



Ulverston Victoria High School

Appraisal and Capability

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Last updated: July 2025		

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Model Policy for Appraising Teacher Performance

The Governing Body/ LA of Ulverston Victoria High School adopted this policy on 17th November 2022.

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

Purpose

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

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

It is recommended by the Executive Director - People that this policy is adopted by schools.

1. Application of The Appraisal Policy

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

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

The Education (School Teachers' Appraisal) (England) Regulations 2012 places responsibility on Governing Bodies/ LA's of schools with delegated budgets for establishing appraisal procedures and taking appropriate steps to make them known to staff at the school.

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

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

The references to headteacher and school senior nominated manager in this procedure assume s/he is not the employee concerned. Where the headteacher is the employee concerned, references below to headteacher should be regarded as referring to the Chair of Governors/ Vice Chair and references to employee should be regarded as referring to the headteacher. In adopting this procedure, the Governing Body gives delegated authority to the Chair of Governors to act as stated, except where in her/his absence, the Vice Chair may act.

2. The Appraisal Period

The appraisal period will run for twelve months normally from 1st October to 30 September.

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

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

Where a teacher transfers to a new post within the school/academy/LA part-way through a cycle, the headteacher/CET line manager or, in the case where the employee is the headteacher, the governing body shall determine whether the cycle shall begin again and whether to change the appraiser.

3. Appointing Appraisers

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

Headteacher

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

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

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

Where a headteacher is of the opinion that any of the governors appointed by the governing body is unsuitable to act as his/her appraiser, s/he may submit a written request to the Chair of Governors for that governor to be replaced, stating the reasons for the request. The Chair will consider the request and determine whether or not it is reasonable, giving written confirmation to the Headteacher.

Teachers

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

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

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

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

4. Setting Objectives

The headteacher's/CET line manager's objectives will be set by the appraisal sub-group of the Governing Body/LA after consultation with the external adviser and the headteacher/CET line manager.

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

The appraiser and appraisee will seek to agree the objectives. Objectives may be revised if circumstances change.

The school will operate a system of moderation to ensure that all appraisers are working to the same standards.

Objectives will be moderated across the school/LA to ensure that they are consistent between teachers with similar experience and levels of responsibility. Should the objectives not be agreed, the final decision on allocation of objectives rests with the headteacher/CET line manager.

Objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils. Objectives can be set in relation to robust assessment data, however, these will not be used in isolation and a wider perspective must be taken when making decisions about pay progression. The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives should be revised if circumstances change.

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

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

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

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed.

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

5. Pay Progression

This section needs to be read in conjunction with the Model Teachers Pay Policy. There is a clear expectation in the STPCD and the schools pay policy that good performance should lead to pay progression.

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

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

6. Reviewing Performance

Observation

It is recognized that not all Schools will undertake lesson observations but where they do, the effective and efficient operation of the appraisal process requires lesson observation to be a confidential process of constructive engagement within an atmosphere of support and co-operation.

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

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

Classroom observation will be carried out by qualified teachers.

For the purposes of appraisal, teachers' performance will be observed on an appropriate and reasonable number of occasions (normally 3) and will, as far as possible, be agreed by the appraiser with the appraisee based on the individual circumstances of the teacher and the overall needs of the school/LA. The number and duration of appraisal observations will be in accordance with the school/academy/LA's observation protocol (Appendix 1), which includes provision for exceptional circumstances where concerns have been raised about a teacher's performance, or where the teacher requests additional observation visits. There is an example action plan for teachers experiencing difficulties in appendix 2.

The school/college leader may, as a matter of course, observe practice whilst walking around the school and visiting classrooms as part of their regular routine, although this activity will not form part of the individual's appraisal process, or be documented.

For further information please refer to [Appendix One](#) in this document.

For the purpose of professional development, feedback about lesson observations should be developmental.

