



APPRAISAL AND CAPABILITY POLICY

[applies to teaching staff]

1. Introduction

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

2. Scope

This policy applies to all teaching staff working in academies operating as part of Birmingham City University Academies Trust (BCUAT), except newly qualified teachers who are subject to a different appraisal process (see individual academy policies on Induction of NQTs).

The principles of appraisal apply equally to non-teaching staff, although they are not covered by this policy. For capability procedures for non-teaching staff, please refer to the policy 'Procedures for dealing with matters that could lead to dismissal of staff for reasons other than matters of discipline'.

3. Application of the policy

The policy is in two separate sections.

Part A of the policy, which covers appraisal, applies to the Principal, Vice Principal and all teachers employed by Birmingham City University Academies Trust (BCUAT) except those on contracts of less than one term, newly qualified teachers undergoing induction (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 Principal) about whose performance there are serious concerns that the appraisal process has been unable to address.

| | |
|--|-----------------|
| Owner of Policy | Human Resources |
| Legislation Status (Statutory / Non-Statutory) | Statutory |
| Date Ratified and Version Number | 04.10.2016 v3.1 |
| Date to be reviewed | January 2017 |

4. Part A – Appraisal

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

The appraisal period

The appraisal period will run for twelve months from October 2016 to September 2017.

Teachers who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The length of the period will be determined by the duration of their contract.

There is flexibility to have a longer or shorter appraisal period as appropriate.

Appointing appraisers

The Principal will be appraised by two members of the BCUAT Board, supported by a suitably skilled and/or experienced external advisor who has been appointed for that purpose. This includes the setting of objectives, reviewing performance and the end of year appraisal.

The Principal will decide who will appraise other teachers.

Setting objectives

The Principal's objectives will be set by members of the BCUAT Board after consultation with the external advisor.

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 Challenging, Specific, Measurable, Achievable, Realistic and Time-bound (SMART) and will be appropriate to the teacher's role and level of experience. Appraisal objectives will normally become more challenging as a teacher progresses up the main pay range.

The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

The objectives set for each teacher will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school. This will be ensured by quality assuring all objectives against the school improvement plan.

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which performance in that appraisal period will be assessed. With the exception of those who are qualified teachers by virtue of holding and maintaining Qualified Teacher Learning and Skills (QTLS) status, all teachers must be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The Principal or Local Advisory Board (as appropriate) 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.

Where a teacher holds additional responsibilities, these will be recorded within a Job Description, the contents of which the teacher will also be assessed against.

For teachers who are qualified teachers by virtue of holding QTLS status, it is for the Local Advisory Board or Principal to decide which standards are most appropriate. Such teachers may be assessed against the Teachers' Standards, against any other sets of standards issued by the Secretary of State, against any other professional standards relevant to their performance or any combination of those three.

Reviewing performance

Observation

The Trust 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 observation will be carried out in a supportive fashion in order to support staff in their professional development. Observation for the purposes of contributing to appraisal will be undertaken by the appraiser. This does not apply to formal capability proceedings, during which any lesson observations may be referred to when discussing a member of staff's capability.

Teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will be carried out by those with QTS. In addition to formal observation, Principals 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 (including the Principal) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

Other methods of reviewing performance

In addition to observation, other examples of gathering evidence may include (but not be confined to):

- review of planning, preparation and assessment results
- review of pupil work
- pupil progress data
- self-assessment
- pupil progress meetings

Development and support

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

Feedback

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation or other forms of monitoring. Feedback will highlight particular areas of strength as well as any areas for 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
- 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 and decide whether it may be appropriate to revise objectives and what period of time will be sufficient for improvement – the amount of time will be specific to the particular need identified and will reflect the seriousness of the concerns
- explain the implications and process if 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.

Transition to capability

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

Annual assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the Principal, the Trust must consult the external advisor.

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed during mid-year interim meetings e.g. Pupil Progress meetings, mid-point reviews, monitoring feedback.

In advance of the appraisal meeting, the teacher is required to compile and submit a file detailing sufficiently detailed evidence to confirm whether they have successfully completed their targets.

The teacher will receive as soon as practicable following the end of each appraisal period, and have the opportunity to comment in writing on, a written appraisal report. The Trust endeavours that teachers will receive their written appraisal reports by 31st October (31st December for the Principal).

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

- a recommendation on pay where that is relevant – the Trust will endeavour to approve and implement pay recommendations by 31st December for Principals and by 31st October for other teachers

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

Continuing Professional Development

The CPD programme available to teachers employed by the Trust will be informed by the training and development needs identified through the appraisal process.

5. Part B – Capability Procedure

This procedure applies only to teachers or Principals 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 companion who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

Formal capability meeting

This meeting is intended to establish the facts. It will be conducted by a member of the BCUAT Board (for Principal capability meetings) or Principal (for other teachers). The meeting allows the teacher, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

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 for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

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

- identify the professional shortcomings, for example which of the standards expected of teachers are not being met
- give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made)
- explain any support that will be available to help the teacher improve their performance

- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in most cases could be 6-8 weeks. It is for the school to determine the set period – it should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place
- 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.

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 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).

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 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 re-start. In other cases:

- if some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period
- 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 is issued, the member of staff will be informed in writing that failure to achieve an acceptable standard of performance 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.

Decision meeting

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 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 re-start. If performance remains unsatisfactory, a decision, or recommendation to the Local Advisory Board, 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 matter with BCUAT.

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.

Decision to dismiss

The power to dismiss teaching staff lies with the Local Advisory Board, with the exception of the Principal where BCUAT would make the decision.

Dismissal

Once the Local Advisory Board has decided that a teacher should no longer work at the school, it will notify BCUAT of its decision and the reasons for it.

Appeal

If an employee feels that a decision to dismiss them or other action taken against them is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal.

Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the employee.

The appeal will be dealt with impartially and, wherever possible, by managers or Local Advisory Board members (BCUAT Board members where a Principal is appealing a decision) who have not previously been involved in the case.

The employee will be informed in writing of the results of the appeal hearing as soon as possible.

6. General Principles Underlying This Policy

ACAS Code of Practice on Disciplinary and Grievance Procedures

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

Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Principal, Local Advisory Board and BCUAT to quality-assure the operation and effectiveness of the appraisal process.

Consistency of Treatment and Fairness

BCUAT 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 disabled employees. The Trust is aware of the guidance on the Equality Act issued by the Department for Education.

Definitions

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

Delegation

Normal rules apply in respect of the delegation of functions by Governing Bodies, Principals and BCUAT

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.

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 Trust’s absence policy and will be referred 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.

Monitoring and Evaluation

BCUAT, the Local Advisory Boards and Principals will monitor the operation and effectiveness of the appraisal arrangements.

Retention

BCUAT, the Local Advisory Boards and Principals will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.