

School / Department	
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Policy Lead	Managing Director, NAS Education and Children's Services and NAS Academies Trust
Responsible governor	Effectiveness of Leadership & Management

Introduction / Background / Ethos

We are committed to investing in the effective management, support and development of employees. This includes ensuring all members of staff are treated equally, benefit from regular supervision, and are monitored in such a way that they are contributing effectively to all relevant aspects of school life. The education and wellbeing of our students is our top priority. Where a member of staff causes a barrier to this, it is likely to result in formal procedures.

Links to other policies

- NASAT Safeguarding Children Policy
- NASAT Equal Opportunities Policy

Aims

- Ensure all staff benefit from effective support and supervision in order to carry out their role
- Deal with all incidents relating to capability and conduct efficiently, consistently, fairly and appropriately
- Ensure that wherever possible concerns are resolved informally without the need for formal processes
- Promote punctuality and good attendance
- Promote the welfare and safety of students
- Ensure all members of staff are treated equally and fairly
- Ensure all members of staff are valued and their contribution is recognised
- No member of staff is discriminated against on the grounds of age, gender, race, religion, disability or sexual orientation.

Scope

This policy is applicable to all school based staff. It covers concerns relating to absence, relationships at work including complaints of discrimination, harassment and bullying.

Roles & Responsibilities

The NAS Academies Trust Directors responsibilities

- The NAS Academies Trust Directors are responsible for this policy while Local Governing Bodies (LGBs) will monitor its implementation in each school.
- Ratify and regularly review this policy to ensure it conforms to relevant law and guidance

The Local Governing Body (LGB) responsibilities

- Ensure local procedures are in place to effectively implement this policy within the school
- To keep themselves informed through regular meetings with staff and visits to the school
- Monitor the effectiveness of the policy and advise NAS Academies Trust board of any necessary amendments
- The local governing body is responsible for appointing a governor who will review the effectiveness of implementation and report back to the LGB on a regular basis
- Appoint a committee to hear any appeal
- To ensure that any issue that may be perceived as a potential reputational risk to the trading name of the NAS Academies Trust is referred to the board or NASAT.

The Principals responsibilities

- Ensure all relevant staff are aware of this policy, receive appropriate professional development and local procedures are followed
- Ensure no unlawful discrimination practices occur
- Ensure that the school makes reasonable adjustments for people who have a disability
- Ensuring all staff receive regular supervision and annual appraisals and effective performance management procedures are in place

Senior leaders

- Ensuring staff in their teams are aware that action may be taken under the schools capability procedures if their performance is unsatisfactory.
- Ensuring that where performance is formally managed that targets are clear and appropriate and timescales and reasonable.

All line managers

- Ensure regular well structured and recorded supervision of all members of their staff teams
- Provide clear targets, timeframes and support mechanisms for staff in their teams
- Ensure all staff in their team has a regularly updated personal development plan

Teachers

- Set high expectations which inspire, motivate and challenge students
- Promote good progress and outcomes by students
- Demonstrate good subject knowledge and curriculum knowledge
- Plan and teach well structured lessons
- Adapt teaching to respond to the strengths and needs of all students
- Make accurate and productive use of assessment
- Treat students with dignity and respect, manage behaviour effectively to ensure a good and safe learning environment
- Fulfill wider professional responsibilities

All staff

- Have a duty of care
- Should be punctual, professional and hardworking
- Attend planned supervisions

Induction and Probation

All new staff benefit from a comprehensive mandatory induction programme facilitated by the Principal and staff development coordinator. All new staff usually receive at least two monthly supervisions, giving clear feedback on performance, during their initial six month probation period. Buddying systems are arranged for all new staff throughout their probation period. At the end of the probation period the line manager will arrange a supervision that will include the probation review. The outcome of this review will either be (a) to confirm the person in post (end of recruitment process), (b) a one off three month extension to the probation period accompanied by an improvement plan, (c) not confirm the post and thereby end their employment. Usual conduct procedures do not apply during the probation period.

Learning and development

All NAS Academies Trust schools will have their own development plan linked to the school development plan. All members of staff will have a personal development plan that identifies professional development priorities to support their effectiveness and the organisation to achieve its goals. We are committed to equal opportunities in access to development opportunities. These goals and strategies will be confidentially stored within an IT based software package called 'Blue Sky'. All staff can request additional professional development at the discretion of their line manager. Where a manager approves a course that is not usually offered, involves significant cost or time out, a training contract must be agreed. This will include a claw back if the member of staff leaves within a year and agree impact in terms of organisational objectives that will be fulfilled by the employee as a result of the course.

