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## CUL Academy Trust Appraisal Policy

### Introduction

Appraisal arrangements came into force with effect from 1 September 2012. They are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations).

The Appraisal Regulations 2012 set out the principles that apply to teachers in all maintained schools and unattached teachers employed by a local authority, where they are employed for one term or more. They retain the key elements of the 2006 Performance Management Regulations but allow schools more freedom to design arrangements to suit their own individual circumstances. They provide the minimum national framework within which schools should operate and say nothing, or very little, on many subjects for which the 2006 Regulations made detailed provision.

CUL Academy Trust must stay within the legal framework set out in the Appraisal Regulations and in other relevant legislation that affects all employers (for example legislation on equality, employment protection and data protection).

CUL Academy Trust must have an appraisal policy for teachers and a capability policy covering all staff. This appraisal policy applies only to teachers, including the Principal, as there is no national regulation covering support staff in schools. However, the governing body recognises that effective appraisal processes and professional development are key to supporting the career progression for all staff. Therefore, the school will seek to include all support staff in an appraisal process which complements the statutory scheme for teachers but which is relevant to their role and does not link performance to pay progression. Any such process must involve full consultation with staff and the trade unions representing support staff in schools. It is expected that the school will inform staff of their appraisal and capability policies.

The application of this policy should be considered alongside the School Pay Policy and in particular the Performance Related Pay (PRP) criteria – Appendix 2 of the Pay Policy.

The school has a separate Disciplinary (Capability) Procedure. This procedure applies to all teachers and support staff about whose performance there are serious concerns that the appraisal process, designed to be developmental and supportive, has been unable to address.

The following paragraphs within the appraisal policy are statutory requirements contained in the Appraisal Regulations or the School Staffing Regulations and must be included in the school policy. For clarity, the statutory paragraphs are headed:

- The Appraisal Period
- Appointing Appraisers
- Setting Objectives
- Annual Assessment

## School Appraisal Policy

The Governing Body of CUL Academy Trust adopted this policy in December 2015.

The Governing Body recognises that it has the responsibility for agreeing the overall policy for performance management in the school and that the development and review of the policy will be based on consultation and agreement. It recognises that the monitoring of the performance of teachers other than the Headteacher is the responsibility of the Headteacher and team leaders.

Governors will not undertake evaluation of the work of teachers.

### EQUAL OPPORTUNITIES

The Governing Body believes that fairness and consistency of judgement is essential to any performance management system. All teachers within the school have equality of opportunity to achieve their full potential and will not be discriminated against when agreeing objectives and when being involved in performance reviews. Teachers will not be discriminated against because of age, disability, gender, sexual orientation, nationality, race, religion or be treated unfairly because they work part-time or are union representatives. The Governing Body believes that the school always has to be aware of the potential for unconscious discrimination, to avoid assumptions about individual teachers based on stereotypes and to use the performance management arrangements actively to encourage all teachers to achieve their full potential.

### Purpose

This policy sets out the framework for a clear and consistent assessment of:

- the overall performance of teachers, including the Principal, and
- for supporting the development of teachers within the context of the school's plan for improving educational provision and performance, and the standards expected of all teachers.

The appraisal policy will also be used to address any concerns about a teacher's performance at the earliest possible opportunity. If concerns are such that they cannot be resolved through appraisal, consideration will be given to the commencement of the capability procedure. This policy therefore sets out the arrangements within the appraisal process that will apply when teachers fall below the levels of competence that are expected of them.

Where the Principal and other teachers are eligible for pay progression, the assessment of performance throughout the cycle, against the objectives, the performance criteria specified in the appraisal statement and the criteria set out in the School Pay Policy, will be the basis on which the recommendation is made by the reviewer.

### Application of the policy

This policy, covers appraisal, and applies to the Headteacher and to all teachers employed by the school or local authority, except those on contracts of less than one term, those undergoing induction (*ie* NQTs) and those for whom the appraisal process has been suspended as they are subject to the schools Disciplinary (Capability) Procedure. The capability procedure applies only to teachers (including the Headteacher) and support staff about whose performance there are serious concerns that the appraisal process has been unable to address.

Appraisal in this school 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 ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

### **The appraisal period**

The appraisal period **for all staff (including the head teacher)** will run for twelve months from October to October.

Teachers who are employed on a fixed term contract of less than one year but of one term or more 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.

