A guide to the appraisal process for Teachers

Non-statutory Guidance on Teachers’ and Head Teachers’ Appraisal and Capability
September 2012
The Guidance is to be used alongside the new Education (School Teachers’ Appraisal) (England) Regulations 2012 ¹ to provide additional guidance on the implementation of these regulations and what would constitute agreed good practice in relation to their implementation - See Appendix 1.

These Regulations 2012 do not apply to:-

a) NQTs as these are covered by the NQT Regulations 2012 or Statutory Guidance ²,
b) Any teacher employed for less than one term, or
c) Any teacher whilst that teacher is subject to capability procedures (Regulation 8 of the School Staffing (England) Regulations 2009(d).

In this document bold is used to denote what is statutory as it appears in the Education (School Teachers’ Appraisal) (England) Regulations 2012. Text that is not bold is included as good practice guidance which it is recommended schools follow.

This Guidance is intended to support Governors and Headteachers with the application of their new Model Policy and will compliment any training undertaken.

¹ http://www.legislation.gov.uk/uksi/2012/115/contents/made

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Section 1: Introduction

1.1 The Local Authority’s Leadership & Governance Team have prepared this guidance to support the introduction of the new Education (School Teachers’ Appraisal) (England) Regulations 2012 and accompanying Teacher Appraisal and Capability Policy from September 2012. It provides the benchmark for agreed good practice in relation to the revised appraisal and capability arrangements.

1.2 The Education (School Teachers’ Appraisal) (England) Regulations 2012 and this guidance apply to teachers and head teachers covered by the School Teachers’ Pay and Conditions Document (STPCD). The regulations do not cover school support staff.

1.3 This guidance is intended to support the development of a culture where teachers and head teachers feel confident and empowered to participate fully in an appraisal system with the following elements at its heart:

- An entitlement to sustained and relevant professional development
- To be able to engage in a professional dialogue about their work in an open and fair manner where their individual arrangements are managed effectively, transparently and fairly, and applied consistently.
- The process is consistent with the principles and practice of equal opportunities and the legislative requirements and duties which apply to schools and local authorities.

1.4 Appraisal is the process for assessing the overall success of a teacher or head teacher against the revised Teachers’ Standards, the individual’s job description and the provisions of the STPCD, and making plans for the individual’s future development in the context of the school’s improvement plan.

1.5 The information and data that schools collect for appraisal should be capable of being used in a number of different ways, for example, for school self-evaluation and school improvement and development planning. Schools should use the data collected for appraisal to inform other processes such as strategically planning professional development and its impact on evaluation. Best value for use of school budget to drive school improvement – new Ofsted re: funding rewards that evidence best value.

Section 2: Statutory framework

2.1 The statutory framework for appraisal in England is provided by The Education (School Teachers’ Appraisal) (England) Regulations 2012. The STPCD provides for how the outcomes of appraisal form the basis of decisions about pay and career progression. The basis for the appraisal regulations and the related provisions of the STPCD is provided in primary legislation by The Education Act 2002(a).

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³ https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00055-2012
Section 3: Roles and responsibilities

3.1 Governors, head teachers and teachers all have key roles and responsibilities in leading and managing the appraisal process. By way of a summary their main roles and responsibilities are as follows:

A. Governing Bodies:

- Establish the school's appraisal and capability policy, monitor the operation and outcomes of the arrangements, and review the policy and its operation as necessary.
- Appoint 2/3 governors to review the head teacher's appraisal on an annual basis.
- Appoint an external adviser to advise appointed governors on the head teacher’s appraisal.
- Make decisions about pay and career progression based on pay recommendations made by reviewers.
- Retain a copy of the head teacher's planning and review statement (normally the Chair of Governors) in a secure place for six years and at the end of this time to destroy it.
- Where the head teacher makes such a request, to action requests for evidence from the appraisal process to be transferred if the head teacher transfers mid-cycle.
- Ensure the content of the head teacher’s planning and review statement is drafted having regard to the need to be able to achieve a satisfactory work life balance.
- Ensure best value when setting budget for staff development and making pay decisions.
- Undertake action in relation to appeals in line with the school’s procedures.

B. Head Teachers:

- Report annually to the governing body on appraisal arrangements and on training and development needs.
- Play an active role in their own appraisal and professional development including taking action as agreed at review meetings.
- Act as an appraisal reviewer for all teachers at the school or, where appropriate, delegate the role of reviewer.
- Retain copies of all planning and review statements in a secure place for six years and at the end of this time to destroy them.
- Take account of review outcomes in school improvement planning and ensure the school produces and resources an effective plan for the professional development of its workforce.
- Establish a protocol for classroom observation for inclusion in the appraisal policy.
- Action any request from a teacher for evidence from appraisal to be transferred if the teacher moves school mid-cycle.
- Evaluate standards of teaching and learning and ensure proper standards of professional practice are established and maintained.
- Ensure that the teacher’s planning and review statement is drafted having regard to the need for a satisfactory work life balance.
C. Teachers:

- Play an active role in their own appraisal and professional development, including taking action as agreed at review meetings.
- Where the role of reviewer has been delegated to them in accordance with the regulations, act as reviewers for other teachers.
- Contribute to the annual planning and assessment of other teachers where appropriate.

Note: Work/life Balance - School Teachers Pay and Conditions Document 2010 paragraph 63.4

‘Governing Bodies and headteachers, in carrying out their duties, must have regard to the need for the headteacher and teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties and time to pursue personal interests outside of work. Governing Bodies and headteachers should ensure that they adhere to the working limits set out in the Working Time Regulations 1998 and the Working Time (Amendment) Regulations 2007.’
Section 4: Preparing for Appraisal

Appraisal Policies

4.1 Governing bodies must establish pay and appraisal policies which:
- set out the basis on which teachers’ pay will be determined
- describe how the appraisal arrangements will work (The DFE have produced a model Teacher Appraisal and Capability policy)
- includes a classroom observation protocol
- state the procedures for determining appeals
- ensure the policies comply with all the requirements of discrimination legislation.

4.2 Governing bodies should consult staff and seek to agree their pay and appraisal and capability policies and any revisions to them with the local secretaries of the recognised teaching trade unions. Policies should be reviewed as necessary in line with changing national legislation. It is not necessary to renegotiate the policy annually when changes occur to the STPCD and/or the accompanying statutory guidance unless there are obvious implications for appraisal and capability procedures. This should ensure fair and equitable treatment for all teachers and minimise the prospect of disputes and legal challenge of pay decisions. If after due consultation consensus is not fully achieved the governing body has the final say.

4.3 It is the responsibility of reviewers to ensure that:
- Objectives are set, including the success criteria
- The classroom observation protocol is followed
- Other evidence is gathered as necessary

- Where a reviewee is eligible they make a pay recommendation
  - The planning and review statement, are appropriate in terms of equal opportunities considerations
  - There is an ongoing dialogue between reviewee and reviewer to ensure that there are no surprises by the end of the appraisal period. It is recommended that there are recorded formal termly formative meetings between reviewers and reviewees that are undertaken during directed time and not in PPA or lunchtimes.

