

*'Individual Growth, Individual People'*

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# Appraisal Policy for Teachers

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## Introduction

### 1.1 – 1.5

As soon as individual schools have completed their consideration of the policy and informed staff, it should be adopted as a policy by the governing body. Once agreed, it will not be necessary for the policy to distinguish between emboldened and other text in the final school version. The school should complete all of the blank sections of the policy starting highlighted in red type with the name of the school, together with the date that the policy was adopted and the date it will be reviewed.

The Appraisal Policy is recommended for adoption for all Nottinghamshire schools including; community, foundation, voluntary aided; voluntary controlled, academy and trust schools. For the purpose of this document, the term ‘school’ should be taken to include academies and all other forms of governance arrangements. Where individual academies do not have governing bodies reference in this guidance to the governing body should be taken to mean the relevant body to which the power to adopt the appraisal policy and take relevant decisions has been delegated.

This guidance is in line with [The Education \(School Teachers’ Appraisal\) regulations 2012, the Teachers Standards 2012 - updated Dec 2021](#)<sup>1</sup> and the [National Standards of Excellence for Head Teachers 2020](#). The policy has been developed in collaboration with headteachers and senior leaders in Nottinghamshire schools. This document aims to provide governing bodies with guidance on the adoption and application of an appraisal policy and how governors should conduct the statutory appraisal process. The guidance should be read in conjunction with Nottinghamshire School Appraisal Policy. This policy and guidance should also be considered in conjunction with the Nottinghamshire School Pay Policy and guidance and the Disciplinary (Capability) Procedure.

### 1.6 The Appraisal Regulations, definition of “teacher” and link to pay progression

The statutory Appraisal Regulations apply to all “teachers” This is defined by the STPCD 2022 page 60 “teacher” and page 61 “unqualified teacher” which refer to [s122 and s133 \(1\) of the Education Act 2002](#). The definition therefore includes any unqualified teacher – someone with special skills providing education of a prescribed kind or in prescribed circumstances (or both) under (s122 (5)) who is employed to undertake specified work (133 (1)).

Paragraph 19.1 of the STPCD sets out the requirement for the governing body to consider the annual salary progression for teachers paid on the MPR, UPR, LPR and UTR and paragraph 19.2 (a) sets out the need for this decision to be based in accordance with the 2012 Appraisal Regulations.

### 2.1 – 2.3 Purpose

The governing body of a school must adopt and make available to teachers a policy document which sets out the appraisal process for teachers. (The Local Authority must adopt and make available to unattached teachers or teachers otherwise employed than at a school a document which sets out the appraisal process for such teachers). The appraisal regulations state that “The

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- <sup>1</sup> Please note in paragraph 1.1 above, in September 2013, the DfE issued a set of [Teachers’ Standards \(Early Years\) September 2013. These standards apply only to teachers who work in Early Years settings working with 2 years olds. Teachers working in FS1 or FS2 should be working to the Teachers’ Standards 2012.](#)

objectives set for each teacher will, if achieved, contribute to the school's plans for improving the school's educational provision and performance and improving the education of pupils at that school", Regulation 6. This sets out the statutory element of the appraisal regulations and can only be achieved through a focus on developing teaching and learning linked to securing good pupil progress within the context of the school's improvement plan and taking account of pupils' starting points.

The emphasis of the appraisal policy is on support and development of staff, timely access to relevant training / coaching which is tailored to a teacher's needs and identification and resolution of performance issues at an early stage. Where additional formal targeted and bespoke support cycles are required, these are provided within the appraisal process to avoid the need for transition to capability procedures wherever possible. Schools should use at least two cycles of additional support, each of 6 – 8 weeks, before considering a transition to the capability procedures, if insufficient progress has been made against the success criteria for one or more objectives. The outcome of the application of the Appraisal Policy and process will inform all pay progression decisions for teachers.

### **3.1 – 3.2 Equalities and Equal Opportunities**

This section sets out the obligations of the school to comply with the requirements of the Equality Act 2010 and paragraph 3.1 is linked with paragraph 17.1 in the document in relation to monitoring and evaluation of the policy.

### **4.1 – 4.3 Application of the Policy**

All schools are required to have procedures agreed by the governing body to manage the performance of all teachers, with some exceptions, but including the head teacher, as set out in regulation 8 of the School Staffing (England) Regulations 2009 and the Education (School Teachers' Appraisal) (England) Regulations 2012. This includes all teacher pay ranges MPR, UPR, UTR and LPR.

All teachers employed in schools have an entitlement to professional development, to receive feedback on their performance and to understand how they are performing in their roles. The local authority recommends that schools should have an effective appraisal policy in place for all categories of staff. The governing body will need to decide (for paragraph 4.2) whether or not the policy applies to all staff in school or only to teaching staff.

In July 2016 the DfE issued the [Standards for teachers' professional development 2016](#) and the accompanying [implementation guidance](#) issued to all schools by the DfE in July 2016. Governing bodies are required to familiarize themselves with the contents of this standard and ensure that all CPD and professional development activities meet these requirements.

It is important that schools regularly review job descriptions in conjunction with staff to ensure that they are current and accurately reflect their duties and responsibilities. In addition to the job description, the performance of teachers must be assessed against:

- the extent to which appraisal objectives have been met at the end of the appraisal cycle, based on evidence against the success criteria for each objective (linked to the performance related pay progression criteria as contained in the Nottinghamshire School Pay Policy Toolkit Appendix 3 and 3a. See paragraphs 9.4, 9.10 and 9.13 Of the School Pay Policy).

- the appropriate Teachers' Standards, where appropriate the National Standards of Excellence for Head Teachers and against other relevant, nationally recognised professional standards.

Please see appendix 2 for roles and responsibilities in the application of this process.

#### **5.1-5.4 The Appraisal Period**

The Governing Body should determine and complete the details of the appraisal period in line with regulations. Each appraisal period will normally last for twelve months. Teachers employed on fixed term contracts of less than one year will have the appraisal period determined by the length of the contract. The statutory periods which existed under the previous performance management arrangements requiring that each cycle should be completed by 31 December for headteachers and by 31 October for all other teachers are no longer compulsory. However, where schools have become accustomed to these specific timescales they may continue to operate a cycle which runs for the period 1 November to 31 October for headteachers and 1 September to 31 August for all other teachers.

