



# APPRAISAL PROCEDURE FOR SCHOOL BASED TEACHERS & CENTRALLY EMPLOYED TEACHERS

Cumbria County Council  
Children's Services

## **CUMBRIA COUNTY COUNCIL CHILDREN'S SERVICES**

### **POLICY FOR APPRAISING TEACHER PERFORMANCE**

Consultation with the recognised teaching unions has been carried out by the LA on your behalf for schools that adopt this policy.

#### **PURPOSE**

This procedure sets out how Cartmel CE Primary School 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.

It is recommended by the Director of Children's Services that this policy is adopted by schools.

#### **1 APPLICATION OF THE APPRAISAL POLICY**

This policy applies to the headteacher and to all qualified teachers employed at the school/academy/LA except those on contracts of less than one term and those undergoing induction (*i.e.*, *NQTs*) or teachers on capability procedures

Appraisal in this school/academy/LA 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 Governing Bodies/ LA's of schools with delegated budgets for establishing appraisal procedures and taking appropriate steps to make them known to staff at the school.

While a school has a delegated budget, the Governing Body will have control of all matters of appraisal relating to staff employed at the school/LA.

In reaching agreement on this procedure it is acknowledged that the employer is the LA except in the case of Voluntary Aided/Foundation schools/Academies where the Governing Body is the employer.

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 Chair of Governors/ Vice Chair and references to employee should be regarded as referring to the headteacher. In adopting this procedure, the Governing Body gives delegated authority to the chair of Governors to act as stated, except where in her/his absence, the Vice Chair may act.

#### **2 THE APPRAISAL PERIOD**

The appraisal period will run **for twelve months** normally from 1<sup>st</sup> 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/CET line manager or, in the case where the employee is the headteacher, the governing body 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 school/academy/LA part-way through a cycle, the headteacher/CET line manager or, in the case where the employee is the headteacher, the governing body 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**

The headteacher will be appraised by the Governing Body/LA and must be supported by a suitably skilled and/or experienced external adviser who has been appointed by the Governing Body/LA for that purpose.

The task of appraising the headteacher, including the setting of objectives, will be delegated to a sub-group consisting of normally 3, and no less than 2, members of the Governing Body.

In Voluntary Aided church schools (or academies which were formerly VA) the majority of governors must be foundation governors. In voluntary controlled (or academies which were formerly VC) and foundation schools at least one of the governors must be a foundation governor

Where a headteacher is of the opinion that any of the governors appointed by the governing body is unsuitable to act as his/her appraiser, s/he may submit a written request to the Chair of Governors for that governor 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

#### **Teachers**

The choice of appraiser is for the headteacher/CET line manager. Where teachers have an objection to the headteacher's/CET line manager's choice, s/he may submit a written request to for that appraiser to be replaced, stating the reasons for the request. The Headteacher/CET line manager 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/CET line manager will be qualified teachers and will have current or recent teaching experience.

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

If the headteacher/CET line manager 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/CET line manager is not the appraiser, the headteacher/CET line manager 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's/CET line manager's objectives will be set by the appraisal sub-group of the Governing Body/LA after consultation with the external adviser and the headteacher/CET line manager.

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 school will operate a system of moderation to ensure that all appraisers are working to the same standards. Targets will be moderated across the school/LA 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/CET line manager.

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 school's/LA's plans for improving the school's/LA's educational provision and performance and improving the education of pupils at that school/LA 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 /CET line manager or governing body (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 Model Teachers Pay Policy, September 2015.

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/CET line manager 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/CET 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 Governing Body/LA 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 Governing Body/LA 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 school/LA. The number and duration of appraisal observations will be in accordance with the school/academy/LA's 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/CET line managers 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 schools/LA'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.

This school/LA 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 school/LA 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 school's/academy's/LA's CPD programme will be informed by the training and development needs identified as part of the appraisal process. The governing body/LA 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/CET line managers annual report to the governing body/CET Steering Group about the operation of the appraisal process in the school/LA.

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 school/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 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.

