

## SUMMARY OF CONSULTATION RESPONSE FROM NASUWT

Consultation Response	Management Comment
<p>The Bromley proposals for changes to its Model Capability Procedure are unacceptable to the NASUWT for the following reasons: -</p> <ul style="list-style-type: none"> <li>• The 'informal stage' of the Borough's current Procedure has been excised.</li>   <li>• Once in the procedure the period for improvement is reduced from up to two terms to 'no more than ten weeks ...' [p. 7, para 4.4 (vi)].</li>   <li>• Whoever is conducting the Formal Capability Meeting, at the start of the procedure, is able to issue a formal warning [p.7, para 4.4, preamble to this para ] which will remain on file even if the employee then achieves a satisfactory and sustained level of performance' ...until [that/those person(s)] is[/are] of a view that this can be removed'. [p.8, para 4.7.1].</li> </ul>	<p><b>This is consistent with guidance issued by DfE. By removing the informal stage of the Borough's procedure problems can be addressed initially through the formal appraisal process with only serious cases being placed in formal capability where the appraisal process has been unable to address performance concerns. The school staffing regulations apply a duty to an employer to provide details to a prospective employer of an individual's lack of capability if they have been subject to formal procedures within the previous two years.</b></p> <p><b>It is expected that 10 weeks is a satisfactory period to achieve an improvement in performance however from initial warning through to final written warning and then potential dismissal would on average take two terms. The wording of this section has therefore been revised to reflect this and is consistent with the ACAS code of practice.</b></p> <p><b>We have asked NASUWT for further clarification regarding their objection to this point. At the time of writing this summary this had not been received.</b></p>

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<ul style="list-style-type: none"> <li>• Information and judgements about an employee derived from OFSTED inspections and/or appraisal may be directly used in the proposed new Capability Procedure.</li> </ul> <p>In the view of the NASUWT the current version of Bromley's Model Capability (Version 1) should be retained.</p> <p>Bromley's new 'Model Appraisal Policy .....' is almost entirely unacceptable to the NASUWT for the following reasons: -</p> <ul style="list-style-type: none"> <li>• All the safeguards in the current procedure for teachers and headteachers have been removed, viz. especially re the limit on the number of lesson observations, the controls on 'drop-ins' and the limit on the number of appraisal objectives.</li> <li>• There is no appeal process or even an arrangement for the teacher [appraisee] to dispute LO verdicts and/or the 'Annual Assessment'.</li> <li>• The arrangements for 'drop-ins' outside formal observation have been changed from the 2006 Regulations to be specifically about evaluating 'teaching standards' and 'professional performance'. They are even called "'drop-in" observations' in the Bromley document.</li> <li>• There are no rules about 'Feedback' to teachers (deadlines, having feedback in writing, etc) set down for reviewers and their schools to follow.</li> <li>• There is no direction on</li> </ul>	<p><b>It is our view that information from an OFSTED inspection can be used in the capability procedure but this should only be part of other evidence that would be available to support capability concerns. It should not be used in isolation but as part of a decision making framework allowing informed decisions to be made about an individual's performance.</b></p> <p><b>We are of the view that it is timely to review the procedure and the proposed revised changes as set out above will help to clarify the use of the procedure.</b></p> <p><b>For management comments in relation to the issues raised by the NASUWT in relation to the appraisal policy please refer to the main body of the report.</b></p>

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<p>confidentiality which must therefore be assumed not to apply to the whole appraisal process.</p> <ul style="list-style-type: none"><li>• There is no direction on reviewer training.</li><li>• There is no mention of a teacher being able even to request a change of reviewer.</li><li>• There is no direction placed upon schools/other settings to evaluate the operation of appraisal.</li><li>• The link between successful appraisal and pay progression has been made discretionary.</li></ul>	