

# Knowing Your School

A series of briefing notes for school governors from the National Governors' Association produced in association with partners



## Governors and staff performance

## National Governors' Association

The National Governors' Association aims to improve the wellbeing of children and young people by promoting high standards in all our schools and improving the effectiveness of their governing bodies. NGA represents governors across England in both local authority maintained schools and academies. In these notes, 'schools' includes academies.

The NGA is a membership organisation: governing bodies can join at a standard (£72 for 2012/13) or GOLD rate (£260). To join NGA and receive regular updates, visit the following website:

Website: [www.nga.org.uk](http://www.nga.org.uk)

Telephone: 0121 237 3780

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## Coordinators of Governor Services

COGS (Coordinators of Governor Services) is a national organisation of professionals working in local authorities, education advisers working in diocesan authorities and independent providers of governor services. There are eight regional groups across England each represented on a national committee. COGS exists to support and enable the delivery of high quality services to governors to ensure effective governance and to provide a mechanism to ensure that governor service professionals have access to a range of professional development opportunities.

Through the work of the National Committee (NCOGS), COGS are able to influence and initiate national policy associated with governance issues; identify common themes and issues emerging from the regions and use these to inform national priorities; represent the regions in discussions with national agencies ensuring that the views of the regions are effectively reported; disseminate good practice in training, development of materials and operational practice of governor services.

The chair of NCOGS is currently Bridget Sinclair, who is the manager of the Governor Services at Swindon Local Authority: [bsinclair@swindon.gov.uk](mailto:bsinclair@swindon.gov.uk)

## Other 'Knowing your School' briefing notes:

1. RAISEonline for Governors of Primary Schools: NGA with RM education
2. RAISEonline for Governors of Secondary Schools: NGA with RM education
3. Getting to know your parents: NGA with Kirkland Rowell Surveys
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# Governors and staff performance

## What is the governing body's role in staff performance?

The governing body is responsible for ensuring high standards of performance in the school. The performance of staff employed at the school will have an enormous effect on the learning of pupils, and therefore their achievements. If the governing body is unaware of how well members of staff are performing in their roles, it will be unable to evaluate the school's progress. If teaching is not good, the governing body needs to know and ensure actions are being taken to improve this in order to fulfil its duty. The governing body also has to manage the performance of the headteacher.

There are several reasons why governing bodies need to ensure robust staff performance development systems are in place:

- **School improvement:** Effective staff appraisal and development is one of the most important levers for school improvement and it, therefore, needs to be done well in order for children and young people to achieve their potential.
- **Effective self-evaluation:** Governing bodies have a statutory responsibility to conduct their schools so as to promote high standards of education; if there is no formal appraisal, then the picture of the school is incomplete and it will not be possible to set an effective improvement strategy.
- **Continuing professional development (CPD) for staff:** If there is no formal appraisal process, then it is difficult to determine and arrange appropriate CPD, which again will impact on the standard of education offered.
- **Good employment practice:** The governing body has a duty of care to its staff, and appraisal is part of any effective organisation's staffing procedures. All staff deserve to be managed well and, as part of this, to have an effective appraisal which is carried out properly and informs their CPD.
- **Inspection:** Ofsted inspectors will look at the correlation between performance appraisal, pay, and the quality of teaching. The Ofsted Framework has revised and increased expectations in relation to appraisal and governors' involvement in pay progression.
- **Regulation:** In local authority (LA) maintained schools, teacher appraisal is a statutory requirement. There are specific regulations that govern teacher appraisal, but not the appraisal of non-teaching staff. Although these regulations do not apply in academies and free schools, it is still good practice for a governing body to ensure there is effective staff appraisal.
- **Pay:** Performance must be reflected in pay awards. The School Teachers' Pay and Conditions Document (STPCD) now requires that pay progression for all teachers is linked to performance.

**NB:** Although academies do not have to adhere to the STPCD, many will have staff subject to the Transfer of Undertaking for Protection of Employment (TUPE) and so remain subject to the STPCD. Many others have chosen to follow the STPCD and almost all others will have their own schemes to relate performance to pay.

## Is appraisal different from performance management?

Appraisal is one part of continuous year-round staff performance management or development. It is a key part of the annual cycle by which the performance of the staff of the school is assessed and developed. Most performance management/development cycles will include an annual appraisal meeting, at which the appraiser (or in the case of the headteacher, the appraisal panel) and the member of staff being appraised meet to discuss performance against the objectives set at the beginning of the year and the Teachers' Standards. Many cycles will also include a mid-year progress review. In this briefing note, when we refer to appraisal we mean the annual performance review meeting.

