

Performance management

Guidance for ATL representatives

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INTRODUCTION

We know that schools vary widely in their current practice of performance management and many will need to improve to comply with the new regulations. This document will provide you, as school representatives, with the advice and support you will need to enable you to meet the challenges ahead.

The revised performance management system will affect all teachers and headteachers in schools, Pupil Referral Units (PRUs), and those centrally employed by local authorities (LAs). It will support teachers' continued professional development, with the revised standards for teachers providing a backdrop, and will help to secure better outcomes for pupils.

Following the outcomes of the consultation and the advice of the Rewards and Incentive group (RIG), where ATL is a social partner, government ministers have agreed that the timeline for the implementation of the revised performance arrangements will be extended until autumn 2007. This will ensure that schools and LAs will have as much time as possible to plan and prepare during the current academic year.

The revised regulations and guidance are available on the Teachernet website at the following address: www.teachernet.gov.uk.

The Training and Development Agency for Schools (TDA) is supporting the implementation and will be providing workshops this term and guidance and other support for schools, governors and LAs throughout the year.

Commenting on the new performance management system, Dr Mary Bousted, ATL general secretary, said:

'Workforce reform has changed teachers' working lives, enabling them to concentrate on their role of teaching and raising standards in schools. The revised performance management arrangements are another building block to a confident, empowered teaching profession. One of the most important aspects of the revised arrangements is the emphasis on effective continuing professional development (CPD) provision which is tailored both to the needs of the school and to the professional development of the individual teacher. Teachers will get the support they need to enable their pupils to learn and achieve.'

These revised regulations and guidance give school representatives an important role. Schools are required to consult with staff and unions about both the school performance management policy and the lesson observation protocol. The models for both of these will have been agreed by RIG and ATL.

In the case of teachers not based in schools, the LA has a similar duty to that of the school. Branch secretaries and unattached teachers should be consulted about the authority's written policy on performance management (see Regulations, part three).

THE ROLE OF THE ATL SCHOOL REPRESENTATIVE

The new regulations come into effect on 1 September 2007. Your school has the remainder of the school year 2006–07 to prepare for them, including the training of the whole staff and the adoption of policies. The list below sets out your involvement in the sequence of events, but the timing of them will depend on the circumstances of your school, such as its pre-planned non-pupil days, its training priorities, and the timing of LA training.

- 1** Your LA will receive training from the TDA during October and November. Your ATL branch secretary should have been invited to this training.
- 2** Once completed, your LA will then conduct training in schools. The dates of this training will vary between LAs. You should check with the headteacher which staff are to attend this training. RIG believes that it is important that LAs seek to involve a full cross section of teacher and headteacher representatives from schools in their training events. In addition to headteachers or leadership team members, a member of the teaching staff from each school who does not have line management responsibilities should also be given the opportunity to attend with their senior management colleagues to build a shared understanding and ownership of performance management in their schools.
- 3** Schools should not begin the process of developing their new arrangements until they have received this training.
- 4** You should initiate a discussion between with the headteacher and all the teacher representatives on the timing and programme of training for the whole teaching staff. However, this cannot start before procedures have been agreed (see below).
- 5** The school is required to consult with all staff, and to seek to agree with you and other representatives, a performance management policy and lesson observation protocol. Models of these will be available to you in due course – these will have been approved by ATL and its social partners – and you should endeavour to have them adopted in your school. If the school proposes a different policy, you should refuse to accept it and get in touch with your branch secretary in the first instance. The governing body and headteacher must comply with the regulations.
- 6** The schedule for whole teaching staff training, both for reviewers and reviewees, should be discussed and agreed.
- 7** For the remainder of the school year, you will need to support ATL members as issues arise concerning their individual arrangements. This might most commonly be the identity of their reviewer. If you can refer easily to the regulations and guidance you may be able to resolve some of these issues. If you cannot resolve them, refer to your branch secretary for support.