Classroom observations

Classroom observation is an important part of teacher CPD. All teachers are observed prior to their annual appraisal. In addition to formal observations a member of the Senior Leadership Team will conduct a routine informal progress walk that will include dropping in to classrooms. Peer to peer observations will also take place. This promotes a culture of a learning organisation where all staff receive regular feedback and is part of the leadership team's method of monitoring and improving practice.

Appraisal and Supervision

Purpose: Appraisals and supervisions are regarded as an important mechanism in whole school as well as staff development and therefore fundamental to achieving our objectives. Appraisal is a thorough yet supportive and developmental process which assists staff in improving their performance by concentrating on key objectives. Supervision is the process of supporting staff to develop their knowledge and skills and is central to creating a culture of mutual support and teamwork. Both are central to the continuous development of human resources, clarification of the schools strategic priorities and ultimately the quality of service it provides. Supervision provides practitioners with an opportunity to clarify their roles, responsibilities, development priorities, as well as to discuss any concerns or sensitive issues. Effective supervision should give the member of staff the opportunity to ask how (s)he is feeling but should not become counselling. In addition to formal supervision and appraisals, line managers should provide ongoing mentoring and coaching to the members of staff in their teams. In addition to supervision, all members of staff will have a half termly half hour reflective practice meeting.

Frequency: All staff should benefit from a 1:1 supervision meeting every term. The appraisal period is 12 months. Line managers should allow half an hour for supervision or an hour for annual appraisals. Supervisions should be treated as confidential.

Setting objectives: Appraisal targets for senior staff and teachers must link to the School Development Plan.

Reviewing performance: Annual appraisals recognise strengths, and areas for future development and helps enhance professional practice. Teachers pay progression is subject to successfully achieving appraisal objectives. Performance is RAG rated where amber is expected performance, green is exceptional and red is a concern. This ensures all supervision and appraisal records clearly rate all aspects of performance.

Written records: A record should be completed within a week and kept within the employee's area within 'Blue Sky'. This should include:

- Recognition of achievements
- Review personal development plan to address areas for development
- Assess performance against agreed targets and competencies
- Review support from line manager
- Set new SMART objectives
- actions for line manager

Where a job description is updated as part of the appraisal, this must be recorded.

Principal's appraisal: The Principal's line manager, appointed by the NAS Academies Trust, is responsible for facilitating the Principal's appraisal. The chair of the LGB and SIP will always be consulted regarding the Principal's appraisal. Anonymous 360 degree feedback should also be sought from the Senior Leadership Team.

Teachers pay progression

All staff who have not reached the top of their pay band are eligible to be considered for progression to the next point in the pay scale. Teachers pay progression is linked to annual appraisal of performance. All teaching staff salaries will be reviewed annually. Progression is subject to performance against measures including annual appraisal objectives. Performance is measured through student progress, monitoring of planning, lesson observations and progress against appraisal targets (as well as responsibilities in new standards outlined above and commitment to their own CPD and financial sustainability of the organisation). Teachers with exceptional and outstanding performance may be eligible for two increments, good performance, where all aspects of teaching are rated good over time and most student's progress in line with school expectations teachers will be eligible for an increase of one spinal point, and satisfactory performance will result in no increments.

Upper Pay Range

Those applying to be or who are already paid on the upper pay spine will be expected to demonstrate their competency relating to all relevant post threshold standards and a commitment to undertake professional duties which make a wider contribution beyond their classroom. Teachers must apply to the Principal for threshold and upper pay spine moves. All decisions regarding teachers performance will be made by the relevant line manager, Principal, relevant governor with responsibility for HR, and where appropriate the School Improvement Partner.

Any qualified teacher can apply to be paid on the Upper Pay Range.

All applications should include the results of the two most recent appraisals, under the Appraisal Regulations 2012, in this school, including any recommendation on pay. Where such information is not applicable or available, eg those returning from maternity or sickness absence, a written statement and summary of evidence

designed to demonstrate that the applicant has met the assessment criteria must be submitted by the applicant.

In order for the assessment to be robust and transparent, it will be an evidence-based process only. Teachers therefore should ensure that they build a mainly paper evidence base to support their application. Those teachers who are not subject to the Appraisal Regulations 2012, or who have been absent, through sickness, disability or maternity, may cite written evidence from a 3 year period before the date of application in support of their application.