There may be exceptional circumstances in a particular year where there are anticipated or unexpected factors which create a difficulty for the school in achieving the agreed appraisal timescales. In these circumstances, local authority advice is that the headteacher and/or governing body should alert staff and the recognised trade unions to the difficulties explaining the implications for the appraisal cycle and any pay progression decisions at the earliest opportunity. The school should agree a revised date for that year as close as possible to the agreed cycle in the school policy. It is envisaged that such circumstances will be rare, but it is important for all staff to have considered objectives based on the current position of the school, taking into account all relevant factors.

As a means of avoiding pressure at the end of the appraisal period, schools may want to consider building initial review meetings into the school timetable at the end of the summer term so that outline objectives can be set for the following appraisal cycle. These objectives can be adjusted and finalised at the start of the autumn term by taking into account examination results, pupil intake/cohort etc. The earlier objectives and success criteria are set, the greater the period of time available for staff to work towards them and for support/related professional development arrangements to be organised and scheduled into the appraisal cycle over the school year.

#### **6.1 Absence During the Appraisal Cycle**

Where absences occur during the appraisal cycle, it is important that Head Teachers (for teachers) and the Chair of Governors (in respect of the head teacher) seek advice from the HR Service/school HR provider. If the head teacher is absent for a prolonged period the governing body must ensure that robust arrangements for the management of the appraisal cycle for all staff in the school, including for the acting head teacher are put in place.

Assessing performance in the context of absence may create some difficulties for the appraisal process. Head Teachers must be aware that a decision not to award incremental pay progression must be **evidence** based and it is important to ensure that the rationale for any decision is properly documented and recorded

Maternity Absence - A decision to deny an employee an appraisal review and/or subsequent pay progression purely **because of** their absence due to maternity leave will automatically be discriminatory and unlawful. Before any decision is made about appraisal and pay progression in these circumstances HR advice should be sought. The school must take a practical and flexible approach to conducting appraisals and making pay decisions for women absent on maternity leave and this will include situations where a teacher has been absent for part or all of the reporting year.

Disability related sickness absence – schools are required to consider reasonable adjustments for a teacher who is absent for disability related reasons to ensure that they have an equal opportunity to participate in appraisal and have access to pay progression. Whilst there is no equivalent of the “maternity equality clause” (i.e. the clause that deems a woman to have received a pay rise to which she would have been entitled had she not been on maternity leave) in the Equality Act, a decision based on sickness absence which is disability related may also be discriminatory, where it falls under the provisions of the Equality Act (2010).

#### Absence for Some of the Appraisal Cycle

In these circumstances, the school should ensure that the absent teacher receives fair treatment whilst ensuring the integrity and robustness of the schools appraisal and pay policies for all teachers in the school.

- It should still be possible to make a determination of overall performance against appraisal objectives and the relevant Teachers’ Standards or the National Standards of Excellence for Head Teachers within the current appraisal cycle. Any pay decision must be based on the evidence available.
- Maternity leave - In the case of maternity leave, performance before the leave began, even if this is early in the appraisal year or the period after a return, even if this is late in the appraisal year should be taken into account. This will include consideration of any performance that may have reasonably been expected to have been achieved during the compulsory maternity leave period. Where there is insufficient evidence during the current appraisal cycle a judgement will need to be made about using evidence from recent previous appraisal reviews. Schools should not require teachers to use their Keeping in Touch (KIT) days for the purposes of appraisal.

Disability related absence - In the case of disability related absence the school should consider the same range of options outlined above for teachers on maternity leave. When a teacher returns to work following a period of disability related absence, the school must not refuse pay progression that the teacher would have received, following appraisal, had he/she not been absent for a reason related to disability, if the reason for the refusal is the teacher’s disability or the reason for the refusal cannot be objectively justified. Advice from your HR Business Partner and Occupational Health provider must be sought to establish whether the absence is disability related.

#### Absence for all of the Appraisal Cycle

- In the case of maternity leave or disability related sickness absence, where the employee is absent for the whole of the appraisal cycle (or such proportion of it rendering it impossible to assess performance), then a judgement should be made on how the employee would have performed had they been present. This should be done by taking into account previous performance based on the last one or two year’s appraisal reviews.

- In both circumstances, the employee's performance objectives should have already been adjusted to take into account any reasonable adjustments that need to be made in terms of expected performance / outcomes.
- Where sickness absence is not disability or maternity related the evidence available at the end of the appraisal cycle will determine whether or not pay progression should be awarded.

## **7.1 Appointing Appraisers**

The appointment of and training for appraisers, including relevant governors, is critical to ensuring that the appraisal and pay determination process is carried out fairly and effectively. Appraisers must understand that the appraisal process should be clearly rooted in evidence, the evidence used is proportionate and should not unnecessarily add to teachers' workloads

### 7.2-7.3 Appraisal Arrangements for the Headteacher

The appraisal regulations state that the governing body of a school must appoint an external adviser for the purposes of providing it with advice and support in relation to the appraisal of the head teacher. Governing bodies should satisfy themselves that an appropriate adviser is appointed who is skilled, informed and impartial. The external adviser appointed should have a good understanding of the improvement needs of the school and of up to date national requirements related to the quality and effectiveness of educational provision in schools.

The governing body must governors to appraise the head teacher and the Local Authority recommends that no more than 3 governors should be appointed to the sub group. For schools with a religious character, the governing body will decide the number of foundation governors, if any, within the sub group. [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) Schedule 1, Part 3 (page 13) clarify that it is not appropriate for any member of staff, staff governor or relatives to be involved in the head teachers' or other teachers' appraisal and they must therefore be excluded from any head teacher appraisal arrangements.\*1

Where a head teacher is of the opinion that a governor appointed by the governing body to the sub group is unsuitable for legitimate reasons, e.g. for professional reasons or where there is a conflict of interest, they may submit a written request to the governing body for that governor to be replaced, stating the reasons. If legitimate concerns are raised about the choice of appraiser, these must be considered and if the governing body deems these concerns to be valid, an alternative appraiser should be offered. There is no further right of appeal against the allocation of appraiser and the final decision rests with the Chair of Governors.

