

PERFORMANCE MANAGEMENT FOR TEACHERS AND HEADTEACHERS

The proposed new regulations aim to build on existing arrangements and also introduce an increased focus on planning for performance management and a more structured assessment of the teacher's or headteacher's performance at the end of the cycle.

The School Workforce Group and the Rewards and Incentives Group (RIG) intend to produce guidance (which will be non-statutory) to accompany the new performance management arrangements. The draft work-in-progress guidance is included in this consultation. A separate Annex A is also downloadable which lists the key consultation questions and relevant links to paragraphs in the draft regulations and the guidance.

The consultation ends on 19 July 2006. It is proposed that the revised arrangements apply from September 2006.

The proposed regulations would affect directly:

- most teachers and headteachers (the main ones excluded are those employed by supply agencies and teachers undergoing induction or who are subject to capability procedures)
- school governing bodies
- local authorities, particularly where they are the direct employer of teachers
- School Improvement Partners.

The proposals aim to support teachers and headteachers to focus their work on their core activities of delivering and leading teaching and learning. In particular, the proposals provide an infrastructure to help schools create and sustain a culture in which teachers continually develop their own practice and in which they contribute to the professional development of their colleagues.

CURRENT AND NEW ARRANGEMENTS

Currently the governing body appoints two or three governors to be appraisers for the head teacher. The head teacher appoints appraisers for the other teachers in the school. There is no provision about who the head teacher should appoint. Under the proposed new arrangements the terms "appraiser" and "appraisee" would be replaced respectively by performance management reviewer (or just reviewer) and by reviewee.

APPOINTING REVIEWERS

Governing bodies remain responsible for the appointment of reviewers for head teachers. The responsibility for appointing reviewers for all other teachers will remain with the headteacher and the draft regulations specify that this will normally be the teacher's line-manager. An alternative reviewer can be appointed where there is a good professional reason for doing so.

THE PLANNING MEETING AND STATEMENT

This meeting will take place at the start of the cycle and will require the reviewer and reviewee to agree and record the objectives, the classroom observation, the other evidence and the performance criteria for each of these, against which the totality of the teacher's performance will be assessed at the end of the cycle. The reviewee's planning and statement will record what is agreed including the pattern of classroom observations as well as the primary purpose of each

observation and any specific aspects to be assessed. The support to the teacher, including access to professional development, will also be discussed and recorded.

Currently, where the appraiser(s) and the teacher or headteacher do not agree the objectives, they are set by the appraiser(s). The teacher may add comments to the written record of objectives; and can invoke an appeal procedure, provided for in the regulations. The consultation proposes that similar arrangements should apply in future and would be in relation to the wider matters that it is proposed to cover when planning for performance management.

PROMOTING CONSISTENCY

The draft regulations propose that the headteacher is able to review the contents of teachers' planning and review statements in order to ensure consistency. The governing body would review the statement for the head teacher. If the head teacher raises concerns, it is proposed that the reviewer consult the reviewee, following which the original statement might stand, or a new one might be put in place. The reviewee's right to appeal would continue. There would be similar provision to enable local authorities to review the content of planning and review statements for unattached teachers.

CLASSROOM OBSERVATION

A teacher's performance does not need to be observed excessively in order to reach a view of their performance and normally an upper limit of three hours per cycle is suggested for any individual teacher. However, this could be exceeded where, during monitoring, evidence emerges which leads to concerns about a teacher's performance. In these circumstances a revised statement would need to be produced.

The consultation also proposes that head teachers should establish protocols for the conduct of such observations and consult with teachers and recognised trade unions on these. Inevitably, there will be some occasions where circumstances change during the cycle. The consultation therefore proposes provision for revising plans and the associated content of the statement.

It is possible that during the cycle evidence of serious concerns arise which would make the capability procedure more appropriate. As now, where capability procedures are appropriate, these would be used instead of performance management arrangements.

END-YEAR REVIEW MEETING AND PAY PROGRESSION

It is proposed that, as now, the purposes of the end-year review would include reviewing the teacher's or head teacher's performance. However it is proposed that the meeting also include explicit consideration of pay progression, which is not provided for under the current arrangements. Where a teacher was eligible, an assessment of what pay progression was appropriate would be made by reference to the performance criteria agreed at the beginning of the cycle, which should take into account the relevant pay progression criteria in the School Teachers' Pay and Conditions Document.

It is proposed that a recommendation by the reviewer on pay progression be recorded in the planning and review statement. There would be arrangements for the reviewee to record and take forward any disagreement.

Under the proposals, the recommendation made by the reviewer will stand as such. There will be no scope for the head teacher (or where the head teacher is the reviewee, the governing body) to change it. The assessment of the extent to which the performance criteria have been met will be an assessment of the totality of the teacher or head teacher's performance.

APPEALS

It is proposed that regulations simply confirm that teachers have a right to appeal, in line with procedures (legally, grievance procedures) for performance management established by their school. This would be similar to the provision on pay grievances in the School Teachers' Pay and Conditions Document and hence enable schools to minimise bureaucracy, by having a single procedure for pay and performance management appeals.

SCHOOLS PERFORMANCE MANAGEMENT POLICIES

It is proposed that the content of the Education (School Government) (Terms of Reference) (England) Regulations 2000 that relates to school performance management policies should instead be included in new performance management regulations.