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

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

Professional Development

Appraisal is a supportive process which will be used to inform continuing professional development. The school/LA wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development, peer observation for example. Professional development will be linked to school improvement priorities and to the on-going professional development needs and priorities of individual teachers.

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

An account of the training and development needs of teachers including the instances where it did not prove possible to provide any agreed CPD, will form a part of the headteacher's/CET line managers annual report to the governing body/CET Management Group about the operation of the appraisal process in the school/LA.

With regard to the provision of CPD in the case of competing demands on the school budget, a decision on relative priority will be taken with regard to the extent to which:

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

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

7. Annual Assessment

Each teacher's performance will be formally assessed in respect of each appraisal period. In assessing the performance of the headteacher, the Governing Body must consult the external adviser.

The teacher will receive as soon as practicable following the end of each appraisal period – and have the opportunity to comment on - a written appraisal report. The appraisal report will include:

- details of the teacher's objectives for the appraisal period in question;
- an assessment of the teacher's performance of their role and responsibilities against their objectives, and against the relevant standards;
- an assessment of the teacher's training and development needs and identification of any action that should be taken to address them;
- a recommendation on pay where that is relevant. It may be possible for a 'no progression' determination to be made without recourse to the capability procedure. In all such eventualities the teacher will have been made aware of this possibility as outlined in section 8 of the policy. **(N.B. – pay recommendations need to be made by 31 December for headteachers and by 31 October for other teachers);**
- a space for the teacher's own comment
- If a teacher is applying for progression to the upper pay range then they must demonstrate they are competent in the relevant standards and that they are making a substantial and sustained

contribution to the school, as per section 15 of the STPCD and as referenced in section 6 of the Teachers Model Pay Policy.

- competency may be evidenced through appraisal outcomes.
- 'Substantial and sustained' will be evidenced by two successful performance reviews as documented on the threshold application form referenced within Appendix Four of the Model Teachers Pay Policy.

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

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

8. Teachers Experiencing Difficulties

When dealing with a teacher experiencing difficulties, the objective is to provide support and guidance through the appraisal process in such a way that the teacher's performance improves and the problem is, therefore, resolved. It is recognised that this may be a difficult time for the employee therefore the appropriate referral should be made to Occupational Health/School Occupational Health service if required at any time during the process (it would be useful to inform the employee to liaise with their trade union / professional body about the supportive nature of this action).

The appraiser, will, as part of the appraisal process meet the teacher to:

- give clear written feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment on and discuss the concerns;
- give the teacher at least 5 working days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support, and inform the teacher that he/she has the right to be accompanied by a representative of an independent trade union or work place colleague, and that the meeting is to offer support to enable them to work towards completing the appraisal cycle successfully;
- in consultation with the teacher at the above meeting, an action plan with support will be established (for example coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers), that will help address those specific concerns. An example of an action plan can be found at Appendix 2.
- make clear how progress will be monitored and when it will be reviewed;
- explain the implications and process if no – or insufficient – improvement is made;
- In cases where the difficulties may lead to the initiation of capability proceedings this will be clearly outlined to the member of staff

The teacher's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the teacher's performance to improve. This will depend upon the circumstances, but will normally be for a period of a minimum of 6 and a maximum of 10 working weeks (unless there are safeguarding concerns) after the action plan is put in place, with appropriate support as agreed in the action plan, in order that the aim of recovering and improving performance can be achieved. During this monitoring period the teacher will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

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

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

If no, or insufficient, improvement has been made over this period, the teacher will be invited to a transition meeting to determine whether formal capability proceedings need to be commenced or the appraisal process remains in place. The teacher may be accompanied by a trade union representative or work colleague and will have at least 10 working days notice of the meeting.