4.4 Appraisal and capability policies should also set out the timing of the appraisal cycle. It is good practice for schools to have a calendar of events and directed time activities for the academic year. The calendar should make clear the time lines for appraisal. Individual reviewers and reviewees will need to know specific times and dates. This calendar should be made available to all teachers and provide for equality of access.
Appointing Reviewers for the appraisal of Head Teachers

4.5 The governing body should appoint two or three members of the governing body as reviewers for the head teacher and ensure they receive appropriate preparation for their role. The governing body should seek to secure a balanced representation of reviewers, taking account of such factors as gender, ethnic group and age. The governing body should seek to appoint reviewers who have the knowledge and experience to carry out this role and who together reflect the profile of the governing body. Persons appointed as reviewers should not have any personal or pecuniary interest. Governors who are members of the school staff cannot be appointed as reviewers for the head teacher.

Appointing External Advisers for the Appraisal of Head Teachers

4.6 Governing bodies are required to take external advice on the appraisal of head teachers. The external adviser will support and advise the governing bodies, for example about:

- The progress the head teacher has made towards the previous appraisal objectives set by the governing body;
- suitable objectives for governors to agree with the head teacher for next review cycle; and
- how the school's appraisal systems are contributing to raising attainment, achievement and pupils' wider well-being.

Where schools need to appoint an external adviser, the governing body should adopt a process of selection that is open, transparent, relevant and appropriate. Persons appointed as external advisers should not have any personal or pecuniary interest.

Appointing Reviewers for the Appraisal of Other Teachers

4.7 The head teacher may either be the reviewer for teachers, or may delegate this role. Where the head teacher delegates this role, they will decide who will be the most appropriate reviewers for other members of staff, taking into account the roles and responsibilities of both the appraiser and appraisee, to ensure a practical, objective and effective model for conducting appraisal.

4.8 Wherever possible the role of reviewer should be delegated to the teacher’s line manager, i.e. the person who directs, manages and has a post of responsibility for the area in which the reviewee mainly works. The line manager should be best placed to undertake the reviewer functions. This is consistent with a distributive approach to school leadership and the recognition of these responsibilities through the revised staffing structures. All reviewers should receive appropriate preparation for their role. Schools may want to consider whether to dedicate all or part of one of the five teacher days for a whole school briefing on these revised arrangements.
4.9 In order to minimise the workload on individuals, schools may wish to place a limit for each reviewer on the number of teachers for which reviews have to be carried out. Schools may have to consider their responsibility structures in the light of the demands made on those appointed as reviewers. Schools may decide that several teachers in a large department or key stage should have line management responsibilities. Line managers should be paid an appropriate Teaching and Learning Responsibility Payment. In order to reduce the workload burden on reviewers and ensure that quality time is given to the process, schools may wish to use one of the five teacher training days, annually, for all planning and review meetings to take place.

4.10 If, in exceptional circumstances and for professional reasons, the reviewee wishes to request a change of reviewer where this role has been delegated, they may ask the head teacher to appoint an alternative reviewer of comparable or higher status in the staffing structure than the original reviewer. Any such request from a reviewee should be made in writing and state the reason for requesting a change. A head teacher requesting an alternative reviewer should send a written request to the chair of governors who will consider whether to accept the request. Where a reviewee’s request for change is not accepted, the reasons for this should be explained in writing by the head teacher (or in the case of the head teacher, the chair of governors) and be appended to the planning and review statement, together with the reviewee’s request.

**Arrangements for monitoring and reporting on the operation of the appraisal and capability policy**

4.11 Head teachers should provide the governing body with a written report every year on the operation of the school’s appraisal and capability policy, the effectiveness of the school’s appraisal procedures and teachers’ training and development needs. This could be included in the summer term head teachers report to governors.
Section 5: The Appraisal Process

5.1 The description of the process that follows begins with the planning process. Planning and review discussions would normally take place in a combined meeting and the outcomes of the meeting in relation to planning for the next cycle and the outcomes of the summative review of the previous cycle would be recorded in a single planning and review statement. The reviewer should ensure that there are no surprises by the end of the appraisal period. It is recommended that there are recorded, formal, termly, formative meetings between reviewers and reviewees, that are undertaken during directed time and not in PPA or lunchtimes.

The Planning and Review Meeting

5.2 The reviewer and reviewee should schedule planning and review meetings as far in advance as possible. The reviewer and reviewee should confirm that the scheduled meeting is taking place as planned at least 5 working days in advance. If the review meeting cannot take place as planned, a new date and time should be scheduled with at least five working days’ notice.

5.3 The reviewer and the reviewee should ensure they set aside sufficient directed time for the meeting. An hour should be sufficient in many cases. Lunch breaks and PPA time must not be used for this purpose. In remodelled schools, in most cases, there should be sufficient scope for short-term cover to be available for these meetings without the need for arranging supply cover. In some schools one or more of the teacher days have been scheduled at appropriate points in the cycle for planning and reviews.

Preparing for the planning and review meeting - reviewees

5.4 The planning and review meeting should be a professional dialogue between the reviewer and the reviewee. Reviewees should play an active part in the meeting making sure they put forward their views about their success and future development. They may find it helpful to consider the following ways of preparing:

For the review of the last cycle:

(a) Reflect on their achievement in the last appraisal cycle, including against the success criteria recorded in the planning and review statement and the Teacher Standards.
(b) Ensure they have copies of any relevant documentation and evidence, and written feedback on classroom observations.
(c) Identify any issues that have affected their success, positively or negatively
(d) Consider any issues about the planned support they needed/received.
(e) Assess the impact of the engagement in professional development, both their own and, as appropriate, their support for the professional development of others, recognising that it can take time for benefits to be realised fully and reflected in improved classroom practice.
In preparing for the next cycle:

(f) Consider what they would like to achieve in the next cycle taking account as appropriate of departmental, faculty, year group or whole school improvement plans.

(g) Consider their strengths and areas for development related to the Teacher Standards 4, and, where the reviewee is eligible for pay progression, the relevant criteria for pay progression set out in the STPCD.

(h) Identify what professional development might help them develop their practice

(i) Consider their professional aspirations.

These are points for reflection. There is no requirement for reviewees to provide written input on their reflections on the above points to inform the meeting, and schools should not impose one.

Preparing for the planning and review meeting - reviewers

5.5 Reviewers will want to be well prepared for the planning and review meeting, and may find the following helpful:

For the review of the last cycle:

(a) Check the planning element of the planning and review statement and that all the elements have been addressed

(b) Check that all documents to which they will refer at the meeting have been shared with the reviewee, to assist their preparation for it.

In preparing for the next cycle:

(c) Consider the improvement objectives of the school and the relevant key stage or curriculum area(s) and how these may be relevant to planning with the reviewee. For example, the school may have agreed a shared team, year, faculty or whole school objective covering all teachers, including the head teacher.

(d) Ensure they are familiar with the Teacher Standards, and the relevant criteria for pay progression set out in the School Teachers’ Pay and Conditions Document.