There is flexibility to have a longer or shorter appraisal period when teachers begin or end employment with a school. Where a teacher ceases employment other than at the end of the appraisal period, the appraisal period ends on the last day of employment. Where a teacher starts their employment at the school part way through an appraisal cycle, the Principal 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 all other teachers as soon as possible.

Where a teacher transfers to a new post within the school part way through a cycle, the Headteacher or, in the case where the employee is the Headteacher, the governing body shall determine whether the cycle should begin again and whether the appraiser should change.

### **Appointing appraisers**

The governing body will ensure that all appraisers, other than those appraising the Headteacher are qualified teachers and that a teacher's appraiser will normally be their line manager where the Headteacher delegates this responsibility. The governing body will ensure that all appraisers, including members of the governing body, are suitably trained.

#### Appraisal arrangements for the Headteacher

The Headteacher will be appraised by the governing body..

In this school, the task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of two members of the governing body.

Where the headteacher is of the opinion that any of the governors appointed by the governing body is unsuitable for professional reasons, s/he may submit a written request to the Governing Body for that governor to be replaced, stating those reasons.

### **Appointment of an External Adviser**

The Governing Body will appoint an external adviser to provide advice and support in relation to the management and review of the performance of the headteacher. The external adviser will have a proven expertise in performance management of headteachers and will have no professional or personal connection with the headteacher.

#### Appraisal arrangements for all other Teachers

The Headteacher will decide who will appraise other teachers.

### **Quality Assurance of appraisal statements**

The governing body is committed to ensuring consistency of treatment and fairness in the operation of the Appraisal Policy for all staff. The school operates a system of moderation to ensure that all appraisers are working to the same standards. Objectives will be moderated across the school to ensure that they are consistent between teachers with similar experience and levels of responsibility. The following provisions have therefore been put in place in relation to moderation, quality assurance and objective setting in the appraisal process:

Headteacher Appraisal - the Governing Body will nominate 2 governors who will not be involved in the Principal's appraisal or any appeal regarding the Principal's appraisal to ensure that his appraisal statement:

- is consistent with the school's improvement priorities and complies with the school's appraisal policy and the Appraisal Regulations

- assesses the Principal's performance of their role and responsibilities against the relevant Headteacher standards

Other Teacher Appraisal - Where appraisal is delegated to line managers for some or all teachers the Headteacher will moderate all the appraisal planning statements to check that the plans recorded in the statements:

- 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
- 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.

### **Setting objectives**

The Principal's objectives will be set by the governing body after consultation with the external adviser and the Headteacher.

Objectives for each teacher will be set before, or as soon as practicable after, the start of each appraisal period. The objectives set for each teacher, will be (SMART) Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the role of the Headteacher / teacher and level of experience. The performance related pay (PRP) progression criteria as set out in Appendix 2 of the School Pay Policy provides an additional framework for the setting of appraisal objectives. The objectives will clearly set out what a teacher needs to achieve in order to be considered for pay progression at the end of the appraisal cycle. The objectives will have regard to what can reasonably be expected of the teacher in the context of their role, responsibilities and experience consistent with the principle of achieving a satisfactory work/life balance. The appraiser and appraisee will seek to agree the objectives but, if that is not possible, the final decision on the allocation of objectives rests with the Headteacher. Objectives may be revised if circumstances change, such that the objectives set are no longer a priority for the individual's professional development.

The objectives set for each teacher will, if achieved, contribute to the effective delivery of the school's plans for improving its educational provision and performance and for improving the education of pupils at that school. This will be ensured by quality assuring all objectives against the school improvement plan, the individual teacher's assessment against the Teachers' Standards and class targets taking into account the age, capability and prior attainment of pupils in each teacher's class(es) and national expectations of pupil progress. The agreed objectives set will contain a description of what success may look like and identify the support/professional development required.

Before, or as soon as practicable after, the start of each appraisal period, each teacher will be informed of the standards against which his / her performance in that appraisal period will be assessed. All teachers will be assessed against the 'Teachers' Standards' September 2012. For Principal's the governing body will set objectives against the Head Teacher's standards.

For teachers who are qualified teachers by virtue of holding QTS status, it is for the governing body or Headteacher to decide which of the teacher standards are most appropriate. Such teachers may be assessed against the Teachers' Standards, any other relevant standards issued by the Secretary of State, or any other professional standards relevant to their performance or any combination of those three.

### The Objectives

In this school all teachers including the Headteacher will normally have a maximum of no more than three objectives, but by agreement this may be varied.

