

APPRAISAL POLICY – TEACHING STAFF

Approved by: Cumbria Education Trust Board

Date: 23 November 2015

Review Date: To be reviewed annually and updated as required following changes in legislation

Owner: Human Resources Manager, Cumbria Education Trust

Cumbria Education Trust (the Trust) adopted this policy in November 2015. Consultation with the recognised teaching unions has been carried out by the LA on behalf of academies that adopt this policy.

PURPOSE

This procedure sets out how the Trust will improve outcomes for children/students, and raise the morale of teachers, by motivating teachers to up-date their skills and improve their performance.

The appraisal procedure will be used also to address concerns that are raised about a teacher's performance. If concerns are such that they cannot be resolved through the appraisal process, there will be consideration of whether to commence the capability procedure.

1 APPLICATION OF THE APPRAISAL POLICY

This policy applies to the headteacher and to all qualified teachers employed across the Trust family of academies except those on contracts of less than one term and those undergoing induction (*i.e.*, NQTs) or teachers on capability procedures

Appraisal 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 School Staffing (England) Regulations 2009 places responsibility on the Trust for establishing appraisal procedures and taking appropriate steps to make them known to staff at the school.

The references to headteacher and school senior nominated manager in this procedure assume s/he is not the employee concerned. Where the headteacher is the employee concerned, references below to headteacher should be regarded as referring to the Executive Headteacher and references to employee should be regarded as referring to the headteacher. In adopting this procedure, the Trust Board gives delegated authority to the Executive Headteacher to act as stated.

2 THE APPRAISAL PERIOD

The appraisal period will run for twelve months normally from 1 October to 31 September

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.

Where a teacher starts their employment at the school/academy part-way through a cycle, the headteacher or, in the case where the employee is the headteacher, the Trust shall determine the length of the first cycle for that teacher, with a view to bringing his/her cycle into line with the cycle for other teachers as soon as possible.

Where a teacher transfers to a new post within the academy part-way through a cycle, the headteacher or, in the case where the employee is the headteacher, the Trust shall determine whether the cycle shall begin again and whether to change the appraiser.

3 APPOINTING APPRAISERS

All appraisers of teachers, other than those appraising headteachers, will be teachers and will be suitably trained.

Headteacher

Across Cumbria Education Trust the task of appraising the Headteacher/Head of School including the setting of objectives will normally be carried out by the Executive Headteacher and the Chair of the Local Advisory Body on behalf of the Trust Board.

Where a Headteacher/Head of School is of the opinion that either of these appointed appraisers is unsuitable to act as his/her appraiser, s/he may submit a written request to the Chair of the Trust Board for that person to be replaced, stating the reasons for the request. The Chair will consider the request and determine whether or not it is reasonable, giving written confirmation to the Headteacher/Head of School.

Teachers

The choice of appraiser is for the headteacher. Where teachers have an objection to the headteacher's choice, s/he may submit a written request for that appraiser to be replaced, stating the reasons for the request. The Headteacher will consider the request and determine whether or not it is reasonable, giving written confirmation for accepting or rejecting the request. All appraisers appointed by the headteacher will be qualified teachers and will have current or recent teaching experience.

Where it becomes apparent that the appraiser appointed by the headteacher will be absent for the majority of the appraisal cycle, the headteacher may perform those duties herself/himself or delegate those duties to another teacher for the duration of that absence.

If the headteacher appoints an appraiser who is not the teacher's line manager, the appraiser to whom she/he delegates those duties will have an appropriate position in the staffing structure, together with the necessary background knowledge, skills and training to undertake the role.

Where a teacher is experiencing difficulties and the headteacher is not the appraiser, the headteacher may undertake the role of appraiser or guide the appraiser in ensuring appropriate support is in place to help the teacher make progress towards successfully completing the cycle. See also section on Teachers Experiencing Difficulties.

4 SETTING OBJECTIVES

The Headteacher/Head of School's objectives will be agreed and set by the Executive Headteacher in conjunction with the Chair of the Local Advisory Board This is a delegated responsibility on behalf of the Trust Board.

