

Performance management for teachers and head teachers

GUIDANCE

This guide is intended for:

Governors

Head teachers

Teachers

School Improvement Partners

Local authorities



department for
education and skills

NASUWT

NEOST



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Section 1: Introduction

- 1.1 The Rewards and Incentives Group¹ (RIG) has prepared this guidance to support the introduction of revised performance management arrangements for teachers and head teachers from September 2007 and to remove the burden from local authorities of producing their own guidance. It provides the benchmark for good practice in relation to the revised performance management arrangements. This guidance should be read alongside The Education (School Teacher Performance Management) (England) Regulations 2006, which specify how the revised performance management arrangements must operate.
- 1.2 The Education (School Teacher Performance Management) (England) Regulations 2006 and this guidance apply to teachers and head teachers covered by the School Teachers' Pay and Conditions Document (STPCD). The regulations do not cover school support staff.
- 1.3 This guidance does not apply to schools in Wales as performance management arrangements in Wales are the responsibility of the Welsh Assembly Government. The Assembly will be looking to extend the current regulations in Wales to include teachers in situations outside those already covered by their regulatory requirements. In considering any plans for revised arrangements in Wales the Assembly will take full account of the changes to the legislation in England.
- 1.4 The development of more effective arrangements for performance management is being taken forward as part of the development of the new professionalism for teachers that RIG described in May 2005.² This includes: developing a culture where teachers and head teachers feel confident and empowered to participate fully in performance management; the acknowledgment of teachers' and head teachers' professional responsibility to be engaged in effective, sustained and relevant professional development throughout their careers and to contribute to the professional development of others; and the creation of a contractual entitlement for teachers to effective, sustained and relevant professional development as part of a wider review of teachers' professional duties.

1 The Rewards and Incentives Group was established following the Agreement on Rewards and Incentives for Post-Threshold Teachers and Members of the School Leadership Group. The members are ASCL, ATL, DfES, NASUWT, LGE, and PAT.

2 Evidence to the School Teachers' Review Body, May 2005.

- 1.5 RIG is committed to developing a system where those who manage teachers and head teachers engage in a professional dialogue with them, respect them as professionals, and make decisions about their work and contribution in an open and fair manner, in the context of the national framework and any relevant agreements secured by pay partners. RIG is also committed to ensuring that the arrangements for performance management in schools are consistent with the principles and practice of equal opportunities and the legislative requirements and duties which apply to schools and local authorities. Schools need to ensure that their individual arrangements are managed effectively, transparently and fairly, and applied consistently.
- 1.6 Performance management is the process for assessing the overall performance of a teacher or head teacher, in the context of the individual's job description and the provisions of the STPCD, and making plans for the individual's future development in the context of the school's improvement plan. Professional standards provide the backdrop to discussions about performance and future development. The standards define the professional attributes, knowledge, understanding and skills for teachers at each career stage.
- 1.7 RIG has sought to develop non-bureaucratic, streamlined and multi-purpose arrangements for teachers' performance management which build on the existing system and reflect partners' overarching commitment to raising standards and tackling workload. The information and data that schools collect for performance management should be capable of being used in a number of different ways, for example, for school self-evaluation and school improvement and development planning. Schools should use the data collected for performance management to inform other processes. RIG believes that streamlining the process in this way is essential to ensure that bureaucracy and workload for all parties is kept to a minimum.
- 1.8 In this guidance the same terminology is used as in The Education (School Teacher Performance Management) (England) Regulations 2006. A full list of definitions is provided in Part 1 of the regulations (Regulation 2).

Section 2: **Statutory framework**

- 2.1 The statutory framework for performance management in England is provided by The Education (School Teacher Performance Management) (England) Regulations 2006. The STPCD provides for how the outcomes of performance management form the basis of decisions about pay and career progression. The basis for the performance management regulations and the related provisions of the STPCD is provided in primary legislation by The Education Act 2002.

Section 3: Roles and responsibilities

3.1 Governors, head teachers and teachers all have key roles to play and responsibilities to discharge in the performance management process. By way of a summary their main roles and responsibilities are as follows.

Governing Bodies

- Establish the school's performance management policy, monitor the operation and outcomes of performance management arrangements, and review the policy and its operation every year.
- Appoint 2/3 governors to review the head teacher's performance on an annual basis.
- Appoint an external adviser or use the SIP to advise appointed governors on the head teacher's performance.
- Make decisions about pay and career progression based on pay recommendations made by reviewers.
- Retain a copy of the head teacher's planning and review statement (normally the Chair of Governors).
- Where the head teacher makes such a request, to action requests for evidence from the performance management process to be transferred if the head teacher transfers mid-cycle.
- Ensure the content of the head teacher's planning and review statement is drafted having regard to the need to be able to achieve a satisfactory work life balance.
- Undertake action in relation to appeals in line with the school's procedures.