Teachers, including the Headteacher, will not necessarily have the same number of objectives and, where teachers work part time, objectives should be set taking into account their hours of work and their part time status. Where members of staff have returned to work

following a period of extended absence, objectives and timescales may need to be adjusted as part of the reintegration to work and account may need to be taken when setting objectives for teachers who have a disability. All teachers in school should have equal access to the support required in the areas identified for development. For further guidance in relation absence and the impact on PRP progression decisions see the Pay Policy and guidance.

- All teachers, including the Headteacher, will have a whole school / team objective
- All teachers, including the Headteacher, will have an objective related to the Teachers' Standards as appropriate. Where they are required to satisfy relevant criteria associated with pay progression they should be used in the formulation of appraisal objectives
- All teachers including the Headteacher will have a pupil progress objective

## **Reviewing Performance**

### Reviewing Progress

Progress will be reviewed during and at the end of the appraisal cycle. Assessment of performance against all objectives and will be based on the success criteria set at the beginning of the cycle or in line with any in-year adjustments to objectives which take place as part of an interim review.

### Monitoring and Evaluation

This school believes that monitoring and evaluation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All monitoring and evaluation will be carried out to support the individual to achieve the agreed objectives or address any performance concerns and be delivered in a supportive fashion. Monitoring and evaluation will be conducted in line with the school's agreed Monitoring and Evaluation, Quality Assurance Policy and where it is separate, the Classroom Observation Policy.

Teachers' performance will be regularly monitored and evaluated but the form and frequency of monitoring and evaluation will depend on the individual circumstances of the teacher and the overall needs of the school. Lesson observation within the context of the appraisal process will be carried out by qualified teachers. In addition to lesson observations, Principals or other leaders with responsibility for teaching standards may use a range of other appropriate monitoring tools in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. This may include the use of learning walks, pupil pursuits, work scrutiny and progress tracking data. The length and frequency of any monitoring activity will depend on specific circumstances. The school will need to decide the frequency and form of monitoring and evaluation activities per cycle which all teachers will have as part of the appraisal process as a minimum requirement. This should include provision for exceptional circumstances where concerns have been raised about a teacher's performance, or where the teacher requests additional observation visits. The school will ensure that any monitoring and evaluation activity integrates with other management requirements (for example subject reviews) to minimise duplication and additional workload.

Teachers (including the Headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed in line with their objectives.

## **Appeals**

At specified points in the appraisal process the Headteacher and other teachers have a right of appeal against entries in their appraisal statement relating to pay progression following the completion of the quality assurance process, if applicable. Where a teacher wishes to appeal on the basis of more than one entry on the appraisal statement this would constitute one appeal hearing. See Appendix 1

## **Confidentiality and retention of records**

The appraisal process and the statements generated within it will be treated with the strictest confidentiality at all times. The governing body will ensure that access to appraisal records is restricted to enable the line manager to undertake his / her line management responsibility and that the appropriate arrangements are in place for all appraisal records to be retained securely and confidentially for a minimum period of 6 years. The governing body recognises that OfSTED will ask the school to provide anonymised information of the outcomes of the most recent appraisal of all teachers. Where the application of the capability process is required, an individual teacher's appraisal information will be made available but restricted to those staff and named governors as required by the procedures.

## **Development and support**

The governing body recognises the importance of appraisal and that it is a supportive process which will be used to inform continuing professional development. The school wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.

## **Feedback**

For the purpose of professional development, the appraisee (Headteacher and other teachers) will receive constructive developmental feedback on their performance throughout the appraisal period. This will also include feedback, as soon as practicable, after any monitoring and evaluation activity has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas of concern that need attention. Where there are concerns about any aspects of the teacher's performance, the appraiser will meet the Headteacher or the teacher formally to:

- give clear feedback to the appraisee (Headteacher / teacher) about the nature and seriousness of the concerns;
- give the Headteacher / teacher the opportunity to comment and discuss the concerns;
- agree any additional support (eg coaching, mentoring, structured observations); that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser will review progress. It may be appropriate to revise objectives, and it will be necessary to allow reasonable time for improvement. The amount of time should reflect the seriousness of the concerns;
- explain the implications and process if no – or insufficient – improvement is made including any potential impact on pay progression and the end of the appraisal cycle.

When progress is reviewed, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed through that process.

## Annual assessment

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

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the appraisal period in interim meetings which will take place normally no more than once a term. Cover will be provided so that meetings, where possible, take place during the school day.