Objectives will be set before or as soon as practicable, after the start of each appraisal period. The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the appraisee's role and level of experience. In setting the objectives, reviewers will have regard to what can reasonably be expected in the context of roles, responsibilities and experience, consistent with the school's strategy for achieving a work/life balance for all staff. Appraisees may at any point append their comments alongside their objectives.

The appraiser and appraisee will seek to agree the objectives. Objectives may be revised if circumstances change. The academy will operate a system of moderation to ensure that all appraisers

are working to the same standards. Targets will be moderated across the academy to ensure that they are consistent between teachers with similar experience and levels of responsibility. Should the objectives not be agreed, the final decision on allocation of objectives rests with the headteacher.

The agreed objectives will contain a description of what success may look like. Where use of numerical targets is appropriate, these will be reasonable, in the circumstances in which the teacher works and it will be recognised that factors outside teachers' control may significantly affect success.

Setting more than three objectives, or, for example, using unrelated sub-targets, can lead to teachers experiencing unreasonable workload and pressure, making the objectives more difficult to achieve. Therefore, other than in exceptional circumstances, no teacher will be given more than three objectives.

The objectives set for each teacher are intended to contribute to the academy's plans for improving the educational provision and performance and improving the education of pupils at that academy and will take into account the professional aspirations of the teacher.

The appraiser will take into account the effects of an individual's circumstances, including any protected characteristics as stated within the Equality Act, when agreeing objectives. For example, this might include a reasonable adjustment to allow an individual slightly longer to complete a task than might otherwise be the case. When staff return from a period of extended absence, objectives may be adjusted to allow them to readjust to their working environment.

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. Teachers will be assessed against the appropriate set of standards contained in the document "Teachers' Standards" published in June 2013.

The headteacher or Executive Headteacher (as appropriate) will need to consider whether certain teachers should be assessed against other sets of standards published by the Secretary of State or other body that are relevant to them. For QTLS holders, that may include the overarching professional standards for teachers in the lifelong learning sector, held by The Education and Training Foundation.

5 PAY PROGRESSION

This section needs to be read in conjunction with the Pay Policy.

Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on the assessment of their performance against the agreed objectives and the national Teachers Standards. The Headteacher is ultimately responsible for the recommendation made to the appropriate body and must verify and check any recommendations made by those that act on the Headteacher's line manager's behalf as appraisers. The decision made by the relevant decision-making body will be based on the statutory criteria and guidance set out in the STPCD and the relevant teacher standards.

The Trust has agreed the pay policy of the school and has considered the implications of the appraisal policy with respect to the arrangements relating to teachers' pay in accordance with the School Teachers' Pay and Conditions Document. The Trust will ensure that decisions on pay progression are made by 31 December for Headteachers and by 31 October for other teachers.

6 REVIEWING PERFORMANCE

Observation

The effective and efficient operation of the appraisal process requires lesson observation to be a confidential process of constructive engagement within an atmosphere of support and co-operation.

Accordingly, observations will be carried out in a supportive fashion, with professionalism, integrity and courtesy, will be evaluated objectively and reported accurately and fairly and will take account of particular circumstances which may affect performance on the day.

Within the normal performance review cycle at least 5 working days' notice of the date and time of the observation will be given and verbal feedback provided by at least the end of the next school day and written feedback within 5 working days, unless circumstances make this impossible.

Classroom observation will be carried out by qualified teachers.

For the purposes of appraisal, teachers' performance will be observed on an appropriate and reasonable number of occasions and will, as far as possible, be agreed by the appraiser with the appraisee based on the individual circumstances of the teacher and the overall needs of the academy. The number and duration of appraisal observations will be in accordance with the academy observation protocol, which includes provision for exceptional circumstances where concerns have been raised about a teacher's performance, or where the teacher requests additional observation visits.