9. Appeals

Appraisees have a right of appeal against any of the entries in the written appraisal report. Details of the appeals process are available from the headteacher/CET line manager or from the school governing body. Where the headteacher has not been recommended for pay progression he/she will be informed by the appropriate governor. The headteacher/CET line manager will notify any teacher who has not been recommended for pay progression of the date when the governing body/CET Management Group meets to consider pay recommendations, following which the teacher (and Headteacher when the head has not been recommended for pay progression) may exercise the right of appeal as outlined in Appendix Five Pay Appeals Procedure of the Teachers Model Pay Policy. Appeals can be made following pay recommendation and formal outcome of the decision of the Pay Committee.

10. General Principles Underlying This Policy

ACAS Code of Practice on Disciplinary and Grievance Procedures

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

Consistency of Treatment and Fairness

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

Sickness

If long term sickness absence interrupts the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's/LA's absence policy and will normally be referred to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. However, the views of the occupational health physician will always be taken into account before a decision is reached.

Grievances

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

Confidentiality & Professional Relationships

The appraisal and capability processes will be confidential. Only the appraiser's line manager or, where s/he had more than one, each of her/his line managers will be provided with access to the appraisee's plan

recorded in her/his statements. This will be done upon request and only where this is necessary to enable the line manager to discharge her/his line management responsibilities. Appraisees will be consulted on requests for access to statements in the context of this policy.

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

However, the desire for confidentiality does not override the need for the headteacher/CET line manager and governing body to quality-assure the operation and effectiveness of the appraisal system. The headteacher/CET line manager or appropriate colleague might, for example, review all teachers' objectives and written appraisal records personally – to check consistency of approach and expectation between different appraisers. The headteacher/CET line manager might also wish to be aware of any pay recommendations that have been made.

Monitoring and Evaluation

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

The headteacher/CET line manager will provide the governing body/CET Management Group with a written report on the operation of the school's/academy's/LA's appraisal and capability policies annually. The report will not identify any individual by name. The report will include an equality impact assessment of these policies on:

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

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

Retention

The governing body/LA and headteacher/CET line manager will ensure that all written appraisal records are retained in a secure place for six years and then destroyed.

11 Capability: Teaching staff

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Statement of intent

This policy sets out the framework for clear and consistent assessment of the overall performance of teachers, including the headteacher. It sets out the arrangements that will apply when teachers fall below the expected levels of competence.

Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- The School Staffing (England) Regulations 2009 (as amended)
- DfE (2024) 'Maintained schools governance guide'
- DfE (2024) 'Academy trust governance guide'
- DfE (2024) 'Teacher capability'
- ACAS (2015) 'Code of practice on disciplinary and grievance procedures'
- DfE (2021) 'Teachers' Standards'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2014) 'The Equality Act 2010 and schools'

This policy operates in conjunction with the following school policies:

- Teacher Appraisal Policy
- Grievance Policy
- Confidentiality Policy
- Disciplinary Policy and Procedure
- Records Management Policy
- Whistleblowing Policy
- Teachers' Pay Policy
- Staff Attendance and Absence Policy
- School Improvement Plan (SIP)

Roles and responsibilities

The governing board is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Ensuring that all members of staff have read and understood the provisions in this policy.
- Setting objectives for the headteacher, with advice from an appropriate external adviser.
- Ensuring all objectives contribute towards the SDP and improve the education of pupils at the school.

- Taking advice from an external adviser on the assessment of the headteacher's performance.
- Ensuring all members of the board are informed that the performance review process has taken place.
- Conducting formal capability meetings where there are concerns about the headteacher's performance.
- Once a decision to dismiss has been taken, dismissing the teacher or headteacher in question with notice. [Maintained schools only] This will be done with the support of the LA.
- Ensuring consistency of treatment and fairness, and abiding by all relevant equality legislation.
- Ensuring all delegated responsibilities are carried out.

The headteacher is responsible for:

- The day-to-day implementation of this policy.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Informing teachers of the standards against which their performance will be assessed.
- Conducting drop-in observations, where necessary, to evaluate standards of teaching and ensure high standards of professional performance are maintained.
- Conducting formal capability meetings where there are concerns about a teacher's performance.