ISSUES FOR REPRESENTATIVES

Preparation for reviewers

The role of reviewer is more demanding in the new system. Reviewers must be well informed about the following, in order to discuss and agree with reviewees appropriate objectives, other evidence, performance criteria, support, and CPD:


- the relevant provisions of the Schoolteachers' Pay and Conditions Document (STPCD), where pay recommendations may need to be made;
- the new professional standards for teachers;
- the school improvement/development plan;
- planned school initiatives, including external interventions, intended for the next cycle;
- any joint school, team, or other collective objectives that may have been agreed;
- the school CPD strategy and budget;
- internal and external support which may be available for reviewees.

On behalf of ATL members you will need to check that the school leadership is aware of the training needs of reviewers, and that information sharing is sufficiently developed to enable reviewers to make performance management plans. This process will open up communication in schools where leadership is insufficiently shared.

Joint working

As a social partner, ATL stands by these arrangements, which are the outcome of lengthy national negotiations with the ASCL, NASUWT, PAT, the Government and the LAs.

ATL also welcomes joint working with other union representatives at school level wherever possible. Working with other unions, especially those in the social partnership, is likely to be more effective, so any approach to your headteacher should, if possible, be a joint one with other representatives. However, unions that excluded themselves from the social partnership, including the NUT, neither contributed to the negotiations, nor had the benefit of being able to understand and develop with the other social partners how these arrangements could be used to benefit teachers.



ATL school representatives should bear in mind that the NUT opposes these changes to performance management and local NUT representatives will not necessarily have the same information and understanding of the proposals that representatives of the social partnership will have. If the local NUT representatives do not participate in the joint discussions, this must not be allowed to delay or derail those discussions.

The position in Wales

The regulations and guidance do not apply to schools in Wales as performance management arrangements in Wales are the responsibility of the Assembly. The Welsh Assembly Government will be looking to extend the current regulations in Wales to include teachers in situations outside those already covered, e.g. in non-standard settings. In considering any plans for revised arrangements in Wales the Welsh Assembly Government will take full account of the changes to the legislation in England.

Teachers employed by local authorities

Members in schools and PRUs managed directly by the LA are covered by the regulations. Centrally employed staff, who are paid in accordance with the STPCD, are also covered.

Part three of the regulations and guidance paras 6.9–6.11 applies specifically to 'unattached' teachers – those employed by an LA, but not in a school.

WHAT ARE THE KEY CHANGES FROM THE CURRENT REGULATIONS?

Key changes	Current position
The headteacher has a duty at the start of the performance management cycle to moderate objectives across the school in order to ensure that there is consistency, both in the amount and level, within the objectives set.	There is no duty on the headteacher to moderate objectives.
The amount and level of objectives must be reasonable and achievable within the context of the school and the individual's job description and experience.	There is no provision to limit any aspect of the process or to have regard for work-life balance.
Teachers cannot be held responsible for not meeting objectives if the individual professional support agreed at the beginning of the cycle is not forthcoming.	There is no requirement to provide CPD to enable the teacher to achieve their performance management objectives.
Reviewers will be line managers with direct knowledge of the reviewee's work and job description.	Reviewers are not always line managers and do not have a direct knowledge of the reviewee's work.
Headteachers must seek to agree a protocol for classroom observation with trade unions. A national model is being developed: verbal feedback within one day, written feedback within five days.	There is no requirement to have a protocol for classroom observation. There is no requirement for written or verbal feedback.
Other evidence can only be collected from persons with a direct professional knowledge of the work of the teacher or headteacher.	There is no restriction on other evidence. Parents and pupils, for example, can be asked for their view.
During the proposed cycle, both parties have a responsibility to ensure that what is agreed is delivered. There will be no surprises at the end of the cycle.	There are no regulations requiring the sharing of information or concerns during the cycle.
The judgement forms the basis for the recommendation for pay progression for eligible teachers.	There is no clarity on, or direct link with, the use of performance management information to inform pay decisions.

