

Performance management policy - teaching staff



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Performance management model policy – teaching staff P324a

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This model has been subject to consultation with the recognised trade unions at County level. Any school or academy looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.

Introduction

The model performance management policy (on pages 4 to 21 of this document) has been designed for schools to use in conjunction with the appraisal arrangements set out in the Education (School Teachers’ Appraisal) (England) Regulations 2012.

These regulations came into force on 1 September 2012. The revised regulations have applied for pay progression purposes from 1 September 2013. Schools should ensure that all teachers are briefed on the appraisal arrangements.

Statutory Instrument 2012 No: 155 sets out the requirements on Governing Boards and school leaders in relation to the appraisal process.

The regulations require that the Governing Board shall ensure that the appraisal of teachers and the Headteacher is managed and reviewed in accordance with the regulations and the school’s appraisal policy. Before establishing or revising the school’s

appraisal policy the Governing Board shall seek to agree the policy with the recognised trade unions, having regard to the results of the consultation with all teachers.

As the school is required to demonstrate to Ofsted the link between appraisal, pay, school improvement and its development plan it is good practice to consult all teachers on the school improvement and development plan and self-evaluation process.

The model appraisal policy applies only to teachers in their induction period, qualified teachers including leading practitioners, Headteachers, deputies and assistants. There are no national appraisal regulations which apply to support staff and there is no national agreement on appraisal with support staff unions. However, for support the County Council has a local appraisal scheme which is available on HR InfoSpace (P324).

The model appraisal policy does not duplicate everything that is covered by regulations and guidance; rather it sets out what are considered to be the key points for school policies. For this reason, this policy should be read in conjunction with the regulations.

This model policy has been written in the context of schools, but the same principles apply equally to the appraisal of 'unattached' teachers i.e. those that are Centrally Employed.

Equal Opportunities and Scope

The school expects employees to adhere to this policy in line with the school's obligations under equality legislation. Headteachers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

1. Application of the policy

1.1 The policy applies to the Headteacher and to all teachers employed by the school or local authority, except those on contracts of less than one term, and those who are subject to action under the formal capability procedure. Staff undergoing induction will be assessed with reference to the objectives set under the NQT process

1.2 All performance management activities will take place within the teacher's directed time, but not within their PPA time.

1.3 Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning will be

taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

2. Purpose

2.1 This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the Headteacher, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers.

2.2 It also includes the means by which pay progression will be determined.

3. Links to school improvement, school self-evaluation and school development planning

*3.1 To comply with the Ofsted requirement to show how **the arrangements for appraisal link with those for school improvement, school self-evaluation and school development planning**, annual teacher pay progression, and to minimise workload and bureaucracy the appraisal process will be the main source of information as appropriate for school self-evaluation and the wider school improvement process.*

3.2 Similarly, the school improvement and development plan and the school's selfevaluation statement are key documents for the appraisal process.

3.3 All appraisers are expected to ensure the alignment of appraisees' objectives with the school's priorities and plans. The objectives should also reflect appraisees' professional aspirations.

4. Consistency of treatment and fairness

4.1 The Governing Board is committed to ensuring consistency of treatment and fairness in the operation of appraisal.

4.2 To ensure this the following provisions are made in relation to moderation, quality assurance and objective setting.

5. Quality assurance

5.1 It is important to monitor the outcome of appraisals in order to ensure that these are fair, equitable and consistently applied.

5.2 *The Headteacher has determined that they will:*

be the appraiser for all teachers.

5.3 The Governing Board will:

Nominate one governor who will not be involved in the Headteacher's performance management or any appeal regarding the Headteacher's performance management to ensure that the Headteacher's appraisal report is consistent with the school's improvement priorities and complies with the school's performance management policy and the Regulations.

5.4 The Governing Board will review the quality assurance processes annually when the appraisal policy is reviewed.

6. Objective setting

6.1 Objectives will be set before or as soon as practicable after the start of the appraisal period. The objectives set will be rigorous, challenging, achievable, time-bound, fair and equitable in relation to teachers with similar roles/responsibilities and experience, and their relevant standards. **They will have regard to what can reasonably be expected of any teacher in that position given the desirability of the appraisee being able to achieve a balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work. They shall also take account of the teacher's professional aspirations and any relevant pay progression criteria. They should be such that, if they are achieved, they will contribute to improving the progress of pupils at the school.**

6.2 The appraiser and appraisee will seek to agree the objectives but **where a joint determination cannot be made the appraiser will make the determination.**

In this school:

- *In most circumstances all teachers, including the Headteacher, will have no more than three objectives*

and:

- *Unless the objectives have been modified after a mid-cycle review to reflect changed circumstances, at the end of the cycle, assessment of performance against an objective will be on the basis of the performance criteria set at the beginning of the cycle.*

6.3 Objectives and performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data of a single group of pupils. Objectives can be set in relation to robust assessment data however, these will not be used in isolation and other factors will also be considered when making decisions about pay progression.