Process:

One application may be submitted annually. The closing date for applications is normally 31st October each year; however, exceptions will be made in particular circumstances, eg those teachers who are on maternity leave or who are currently on sick leave. The process for applications is:

- Complete the school's application form;
- Submit the application form and supporting evidence to the Principal by the cut-off date of 31st October.
- You will receive notification of the name of the assessor of your application within 5 working days;
- The assessor will assess the application, which will include a recommendation to the pay committee of the relevant body;
- The application, evidence and recommendation will be passed to the Principal for moderation purposes, if the Principal is not the assessor;
- The pay committee will make the final decision, advised by the Principal;
- Teachers will receive written notification of the outcome of their application within 5 working days of the decision. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below).
- If requested, oral feedback which will be provided by the assessor. Oral feedback will be given within 10 school working days of the date of notification of the outcome of the application. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria.
- Successful applicants will move to the minimum of the UPR on 1 September of the following year.
- Unsuccessful applicants can appeal the decision. The appeals process is set out at the back of this pay policy.

Assessment:

The teacher will be required to meet the criteria set out in paragraph 15 of the Document, namely that:

- the teacher is highly competent in all elements of the relevant standards; and
- the teacher's achievements and contribution to the school are substantial and sustained.

In this school, this means:

“highly competent”: the teacher's performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.

“substantial”: the teacher's achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own

classroom, or with their own groups of children, but also in making a significant wider contribution to school improvement, which impacts on student progress and the effectiveness of staff and colleagues.

“sustained”: the teacher must have had two consecutive successful appraisal reports in this school and have made good progress towards their objectives during this period (see exceptions, eg maternity/sick leave, in the introduction to this section). They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

SEN Allowance

All teachers receive the minimum SEN allowance. Teachers with relevant experience or qualifications may be awarded a higher SEN allowance and teachers with relevant experience and qualifications may be eligible for the full SEN allowance. TLRs will only be awarded for additional responsibilities that involve leading, developing and enhancing the teaching practice of other staff. All teachers pay progression is dependant on approval by the Managing Director, NAS Education and Children’s Services and NAS Academies Trust.

The NAS will endeavour to complete teachers’ annual pay reviews by 31 October. They will, however, complete the process without undue delay. Decisions will be communicated to each member of staff in writing and will set out the reasons why decisions have been taken.

Appeals Procedure

Any appeal against a decision not to move the teacher to the Upper Pay Range will be heard by the Managing Director, NAS Education and Children’s Services and NAS Academies Trust and an independent School Improvement Partner.

TLR payments

In the majority of cases, the NAS pays fixed term Teaching and Learning Responsibility Payments equivalent to TLR 3 (£500 - £2500). Flexible TLR payments may also be paid, subject to clearly defined added responsibilities to be achieved within an agreed period. This will be subject to regular reviews. These payments are made for undertaking specific additional duties, are for a defined period and subject to review. These awards are linked to the schools improvement plans.

Before awarding any TLR, the NAS must be satisfied that the teacher’s duties include a significant responsibility that is not required of all classroom teachers and that:

- a. is focused on teaching and learning;
- b. requires the exercise of a teacher’s professional skills and judgement;
- c. has an impact on the educational progress of students other than the teacher’s assigned classes or groups of students; and
- d. involves leading, developing and enhancing the teaching practice of other staff.

TLR payments will not be used to replace or otherwise limit teachers’ pay progression on the Main, Upper or Leading Practitioner Pay Ranges.

Capability procedures

The school expects all staff to be professional and always act in line with their duty of care. Where there are concerns over performance, the manager will act immediately and try and resolve these informally through supervision or an informal improvement plan. An improvement and supervision record must clearly outline the improvement that is required and the timescales for achieving this.

The school will only use formal capability procedures when normal informal interventions have proven ineffective in dealing with the poor performance of a member of staff. A clear distinction must be made when moving from supportive appraisal to formal capability procedures. In such cases the employee will be invited in writing to formal capability meeting. The letter will clearly explain the reasons for the capability meeting and evidence of steps taken to support the development of performance. Staff may be accompanied by a colleague or trade union representative. The Principal will usually chair any capability meeting. During the meeting the chair will:

- Clearly outline the professional shortcomings that have led to the meeting
- Give clear guidance on required standard of performance
- Explain the support that will be put in place. Usually staff will receive monthly supervisions whilst on capability procedures.
- Clarify the timeframe for improvement and how this will be monitored. The usual period to achieve objectives will be two months or one term.
- Ensure the employee understands that failure to do so could result in redeployment or dismissal
- Explain that all of these points will be reinforced in a written notice to improve (accompanied by formal improvement plan).