(e) Ensure they have consulted with relevant third parties with direct professional knowledge of the reviewee, about possible objectives for the next review cycle, success criteria, evidence, arrangements for collecting it and support to be provided to the teacher. Where the reviewee works for more than one line manager, the reviewer should consult other line managers in advance of the planning and review meeting about the issues to be explored in the next cycle.

(f) Be familiar with the CPD that the school can offer the reviewee to support the objectives and success criteria agreed. There should be a strategic agreement from the schools SLT as to what CPD is available for reviewers to help support the objectives that they agree with their reviewees.

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4 http://www.education.gov.uk/schools/leadership/deployingstaff/a00205581/teachers-standards1-sep-2012
Planning for next cycle

5.6 The reviewer and reviewee should start with an assessment of the reviewee’s success against the previous planning and review statement, their responsibilities within the school and the Teacher Standards. The planning and review statement should focus on priorities and areas where specific action is required. There is no need for every aspect of the reviewee’s Responsibilities to be covered in the plans.

5.7 The plans agreed should be realistic and manageable and enable the reviewee to achieve a satisfactory work/life balance. They should cover:

(a) The reviewee’s objectives
(b) The arrangements for observing the reviewee's success in the classroom;
(c) Any other evidence which will be taken into account in assessing the reviewee’s success
(d) The success criteria against which the reviewee’s success in each of the areas listed above will be assessed:
(e) The support that will be provided to help the reviewee to meet the success criteria;
(f) Timescales for the achievement of objectives and within which support will be provided where these differ from the length of the review cycle
(g) And the reviewee’s training and development needs and the actions that will be taken to address them.

Objectives

5.8 Reviewers are responsible for ensuring rigour when objectives are set. The use of numerical objectives and success criteria are permitted, but should be used sensitively. It is possible for teachers to be judged to have met their appraisal objectives (and be eligible for a pay recommendation) even if they have not achieved all the success criteria set, if there are reasonable mitigating circumstances for them not doing so. It is accepted good practice that three objectives should be set and that these should focus on priorities. They should be time bound, challenging, achievable, and reflect the need for a satisfactory work/life balance. A reviewee’s objectives should reflect any relevant team, year or whole school objectives. They should reflect the experience and aspirations of the reviewee.

5.9 Some objectives may be achievable within the appraisal cycle. Others may require a longer time span, in which case the record of objectives should show the milestones towards that objective to be achieved in the current cycle. Teachers should not be held accountable for progress towards objectives in cases where support has not been forthcoming or where support is inappropriate. Reviewees must record their concerns at the earliest date and share these concerns with the head teacher. Reviewees may wish to seek guidance from their union.
Classroom Observation

5.10 All classroom observation should be undertaken in accordance with the Education (School Teachers’ Appraisal) (England) Regulations 2012, the school’s appraisal policy, and the guidance below. There should always be a clear rationale and focus for any classroom observation and observations focussed on appraisal should be detailed in planning and review statement at the beginning of the appraisal cycle. Classroom observation should be proportionate to need and where possible multi-purpose so as to provide monitoring information for a range of other necessary purposes, such as school self evaluation or a school improvement programme, as well as appraisal. Where a multipurpose observation is to be undertaken, and this was not planned for in the reviewee’s planning and review statement, it must be made clear to the teacher prior to the observation taking place, what the various purposes are for the observation, who will conduct the observation and when it will take place.

5.11 Classroom observation is likely to include observation undertaken by the reviewer but it may include observation undertaken by others who have appropriate professional expertise, which must include having Qualified Teacher Status (QTS). Head teachers should ensure that all those who act as observers have adequate preparation and the appropriate skills to undertake observation and to provide constructive oral and written feedback and support.

5.12 Release time may not always be needed, but if it is, sufficient timetable release should be provided to enable the observer to give adequate time to the task and so that verbal feedback can be given as soon as possible. Ideally verbal feedback should be given immediately and in any case no later than the end of the next school day. Where appropriate, feedback should include an assessment of the quality of the lesson observed. PPA time must not be used for these purposes.

5.13 Classroom observation should be supportive and developmental. The observation record should be sufficient to meet the needs of individuals and the school (i.e. summarising the focus, what was learnt from the observation, the feedback given and any subsequent actions or other follow-up) but not represent an unnecessary burden. The written record of the observation should be made available to the reviewee within five working days of the observation. Following an appropriate period of reflection (no more than two days), if necessary, the reviewee should record any comments they may have on the record of the observation. The reviewee should be given the opportunity to sign the record as this will be used as evidence in the event of capability proceedings following.

5.14 Classroom observation may provide evidence of how a reviewee is making progress in relation to agreed objectives but it also enables the reviewer to assess a reviewee’s teaching more generally and thereby informs an assessment of the overall success of the reviewee against the Teacher Standards.
5.15 If concerns arise during the review cycle the reviewee and reviewer will meet as detailed in the DfE model policy Teacher Appraisal and Capability, to plan further monitoring and support that might include additional observations. This additional support will be in the form of an additional action plan (see section 5.34 for further details) that clearly identifies the issues, what success looks like in terms of addressing the issues, the support provided and how this will be monitored and assessed over a focused appropriate time period, which is relevant to the concern, which could be anything between 6-12 weeks. The reviewee is strongly advised to seek guidance from their union at this stage.

5.16 Teachers should have the opportunity to engage in classroom observation with other professional colleagues, by agreement, in order to review and develop their practice.

5.17 A head teacher has a duty to evaluate the standards of teaching and learning. Head teachers have a right to drop in to inform their monitoring of the quality of learning. In large schools they may delegate drop in to appropriate members of the leadership group.

Other evidence:

5.18 The other evidence which will be taken into account will normally be in the form of data or written feedback from specific individuals. Those providing evidence should always have direct professional knowledge of the reviewee’s work.

5.19 The other evidence may relate to any areas of the reviewee’s work which are not reflected directly in the reviewee’s objectives or classroom observation and help the reviewer to make a judgement about the overall success of the reviewee.

Success criteria:

5.20 The success criteria should indicate what success would look like at the end of the cycle. The success criteria should provide clarity about the basis on which the reviewer will assess the overall success of the reviewee based on progress towards objectives, classroom observation, and the other evidence. These matters should be determined taking into account the reviewee’s job description, the Teachers’ Standards, what can reasonably be expected of the reviewee, and, where the reviewee is eligible, the relevant pay progression criteria in the STPCD.

5.21 It is the responsibility of reviewers to ensure that success criteria are applied appropriately in terms of equal opportunities considerations. This could include groups such as part time employees, people with disabilities, carers, trade union members etc. Reviewers will need to consider the nature and scope of the success criteria, their relevance and appropriateness, the circumstances of the school, the needs of the individual, and whether or not the success criteria might be deemed to be either directly or indirectly discriminatory under the provisions of the relevant legal frameworks.
Support, training and development:

5.22 Appraisal is a developmental process and a key part of the planning discussion should be about the support that the reviewee may need to meet the objectives and success criteria. Support may take a number of forms, for example, time, coaching and mentoring, additional assistance in the classroom, equipment or ICT facilities. The type of support provided and who is to provide it should be mutually agreed between both the reviewee and reviewer, where possible. In considering training and development, going on courses is one possible option but both parties should recognise that a wide range of activities constitute professional development. Some of the most effective professional development is teachers learning from other teachers in the classroom. Teachers should not be held accountable for failing to make good progress towards meeting their success criteria where the support recorded in the planning and review statement has not been provided.