7. Annual assessment including pay decisions

7.1 Appraisal will be an assessment of **overall performance** of teachers and the Headteacher, and for pay purposes be based on:

- details of the teacher's objectives for the appraisal period in question; **an assessment of the teacher's performance of their role and responsibilities against their objectives and the relevant standards;**
- **an assessment of the teacher's professional development needs and identification of any action that should be taken to address them;**
- **a recommendation on pay where that is relevant** (*NB – pay recommendations need to be made by 31 October*);

7.2 The range and level of evidence collected for appraisal and pay determination purposes will always be proportionate and minimise workload.

7.3 The assessment of performance and of professional development needs will inform the planning process for the following appraisal period.

7.4 Following each appraisal, it would be good practice for the appraisee to receive an appraisal report and be granted the opportunity to give comments on its content within five working days.

8. Reviewing Progress and Performance

- 8.1 In the vast majority of appraisals, the experience is likely to be seen by the appraisee as a supportive, constructive and developmental process in which the parties are able to conduct themselves in likely knowledge that the outcome will be positive.
- 8.2 Where that is not the case it may be necessary to amend appraisal objectives with the intention that concerns are addressed, under Annex 1 of this policy. This will take place until there is no longer a concern. However, if the issue persists, or the circumstances are warranted, a decision can be made to address the matter under separate, formal capability, procedures.

9. Appeals

- 9.1 **At specified points in the appraisal process teachers and Headteachers have a right of appeal against any of the entries in their planning and assessment report.** *Where an appraisee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.*
- 9.2 The Governing Board must set up a committee (Performance Management Appeals Committee) which would hear appraisal appeals in accordance with this. The members of this Committee should not have participated in the appraisal process in the current round. The Chair of the Appraisal Appeals Committee must inform the member of staff of the outcome of the appeal and should also notify the Governing Board.
- 9.3 Where an employee has a grievance about the way in which the procedure has been conducted this will be dealt with as part of the appeals procedure. Only in exceptional cases will agreement from the Appeals Committee be given to pause the process and deal with the grievance via the grievance procedure.
- 9.4 Details of the appeals process are set out in Annex 3.

10. Confidentiality

- 10.1 *The whole appraisal process and the planning and assessment report generated under it, in particular, will be treated with strict confidentiality at all times. Only the appraiser's line manager or, where they have more than one, each of their line managers will be provided with access to the appraiser's plan recorded in their*

statement, upon request, where this is necessary to enable the line manager to discharge their line management responsibilities.

- 10.2 *Confidentiality does not override the need for the Headteacher (and for the Headteacher, governors) to quality assure the process and effectiveness of the appraisal system. The professional development annex of the assessment report may be made available to the CPD co-ordinator.*

Where teachers or Headteachers move schools, during or at the end of the appraisal cycle, they can request that their appraisal report is sent to their next school to enable continuity in the appraisal process and any pay eligibility progression.

11. Training and support

- 11.1 *The school's CPD programme will be informed by the training and development needs identified in the training annex of the appraisees' appraisal statements.*

- 11.2 *The Governing Board will ensure in the budget planning that, as far as possible, appropriate resources are made available in the school budget for any training and support agreed for appraisees.*

- 11.3 *An account of the training and development needs of teachers in general, including the instances where it did not prove possible to provide any agreed CPD, will form a part of the Headteacher's annual report to the Governing Board about the operation of the performance management in the school.*

- 11.4 *With regard to the provision of CPD in the case of competing demands on the school budget, a decision on relative priority will be taken with regard to the extent to which: (a) the CPD identified is essential for an appraisee to meet their objectives; and (b) the extent to which the training and support will help the individual and the school to achieve their priorities. Teachers should not be held accountable for failing to make good progress towards meeting their performance criteria where the support recorded in the appraisal report has not been provided.*

12. Appointment of appraisers for the Headteacher/Teachers

12.1 A) The Headteacher

The Governing Board is the appraiser for the Headteacher *and to discharge this responsibility on its behalf will appoint 3 governors* to carry out this function. They will carry out this process with the support of an **external adviser.**

Appointment of External Adviser

The Headteacher will be appraised by the Governing Board, who must be supported by a suitably skilled and experienced external adviser who has been appointed by the Governing Board for that purpose.

12.2 B) Teachers

Appointment of appraisers for teachers

In the case where the Headteacher is not the teacher's line manager, the Headteacher may delegate the duties imposed upon the appraiser, in their entirety, to the teacher's line manager. In this school the Headteacher has decided that:

The Headteacher will be the appraiser for all teachers in this school.

Where it becomes apparent that the appraiser will be absent for the majority of the cycle or is unsuitable for professional reasons the Headteacher may perform the duties themselves or delegate them in their entirety to another line manager. Where this teacher is not the appraisee's line manager the teacher will have an equivalent or higher status in the staffing structure as the teacher's line manager.

