

**Decision Makers:** **Education Policy Development and Scrutiny Committee**  
**11 September 2012**

**General Purposes and Licensing Committee**  
**26 September 2012**

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** **TEACHER APPRAISAL AND CAPABILITY ARRANGEMENTS**

**Contact Officer:** Angela Huggett, Human Resources Consultancy Manager  
Tel: 020 8313 4029 E-mail: angela.huggett @bromley.gov.uk

**Chief Officer:** Charles Obazuaye Assistant Chief Executive HR

**Ward:** N/A

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1. Reason for report

- 1.1 From 1 September 2012 revised arrangements come into force in relation to managing Teacher performance.
- 1.2 This report sets out the main changes and proposes changes to the council's current procedures and policies already in place.

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2. **RECOMMENDATION(S)**

- 2.1 **That the Education PDS Committee consider and comment on the report and the attached DFE model policy for teachers' appraisal and capability.**

**Members of the General Purposes and Licensing Committee are asked to:**

- 2.2 **Consider the comments of the Education PDS committee;**
- 2.3 **Agree that the model policy be adopted by all Community and Voluntary Controlled schools and in respect of centrally based teaching staff employed by the Local Authority; and**
- 2.4 **Agree the minor change to the current Capability Procedure enabling the informal capability process to be dealt with as part of the appraisal process.**

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Children and Young People Excellent Council
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### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: N/A
  5. Source of funding: N/A
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### Staff

1. Number of staff (current and additional): All Teachers and Head Teachers in Community and Voluntary Controlled Schools.
  2. If from existing staff resources, number of staff hours: N/A.
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### Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance
  2. Call-in: Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

- 3.1 At present schools and the Local Authority have their own model policies in place relating to Teacher and Head Teacher Appraisal and Capability. These policies were formulated on the basis of statutory guidance and the 2006 Performance Management Regulations applicable to Teachers.
- 3.2 Founded on the principles and proposals in the DfE 2010 White Paper “The Importance of Teaching” the Education Act 2011 focuses school inspection on educational standards and strengthens school accountability to drive continued improvement in academic standards.
- 3.3 With a focus on managing Teacher Performance revised arrangements come into force on 1 September 2012 relating to Teacher Appraisal and Capability. These revised arrangements are supported by the New Teacher Standards also coming into force from 1 September 2012.

#### **Appraisal**

- 3.4 Revised appraisal arrangements are set out in the Education (School Teachers’ Appraisal) (England) Regulations 2012.
- 3.5 They retain the key elements of the 2006 regulations i.e.:
- Governing bodies and local authorities will have to have a written appraisal policy for their teachers
  - Governing bodies will have to appoint an external adviser to advise them with appraising the head teacher
  - Objectives will have to be set for each teacher which contribute to improving the education of pupils
  - Schools will have to have an annual appraisal process for teachers
  - Teachers will have to be given a written appraisal report which sets out:
    - an assessment of their performance
    - an assessment of their training and development needs
    - where relevant, a recommendation on pay progression.

but allow schools and Local Authorities more freedom to design arrangements to suit their own individual circumstances.

- 3.6 The key changes are that:
- each year, teachers’ performance of their role and responsibilities will be assessed against the relevant new Teachers Standards and their objectives (Previously the standards were a back drop to performance discussions);
  - the 3 hour limit on classroom observation has been removed so that schools have the flexibility to decide what is appropriate for themselves;
  - the overlap between the current appraisal and capability systems has been removed so that under performance can be tackled more swiftly and effectively.

## Capability

- 3.7 It is intended that capability procedures should apply only to teachers about whose performance there are serious concerns that the appraisal process has been unable to address.
- 3.8 It is advised by DfE that timescales for improvement should be shortened and the informal part of the capability procedure has been removed. In addition there will be a requirement for employers to pass on information to prospective employers if they request such information about Teachers and Head Teachers' who have been in capability. This information will provide details of the duration of the capability process and an explanation of the outcome. This measure is intended to prevent the recycling of underperforming teachers and the School Staffing Regulations 2009 have been amended to reflect this new requirement.

## Model Policy

- 3.9 In order to support these revised arrangements the DfE has produced a new model policy that schools and LA's may wish to use. Part A deals with appraisal arrangements and Part B deals with capability arrangements. Part B is consistent with the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 3.10 The Head of Learning has reviewed the model policy published by DfE in relation to Teacher and Head Teacher appraisal and is broadly in agreement with the model she has however made the following observations:
- The use of an external adviser will continue to have a cost implication for schools.
  - In the interests of best practice, feedback should be written as well as oral.
  - There is sufficient flexibility within the policy for schools to determine the number of observations that they consider appropriate.
- 3.11 The DfE model appraisal policy (including a copy of the new teacher standards) and a revised version of Bromley's current capability procedure was circulated for consultation to all the Teacher Trade Unions and Head Teachers during the summer term (attached as **Appendices A and B**).
- 3.12 A formal written response was received from the NASUWT together with a copy of NASUWT's suggested policy. These can be found at **Appendix C and as a background document to this report**. Also included is management's response to the issues raised.

## 4. POLICY IMPLICATIONS

- 4.1 The model policies are consistent with BBB priorities to provide strategic leadership and support to schools in the Borough to assist and underpin the Government's Education Reform Programme and ensuring the organisation has a workforce of appropriate skills and experience to meet future challenges in delivering local priorities.

## 5. FINANCIAL IMPLICATIONS

- 5.1 There are no new costs arising from adopting the new model policy for teachers' appraisal and capability processes. However, as stated above, the use of external adviser for Head Teachers' appraisal will continue to have a cost implication for schools.

**6. LEGAL IMPLICATIONS**

6.1 As set out in this report.

**7. PERSONNEL IMPLICATIONS**

7.1 As set out in this report.

<b>Non-Applicable Sections:</b>	N/A
Background Documents: (Access via Contact Officer)	<a href="#">Model Performance Management Policy - NASUWT The Teachers' Union</a>