## What are governors expected to know?

In LA maintained schools, governing bodies must establish a policy for the annual appraisal of the teaching staff (including the headteacher) and in carrying out the headteacher's appraisal, the governing body must have the support and assistance of an appropriate external adviser. Governing bodies have a great deal of freedom to set their own appraisal policies, providing that teachers are assessed with regard to the Teachers' Standards and that any objectives set contribute to improving the education of pupils at the school.

There is no legal requirement for academies and free schools to have appraisal processes in place, but it is good practice. In addition, academies are subject to the same Ofsted inspection regime as other schools, which requires evidence of appraisal systems and their effect on school standards.

Likewise, there are no regulations in relation to non-teaching staff, but as a matter of good practice, governing bodies should have an appraisal mechanism in place for non-teaching staff and can adapt the teacher appraisal policy for this purpose.

Ofsted inspection teams will look at the correlation between teacher appraisals, pupil outcomes and pay. Ofsted's subsidiary guidance says that in relation to performance management, inspectors should:

- ask the headteacher about the proportion of teaching staff that have passed through to the upper pay range;
- 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 headteacher has been in post;
- consider how well governors use performance management systems, including the performance management of the headteacher, to improve teaching, leadership and management.

Ofsted says an outstanding school should:

“...focus relentlessly on improving teaching and learning and provide focused professional development for all staff, especially those that are newly qualified and at an early stage of their careers. This is underpinned by highly robust performance management which encourages, challenges and supports teachers’ improvement. As a result, teaching is outstanding, or at least consistently good and improving.”

## What changed from September 2013?

From September 2013, the STPCD was revised to make clear that pay progression for teachers on the main, upper, leading practitioner, and unqualified teacher pay ranges must be explicitly linked to performance. Main, upper, and unqualified teacher pay ranges now have only minima and maxima, and it is for individual governing bodies to determine how teachers progress between those two points. For leading practitioners, governing bodies must determine an individual range within the overall minima and maxima, with progression up that range linked to performance.

The Department for Education’s (DfE’s) expectation is that pay policies will provide for progression and that those performing more highly should have the opportunity to move between the minima and maxima more rapidly.

The change to the way pay progression is calculated for main, upper, unqualified, and leading practitioner pay ranges will not take effect until September 2014, but governing bodies should have ensured that teachers were made aware of what they would need to do to be awarded a pay rise in September 2014 before their objectives for the 2013/14 academic year were set. If the pay policy in school was not revised until after objectives were set, then the governing body needs to ensure that teachers are made aware of its requirements as soon as possible. The governing body may need to request that the headteacher ensures that early review meetings are held between appraisers and appraisees to clarify and, if necessary, amend objectives. For more details, see question 3.

## Five questions governing bodies should ask:

1. How effectively are the staff appraised?
2. How effectively do we appraise the headteacher?
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 and learning in our school?
5. How effective is performance management in improving teaching and learning?

## Question 1: How effectively are the staff appraised?

Appraisal of staff (other than the headteacher) is an operational issue and not one the governing body should be directly involved in. However, the governing body does need and have a right to know about the quality of teaching in the school, and this includes information about the performance of staff, such as the outcomes of staff appraisal. In addition, the full governing body (even if it has delegated the responsibility to a committee) is ultimately responsible for pay decisions and, therefore, should receive a report on the pay implications of the appraisal reviews (see question 4). This will especially be the case from September 2014, when pay progression for teachers is entirely performance related.

Of course the process must be treated with confidentiality. However, the desire for confidentiality does not override the need for the headteacher and governing body to quality-assure the operation and effectiveness of the appraisal system. Ofsted expects to see “anonymised information on the performance management of teaching staff and its relationship to salary progression provided to those responsible for the governance of the school.” We believe 'anonymised' in this context to mean that any summary of performance against objectives given to governors will not name specific members of staff. However, in some cases it may be possible for governors to identify who those members of staff are, especially in smaller schools or departments. **Any such information must be treated confidentially** and not disclosed outside the meeting at which it was discussed. Appraisal information is classed as ‘personal information’ under the Data Protection Act, and must be treated in line with requirements of that Act. Staff governors in LA maintained schools are excluded by regulation from taking part in any discussion by governors relating to the performance or pay of another member of staff, but not from the discussion of ‘anonymised’ performance reports to the governing body.

The school needs to decide exactly what format that information takes. Some schools are choosing to report all objectives to the governing body, as well as the number of objectives staff actually met (i.e. teacher A met all his/her objectives, teacher B met three objectives and partially met two, and teacher C met only one of his/her objectives). If you are not receiving the objectives themselves, you will need to have other ways of understanding in which areas there is underperformance. This could take the form of summary comments by the headteacher.

Governors also need to be assured that all members of middle and senior management who act as appraisers have been appropriately coached or trained to do so.