Recording Plans:

5.23 The planning and review statement provides the record of agreed plans and should cover all of the points set out in paragraph 5.7 above. A model planning and review statement is provided in the appendix to this guidance. At the end of the planning and review meeting, the reviewer should summarise the points that have been covered and are to be included in the statement. It may be helpful to make notes of the key content of the statement as practicable, in the course of the review meeting, as this avoids misunderstandings and minimises the workload for both reviewer and reviewee.

5.24 The reviewer should within five working days of the meeting produce a draft statement and provide the reviewee with a copy. The reviewee and reviewer should seek to agree the statement. The reviewee may request changes to the draft statement and make written comments on it. The statement should record all the required elements of the plans and be a fair summary of what took place at the meeting. The reviewee should, therefore, only be able to secure changes when the statement does not convey this fairly or where the wording is capable of the wrong interpretation.

5.25 The reviewer must within ten working days of the meeting, ensure a final statement is prepared. This ten day period must include an appropriate period of reflection, if necessary, for the reviewer and reviewee to sign the planning and review statement to confirm that it is an accurate reflection of what was agreed or determined by the reviewer. The reviewee can add any comments in writing and should countersign the additional comments. Reviewees may wish to seek guidance from their union. Where the reviewer is not the head teacher the reviewer gives the reviewee a copy of the final statement and passes the original to the head teacher for retention, or if the reviewee is the head teacher, to the Chair of Governors. The five and ten day periods referred to above can be extended if either party does not work or is absent from work during those school days following receipt of the draft success review and planning statement.
Moderation of plans and the scope for the head teacher to change planning and review statements:

Moderation of plans and scope for head teacher to change planning and review statements

5.26 The head teacher has a duty to ensure that these procedures and processes are applied fairly and consistently across the school and with regard to equal opportunities considerations. It is anticipated that head teachers will set up procedures for monitoring and moderating the plans for the forthcoming cycle agreed in planning and review statements. As part of this the head teacher may review planning and review statements, within 10 days of their completion, and where necessary instruct the reviewer to prepare a new statement prior to it being finalised and retained. It is not a statutory requirement for head teachers to review planning statements, but it is considered good practice and can really help avoid appeals regarding disagreements between reviewees and reviewers.

5.27 The governing body also have a duty to ensure that the head teacher’s appraisal is carried out fairly and consistently with regard to equal opportunities considerations. They may:

- appoint two or three governors to perform the moderation role or
- appoint the chair of governors; or
- have no system for moderating the head teacher’s planning and review statement.

The same timescales and procedures described for teachers would also be appropriate for head teachers.

5.28 Usually the grounds on which a head teacher may change the statement are that the statement is:

- Not consistent with those for other teachers with similar experience and/or who had similar levels of responsibility;
- Or that the statement was not in line with the school’s appraisal policy or school improvement plan.

5.29 If a head teacher is concerned about a statement, following discussion with the reviewer and reviewee, a revised statement must be prepared. The reviewer and reviewee must produce a revised statement within 10 working days of being instructed by the head teacher so to do. This ten day period must include an appropriate period of reflection, if necessary, for the reviewer and reviewee to sign the planning and review statement to confirm that it is an accurate reflection of what was agreed or determined by the reviewer. The reviewee can add any comments in writing and should countersign the additional comments. Reviewees may wish to seek guidance from their union.

Appeals:

5.30 Appeals are allowed under the appraisal part of this guidance at the following points:
(a) Following the head teacher’s moderation of the annual
planning and review statement, if the reviewee feels that their statement is not consistent (see section 5.28) with other teachers (of a similar level of responsibility) in terms of their planned objectives and success criteria, or judgements made about them in the review section, including pay progression decisions, they may appeal to the appeals committee of the governing body.

(b) An appeal is also available following any changes made to the statement during the cycle that has resulted from an additional meeting (see section 5.36, 5.37).

(c) An appeal is possible during the course of the appraisal cycle if a decision is made that a reviewee’s performance is not up to scratch and is in need of additional monitoring and support that will be detailed in an additional action plan.

Reviewees can appeal within 5 working days of the decision, setting out at the same time the grounds for appeal. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing. Simple disagreements should be capable of being resolved by discussion between the reviewer and the reviewee without recourse to an appeal. The appeals process will not stop the additional monitoring and support, of between 6 to 12 weeks that will be put into place as the reviewee moves into this stage of the appraisal process.

**Monitoring the appraisal cycle:**

5.31 During the cycle the reviewee should:

- Receive written feedback on classroom observation
- Receive written evidence from any persons or any data as determined at the planning meeting at the beginning of the cycle
- Receive feedback on their progress from the reviewer and the opportunity to discuss this;
- Be advised, at the time they arise, of any concerns and have the opportunity to discuss these with the reviewer; and
- Advise the reviewer of any concerns they have, at the time they arise, about progress, the provision of support or training.

5.32 All evidence gathered during the cycle must be shared with the reviewee as it is collected so that there are no surprises at the end of the cycle.

5.33 The reviewee is responsible for making sure that, during the appraisal cycle, they make the reviewer aware of things they consider have been helpful and impacted positively on their personal success. Similarly, reviewees should make their reviewers aware, as soon as possible, if they have any concerns about the professional development and other support they are receiving and of any changes in circumstances that might bear on their success.

5.34 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 (it may be appropriate to revise objectives, and it will be necessary to allow sufficient time for improvement. The amount of time is up to the school but should reflect the seriousness of the concerns);
• Explain the implications and process if no - or insufficient - improvement is made.

This additional support and monitoring should be summarised in an additional action plan so that is clear what the teacher has to achieve and how this will be measured and by when. Reasons for the dip in performance should be investigated and the teacher offered the necessary support such as counselling or referral to occupational health if necessary. Further support may be available from the teachers union or from the national Teacher Support Network.

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:**

5.35 If following a period of additional support and monitoring of 6 to 12 weeks, 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 they will be invited to a formal capability meeting. This decision will not be subject to attend an appeals process as there are appeals mechanisms within the capability process in this guidance. This may happen at any time during the appraisal year and is not just dependent on outcomes of annual or termly reviews but could come from the ongoing monitoring of the reviewee’s work at any time during the year. See further guidance on capability in Section 8.

5.35.1 Capability and the NQT

5.35.1.1 In a few particularly serious cases it may be necessary to instigate capability procedures at a stage before the end of the induction period. If this is the case, for as long as the NQT remains at the institution the induction process must continue in parallel with the capability procedure. The appropriate body should be informed.