Head Teachers

- Report annually to the governing body on performance management arrangements and on training and development needs.
- Play an active role in their own performance management and professional development including taking action as agreed at review meetings.
- Act as performance reviewers and, where appropriate, delegate the role of performance reviewer in its entirety.
- Retain copies of all review and planning statements and provide others with access to statements where appropriate.
- Take account of review outcomes in school improvement planning and ensure the school produces and resources an effective plan for the professional development of its workforce.
- Establish a protocol for classroom observation for inclusion in the performance management policy.
- Action any request from a teacher for evidence from performance management to be transferred if the teacher moves school mid-cycle.
- Evaluate standards of teaching and learning and ensure proper standards of professional practice are established and maintained.
- Ensure that the teacher's planning and review statement is drafted having regard to the need for a satisfactory work life balance.

Teachers

- Play an active role in their own performance management and professional development including taking action as agreed at review meetings.
- Where the role of reviewer has been delegated to them in accordance with the regulations, act as reviewers for other teachers.
- Contribute to the annual planning and assessment of other teachers where appropriate.

Section 4: Preparing for Performance Management

Performance management policies (Regulations 7, 8 and 12)

- 4.1 Governing bodies must establish pay and performance management policies which:
- set out the basis on which teachers' pay will be determined;
 - describe how the performance management arrangements will work, including a classroom observation protocol; and
 - state the procedures for determining appeals.

RIG is preparing a model pay and performance management policy which will be made available on the DfES website Teachernet.

- 4.2 Governing bodies should consult staff and seek to agree their pay and performance management policies and any revisions to them with recognised trade unions. Policies should be reviewed each year, or when other changes occur to the STPCD and/or the accompanying statutory guidance. This should ensure fair and equitable treatment for all teachers and minimise the prospect of disputes and legal challenge of pay decisions. If after due consultation consensus is not fully achieved the governing body has the final say.
- 4.3 Performance management policies must comply with all the requirements of discrimination legislation. The policy should therefore make clear its compliance with that legislation, how the policy addresses equal opportunities and the process of monitoring and reviewing the implementation of the performance management policy. It is the responsibility of reviewers to ensure that objectives are set, the implementation of the classroom observation protocol, the gathering of other evidence, the application of the performance criteria, where a reviewee is eligible making a pay recommendation and the planning and review statement, are appropriate in terms of equal opportunities considerations. The preparatory training for reviewers should support reviewers in their role. Reviewers will need to consider their actions within the review process and whether any action might be deemed to be either directly or indirectly discriminatory under the provisions of the relevant legal frameworks.

- 4.4 Performance management policies should also set out the timing of the performance management cycle. It is currently good practice for schools to have a calendar of events and directed time activities for the academic year. The calendar should make clear the time lines for performance management. Individual reviewers and reviewees will need to know specific times and dates (see 5.2, page 13). This calendar should be made available to all teachers and provide for equality of access.
- 4.5 Local authorities have similar duties in relation to pay and performance management policies relating to unattached teachers (see 6.11, page 24).

Appointing reviewers for the performance management of head teachers (Regulation 10)

- 4.6 The governing body may appoint two or three members of the governing body as reviewers for the head teacher and ensure they receive appropriate preparation for their role. The governing body should seek to secure a balanced representation of reviewers, taking account of such factors as gender, ethnic group and age. The governing body should seek to appoint reviewers who have the knowledge and experience to carry out this role and who together reflect the profile of the governing body. Persons appointed as reviewers should not have any personal or pecuniary interest. Governors who are members of the school staff cannot be appointed as reviewers for the head teacher.

Appointing external advisers for the performance management of head teachers (Regulation 9)

- 4.7 Governing bodies are required to take external advice on the performance management of head teachers. Where a school has been allocated a School Improvement Partner (SIP) the SIP has the role of providing advice to the governing body about the performance management of the head teacher. This is a natural extension of the SIP's role. They have an ongoing relationship with the school and should have a thorough knowledge of it. They will be engaged in the process of identifying priorities, improvement planning and target setting. The intelligence gathered through these activities will enable SIPs to give relevant high quality advice to governing bodies, for example about:
- the progress the head teacher has made towards the previous performance management objectives set by the governing body;
 - suitable objectives for governors to agree with the head teacher for next review cycle; and
 - how the school's performance management systems are contributing to raising attainment, achievement and pupils' wider well-being.
- 4.8 The allocation of SIPs is being rolled out across schools in England as part of the New Relationship with Schools. All schools in England should be allocated a SIP by the end of April 2008.

4.9 Where schools have not been allocated a SIP, the governing body will need to appoint an external adviser to provide advice to governors in relation to the performance management of the head teacher. Possible sources of external advice include education consultants, link advisers and, if the school has contact details, people who were employed by Cambridge Education (CE) as external advisers. The fact that someone provided a particular school with external advice on head teacher appraisal through the CE contract is not a bar to the school employing that person directly as an external adviser. There is no longer a time limit on how long an individual could act as an external adviser. Where schools need to appoint an external adviser, the governing body should adopt a process of selection that is open, transparent, relevant and appropriate. Persons appointed as external advisers should not have any personal or pecuniary interest.