It is proposed that school performance management policies should:

- state what outcomes they are intended to achieve and how these outcomes will be measured or assessed
- show how the school's arrangements for teachers' performance management link to those for school improvement
- set out how the school will seek to achieve consistency of treatment in performance management between those teachers with similar experience and or levels of responsibility
- provide for performance management training to be made available as the need arises
- include arrangements to monitor and evaluate the effectiveness of the policy
- provide details of any ancillary or supplementary procedures necessary for the operation of performance management in accordance with the regulations which the school applies.

The consultation also seeks views on whether schools' policies should also show how teachers' and headteachers' workload burdens will not be increased by the new plans for managing their performance.

CONTINUING PROFESSIONAL DEVELOPMENT

Views are invited on whether the proposals in this document support sufficiently the recommendation of the School Teachers' Review Body that the outcomes of teachers' professional development should be taken into account when performance for pay progression is assessed or whether more explicit references are needed.

OTHER PROPOSALS

These include the following:

- teachers undergoing induction or on capability procedures to be excluded from the performance management arrangements
- governing bodies to receive external advice to help them manage the performance of their head teachers
- the planning and review statement to be completed by the 31 October following completion of the relevant performance management cycle

Taken from Children Services Network: <http://www.csn.info/briefings-search-results.jsp?search=1&pg=1§ion=briefing>

Date: 6 July 2006 Author: Frances Migniuolo Reference No: PB 1116/06C

- any "other" evidence to be taken into account in assessing a teacher's performance would have to be from someone with direct, professional knowledge of the reviewee.

COMMENT

The Foreword to the consultation document emphasises that the new regulations build on existing arrangements for teachers' appraisal, nevertheless some significant changes are proposed. The stated aim is to ensure that the new regulations and related guidance promote greater consistency by clarifying procedures, ensuring that performance objectives are fully discussed by reviewer and reviewee, including how these will be assessed, and having a full end-of-cycle review meeting on whether they have been achieved. The intention appears to be that if everything is spelt out clearly and appeal procedures are in place, and there is clarity about what will be assessed in classroom observation, then there should be no surprises in the final review meeting.

However, organising this process and also undertaking the meetings and writing up review statements will all take considerable time and the tight timetable with a start date of September 2006 is being strongly questioned by many schools, governor support services and teacher trade unions. This arises as the proposed timetable expects reviewers and reviewees to have all met and have their objectives in place and written up by 31 October 2006 and this coincides with the busy start of the new academic year. It is essential if the new system is to be effective that line managers and governors have appropriate training and support to ensure that the introduction of the revised system is well planned and understood by everyone concerned.

The Rewards and Incentives Group (RIG) which have been developing the draft guidance will need to consider these issues carefully. RIG comprises the signatories of the January 2004 Agreement on Rewards and Incentives and its membership includes representatives of the DfES, the employers and some of the teacher unions. Some of the unions which have not been members of RIG and have not been involved in RIG discussions are opposed to a number of the changes being proposed. At the end of June the National Association of Head Teachers (NAHT) put forward a claim for judicial review against the Secretary of State for Education and Skills on the grounds that the consultation period was too short (six weeks not the normal practice of 12 weeks) and that although there have been lengthy discussions in RIG the consultation period for those unions outside RIG was very short indeed and a departure from good practice. The NAHT is requesting that implementation is deferred to allow for proper consideration of the proposals and for DfES to consider these responses.

There are a number of problems arising from the proposed tight timetable. It leaves schools having to get external advisers in place and ready to advise and support governors in September/October on performance management of headteachers when the final guidance is not likely to be out until August. Also there has been some confusion about who can act as external advisers, particularly in primary schools where the central contract providing external support is coming to an end. Secondary schools too will face problems as although some have SIPs appointed many of these will be serving heads who are likely to find it difficult to support other schools with their headteacher reviews as well as organising performance management in their own schools.

The proposals for up to three hours of classroom observation in each performance cycle have been criticised by some as too onerous but the new regulations state that this is an upper limit and is based on a proportionality principle (i.e. intervention in inverse proportion to success) so that teachers' performance does not need to be observed excessively. In addition, it is the intention that one observation can be used for a number of purposes, including the preparation of a school's

Taken from Children Services Network: <http://www.csn.info/briefings-search-results.jsp?search=1&pg=1§ion=briefing>

Date: 6 July 2006 Author: Frances Mignuolo Reference No: PB 1116/06C

Self Evaluation Form (SEF), and that all observations by managers should be used for performance management, thus limiting the total load of observation. There is also flexibility in the new regulations to set a variety of objectives rather than having to have objectives common to all and related to pupil performance as is currently the case.

One of the more controversial changes proposed is that the review of the teacher's and head's performance should include explicit consideration of pay progression. There are some fears that this could lead to the operation of a crude payment by results regime. But the flexibility over the objectives being set as described above should militate against this. However, the proposals appear not to allow for heads or governors to review the recommendations on pay once agreed at the final review stage by the reviewer. This could lead to inconsistencies in the way pay progression is delivered, thus highlighting the importance of ensuring consistency at the planning stage where the head will have a moderation role. Some claims could be made as a consequence of these inconsistencies if they are not resolved at the beginning of the cycle.

The new arrangements assume more involvement of senior line managers in the appraisal of their staff and there is an expectation that more time will be spent by all teachers in discussing and identifying their objectives and the support they need. The new system has the potential to ensure that governors will need to give due consideration to ensuring that schools' CPD budgets are sufficient to support the objectives identified and agreed.

For the expected benefits to accrue from the new system it is essential that there is a sensible timetable for its introduction.