Teaching staff are responsible for:

- Improving their teaching through proactive engagement in appropriate CPD opportunities.
- Attending performance review meetings.
- Adhering to this policy at all times.

General principles underlying this policy

DfE's 'Teacher capability' guidance

The [capability procedure](#) section of this policy will be implemented in accordance with the DfE's 'Teacher capability' guidance.

Confidentiality

The capability process will be treated with confidentiality; however, the desire for confidentiality does not override the need for the headteacher and the governing board to quality-assure the operation and effectiveness of the capability procedure.

This will be achieved by the headteacher and governing board personally reviewing a sample of teachers' objectives for consistency.

Consistency of treatment and fairness

The governing board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments for teachers with disabilities. The governing board is aware of the [guidance](#) on the Equality Act 2010 issued by the DfE.

Definitions

Unless indicated otherwise, all references to "teacher" include the headteacher.

Capability is defined as the ability of an employee to perform their duties to the standards required. Capability procedures apply only to teachers and school leaders where there are concerns, which the appraisal process has been unable to address, of not meeting the required standards of work performance.

Delegation

Normal rules (as set out in The School Staffing (England) Regulations 2009) apply in respect of the delegation of functions by the governing board and headteacher.

Grievances

Where a teacher raises a grievance during the capability procedure, the procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related, including as part of the capability process, it may be appropriate to deal with both issues concurrently. Grievances should be handled in accordance with the school's Grievance Policy.

Sickness

If long-term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's Staff Attendance and Absence Policy. The case will be referred immediately to the occupational health service, to assess the teacher's health and fitness for continued employment. Additionally, the suitability of continued monitoring or formal procedures will be evaluated in relation to the teacher's health. In some cases, it may be appropriate for monitoring and/or formal procedures to continue during a period of absence.

Capability procedure

A formal capability meeting will only be arranged once the staff member has been given every other opportunity to improve, and where there is still persistent failure to meet job expectations. At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about performance-related concerns and their possible consequences to enable the teacher to prepare a defence for the formal capability meeting. Teachers will be entitled to reasonably request an alternative date when they are unable to attend on the original proposed date.

The notice will also contain copies of any written evidence, the details of the time and place of the meeting, and will advise the teacher of their right to be accompanied by a companion, who may be a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

While a teacher or school leader is in capability procedures, pay progression will be withheld.

Formal capability meeting

This meeting is intended to establish the facts. For the headteacher, a formal capability meeting will be conducted by the chair of governors. For other teachers, the formal capability meeting will be conducted by the headteacher or other suitable senior member of staff.

The meeting will set out the required standards which are believed to have been failed by the teacher.

The meeting will allow the teacher 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 or evidence already collected. During the meeting, evidence will be presented, and witnesses will be called where appropriate. The teacher will be allowed to ask questions and present their own evidence and witnesses where appropriate. The teacher will be permitted to respond to the evidence and ask questions.

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 line with the school's Teacher Appraisal Policy. In such cases, the capability procedure will come to an end.

The person conducting the meeting may also adjourn the meeting if they decide that further investigation is needed, or more time is needed to consider additional information. 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 of the teacher.
- Give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures.
- Explain any support that will be available to help the teacher to improve their performance.
- Outline the timetable for improvement while taking into account the teacher's personal circumstances.
- Explain how performance will be monitored and reviewed.
- Formally warn the teacher that failure to improve within the set period could lead to dismissal.

Notes will be taken of formal meetings and a copy sent to the teacher. Where a warning is issued, they will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage, and the procedure and time limits for appeals.

Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period.

The teacher will be invited to a formal review meeting, unless they were issued with a final written warning, in which case they will be invited to a decision meeting.

Formal review meeting

As with formal capability meetings, at least five working days' notice will be given. 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. Teachers will be entitled to reasonably request an alternative date if they cannot attend the original date proposed.

