

Governors' responsibilities regarding Teacher and Head Teacher Appraisal and Pay,

In order to help demonstrate their understanding of and effectiveness regarding teacher pay and appraisal governing bodies should ask and be clear about the answers to at least the following five questions: ¹

1. How effectively are the staff appraised?
2. How effectively do we appraise the head teacher?
3. What should our pay policy say about performance and progression?
4. What is the correlation between appraisal outcomes, pay and the quality of teaching in our school?
5. How effective is appraisal as part of the process to support improvements/progress teaching and learning?

This paper gives a summary of the governing body responsibilities around pay and appraisal and outlines some answers to these questions.

Teacher and head teacher appraisal²

In LA maintained schools governing bodies must establish a policy for the annual appraisal of the teaching staff (including the head teacher). Governing bodies in maintained schools also have a statutory duty³ to:

- appoint an external adviser for advice and support on the headteacher's appraisal and to consult that adviser on setting objectives for, and appraisal of, the headteacher;
- inform the headteacher of the standards against which their performance will be assessed;
- set objectives for the headteacher;
- appraise the performance of the headteacher, assessing their performance of their role and responsibilities against the relevant standards and their objectives;
- assess the headteacher's professional development needs and actions needed to address them;
- make a recommendation on headteacher's pay, where relevant;
- give the headteacher a written report of their appraisal which includes the assessments and recommendation above;
- determine the appraisal period that applies to teachers (including headteachers)⁴
- adopt a document that sets out the appraisal process for teachers (including headteachers) and make that document available to teachers; and
- make sure that headteachers carry out their duties in respect of appraising other teachers or delegates this duty to appropriate teaching staff

¹ National Governors Association (NGA) – Governors and staff Performance – January 2014.

² Governors' Handbook – Department of Education – May 2014

³ The Education (School Teachers' Appraisal) (England) Regulations 2012

⁴ Regulation 5 of The Education (School Teacher's Appraisal) (England) Regulations 2012

In practice, governing bodies will want, in relation to the appraisal of the headteacher, to:

- satisfy themselves that the external advisor has the skills, experience and objectivity to provide them with advice and support;
- consider whether to delegate the headteacher's appraisal to a sub-group;
- satisfy themselves that the headteacher's objectives are SMART;
- decide which standards they will use to assess the headteacher's performance. They must assess headteachers' performance against the Teachers' Standards and may also wish to use the National Standards for Headteachers;
- decide what arrangements to make for observing the headteacher's performance, including any arrangements for classroom observation where headteachers teach; and
- satisfy themselves that appraisal evidence informs other decisions for example, on professional development and pay.

In relation to appraisal more widely, governing bodies will want to:

- scrutinise the content of the school's draft appraisal policy carefully to make sure that it will support effective appraisal in the school, challenging the headteacher as appropriate. In particular they will want to satisfy themselves with:
 - the provision that is made for the appraisal of teacher performance against the Teachers' Standards;
 - the arrangements being made for classroom observation now that there is no annual limit on the amount of observation that can take place;
 - any arrangements for the head to delegate the duty of managing the performance of teachers to others.
- satisfy themselves that the appraisal policy is being implemented effectively and fairly in the school, challenging the headteacher on how objectives and assessments are quality assured and moderated;
- satisfy themselves that appraisal evidence informs other decisions for example, on professional development and pay; and
- keep the policy under review and amend it as necessary.

Pay and conditions of service

September 2013 was the last time that annual pay increments were awarded to teachers based on the length of their service. After this, decisions about teachers' pay progression will be linked to performance, with their first annual performance-related progression pay increases being made in September 2014. This should have been reflected in the revised pay policy adopted in 2013. The Department of Education have published "Reviewing and revising your school's approach to teacher's pay (August 2013)." This is non-statutory advice to help governing bodies to determine their approach to teachers' pay.

<https://www.gov.uk/government/publications/reviewing-and-revising-school-teachers-pay>

The governing body must adopt and take full responsibility for maintaining, updating and implementing a robust and considered pay policy that:

- sets out clearly the basis on which all decisions that determine pay will be made and communicated to all teachers;
- sets out the extent to which specific functions relating to pay determination will be delegated to others, such as the headteacher;
- explains the role that the relevant body will play in determining decisions relating to individual teachers (to approve teacher salaries, including recommendations from the Headteacher on whether to award performance pay in line with the school's pay policy).
- fully complies with all relevant aspects of equalities legislation;
- sets the date by which it will determine teachers' annual pay review; and
- establishes procedures for addressing teachers' grievances in relation to their pay in accordance with the ACAS Code of Practice.

Such a policy must conform to any statutory provisions that are set out within the School Teachers Pay and Conditions Document (STPCD). Governing bodies must assure themselves that:

- appropriate arrangements for linking appraisal to pay are in place, can be applied consistently and that pay decisions can be objectively justified.
- They monitor the outcome of pay decisions including the extent to which different groups of teachers may progress at different rates and check processes operate fairly.
- Identify and consider budgetary implications of pay decisions and consider these in the school's spending plan.

Changes to Leadership Pay (September 2014)

The School Teachers Pay and Conditions Document 2014 will introduce changes to leadership and head teacher pay. These changes are not retrospective and there is no requirement to review leadership pay until after a new appointment or until there is a significant change in leadership duties. However school pay policies will need reviewing to reflect new arrangements.