The teacher will receive a written appraisal report as soon as practicable following the end of each appraisal period and have the opportunity to comment in this in writing. The assessment of performance will be made against the agreed objectives and in line with paragraph 9.14 of the School Pay Policy. In this school, teachers will receive their written appraisal reports by 14<sup>th</sup> November and by 31<sup>st</sup> December for the Headteacher. The appraisal report will include:

- details of the teacher's objectives for the appraisal period in question;
- an assessment of the teacher's performance of their role and responsibilities against:
  - (1) their agreed objectives;
  - (2) the Teacher Standards; and
  - (3) the PRP progression criteria as set out in Appendix 2 of the School Pay Policy
- 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 within the School Teachers' Pay and Conditions Document (STPCD) and the School Pay Policy (*NB* – The decision on pay will need to take into account the statutory criteria and guidance as set out in the STPCD. Pay recommendations need to be made by December for Principals and by end of October for other teachers);
- a section for the teacher and appraiser to add their own comments

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

## Monitoring and evaluation

The governing body will put in place appropriate arrangements for the appraisal policy to comply with the Equality Act 2010 and to be monitored and evaluated. The Headteacher will provide the governing body with a written report on the operation of the school's appraisal policy on an annual basis. The report will not contain information that would enable any individual to be identified and will include the following information:

- an overview of the operation of the appraisal policy
- progress made and an assessment of the effectiveness of the policy (including details of any appeals or representations)
- an overall summary of all teachers' CPD training and development needs
- a summary of CPD delivered and impact
- a review of the quality assurance/self-evaluation process and any changes required
- any equality issues arising from the policy and in particular any issues arising related to equal pay, race, sex, sexual orientation, disability, religion or belief, age, part-time contract or trade union membership.

The report will be presented to the autumn term governing body meeting

**Review of the policy**

The Governing Body will review the appraisal policy every school year at its autumn term governing body meeting. The governing body will take account of the Principal's report in the review of the appraisal policy. All new teachers appointed to the school will be briefed on the appraisal policy and arrangements as part of their induction to the school.

**Access to Documentation**

Copies of relevant documents are published on the schools intranet and/or can be obtained from the school office. These may include the school's improvement plan, training plans and the latest self-evaluation reports.

**Transition to Capability**

There is no automatic transition to the school's Disciplinary (Capability) Procedure. However, where performance concerns emerge, the nature and seriousness of those concerns should be discussed as soon as possible with the teacher. Every effort should be made to resolve performance concerns within the appraisal process through the provision of targeted additional support agreed in discussion with the teacher and regular feedback and review. Where concerns are such that the teacher is not performing to an appropriate level, the Headteacher or other identified senior leader will be included in these discussions. If the performance concerns are not resolved through a minimum of two cycles of support and feedback, consideration should be given to the application of the capability procedure.

Where the appraiser considers that there is insufficient evidence of progress against the objectives based on the evidence available at an interim review meeting and from the additional support cycles, the appraisee will be notified in writing that the appraisal process will no longer apply and that their performance will be managed under the capability procedure.

## **Appendix 1 – The Education (School Teachers’ Appraisal) Regulations 2012 - Appeals Procedure**

Stage one – Informal

Stage two – Formal

Stage three – Formal

- 1.0 The arrangements for considering appraisal appeals for eligible teachers are as follows:
- 1.1 An eligible teacher may appeal:
- 1.2 against an entry in their appraisal document at specific points, namely:
1. 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 may submit an appeal to the Principal (chair of governors for Principal) who will make a final decision.
  2. If objectives are revised after moderation by the Principal or governing body.
- OR
- 1.3 against any recommendation relating to pay made by the appraiser at the annual appraisal review meeting at the end of the appraisal cycle. Any appeal against pay progression will be heard in line with appendix 1a and 1b of the school pay policy.
- 1.4 The procedure for resolving matters within 1.2 in the application of the appraisal policy has three distinct stages as set out below. Where a teacher appeals on the basis of more than one entry in the appraisal statement this will constitute one appeal and will be dealt with in one appeal hearing.

### **Stage 1 – Informal Stage**

#### Initial Meeting

2.0 The appraiser prepares an appraisal document and provides it to the appraisee within 5 working days of the initial appraisal meeting. If the appraisee objects to an entry in the document relating to the objectives comments may be added to it by the appraisee within the next 5 working days before submission to the Principal for moderation. Simple disagreements should be capable of being resolved by discussion between the reviewer and the reviewee without recourse to referral to the Principal. Within 10 working days of receipt of the appraisal document the Principal may review the document and may require the appraiser to make changes.

