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Performance management for unattached teachers

Revised performance management arrangements 2012



Guidance

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Performance management for unattached teachers

- Audience** Local authorities, governing bodies of maintained schools, institutions within further education sector, headteachers, teachers and other interested parties.
- Overview** This guidance document outlines the School Teacher Appraisal (Wales) Regulations 2011 that came into force on 1 January 2012 in order to strengthen performance management arrangements for headteachers, teachers and unattached teachers.
- Action required** All schools and local authorities are required to move to the revised performance management arrangements by 31 December 2012.
- Further information** Enquiries about this document should be directed to:
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- Additional copies** This document can be accessed from the Welsh Government's website at www.wales.gov.uk/educationandskills
- Related documents** The existing performance management guidance and procedures relating to the 2002 regulations may still be used until schools move to the revised arrangements but no later than 31 December 2012. They can be accessed from the following link:
www.wales.gov.uk/topics/educationandskills/publications/guidance/performance-man-for-teachers?lang=en

The new regulations that came into force on 1 January 2012 are The School Teacher Appraisal (Wales) Regulations 2011 No.2940 (W.316) and can be found following this link:
www.legislation.gov.uk/wsi/2011/2940/contents/made

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Introduction

Performance management helps schools to improve by supporting and improving the work of teachers as individuals and in teams. It sets a framework for teachers and leaders to agree and review priorities and objectives. It focuses attention on making teaching and leadership more effective to benefit pupils, teachers, and schools.

This guidance is designed to be supportive, not prescriptive. It relates to requirements detailed in the School Teacher Appraisal (Wales) Regulations 2011 and should be read in conjunction with the regulations.

The Regulations provide for the appraisal of the performance of teachers at community, voluntary, foundation, community special, foundation special or maintained nursery schools. The performance management appraisal does not form part of any disciplinary or dismissal procedures.

Professional standards for education practitioners in Wales

The professional standards articulate the understandings, knowledge and values that teachers must demonstrate. Teachers must meet the Practising Teacher Standards (PTS) at the end of their induction period and continue to meet them throughout their teaching career. They provide a framework to enable practitioners to identify their performance management objectives and to choose the most appropriate professional development activities. Where a teacher no longer meets these standards then line managers should consider competency or capability procedures. Where a decision is taken to enter into a formal competency or capability procedure then that procedure supersedes performance management arrangements.

The Practising Teacher Standards can be found at:

www.wales.gov.uk/topics/educationandskills/publications/circulars/practitioners/?lang=en

Guidance contents

This guidance is divided into eight sections.

1. Performance management policy

The Performance Management Policy is the written policy setting out how the performance management of unattached teachers is to be implemented.

2. Appointment of appraiser

The local authority is responsible for the appointment of an appraiser for an unattached teacher.

3. The appraisal cycle

The local authority will determine the timing of the appraisal cycle for unattached teachers.

4. Initial planning, setting of objectives and monitoring procedures

Performance management is a continuing process that takes place over a year. It is a continuous cycle involving three stages of planning, monitoring performance and reviewing performance.

5. The appraisal review and the appraisal statement

The annual performance review is a formal opportunity for the teacher and appraiser to recognise achievements and to discuss areas for improvement, support and professional development.

6. Appeals

Where issues cannot be resolved with the appraiser, the teacher has the opportunity to appeal against the appraisal statement.

7. Provision/retention/use of appraisal statements

The requirements of disclosure, retention and use of appraisal statements.

8. Other related issues

Managing weak performance; and pay and performance.

Performance management policy

The Performance Management Policy is the written policy setting out how performance management of unattached teachers will be implemented as required by the School Teacher Appraisal (Wales) Regulations 2011.

Before establishing the policy the local authority must ensure that all their unattached teachers are consulted and that the role of the recognised teacher trade unions are fully respected in this process. The local authority will make a copy of the policy available for inspection at any reasonable time by any unattached teacher, any person involved in the inspection of the operation of the unattached teacher performance management system and any appraiser appointed in accordance with the Appraisal Regulations.

The policy should set a framework for all staff to agree and review priorities and objectives including their own professional development needs. It will assist in the aim to develop all staff, and to help, where appropriate, to raise standards of achievement for pupils.

The Performance Management Policy should be reviewed and, if necessary, amended following consultation every school year.

Appointment of appraiser

The local authority will appoint an appraiser for every unattached teacher. The appraiser will be a person holding QTS.

