



Teachers' Appraisal Policy

Review: Every two years

Date	HT	Chair	Date of next review
26.01.26	M Hibbert	C Glynn	Jan 2028

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Please note-statutory requirements from The Education (School Teachers' Appraisal) (England) Regulations 2012 are shown in **bold** below, other recommended content either from the DfE model policy or from the Local Authority is shown in plain type.

Policy for Appraising Teacher Performance

The Governing Body of Weston On Trent C of E (Aided) primary School adopted this policy on 26th January 2026

It will review it in 2 years

(The Governing Body is required to adopt and make available to teachers employed at the school a document which sets out the appraisal process for such teachers).

1. Purpose

This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including school leaders, and for supporting their development within the context of the school's plan for improving educational provision, performance and the standards expected of teachers. The school is committed to providing high quality professional development that supports pupils in achieving their potential. The policy is intended to reflect the principles of fairness, equity and confidentiality.

2. Application of the Policy

The policy covers appraisal, applies to all teachers and school leaders the employed by the school, except those on contracts of less than one term, those undergoing an induction, (i.e., ECTs), and those subject to".... the Formal Competence Procedures.

The policy will be applied in a way that is robust whilst ensuring that there is no increase in the workload for teachers, line managers, school leaders and governing bodies.

Appraisal in this school will be intrinsically supportive and developmental, intended to foster professional dialogue between colleagues and designed to ensure that all teachers have or fully develop the skills and access to support they need to carry out their role effectively. It will contribute to ensuring that teachers are able to continue to improve their professional practice and to develop as teachers.

Whilst the appraiser is responsible for taking a lead role in managing the appraisal process with an individual teacher, the appraiser and the teacher should seek to reach agreement on all aspects of an individual's annual appraisal to include:

- The objectives
- The evidence to be used to measure success including the length, timing, and scope of any lesson observations
- The success criteria
- The content and context of any interim review
- Any changes to be made within the appraisal period
- The content of any documentation

- The outcome.

All appraisal activities will take place within the teacher's directed time, but not within PPA time.

Minor concerns will initially be addressed completely informally outside of any process. Where concerns persist, the normal appraisal procedure will be used to address any concerns that are raised about a teacher's performance. Where it has not been possible to satisfactorily address any concerns through the normal appraisal process, the Appendix, 'Teachers Experiencing Difficulty – Advice on Informal Structured Support and Monitoring', should be used to deal with situations where a teacher's level of competence falls below expectations. Consideration will need to be given to the application of the Formal Competence Procedure if there is insufficient improvement after the completion of the Teachers Experiencing Difficulty – Informal Structured Support and Monitoring

3. Appraisal

The Appraisal Period

The appraisal period will run for twelve months from September to September to match with the academic year. The process of undertaking appraisal reviews and making pay recommendations will be completed by 31 October, except for the Headteacher. The process for the Headteacher will be completed by 31 December.

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 and an individual teacher's objectives should take account of the length of the contract.**

Where a teacher begins employment with the school the Governing Body may determine that the initial appraisal period in respect of that teacher is shorter or longer than 12 months. Where a teacher starts their employment at the school part-way through a cycle, the Headteacher, or in the case where the teacher is the Headteacher, the Governing Body shall determine the length of the first appraisal cycle, with a view to bringing the cycle into line with that for other teachers at the school as soon as possible.

Appointing Appraisers

Headteacher

The Headteacher/school leader will be appraised by the Governing Body, supported by a suitably skilled and/or experienced external adviser who has been appointed by the Governing Body for that purpose.

In this school the task of appraising the School Leader, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body. Should one member of the sub-group be unable to attend the appraisal meeting, it may proceed with two Governors. If the School Leader is of the opinion that one of the sub-group is unsuitable to act as their appraiser, they may write to the Chair of Governors to request that they be replaced, giving reasons. The Chair will reply in writing with their decision. *(Schools purchasing the Schools' HR Advisory Service should seek their support in considering the request).*

Teachers

The School Leader will decide who will appraise other teachers. Where teachers have a concern about their nominated appraiser, they may write to the School Leader, giving reasons. Where concerns are raised these will be carefully considered by the School Leader and an alternative appraiser may be offered, if possible. The School Leader will reply in writing with their decision. (the teacher retains a right of appeal in relation to this decision) It is anticipated that appraisers will be those who hold some management role in relation to the teacher, unless the School Leader has reason to nominate another appropriate appraiser. The nominated appraiser will hold an appropriate position in the staffing structure and have the necessary, knowledge, skills and experience to undertake the role. If, for any reason, the nominated appraiser is unable to conduct the role, an appropriately experienced alternative colleague will be appointed.

The appraiser will conduct all aspects of the review, including making pay recommendations.

It is advised that each appraiser is allocated no more than 4 teachers to appraise.

Where there are concerns about a teacher's performance, and the School Leader is not the appraiser, the School Leader may consider undertaking the role themselves or appoint an alternative senior member of staff.

The Planning Meeting

The planning meeting will include:

- The setting/agreeing of objectives
- Evidence to be collected
- Identifying success criteria
- Deciding the support/training programme
- Determining the focus and timing of observations

School Leader

The Headteacher's/School Leader's objectives will be set by the governing body sub-group after consultation with the external adviser and the School Leader. The governing board has a duty to have regard to the work-life balance of the Headteacher/School Leader and objectives will reflect this.

Should agreement not be reached between the School Leader and governors, the sub-group of governors may determine the objectives. In line with the section on representation and appeals, if the School Leader believes the objectives are not suitable they should raise the matter with the Chair of Governors in writing, in the first instance.

Teacher

Objectives for each teacher will be set before, or as soon as practicable after, the start of each appraisal period. The School Leader has a duty to have regard to the work life balance of the teacher and the objectives will reflect this. The objectives set for each teacher, will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the

teacher's role and level of experience. Objectives and appraisal discussions will not be based on teacher generated data and predictions, or on pupil assessment data.

Detailed advice on setting and appraising appropriate performance targets as agreed by the Teacher Workload Advisory Group is provided in:

The DfE Teacher Workload Advisory Group Report "making data work" report - 2018

Some relevant points from the report are summarised below:

- *teachers should have goals that are within their control, that are closely tied to actionable behaviours, and that are aspirational and achievable,*
- *the performance of a single exam class should not be used as a principal measure of teaching quality in a performance management system,*
- *pay progression 'should never be dependent upon quantitative assessment metrics, such as test results',*
- *while data based on commercially produced predictions can play a helpful role in informing professional conversations about pupil achievement and the work of teachers, these systems produce ranges of grade estimates and inaccurate grade targets, and should therefore not be treated as accurate targets,*
- *current practice in using pupil attainment data in teacher performance management systems is often poor,*
- *research demonstrates that using quantitative metrics to judge teacher performance is difficult since few of the practices that can be codified and measured straightforwardly are highly correlated with teacher quality,*
- *pupil assessment scores, grades in lesson observations, and scores following book scrutiny are all quite poor proxies for whether or not somebody is teaching well, and if teachers are held to account for things that are largely outside their own control, such as a pupil's test performance or progress based on flight paths, it is not only unfair but induces high levels of stress and is likely to lead to burnout and ultimately attrition from the profession.*

In setting the objectives, appraisers will have regard to the context of the teacher and the demands of the objectives, consistent with the school's approach to promoting staff wellbeing. The Teachers' Standards will inform the objectives set for the teacher.