2.1 If at this stage the Principal requires the appraiser to make changes, then within 5 working days of this requirement, the appraiser should immediately consult again with the appraisee so that within 5 days a new appraisal document is prepared and copy provided to the appraisee. The appraisee may add any comments and within 5 working days submit this to the Principal.

2.2 The appraisee may formally appeal to the Principal against the final copy of the appraisal document if the matter cannot be resolved informally.

#### Review Meeting(s)

2.3 Where during the course of an appraisal cycle there is a need for the objectives to be reviewed, this should be arranged as soon as possible and within 10 working days. Where there is no agreement and the appraiser is not the Principal both parties should seek to informally resolve the matter with the Principal. Where the appraisee is the Principal

and the review meeting is conducted with individual governors both parties should seek to resolve the matter informally with a governor, nominated for appeals, who has had no prior involvement in the process.

### Annual Review Meeting

2.4 At the end of the appraisal cycle the assessment at the annual appraisal review meeting forms the basis for recommendation for pay progression for all teachers paid on the MPR, UPR, LPR, UTR and Leadership Spine. Within 10 days of the annual appraisal meeting taking place the appraisee and appraiser should seek to informally resolve any disagreements about the results of the review and / or any recommendations on pay progression.

2.5 The appraisee may appeal formally at this point if they remain dissatisfied with the outcome. Where the appeal relates to a recommendation on pay progression this should be dealt with under the Pay Appeals Procedure as set out in Appendix 1a and 1b of the school's pay policy.

### **Stage Two – Formal Stage**

3.0 Where in 2.4 above it has not been possible to resolve the matter informally or where the member of staff continues to be dissatisfied he/she is entitled to follow a formal process of appeal and set out, in writing, the reasons for questioning the application of the appraisal policy and / or the pay decision, the remedy sought and the grounds of the appeal Any formal appeal must be submitted within 10 working days of the pay decision or outcome of informal discussions.

3.1 Following receipt of the written notification of the formal complaint, the Principal / chair of governors will convene a Stage Two meeting to discuss the matter with all parties involved normally within 15 working days of receipt of the formal written appeal notification, or as soon as possible thereafter with the agreement of all parties.

3.2 In accordance with normal school procedures the hearing will provide an opportunity for the individual to make representations in person and they will be entitled to be represented by their Trade Union representative or colleague. Following the hearing the individual will be informed in writing of the decision within 5 working days and where appropriate given the right of appeal.

### **Stage 3 – Formal Stage**

4.0 If the individual considers that the matter has not been resolved, the employee may exercise their right to appeal against the decision of the initial panel. The appeal must be submitted in writing to the Principal within 5 working days of the outcome letter. The written appeal must re affirm the grounds of the appeal and the remedy(ies) sought.

4.1 In accordance with normal school procedures the appeal will be heard by a panel of 3 Governors who were not involved in the original decision and will normally be held within 15 working days of the receipt of the written appeal notification or as soon as possible thereafter with the agreement of all parties.

## Annex 1

### CLASSROOM OBSERVATION PROTOCOL

The Governing Body is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- evaluate objectively;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

The total period for classroom observation arranged for any teacher will not exceed three hours per cycle, having regard to the individual circumstances of the teacher. There is no requirement to use all of the three hours. The amount of observation for each teacher should reflect and be proportionate to the needs of the individual.

In each school, 'proportionate to need' will be determined through discussion in the planning and review meeting and as appropriate to the objectives set and whether the teacher works part or full time.

The arrangements for classroom observation will be included in the planning statement at the start of the cycle and will include the amount of observation and specify its primary purpose, any particular aspects of the teacher's performance to be assessed, the duration of the observation, when during the performance management cycle the observation will take place and who will conduct the observation.

Information gathered during the observation will be used, as appropriate, for a variety of purposes, including to inform school self-evaluation and school-improvement strategies in accordance with the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on teachers. Information gathered from classroom observation will assist the head teacher 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.

In keeping with the commitment to supportive and developmental classroom observation, those being observed will be notified in advance.

Classroom observation will only be undertaken by those who have had adequate preparation and who have the appropriate professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.

Oral feedback will be given as soon as possible after the observation and no later than the end of the following working day. It will be given during directed time in a suitable, private environment.

Written feedback will be provided within five working days of the observation taking place. If issues 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 teacher.

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 teacher has the right to append written comments on the feedback document. No written notes in addition to the written feedback will be kept.

Drop-ins, where conducted, will only be undertaken by the headteacher.