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 (b) of STPCD and as referenced in section 6 of the Teachers Model Pay Policy 2015
  - '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 model 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/CET 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 inform the teacher that he/she has the right to be accompanied by a representative of an independent trade union or work place colleague, 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/CET line manager or from the school governing body. Where the headteacher has not been recommended for pay progression he/she will be informed by the appropriate governor. The headteacher/CET line manager will notify any teacher who has not been recommended for pay progression of the date when the governing body/CET Steering Group meets to consider pay recommendations, following which the teacher (and Headteacher when the head has not been recommended 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, Line Manager or Governors 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 Governing Body/LA 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 governing body 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/CET line manager and governing body to quality-assure the operation and effectiveness of the appraisal system. Ofsted may request anonymous confidential data. The headteacher/CET line manager 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/CET line manager might also wish to be aware of any pay recommendations that have been made.

## **Monitoring and Evaluation**

The governing body/LA and headteacher/CET line manager will monitor the operation and effectiveness of the school's/LA's appraisal arrangements.

The headteacher/CET line manager will provide the governing body/CET Steering Group with a written report on the operation of the school's/academy's/LA'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/CET line manager 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 governing body/LA and headteacher/CET line manager will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

## Appendix 1

### CLASSROOM OBSERVATION PROTOCOL

#### Introduction

This governing body/LA is committed to ensuring that lesson observation is developmental and supportive and that those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- seek to reach agreement in advance on how lesson observations are to be carried out;
- evaluate objectively;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

#### Planning and preparing for lesson observation

In keeping with the school governing body's/LA's commitment to supportive and developmental lesson observation the head teacher/CET line manager will:

- consult teachers on the pattern of lesson observation which they can expect annually and seek agreement with teachers and union representatives on these arrangements;
- ensure that those being observed for all purposes will be notified at least five working days in advance;
- arrange, as far as possible, for all observations to take place at a time agreed between the appraisee and the observer;
- ensure that there is a reasonable amount of time between lesson observations, irrespective of the purpose of those observations;
- ensure that classroom observation will be undertaken solely by persons with qualified teacher status (QTS) and the appropriate training and professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.

Planning for observation will take place at the start of the appraisal/performance management cycle and will include details of:

- the amount of observation;
- the focus of the observation;
- the duration of the observation;
- when during the performance management cycle the observation will take place; and
- who will conduct the observation.

In order that lesson observation is kept to a minimum, and to support efforts to deliver the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on appraisees, the information gathered will be used for multiple purposes, including informing school/LA self-evaluation and school improvement strategies. This will enable the head teacher/CET line manager, in the exercise of her/his duty to evaluate the standards of teaching and learning, and to ensure that proper standards of professional performance are established and maintained.

Before any lesson observation is conducted, there will be an opportunity for the appraiser and appraisee to meet within directed time in order that the context of the lesson to be observed can be discussed.

### **Conducting observation**

There will be a limit of a total of three observations for all purposes. In normal circumstances the total time occupied by all observations should not exceed three hours per year and the focus and timing must be agreed in the appraisee's performance management planning record.

Neither pupils nor governors will undertake observations (although governors may, by prior agreement with the teacher concerned, visit a lesson to familiarise themselves with their link area).

### **Feedback and records**

Oral feedback will be given as soon as possible after the lesson observation and no later than the end of the following working day. It will be given during directed time in a suitable, private environment. Time for preparation and feedback for lesson observation for performance management/appraisal purposes will be made available in addition to PPA time.

Written feedback will be provided within five working days of the observation taking place. If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement, these should also be covered in the written feedback and the appropriate action discussed with the appraisee.

The written record of feedback will include the date on which the observation took place, the lesson observed and the length of the observation. The appraisee has the right to append written comments on the feedback document. No written notes in addition to the written feedback and appraisee's comments will be kept. The appraiser will be given sufficient time within the school day to put in written form the conclusions agreed with the appraisee on the outcomes of the classroom observation.

Teachers will have access to all written accounts of the observation after their lessons and if they request, copies will be provided.