The local authority may appoint a new appraiser in place of an existing appraiser at any time. The unattached teacher should be notified in writing of the reason why such a change is necessary and this note should be attached to the Appraisal Statement.

The local authority should consider who has the best overview of the unattached teacher's work and, where necessary, the ability to provide suitable support throughout the annual cycle. The local authority may delegate some or all of the duties of the appraiser to a teacher at the school where the unattached teacher spends most of their working time. Appraisers should be familiar with performance management procedures and the performance management policy.

The unattached teacher should be consulted on who will be appointed as their appraiser. The local authority should also take into account the potential workload for the appraiser to carry out the appraisal and provide suitable support.

The appraisal cycle

The local authority will determine the timing of the appraisal cycle for every unattached teacher.

In the case of the first appraisal cycle under the Regulations of an unattached teacher in post on the date on which the Regulations come into force, the local authority may determine that the length of that appraisal cycle is a period other than one year. Similarly, following the appointment of a new unattached teacher, or an unattached teacher moving to a new post, the local authority may determine that the length of the unattached teacher's first appraisal cycle in the new post will be a period of less than one year. Due consideration should be given to the process where a shorter period is undertaken.

Once begun, appraisal cycles for every unattached teacher are continuous. The length of an appraisal cycle will normally be one year. The appointment of a new appraiser will not cause an unattached teacher's appraisal cycle to begin again.

Where an unattached teacher is employed on a fixed term contract of less than one year the appraisal cycle will be the length of the contract.

Initial planning, setting of objectives and monitoring procedures

Performance management involves both the appraiser and the unattached teacher working together on ensuring that objectives are discussed and agreed; on the giving of regular and objective feedback; on ensuring, where necessary, provision of adequate coaching, training and development; and on a formal annual performance review.

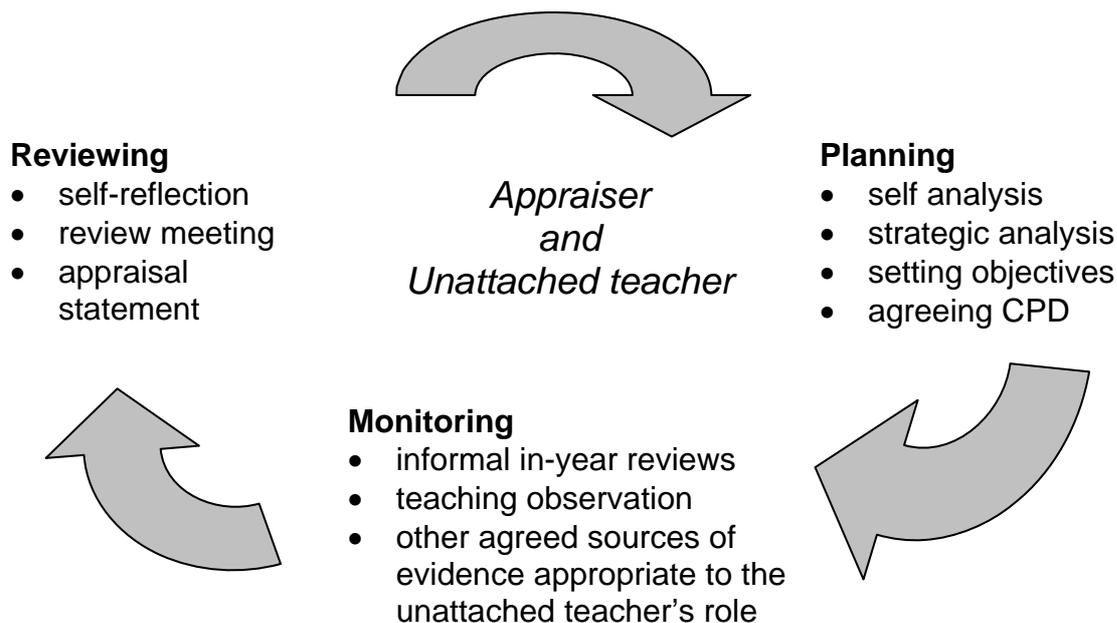
Best practice in performance management is characterised by:

- a commitment to the attainment and welfare of pupils;
- an appreciation of the crucial role that teachers play;
- commitment to the performance and welfare of staff;
- an atmosphere of trust between the unattached teacher and their appraiser, which allows for rigorous evaluation of strengths and identification of areas for development;
- encouragement to share good practice.