5.35.1.2 Dismissal on the grounds of capability before the end of the induction period does not prevent the NQT from completing induction at another institution, as all NQTs must complete a full induction period before they can be judged to have failed induction.
What to do if plans need to change mid-cycle:

5.36 There may be occasions when it is necessary to review what has been agreed in the review statement during the appraisal cycle. For example:

- Where the reviewee’s post and/or responsibilities have changed;
- If there have been difficulties in accessing agreed support;
- Where the reviewee has been on maternity or long term sickness absence;
- Where reasonable adjustments required under the provisions of the Equality Act 2010 need to be made.

5.37 Where this is the case, either party can request a meeting as provided for above. Any proposed changes to the objectives, arrangements for classroom observation, evidence and arrangements for its collection, success criteria, or support available to the reviewee in the review statement must be recorded as a written addition to the statement. See sections 5.25 and 5.26 for details of the timescale to complete this and the head teachers moderation process.

Assessing success at the end of the cycle:

5.38 During the course of the year the reviewer will assemble information about the reviewee’s success as detailed on the planning and review statement. The reviewee should have the opportunity to present additional supportive information either at the review meeting or during the course of the year. All documentation must be shared between reviewer and reviewee at least 5 working days prior to the planning and review meeting, to ensure an informed discussion. During the appraisal cycle there should be an ongoing dialogue between reviewer and reviewee regarding the progress of the reviewee against the objectives and success criteria set at the start. There should be no surprises at the end of year review meeting. This is particularly important when the reviewee is in danger of being subject to capability as all evidence and concerns must have been raised and discussed prior to this.

5.39 At the review meeting, the reviewer and reviewee should:

(a) Seek to achieve a shared understanding of the progress made towards meeting the objectives and success criteria (referenced back to the Teachers’ Standards); and

(b) if appropriate, explore any issues that might have impeded the reviewee’s success.

5.40 The reviewer and reviewee should seek to agree an assessment of the overall success of the reviewee against the success criteria agreed at the beginning of the cycle. This should include, where the reviewee is eligible, making a recommendation on pay progression, taking into account the pay progression criteria. If the reviewer and reviewee cannot agree, the reviewer’s view will be recorded. The outcomes of the review meeting and the recommendation about pay progression should be recorded
in the planning and review statement. The reviewer must within ten working days of the meeting, ensure a final statement is prepared. This ten day period must include an appropriate period of reflection, if necessary, for the reviewer and reviewee to sign the planning and review statement to confirm that it is an accurate reflection of what was agreed or determined by the reviewer. The reviewee can add any comments in writing and should countersign the additional comments. This statement is then passed on to the head teacher for moderation (see section 5.26- 5.30). Reviewees may wish to seek guidance from their union.

Making a Pay Recommendation:

5.41 The School Teachers Review Body (STRB) are currently working on the implications of the new Teachers’ Standards and the new appraisal regulations for School Teachers Pay and Conditions (STPC).

5.42 Reviewers’ pay recommendations are passed to the head teacher as part of the planning and review statement and the head teacher passes the pay recommendation on to the governing body’s pay committee. Head teacher pay recommendations are also passed on to the appropriate committee of the governing body.

Confidentiality and access to statements:

5.43 The whole appraisal process and, in particular, the statements generated under it should be treated with confidentiality at all times. Reviewees should be informed in writing if anyone outside the appraisal process (other than their reviewer, the head teacher and the pay and appeals committee (if appropriate)) has been granted access to their statement and for what purpose.

5.44 The planning and review annex recording details of the support and development agreed at the review should be forwarded by the reviewer to the CPD leader and should be accessible to the teacher’s line manager.

5.45 Review statements for teachers should be retained by the head teacher (or, where the head teacher is the reviewee, the Chair of Governors) in a secure place on the school premises for 6 years.
Section 6: Specific issues for groups of teachers

Head Teachers

6.1 Appraisal provides the framework for the assessment of head teachers’ success in the context of their job description and the Teachers’ Standards. The procedure and process will mirror as far as possible the process for teachers. The key differences in the appraisal process for head teachers arise as a result of the role of the governing body in the process and the fact that the governing body takes advice from an external adviser on head teacher’s appraisal.

6.2 The external adviser will:
• Meet with the head teacher to discuss their progress prior to the planning and review meeting
• Provide advice to the governor reviewers during the planning and review meeting
• Offer to prepare the first draft of the appraisal statement.

Teachers who join or transfer to another school during the cycle:

6.3 Where a reviewee joins the school part way through the cycle the reviewer may or may not take into account the reviewee’s previous objectives and professional development in drawing up their new planning and review statement.

Teachers who are absent for a significant part of the cycle:

6.4 In assessing a teacher’s overall success, the reviewer should take account of what it was reasonable for the teacher to achieve, including against the objectives, during the time when they were not absent. It may be appropriate to revise the planning and review statement upon the return of the teacher to work. Teachers who are on maternity leave or teachers with serious health issues, for example cancer, should not be disadvantaged, in line with the Equalities Act 2010, and must be kept informed regarding the judgements and changes to the expectations for their appraisal.

Part-time teachers (including job-sharers):

6.5 Appraisal arrangements should apply on the same basis as for full-time staff, including the length of the review period. The same degree of challenge in the process should also apply but the breadth and volume of each element in the process should be proportionate to and reflect the period of time worked. The intention is to ensure that part-time staff have equivalent access to developmental support/feedback as their full time colleagues.

Teachers employed at more than one school:

6.6 Where a teacher is employed at more than one school the governing body of each school is responsible for ensuring that a named person acts as a reviewer and the appraisal arrangements are put in place for the teacher for the time they spend at their school.
Teachers on fixed-term contracts and teachers employed through an agency:

6.7 The circumstances in which teachers are employed for short periods of time vary substantially and the actual period of employment often extends beyond that which was first anticipated. In applying appraisal arrangements, every effort should be made to mirror as closely as possible all the arrangements for teachers permanently based at the school.

6.8 Head teachers will want to consider:

- Employment legislation which provides protection for staff on fixed-term contracts against being treated detrimentally in comparison to permanent staff. This is particularly significant where a teacher may be approaching eligibility for threshold assessment or progression on the upper pay spine.

- The definition of a year’s employment in paragraph 1.8 of the STPCD. The employing school should ensure that any teacher who has, or is anticipated to fulfil a year’s employment is considered for relevant pay progression in the same way as a permanent member of staff.

6.9 The head teacher or nominated line manager will want to discuss with each teacher employed on a fixed-term contract at an early stage how to proceed in relation to appraisal with a view to establishing an agreed approach that is appropriate to the circumstances.

6.10 Where a teacher working in a school is employed by an agency, to which the school pays a fee, there are no legislative requirements in relation to appraisal. If the teacher is likely to be in the post for a significant period of time, the school may choose to include the teacher in its appraisal arrangements. Arrangements in relation to teachers employed by an agency should also be reviewed with the teacher if the duration of the employment is extended significantly.