The appraiser and appraisee will seek to agree the objectives. Objectives may be revised if circumstances change e.g., to take account of any anticipated absence in order to allow the teacher to meet reduced and attainable targets.

Objectives may need to be revised if during the appraisal cycle there are concerns that Teachers' Standards are not being met. Any amendment to the objectives which will need to reflect the progress required to meet Teachers' Standards will be recorded in writing and the expectations of the teacher clarified. The revised objective(s), of which there will remain a maximum of three, unless mutually agreed otherwise, will be made clear to the teacher in writing with sufficient notice given and relevant support/development strategies put into place, with the aim of improving the situation, through the normal appraisal process in the first instance.

Any amendment to the objectives or supporting requirements will be recorded in writing and the expectations of the teacher clarified. The teacher may add comments on the appraisal planning statement and these will be taken into account at the appraisal review.

The School Leader will moderate the appraisal process to ensure objectives are consistent between teachers with similar experience and levels of responsibility. If agreement cannot be reached between the appraiser and appraisee, the appraiser will determine the objectives but the final decision rests with the School Leader, through the moderation process. If a teacher wishes to raise concerns, about any aspect of the appraisal process they should follow the procedures outlined in the representation and appeals section below.

The measures of success for meeting the objectives should be made clear to the teacher and recorded. Teachers and their appraisers will identify expected sources of evidence for achievement of objectives and fulfilment of relevant standards but this will not preclude the addition of other sources of information that may become available, provided they are mutually agreed to be relevant. Appraisers will seek to identify a comprehensive range of sources of information to be utilised as a basis for assessing performance and the achievement of objectives. Sources of evidence should be agreed with the teacher, where possible, and the teacher may record any reservations they hold on the planning statement. If a teacher wishes to raise concerns, about any aspect of the appraisal process they should follow the procedures outlined in the representation and appeals section below.

The planning statement will also contain details of any support and development which the teacher will receive to support them in achieving the objectives.

The objectives set for each teacher will, if achieved, contribute to schools plans for improving the school's educational provision and performance and improving the education of pupils at the school. Objectives should also have a strong focus on effective professional development to ensure that teachers stay up to date with the latest methodologies, technologies, and educational research. This will be ensured by the School Leader (or for the Headteacher's objectives, by the sub-group with the external adviser's help) quality assuring all objectives against the school improvement plan. The teacher's professional aspirations will be taken into account when setting objectives.

In this school no more than 3 objectives will be set for each teacher, unless mutually agreed otherwise. It is recognised that some objectives incorporate greater scope and breadth than others. It is expected that objectives will reflect the range of each teacher's role, responsibilities and working time. Objectives will address key areas of core professional practice.

The expected level of performance will be reflected and specified in the wording of success criteria.

The success criteria should be aligned to a teachers' continuous professional development plan, aspiration, experience and skills set.

As per DfE advice on access to the Upper Pay Range (UPR), schools should avoid confusing and conflating the criteria and factors for the award of TLR payments with the criteria for movement to the UPR, both within the context of additional responsibilities, objective setting, and when making pay decisions.

The success criteria for teachers with additional responsibilities i.e., those in a TLR role or who hold another remunerated post in the school structure, are likely to include a particular focus on those responsibilities and accountabilities. The criteria may include:

- Impact on wider outcomes for pupils

- Improvements in specific elements of practice
- Impact on effectiveness of other teachers/staff
- Wider contribution to the improvement of the school.

Appraisers will consider whether reasonable adjustments to the objectives are appropriate, in the light of an individual's circumstances, for instance where the teacher has a disability or has experienced long term absence.

Before, or as soon as practicable after, the start of each appraisal period, each teacher/Headteacher/Senior Leader will be informed of the standards against which that teacher's performance in that appraisal period will be assessed. With the exception of those who are qualified teachers by virtue of holding Qualified Teacher Learning and Skills (QTLS) status all teachers must be assessed against the set of standards contained in the document called "Teachers Standards" Published in July 2011. For teachers who are qualified teachers by virtue of holding QTLS status, it is for the governing body or School Leader to decide which standards are most appropriate.

The relevant standards are not to be used as a checklist, but instead will inform the objective setting process, and a successful appraisal cycle will be taken as indicating that a teacher is achieving these standards.

Observation and Other Evidence

This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance, in order to identify any particular strengths and areas for development they may have, and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion, not add to teacher workload and in an atmosphere of constructive engagement, collaboration and co-operation. (see Classroom Observation protocol attached).

There will be a limit of 3 Classroom observations per academic year for all purposes except when agreed otherwise (please see below) or if the teacher is on a formal support programme (TED) or in formal competence procedures. All observations will be planned and identified at the outset with the focus, timing, etc., discussed at the planning meeting with the aim of reaching agreement with the teacher, so that unnecessary duplication can be avoided. Single lesson observations will last a maximum of one hour unless agreed otherwise. The focus and timing will be recorded in the teacher's planning statement. Following discussion, the appraiser and teacher may agree to revisit the amount of lesson observations in order to support achievement of the objectives. The current Teachers' Standards will inform and underpin the objective setting process. Any such changes will be formally recorded within the appraisal documentation and signed by appraiser and appraisee.

Classroom observation will be carried out by those with QTS.

In general, observations will be multi-purpose and provide information regarding the teacher's strengths, achievement of objectives and standards, development needs as well as contributing to the school's quality assurance processes. The school will seek to minimise the total number of occasions on which teachers are observed by using the findings of each observation for other management requirements (like subject reviews) where possible. It is not a requirement to utilise all 3 observations allowed annually, Observations will not be arranged as a matter of

routine but will have clear purpose, in relation to the teacher's development needs and/or the school's quality assurance programme.

Teachers (including the Headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed. To be fair and transparent, assessments of performance will be properly rooted in evidence. The range and level of evidence collected for appraisal purposes will always be proportionate and not add to workload. (See also Annual Assessment section on pages 11-12)

Classroom observation is helpful in identifying the specific strengths and areas for development of individual teachers. The school is committed to providing accurate feedback in order for teachers to benefit from support that is tailored to their professional development needs. The planned and focused sharing of staff's strengths, to enhance the skills of colleagues, is believed to be one of the most powerful strategies for continuing professional development, promoting a culture of collaborative reflective practice.

Any other additional observation (eg. Peer observation, Coaching/Quality Assurance) has to be agreed with the teacher or with trade unions. This type of observation will be arranged for the purposes of professional development and will not be used to provide evidence of a teacher's performance, and is not included in the three observations allowed annually.