Headteachers or other leaders with responsibility for learning and teaching standards may "drop in" or undertake other observations to evaluate the standards of teaching and learning and to ensure that high standards of professional performance are established and maintained. The length and frequency of "drop in" or other observations, and the notice to be given, will vary depending on specific circumstances but will be in accordance with the academy's classroom observation and drop-in policy. For further information please refer to Appendix One, page 10 of this document.

For the purpose of professional development, feedback about lesson observations should be developmental, not simply a judgement using Ofsted grades.

The Trust academies will use the findings of each observation, including appraisal observations, for other management requirements (for example subject area reviews), thereby seeking to minimise the total number of occasions on which teachers are observed.

Teachers (including the headteacher) whose posts have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

Professional Development

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, peer observation for example. Professional development will be linked to school improvement priorities and to the on-going professional development needs and priorities of individual teachers.

The individual academy's CPD programme will be informed by the training and development needs identified as part of the appraisal process. The Trust will ensure in the budget planning that, as far as possible, resources are made available in the school budget for appropriate training, and support agreed for appraisees, maintaining access on an equitable basis.

An account of the training and development needs of teachers 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 Local Advisory Board and Trust Board about the operation of the appraisal process in the academy.

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 training and support will help the academy to achieve its priorities; and
- b) the CPD identified is essential for an appraisee to meet their objectives.

Account will be taken in a review meeting of where it has not been possible for teachers to fully meet their performance criteria because the support recorded in the planning statement has not been provided.

7 ANNUAL ASESMENT

Each teacher's performance will be formally assessed in respect of each appraisal period.

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment on - a written appraisal report. 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 against the relevant standards;
- an assessment of the teacher's training and development needs and identification of any action that should be taken to address them;
- a recommendation on pay where that is relevant. It may be possible for a 'no progression' determination to be made without recourse to the capability procedure. In all such eventualities the teacher will have been made aware of this possibility as outlined in section 8 of the policy. **(N.B. – pay recommendations need to be made by 31 December for headteachers and by 31 October for other teachers);**
- a space for the teacher's own comment
- If a teacher is applying for progression to the upper pay range then they must demonstrate they are highly competent in the relevant standards and that they are making a substantial and sustained contribution to the school, as per section 15.2 of STPCD and as referenced in the Teachers Pay Policy
 - 'Highly competent' means typically the standard of teaching should be at least good, as may be evidenced through lesson observations / pupil performance data / appraisal outcomes
 - 'Substantial and sustained' will be evidenced by two successful performance reviews as documented on the threshold application form referenced within Appendix Three of the teachers Pay Policy

A review meeting will take place to discuss the content of the report and any further action required and to inform objective setting for the next cycle. In some circumstances an interim review meeting may be appropriate.

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

8 TEACHERS EXPERIENCING DIFFICULTIES

When dealing with a teacher experiencing difficulties, the objective is to provide support and guidance through the appraisal process in such a way that the teacher's performance improves and the problem is, therefore, resolved.

The headteacher/ line manager, or a member of the leadership team, will, as part of the appraisal process meet the teacher to:

- give clear written feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment on and discuss the concerns;

- give the teacher at least 5 working days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support and that the meeting is to offer support to enable them to work towards completing the appraisal cycle successfully;
- in consultation with the teacher at the above meeting, an action plan with support will be established (for example coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers), that will help address those specific concerns;
- make clear how progress will be monitored and when it will be reviewed;
- explain the implications and process if no – or insufficient – improvement is made;
- In cases where the difficulties may lead to the initiation of capability proceedings this will be clearly outlined to the member of staff

The teacher's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the teacher's performance to improve. This will depend upon the circumstances, but will normally be for a period of 5 (five) working weeks after the action plan is put in place, with appropriate support as agreed in the action plan, in order that the aim of recovering and improving performance can be achieved. During this monitoring period the teacher will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made such that the teacher is performing at a level that indicates that they will be on track to successfully complete the cycle then they should be informed of this.