ASPECTS OF PERFORMANCE MANAGEMENT FOR INDIVIDUAL TEACHERS

To be read in conjunction with the performance management regulations and guidance, which ATL has agreed and fully endorses. The guidance gives full details of the procedures to be followed. The following notes highlight some key aspects.

Professional dialogue [guidance para 1.5]

School representatives should bear in mind the principle found in the guidance:

“RIG is committed to developing a system where those who manage teachers and headteachers 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.”

All teaching staff should regard performance management as a discussion in which reviewer and reviewee participate equally. It should be an opportunity for every reviewee to reflect on their career aspirations, whether they are for promotion, developing a new role or development in their present role.

We know that in some schools managers have not taken seriously their responsibilities to support and develop their colleagues, or in some cases to listen to their colleagues’ concerns, and where this is the case significant cultural change will be necessary. As ATL representative, you should ensure at all times that staff are aware of the requirement for this approach.

Overall performance [guidance para 1.6]

At the review stage the reviewer will be making a judgement about the overall performance of the reviewee. However, guidance para 5.6 makes clear that there is no need to collect evidence about every element of the job description.

You should encourage your colleagues to reflect, prior to the planning phase, on the parts of their jobs that ought to be the focus of attention over the next cycle. The most important should have objectives set (see below), others might need the submission of ‘other evidence’ (see guidance paras 5.19–5.20), and other parts of their jobs may not need any attention in that cycle. The reviewer should assume that the reviewee is meeting the requirements of the job description, including those elements about which no evidence is collected (guidance para 5.6).

Setting objectives [guidance paras 5.8–5.9 and 5.27–5.29]

In this revised system, there are no rules about the number or types of objectives, so it is not a requirement to have a pupil performance objective. Whether one is appropriate will depend on the individual reviewee's circumstances, including past review outcomes and the focus of the coming year's development. Since performance management now covers overall performance, it might be agreed, for example, that objectives should relate to a reviewee's leadership or management role, or other responsibilities, rather than their classroom performance.

Important safeguards have been built in to prevent teachers having an unreasonable amount or level of objectives:

- the headteacher has a duty at the start of the performance management cycle to moderate objectives across the school in order to ensure that there is consistency in both the amount and the level of the objectives set;
- the amount and level of objectives must be reasonable and achievable within the context of the school, the teacher's job description and experience;
- teachers cannot be held responsible for not meeting objectives if the individual professional support agreed at the beginning of the cycle does not materialise.

You should support colleagues in applying the 'dialogue principle' to objective setting – reviewees should assert their opinions on what would be appropriate objectives.

Classroom observation [guidance paras 5.10–5.18]

All classroom observation should be undertaken in accordance with the school's protocol for the conduct of classroom observation. You are strongly recommended to insist that the RIG model protocol is adopted in your school.

An important benefit of the new system is the clear rationale and focus for classroom observation, as described in guidance para 5.10. It is intended that **all** observations planned for the year must be included in the planning statement. You should ensure that school leaders anticipate (and advise reviewers who are not in the leadership group) any initiative involving observation of lessons, for example, an external consultant working on school improvement.

All of these observations then fall within the regulations, including the requirement for feedback and the time limit. Thus one observation can serve a number of purposes, including evidence for the self-evaluation form or a school improvement initiative, as well as evidence for performance management.

The **only** observations which are exceptions are set out in the guidance paras 5.17 and 5.18:

- classroom observation by Ofsted;
- classroom observation by a LA using its statutory powers;
- headteacher 'drop-in'. Guidance para 5.18 makes clear that headteachers should not need to drop in on lessons to monitor teaching and learning, although they have that right. The Observation Protocol should state that any observations by the headteacher should form part of the planned annual observation schedule. If the headteacher insists on additional drop-in observations, they cannot form evidence for performance management.

In some schools governors carry out what are described as 'observations'. Since all observers must have 'appropriate professional expertise' (guidance para 5.11) governors should be regarded as visitors, not observers, and may not have an input into performance management of individual teachers.