### 7.4 Appraisal Arrangements for all Other Teachers

The head teacher will appraise those teachers they directly line manage and will delegate the role of appraiser, in its entirety, including recommendations on pay progression, to the Pastoral Deputy Headteacher

The appraisal cycle should not begin again in the event of the appraiser being changed. All appraisers should receive appropriate preparation training for the role and understand the link between this policy and pay progression recommendations.

### **8.1 Quality Assurance of Appraisal Statements**

The governing body must ensure that quality assurance arrangements are securely in place and give careful consideration to the options available. This will enable equality obligations to be met by ensuring that the consistent and equal treatment of all staff is monitored through the quality assurance process. Governing bodies are strongly advised to have an effective quality assurance system in place for appraisal to ensure that the appraisal process is **rigorous** and **robust**. The quality assurance process will seek to ensure that objectives and success criteria are appropriately set for all staff, that they are consistent and clear about the level of challenge involved. Objectives should be set in line with the school's improvement plan and the relevant professional standards and recorded in such a way that the measurement of success will be carried out objectively.

The latest Ofsted framework no longer requires inspection teams to request that schools provide anonymised information on the outcomes of the most recent appraisal of all teachers. Although Ofsted will no longer require this information, governors should still ensure that they correlate the quality of teaching in a school with the teachers' pay progression and maintain a robust and effective oversight of the appraisal process and decisions about pay progression.

School leadership teams are advised to ensure that they are able to correlate evidence from appraisal against learning and progress over time and examination outcomes (value added) as this will be evidence to support the judgement on leadership and management.

This section of the policy should set out the arrangements, agreed by the governing body to quality assure appraisal statements for all staff. A number of options are provided and the governing body should confirm their decision by completing the agreed arrangements under the appropriate heading for head teacher appraisal and other teacher appraisal.

### **8.2 Headteacher Appraisal –**

Ofsted inspectors will consider whether governors performance manage the head teacher rigorously. The Governing Body will therefore:

Nominate one governor who will not be involved in the head teacher's appraisal or any appeal regarding the head teacher's appraisal to ensure that the appraisal statement:

- Is consistent with the school's improvement priorities and complies with the School's Appraisal Policy and the Appraisal Regulations; and
- Assesses the head teacher's performance of their role and responsibilities against the head teachers' job description and relevant head teacher standards.

The governing body will need to carefully consider the options and the role of the chair of governors. Where the chair of governors is one of the appraisal governors for the head teacher, it will not be possible for them to undertake the quality assurance role. No governor should undertake both roles.

The appraisal governors should send the draft appraisal objectives and success criteria (KPI's) to the quality assurance governor who should satisfy themselves that the objectives and success criteria are appropriate and meet the statutory requirements.

The Local Authority recommends that an effective quality assurance role is agreed by the governing body.

### **8.3 Other Teacher Appraisal –**

Where appraisal is delegated to line managers for some or all teachers the headteacher will moderate all the appraisal statements to check that the plans recorded in the statement:

- Are consistent between those who have similar experience and responsibility
- Comply with the school's appraisal policy, the appraisal regulations and relevant equality legislation
- Assess the teacher's performance of their role and responsibilities against the relevant Teacher Standards and the PRP criteria as set out in Toolkit Appendix 3 and 3a of the Pay Policy;
- Ensure that the objectives set for each teacher, will, if achieved, contribute to the school's plans for improving its educational provision and performance and improving the education of pupils at that school.
- Set out the level of performance required to achieve pay progression and ensure that objectives are more challenging for teachers and school leaders as they gain experience and paid on higher pay ranges

### **9.1-9.5 Setting Objectives**

#### **Teachers' Standards**

The setting of objectives is an important element of the appraisal process and should be undertaken following appropriate discussion between the appraiser and appraisee. The appraisal regulations state that "all teachers performance must be assessed annually against the Teachers' Standards 2012 to a level that is consistent with what should reasonably be expected of a teacher in the relevant role and at the relevant stage of their career." In the case of senior leaders the National Standards of Excellence for Head Teachers should also be used as appropriate to inform appraisal objectives. From 1<sup>st</sup> September 2013 the other teacher standards (for example Subject Leader Standards) no longer have statutory status but may be used by schools in an advisory capacity. Appraisal objectives should be informed by an evaluation of the teachers' performance assessed against the relevant Teachers' Standard(s).

#### **National Standards of Excellence for Head Teachers 2020**

These standards replace the 2015 Head Teacher Standards and define the high standards applicable to all head teacher roles within a self improving school system. They should be used by head teachers to shape their own practice and professional development and should be used by governors to inform appraisal objectives. The standards should be used as a support document rather than a checklist of standards against which the head teachers' performance should be assessed. They will therefore be important in the appraisal objective setting process interpreted in the context of the school. The standards are intended to provide an inspirational and challenging framework for training middle and senior leaders aspiring to headship. They should be used to

inform appraisal objectives for those paid on the leadership range and aspirant leaders (i.e. those paid on the UPR seeking a leadership role) to identify areas for development.

The governing body is responsible for ensuring that the head teacher is informed of their objectives and the standards against which their performance will be assessed. The head teacher is responsible for informing all other teachers that their performance will be assessed against the Teachers' Standards 2012 and other relevant standards where appropriate. Objectives for all teachers will be set in line with this policy. The nature and weighting of performance objectives should be non discriminatory and provide all teachers with an equal opportunity to access professional development and pay progression.

Where in exceptional circumstances it has not been possible for the appraiser and appraisee to agree objectives, the appraisee may submit a written statement with the appraisal document and if necessary, they may submit an appeal to the headteacher (chair of governors for headteacher) who will make a final decision.