- The criteria for progression and amount of increase permitted for leadership staff
- Calculate head teacher pay for future appointments.
- Please note there is no longer a requirement for differentials with highest paid class teachers and other members of the leadership group
- Removal of prescribed differentials between TLR allowances (i.e. £1500 within either a TLR1 or TLR2)

The old seven point and five point ranges for head teachers and leadership staff are no longer required and governors no longer have to limit themselves to only zero, one or two point rises. Schools will need to review their pay and appraisal policies as a consequence of the removal of mandatory points from the pay spines to clarify their approach to making performance-based pay decisions for the leadership group. Schools may decide to maintain existing arrangements, eg keeping 7 and 5 point pay ranges, especially if changes would not contribute to school improvement. New leadership pay arrangements will apply to all school leaders from the 2014/15 appraisal year for payment from September 2015.

What will Ofsted expect governors to demonstrate?

“The Framework for School Inspection” (Ofsted April 2014) is limited in the detail it gives regarding its requirements of governors. It states that “Inspectors will also evaluate how effectively governors, or those with a similar responsibility, challenge and hold senior leaders to account for all aspects of the school’s performance and ensure financial stability.”

In “Getting to Good” (Ofsted September 2012) it stated that governing bodies had been viewed as weak because they did not hold school leaders to account or effectively monitor the work of the school.

Ofsted’s subsidiary guidance says that in relation to performance management, inspectors should:

- ask the head teacher about the proportion of teaching staff that have passed through to the upper pay range; (and no doubt in future made pay progression)
- compare this with the overall quality of teaching;
- find out whether there is a correlation between the two, and if there is none, find out why, taking into account the length of time the head teacher has been in post;
- consider how well governors use performance management systems, including the performance management of the head teacher, to improve teaching, leadership and management.

When Ofsted inspect a school they school ask for anonymised information which shows how members of the leadership group have progressed along the leadership pay range. It stands to reason that they will look for a correlation between these payments, the performance of the school and the quality of leadership in the school.

The National Governance Association (NGA) advises governors can evaluate the effectiveness of performance management throughout the school by monitoring the correlation between the quality of teaching, pupil outcomes, and other priority indicators with appraisal outcomes and teachers’ (and headteachers’) salary progression. To do this, the governing body clearly needs to understand the school’s performance and the outcomes for pupils:

- What standards and rates of pupil progress are being achieved currently throughout the school?
- What does the three year trend look like (are outcomes staying level, improving or getting worse, year on year)?
- How good is teaching throughout the school?

Secondly governors can consider the percentage of objectives met at appraisal and make some initial hypotheses:

- If standards are falling but most appraisal objectives have been met, it suggests that appraisal is insufficiently robust;
- If standards are staying level and appraisal objectives have all been met, it may suggest that objectives are not sufficiently stretching;

- If standards are staying level and appraisal objectives are not generally being met, it may be indicative of problems to come, possibly some objectives are unrealistic or staff development is not having the required effect;
- If standards are rising and appraisal objectives have been met, it suggests that appraisal is probably sufficiently robust.

Further questions can be asked:

- Are the objectives sufficiently demanding and precise enough to mean something?
- To what extent do the objectives correlate with the schools' key priorities?
- To what extent are the objectives themselves related to improved pupil outcomes or the quality of teaching?

This review may lead to the headteacher and leadership team being asked to improve the precision and ambition of the appraisal objectives set for the teaching staff, and/or the continuous professional development offered to staff.

The governing body also needs to be clear that the system is being applied objectively and fairly to all members of the teaching staff. When receiving the headteacher's recommendations about pay, governing bodies should ask for the information to be split on the basis of teacher characteristics, e.g. age, ethnicity and gender. The governing body needs to be aware of its responsibilities under Equalities legislation, and if it appears that an identifiable group (e.g. White British females) are being particularly advantaged or disadvantaged by pay decisions, further information and explanation should be requested. In secondary schools, the information should also be provided by department, e.g. physics and history, to ensure that all departments are applying the pay and appraisal policy consistently.

The NGA offer further information on how effective is performance management in improving teaching and learning? As well as evaluating staff performance against objectives, appraisal discussions must also consider the Continuing Professional Development (CPD) needs of staff and how these needs will be best met within the resources available.

Governors must make sure that there are adequate resources devoted to CPD at the school. When setting the budget, governors may want to request benchmarking information to ascertain what is an acceptable level of investment. Having allocated the budget, the impact of the expenditure on CPD needs to be assessed and reported.

The outcomes of the resulting CPD should be part of an annual report on performance management from the headteacher to the relevant committee or full governing body. In addition to recommendations on pay awards arising from annual appraisal, the headteacher should report key information relating to the impact of the performance management policy and teachers' training and development. This report should not just cover the outcomes of annual appraisals, but also the effectiveness of ongoing performance management of staff

The Schools Workforce Development team have developed a Teacher, including Head teacher, Performance Related Pay/Appraisal Check List to assist governing bodies. It can be found on the EGFL at

http://www.egfl.org.uk/export/sites/egfl/categories/personnel/_docs/performance_management/Appraisal_checklist_Nov_2013.pdf

The Schools HR Consultancy team will be organising briefings for governors on the new pay arrangements early in the Autumn Term 2014. Details of these will be available on CPD online or by contacting the schools HR consultancy team.