Although the regulations specify a limit of three hours in any review cycle RIG does not see this as the norm. The amount necessary depends on individual circumstances, such as the reviewee's experience and past review outcomes and the focus and objectives for the year. This provision, for an amount of observation proportionate to need but not exceeding three hours per cycle, replaces ATL's previous policy of a one hour limit, but where that limit has been operated there should be no detriment.

The planning statement must set out the intended focus for the observation. ATL's view is that normally the complete lesson should be observed. You should not allow a series of short (fifteen minutes, for example) observations to be planned since they cannot convey the feel of the whole lesson.

Pay progression [guidance paras 5.42–5.46]

There is no change to the arrangements for pay progression for classroom teachers on the main scale. Annual increments continue to apply as set out in the STPCD for main scale teachers. Reviewers do not need to make a recommendation in support of an annual increment, with the exception of the award of a discretionary additional point, in accordance with the school's pay policy.

The reviewer 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.

At present, it is for the relevant body (either the governing body or its pay committee) to consider recommendations and make decisions about pay. Headteachers cannot intervene to alter a pay recommendation before it goes to the relevant body.

The major change to the arrangements for making pay decisions is to transfer the recommendation from the headteacher to the reviewer. As the reviewer has best direct knowledge of the reviewee's work, this change will mean a more transparent and equitable system. The current system, whereby decisions on pay are often made behind closed doors, has meant that many teachers have been denied pay progression for reasons that are unclear or unjustified.


Teachers can use the schools existing procedures to appeal against the planning statement or the outcomes of the review.

Continued professional development [guidance para 5.23]

ATL has worked intensively within RIG to develop a revised performance management system which will support its members' professional development. Access to CPD is an integral part of the revised system – professional development which is tailored to the individual's needs as well as to the whole school objectives.

Any support or CPD to enable teachers to achieve their objectives must be specified at the planning stage. It does not have to be a formal course although that may be appropriate in some cases. Other forms of support and development could include:

- coaching and mentoring;
- additional assistance in the classroom;
- ICT training;
- sharing good classroom practice.



Your school's CPD co-ordinator will be able to offer guidance about the most appropriate form of CPD provision. Indeed, they will be provided with the CPD section of all agreed planning meeting reports. Also, ATL now has a network of trained and accredited Union Learning Reps (ULRs) to provide members with another source of independent and confidential advice and guidance on CPD and lifelong learning opportunities. To find out whether there is a ULR near you, contact your ATL branch secretary or email ulr@atl.org.uk with your name and school contact details.

School training budgets should be sufficient for the specified support and development to occur and must not be 'raided' for other purposes. If the promised training and professional development does not take place, then the teacher cannot be held responsible for not reaching the objectives that depended on that support.

CHECKLIST FOR ATL REPRESENTATIVES

This checklist will take you through the key issues and actions that should be taking place in your school. A 'yes' answer to the following questions usually means that the process is likely to be properly applied. If the answer is 'no' then it should be raised with your headteacher as soon as possible.

- 1 Has your headteacher invited all recognised trade unions to identify a contact who will receive correspondence and information from the school regarding the performance management process?
- 2 Has your headteacher consulted and agreed with teaching staff and recognised unions on the timescales and process (including the consultation periods and procedures) proposed?
- 3 Has your headteacher obtained advice from the LA?
- 4 Has your headteacher provided union representatives with copies of all key documents to which he/she has referred and which will be available to the governing body?
- 5 Does the school's pay and performance management policy reflect the broad objectives and principles in the performance management regulations and guidance?
- 6 Does the policy include a protocol for lesson observation?
- 7 Has your headteacher consulted the recognised unions with a view to agreeing the policy and any revisions to it?
- 8 Have you received written feedback on your comments during the consultation process?

Where there are serious disagreements or difficulties that cannot be resolved through discussion and dialogue, the normal procedures for solving industrial relations disputes will apply. If this is the case, contact your branch secretary.

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