If some progress has been made and the performance of the member of staff is not yet at a level where they will successfully complete the cycle as there remain some areas to address then a continuing programme of support should be put in place. The teacher should be informed that in such circumstances it may be the case that they may not be recommended for pay progression (if appropriate) in the current cycle. Alongside the support in place the appraisal process will continue as normal.

If no, or insufficient, improvement has been made over this period, the teacher will be invited to a transition meeting to determine whether formal capability proceedings need to be commenced or the appraisal process remains in place. The teacher may be accompanied by a trade union representative or work colleague and will have at least 5 working days' notice of the meeting.

9 APPEALS

Appraisees have a right of appeal against any of the entries in the written appraisal report. Details of the appeals process are available from the headteacher. Where the headteacher has not been recommended for pay progression he/she will be informed by the Executive Headteacher. The headteacher will notify any teacher who has not been recommended for pay progression of the date when the Local Advisory Board meets to consider pay recommendations, following which the teacher (and Headteacher when the head has not been recommend for pay progression) may exercise the right of appeal, assisted by a companion who may be a colleague, a trade union official or a trade union representative.

The order of proceedings for dealing with appeals is as follows:

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, he/she should seek to resolve this by discussing the matter informally with the decision-maker within ten working days of the decision. This is the Headteacher with ultimate responsibility for the decision and may not directly be the appraiser where this role has been delegated.
3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may follow a formal appeal process.

4. The teacher should set down in writing the grounds for questioning the pay decision and send it to the person (or committee) who made the determination, within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to above.
5. The committee or person who made the determination should provide a hearing, within ten working days of receipt of the written appeal, to consider the appeal and give the teacher an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the decision and the right to appeal.

10 GENERAL PRINCIPLES UNDERLYING THIS POLICY

ACAS Code Of Practice on Disciplinary and Grievance Procedures

The conduct of the formal capability stage will be undertaken in accordance with the provisions of the ACAS Code of Practice.

Consistency of Treatment and Fairness

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

Sickness

If long term sickness absence interrupts the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's/LA's absence policy and will normally 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 formal procedures to continue during a period of sickness absence. However, the views of the occupational health physician will always be taken into account before a decision is reached.

Grievances

Where a member of staff raises a grievance during the appraisal process, the appraisal or capability process may be temporarily suspended in order to deal with the grievance. Where the grievance and appraisal or capability cases are related it may be appropriate to deal with both issues concurrently.

Confidentiality & Professional Relationships

The appraisal and capability processes will be confidential. Only the appraiser's line manager or, where s/he had more than one, each of her/his line managers will be provided with access to the appraisee's plan recorded in her/his statements. This will be done upon request and only where this is necessary to enable the line manager to discharge her/his line management responsibilities. Appraisees will be consulted on requests for access to statements in the context of this policy.

The process of gathering evidence for performance review will not compromise normal professional relationships between teachers. The Trust recognises that the reviewer will consult with, and seek to secure the agreement of, the reviewee before seeking information from other colleagues about the work of the reviewee.

However, the desire for confidentiality does not override the need for the headteacher and the Executive Headteacher on behalf of the Trust to quality-assure the operation and effectiveness of the appraisal system. Ofsted may request anonymous confidential data. The headteacher or appropriate colleague might, for example, review all teachers' objectives and written appraisal records personally – to check consistency of approach and expectation between different appraisers. The headteacher might also wish to be aware of any pay recommendations that have been made.

Monitoring and Evaluation

The Executive Headteacher, as delegated by the Trust Board and individual academy headteacher's will monitor the operation and effectiveness of the school's/LA's appraisal arrangements.

The headteacher will provide the Local Advisory Board and Trust Board with a written report on the operation of the academy's appraisal and capability policies annually. The report will not identify any individual by name. The report will include an assessment of the impact of these policies on:

- Race
- Sex
- Sexual Orientation
- Disability
- Religion and Beliefs
- Age
- Part-time Status
- Maternity and Pregnancy

The headteacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

Retention

The Trust Board and individual academy Headteachers will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.