A formal review meeting will be arranged to review progress. Staff will receive 10 school days notice of the second meeting. The employee may be accompanied by a companion who may be a colleague or trade union representative. The outcome will be one of the following:

- Sufficient improvement has been made to justify the end of capability procedures
- Some progress has been made to justify an extension to capability period to allow sufficient progress to be made
- Redeployment to alternative position as unable to fulfil role
- Start of the three step procedure outlined below

Capacity & Absence management

It is vital that absence is reported personally and directly to a member of the senior management team prior to the start of the school day in order that cover can be arranged. Where absence is over seven calendar days (one week) a certificate must be obtained from the doctor. All employees are required to complete a return to work form and meet with a manager the day they return from any period of absence.

Frequent absence: The manager will check if they have hit either of the following trigger points in place to manage absence:

- more than three periods within a year
- more than six days in more than one period in a year

If an employee hits either of these trigger points for frequent absence they will be referred to health management and placed on zero tolerance period of at least six months. Absence during a period of zero tolerance is likely to be considered unsatisfactory attendance and result in a formal hearing. NAS Academies Trust recognise that some absence cases may be linked to a disability or long term medical condition and in these situations the absence will be considered on a case by case basis.

Reasonable adjustment: Where absence results from disability the organisation will ensure reasonable adjustments have been made. Where poor performance is thought to be related to health or disability, advice from occupational health will be sought. In some cases this may result in ill health retirement or redeployment.

Conduct

All staff should ensure their conduct sets a good example for students and promotes the welfare of students. In cases of poor conduct line managers should act immediately so the employee understands expected standards. Procedures to address conduct are intended to be corrective not punitive. In most cases minor breaches of discipline will be dealt with immediately and informally as part of day to day line management.

Investigations: Where there are concerns about conduct, a member of the leadership will carry out an investigation. Written records must be kept of any discussion and a report of the investigation will be produced. The outcome of the investigation will be a recommendation that either; (a) no further action is required (b) it was poor judgement and can be resolved through informal intervention (c) it was potentially misconduct or gross misconduct and a formal disciplinary hearing should take place.

The Principal may choose to suspend the member of staff (on full pay) during an investigation for the following reasons: to preserve evidence, to avoid the intimidation of witnesses, to separate protagonists where work relationships have broken down, to protect a victim of alleged harassment or to protect an employee's or the organisation's property. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

Following an investigation, if there is no case to answer to or the complaint was spurious then the details will not be retained on the employees personnel file. If however we consider there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing.

Disciplinary procedures will be used when there is an allegation of a breach of discipline. The employee must be notified in writing of the disciplinary hearing, the allegations against them, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true and the reason why the incident is regarded as misconduct/gross misconduct. The disciplinary will be chaired by a member of the leadership team and follow the format outlined below. The member of staff may be accompanied by a colleague or trade union representative. The school has a duty of care to minimise stress to employees throughout the process. First written warnings are usually valid for 12 months and final written warnings are usually valid for 18 months.

Any criminal offence, abuse, theft, negligence is likely to be regarded as gross misconduct and may result in dismissal.

All investigation reports should include

- Reason for investigation
- Background information
- Summary of evidence
- Recommendations

Formal 3 step procedure

There will be an investigation report completed prior to implementing the following 3 step process:

1. Invitation to hearing
2. Hearing
3. Appeal

Invitation to hearing

The employee will be invited in writing to attend a hearing to address concerns. The invitation will:

- Give at least three days notice
- Specify the date and location of the hearing
- Specify which member of the Senior Leadership Team will chair the hearing
- Clearly outline the concerns or allegations
- That both sides will have an opportunity to state their case before a decision is made
- State their right to be accompanied by a colleague or trade union representative
- Explain that they will be notified in writing of the outcome within 3 working days of the hearing

Employees may request an alternative date within 7 days of the original date. If the employee 'persistently' fails to attend a hearing without good reason then a decision will be made in their absence, in line with ACAS guidance.

Hearing

The chair is responsible for the conduct of the hearing. The meeting will usually follow the following format:

- Chair explains proceedings and that both sides will be given the opportunity to present their case
- First evidence of concerns will be presented (eg by investigating manager). No new evidence should be presented that has not already been seen by the employee.
- The employee will be invited to respond and explain any mitigating circumstances
- The chair will question both parties for clarity
- The meeting will adjourn to consider the evidence
- The chair will write to the employee within one week to confirm the outcome and remind the employee if they wish to appeal to do so within 7 days.