The appraisal process, including the setting of clearly defined objectives, success criteria and gathering of evidence, should sit alongside and support all other processes in school to ensure that they are linked to performance through appraisal and pay progression decisions and avoid any duplication of processes. In setting objectives governors and the head teacher should take account of the following;

1. How do objectives link to school and/or team improvement plan(s), the school's self-evaluation outcomes and the PRP criteria as set out in Pay Policy Toolkit Appendix 3 and 3a of the Pay Policy?
2. How will the achievement of the objectives contribute to pupil progress and the improvement of the school's educational provision?
3. Do the objectives reflect an appropriate assessment of the teacher's performance of their role and responsibilities against the relevant Teachers' Standards?
4. Can the objectives be assessed using quantifiable or qualitative success criteria and is there a clear understanding of the success criteria between appraiser and appraisee?
5. Do the objectives provide challenge to the teacher without being unreasonable?
6. Are the objectives fair given the experience, role and responsibility of the teacher?
7. To what extent are objectives within the control of the teacher or reliant on external factors which the teacher cannot influence?
8. Do the objectives take into account work life balance issues?
9. Do the objectives take account of the teacher's professional aspirations, within the context of the school's priorities?
10. Are objectives consistent, fair and reasonable when compared to the objectives set for other teachers of similar experience, responsibility and status?
11. Has account been taken of the working time of staff e.g. staff employed to work part time and for any staff who have a disability?
12. Does the teacher understand the extent to which the meeting of appraisal objectives will impact on decisions relating to pay progression.

### **10.1 – 10.7 The Objectives**

Though appraisal is an assessment of the overall performance of teachers and of the head teacher based on the relevant Teachers' Standards and or the National Standards of Excellence for Head

Teachers, objectives cannot cover the full range of a teacher's/head teacher's role or responsibilities. Objectives will therefore focus on the key priorities for an individual within the cycle. The objectives set *"should contribute to the personal and professional development of the appraisee and will, if achieved, contribute to the effective delivery of the school's plans for improving the school's educational provision and performance and for improving the education of pupils at the school."* (*The Education (School Teachers' Appraisal) regulations 2012*)

The appraisal process should, therefore, be supportive and developmental. All teachers should clearly understand what it is they have to achieve to be considered for pay progression at the end of the appraisal cycle. The school must manage the appraisal process so that there are no surprises at the end of the year. Throughout the appraisal cycle both the teacher and their appraiser should clearly understand what objectives are in place and the success criteria and evidence that will be used to assess performance and progress throughout the cycle.

The appraisal cycle is annual, but on occasions it may be appropriate to set objectives that cover a period of more than one cycle. In such cases, the basis on which the progress being made towards meeting the appraisal success criteria for the objective and implications for pay progression will be set out in the appraisal statement at the start so that it is clear what will be assessed at the end of the first cycle. At the beginning of the next cycle the appraisal statement will be updated.

The governing body will need to determine the number of objectives each teacher in the school will have. The local authority recommends that all teachers including head teachers will normally have no more than 3 objectives in an appraisal cycle as set out in the policy. In setting objectives, the appraiser should take account of the individual's circumstances, including their contract of employment and whether or not they work part time or have a disability. Given the importance of child protection and safer working practices, appraisal for those with leadership responsibilities should be used to ensure that evidence confirms robust and effective procedures are securely in place.

Objectives should be specific, measurable, achievable, realistic and time bound (SMART). Following the review / appraisal meeting, the appraiser should give the appraisee a copy of the appraisal statement within 5 days of the meeting.

### **Teachers – Setting success criteria for appraisal Objectives: Guidance is available in the School Pay Policy (Appendix 3)**

#### **Setting targets within appraisal**

When setting targets for individual teachers account must be taken of the extent to which the pupils in each class need to improve from their starting points to ensure that in years 2 and 6 the school targets will be met and to ensure that the right proportion of pupils is on track to reach ARE in all other cohorts, based on their starting points.

#### **The PRP Criteria (Appendix 3 in the Pay Policy) states that for all teachers:**

*"Typically, most pupils make sufficient progress in learning from their starting points that year taking account of pupils' starting points at the end of the previous school year; last key stage and the extent to which pupils need to make accelerated progress within the year"*.

*(Schools will need to define "sufficient" for individual teachers and what accelerated progress is required for each pupil, based on the individual pupil's starting points at the beginning of the key stage and the year and the make-up of the class).*

## **Head Teacher Objectives**

The Nottinghamshire head teacher appraisal guidance for external advisors gives a clear steer to appraisal governors of the key areas on the National Standards of Excellence for Head Teachers (NSEHT) that should inform head teacher objective setting:

**Objective 1** Focus on the quality and effectiveness of leadership at all levels, including governance, in building leadership capacity as part of a sustained self-improving school system.

**Objective 2** Focus on the quality of curriculum provision to improve performance (progress from starting points) of all pupils, including curriculum provision for any underperforming / vulnerable groups – FSM6 eligible for free school meals during the last 6 years, EAL english as an additional language, LAC looked after children and SEND special educational needs or disability.

**Objective 3** Link to a key priority in the SIP around securing / embedding / sustaining improvement, identified from school self – evaluation, such as safeguarding / staff well-being / communication / other.

### **11.1 Reviewing Performance**

Annual and interim appraisal reviews for all staff should be carefully planned into the school calendar year. Good progress towards the achievement of a challenging objective, even where the success criteria have not been met in full, should be assessed favourably. Similarly, where progress is insufficient, the reasons, how identified developmental issues can be addressed and any implications for pay progression should be clearly understood by appraiser and appraisee at review meetings. Feedback throughout the year on areas where the teacher needs to improve in order to secure a positive assessment, along with the provision of any additional support and training to improve performance, should be agreed and documented at in-year review meetings or any additional meetings as required. Assessments against the Teachers' Standards should be given at review meetings and on overall progress to secure, where possible, a favourable appraisal outcome. The Appraisal Regulations state that each teacher's appraisal report (see Appendix 5 – Appraisal Toolkit) must include an assessment of the teacher's professional development needs and identification of any action that should be taken to address them.