Feedback will be provided, taking account of the Teachers' Standards that are relevant to the particular activity observed (and other standards relevant to the individual) and appropriate development activities identified. Observations should be utilised, in order for the school leadership to formulate, along with other information indicating quality of teaching across the school, reports for governors, priorities for school improvement initiatives and training and development activities.

Development and Support

Appraisal is intended to be, and feel like, a supportive process. It will be used to inform continuing professional development (CPD). The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development, and where the appraisal process is developmental and fosters professional dialogue between colleagues. Opportunities for professional development will be linked to school improvement priorities and to the ongoing development needs and priorities of individual teachers. Teachers will be expected to evaluate the impact of their CPD and share their learning with colleagues, where appropriate, in line with the school's approach to CPD. Self-evaluation of performance against the Teachers' Standards and their own objectives will be facilitated.

The school's CPD programme will be informed by the training and development needs identified as part of the appraisal process. The governing body will take account of the resources needed for the operation of the appraisal process, in setting the school budget annually.

Where there are competing demands on the school budget with regard to the provision of CPD, a decision on the relative priority will be informed by the extent to which:

- a) The training/support will help the school achieve its priorities.
- b) The identified CPD is essential for the appraisee to meet their objectives.

Account will be taken in the annual review of performance of whether the support/development recorded in the planning statement has been delivered.

Feedback and In-Year Monitoring

The appraiser and teacher will confirm to each other when any piece of evidence to be cited for appraisal purposes is identified.

Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place, or other relevant evidence relating to the performance management planning and review process, has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

There is no requirement to schedule formal meetings. It is important to maintain ongoing professional dialogue to track progress towards the objectives and check on the provision of support and training. Interim review meetings may be held, if significant evidence relating to the planning and review process comes to light and it is impractical/inappropriate to wait for the next scheduled annual review meeting. The evidence must be provided to the teacher 5 working days prior to any scheduled review meeting. They may also be held if both appraiser and appraisee agree that these would be useful. Any meetings taking place as part of appraisal will be held in directed time, but not the teacher's PPA time.

If there are concerns about a lack of progress towards objectives or concerns that standards are not being met, this will be made clear to the teacher in writing with sufficient notice given and relevant support/development strategies put into place, with the aim of improving the situation, through the normal appraisal process in the first instance.

If this fails to improve the situation, please refer to section on teachers experiencing difficulties and then the appendix 'Teachers Experiencing Difficulties Advice on Informal Structured Support' for the process of dealing with on-going concerns about potential underperformance.

Annual Assessment

Teachers' performance is assessed against their objectives, which will reflect the relevant standards. The appraiser will need to set out what they will take into account when making judgements as to whether teachers have met their objectives and the relevant standards. Evidence used in the appraisal process must relate directly to objectives and should be agreed in advance and be readily available from day-to-day practice. Numerical pupil data targets and/or results should not be used to assess teachers' performance or influence appraisal outcomes, as these are beyond the teacher's direct control.

No request to submit additional evidence will be made to the teacher at the review meeting, although teachers may provide additional information if they wish.

Each teacher's (& Headteacher's/Senior Leader's) performance will be formally assessed in respect of each appraisal period. The objectives are the focus of this process. **In assessing the performance of the Headteacher/Senior Leader, the Governing Body must consult the external adviser.**

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year as appraisers maintain ongoing professional dialogue with their appraisee(s). There should be no

surprises concerning the overall assessment of a teacher's performance at the annual review meeting.

The teacher will receive as soon as practicable, following the end of each appraisal period – and have the opportunity to comment in writing on - **a written appraisal report**. (in practice the report could be produced using online performance management systems, which can help to reduce workload) In this school, teachers will receive their written appraisal reports by 31 October (31 December for the Headteacher). **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.** Teachers will be deemed to be meeting their appraisal objectives (and therefore the Teachers' Standards and any other relevant standards) unless concerns have been raised with them during the cycle in writing and clear documented evidence to the contrary is provided which will have been provided to them during the cycle. It would not be appropriate to raise concerns only near the end of the cycle, when there would not realistically be sufficient time for the teacher to have the opportunity to address these concerns before the end of the cycle. Only the appraisal review statement, including any updates made during the year will be used in the assessment.
- **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** (NB – pay recommendations need to be made by 31 December for Headteachers and by 31 October for other teachers).
- details of a discussion on wellbeing and workload and career progression/aspirations.
- a space for the teacher's own comments about the report and its conclusions.

The appraisal report will be drawn up in discussion between the appraiser and the teacher.

The assessment will clearly relate to the success criteria set for each

If objective(s) are not fully met, this should not necessarily be regarded as an unsuccessful appraisal cycle, provided that reasonable progress towards those objective(s) has been made. In any case, for the cycle to be deemed unsuccessful, the school must have raised with the teacher and recorded concerns in writing during the cycle as set out in this policy.

The assessment of performance and of training and development needs will inform the planning process for the following appraisal period. It is expected that the discussion will include the utilisation and impact of training and development undertaken and any contribution the teacher has made to the development of a colleague(s). *Appraisers may include reference to any significant impact in the appraisal report.*

The Governing Board or School Leader must moderate the appraisal process with reference to the teachers' objectives.

Pay Progression

Subject to the provisions of the school's pay policy, school leaders, leading practitioners and teachers on the Main Pay Range, Upper Pay Range and Unqualified Teachers' Pay Range must receive ANNUAL pay progression until they reach the maximum of their pay range unless they are subject to formal competence procedures and therefore pay recommendations in appraisal reports must reflect this.

Teachers on the Main Pay Range may apply for assessment and subsequent transfer to the Upper Pay Range (UPR). There are no barriers in STPCD connected with length of service for a teacher to be eligible for movement on to UPR, however teachers will need to demonstrate substantial, highly competent and sustained performance. Individual teachers must decide whether or not they wish to apply to their Headteacher to be paid on UPR.

Appraisers should expect that teachers reaching the top of the Main Pay Range will apply to transfer to the UPR for the following year, unless they have stated that they do not wish to apply. The onus is on the appraiser to ensure that teachers on the top of the Main Pay Range have appropriate objectives to progress onto the Upper Pay Range as defined in Appendix B of the pay policy.

Teachers wishing to apply to move to the Upper Pay Range before reaching the top of MPR should notify their appraiser that they are planning to apply for assessment to move to the UPR, so that objectives are set appropriately, and feedback is given, in relation to the Teachers' Standards and Upper Pay Range Criteria defined in Appendix B of the pay policy.

For teachers who have indicated an intention to apply to transfer to the UPR before reaching the top of MPR or who are reaching the top of the MPR, it is important that where there is concern that a teacher will not fulfil the Upper Pay Range Criteria, the issues are raised with the teacher during the appraisal cycle. Relevant actions and support should be agreed in order for the teacher to address the areas where there is concern.

Schools should assess applications to progress to the UPR using only the most recent appraisal cycle* and should consider that this provides the teacher with sufficient opportunity to show that highly competent performance is substantial and sustained, bearing in mind the expectations of a teacher applying to be paid on UPR.