The process of performance management

The performance management cycle

Performance Management is a continuing process that takes place over a year. It is a continuous cycle involving three stages of planning, monitoring performance and reviewing performance. Best practice in performance management is characterised by a collaborative approach where the appraiser and unattached teacher take joint responsibility for the effective implementation of the process.



Planning

Prior to the planning meeting unattached teachers should:

- consider the use of self-analysis and reflection to prepare for the discussion with the appraiser where specific objectives have been agreed;
- focus on both personal needs and on what will be needed to ensure that pupils make good progress;
- consider the need for evidence and the requirement to keep an up to date practice review and development record.

Prior to the planning meeting appraisers should:

- be familiar with statutory performance management procedures;
- be familiar with the performance management policy;
- be familiar with the unattached teacher's job description;
- reflect on any relevant pupil performance information and consider the priorities that are relevant to the unattached teacher's work.

Preparing objectives

Before or at the start of the appraisal cycle, the appraiser and the unattached teacher must meet to plan and prepare for the appraisal and to seek to agree the unattached teacher's objectives. The meeting will normally be combined with the annual appraisal review meeting (see page 12). It is important that adequate time should be allocated to the meeting to fully cover all aspects of the appraisal while taking the unattached teacher's other priorities into account.

Objectives should be challenging but realistic and take into account the unattached teacher's job description and existing knowledge base. They should focus on matters over which the unattached teacher has direct influence or control.

There can be no hard and fast rules on the number of objectives that may be set but experience suggests that about 3 would normally be sufficient.

Setting objectives does not mean itemising every activity or task but picking out key expectations and developmental priorities.

In order that evidence-based judgements can be made, it is recommended that objectives are:

- clear;
- concise;
- measurable;
- challenging;
- relevant.

Setting objectives

The unattached teacher's objectives should, if they are achieved, contribute to improving the progress of pupils; and must take account of relevant evidence including the pupil performance information.

Taken as a whole the objectives must relate to:

- developing and improving the unattached teacher's professional practice;
- the unattached teacher's job description;
- any relevant pay progression criteria (see page 17);
- any relevant whole-school or team objectives specified in the relevant School Improvement Plan;
- the professional standards for teachers as specified by the Welsh Ministers.

They may also take into account:

- the unattached teacher's professional aspirations;
- any national priorities for school improvement set by the Welsh Ministers from time to time.

In this context the professional standards should be looked at as a whole to provide a backdrop to discussions to help unattached teachers identify areas of strength and areas for further development taking into account the stage the unattached teacher is at in their career.

The appraiser will record the objectives, and where appropriate, it may be helpful to list them in priority order. These should be discussed and jointly agreed with the unattached teacher, if possible. In most instances there will be agreement on the objectives, however, if they are not agreed then the appraiser must set out in writing such objectives as the appraiser considers appropriate. The unattached teacher will be allowed to add comments in writing.

In line with regulatory requirements elsewhere, appraisers should ensure that in setting objectives regard should be taken of what can reasonably be expected of the unattached teacher in being able to achieve a satisfactory balance between the time required to discharge professional duties and the time required to pursue personal interests outside work.

Professional development

Professional development is a key element of the performance management process and in supporting the unattached teacher in enhancing their knowledge and skills. Wherever possible, professional development should be undertaken on a regular basis.

A range of activities can contribute to an unattached teacher's professional development including team teaching, shadowing colleagues, visits to observe good practice, personal reading and research, the use of mentors or coaches, taking on new areas of responsibility and working in a new area.

Professional development opportunities are needed to support agreed objectives, to develop strengths and address areas for development or professional growth. When the objectives are set, the appraiser and the unattached teacher should seek to agree on the support that will be required for the unattached teacher to meet the objectives. If agreement cannot be reached the appraiser will determine the support that is required. Where possible, consideration should be given to opportunities to share good practice widely.

The individual plan and the appraisal statement are personal and confidential documents and should be kept in a secure place. The provisions of the Data Protection Act 1998 must be followed at all times by those who have access to the documents.