Where objectives and success criteria cover a period of more than one cycle it will be necessary for the appraiser and appraisee to agree milestones towards an overall objective which can be reviewed and measured within and at the end of each annual cycle so that pay progression

decisions can be made. These milestones may need to be reviewed in the light of progress made but as far as possible the overall objectives should remain the same.

Objectives may also need to be reviewed when circumstances outside the control of the teacher - which could not have been anticipated when the objectives and success criteria were set - impact on the achievement of objectives or when it becomes clear that the objectives set have been superseded by more pressing issues related to concerns about a teacher's capability.

### **11.2-11.4 Monitoring and Evaluation**

In order to support teachers to meet their objectives within the agreed timeframe, it is essential for them to have opportunities to review the progress that they are making against each objective.

The appraisal process is evidence based and each teacher is responsible for the gathering of appropriate evidence of the progress that they are making throughout the year in order to identify any particular strengths or areas for further development both during the year and at the annual review.

A range of evidence should be available to demonstrate typicality of performance as an outcome of the school's agreed quality assurance cycle and could for example include evidence from sources such as:

- Lesson observations;
- Work scrutiny;
- Questionnaires;
- Planning scrutiny;
- Learning walks/pupil pursuits;
- Pupils progress from their starting points;
- Portfolio/evidence of standards; and
- Progress of individuals/groups (vulnerable groups/closing the gap).
- Self assessment / peer reviews and views of parents and pupils

The decision about the use of evidence should be taken in the context of minimizing bureaucracy and reducing teacher workload. The Secretary of State wrote to all schools in July 2019, and remains current today, stressing the need to ensure that within appraisal account is taken of teacher workload. It also refers to the 'Making Data Work' which recommended that appraisal objectives and performance management discussions should not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils. The letter can be read here:

<https://www.gov.uk/government/publications/data-burdens-on-schools>

Appraisal should provide all teachers with a fair opportunity to demonstrate that they have met the relevant standards and their individual objectives. The evidence should be directly related to the formal appraisal process and with the standards and objectives that have been agreed with the teacher. It would not be appropriate for the school to introduce evidence requirements that are not directly and explicitly related to appraisal and to the objectives and standards previously

agreed with the teacher. Appraisers should take account of the principle that evidence for appraisal must be proportionate and clearly rooted in the objectives and success criteria set and should fully understand how the appraisal process is linked to pay.

It is important for all schools to have in place a Monitoring and Evaluation/Quality Assurance Policy. This policy should be subject to appropriate consultation with staff and that where changes are proposed further consultation should take place.

#### Monitoring and Evaluation Protocol

This should be taken from relevant sections of the schools agreed self-evaluation policy/quality assurance policy as appropriate.

### **12.1 Appeals**

The appeals process is set out in Pay policy Toolkit Appendix 10 to the School Pay Policy.

#### **13.1 Confidentiality and Retention of Records**

The head teacher and the governing body should ensure that the appraisal process and information generated within it, is treated with strict confidentiality at all times. The head teacher will have access to all appraisal statements in order to carry out the quality assurance role effectively. Only the appraisee's line manager or, where they have more than one, each of the line managers will have access to the appraisee's records, where this is necessary to enable the line manager(s) to discharge their management responsibilities. The overall aim should be to keep access to these records to a minimum. All records will be retained securely by the governing body (for the head teacher) and by the head teacher (for all other staff) for a period of 6 years. This is the minimum retention period and consideration should be given to retaining/archiving documents for a longer period. Six years takes account of the fact that the appraisal planning documents provide evidence for UPR assessment and other pay progression decisions as set out in the STPCD. In the case of any appeal, governors and employee representatives will have access to the appropriate confidential information relating to the individual which is required for the appeal.

Ofsted inspectors will be required to make a judgement on whether the school's appraisal process is contributing to the achievement of its improvement plans and is improving educational provision and pupil progress. They will also consider the link between pupil progress and pay progression decisions. The head teacher should ensure that appropriate anonymised information is collated and made available to the governing body as part of their Annual Pay Report for the Governors Pay Committee (see Pay Policy Toolkit – Appendix 8).

### **14.1 Development and Support**

Training and support – The school's CPD programme should be informed by the training and development needs identified in the training annexe of the teachers' appraisal statement. All teacher CPD must conform to the new [Standards for teachers' professional development 2016](#) and the accompanying [implementation guidance](#) issued to all schools by the DfE in July 2016. Governing bodies are required to familiarize themselves with the contents of this standard and ensure that all CPD and professional development activities meet these requirements.

The governing body should ensure in the budget planning process that, as far as possible, appropriate resources are made available in the school budget for any training and support needs for all staff in school along with provision for expected pay awards and salary progression decisions. With regard to the provision of CPD in the case of competing demands on the school budget, a

decision on relative priority should be taken by the governing body with regard to the extent to which:

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

The school's priorities will have precedence. Teachers should not be held accountable for failing to make good progress towards meeting their appraisal objectives where evidence demonstrates this is due to the fact that the support required to meet the objective(s) and success criteria as recorded in the appraisal statement has not been made available.

An account of the training and development needs of teachers in general, including the instances where it did not prove possible to provide any agreed CPD will form part of the head teacher's annual report to the governing body about the operation of appraisal.

Teachers' professional development is of paramount importance in ensuring that teachers can meet appraisal objectives related to improving their own teaching and pupil progress. McKinsey and Company's research into 'How the world's most improved school systems keep getting better', found that one of the key factors is teachers' involvement in collaborative development of teaching practice through action research and collaborative coaching models.

The research has informed the development of collaborative models to secure improvements in teaching across Nottinghamshire for many years. These opportunities range from access to collaborative development opportunities and coaching from lead teachers, leading practitioners subject leader networks (secondary), family networks, CPD clusters (primary), Raising Achievement Networks (secondary), Teaching Schools (cross-phase), Local and National Leaders of Education and their schools and more recently, Specialist Leaders of Education.