*in exceptional circumstances, more than one appraisal cycle might need to be considered - see Pay Policy statutory information and guidance para 6.6 for more information.

In order for an appraisal review to be deemed unsuccessful, in relation to meeting and sustaining UPR criteria, this must be raised during the annual appraisal cycle and recorded in writing. Also, the issues will not have been sufficiently addressed by the teacher, following support and feedback provided by the school.

To be fair and transparent, assessments of performance must be properly rooted in evidence. The evidence to be utilised must be part of the appraisal process.

Representation and Appeals

Recommendation on pay contained within the appraisal report will be referred by the Headteacher to the Pay Committee (or other committee designated in the school's decisions concerning delegation of powers) of the Governing Board. The procedure for a teacher to make representations concerning a pay decision, or to appeal, is contained in the school's Pay Policy.

If a teacher wishes to request changes to the appraisal documentation they should write to the School Leader setting out their grounds usually within 10 days of receiving the statement of objectives and appraisal review statement.

If a teacher wishes to raise concerns about any other aspect of the appraisal process, they should try to resolve this with the appraiser in the first instance. If they are unable to reach a successful resolution, they should write to the School Leader setting out their grounds within 10 days of the event which they wish to make representation about.

The School Leader will, if necessary, meet with the teacher and then determine whether any action should be taken or changes made. If the School Leader is the appraiser of the teacher, the letter should be submitted to the Chair of Governors, if the teacher is unable to resolve the matter informally with the School Leader. Likewise, a Headteacher/School Leader would write to the Chair with any concerns. The Chair of Governors may be advised by the school's Human Resources provider, when meeting with the teacher, if necessary, and reaching a decision on the representations. If the teacher (or Headteacher/Senior Leader, if they have made representations concerning their Appraisal statement) remains unhappy they may appeal to a governors' committee, convened for the purpose. The appeal will follow the same process as detailed in the pay policy for pay appeals

4. Teachers' Experiencing Difficulties

Minor concerns will initially be addressed completely informally outside of any process. Where concerns persist, the normal appraisal procedure will be used to address any concerns that are raised about a teacher's performance. Where it has not been possible to satisfactorily address any concerns through the normal appraisal process, the Appendix, 'Teachers Experiencing Difficulty – Advice on Informal Structured Support and Monitoring', should be used to deal with situations where a teacher's level of competence falls below expectations.

In such circumstances, please refer to Appendix 'Teachers Experiencing Difficulties - Advice on Informal Structured Support and Monitoring'.

5. Monitoring and Evaluation of the Process & Policy

The Appraisal process will be treated with confidentiality. However, the desire for confidentiality does not conflict with the need for Quality Assurance of the operation and effectiveness of the appraisal system. In this school we will ensure fairness through

- *providing clarity on the nature of objectives,*
- *having higher expectations of teachers on higher pay ranges or with paid responsibilities*
- *including clear success criteria and evidence to be utilised,*
- *ensuring that relevant training and development is provided,*
- *Headteacher review of all teachers' objectives and appraisal records in order to check consistency of approach and expectation between different appraisers and to ensure that they comply with the policy. (In larger schools the Headteacher may wish to delegate the monitoring of objective setting, information to be utilised, success criteria and evidence to other relevant senior leader(s)) In addition, only the teacher's line manager(s) will be provided with access to the objectives, where it is necessary to enable the line manager to discharge their duties.*

In relation to the appraisal review statement the School Leader needs to be aware of any pay recommendations that have been made in order to refer these to the pay committee.

The Headteacher will make arrangements for the details of training and development needs to be communicated to anyone with responsibility in the school for the delivery of continuous professional development.

The Governing Board will monitor and evaluate the policy.

The School Leader will report to the Governing Board annually with a written report on the operation of the school's appraisal policy. The report will not identify any individual by name. The report will include an assessment of any potential impact of the policy on employees with regard to the following characteristics:

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

The School Leader will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination. In keeping with good practice, a report on the operation of the policy will be provided, on request, to the trade unions and professional associations.

Quality Assurance Report

While not an exhaustive list, the following may provide a framework for governors to ask when undertaking quality assurance of the appraisal process:

- a) The allocation of staff to appraisers,*
- b) The training provided for appraisers and teachers,*
- c) The percentage of planning meetings that took place on schedule. If less than 100%, what circumstances prevented the meeting and what has been done to ensure this is avoided in future,*
- d) The broad areas of training needs identified and how they are being/have been addressed,*
- e) Any impact noted as on outcome of training,*
- f) Number of lesson observations that took place and percentage judged to meet relevant standards,*
- g) Summary of strengths and areas for development identified in observations, and other appraisal evidence, overall and broken down by curriculum area or key stage (where this would not identify an individual teacher),*
- h) How good and outstanding practice is being shared,*
- i) How areas for development are being addressed (may be covered in Training),*
- j) Percentage of objectives met, partially met, not met, or exceeded,*
- k) Any key obstacles to achievement of objectives not met and how being addressed.*

The report should include an assessment of the impact of appraisal on school improvement and details of the range of professional development delivered through the process. The School Leader will make the Governing Board aware of any significant incidence of teachers

not being provided with CPD, which was identified as necessary to the delivery of their objectives.

6. General Principles Underlying this Policy

Confidentiality

The appraisal process will be treated with confidentiality. The appraisal review statement will only be available to the appraisee, appraiser and Headteacher.

Consistency of Treatment and Fairness

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

Workload

The operation of the appraisal process should not add to the teacher's workload. It will reflect the responsibilities detailed in the teacher's Job Description and the overall duties of a teacher as defined in the School Teachers' Pay and Conditions Document. It will focus on the key priorities of the school and for the individual's role. The process will take place within directed time but not the teacher's PPA.

The operation of the policy should be workload impact assessed to ensure that it does not add to the workload of anyone involved. This includes a specific workload impact assessment of the provisions for part-time teachers, to ensure that the demands placed on part-time teachers are proportionate and consistent with their part-time status.

Definitions

Unless indicated otherwise, all references to 'teacher' include the Headteacher.

Delegation

Normal rules apply in respect of the delegation of functions by governing bodies, Headteachers and local authorities/trusts.

Retention

The governing board and Headteacher will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

Meetings

Further guidance on setting up meetings with trade union representatives is attached as Appendix 3

Any reference to 'day' or 'working days' within this Policy shall mean Monday to Friday normally during term-time, excluding bank holidays. With the agreement of all parties, it may be possible to expedite the process.

Classroom Observation Protocol

The Governing Board is committed to ensuring that observation is developmental and supportive. The effective and efficient operation of the appraisal process requires lesson observation to be a confidential process of constructive engagement within an atmosphere of professional trust and co-operation. Accordingly, those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- seek to reach agreement in advance on how classroom observations will be carried out;
- evaluate objectively, taking account of any particular circumstances affecting the observation on the day;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

Planning and Preparation

The School Leader will:

- consult with teachers and union representatives concerning the overall pattern of observations for the academic year, seeking agreement,
- leave capacity for appraisers to agree with teachers the timing of any observation particular to that teacher's objectives,
- provide for those being observed for all purposes to receive final notice at least 5 working days in advance,
- arrange, as far as possible for observations to take place at a time agreed with the teacher,
- ensure there is a reasonable amount of time between observations,
- ensure classroom observation is undertaken solely by persons with qualified teacher status and the appropriate training and skills to undertake observation, provide constructive oral and written feedback, in the context of professional dialogue. The observer should be able to provide any consequent support for the teacher or ensure this need is addressed by the relevant staff member.