Possible outcomes of hearings can include

- No further action required
- Mentoring and improvement plan (informal action)
- First written warning (usually for 12 months)
- Final written warning (eg where already on first written warning or gravity of situation justifies final written warning) Usually for 18 months.
- Redeployment (eg as have been unable to fulfil role effectively)
- Dismissal with pay in lieu of notice (eg if on final written warning)
- Summary dismissal without pay in lieu of notice (eg if gross misconduct)

Where an employee is dismissed and there has been risk of harm to students the case must be referred to the DBS.

Appeal

Appeals must be made within 7 working days. Appeals must be in writing and should specify if they are on the basis of perceived unfairness of a decision or procedural irregularities. Appeals will usually be heard by a representative from the LGB with support from the HR manager. The appeal officer will reply within 14 days. The appeals officer and employee will be provided with copies of notes and all documentation from the original hearing. The process will be similar to that of the original hearing. The outcome of the appeal will either be that the original decision is upheld or the original decision is overturned.

Whistle-blowing

The NAS Academies Trust are committed to the highest possible standards of openness and accountability and we encourage staff with any concerns about any aspect of our work to come forward and voice those concerns. Staff have a responsibility to bring matters of concern to the attention of senior leadership and/or relevant agencies. Whistleblowing is where a member of staff reports suspected concerns or wrong doing at school. Wrong doing may include;

- Criminal activity;
- failure to comply with any legal or professional obligation or regulatory requirements;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- bribery
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters

All NAS Academies Trust employees have a duty to report any genuine concerns about practice. NAS Academies Trust provides a confidential process and employees who make disclosures about genuine concerns will be protected against harassment or retribution. If you have concerns about a member of staff you should report it to the Principal or designated safeguarding officer.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation. We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline on (020) 7404 6609.

Investigation and outcome

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information. In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result.

You should treat any information about the investigation as confidential. If we conclude that a whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower will be subject to disciplinary action.

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

Grievances

Grievances are complaints, concerns or problems made by a member of staff and must be made in writing to a member of the Senior Leadership Team. Grievances will only be considered where raised within three months of the event occurring. The grievance should clearly specify nature of the allegations, the date, the names of witnesses, and a factual description of the incident.

An initial meeting will be held between that member of the Senior Leadership Team and the member of staff. Where appropriate and agreed by the employee every effort will be made to resolve situations informally. However there may be occasions where the situation is not resolved or the employee wishes to initiate formal procedures. In this case an investigation may be undertaken and a panel with representation from the Senior Leadership Team and the LGB will hear the evidence. The panel will confirm the outcome in writing within 3 working days. The member of staff can appeal against the decision to the LGB. It is important that during the grievance process the appropriate level of confidentiality is maintained by all concerned.

Confidentiality

The school will make every effort to guard the confidentiality of all parties during formal procedures.

Success Criteria

- All staff receive regular and effective supervision
- All grievances and concerns relating to conduct and capability are dealt with quickly, fairly and effectively

References

- School Teachers' pay and conditions document 2015 and guidance on school teachers' pay and conditions

Appendices

1. Example (MyProgress) CPD programme

Level	INDUCTION	FUNCTIONAL	SPECIALIST	ADVANCED
Time	(Probation period)	(within one year of completing probation)	(within two year of completing induction)	(once completed specialist training)
Autism	<ul style="list-style-type: none"> • Ask autism: Intro to autism • SPELL 1 • Studio 3* • Safeguarding* • NAS values • H&S • Education & child development • MyProgress • Complete Ask autism • Food hygiene • Medication, epilepsy and epipen • EDR • Data protection • Personalisation & co-production 	<p>NAS Modular AEP programme</p> <ul style="list-style-type: none"> • Understanding autism • SPELL and Supporting people with autism • Social communication • Rigid thinking and sensory issues • Cognitive theories • Behaviour support • Intro to Specialist interventions 	<p>Autism Specific Interventions</p> <ul style="list-style-type: none"> • 5 day TEACCH • 2 day SCERTS • 2 day PECS (LD schools) • Sensory issues and sensory circuits • 1 day comic strips / social stories • PBS Certificate • PDA& MH (HFA schools) 	<p>University PG courses</p> <ul style="list-style-type: none"> • B'ham • Sheffield • NAS professional conference
Education	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Diploma in T&L • ASDAN 	<ul style="list-style-type: none"> • Delivering core subjects in special schools • Sex education • Subject leader in special schools 	<ul style="list-style-type: none"> • PTSI • NPQH • NCTL senior leaders • NSPCC designated person • Lesson observations using ofsted framework • Improving achievement (NAHT)