Professional development is also available through a number of leadership development programmes from a range of providers such as Teaching Schools, the National College, Universities and the Local Authority. Details of the Local Authority's CPD offer is available at:

[www.em-edsupport.org.uk](http://www.em-edsupport.org.uk)

All training needs identified as part of the appraisal process will be referred through to the school's CPD coordinator but not the full appraisal statement. The headteacher and governors will need to ensure that reviewers are aware of the range of CPD options available and that provision for CPD is taken into account in the overall budget planning process for the school. This will be communicated to the CPD coordinator and all reviewers with the aim of ensuring that objectives set have the financial resources to provide the required CPD.

If, as a result of interim reviews, it is necessary for further additional support to be provided to enable a teacher to meet their appraisal objectives, the school should consider whether the extent of support required merits the provision of an individual teacher support plan.

The new 2018 Childcare regulations issued by the DfE are accessed here: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006> They make reference to the use of appraisal within schools as an opportunity, for example through performance management or other staff discussions, to create the right culture and environment

so that staff feel comfortable, where it is appropriate, to discuss matters inside or outside of work, which may have implications for the safeguarding of children in the workplace. These discussions can help schools safeguard their employees' welfare and contribute to their duty of care towards their staff. Where appropriate, it will help schools identify whether arrangements are needed to support these staff. These discussions can also help schools manage children's safety, providing them with information that will help them consider whether there are measures that need to be put in place to safeguard children (e.g. by putting arrangements in place to stop or restrict a person coming into school where a potential risk to children has been identified).

### **15.1- 15.2 Feedback**

Feedback to all staff should be provided at the agreed points in the appraisal cycle but also at other times after any observation has taken place or other evidence has come to light. In these circumstances, feedback to the teacher should be provided as soon as possible.

Feedback meetings should be used to discuss particular areas of strength or areas needing improvement. It will be important to separate routine feedback from those situations where a teacher is not performing at an appropriate level. Where a teacher is not performing at an appropriate level the appraiser will need to ensure that a clear explanation is provided to the teacher about which aspects of their performance require improvement and ensure that the teacher understands any implications for decisions relating to pay progression at the end of the appraisal cycle. It will also be necessary to set out timescales for improvement, what success will look like, the support the teacher will receive to meet the required standard and the consequences of inadequate progress including any impact on pay progression at the end of the appraisal cycle. Feedback meetings should be followed up in writing within 5 days of the meeting taking place. The Appraisal Toolkit provides a pro forma for use at the interim review meeting.

### **16.1-16.4 Annual Assessment**

It is most important to ensure that progress is not solely assessed at the end of the appraisal cycle. This would not provide sufficient opportunity for discussion about progress made against the objectives, would not allow the appraisee to respond to areas which need more development nor enable the school to provide additional support or CPD.

Schools will need to decide when reviews will take place throughout the appraisal cycle, decide the dates by which appraisees will receive their written appraisal report and determine the dates by which pay recommendations need to be made for all staff. All such reviews and formal appraisal meetings should take place during the normal school working day and/or as part of directed time. This information needs to be included in this section of the school policy. The policy sets out the content of the appraisal report and a template written appraisal report is included within the Appraisal Toolkit as Appendix 5.

Since September 2014 pay progression for all teachers has been based on performance. All pay progression (incremental pay progression and salary uplift) must be based on individual performance and the traditional annual cost of living pay award is no longer automatic. Recommendations made by appraisers since September 2016 should have been based on an assessment of the evidence of the teacher's performance against the agreed objectives and the meeting of pay progression criteria to judge the degree of impact of the Teachers' Standards (see Appendix 3 and Appendix 3a the Pay Policy Toolkit) at the appropriate career stage. In reaching a decision on pay, account should also be taken of the statutory criteria and guidance as set out in the current version of the School Teacher's Pay and Conditions Document (STPCD), and the

meeting of the relevant Teachers' Standards. Account will also need to be taken of the agreed school pay policy.

### **17.1-17.2 Monitoring and Evaluation of the Policy**

There is no statutory requirement for the head teacher to provide the governing body with an annual report on the operation of the appraisal policy. However, the local authority guidance is that the governing body should monitor the operation and outcomes of the appraisal cycle to inform pay progression. Where the governing body decides that an annual report is required, it will be necessary to determine what information should be included. This section details a number of useful suggestions which governors may find helpful in order to evaluate the overall effectiveness of the school policy and may be added to the template report contained within the Pay Policy Toolkit (Appendix 8).

The annual report should provide the governing body with an overview of the application and operation of the Appraisal Policy. The report must not contain any personal information that may enable any individual to be identified. The report should include:

- An overview of the operation of the appraisal process within school;
- An evaluation of the progress made and the overall effectiveness of the Appraisal policy (including summary information about any appeals or disputes);
- An overall summary of all teacher's CPD training and development needs, rather than a detailed individual information;
- A review of the quality assurance process and any changes required; and
- Any equality issues arising out of the policy, in particular any issues related to equal pay in line with the protected characteristics contained within the Equality Act 2010.

The report should not identify an individual teacher's CPD needs. It should summarise planned CPD which supports staff at an individual and whole school level within the framework of the achievement of individual and whole school appraisal objectives.

### **17.1 – 17.2 Equality Act 2010 - Equal Opportunities**

The report should reflect the governing body's commitment to ensuring that the appraisal process is fair and non-discriminatory and should ensure that any equal opportunity issues arising from the appraisal process are included. The report should not enable any individual to be identified. The governing body should ensure that the appraisal process is fair and monitoring data (where declared) should be included in the headteacher's report and include the following information about staff taking into account the protected characteristics of: race; sex; sexual orientation; religion or belief; gender re-assignment; pregnancy and maternity; marriage and civil partnership; disability and age. The governing body should also take steps to ensure that the school's pay policy does not discriminate on the grounds of trade union membership.