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 maximum duration of the observation,
- when during the appraisal cycle the observation will take place and
- who will conduct the observation.

Information gathered during the observation will be used, as appropriate, for a variety of purposes including to inform school self- evaluation and improvement strategies, in accordance with the school's efforts to streamline data collection and minimize bureaucracy.

Conducting Observation

Time for preparation and feedback for classroom observation will be made available within the teacher's directed time, but not PPA time. The total period for observation arranged for any teacher will not exceed three visits per cycle, each of no more than an hour in length, having regard to the individual circumstances of the teacher. There is no requirement to use all of the three hours.

The amount of observation for each teacher should reflect, and be proportionate to, the needs of the individual and the school. In each case 'proportionate to need' will be determined by the particular role of the teacher, and the focus of their objectives.

Classroom Observations will only be undertaken by persons with QTS. Teachers with wider responsibilities, observed leading meetings/delivering INSET, etc., may be observed by an appropriate line manager who does not hold QTS.

Oral feedback will be given as soon as possible after the observation and the appraiser will aim to provide this before the end of the following working day. Feedback will be given during directed time in a suitable, private environment. Written feedback will be provided within five working days of the observation taking place. If issues emerge from an observation that were not part of the focus of the observation, as recorded in Appraisal plan, these should also be covered in the written feedback and the appropriate action taken in accordance with the policy and guidance.

Neither pupils nor Governors will undertake observations, although governors may, by arrangement and agreement with the teacher(s) concerned, visit a lesson(s) to familiarise themselves with the school in operation or in connection with their link area.

Records

The written record of feedback will also include the date on which the observation took place, the lesson observed and the length of the observation. The teacher may add written comments on the feedback document. No written notes in addition to the written feedback will be kept. The appraiser will be given sufficient time within their working day to put in written form the conclusions and outcomes of the observation, where possible agreeing these with the teacher. It is recognised that an observation provides a 'snapshot', not an overview of a teacher's performance. Other information will be utilised to assess the teacher's overall effectiveness and the impact of their quality of teaching. Observation feedback will be formulated with reference to the Teachers' Standards (and any other standards applicable to the teacher) relevant to the activities observed.

Teachers will be provided with all written accounts of observations.

Classroom Observation and Formal Capability Procedures

Where evidence emerges about the appraisee's performance which gives rise to concern during the cycle, additional observations to those recorded at the beginning of the cycle may be arranged, subject to a formal review meeting being held in accordance with the policy.

For teachers entering the 'Teachers Experiencing Difficulty' section of the Appraisal Policy or already on a formal competence procedure, an important part of the support offered will be a clearly defined amount of classroom observation, with structured oral and written feedback. The amount of observation will be discussed with the teacher and (as indicated in the Teachers Experiencing Difficulty appendix) their union representative.

Appraisal - Teachers Experiencing Difficulties

Advice on Informal Structured Support and Monitoring

A Flow chart summarising the steps is attached at the end of this Appendix

it is useful to clarify at what point it is appropriate to propose that a teacher should enter 'Teachers Experiencing Difficulties'. Informal support and monitoring.

Observation is only one type of evidence of a teacher's effectiveness and needs to be considered alongside other indicators, such as work analysis, pupil progress etc. Therefore, it is recommended that an overall assessment is made of a teacher's performance, through appraisal, which also utilises the school's Quality Assurance information. It is advised that assessment of teachers' performance should be in the light of the Teachers' Standards. Significant concerns about a teacher's practice would be identified when the range of evidence indicates that, generally, the teacher is not meeting the standards. In such circumstances the Appraiser is likely to need to call a meeting with the teacher to consider whether they enter the 'Teachers Experiencing Difficulty' section of appraisal.

The Teachers' Standards must be used in describing and assessing teachers' performance as these are a requirement of the School Teachers' Pay & Conditions Document (STPCD). They reflect a robust level of teacher effectiveness and support an informed decision on whether a teacher should continue to receive a focused and pro-active, but routine, appraisal process or when concerns are of significant underperformance, where it will be appropriate to consider entry into the 'Teachers Experiencing Difficulties'. Informal support and monitoring. DfE guidance is clear that teachers should meet all of the standards across their practice but there is also recognition that the standards support a holistic assessment of a teacher's effectiveness and are not a checklist and should not be used as such.

For teachers who have any areas of practice, or specific teaching groups, where their teaching does not reflect the required standards, the approach would be to highlight these areas for, focused development within the routine application of the appraisal process, not the Teachers Experiencing Difficulties process. All teachers are entitled to ongoing feedback on strengths and development areas, plus professional development/support to address their needs. The vast majority of teachers will be able to develop their teaching through the normal, routine appraisal process and successfully address any individual areas of practice that do not always fully meet the standards.

Teachers Experiencing Difficulties informal support and monitoring should only be used in cases of genuine, evidence based inadequacy or incompetence, and not only as a consequence of an observation or observations where the teaching was assessed as not meeting the required standards. If the teacher is judged as not meeting the required standards, this will initially be addressed through the routine appraisal process. Not the TED process in the first instance.

Where, despite support through the normal Appraisal process there are continuing 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.*
- *make mutually suitable arrangements, or give 5 working days' notice, to meet the teacher to discuss targets for improvement and any support (e.g., coaching, mentoring, structured observations), that will be provided to help address those specific concerns.*
- *in consultation with the teacher at the above meeting, establish an action plan with clear expectations, success criteria and support to be provided.*
- *make clear in the plan how, and by when, the appraiser will review progress. It may be decided to revise objectives, and it will be necessary to define sufficient time for the necessary improvement (the amount of time will reflect the nature of the improvement required and the seriousness of the concerns).*
- *explain the implications and process if no – or insufficient – improvement is made.*
- *reach a decision as to whether the TED process should now be implemented, or whether the normal appraisal process, with appropriate support, should continue.*
- *the aim is to seek to reach agreement where possible with the teacher on all aspects of the process.*

Where the TED process is to be implemented the teacher's progress will be monitored and as detailed in the plan rather than the normal appraisal process. The provision of the support will also be monitored. During this period the teacher will be given feedback on progress and arrangements will be made to adjust the programme if there is good reason to do so. The period identified for the teacher's performance to improve and meet the standards needs to be reasonable and will depend on the circumstances.

When progress is reviewed at the conclusion of the period identified, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will resume as normal, with any remaining issues continuing to be addressed through that process. The teacher should be informed at the formal review meeting that no longer is there consideration of invoking the formal competence procedure.