Appointing reviewers for the performance management of other teachers (Regulation 11)

- 4.10 The head teacher may either be the reviewer for other teachers, including members of the leadership group, Excellent Teachers and Advanced Skills Teachers, or may delegate this role in its entirety. The head teacher cannot retain elements of the process whilst delegating others.
- 4.11 RIG believes that wherever possible the role of reviewer should be delegated to the teacher's line manager, ie the person who directs, manages and has a post of responsibility for the area in which the reviewee mainly works. The line manager should be best placed to undertake the reviewer functions. This is consistent with a distributive approach to school leadership and the recognition of these responsibilities through the revised staffing structures. All reviewers should receive appropriate preparation for their role. Schools may want to consider whether to dedicate all or part of one of the five teacher days for a whole school briefing on these revised arrangements.
- 4.12 RIG recognises that, in order to minimise the workload on individuals, schools may wish to place a limit for each reviewer on the number of teachers for which reviews have to be carried out. Schools may have to consider their responsibility structures in the light of the demands made on those appointed as reviewers. Schools may decide that several teachers in a large department or key stage should have line management responsibilities. Line managers should be paid an appropriate Teaching and Learning Responsibility Payment.
- 4.13 If, in exceptional circumstances and for professional reasons, the reviewee wishes to request a change of reviewer where this role has been delegated, they may ask the head teacher to appoint an alternative reviewer of comparable or higher status in the staffing structure than the original reviewer. Any such request from a reviewee should be made in writing and state the reason for requesting a change. A head teacher requesting an alternative reviewer should send a written request to the Chair of Governors who will consider whether to accept the request.

- 4.14 Where a reviewee's request for change is not accepted, the reasons for this should be explained in writing by the head teacher (or in the case of the head teacher, the Chair of Governors) and be appended to the planning and review statement, together with the reviewee's request.

Arrangements for monitoring and reporting on operation of performance management policies (Regulation 21)

- 4.15 Head teachers should provide the governing body with a written report every year on the operation of the school's performance management policy, the effectiveness of the school's performance management procedures and teachers' training and development needs. As part of this annual monitoring and reporting process, governing bodies should examine the equal opportunities implications at each stage of the process.

Section 5: The Performance Management Process

- 5.1 The description of the process that follows begins with the planning process. Planning and reviewing performance would normally take place in a single meeting and the outcomes of the meeting in relation to planning for the next cycle and the outcomes of the review of the previous cycle would be recorded in a single planning and review statement.

The planning and review meeting (Regulation 13)

- 5.2 The reviewer and reviewee should schedule planning and review meetings as far in advance as possible. The reviewer and reviewee should confirm that the scheduled meeting is taking place as planned at least five working days in advance. If the review meeting cannot take place as planned, a new date and time should be scheduled with at least five working days' notice.
- 5.3 The reviewer and the reviewee should ensure they set aside sufficient directed time for the meeting. An hour should be sufficient in many cases. Lunch breaks and PPA time must not be used for this purpose. In remodelled schools in most cases there should be sufficient scope for short-term cover to be available for these meetings without the need for arranging supply cover. In some schools one or more of the teacher days have been scheduled at appropriate points in the cycle for planning and reviews.

Preparing for the planning and review meeting – reviewees

- 5.4 The planning and review meeting should be a professional dialogue between the reviewer and the reviewee. Reviewees should play an active part in the meeting making sure they put forward their views about their performance and future development. They may find it helpful to consider the following ways of preparing:

For the review of the last cycle:

- Reflect on their achievement in the last performance management cycle, including against the performance criteria recorded in the planning and review statement.
- Ensure they have copies of any relevant documentation and evidence, and written feedback on classroom observations.
- Identify any issues that have affected their performance, positively or negatively.
- Consider any issues about the planned support they needed/received.

- Assess the impact of the engagement in professional development, both their own and, as appropriate, their support for the professional development of others, recognising that it can take time for benefits to be realised fully and reflected in improved classroom practice.
- Reflect on how far they have met the agreed performance criteria.

In preparing for the next cycle:

- Consider what they would like to achieve in the next cycle taking account as appropriate of departmental, faculty, year group or whole school improvement plans.
- Consider, as a backdrop to the discussions, the standards which apply to their current career stage and those to which they might progress, and, where the reviewee is eligible for pay progression, the relevant criteria for pay progression set out in the STPCD.
- Identify what professional development might help them develop their practice further.
- Consider their professional aspirations.

These are points for reflection. There is no requirement for reviewees to provide written input on their reflections on the above points to inform the meeting, and schools should not impose one.