Both appraisers and those being appraised need to be familiar with the SMART acronym: objectives should be specific, measurable, achievable, relevant and time-related. The objectives must be set with reference to improving the education of pupils at that school and the school development plan as it pertains to improving the school’s educational performance and provision. Teachers’ performance must also be assessed against the Teachers’ Standards.

(Even with SMART objectives, appraisers have to make judgements as to the extent to which objectives have been met, and those judgements should be as objective as possible, based on evidence available.)

## Question 2: How effectively do we appraise the headteacher?

An outstanding school focussed on and successful in improving outcomes for children and young people needs to be led by an effective headteacher. Therefore, good performance management and development of the headteacher, including effective appraisal, is an important part of the governing body's drive for school improvement.

Regulations require governing bodies of LA maintained schools to appoint an external reviewer to support and advise them in the appraisal of the headteacher. This appointment should be confirmed each year at a full governing body meeting, and should not be delegated to the headteacher to decide. Academies are free to determine their own processes; it will be for each academy to determine whether the relevant people have the skills and experience to carry out the principal's appraisal without an external adviser.

The headteacher's appraisal is usually delegated to two or three review governors; this panel must be appointed at a governing body meeting. The skills and experience of the panel should be carefully considered, for example, do any governors have senior management roles in their own working life in which they have experience of appraising staff? It is usual practice for staff to be appraised by a line-manager who has an understanding of the individual's performance. As the chair is the governor who will know the most about the performance of the headteacher on a week-to-week basis, unless there are exceptional circumstances, the chair should be part of the appraisal panel.

It is essential that those undertaking the appraisal have received appropriate training, and for those who have professional experience of appraisal, this may take the form of coaching from the external adviser to introduce any aspects that may be particular to schools.

The headteacher's objectives are set by the appraisal panel after consultation with the external adviser and discussion with the headteacher. This discussion can be pivotal in ensuring the headteacher understands the expectations of the governing body. The objectives will, if achieved, contribute to the plans for improving the school's education, and, therefore, are likely to correlate with the priorities identified in the school development plan.

The panel must discuss with the headteacher the progress against the previous year's objectives; this may require a courageous conversation, which governors must not shy away from, but carry out constructively. The appraisal panel also makes a recommendation on pay to the pay committee (see question 3).

It is a matter for the governing body to determine whether the headteacher's objectives, and performance against them, will be shared with the whole governing body (apart from staff governors) or remain confidential to the review panel. If the governing body does decide to share objectives, then this should only be done once they have been finally agreed with the headteacher. The governing body could decide that objectives relating to the school's development would be shared with the governing body, whereas those relating to the headteacher's personal development are not. However, if this information remains confidential from the rest of the governing body, the governing body as a whole does need to be assured the appraisal process is robust (see question 4). One way to do this may be to receive an independent summary report from the external adviser, or alternatively a

governor who is not on the panel could be appointed to review the headteacher's performance appraisal and report back to the full governing body. The latter case would be to inform future practice.

Ofsted inspectors will expect to see evidence of governors performance managing the headteacher rigorously.

### **Question 3: What should our pay policy say about performance and progression?**

In LA maintained schools, the governing body must adopt a pay policy linked to the appraisal system, setting out the basis on which it determines teachers' pay. The pay policy should set out how all pay decisions are made, including the principles by which the governing body will exercise its discretion in pay matters. The pay policy also needs to set out how appeals against pay decisions can be made. Governing bodies subject to the STPCD must review their pay policy annually - this is generally a matter of good practice even where the STPCD does not apply. Appraisal policies should also be subject to regular review, especially if changes to the pay policy are being made.

From September 2013, all LA maintained schools and those academies that still have staff subject to the provisions of the STPCD or have chosen to adopt the STPCD must have revised their pay policies to ensure that there is an explicit link between pay and performance for all teachers. Appraisal policies should also have been revised to take account of the explicit link between pay and performance for all teachers. The STPCD is generally updated annually and comes into force from 1 September. The current document can be found on the DfE's website - [STPCD 2013](#).

The change to the way pay progression is calculated for schools subject to the STPCD will not come into force until September 2014, but new pay policies should have been in place before objectives for the 2013/14 academic year were set to ensure teachers were aware of the interaction between appraisal and pay.

Pay policies must be precise about what is expected of teachers in order for them to move up the relevant pay range. Expectations need to be communicated clearly to appraisers and those undergoing appraisal.

There are a number of model policies available to governing bodies to adopt or adapt; the DfE provided a basic outline policy, as well as more extensive guidance, and has since placed exemplar policies on its website. The teaching unions provided guidance and/or model policies. These can be found on the NGA's website. In many cases, local authorities also provided model policies, which in most cases have been subject to negotiation with the teacher unions and in some cases agreement was reached.