6.11 If a school considers full appraisal arrangements are not appropriate, it may wish to make alternative arrangements for the teacher to receive feedback at the conclusion of their placement at the school, possibly providing a statement from the school relating to the teacher’s work and success. The school will need to ensure that if there are concerns they are raised as they occur to give the teacher an opportunity to respond - there should be no surprises as they leave. The purpose of providing feedback would be:

- Seek to achieve and record a shared understanding of the progress made by the teacher towards meeting any agreed objectives and success criteria, in the context of the teacher’s job description; and

- Where appropriate, provide an opportunity for the teacher briefly to record their views.
Section 7: What happens during the first year of these arrangements:

7.1 The revised regulations and new Teachers’ Standards will come into force on 1st September 2012.

7.2 Schools should complete review meetings using the 2006 regulations and the TDA standards framework by the 31st August, prior to the introduction of the regulations and standards. Where necessary an additional planning and review meeting should be held and objectives and success criteria should be revised to take account of the change from the October 31st 2012 deadline. Particular sensitivity should be paid to teachers who might be judged to be not meeting their objectives and in particular where they are eligible for pay progression through a successful performance management pay recommendation.

7.3 An appraisal meeting should be held after September 2012 taking account of the new regulations and standards and the cycle of planning, monitoring and reviewing run from then.

OR

7.4 A school, in line with the DfE Teacher Appraisal and Capability - a Model Policy for Schools, could continue to apply the 2006 regulations and 2007 Teachers’ Standards to any performance management cycle which is currently in progress on 1st September 2012. This cycle must be completed by 31st October 2012 and the 2012 Appraisal Regulations and 2012 Teachers' Standards used from 1st November 2012.
Section 8: Guidance on capability arrangements:

8.1 At least five working days’ notice will be given of the formal capability meeting. This notification, will take the form of a letter inviting the teacher to a Formal Meeting outlining the following:

(a) Highlighting the areas of concern regarding the performance which isn’t being met, including reference to the professional standards
(b) The date, time and place of the meeting
(c) The right to be represented by a work colleague or trade union official, or a trade union representative who has been certified by their union as being competent.
(d) The possible consequence of the outcome of the meeting e.g. written warning, final written warning, or to continue to address the concerns through the appraisal process
(e) The possible review period - minimum 4 weeks up to 10 weeks.

Attached to the letter must be the additional action plan from the appraisal process outlining in detail the Teachers’ Standards not being met, the written evidence to support these concerns, which must have already been seen and discussed with the teacher – no surprises. This will enable the teacher to prepare for the capability meeting. The teacher should be strongly encouraged to contact their union for support. The union must contact the school if the proposed meeting time is not convenient to reschedule the meeting, if possible.

Note: Under the Employment Relations Act 1999, in the event of a meeting being postponed due to the non availability of the trade union an employee is entitled to propose an alternative time which must a) be reasonable, and b) fall within 5 working days after the day proposed by the school. The employee will be informed that if the trade union representative is not available the employee will have the right to choose another companion or alternatively the employee will have to attend without one as the meeting won’t be postponed again due to the non availability of the representative. This is why it is important for the date and time for future meetings to be agreed at the end of each meeting to ensure everyone’s availability. This applies to all stages of the Capability Process.

See letter 1 and Appendix 1 for the Action Plan

First Formal Capability Meeting:

8.2 The meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for head teacher capability meetings) or head teacher (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.
8.3 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.

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

- Identify the professional shortcomings, 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 straightforward cases could be between four and ten 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; and
- 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.

8.5 A letter confirming the outcome of the meeting will be sent to the teacher which will include:-

(a) A copy of the revised action plan - including i) continued areas of concern, professional standards, ii) monitoring process during the review period, iii) how evidence will be gathered and iv) the support programme etc (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).
(b) A copy of the notes.
(c) A formal warning or in very serious cases a final written warning. If a warning is issued warn the teacher formally that failure to improve within the set period could lead to dismissal.

OR

(d) Continue to address the concerns via the appraisal system - this could include someone from the school coaching and
mentoring the employee

(e) 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 - this can be included in the Action Plan

(f) The review period 4 up to 10 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).

(g) Date and time of the next formal review meeting

(h) The time limits for appealing against the formal warning.

Second Formal Capability Review Meeting:

8.6 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. The teacher should be strongly encouraged to contact their union for support. This date and time should have already been agreed at the First Formal Meeting.

The format of the second formal review capability meeting will be the same as for the First Formal Meeting.

8.7 The outcomes of the Second Formal Review Meeting are as follows:-

1. If the person conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will restart.

2. If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the First Formal monitoring and review period, when the formal warning was issued.

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

8.8 As before a letter confirming the outcome of the meeting will be sent to the teacher which will include:-

(a) A copy of the revised Action Plan - including i) continued areas of concern, professional standards, ii) monitoring process during the review period, iii) how evidence will be gathered and iv) the support programme etc

(b) A copy of the notes.

(c) An extension of the First Formal Stage, or final written warning is issued or the capability procedure will cease and the appraisal process will re-start

(d) Where an extension of the First Formal Stage, or a Final 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 - this can be included in the Action Plan
(f) The review period 4 up to 10 weeks
(g) Date and time of the next formal review meeting
(h) The time limits for appealing against the final warning.

The final written warning will mirror any previous warnings that have been issued.

Notes:-

(i) Where a final warning is issued, the letter confirming the outcome to the teacher will also include that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal.

(ii) Where a final warning was issued as part of the First Formal Meeting the teacher will be invited to a decision meeting (see below).

Third Formal Capability Decision Meeting:

8.9 Again, 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. The teacher should be strongly encouraged to contact their union for support. This date and time should have already been agreed at the Second Formal Meeting. The format of the Decision Capability meeting will be the same as for the Second Formal Meeting.

8.10 The outcomes of the Third Formal Capability Review Meeting are as follows:-

(1) 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.

(2) If performance remains unsatisfactory the following may happen:-

(a) The headteacher with delegated powers will make a decision as to whether or not to dismiss the teacher at this stage, or

(b) The headteacher will make a recommendation to the Governing Body that the teacher should be dismissed or required to cease working at the school. The teacher will be able to present their case to the governors of the appropriate Committee and be accompanied as per the previous stages. The headteacher will also be required to present the case on behalf of the school.

(c) In the event of the teacher being dismissed this must be confirmed in writing by a letter, outlining the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

(d) The Local Authority must also be notified within 14 days as they have to enact this decision and have the right to attend any dismissal hearings.
Note:- Before the decision to dismiss is made, the school will discuss the matter with the local authority - please contact your Senior Improvement Adviser

(3) If the person conducting the meeting is satisfied that the teacher has made sufficient improvement, the capability procedure will cease and the appraisal process will restart.

(4) If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the Second Formal monitoring and review period, when the final written warning was issued.

(5) If no, or insufficient improvement has been made during the monitoring and review period, the teacher will be referred to the governing body for dismissal, or may be dismissed if the headteacher has the delegated powers to dismiss.

