

# BRIEFING NOTE

Agenda Item no. 7b

TO: SCRUTINY PANEL

DATE: 30 October 2012

RE: Government Policy Changes - Teacher Appraisal Regulations 2012

## Purpose

This report is to inform elected members of the legislative changes to the appraisal process for teachers that came into effect on the 1 September 2012 and how this government policy change links to the new Ofsted Inspection framework for schools.

### 1. The Legal Position

Regulations are in place which require all qualified teachers to have an annual appraisal. The appraisal process should:

- be developmental and supportive;
- set individual teacher objectives which contribute to improve the education of their pupils;
- identify the development needs of individuals; and
- support pay recommendations.

In a minority of instances the appraisal process may raise concerns about the performance levels of a teacher. In such instances the teacher will initially be supported through a range of strategies before any further action is considered.

The government issued new Appraisal Regulations in 2012 which seek to make the process more rigorous and which support the government drive for higher teaching standards in all schools.

The new teacher appraisal regulations came into force on the 1 September 2012.

A copy of the regulations can be viewed at

<http://www.legislation.gov.uk/ukxi/2012/115/contents/made> The basic appraisal process for teachers remains the same under the new regulations.

However, there are two main changes within the new regulations.

- **All qualified teachers** (including headteachers) will be **assessed annually against the Teachers' Standards** which can be downloaded or viewed from the following link.  
<https://www.education.gov.uk/publications/eOrderingDownload/teachers%20standards.pdf> The new Teachers' Standards are effective from 1 April 2012 but will feed into the appraisal process from the 1 September **and** any other relevant standards related to their role, that the governing body determine to be relevant to the performance of their teachers.

Other relevant standards are:

- AST Standards [AST Standards](#)
- Excellent Teacher Standards [Excellent Teacher Standards](#)
- Post Threshold Standards [Post Threshold Standards](#)

- Most of the prescription in the old regulations will disappear, including the three hour limit on classroom observation.

## **2. Preparation for the new Appraisal System**

A group of Headteachers worked with staff from WCS Serco to develop a new Teacher Appraisal Policy and Process for Walsall schools to adopt, following completion of a consultation process with the recognised teacher unions and professional associations.

After extensive consultation with the trade unions a new policy and model appraisal process documentation was produced and shared with schools. Bespoke appraisal training for schools was also provided based upon the Walsall model.

Walsall schools are now in the process of completing the new appraisal system for the first time. Any recommendations for teachers' pay progression require the process to be completed by 31 October, whilst a headteacher's appraisal, involving an external adviser, must be completed by 31 December.

## **3. Teacher Unions and Professional Associations**

During local consultation with trade unions and professional associations on the new Appraisal Policy and process, the main area of concern raised by the teaching unions related to the removal of the three hour observation limit for teachers from the Classroom Observation Protocol included in the Walsall policy. This change is in line with government guidance and the increasing emphasis on performance management in the new Ofsted Inspection Framework for schools. However, the concern of the teaching unions regarding the three hour observation limit was made very clear in the Walsall policy and supporting guidance.

Over the summer the NUT and the NASUWT, the two largest teacher unions, have joined forces and are now taking action short of strike action over a number of issues including new appraisal arrangements. A NUT/NASUWT Joint Appraisal/Performance Management Checklist and Joint Classroom Observation Protocol has been issued to members with an instruction that they should not participate in any activities that do not conform to these documents. This is national action. It should also be noted that appraisal and associated classroom observations are just two of the twenty five areas of dispute between the unions and the Secretary of State.

The impact of this action will vary from school to school. The Schools' HR Team are working with individual headteachers to resolve issues as and when they arise. The Walsall Policy complies with the new regulatory requirements and will provide essential future evidence for any school inspected under the new Ofsted Framework.

Further consultation will take place with the teaching unions to discuss and avoid possible disruption as and when required.

#### **4. Inspection**

As part of the externally delivered appraisal training for head teachers, a 'Briefing' was given by a Head of Improvement Services about how Appraisal arrangements, within the management of performance strategies adopted by the school, would be inspected by Ofsted. The new 'Inspection Framework' and the subsidiary guidance for inspectors were used. The materials were distributed to attendees and copies of the documents were placed in TheWELL.

It is clear that inspectors will triangulate evidence from their observations, with evidence acquired in dialogue with staff and leaders, including governors, and from written materials which will include anonymised appraisal reports and records. What inspectors want to see is compelling evidence that the monitoring of performance links with appropriate training and support of individuals which then impacts on the improved outcomes of children and young people. This should take account of any additional salary of postholders with additional responsibilities. The descriptors for judging the quality of teaching in the new Ofsted framework derive from the Teachers' Standards.

One of the changes outlined in the new legislation is that the appraisal process should link to capability procedures, where avenues to help a colleague to improve have not had the desired effect. Inspectors avoid observing staff who are engaged in a capability process.

The trade union and professional associations who are taking industrial action, have acknowledged that schools in an Ofsted category are treated separately to other schools when considering what observations should be counted for Appraisal purposes.

#### **5. Next steps**

The Headteacher members of the Appraisal Group are committed to the new processes and policy and are keen to build on the supportive and developmental ethos that a good appraisal system fosters within a school. An evaluation of the new system will take place early in the Spring Term 2013.

It is also planned for the group to build on the appraisal process and to incorporate it with the Walsall "Passport to Progression" which is an aspirational programme for teachers to develop and excel and to support their professional progression into leadership roles.

Walsall has still to agree with the local teaching unions and professional associations a revised Capability Policy. This consultation was deferred until this term pending the publication of the NUT/NASUWT information regarding their action short of strike action. The existing Capability Policy will apply for school based staff until such time a new policy is agreed.

#### **6. Recommendations**

Scrutiny members are asked to note the contents of this briefing.

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