Revising objectives

In exceptional circumstances, an unattached teacher's objectives may be revised by the appraiser at any time during the appraisal cycle. As with the setting of objectives at the start of the appraisal cycle, in most cases any revisions will be jointly agreed by the appraiser and the unattached teacher. However, if they are not agreed then the appraiser must set out in writing such revised objectives as the appraiser considers appropriate. The unattached teacher will be allowed to add comments in writing. Following any revision then the statement of objectives must be amended to show the revised objective, the date of the revision and the reason for the revision.

Monitoring procedures

At the planning meeting, in addition to objectives being set, the unattached teacher will discuss and agree procedures with the appraiser for monitoring the unattached teacher's performance against the objectives. They will also discuss any supportive action needed and the requirement to keep an up to date practice review and development record.

Monitoring procedures should include a variety of methods including information from: the unattached teacher's practice review and development record; pupil performance information; and any other relevant data, all of which should have been prepared for other purposes such as, for example, unattached teachers' planning documentation. It is important that sufficient appropriate evidence is gathered to ensure secure judgements are made. Classroom observation is accepted good practice and so, as a minimum, the appraiser is required to observe the unattached teacher teaching on at least one occasion during the appraisal cycle. There is also a requirement for the appraiser to seek information from those with relevant professional knowledge of the unattached teacher at other places where the unattached teacher regularly spends part of their working time.

If procedures cannot be jointly agreed, the appraiser will have the final decision and will set and record in writing the procedures to be used. The unattached teacher should be allowed to add comments in writing.

The unattached teacher and the appraiser will keep progress under review throughout the year to ensure that there is an active and collaborative review of progress. Informal in-year discussions are a means of keeping progress under review and of ensuring that unattached teachers are supported in their professional development. These performance review discussions can focus on the individual plan and any supportive action needed and also help keep the practice review and development record up-to-date. They can also allow objectives to be adjusted in the light of changing circumstances and/or the availability of more up to date data. However, the appraiser must obtain the consent of the unattached teacher before seeking to obtain information, written or oral, relevant to the unattached teacher's performance from other people not included within the procedures recorded at the planning meeting. Most unattached teachers and appraisers find it helpful if the timing of these discussions are agreed at the planning meeting and generally coincide with teaching observation.

Teaching observation

- teaching observation for the purpose of performance management can only be carried out by a person holding QTS;
- observation should take place during lessons and activities that have been agreed in advance with notice of at least 5 school days;
- a minimum of one observation each year by the appraiser is required for all unattached teachers for the purpose of performance management.
- procedures may include additional observations of whole or part sessions for the purpose of performance management and where appropriate may be combined with lesson observation for other purposes;
- many unattached teachers work in a wide range of settings and there are a number of facets to their role. The scope of the observation can be balanced to reflect the settings and full range of the unattached teacher's role. The designated observation may be supplemented by other observations of whole or part sessions, which are agreed to be useful, to reflect the unattached teacher's roles and responsibilities;
- in some circumstances it may be appropriate for another person with QTS other than the appraiser to undertake observation. The person will report to the appraiser. Such occurrences should be discussed in advance with the unattached teacher;
- successful observation requires preparation and training, and a clear understanding by the unattached teacher and the observer of its purpose;
- the nature, purpose and amount of observation, as well as the areas to be focussed on should be determined at the planning meeting. To be worthwhile it needs to be structured in a way that enables the observer to focus on the areas that were agreed beforehand;

- it is important that the observed sessions should proceed in as normal an atmosphere as possible;
- the scope of teaching observed will need to be well balanced to reflect the range of an unattached teacher's work, but should not be unduly excessive in total;
- full, constructive and timely feedback offers an opportunity to discuss what went well and what might be done differently next time. When giving feedback, the observer can take into account the range of activities carried out by the unattached teacher and the time spent on each activity;
- feedback should be given as soon as possible (usually within 5 school days) after the observation has taken place. It is advisable to agree the time and place for the feedback to take place at the same time as the details of the observation are agreed;
- the outcome of the observation, including any feedback, should be recorded and the unattached teacher should have the opportunity to add written comments.

Practice review and development record

Throughout the course of the appraisal cycle the unattached teacher must keep an up-to-date record of:

- the unattached teacher's own assessment of performance against the objectives recorded in the statement of objectives;
- particulars of any professional development activities undertaken or other support provided and how this is contributing to achievement of the objectives;
- particulars of any factors which the unattached teacher considers are affecting performance against the recorded objectives.