Timescales

The timescales recommended for tackling concerns about teacher underperformance during Appraisal are best described on the attached flowchart. Periods of between 6 and 10 weeks are proposed for programmes designed to address concerns, with the expectation that usually the maximum period would be adopted. In circumstances where a teacher is making progress, but not yet sufficient to exit the programme and return to the normal appraisal process, the programme should be revised and extended. The process aims to provide the maximum opportunity for the teacher to succeed in meeting expectations, within the appraisal regime and transfer to the competence procedure should only be triggered when there is clear evidence that the teacher is consistently falling below acceptable professional standards, despite appropriate training and support.

Procedure

If the appraiser is not satisfied with progress, the teacher will be notified in writing that a meeting to determine whether the formal competence procedure needs to be applied. They will be informed that if this decision is taken then the appraisal system will no longer apply and that their performance will be managed under the competence procedure. The appraiser will consult with the Senior Leader when contemplating this action (or designated alternative senior staff member). Advice should be sought as appropriate from the schools HR Provider.

Refer to Formal Competence Procedure for further details of conducting the formal meeting to consider application of the procedure. The teacher will receive at least 5 working days' notice of the meeting and may be assisted by a trade union representative or work colleague. The School Leader will consider whether to appoint another appropriate appraiser, in the circumstances, or perform the role themselves.

Additional advice and guidance for schools in implementing informal structured support and monitoring for relevant teachers.

Preamble

1. Underperformance or lack of competence may affect teachers at all levels any time in their careers and such teachers are entitled to sympathetic consideration and active support from colleagues in the school. This procedure deals with identifying the nature of the problems, the needs of the teacher and establishing an appropriate support programme.
2. The nature of concern about performance or omission, its level of seriousness and cause(s), must be communicated at the outset to the teacher, investigated and identified by structured information gathering and systematic recording.
3. The Appraiser must inform the School Leader when they develop concerns about the performance of a teacher, such that they are contemplating a review meeting to consider implementation of a structured support and monitoring programme. Likewise, a School Leader who identifies significant concerns about a teacher's performance should ensure the appraiser is informed and that appropriate measures are taken.
4. The School Leader will need to ensure that the Appraiser has the necessary knowledge, skills and experience to determine an appropriate structured support and monitoring programme and its implementation. The School Leader should review whether:
 - the appraisal process has been operated fairly and appropriately so far.
 - whether the teacher has received appropriate, timely feedback and clarity on the expected standards of performance and
 - relevant CPD, through the performance management process and provision linked to school priorities (SIP) in recent cycle(s).
5. The School Leader should ensure that the teacher is involved in determining an appropriate support programme. It should be stressed that the aim of the support programme is to help the teacher to improve and develop the performance of his/her duties in the interests of the pupils, teacher and the school as a whole. Ideally the action plan should be agreed with the teacher.
6. Advice on these procedures may be sought from the Schools' HR Advisory Service (for subscribing schools), at this stage.

Identifying the Problems

1. Where there is any concern about a teacher's professional performance it is necessary, at the outset, to identify any specific problems being encountered by the teacher.
2. Where there is evidence from a G.P. and/or the School's appointed Occupational Health Physician that health may be a factor impairing work performance, their advice will be sought:
 - To ensure the teacher is fit for work and the duties of a teacher.
 - To seek recommendations as to whether any reasonable adjustments should be considered to enable the teacher to fulfil their duties.
3. Consideration should also be given to whether there are any other school policies or procedures which are relevant to the circumstances and that they are applied appropriately.
(e.g., Stress Management, Management of Sickness Absence)
4.
 - a) The appraisal process will be the key source of information that raises any concern and prompts a decision to investigate further. Annual, ongoing evaluation of a teacher's performance, in the context of the Teachers' Standards, conducted by the appraiser and through the teacher's self-evaluation, will clarify any areas of concern. Teachers will be assumed to be meeting the Teachers' Standards unless clear documented evidence to the contrary is provided.
 - b) Evidence of unsatisfactory teaching from an Ofsted Inspection or HMI visit may provide information about a teacher's performance which raises, or contributes to, the identification of a concern and/or the need to investigate further. It is acknowledged that this is only an example of the teacher's practise and may just relate to an aspect of performance. Therefore, the decision to investigate and address a concern would only arise where there is other evidence that suggests there is an ongoing problem.
 - c) Observation within the teaching situation by a senior member of staff and/or an Adviser may assist in clarifying the precise nature and origin of the difficulties. Where this is in addition to the observations identified within the original appraisal programme, these should be arranged in consultation with the teacher concerned wherever possible.
 - d) Observation reports will be supplemented by all available information from the school's Quality Assurance systems.

In assessing how serious are the identified performance concerns, impact on pupils' learning will be a key consideration. Performance concerns, in relation to additional responsibilities of teachers and senior leaders may also arise and would, likewise, need to be identified and evidenced.
5. It is important that the teacher knows at the outset what is expected of them. During the annual appraisal meeting the appraiser should check that the teacher is clear on:
 - the responsibilities of their job (is the Job description up to date?)

- the standards expected in the job (Teachers Standards 2012 for all teachers, except QTLS holders, and the expectations of leading practitioner where relevant)
- the person to whom they are responsible for the job (line manager)
- If the person specification for the job is available this would also help to clarify the competence requirements in terms of knowledge, skills and experience.

Timescale

The timescale adopted will be in accordance with the seriousness of the identified underperformance. The period given within the Appraisal process for significant improvement to take place would normally be 10 weeks and not less than 6 weeks. (See Flowchart for overview).

It is strongly advised that an interim review is scheduled for around 6 weeks into the programme. This will enable the appraiser and teacher to establish whether expected progress is underway and whether any adjustments to the plan should be made. If the appraiser identifies concerns that reasonable progress is not being made, they should inform the School Leader, who is advised to take action as detailed in paragraph 5 below. This will involve initiating a new 10 week programme or, in extreme cases, where there are health and safety concerns and the learning of pupils is jeopardised, a maximum of 4 weeks will be allowed for improvement to take place. The level of improvement would need to be such that the health and safety issues are resolved, and learning is taking place. Where this is not secured, a meeting will be called to consider the application of the Formal Competence procedure.

Where there is evidence that sufficient improvement is taking place the programme of structured support and monitoring may continue for, up to, a total of 10 weeks aimed at securing performance at the expected standard.

Action

1. Having identified any concerns about performance through everyday staff management and appraisal, a teacher should have the opportunity to explain the reasons for the concerns and have an opportunity to address the situation.
2. Details of any concern about performance will be brought to the teacher's attention. The Appraiser will record any action taken and the teacher's response when explanation is sought. The teacher will be informed that he or she has a responsibility to achieve a professionally acceptable standard. The teacher will be informed what is required, how their performance will be reviewed, the period of review, what support will be available, and that application of the Formal Competence Procedure will need to be considered if there is insufficient improvement. Subsequent advice and support may achieve the desired and agreed changes in performance.
3. It is anticipated that most concerns will be dealt with through this management process and within appraisal.
4. Where the cause of the criticism or complaint concerning a teacher's professional competence continues, further action will be necessary to deal with the specific problems which are being encountered by the teacher and which are a cause of concern. If the teacher has not been willing to co-operate in addressing the concerns

this may be regarded as misconduct, leading potentially to action under the school's disciplinary procedures.