Preparing for the planning and review meeting – reviewers

5.5 Reviewers will want to be well prepared for the planning and review meeting, and may find it helpful to:

For the review of the last cycle:

- Check the planning element of the planning and review statement and that all the elements have been addressed.
- Check that all documents to which they will refer at the meeting have been shared with the reviewee, to assist their preparation for it.

In preparing for the next cycle:

- Consider the improvement objectives of the school and the relevant key stage or curriculum area(s) and how these may be relevant to planning with the reviewee. For example, the school may have agreed a shared team, year, faculty or whole school objective covering all teachers, including the head teacher.
- Ensure they are familiar with the standards which form the backdrop to the reviewee's current career stage and those appropriate to the reviewee's next career stage, and the relevant criteria for pay progression set out in the School Teachers' Pay and Conditions Document.
- Ensure they have consulted with relevant third parties with direct professional knowledge of the reviewee, about possible objectives for the next review cycle, performance criteria, evidence, arrangements for collecting it and support to be provided to the teacher.

Where the reviewee works for more than one line manager, the reviewer should consult other line managers in advance of the planning and review meeting about the issues to be explored in the next cycle.

Planning for the next cycle (Regulation 13)

- 5.6 The reviewer should start from the assumption that the reviewee is meeting the requirements of their job description, the relevant duties and the relevant professional standards. There is no need for every aspect of the reviewee's responsibilities to be covered in the plans – rather the plans should focus on priorities and areas where specific action is required.
- 5.7 The plans agreed should be realistic and manageable and enable the reviewee to achieve a satisfactory work/life balance. They should cover:
- the reviewee's objectives;
 - the arrangements for observing the reviewee's performance in the classroom;
 - any other evidence which will be taken into account in assessing the reviewee's performance;
 - the performance criteria against which the reviewee's performance in each of the areas listed above will be assessed;
 - the support that will be provided to help the reviewee to meet the performance criteria;
 - timescales for the achievement of objectives and within which support will be provided where these differ from the length of the review cycle; and
 - the reviewee's training and development needs and the actions that will be taken to address them.

Objectives (Regulation 13)

- 5.8 Reviewers are responsible for ensuring rigour when objectives are set. Objectives should focus on priorities. They should be time bound, challenging but achievable, and reflect the need for a satisfactory work/life balance. A reviewee's objectives should reflect any relevant team, year or whole school objectives. They should reflect the experience and aspirations of the reviewee.
- 5.9 Some objectives may be achievable within the performance management cycle. Others may require a longer time span, in which case the record of objectives should show the milestones towards that objective to be achieved in the current cycle. Teachers should not be held accountable for progress towards objectives in cases where promised support has not been forthcoming.

Classroom observation (Regulations 13 and 17)

- 5.10 All classroom observation should be undertaken in accordance with the regulations and the school's protocol for the conduct of classroom observation and the school's performance management policy. Classroom observation should not be undertaken for its own sake. There should always be a clear rationale and focus for any classroom observation. The classroom observation agreed in the planning and review statement should be proportionate, multi-purpose, and should provide monitoring information for a range of other necessary purposes, such as school self evaluation or a school improvement programme, as well as performance management. There should be no observations in addition to those agreed in the planning and review statement except for those described in paragraphs 5.17 and 5.18, on page opposite.
- 5.11 The regulations specify a limit of three hours in any review cycle for classroom observation, but there is no requirement for the whole three hours to be used. Three hours should be regarded as a maximum not a standard. The amount planned and agreed in the statement should reflect and be proportionate to the needs of the individual reviewee and reflect their individual circumstances.
- 5.12. Classroom observation is likely to include observation undertaken by the reviewer but it may include observation undertaken by others who have appropriate professional expertise. Head teachers should ensure that all those who act as observers have adequate preparation and the appropriate skills to undertake observation and to provide constructive oral and written feedback and support.
- 5.13 Release time may not always be needed but if it is, sufficient timetable release should be provided to enable the observer to give adequate time to the task and so that verbal feedback can be given as soon as possible. Ideally verbal feedback should be given immediately and in any case no later than the end of the next school day. Where appropriate, feedback should include an assessment of the quality of the lesson observed. PPA time must not be used for these purposes.
- 5.14 Classroom observation should be supportive and developmental. There should be a short, written record of the observation, feedback and any subsequent follow-up work. The observation record should be sufficient to meet the needs of individuals and the school (ie summarising the focus, what was learnt from the observation, the feedback given and any subsequent actions or other follow-up) but not represent an unnecessary burden. The record of the observation should be made available to the reviewee within five working days of the observation. The reviewee should make and where necessary record any comments they may have on the record of the observation.
- 5.15 Classroom observation may provide evidence of how a reviewee is making progress in relation to agreed objectives but it also enables the reviewer to assess a reviewee's teaching practice performance more generally and thereby informs an assessment of the overall performance of the reviewee.