The appraisal review and the appraisal statement

The annual performance review is a formal opportunity for the unattached teacher and appraiser to recognise achievements and, if necessary, to discuss areas for improvement and professional development. It can be combined with agreeing objectives for the following performance management cycle. It is important that adequate time should be allocated to the meeting to fully cover all aspects of the appraisal while taking the unattached teacher's other priorities into account.

Self-reflection

Prior to the review meeting, the unattached teacher may wish to consider, through the exercise of professional judgement, the areas for discussion in relation to the current cycle and in preparation for the next cycle.

A performance review will be more valuable and effective if the unattached teacher has reflected in advance on the work of the year, on the strengths and achievements and on areas for development.

The unattached teacher should consider performance against:

- the unattached teacher's own assessment of her or his performance against the objectives set at the start of the cycle;
- the unattached teacher's own assessment of her or his performance 'in the round' at the end of the review cycle;
- the benefits of any professional development undertaken and particulars of any professional development opportunities which the unattached teacher considers would be beneficial;
- any in-year reviews that have taken place;
- any factors which the unattached teacher considers affected performance against the set objectives;
- Possible objectives for the next cycle.

The performance review

At or near the end of the appraisal cycle the appraiser and the unattached teacher must hold an appraisal review, with the object of:

- assessing the extent to which the unattached teacher has met the objectives recorded in the statement of objectives taking into account the unattached teacher's practice review and development record;
- determining whether there has been successful overall performance in confirming that the unattached teacher continues to meet the professional standards for teachers as specified by the Welsh Ministers;

- identifying the need for additional support, training or development and ways of meeting such needs, also taking into account the unattached teacher's practice review and development record.

The performance management review should involve:

- reviewing, discussing and confirming the unattached teacher's essential tasks, objectives and standards;
- recognising the unattached teacher's strengths and achievements and taking into account factors outside the unattached teacher's control;
- confirming action agreed with the unattached teacher during informal in-year reviews;
- identifying areas for development and how these will be met;
- recognising professional development needs;
- where combined with the planning meeting, agreeing clear objectives and completing an individual plan for the year ahead.

The date on which an appraisal review is to be held will be determined by the appraiser, but at least 10 school days notice (in writing) must be given to the unattached teacher of that date. The unattached teacher must, at least five school days before the appraisal review, submit to the appraiser the practice review and development record and this must be considered at the review.

Teachers must meet the Practising Teacher Standards (PTS) at the end of their induction period and continue to meet them throughout their teaching career. The framework the PTS provide should be used by the appraiser as a backdrop to help make a professional judgement about the overall effectiveness of the unattached teacher's performance in demonstrating that they continue to meet the standards. The appraiser should also take into account the stage the unattached teacher is at in their career.

Appraisers may find it helpful to highlight the main points raised during the review and discuss with the unattached teacher what will be included in the written appraisal statement.

The appraisal statement

Within 10 school days of each appraisal review, the appraiser must provide the unattached teacher with a written statement recording the main points made by the appraiser and the unattached teacher at the review and the conclusions reached. The statement can be brief whilst giving a sound basis for future review and the planning of the next cycle.

There must be recorded in an annex to the statement (which will form part of the statement) the training and developmental needs and ways of meeting such needs identified at the review.

Experience suggests that appraisers should also seek to agree the wording of the final statement with the unattached teacher during this 10 day period.

The unattached teacher may, within 10 school days of receiving a copy of the final appraisal statement add to it comments in writing, and these comments will form part of the statement.

Where the appraiser is not the local authority then the appraiser must send a copy of the statement to the local authority and to the head teacher of any school where the unattached teacher regularly spends part of their working time.

Where the local authority is the appraiser it must send a copy of the statement to the head teacher of any school where the unattached teacher regularly spends part of their working time.

The individual plan and the appraisal statement are personal and confidential documents and should be kept in a secure place. The provisions of the Data Protection Act 1998 must be followed at all times by those who have access to the documents.

Appeals

Where issues cannot be resolved with the appraiser, the unattached teacher can record their dissatisfaction with the appraisal on the appraisal statement. However, the unattached teacher also has the opportunity to appeal against the appraisal statement if the unattached teacher is dissatisfied with aspects of the appraisal.

Where the local authority is the appraiser the unattached teacher must, within 10 school days of receiving the statement, appeal in writing to the local authority in accordance with the appeals procedures applicable to all staff.

Where the appraiser is a teacher at a school an appeal against an appraisal statement must be made within 10 school days of receiving the statement and must be made in writing to the governing body.