The headteacher should also include a confidential and anonymous section to the report outlining appropriate details of the following:

- Any appeals;
- The cases and the circumstances where teachers have not made satisfactory progress towards objectives; and

- Any instances where and reasons why the training and development set out in the training and development annex have not been provided

## **18.1 Review of the Policy**

As stated in 17.1/17.2 there is no statutory requirement for the governing body to review the appraisal policy on an annual basis, but the advice from the local authority is that this is good practice, particularly where this is based on feedback from staff and the Headteacher's report. This annual review recognises the importance of the appraisal policy within school, ensures that it is up to date and consistent with legislation, all other school policies / procedures, pay structures and ensures that arrangements are working effectively. It also provides an opportunity for the governing body to ensure that the application and operation of the policy continues to minimize the impact on workload for individual teachers, line managers, head teachers and governing bodies.

The governing body will need to decide the meeting at which the appraisal policy will be reviewed. In reviewing the policy, governors should take account of the Headteacher's report and any review of the quality assurance processes. The policy will be revised as required to introduce any changes in regulation, legislation and statutory guidance to ensure that it is always up to date.

Where governors consider it necessary to make any changes to the school policy, in consultation with staff, the governing body will seek to agree any revisions to the policy with the local representatives of the recognised trade unions, who may wish to seek advice from their trade union officers. Any proposed changes to the policy should be subject to consultation in the spring term, (dependent on the school's start and end dates for the appraisal cycle), wherever possible, to allow time for agreement of the changes. Where changes are proposed the school should undertake an Equality Impact Assessment and put in place measures to avoid discriminating against employees on the grounds of any protected characteristics and to ensure that part time employees and those employed on fixed term contracts are not treated less favourably. Information on completion of an EQIA is attached as an appendix to the document "[Equality and Diversity in Employment – Equality Impact Assessment Guidance](#)" available on the Schools Portal. The application of any changes should apply to the next appraisal cycle. Other than in exceptional circumstances, it would not be appropriate to review the policy and apply changes part way through an appraisal cycle.

To ensure that teachers are conversant with the appraisal arrangements, all new teachers who join the school should be briefed as part of their induction to the school. The timing of the report will depend on the appraisal cycle agreed by the school and should be coordinated with an annual review of the policy by the governing body. The two issues may be considered together or at consecutive meetings, planned in accordance with the annual cycle of termly governing body meetings over the year.

## **19.1 Access to Documentation**

All appraisal documents should be retained securely for a minimum period of 6 years.

## **20.1 – 20.2 Transition to Capability**

The emphasis of the appraisal policy is on support and development, timely access to relevant training and additional support where performance issues are identified so that they may be resolved at an early stage within appraisal. There should be opportunities for discussion about any performance concerns at the objective setting stage, interim reviews and at the annual assessment stages.

There should be transparency at every stage and where concerns emerge these should be discussed with the appraisee and support offered as soon as possible, without waiting for future planned review meetings to take place. If an appraiser identifies through the appraisal process, or via other sources of information, that the teacher is not performing at an appropriate level such that the difficulties experienced by the teacher, if not rectified, could lead to capability procedures, the appraiser, should involve the head teacher or member of the leadership team.

The involvement of the head teacher or other senior leader will ensure that the appraisal procedures in place at this time are appropriate and robust. The appraiser and appraisee will be supported in the review meeting to do the following:

- Identify the concerns and ensure that the quality of the appraisee's; performance against the objectives and success criteria is shared with the appraisee;
- Identify and consider with the employee any potential implications for pay progression;
- Ensure that the appraisee is given every opportunity to comment on and discuss the concerns;
- Set out the level of improvement required;
- Identify an appropriate additional support plan which is agreed with the appraisee;
- Ensure that timescales for improvement are reasonable;
- Ensure that there is a clear understanding about how progress will be monitored, when and how progress will be reviewed; and
- Ensure that the implications of no or insufficient improvement are properly explained to the appraisee including the fact that insufficient improvement may result in a transition to the capability procedures.

At the conclusion of the meeting clear written feedback about the nature and seriousness of the concerns should be provided to the appraisee to verify accuracy and a copy should be returned for the teacher's appraisal file. The implications for pay progression should be explained.

At subsequent interim discussions / reviews where progress is evident this should be acknowledged and the support arrangements in place reviewed. However, where progress is inadequate any review meetings which take place should be minuted and discussions with the appraisee held in the context of increasing concern. The notes/minutes of meetings should be shared with the appraisee to verify accuracy and then returned for the teacher's appraisal file. Where any additional action/support/CPD plan is required, this should be identified as part of the appraisal process and this should also be recorded along with review dates and outcomes. The additional support plan may include coaching, training, in class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers that will contribute to addressing the specific identified concerns.

Head teachers should set a reasonable time for any agreed additional support to be effective and for the defined improvement on that additional support plan to be achieved (success criteria). The additional support plan will normally provide a minimum of two cycles of support lasting 6 – 8 weeks with short step success criteria to help ensure that the teacher makes the required progress towards the end of cycle success criteria. The teacher should be provided with regular written feedback during this support period on progress and the support arrangements should be modified where necessary. It is intended that the additional support programme will enable the teacher to make the required progress and where this is the case the teacher will be informed and the appraisal process

will continue as normal. The review of the support plan will need to decide whether a further period of additional support is needed to ensure that progress made is sustained and embedded. The overall aim is to ensure that the appraisee is supported to get back on track to address any performance concerns and to meet the annual appraisal objectives.

If no or insufficient improvement has been made over the period of additional support, this should be discussed with the teacher and a transition to the capability procedures considered. The teacher will be invited to a formal meeting to determine whether the appraisal process should continue or whether the capability procedure needs to commence. If the capability procedure commences the appraisal process will be suspended.

The head teacher and or the governing body should access the appropriate HR and Education Improvement Service advice at the point where the school is considering the implementation of a second support plan within appraisal and then again prior to a decision being made relating to the transition to the capability procedure.