- 5.16 If concerns arise during the review cycle or the reviewee's circumstances change, there is scope, following appropriate discussion, to revisit the amount of classroom observation agreed at the beginning of the cycle. In such circumstances additional classroom observation, where necessary including observation that exceeds three hours within the review cycle, may be agreed. This should be recorded in a written addition to the review statement.
- 5.17 Teachers should have the opportunity to engage in classroom observation with other professional colleagues, by agreement, in order to review and develop their practice. Developmental peer observations are voluntary and initiated by teachers and are not part of performance management arrangements. Classroom observations by Ofsted or by a local authority using its statutory powers of intervention are also not part of performance management. Even in these circumstances observation should be reasonable, proportionate and fit-for-purpose and should be the subject of consultation with staff and unions.
- 5.18 A head teacher has a duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. Heads have a right to drop in to inform their monitoring of the quality of learning. In large schools they may delegate drop in to appropriate members of the leadership group. Clearly the performance management arrangements are integral to fulfilling this duty and head teachers may consider the classroom observations they have agreed for performance management are sufficient and that drop in will not be needed.

Other evidence (Regulation 13)

- 5.19 The other evidence which will be taken into account will normally be in the form of data or written feedback from specific individuals. Those providing evidence should always have direct professional knowledge of the reviewee's work.
- 5.20 The other evidence may relate to any areas of the reviewee's work which are not be reflected directly in the reviewee's objectives or classroom observation and help the reviewer to make a judgement about the overall performance of the reviewee. For example, evidence about the outcomes of the reviewee's engagement in professional development, including feedback on the contribution they have made to the development of others, might be considered in this context.

Performance criteria (Regulation 13)

- 5.21 The performance criteria should indicate what success would look like at the end of the cycle. The performance criteria should provide clarity about the basis on which the reviewer will assess the overall performance of the reviewee based on progress towards the achievement of objectives, classroom observation, and the other evidence. These matters should be determined taking into account the reviewee's job description, the relevant professional standards, what can reasonably be expected of the reviewee, and, where the reviewee is eligible, the relevant pay progression criteria in the STPCD.

- 5.22 It is the responsibility of reviewers to ensure that performance criteria are applied appropriately in terms of equal opportunities considerations. Reviewers will need to consider the nature and scope of the performance criteria, their relevance and appropriateness, the circumstances of the school, the needs of the individual, and whether or not the performance criteria might be deemed to be either directly or indirectly discriminatory under the provisions of the relevant legal frameworks.

Support, training and development (Regulation 13)

- 5.23 Performance management is a developmental process and a key part of the planning discussion should be about the support that the reviewee may need to meet the performance criteria, the reviewee's training and development needs and how those needs will be met. Support may take a number of forms, for example, time, coaching and mentoring, additional assistance in the classroom, equipment or ICT facilities. In considering training and development, going on courses is one possible option but both parties should recognise that a wide range of activities constitute professional development. RIG believes that some of the most effective professional development is teachers learning from other teachers in the classroom.

Recording plans (Regulation 14)

- 5.24 The planning and review statement provides the record of agreed plans and should cover all of the points set out in paragraph 5.7, page 15. A model planning and review statement is provided in the appendix to this guidance. At the end of the planning and review meeting, the reviewer should summarise the points that have been covered and are to be included in the statement. It may be helpful to make notes of the key content of the statement as practicable, in the course of the review meeting, as this avoids misunderstandings and minimises the workload for both reviewer and reviewee.
- 5.25 The reviewer should within five working days of the meeting produce a draft statement and provide the reviewee with a copy. The reviewee and reviewer should seek to agree the statement. The reviewee may request changes to the draft statement and make written comments on it. The statement should record all the required elements of the plans and be a fair summary of what took place at the meeting. The reviewee should, therefore, only be able to secure changes when the statement does not convey this fairly or where the wording is capable of the wrong interpretation.
- 5.26 The reviewer must within ten working days of the meeting, ensure a final statement is prepared and signed by both parties. The reviewee may add final comments before signing. Where the reviewer is not the head teacher the reviewer gives the reviewee a copy of the final statement and passes the original to the head teacher for retention, or if the reviewee is the head teacher, to the Chair of Governors. The five and ten day periods referred to above can be extended if either party does not work or is absent from work during those school days following receipt of the draft performance review and planning statement.

Moderation of plans and the scope for the head teacher to change planning and review statements (Regulation 15)

- 5.27 The head teacher has a duty to ensure that these procedures and processes are applied fairly and consistently across the school and with regard to equal opportunities considerations. It is anticipated that head teachers will set up procedures for monitoring and moderating the plans for the forthcoming cycle agreed in planning and review statements. As part of this the head teacher may review planning and review statements, within 10 days of their completion, and where necessary instruct the reviewer to prepare a new statement prior to it being finalised and retained. Head teachers are under no obligation to review planning statements and it is for them to decide whether they wish to do so. They may wish to moderate a sample of statements rather than all statements from the school.
- 5.28 The grounds on which a head teacher may change the statement are that the statement was not consistent with those for other teachers with similar experience and/or who had similar levels of responsibility; or that the statement was not in line with the school's performance management policy or school improvement plan.
- 5.29 If a head teacher is concerned about a statement, following discussion with the reviewer and reviewee, a revised statement may be prepared. The reviewer and reviewee should produce a revised statement within 10 days of being instructed by the head teacher so to do. The reviewee can also add any comments at this stage.