An appeals officer will then be appointed to conduct an appeals review. The appeals officer will normally be the head teacher for appeals by unattached teachers unless they have participated in the review appealed against where the Chair of Governors will be the appeals officer. In this situation, the local authority must appoint a representative to assist the appeals officer.

The head teacher should provide the appeal officer and anyone appointed to assist the appeals officer with a copy of the appraisal statement and the statement of objectives within 5 school days of receiving the notice of appeal.

The appeal review will be carried out within 10 school days of the appeal officer receiving the appraisal statement.

In conducting an appeal review the appeals officer or officers must take into account any representations made by the unattached teacher.

After due consideration, the appeals officer may:

- decide that the appraisal has been carried out satisfactorily (and may make observations);
- with the agreement of the appraiser, amend the appraisal statement; or
- order that a new review be carried out.

Where a new appraisal is ordered a new appraiser must be appointed by the local authority and the appeals officer must determine which appraisal procedures must be repeated.

Where it appears to the appeals officer that there is no suitable new appraiser who can be appointed, the appeals officer must appoint as a replacement appraiser for the unattached teacher a member of the school's governing body or other person suitable to manage and review the unattached teacher's performance. However, in these circumstances, no governor who is a teacher or other member of staff at the school may be appointed.

All appraisal procedures determined to be repeated must be completed within 15 school days. It should be noted that, in line with advice elsewhere in this guidance, teacher observation for the purpose of performance management should only be carried out by a person holding QTS.

The appeals officer can not:

- determine that new objectives be agreed or set;
- determine that the objectives agreed or set be revised.

Provision/retention/use of appraisal statements

The appraiser must give a copy of the appraisal statement to:

- the headteacher of every school where the unattached teacher regularly spends part of their working time; and
- the local authority.

The local authority must provide a copy of the appraisal statement upon request to:

- the appraiser;
- any appeals officer within five school days of the local authority receiving notice of an appeal;
- the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer to be responsible for advising about, or taking decisions in relation to, the promotion of unattached teachers or the use of any discretion in relation to pay.

Where the unattached teacher is eligible for pay progression under the School Teachers' Pay and Conditions Document (STPCD), the appraiser must provide to the local authority a recommendation on pay progression, having regard to the unattached teacher's appraisal statement and in line with provisions of the STPCD.

The head teacher must provide a copy of the annex to the appraisal statement to the person or persons responsible for planning the training and development of unattached teachers at the school.

The local authority must make an unattached teacher's current statement of objectives available to a new appraiser appointed otherwise than at the beginning of an appraisal cycle.

An unattached teacher's appraisal statement must be kept by the local authority in a safe and secure place until at least three years after the next appraisal statement has been finalised.

Other related issues

Managing under-performance

The performance management appraisal does not form part of any disciplinary or dismissal procedures. However, good management, with clear expectations and appropriate support will go a long way towards identifying and handling any weakness in performance.

Procedures to address under-performance are the subject of separate regulations. The review meeting and the appraisal statement do not form any part of any formal disciplinary, competency or capability procedures, but any relevant information from appraisal statements may be taken into account by those responsible for taking decisions about performance, pay, promotion, dismissal or disciplinary matters, triggered by other procedures.

Where a decision is taken to enter into a formal competency or capability procedure then that procedure supersedes performance management arrangements. The performance management process may be suspended at any time during the cycle where such a decision is made.

Pay and performance

The responsibility for the performance management of teachers is devolved to the Welsh Government. The responsibility for teachers' pay is not devolved to the Welsh Government and decisions concerning pay for both Wales and England remain the responsibility of the Department for Education (DfE).

The Welsh Government has not amended the performance management regulations in order to affect teachers' pay one way or the other. The performance management system is primarily in place to provide a clear procedure for assessing unattached teachers' performance in relation to agreed objectives; which should help unattached teachers improve their effectiveness and ensure that professional development needs are identified and steps taken to meet them on a consistent and regular basis.

Responsibility for unattached teachers' pay includes the pay threshold arrangements and progression through the upper pay scale (UPS). The policy for all pay matters is set through pay legislation by the Department for Education. The requirements for unattached teachers' pay are set out in the School Teachers' Pay and Conditions Document (STPCD). Relevant bodies need to follow these requirements and any subsequent DfE guidance in any decisions relating to pay including pay progression on the UPS.