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, in line with the school's Teacher Appraisal Policy. In other cases:

- If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period.
- [Updated] If no or insufficient improvement has been made during the monitoring and review period, the staff member will receive a final written warning which will set out the areas where performance standards have not been met, targets for improvement, any measures which will be taken to improve performance, a period for the review and the consequences of not meeting expected performance standards.

As before, notes will be taken of formal meetings and a copy sent to the teacher. The final written warning wording will mirror any previous warnings that have been issued. Where a final warning is issued, the teacher will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in dismissal. They will also be given information about the handling of the further monitoring and review period, and the procedure and time limits for appealing against the final warning. The teacher will be invited to a decision meeting.

Decision meeting

As with formal capability meetings and formal review meetings, at least five working days' notice will be provided, and the notification will give details of the time and location of the meeting. The notice will also advise the teacher of their right to be accompanied by a companion, who may be a colleague, a trade union official or a trade union representative who has been certified by their union as being competent.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will restart, in line with the school's Teacher Appraisal Policy. If performance remains unsatisfactory, a decision or recommendation to the governing board will be made that the teacher should be dismissed or required to cease working at the school. Redeployment into an alternative role may be considered where appropriate and possible.

Before the decision to dismiss is made, the school will discuss the decision with the LA.

[Maintained schools] The LA will have the right to attend and offer advice at all proceedings relating to the dismissal of any teacher, and the governing body will consider any such advice.

The teacher will be informed as soon as possible of the reasons for their dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Decision to dismiss

The power to dismiss staff in the school rests with the governing board.

Dismissal

Once the decision to dismiss has been taken, the governing board will dismiss the teacher with notice or pay in lieu of notice. Once it has been decided by the governing board that the teacher should no longer work at the school, it will notify the LA in writing of its decision and the reasons for it.

Appeals

If a teacher feels that a decision to dismiss them, or another action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days, setting out the grounds for appeal at the same time. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place.

The same arrangements for notification and the right to be accompanied by a companion will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the teacher.

The appeal will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case.

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

Monitoring and review

The governing board and headteacher will monitor the operation and effectiveness of the school's capability procedures, including monitoring the impact on workload.

The governing board and headteacher will ensure that all written records of capability procedures are retained in a secure place for six years in line with the school's Records Management Policy and in accordance with DfE guidance.

This policy will be reviewed on an annual basis. The next scheduled review date for this policy is

12 Capability Support staff

Statement of intent

1. [Legal framework](#)
2. [Roles and responsibilities](#)
3. [Key principles underlying support staff capability](#)
4. [Capability procedure](#)
5. [Monitoring and review](#)

Statement of intent

This policy sets out the framework for clear and consistent assessment of the overall performance of support staff. It sets out the arrangements that will apply when support staff fall below the expected levels of competence outlined in the [key principles underlying support staff capability](#) section of this policy.

Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- The School Staffing (England) Regulations 2009 (as amended)
- DfE (2021) 'Staffing and employment advice for schools'

- DfE (2014) 'The Equality Act 2010 and schools'
- TDA (2010) 'National Occupational Standards for Supporting Teaching Learning'
- Unison et al. (2016) 'Professional standards for teaching assistants'

This policy operates in conjunction with the following school policies:

- Support Staff Performance Management Policy
- Child Protection and Safeguarding Policy
- Confidentiality Policy
- Disciplinary Policy and Procedure
- Records Management Policy
- Whistleblowing Policy
- Grievance Policy

Roles and responsibilities

The governing board is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Ensuring that all support staff have read and understood the provisions in this policy.
- Ensuring all objectives contribute towards the SDP and improve the education of pupils at the school.
- Ensuring all members of the board are informed that the performance review process has taken place.
- Ensuring consistency of treatment and fairness, and abiding by all relevant equality legislation.
- Ensuring all delegated responsibilities are carried out.