Action to take during the performance management cycle (Regulations 16 and 17)

- 5.30 During the cycle the reviewee should:
- receive written feedback on classroom observation;
 - receive written evidence from any persons or any data as determined at the planning meeting at the beginning of the cycle;
 - receive feedback on their progress from the reviewer and the opportunity to discuss this;
 - be advised, at the time they arise, of any concerns and have the opportunity to discuss these with the reviewer; and
 - advise the reviewer of any concerns they have, at the time they arise, about progress, the provision of support or training.
- 5.31 All evidence gathered during the cycle must be shared with the reviewee as it is collected so that there are no surprises at the end of the cycle.
- 5.32 The reviewee is responsible for making sure that, during the performance management cycle, they make the reviewer aware of things they consider have been helpful and impacted positively on their personal performance. Similarly, reviewees should make their reviewers aware, as soon as possible, if they have any concerns about the professional development and other support they are receiving and of any changes in circumstances that might bear on their performance.

5.33 There is no requirement to schedule formal meetings to review performance during the performance management cycle but both the reviewer and reviewee should maintain a professional dialogue throughout the year. If in addition to that either party thinks it would be helpful to meet to discuss matters concerning performance in general or any aspect of their agreed statement during the review cycle they can request a meeting. Where such a meeting is requested, it should take place within a reasonable time of the request first being made.

What to do if plans need to change mid-cycle (Regulation 16)

5.34 There may be occasions when it is necessary to review what has been agreed in the review statement during the performance cycle. For example:

- where the reviewee's post and/or responsibilities have changed;
- if there have been difficulties in accessing agreed support;
- where the reviewee has been on maternity or long term sickness absence;
- where there are concerns about the reviewee's performance; or
- where reasonable adjustments required under the provisions of the Disability Discrimination Act need to be made.

5.35 Where this is the case, either party can request a meeting as provided for above. Any proposed changes to the objectives, arrangements for classroom observation, evidence and arrangements for its collection, performance criteria, or support available to the reviewee in the review statement must be recorded as a written addition to the statement. The reviewer and reviewee should sign to say that the changes are an accurate reflection of what was agreed or determined by the reviewer. At the same time as signing the addition the reviewee can add any comments in writing. The reviewee has the right of appeal against the contents of the addition through the school's procedure established for this purpose.

5.36 Where a teacher has changed post and/or responsibilities temporarily or permanently in the school part way through a cycle the head teacher, (or where the teacher is the head teacher, the governing body) will decide whether the cycle should begin again and whether to appoint a new reviewer. Changes to the statement should not be triggered simply because there has been a change of head teacher, line manager or reviewer, though changes to statements may arise as a result of such personnel changes.

5.37 If plans are changed during the cycle as a result of a concern that being raised about a reviewee's performance, this would not automatically mean that there would be an unsuccessful outcome to the review at the end of the year. The revised plans would include performance criteria for the cycle and subject to those being met the outcome could be successful. The reviewee should, with the reviewer's support, aim during the rest of the cycle to address the concerns that have been raised.

5.38 If serious weaknesses are identified in a teacher or head teacher's performance, performance management should cease and the school's capability procedure be substituted. At the initial stage of the capability procedure the teacher and their representative should be provided with the evidence from the performance management process which has prompted its implementation.

Assessing performance at the end of the cycle (Regulation 18)

5.39 The reviewer assembles information about reviewee's performance as detailed on the planning and review statement. All the evidence must be shared between the reviewer and the reviewee before the review meeting, to ensure an informed discussion.

5.40 At the review meeting, the reviewer and reviewee should:

- seek to achieve a shared understanding of the progress made towards meeting the performance criteria; and
- if appropriate, explore any issues that might have impeded the reviewee's performance.

5.41 The reviewer and reviewee should seek to agree an assessment of the overall performance of the reviewee against the performance criteria agreed at the beginning of the cycle. This should include, where the reviewee is eligible, making a recommendation on pay progression, taking into account the pay progression criteria. If the reviewer and reviewee cannot agree, the reviewer's view will be recorded. The outcomes of the review meeting and the recommendation about pay progression should be recorded in the planning and review statement. The reviewee may add comments to the statement.

Making a pay recommendation

5.42 There is no change to the arrangements for pay progression. Annual increments continue to apply as set out in the STPCD for classroom teachers on the main scale. Therefore reviewers do not need to make a recommendation in support of an annual increment. The only exception to this is where the reviewer, in accordance with the school's pay policy, is considering a discretionary additional point (double jumping) where provided for in the STPCD.