(6) **For capability and the NQT, see Section 5.35.1, page 18.**
Section 9: Appeal Process for the Reviewee:

9.1 There are a number of ways a Reviewee can appeal under the Teacher Appraisal and Capability Model Policy:-

(a) **Appeals under the Appraisal Stage** - Section 5.30 details appeals under the appraisal stage of this guidance.

**Note:** It is hoped that the moderation role of the head teacher for teachers’ appraisal and the governing body for head teachers’ appraisal can also help to smooth out issues and prevent them from ending up in an appeals process.

(b) **Capability Stage**

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 being received in writing, 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, a letter confirming this decision and 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. In the case of a dismissal the appeal would be heard by the governors Appeal Committee.

**Final thoughts:** Implement the process consistently, robustly and in a way that ensures equity of treatment for all.
Appendices
Appendix 1 - CONFIDENTIAL
PART A: APPRAISAL ACTION PLAN

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<th>Review Date:</th>
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**Appendix 1 - CONFIDENTIAL**

**PART B: MODEL PLANNING AND REVIEW STATEMENT**

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- **Date of the start of the appraisal period:**
- **Date of the end of the appraisal period:**

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<th>Has the reviewee met the objectives to the reviewers satisfaction?</th>
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<td>If eligible, is the reviewee recommended for pay progression?</td>
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**Assessment of performance for the appraisal cycle just ended:**

- I agree with this assessment of my performance
- I do not agree with the assessment of my performance above and enclose my comments (please attach additional sheet(s)).

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Appendix 2(a) - CONFIDENTIAL

CAPABILITY LETTERS - Teacher Appraisal and Capability Policy

Letter 1 - Inviting the Teacher to a Meeting (same format for all the other meetings - just needs to be updated to reflect the current situation)

Personal

Dear

Re: Teacher Appraisal and Capability Policy - Formal Stage – Teacher

Further to our recent conversation, I am writing to confirm that you are required to attend a meeting as part of the formal stage of the Teacher Appraisal and Capability Policy to discuss your performance as a Teacher.

For your attention, I have attached the areas of concern, including the Teachers' Standards in detail that you are failing to meet as well as the evidence to support these areas of concern for your attention, which are attached in the Teacher’s Appraisal and Capability Grid (see Appendix 3). In addition, I have also attached the action plan from the appraisal process again detailing the Teachers' Standards which are not being met (see Appraisal Action Plan Appendix 1 Part B).

The formal meeting has been arranged for (insert date) 2012 at (insert time) at the school. In accordance with the Policy you have the right to be accompanied by a work colleague or trade union official, or a trade union representative who has been certified by your union as being competent, at this first formal meeting. If either of you are unable to attend this time, please advise me immediately. Under the Employment Relations Act 1999, in the event of a meeting being postponed due to the non availability of your trade union you are entitled to propose an alternative time which must a) be reasonable, and b) fall within 5 working days after the day proposed by the school - in this case the (insert date). I have to inform you that if your trade union representative is not available you have the right to choose another companion or alternatively you will have to attend without one as the meeting will not be postponed again due to the non-availability of your representative.

The outcome of this formal meeting could either be i) a formal warning, ii) a final written warning or iii) to continue to address my concerns through the appraisal process. In the event of a warning being issued, then a possible review period could be from 4 weeks up to 10 weeks.

I have also enclosed a further copy of the school’s Teacher Appraisal and Capability Policy for your information. If there is any aspect of the Policy which is not clear to you please do not hesitate to contact me or alternatively if you have any questions regarding this letter.

Yours sincerely

Headteacher
Appendix 2(b) - CONFIDENTIAL

CAPABILITY LETTERS - Teacher Appraisal and Capability Policy

Letter 2 - Confirmation of the Formal Review Meeting - Formal Warning Issued

Personal

Dear

Teacher Appraisal and Capability Policy - Stage 1 - First Formal Review Meeting - Formal Warning

I refer to the formal review meeting held on the (insert date) with (insert all names) and myself at which you were accompanied by (insert name).

During the meeting I went through the areas of concern regarding the Teachers’ Standards in detail that you are failing to meet which are listed below, as well as the evidence to support my concerns which we had circulated previously to you for the meeting.

#1 - Insert Teachers’ Standards: ………………………..

In particular my concerns regarding the following areas of your work can be summarised as follows:-

(a) Relationships with pupils
(b) Use of Assessment for Learning,
(c) Marking and feedback
(d) Delivery in lessons.

#2 - Insert the appropriate outcome:-

Options:-

At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting but in view of the seriousness of the areas of concern regarding your performance as a teacher, I therefore give you this formal warning (final warning) that your performance is unsatisfactory and that you must make every effort to improve your performance.

Or

At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting and I have therefore decided to continue to address the concerns via the appraisal system (this could include someone from the school coaching and mentoring the employee).

I also discussed with you the Programme of Support which was agreed with you to support you in achieving these Teachers’ Standards. In order to continue to assist you to reach the required level of performance it was agreed that the Programme of Support would continue. I have enclosed for your information the revised Teacher’s Appraisal and Capability Grid as discussed at our meeting.

It was agreed that your performance would be reviewed in (insert number of weeks - 4 up to 10 weeks). At this time a decision will be taken on appropriate action in the light of your
performance. There will however be an interim meeting to see how things are going on (insert date and time) with a second formal review on the (insert date and time) at the school. At the formal review meeting in (insert date), if you haven’t met the required standards a final written warning could be issued with a further (insert number of weeks - 4 up to 10) weeks review, and again if sufficient improvement hasn’t been made I could decide to refer your case to the governors of the Staff Disciplinary Committee for their consideration of a dismissal.

You have a right of appeal against this written warning which must be made to (name and job title), in writing, and received by him/her within 5 working days of the date of this letter.

If any problems arise during the review period which you wish to discuss please contact your union representative or me at the earliest opportunity.

Yours sincerely

Headteacher
Dear 

Teacher Appraisal and Capability Policy - Stage 2 - Second Formal Review Meeting - Final Written Warning 

I refer to the formal review meeting held on the (insert date) with (insert all names) and myself at which you were accompanied by (insert name). 

During the meeting I went through the areas of concern regarding the Teachers’ Standards in detail that you are failing to meet which are listed below, as well as the evidence to support my concerns which we had circulated previously to you for the meeting. 

#1- Insert Teachers’ standards: ....................... 

In particular my concerns regarding the following areas of your work can be summarised as follows:- 

(a) Relationships with pupils  
(b) Use of Assessment for Learning,  
(c) Marking and feedback  
(d) Delivery in lessons. 

#2 - Insert the appropriate outcome:- 

Options:- 

At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting but in view of the seriousness of the areas of concern regarding your performance as a teacher, in that none, or insufficient improvement has been made during the monitoring and review period, I therefore give you this final warning that your performance is unsatisfactory and that you must make every effort to improve your performance.
At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting and as you have made some progress and have clearly indicated that an improvement can be achieved in the other areas of concern, I have decided to extend the First Formal Monitoring and Review period, when the formal warning was issued, by a further ‘x’ weeks.