Whatever model you adopted, it must be suitable for the circumstances of your school and the governing body, and the headteacher especially must be clear about what expectations it places on staff. The move to entirely performance related pay progression is controversial among many of the teaching unions and the potential for challenge, particularly when pay

determinations are made in September 2014, are high if governing bodies have been unclear about expectations and how pay will be related to performance.

The governing body must review the pay of all teachers annually. When setting the pay policy, the governing body will determine whether to delegate its responsibilities to a pay committee (made up of at least three non-staff governors). Although technically possible, it is not good practice for pay decisions to be considered by the full governing body in case of appeals against decisions, or indeed to delegate such decisions to the headteacher. Many governing bodies will delegate pay responsibilities to one of their other committees, for example, staffing or resources committee. The committee then takes decisions regarding the pay following consideration of the recommendations of pay reviewers and the advice of the headteacher. This will become even more important when the full impact of the STPCD 2013 comes into effect.

### How does pay relate to performance?

**Classroom teachers:** From September 2014, teachers on the main, upper, and unqualified pay ranges will progress between the minima and maxima of that range in accordance with the pay policy adopted by the governing body. Leading practitioners will progress up the individual range set for them by the governing body. Progression must be explicitly linked to performance over the previous appraisal period. In addition, teachers may be eligible for Teaching and Learning Responsibility (TLR1 and TLR2) points. Governing bodies must determine the overall number of TLR payments available in the school, and the levels and values of those payments. From September 2013, governing bodies are able to award time-limited TLR3 points for teachers working on a specific project.

The STPCD sets out the circumstances under which teachers with particular responsibility for Special Educational Needs (SEN) will qualify to be paid an SEN allowance. Where a teacher qualifies to receive an allowance, the governing body must determine a spot value within the range published in the STPCD.

**Upper Pay Range:** From September 2013, governing bodies became responsible for determining how and when teachers can apply to move between the main and upper pay ranges. The school's pay policy should set out when teachers can apply, i.e. has the governing body stipulated that this can only be when a teacher reaches the top of the main pay range, or can a teacher apply when s/he thinks s/he meets the criteria? Likewise, it is for governing bodies to decide whether to allow teachers to apply at any point during the year or, as with the previous arrangements, to put in place a fixed deadline for applications. The STPCD sets out the basic requirement for meeting the upper pay range threshold. Individual pay policies should set out the precise criteria teachers will need to meet to move through to the upper pay range. As with the main pay range, the upper pay range now consists of a minima and maxima, and it is for governing bodies to determine where on the range a teacher qualifying to be paid on that range should be.

**Teachers on the leadership spine:** this includes headteachers, deputy and assistant headteachers. Governing bodies determine the number of leadership posts in schools. Headteachers are paid on a seven point Individual School Range (ISR) on the leadership pay spine, which is linked to the group size of the school (based on the number on roll), while deputy and assistant headteachers are paid on five point pay ranges. In exceptional

circumstances (e.g. where a headteacher is appointed temporary headteacher of one or more additional schools) the governing body can make an additional discretionary payment that must not be more than 25% of his/her current point on the leadership pay spine.

Progression up the relevant range is dependent on the individual demonstrating “sustained high quality performance.” It is not an automatic right. Judgements must be properly rooted in evidence and be made having regard to the most recent appraisals or reviews. Governors may award a two point pay rise in recognition of exceptional performance. Clearly, teachers/leaders will have to have achieved something beyond the normal job description and national standards. This could be taking the school out of ‘special measures’ in less than 12 months, for example, or improving progress and attainment substantially more than other schools. One key challenge is to identify the specific contribution the school leader/teacher made to the outcome, since most improvements result from team effort. Governors need to be forensic and relentless in their testing out of the evidence.

## Question 4:

### What is the correlation between appraisal outcomes, pay, and the quality of teaching and learning in our school?

Governors are obliged to ensure rigour in relation to teachers’ pay. There should be a very close relationship between school performance trends; staff performance objectives and appraisal outcomes; and teacher and headteacher pay increases. As part of the inspection process, Ofsted inspectors assess governors’ understanding of how their school makes decisions about teachers’ salary progression and will judge “the robustness of performance management...demonstrated through...a strong link between performance management and appraisal and salary progression.” 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?

For more detail on these, see other *Knowing your School* briefing notes.

Second, we need to compare the school level information with 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 (see question 5).

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.

## **Question 5: 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

and how this relates to the outcomes for children. Governing bodies need to be convinced that the resources being allocated to CPD are having a positive effect on the quality of teaching and learning in the school.