5.43 Reviewers will need to make a recommendation where the reviewee is on:

- the pay scale for post threshold teachers
- the pay spine for members of the Leadership Group
- the pay spine for Advanced Skills Teachers

Reviewers' pay recommendations are passed to the head teacher as part of the planning and review statement and the head teacher passes the pay recommendation on to the governing body.

- 5.44 There is no change in the arrangements for making pay decisions. As now, it is for the relevant body (either the governing body or its pay committee) to consider recommendations and make decisions about pay.
- 5.45 RIG will be publishing a model pay and performance management policy setting out an approach to school-level decision-making on pay on Teachernet.

Right of appeal (Regulation 19)

- 5.46 Governing bodies are required by law to establish procedures for dealing with any grievance teachers may have at work and a reviewee can use these procedures to appeal against any entry on their planning and review statement, including any changes made to the statement during the cycle. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing. Any appeal should be deferred until after the moderation process is complete where the head teacher has indicated an intention to moderate the statements. Simple disagreements should be capable of being resolved by discussion between the reviewer and the reviewee without recourse to formal grievance procedures. Further guidance will be set out in the model pay and performance management policy that is being made available on Teachernet.

Confidentiality and access to statements (Regulation 20)

- 5.47 The whole performance management process and, in particular, the statements generated under it should be treated with confidentiality at all times. The regulations specify who must be given access to a reviewee's statement and who may be given access, and for what purpose. No-one else should be given access to a reviewee's statement and schools should put their own arrangements in place to ensure this. For example, whenever a reviewee's statement is shown to another person under the regulations it should be made clear to that person at the time that the statement is a confidential document and must not be shown or the contents of it discussed with anyone who is not authorised under the regulations to see it and that disciplinary action will be taken against anyone who does this. Reviewees should be told who has been granted access to their statement and for what purpose.
- 5.48 The annex recording details of the support and development agreed at the review should be forwarded by the reviewer to whoever in the school is responsible for planning the training and development of teachers in the school and should be accessible to the teacher's line manager.
- 5.49 Review statements for teachers should be retained by the head teacher (or, where the head teacher is the reviewee, the Chair of Governors) in a secure place on the school premises.

Section 6: Specific issues for groups of teachers

Head teachers (Specific variations are reflected in a number of Regulations including: Regulations 14, 15, 16, 18 and 20)

- 6.1 Performance management provides the framework for the assessment of head teachers' performance in the context of their job description and the backdrop of the relevant professional standards. The procedure and process will mirror as far as possible the process for teachers. The key differences in the performance management process for head teachers arise as a result of the role of the governing body in the process and the fact that the governing body takes advice from an external adviser on head teacher performance management. Where a SIP has been appointed external advice will be provided by the SIP.
- 6.2 Detailed points are:
- Where a meeting is requested mid-year it should be undertaken, wherever possible, by the same governors and SIP as undertook the initial review. This does not preclude informal discussions on progress during the year between the head teacher and Chair of the Governors and/or the governors appointed to act as reviewers.
 - Before providing preliminary advice to the governor reviewers, the SIP and the head teacher will discuss the latter's performance.
 - The SIP will attend the head teacher's performance review meeting and offer to prepare the first draft of the performance review statement.
 - The Chair of the Governing Body may review a head teacher's review statement and seek revisions to the statement.
 - In providing the governors reviewers with external advice on head teacher's performance management the SIP is acting for the Governing Body and should not pass these papers to the local authority.

Teachers who join or transfer to another school during the cycle (Regulations 12 and 20)

- 6.6 Where a reviewee joins the school part way through the cycle he may ask the current head teacher in writing to forward their statement and, where it is available, any evidence to the head teacher of the new school. If such a request is made the head teacher of that school has a duty to comply.

- 6.7 Upon receipt of the statement, the reviewee's new reviewer will meet with the reviewee to discuss the statement and evidence, and where necessary revise the statement by way of a written addition to the statement. The reviewer will need to take account of any changes in the reviewee's circumstances that may have occurred, such as a change from a full-time to a part-time contract. The reviewer will need to discuss and seek to agree with the reviewee transferring into the school how the information in the statement and any evidence will be handled at the end year performance. Where there is a difference of view the reviewer has the final say.
- 6.8 If the reviewee transferring in is a head teacher, then the Chair of Governors would need to take action as above.

Unattached teachers (Part 3 of the Regulations)

- 6.9 An unattached teacher is either not attached to a particular school, is employed otherwise than at a school or is a teacher at a pupil referral unit, as set out in the regulations (Regulation 2). As far as possible the performance management process for unattached teachers should be same as for school-based teachers.
- 6.10 The local authority nominates a reviewer for unattached teachers. Depending on the nature of the teacher's job description, the reviewer will need to consider whether to consult those who manage or receive support from the teacher externally ahead of the performance review to inform the discussion with the reviewee about how they will contribute to the process to ensure the totality of a teacher's performance is assessed effectively in the review. In addition, if the reviewer is not a teacher the local authority will need to ensure that in meeting the requirements of the monitoring and review process they have sought input from a person with relevant professional expertise and appropriate experience. For example, any classroom observation should be undertaken by an observer with appropriate recent professional expertise and Qualified Teacher Status.
- 6.11 The local authority must have a performance management and pay policy that reflects the arrangements for unattached teachers and their entitlement to performance management. This should also indicate the extent to which the policies of the schools in which they work should be assumed to apply. For example, an unattached teacher may be expected to comply with the classroom observation protocols of the school in which they work. All other aspects of the process should be the same as school-based teachers.