5. The period of informal support and counselling should not go on for too long. The period of informal support should therefore be no longer than 10 weeks and less may sometimes be appropriate. There should be a clear indication of improvement. As noted above, an interim review should be held around 6 weeks into the plan. Where the appraiser then informs the School Leader that little progress has been achieved, the head is advised to call a meeting outside of the appraisal process with the teacher, their representative and the appraiser. The head may be supported by their HR adviser.

The purpose of the meeting is for the Headteacher to assess the overall situation, receive the views of the teacher and their representative about the process they are undergoing and consider the wider context of the teacher and school. As a consequence, the Headteacher should review the process and plan for improvement. This meeting enables the union representative to be fully informed of their member's situation, to advise their member accordingly and provide their professional input, including seeking to reach agreement on the objectives and monitoring arrangements, ensuring the programme of support is the most effective and relevant possible. As outlined above, two outcomes are possible:-

- a) Taking account of the additional information available, a revised 10 week programme should be adopted. It is good practice for this to be agreed with the teacher. During the programme for improvement an interim review with the teacher, appraiser, union representative and HR officer is advised. At end of the agreed period (normally 10 weeks), a further meeting outside of appraisal should be held with the same relevant parties to assess whether the changes have enabled the programme of support delivered to have been appropriate and robust. An assessment will be made of the teacher's progress.

If the standards are now being met, the normal appraisal process would then continue. If there has been significant improvement and standards are nearly met, the School Leader has the option to instigate a further 6 to 10 week programme of monitoring and review to enable the teacher to fully meet agreed expectations and show these can be sustained.

- b) Alternatively, the School Leader may assess that the situation is exceptional and so serious (as described above) that a 4 week programme to seek resolution of Health and Safety concerns and/or ensure that pupil learning is taking place should be applied.

Outcomes

A formal review meeting will be held at the end of the adopted period of view and assessment, involving observation and collection of a range of other information illustrating the quality of performance. A firm conclusion should be reached, and the outcome will be one of the following:

- i) Confirmation that the expected standards have been reached and that the normal appraisal cycle will continue.

- ii) Extension to the period of informal support to allow time for further improvement. This would be appropriate where significant improvement has been demonstrated, yet further development in performance is necessary to meet all the required standards and for the teacher to demonstrate they can sustain these independently. The extension would be of 6 to 10 weeks in length. The Appraiser/Senior Leader will take account of any previous extensions to the programme of support and monitoring.
- iii) The calling of a formal meeting to consider the implementation of the Formal Competence Procedure. (Details of the requirements to fulfil and guidance on arrangements can be found in both the Appraisal Policy and Competence Procedure).

Making it work

Identifying the Problems

The following may help in determining what exactly is contributing to the performance issues and thus the considerations that should inform any action to address.

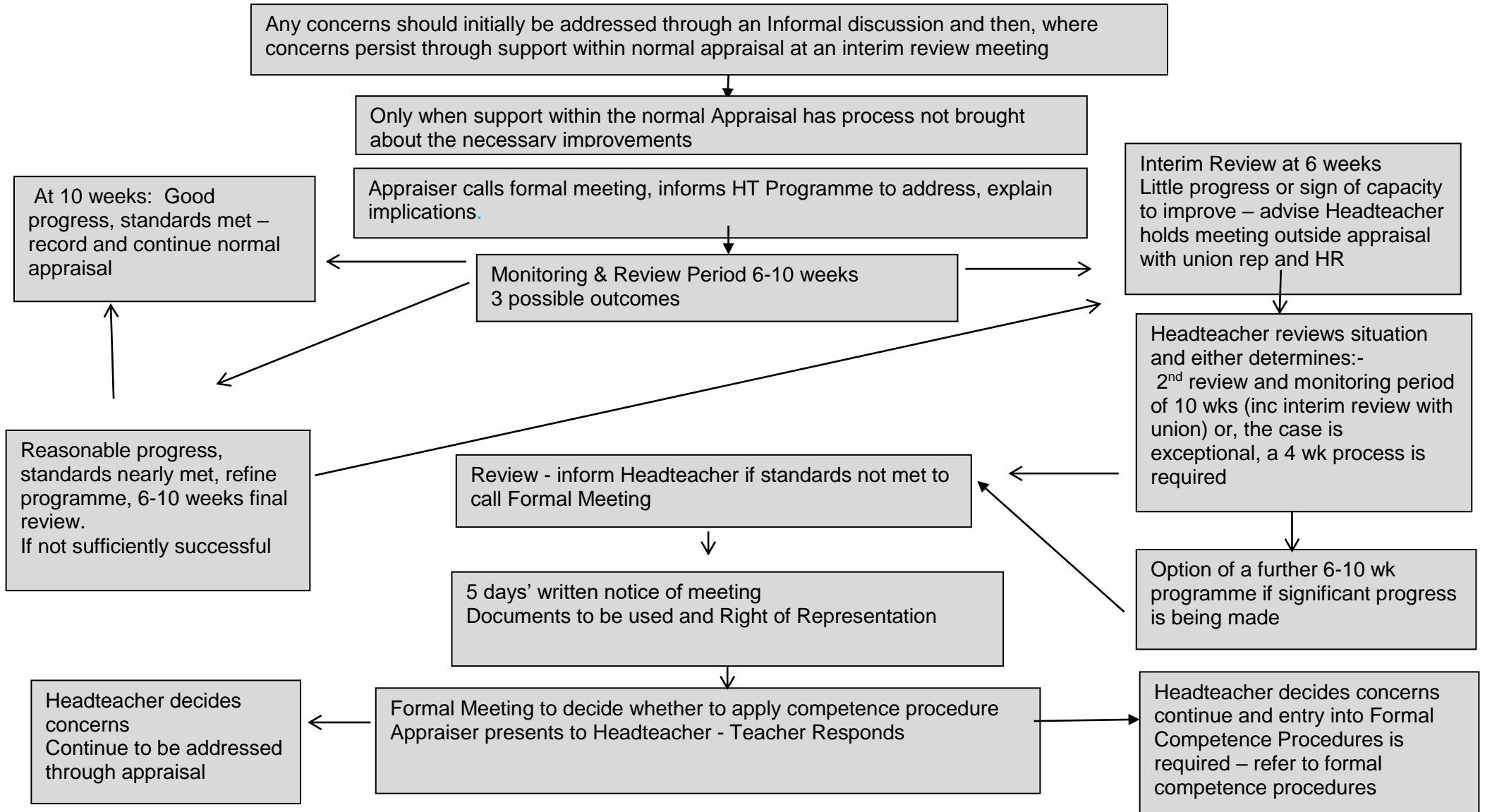
- What is the wider context – the school’s situation, turbulence, vulnerability to Ofsted judgement?
- New leadership in the school or new Appraiser? How robust/shared are judgements and strength of school’s Quality Assurance processes?
- Individual teacher – new to school or to role? Career stage and previous ‘judgements’/indicators of performance? Is this the first time any issues have been raised in any way? Has something changed suddenly or over time? Has all feedback from various sources been accurate, fair and honest (in terms of what is included or significant omissions)?
- Individual teacher- personal circumstances (where shared by teacher), health issues, commitment demonstrated to their role and the school, self-evaluation?
- What are relationships like between colleagues and what support is available within the school? Are all teachers clearly subject to the same expectations?