The headteacher is responsible for:

- The day-to-day implementation of this policy.
- Ensuring that the capability process is managed in a way that avoids increased workload for all parties concerned.
- Informing support staff of the standards their performance will be assessed against.
- Conducting drop-in observations, where necessary, to evaluate standards of support in lessons and to ensure high standards of professional performance are maintained.
- Conducting formal capability meetings where there are concerns about a staff member's performance.
- Giving support staff opportunities to develop and demonstrate their competence.
- Agreeing which aspects of competence can be assessed.
- Identifying opportunities for assessing competence.
- Watching support staff perform tasks.
- Support staff are responsible for:
 - Engaging in appropriate CPD opportunities.
 - Attending performance review meetings.
 - Adhering to this policy at all times.

Key principles underlining support staff capability

Support staff capability will be measured against the following key themes:

- Personal and professional conduct
- Knowledge and understanding
- Supporting teaching and learning
- Working with others

All support staff members will be expected to contribute to the following and demonstrate their capability in doing so:

Supporting learning activities

Support staff will be expected to provide support to teachers and pupils during lessons to ensure effective teaching and learning takes place. Support staff should agree with teachers what their role will involve in each lesson and how they can best support effective teaching and learning.

Supporting pupils' development

Support staff should be able to observe pupils in their everyday work. They will be able to demonstrate their competence through knowledge and understanding of child development and expected levels of attainment.

Keeping children safe

Support staff will be capable of keeping pupils safe during their day-to-day working activities. They will have good knowledge of responding to accidents, emergencies and illness and the key principles outlined in the DfE's 'Keeping children safe in education' (KCSIE) guidance. Support staff will have a good understanding of safeguarding and welfare procedures and the school's relevant policies and procedures.

Maintaining positive relationships

Support staff will ensure that they interact with pupils, their colleagues and other adults in a positive manner. They will possess the communication skills to interact with others through effective verbal and non-verbal communication and will value everyone equally.

Supporting literacy and numeracy

Support staff will be capable of working under the direction of the teacher to assist with pupils' participation in learning activities for literacy and numeracy development. They will be expected to communicate with the teacher on how learning activities will be organised and what their role will be.

Supporting the use of ICT for teaching and learning

Support staff will be able to use ICT resources effectively and will pass their understanding of using these resources on to pupils to ensure that they are accessible and safe for all pupils.

Observing and reporting on pupil performance

Support staff will observe pupils' learning and development and report back to the teacher on pupils' demonstration of progress, understanding and skills. They will help the teacher identify any pupils that are struggling in lessons and particular areas of their development that may require additional attention.

Supporting pupils with SEND

Support staff will be expected to have a good level of competency in supporting the learning and development of pupils with SEND and providing assistance with their participation in learning activities. This will also involve the identification and use of resources that will help pupils engage and participate in lessons and extra-curricular activities.

Setting up classroom displays

Support staff will be willing and able to assist with the construction and removal of classroom displays. They should be competent in identifying the purpose of classroom displays and contributing to their design and what will work best as a visual learning aid for pupils.

Promoting positive behaviour

Support staff will provide assistance in implementing the school's Behaviour Policy and ensuring pupils are behaving appropriately and engaging in lessons. They will be aware of pupils with behaviour, emotional and social development needs and help them with behaviour management strategies. They will be able to demonstrate their competence in handling pupil behaviour on a day-to-day basis and reporting concerns to the SLT.

Supporting the planning, delivery and evaluation of teaching and learning activities

Support staff will be confident and competent in supporting and extending the teachers' delivery of the curriculum. Under the direction of the teacher, they will be able to complement teaching by providing personalised and group support to aid pupils understanding and will familiarise themselves with the content being covered in each lesson. Support staff will also be able to help pupils reflect on and review their own learning and provide assistance with identifying emerging learning needs.

Monitoring and maintaining curriculum resources

Support staff will work with teachers and others to identify resources required and ensure that they are ready for use prior to lessons.

Supervising pupils on educational visits and school trips

Support staff will be aware of specific health and safety concerns that may arise on educational visits and school trips and will assist with the supervision and behaviour management of pupils on off-site visits.

