.

2. Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Chief Executive Officer, Directors, Associate Principal and AAC to quality-assure the operation and effectiveness of the appraisal system as follows:

- a) The Directors of Primary, Special Education and School Improvement will review all teachers' objectives and written appraisal records to ensure consistency of approach and expectation between the different appraisers.
- b) The Chief Executive Officer will be responsible for making pay recommendations and presenting these to the Trust, Pay and Personnel Committee for approval.

3. Consistency of Treatment & Fairness

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

4. Delegation

Normal rules apply in respect of the delegation of functions.

5. Grievances

Where a member of staff raises a grievance during the capability procedure the capability 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.

6. 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 Academy's Attendance at Work 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.

7. Monitoring & Evaluation

The AAC and the Directors of Primary, Special Education and School Improvement will monitor the operation and effectiveness of the Academy's appraisal arrangements.

8. Retention

The AAC and the Associate Principal will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

9. Reporting to the Trust

The Chief Executive Officer will provide an annual summary and report on appraisal of teachers' performance including Capability to the Directors of Ambitions Academies Trust.

APPENDIX A

**TEACHERS' STANDARDS
SUMMARY**

Part 1. Teaching:

A teacher must:

- 1. Set high expectations which inspire, motivate and challenge pupils:**
includes creating a safe, stimulating and respectful environment; setting objectives that stretch and challenge pupils; demonstrating consistently what is expected of pupils.
- 2. Promote good progress and outcomes by pupils:**
Teachers will be accountable for student progress; aware of their capability and prior knowledge and plan lessons with this in mind. They must also show that they understand how pupils learn and encourage them to do their best.
- 3. Demonstrate good subject and curriculum knowledge:**
Having good knowledge of their subject and curriculum areas; keeping up-to-date with developments in those areas; promoting high standards of literacy and correct use of English, regardless of their specific subject area.
- 4. Plan and teach well-structured lessons:**
Ensuring effective use of lesson time; promoting a love of learning; setting homework; designing an engaging curriculum.
- 5. Adapt teaching to respond to the strengths and needs of all pupils:**
Knowing when to differentiate appropriately; using a variety of approaches; over-coming barriers to learning; having a clear understanding of the educational needs of all pupils.
- 6. Make accurate and productive use of assessment:**
Having knowledge of statutory assessment requirements; making use of formative and summative assessment; using relevant data to monitor and set targets; giving pupils regular feedback.
- 7. Manage behaviour effectively to ensure a good and safe learning environment:**
Setting clear rules and routines for behaviour; responsibility for promoting good and courteous behaviour both in classrooms and around the school; having high expectations of behaviour; maintaining good relations with pupils.
- 8. Fulfil wider professional responsibilities:**

Making a positive contribution to the wider life and ethos of the school; promoting good professional relationships with colleagues; deploying staff effectively; communicating effectively with parents.

Part 2. Personal & Professional Conduct:

A teacher is expected consistently to demonstrate high standards of personal and professional conduct. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school by:

- a) Treating pupils with dignity, fostering relationships based on mutual trust and observing appropriate boundaries.
- b) Safeguarding pupils' wellbeing in accordance with statutory provisions.
- c) Promoting tolerance and respect for others.
- d) Maintaining fundamental British values such as democracy, rule of law and individual liberty, as well as respect for other faiths/beliefs.

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.