Action

- ✓ Senior Leader ensures Appraiser is suitable for the circumstances and has mentor support.
- ✓ Teachers’ Standards are a regular reference point in the school and staff know what meeting the teaching standards looks like in terms of the day to day practice in the school (not treating them as a checklist), using the school’s own systems/policies. (E.g., Teaching and Learning Policy, assessment routines and moderation, behaviour procedures etc.)
- ✓ A richness of data is used to identify specifically what needs to improve.
- ✓ An action plan format would facilitate the detailing of the necessary components of the support and monitoring process, with a range of evidence and concrete success criteria to ensure clarity of expectations for all parties.

- ✓ The original appraisal objectives may be revised or elaborated and broken down into actions.
- ✓ A systematic, incremental approach is recommended.
- ✓ Listen to what the teacher thinks about the type of support/training they find most helpful in determining what, of the available choices, should be incorporated into the plan. Familiarity in the school with self-evaluation, peer working, coaching and the use of leading professionals to develop other's practise will broaden the strategies available. Cluster and other networks may provide other sources of support.
- ✓ Strongly advise the teacher to consult with their union/professional association for advice/guidance on making best use of the programme of structured support and monitoring during appraisal. They could share the plan with their representative and bring back any suggestions for consideration. The involvement of the union/professional association is usually very helpful in ensuring the action taken is appropriate and as effective as possible. In exceptional cases the union may have a concern about the way the process is being applied and, in these circumstances should request a meeting with the Senior Leader. The Headteacher should then seek advice from Schools' HR Advisory Service in assessing whether any revisions should be made. Use of a meeting called by the Headteacher, outside of the appraisal process enables all information and views to be considered by the Headteacher in ensuring the process being applied to the teacher is fair and robust. Should a formal meeting to consider entry into the Competence Procedure then subsequently be necessary, it is less likely that issues will emerge that require the earlier steps to be repeated.
- ✓ Build in regular, constructive feedback throughout the programme so that success is recognised and built upon, the effectiveness of the support is monitored, and amendments can be considered as soon as is necessary.
- ✓ Allow time for the support to be digested by the teacher, for reflection with the person providing support and for further development/embedding of the improvement to practise. An initial period for improvement of around 6 weeks should be sufficient to demonstrate whether the process adopted is effective and any outstanding improvement still required is likely to be secured through a short extension to the plan.
- ✓ Ensure the teacher understands that models of good practise are provided to help them and illustrate how the desired pupil learning may be achieved but that it is their responsibility to take ownership of the process, such that their practise is effective in securing the learning of the pupils they teach.
- ✓ Although the role of the Appraiser, in setting/agreeing the plan with the teacher and assessing improvement, is separate from the teacher's mentor (who provides and manages support) they need to be very consistent in their understanding of the expectations sought.
- ✓ Consider whether further personal/welfare support is required.

FLOWCHART
Within Appraisal (Including TED Informal Support and Monitoring)
(Summary only – Please refer to procedure for necessary detail)



Appendix 3

Guidance on the arrangement of formal meetings with staff Involving Union/Professional Association representatives

The arrangement of a formal meeting with a member of staff is a fairly occasional event. This will particularly be the case in small schools.

Such meetings are likely to be in connection with one of the Human Resources policies, e.g., Disciplinary Policy, Absence Management, Competence Procedure. When the need arises to meet with a member of staff in connection with such processes or to arrange a hearing, there is an entitlement for them to be accompanied by a chosen representative. This representative will usually be from one of the trade unions or teachers' professional associations.

Senior Leaders are advised to ask for the name/organisation of the representative, where possible, and make contact to ascertain their availability before setting dates and times. It can be very unsettling and disruptive to relationships, at an already difficult time, when a date is set and then has to be postponed owing to the unavailability of the representative:

The legal position is as follows (The Employment Relations Act 1999 Section 10, paragraph 4)

“If:

- (a) a worker has a right under this section to be accompanied at a hearing,
- (b) their chosen companion will not be available at the time proposed for the hearing by the employer, and
- (c) the worker proposes an alternative time which satisfies subsection (5),

the employer must postpone the hearing to the time proposed by the worker.

5 An alternative time must—

- (a) be reasonable, and
- (b) fall before the end of the period of five working days beginning with the first working day after the day proposed by the employer”.

Unions/associations are likely to quote this when they are presented with a date they cannot accommodate. The school will have no choice, at this point, but to make new arrangements. This can cause considerable inconvenience for everyone concerned. A further difficulty is likely to be caused because the legal requirement calls for the representative to set a new date, within 5 days, and this will probably not be convenient for other people involved.

It is best to try and avoid a difficult period where parties struggle to set a mutually suitable date, colleagues (and sometimes pupils) in service may suffer because of the delay and resentment may develop.

School leaders need to consider the perspective of the employee and their representative. Most employees would not expect to be called to a formal meeting, or any other management process, outside of working hours. The representatives themselves are sometimes employees of the union/association, who have scheduled working time, and branch officials are allocated particular times away from their 'day job' for their union duties. They may struggle to obtain release at other times.

It has been possible, on occasions, to arrange such hearings/meetings in the evenings but Headteachers should expect to be challenged if making such arrangements. If at all possible, meetings in working hours are also preferable because the participants are more likely to be able to contribute effectively, than at the end of the day.

When informed that a representative cannot attend a meeting and a considerable number of other stakeholders have been assembled (Headteacher, witnesses, HR Consultant, minute taker), Headteachers have sometimes challenged the union to send a different representative to facilitate the process and save the impact of further delay on the employee. This is not easy for some associations to accommodate. They may have an agreement where only an individual union representative is authorised to receive the details of the case and to act on the member's behalf.

Headteachers are advised to take these factors into consideration, in order to enable arrangements to be made in co-operative fashion. Alongside this guidance there has also been correspondence to the unions/associations seeking a similarly collaborative approach from their representatives. For instance, in recognising the requirement to co-operate with the process and offer a reasonable number of possible dates when meetings are needed. We reminded the association that just asserting their rights can foster a defensive response.

The need for formal meetings invariably means that there are challenging situations to manage, not just with the employee concerned but also possibly colleagues and the wider school. The 'tone' of all actions in connection with progressing the issue of concern will play a large part in minimising disruption, negative relationships, and the ability to re-establish normal working practice afterwards.

Headteachers may wish to contact their HR provider, if they are having difficulty in working with the unions on these matters