Teachers who are absent for a significant part of the cycle (Regulation 16)

- 6.12 In assessing a teacher's overall performance, the reviewer should take account of what it was reasonable for the teacher to achieve, including against the objectives, during the time when they were not absent. It may be appropriate to revise the planning and review statement (see 5.34, page 20).

Part-time teachers (including job-sharers)

6.13 Performance management arrangements should apply on the same basis as for full-time staff, including the length of the review period. The same degree of challenge in the process should also apply but the breadth and volume of each element in the process should be proportionate to and reflect the period of time worked. The three hour maximum on classroom observations which can be planned for performance management purposes will need to be fair and proportionate to need taking into account the circumstances of individual part-time staff. The intention is to ensure that part-time staff have equivalent access to developmental support/feedback as their full time colleagues.

Teachers employed at more than one school (Regulation 8)

6.14 Where a teacher is employed at more than one school the governing body of each school is responsible for ensuring that a named person acts a reviewer and the performance management arrangements are put in place for the teacher for the time they spend at their school.

Teachers on fixed-term contracts and teachers employed through an agency (Regulation 12)

6.15 The circumstances in which teachers are employed for short periods of time vary substantially and the actual period of employment often extends beyond that which was first anticipated. In applying performance management arrangements, every effort should be made to mirror as closely as possible all the arrangements for teachers permanently based at the school.

6.16 Head teachers will want to consider:

- Employment legislation which provides protection for staff on fixed-term contracts against being treated detrimentally in comparison to permanent staff. This is particularly significant where a teacher may be approaching eligibility for threshold assessment or progression on the upper pay spine.
- The definition of a year's employment in paragraph 1.8 of the STPCD. The employing school should ensure that any teacher who has, or is anticipated to fulfil a year's employment is considered for relevant pay progression in the same way as a permanent member of staff.

6.17 The head teacher or nominated line manager will want to discuss with each teacher employed on a fixed-term contract at an early stage how to proceed in relation to performance management with a view to establishing an agreed approach that is appropriate to the circumstances.

- 6.18 Where a teacher working in a school is employed by an agency, to which the school pays a fee, there are no legislative requirements in relation to performance management. If the teacher is likely to be in the post for a significant period of time, the school may choose to include the teacher in its performance management arrangements. Arrangements in relation to teachers employed by an agency should also be reviewed with the teacher if the duration of the employment is extended significantly.
- 6.19 If a school considers full performance management arrangements are not appropriate, it may wish to make alternative arrangements for the teacher to receive feedback at the conclusion of their placement at the school, possibly providing a statement from the school relating to the teacher's work and performance. The school will need to ensure that if there are concerns they are raised as they occur to give the teacher an opportunity to respond – there should be no surprises as they leave. The purpose of providing feedback would be:
- seek to achieve and record a shared understanding of the progress made by the teacher towards meeting any agreed objectives and performance criteria, in the context of the teacher's job description; and
 - where appropriate, provide an opportunity for the teacher briefly to record their views.

Section 7: **What happens during the first year of these arrangements** (Regulation 4)

- 7.1 The revised regulations will come into force on 1 September 2007. Local authorities, governing bodies and head teachers have until autumn 2007 to put arrangements in place for performance management that reflect the requirements of the revised regulations.
- 7.2 The first plans made under the revised regulations should be agreed by 31 October 2007 for teachers and by 31 December 2007 for head teachers.
- 7.3 The first full planning and review statements which record the outcomes of an assessment of performance and, where a teacher is eligible, include a pay recommendation, must be completed by 31 October 2008 for teachers and 31 December 2008 for head teachers.

Appendix: Model planning and review statement

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Reviewee's name:

Reviewer's name:

Assessment of performance for the performance management cycle just ended and recommendation for pay progression (where reviewee is eligible):

Objectives for next cycle including any relevant whole school/year/team/faculty objectives:

Extent, pattern and focus of planned classroom observation:

Other evidence:

Support:

Timescales for completion:

Reviewee signature.....

Reviewer signature

Reviewee comments:

Training and Development Annex

A copy of this Annex should be sent to whoever in the school is responsible for planning the training and development of teachers.

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Training and Development needs:

Action to be taken:

Reviewee signature.....

Reviewer signature.....

Reviewee comments:

Notes

Notes

Notes

Notes

Notes

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