Capability procedure

Where concerns are raised about a member of support staff being unable to meet the expected standards, the headteacher will initiate the capability procedure to help encourage the staff member to achieve and maintain the expected standards and achieve a satisfactory level of performance.

If the staff member has not been able to improve their performance to an acceptable level following this procedure, the headteacher will consider whether dismissal is necessary subject to consultation with relevant trade unions.

Confidentiality and treatment

Support staff subjected to the capability procedure will be treated with confidentiality and only those with a need to know will be informed that the procedure has been initiated.

Support staff will be treated with respect throughout the process with the view only to improve performance and enhance the staff member's capability to support teaching and learning.

Procedure

Step one: The headteacher has concerns about the performance of a member of support staff and will establish whether the concerns justify an informal meeting with the staff member or the initiation of the capability procedure.

Step two: If the capability procedure is initiated, the headteacher will inform the staff member of this in writing. The headteacher will outline their concerns and invite the staff member of a formal meeting to discuss the concerns and next steps. The headteacher will inform the support staff member of the following:

- The extent of underperformance and what has been identified as a concern
- The expected standard of performance
- The support that will be put in place for the staff member
- The length of time this support will be in place and the expected outcome
- How performance will be monitored
- The frequency of meetings during this period to review performance

Step three: A timescale will be agreed between the headteacher and the support staff member to establish when it is anticipated that they will be achieving the expected standard for support staff at the school. During this period, the staff member will be supported to access additional training and CPD resources and will be provided with feedback at regular intervals on what is going well and what could be improved to ensure that they are meeting the expected standards.

Step four: The headteacher will meet with the staff member to discuss the outcome of the support that has been provided and the progress made. The staff member will be able to raise their concerns about their experience and whether they believe that the support offered has been adequate. If the staff member has sufficiently improved their performance during this period, the capability procedure will be formally discontinued. If the staff member has not improved their performance to the expected standard, they will be given an opportunity to express their views on what more could be done to support them before moving on to step five.

Step five: The staff member will be given a final period of support and monitoring lasting for two months. During this period, the headteacher will act on any additional support requested by the staff member and meet with the staff member to inform them that failure to improve performance during this period may lead to dismissal.

Step six: Following the conclusion of the final support and monitoring period, the headteacher will meet with the staff member to discuss support offered and determine whether performance has been improved sufficiently in order to meet the expected standard. If performance has improved, the capability procedure will be concluded and no further action will be taken. If it is determined that performance has not improved, the headteacher will recommend dismissal to a panel of governors.

Dismissal

[

The power to dismiss staff in the school rests with the governing board.

Once the decision to dismiss has been taken, the governing board or delegated authority will dismiss the member of support staff with notice.

Appeals

If a staff member feels that a decision to dismiss them, or another action taken against them, is wrong or unjust, they may appeal in writing against the decision within five working days, setting out the grounds for appeal at the same time. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place.

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Monitoring and review

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This policy will be reviewed on an annual basis.

Appendix 1 - Classroom Observation Protocol

Introduction

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

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

Planning and preparing for lesson observation

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

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

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

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

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

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

Conducting observation

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

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

Feedback and records

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

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

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

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

Appendix 2 - Example Action Plan – Teacher Experiencing Difficulties

NB this is an example only and not a standard template. Any action plan is to be discussed and agreed with the employee.

Appraisal Procedure: Teacher Experiencing Difficulties – Date:

Offer of support for.....