Or

At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting and I am pleased to inform you that as you have made sufficient improvement in all the areas of concern and the Teachers’ Standards, the capability procedure will cease and the appraisal process will re-start.

I also discussed with you the Programme of Support, which was agreed with you, to support you in achieving these Teachers’ Standards. In order to continue to assist you to reach the required level of performance it was agreed that the Programme of Support would continue. I have enclosed for your information the revised Teacher’s Appraisal and Capability Grid as discussed at our meeting.

It was agreed that your performance would be reviewed in (insert number of weeks - 4 up to 10) weeks. At this time a decision will be taken on appropriate action in the light of your performance. There will however be an interim meeting to see how things are going on (insert date and time) with a third formal review on the (insert date and time) at the school. At the third formal review meeting in (insert date), if you haven’t met the required standards, I could decide to refer your case to the governors of the Staff Disciplinary Committee for their consideration of a dismissal.

You have a right of appeal against this final written warning which must be made to (insert name and job title), in writing, and received by him / her within 5 working days of the date of this letter.

If any problems arise during the review period which you wish to discuss please contact your union representative or me at the earliest opportunity.

Yours sincerely

Headteacher
Personal

Dear

Teacher Appraisal and Capability Policy - Stage 3 - Third Formal Review Meeting - Referral to Governors or a Dismissal

I refer to the second formal review meeting held on the (insert date) with (insert all names) and myself at which you were accompanied by (insert name).

During the meeting I went through the areas of concern regarding the Teachers’ Standards in detail that you are failing to meet which are listed below, as well as the evidence to support my concerns which we had circulated previously to you for the meeting.

#1 Insert Teachers' Standards: ....................

In particular my concerns regarding the following areas of your work can be summarised as follows:-

(a) Relationships with pupils
(b) Use of Assessment for Learning,
(c) Marking and feedback
(d) Delivery in lessons

#2 Insert the appropriate outcome:-

Options:-

At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting, I am pleased to confirm that as an acceptable standard of performance has been achieved during the monitoring and review period, the capability procedure will now end and the appraisal process will re-start.

OR

At the meeting full consideration was given to the points that you and (insert name of the representative) raised during the meeting, I am pleased to confirm that as some progress has been made towards an acceptable standard of performance, I have decided to extend the Second Formal Monitoring and Review period, when the final written warning was issued, by ‘X’ weeks.

OR

At the meeting full consideration was given to the points that you and (insert
name of the representative) raised during the meeting, but unfortunately, in that none, or insufficient improvement has been made during the monitoring and review period, I therefore decided to refer your case to the governors of the Staff Disciplinary Committee for their consideration of your dismissal from the school under the Capability Procedure.(or may be dismissed if the headteacher has the delegated powers to dismiss).

If the governors decide to dismiss you from the school under your contract of employment you will be entitled to receive ‘x’ weeks notice (insert statutory period of notice) and your employment will therefore terminate on (insert date - end of the notice period). During your notice period you will not be required to attend work. Your salary/wage will be paid at the normal times during this period.

The meeting will be conducted in accordance with the school’s Teacher Appraisal and Capability Policy. I will be presenting the case on behalf of the school and have therefore enclosed a copy of the papers which I will be referring to as part of my case. At the hearing you will be given the opportunity to state your case either in person or through your work colleague or trade union representative. You will also be given the right to be accompanied by a work colleague or trade union representative.

In the event of you not being able to attend due to health reasons, I have to inform you that the meeting will proceed in your absence. At the meeting you may have the following options:-

1) To attend and to be accompanied by a trade union representative or a work colleague.
2) For your trade union representative or work colleague to present a case on your behalf.
3) For you to submit a written paper outlining your presentation, which can be presented on your behalf by a trade union representative or work colleague.

If the governors of the Staff Disciplinary Committee decide to dismiss you from the school you will have a right of appeal against your dismissal to the governors of an Appeals Committee. Any appeal must be given in writing to (name and job title), within 5 working days of the date of the dismissal letter. The appeal will be arranged during your notice period. In the event of you deciding not to appeal consideration can be given of making a full payment in lieu of notice by the governors. Following the decision of the Appeals Committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeal Committee overturning the decision you will be reinstated.

I am sorry that it has been necessary to take this action but as I explained to you at the meeting the school can no longer sustain your unsatisfactory performance and the needs of the school and the pupils’ education need to be considered. If you have any queries regarding this letter please do not hesitate to contact me. I would be grateful if you could let me know whether or not you intend attending the meeting.

Yours sincerely

Headteacher
Appendix 3 - CONFIDENTIAL

Teacher Appraisal and Capability Grid
(The Grid must be attached to the letter)

This gives a more detailed breakdown of a) The areas of concern, b) Teachers’ Standards, c) actions d) support programme and e) evidence base.

Name: 
School: 
Date: 

<table>
<thead>
<tr>
<th>Area of concern - professional standard required</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Detail of the area of concern Agreed action tasks to achieve the standard</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Agreed support programme including training &amp; development</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support to be provided by: name / job title / role</td>
<td>Timescale</td>
</tr>
</tbody>
</table>
Appendix 4: Performance Monitoring Plan

<table>
<thead>
<tr>
<th>Name:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Targets¹:</th>
<th>Evidence that shows the target(s) have been met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sets high</td>
<td></td>
</tr>
<tr>
<td>expectations</td>
<td></td>
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<tr>
<td>which</td>
<td></td>
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<tr>
<td>inspire,</td>
<td></td>
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<tr>
<td>motivate &amp;</td>
<td></td>
</tr>
<tr>
<td>challenge</td>
<td></td>
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<tr>
<td>pupils</td>
<td></td>
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<tr>
<td>Promotes</td>
<td></td>
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<tr>
<td>good progress</td>
<td></td>
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<tr>
<td>&amp; outcomes</td>
<td></td>
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<tr>
<td>by pupils</td>
<td></td>
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<tr>
<td>Demonstrates</td>
<td></td>
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<tr>
<td>good subject</td>
<td></td>
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<tr>
<td>&amp; curriculum</td>
<td></td>
</tr>
<tr>
<td>knowledge</td>
<td></td>
</tr>
</tbody>
</table>

¹ Add to or tailor target objectives as required
<table>
<thead>
<tr>
<th>Targets 2:</th>
<th>Evidence that shows the target(s) have been met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plans &amp; teaches well structured lessons</td>
<td></td>
</tr>
<tr>
<td>Adapts teaching to respond to strengths &amp; needs of all pupils</td>
<td></td>
</tr>
<tr>
<td>Makes accurate &amp; productive use of assessment for learning, marking and feedback</td>
<td></td>
</tr>
<tr>
<td>Manages behaviour effectively to ensure a good &amp; safe learning environment</td>
<td></td>
</tr>
</tbody>
</table>

2 Add to or tailor target objectives as required
<table>
<thead>
<tr>
<th>Targets&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Evidence that shows the target(s) have been met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fulfills wider professional responsibilities</td>
<td></td>
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<td></td>
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</tbody>
</table>

<sup>3</sup> Add to or tailor target objectives as required
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