## References

The School Recruitment and Selection Policy, Guidance and Toolkit provides guidance and information on the provision of references for employees who apply for posts in other schools. References for all employees should be honest and truthful so that they can be objectively justified if challenged either by an employee or new employer. It is important here to remind governing bodies of the School Staffing (England) (Amendment) Regulations which came into force on the 1<sup>st</sup> September 2012. This amendment requires a head teacher or a governing body of maintained schools to confirm, if asked for a reference by a prospective employer, whether or not the teacher has, within the last two years, been the subject of capability procedures. This is a legal requirement for which there is no discretion and places a statutory responsibility on the head teacher and / or the governing body to provide prospective employer with teacher references which comply with this requirement.

- On receipt of such requests, head teachers must advise in writing whether or not the teacher has, in the preceding two years, been the subject of the capability procedure; and Provide written details of the nature of the concerns, the duration of the proceedings and the outcome.

## Related Documents

- School Teachers Pay and Condition Document 2021 (To update when published in November)
- Teachers Standards 2012 - updated Dec 2021
- Teachers' Standards (Early Years) September 2013
- National standards of excellence for headteachers 2020
- Standards for teachers' professional development and the implementation guidance 2016
- Implementing your school's approach to pay – Advice for maintained schools, academies and local authorities September 2018, revised in March 2019
- <https://www.gov.uk/government/publications/data-burdens-on-schools>
- The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 2013 No. 1624
- <https://www.gov.uk/government/publications/induction-for-early-career-teachers-england>
- Induction Policy 2022 (to update)

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\*1 In terms of staff involvement of staff in head teacher appraisal “The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013” apply. Schedule 1, Part 3 (page 13) is as follows:

*Pecuniary interests 3.—(1) This sub-paragraph applies where a relevant person who is paid to work at a school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the school. (2) This sub-paragraph applies where a head teacher of a school is present at a meeting of the school at which a subject of consideration is the head teacher’s own pay or performance appraisal. (3) In any case where sub-paragraph (1) or (2) applies, the relevant person’s interest will be treated for the purpose of regulation 16(b) as being in conflict with the governing body’s interests.*

*Section 16(b) says “...that person, if present at a meeting of the school at which the matter is the subject of consideration, must disclose his or her interest, withdraw from the meeting and not vote on the matter in question.”*

## School Appraisal Policy – Roles and Responsibilities

### 1. Appraisee should:

- Be familiar with the relevant national standards for their post
- Complete an annual self-evaluation (best-fit) against the relevant standards
- Use the self-evaluation against the relevant standards and other relevant evidence to identify areas for possible appraisal objectives and success criteria
- Engage in CPD, agreed as part of the appraisal process in line with the PD standard and guidance
- Take a lead role in collation of evidence to demonstrate the extent to which the appraisee is on track to meet the appraisal objectives (success criteria)/ has met the objectives at interim/ annual reviews
- Seek support where required

### 2. Appraiser should:

- Be trained and be familiar with the relevant national standards
- Use the appraisee's self-evaluation against the relevant standards and other relevant evidence to identify areas for possible appraisal objectives and success criteria based on school policy
- Seek to agree appraisal objectives, success criteria, actions, CPD support, monitoring and evaluation methods and dates of reviews and record on the school's agreed appraisal statement
- Ensure relevant CPD is made available in line with the Standards for Professional Development Standards and Guidance 2016
- Take a lead role in recording progress, based on collated evidence and evaluate the extent to which appraisal objectives (success criteria) have been met at interim and annual reviews
- Provide honest and transparent feedback verbally and record on appraisal statement
- Offer the appraisee the opportunity to comment on the feedback and provide support
- Following annual review make a recommendation to the headteacher on pay progression, based on supporting evidence
- Ensure Appraisee understands any implication for pay progression / non-pay progression
- Ensure evidence requirements minimize the impact on workload for teachers and that it is readily available from day to day practice in school
- Leaders and appraisers have "meaningful engagement" with appraisees and support employees to manage workload issues appropriately and quickly

### 3. Head teachers should ensure:

- All appraisers and appraisees have been trained/briefed for their role
- Staff are consulted on the staged exemplification of the Teachers' Standards for the school (Appendix 3 School Pay Policy)
- All staff have been consulted on appropriate policies (appraisal, pay and capability) and that these policies (and those updated) have been adopted by the Governing Body.
- Consistency in the level of challenge of objectives and success criteria for teachers on the same pay band and with equivalent levels of responsibility, by carrying out moderation / quality assurance in line with the school's appraisal policy

- “That objectives, if achieved, contribute to (a) improving the education of pupils at that school’ (paragraph 9.3 (2) in the Appraisal Policy) and (b) improving the effective the school’s plans for improving its educational provision
- That the Standards for Professional Development Standards and Guidance 2016 are met in line with the guidance
- They act as final arbiter on appeals
- The appraisal policy is reviewed each year and provide anonymised report to the Governing Body for equalities purposes (appendix 9 Pay Policy)
- Use the outcome of the annual appraisal reviews to make recommendations to the governors’ pay committee on pay progression, based on supporting evidence (annual report format appendix 8 – school pay policy)
- Ensure that leaders and appraisers understand the need to have “meaningful engagement” with appraisees and support employees to manage workload issues appropriately and quickly
- Ensure appraisal evidence requirements minimize the impact on workload for teachers and that it is readily available from day to day practice in school
- Staff Wellbeing issues are addressed

#### 4. Governors should ensure:

- The pay and appraisal policies and associated toolkits have been considered by the relevant committee and have been adapted to meet the needs of the school where indicated in the Nottinghamshire Policy and Guidance
- Pay scales are set in line with current advice from HR as set out in the current School Pay Policy
- That all pay progression for teachers is linked to performance (the appraisal regulations 2012 and most recent STRB report and STPCD.
- A date is set to receive an annual report on appraisal from the headteacher, to review whether the appraisal policy has been implemented appropriately
- The appropriate body receives an anonymised summary and recommendations for pay progression from the Pay Committee
- The annual report is used to “That objectives, if achieved, contribute to (a) improving the education of pupils at that school’ (paragraph 9.3 (2) in the Appraisal Policy) and (b) improving the effective the school’s plans for improving its educational provision” (paragraph 9.3 in the Appraisal Policy)
- Consider appeals on appraisal and pay as set out in each policy