Present: (Headteacher), (Class teacher),

.....Trade Union Representative

Having outlined the concerns and detailing the support offered to..... up to this point, the following offer of support was agreed:

1. A xx week (minimum 6 and maximum 10 unless safeguarding concerns exist) improvement period will begin in [date] and last until [date].
2. Work shall be monitored in three randomly selected children's exercise books. This will take place at three points [dates] and guidance given where required to maintain acceptable standards.
3. [name] to receive support from staff and governors as requested.
4. In lessons teaching assistant support will be given for;
 - a.
 - b.
5. Access to interventions for children who require specialist support will be given for:
 - a. Reading Intervention
 - b. Maths recovery
6. 10% additional PPA time each week.
7. Any financial barriers will be removed to allow for consideration of any supportive request.
8. If applicable access can be given to any counselling services that the school provides.
9. Any other additional support which has been identified.

Overview

The purpose of the programme is to provide support in order to meet the expected teaching standards and appraisal targets.

Programme
A five week action led course tailored to meet individual needs which will include:
<ul style="list-style-type: none">● Identified areas of concern● Standard of performance required● Timeframe of programme● Strategies to address concerns● Support to be provided● Specific indicators to demonstrate improvement● Processes for monitoring and feedback
Support activities
A range of individualised support mechanisms will be used throughout the five weeks and may include:
<ul style="list-style-type: none">● Coaching● Collaborative lesson planning● Personalised CPD on identified areas for development● Developmental lesson observations● Observation of other staff● Learning walks
Structure
Teachers will be allocated an SLT mentor who will meet regularly to review progress and provide meaningful feedback. The teacher will continue to receive support from their line manager. Other staff may be used for support as necessary.
<p>Week 1: An initial meeting will be held to inform further action planning and target setting. The lesson observation class will be identified for week 2.</p> <p>Week 2: The SLT mentor will observe a lesson chosen by the teacher.</p> <p>Week 3: A mid-term review will take place to evaluate performance against the action plan. SLT will identify a lesson for observation in week 4.</p> <p>Week 4: A second member of SLT will carry out a formal observation for a lesson of their choice and provide the teacher with 1 weeks notice.</p> <p>Week 5: The head teacher will carry out an unannounced lesson drop in and observe the quality of teaching and learning.</p> <p>Week 6: The head teacher will carry out an unannounced lesson drop in and observe the quality of teaching and learning.</p>
Supplementary documentation
<ul style="list-style-type: none">● Appraisal targets● Teaching standards

NB this is an example only and not a standard template. Any action plan is to be discussed and agreed with the employee.

Outcome: If sufficient progress is made, such that the teacher is performing at a level that demonstrates improvement, then the normal appraisal process will continue. If insufficient improvement has been made over the xx (between 6 and 10) weeks, the teacher will be invited to a meeting to determine formal capability proceedings.

Teacher:

SLT line manager to support the plan:

Area of concern	Standard of performance required	Strategies/ Targets <i>e.g learning walk, collaborative lesson planning, developmental lesson observation by a peer, use of cover pass</i>	Support (who and when)	Indicators to demonstrate improvement	Review	
					Date	Next steps

Outcome: If sufficient progress is made, such that the teacher is performing at a level that demonstrates improvement, then the normal appraisal process will continue. If insufficient improvement has been made over the 5 weeks, the teacher will be invited to a meeting to determine formal capability proceedings.

NB this is an example only and not a standard template. Any action plan is to be discussed and agreed with the employee.

WEEK 3 (W/C): **MID TERM REVIEW** (to evaluate progress towards standards, with further action and targets adjusted as necessary).

Area of concern	Standard of performance required	Strategies/ Targets	Support (who and when).	Indicators to demonstrate improvement	Review	
					Date	Next steps

Outcome: If sufficient progress is made, such that the teacher is performing at a level that demonstrates improvement, then the normal appraisal process will continue. If insufficient improvement has been made over the 5 weeks, the teacher will be invited to a meeting to determine formal capability proceedings.

NB this is an example only and not a standard template. Any action plan is to be discussed and agreed with the employee.

WEEK 6 (W/C) : **FINAL REVIEW** (To include cause/effect and judgement based on evidence)

See Week 3 Review

Key Points

Next Steps:

Evidence to influence outcome:

- 3 x Lesson observations
- Completed action plan