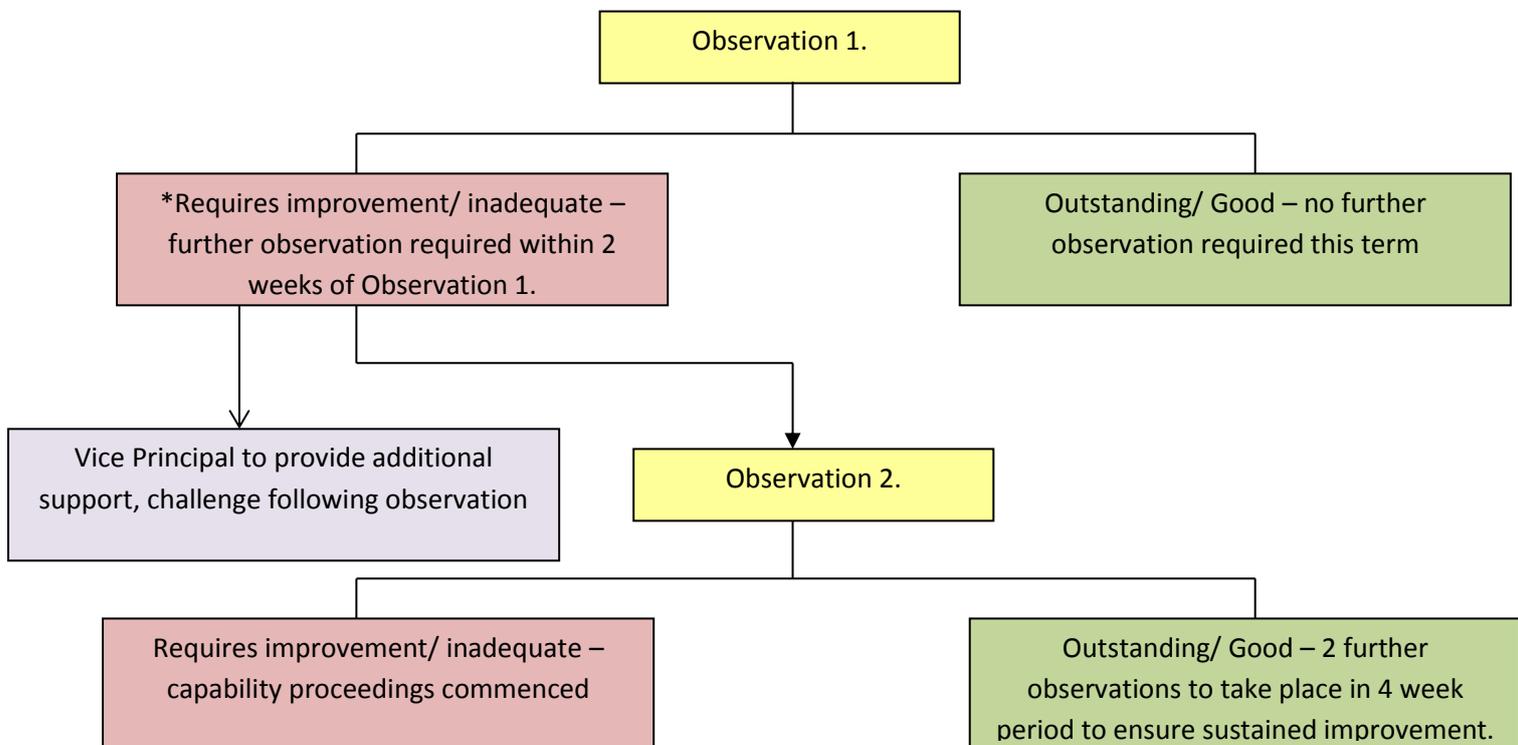
Teachers must have an understanding of and always act within, the statutory frameworks which set out their professional duties and responsibilities.

For the full Standards visit www.tda.gov.uk

(search for "Teachers Standards 2012")

APPENDIX B

**LESSON OBSERVATIONS
FLOWCHART**



- *Observer will pass all information regarding observation to the Vice Principal who will initiate support and challenge prior to the next observation.
- The Vice Principal will meet with the Observee to discuss outcomes of observation and agreed actions. The Vice Principal will provide support, challenge and advice to secure improvements. **It is the responsibility of the Observee to ensure all actions, support, advice and challenge are implemented prior to the next observation.**
- Leaders will monitor teaching & learning on an informal basis alongside the formal process listed here to ensure standards of teaching remain outstanding/good and pupils' progress is maintained across the school.
- Where an observee in two consecutive terms begins a cycle that requires



improvement /inadequate capability procedures will be considered on the evidence available.

NB:

The above is the formal process. However, teaching and learning will be monitored throughout the year by leaders and will provide evidence for support and challenge of all teachers.