An appraisal cycle will not begin again in the event of the appraiser being changed.

All line managers to whom the Headteacher has delegated the role of appraiser will receive appropriate preparation for that role. They will be suitably trained to conduct appraisals and have direct knowledge of the employee's work to conduct all aspects of the review, including pay recommendations.

13. The Appraisal cycle

13.1 The performance of the Headteacher and teachers must be reviewed on an annual basis. Performance planning and reviews must be completed for all teaching staff by 31 October.

13.2 *The appraisal cycle in this school, therefore, will run from 1st November to 31st October. Any financial uplift that results from the appraisal outcome will become payable from 1st September in the same year.*

13.3 *Teachers, who are employed on a fixed term contract of at least one term but less than one year, will have their appraisal in accordance with the principles underpinning the provisions of this policy. The length of the cycle will be determined by the duration of their contract and an individual teacher's objectives should take account of the length of the contract.*

13.4 Where a teacher starts their employment at the school part-way through a cycle, the Headteacher or, in the case where the teacher is the Headteacher, the Governing Board shall determine the length of the first cycle for that teacher, with a view to bringing their cycle into line with the cycle, including any pay uplift, for other teachers at the school as soon as possible.

13.5 Where a teacher is absent owing to illness or maternity part-way through a cycle or is employed on a part-time basis, the objectives shall be adjusted so that they are proportionate.

13.6 Where a teacher transfers to a new post within the school part-way through a cycle, the Headteacher or, in the case where the teacher is the Headteacher, the Governing Board shall determine whether the cycle shall begin again and whether to change the appraiser.

14. Retention of appraisal reports

14.1 Appraisal reports should be retained in a safe and secure manner for a period of 6 years and should then be destroyed via secure confidential means.

15. Monitoring and evaluation

15.1 The Governing Board will monitor the operation and outcomes of appraisal arrangements. This will include ensuring that the arrangements minimise the impact on workload for all parties involved.

15.2 The Headteacher will provide the Governing Board with a written report on the operation of the school's appraisal policy annually. The report will not contain any information which would intentionally enable any individual to be identified. The report will include: □ the operation of the appraisal policy;

- the effectiveness of the school's appraisal procedures;
- teachers' training and development needs
- impact of appraisal on school improvement
- measures to support or address any poor performance

15.3 The Governing Board is committed to ensuring that the appraisal process is fair and non-discriminatory, and in accordance with its Equal Opportunities Policy. This will include, in a confidential section, appropriate details of:

- 1. any appeals or representations on an individual or collective basis on the grounds of alleged discrimination under any of the categories above in relation to performance management,*
- 2. cases, including the circumstances, where teachers have not made satisfactory progress towards objectives,*
- 3. any instances where the training and development set out in the training and development annex of a planning and review statement has not been provided.*

The report will intend not to enable any individual to be identified.

16. Review of the policy

16.1 The Governing Board will review the appraisal policy every school year.

16.2 The Governing Board will take account of the Headteacher's report in its review of the appraisal policy. The policy will be revised as required to introduce any changes in regulation to ensure that it is always up to date.

16.3 The Governing Board will seek to agree any revisions to the policy with the recognised trade unions having regard to the results of the consultation with all teachers.

*16.4 To ensure teachers are fully conversant with the appraisal arrangements, **all new teachers who join the school** will be briefed on them as part of their introduction to the school.*

17. Access to documentation

17.1 Copies of the school improvement and development plan and any other associated documents can be obtained from the school office (or other specified place).

18. Classroom observation

18.1 All classroom observation will be undertaken in accordance with the appraisal regulations

18.2 This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing teachers' performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. All observation will be carried out in a supportive fashion and in accordance with Annex 2.

18.3 In this school, teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school. Classroom observation will only be carried out by those with QTS. In addition to formal observation, Headteachers or other leaders with responsibility for teaching standards may "drop in" in order to

evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of “drop in” observations will vary depending on specific circumstances.

18.4 Teachers (including the Headteacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

19. Data Protection

19.1 When conducting an employee's appraisal, the school processes personal data collected in accordance with its data protection policy. Data collected by the school as part of the operation of the appraisal process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their appraisal. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Annex 1 – Teachers experiencing difficulties in performance.

When dealing with a teacher experiencing difficulties, the objective is to provide support and guidance in such a way that the teacher's performance improves and the problem is, therefore, resolved.

Where it is apparent that a teacher's personal circumstances are leading to difficulties at school, support will be offered as soon as possible, without waiting for the formal annual assessment.

If an appraiser identifies through the appraisal process, or via other sources of information, for example upheld parental complaints, that the difficulties experienced by a teacher are such that, if not rectified, could lead to capability procedures the appraiser, the Headteacher, or a member of the leadership team, will meet the teacher to:

- give clear oral and written feedback to the teacher about the nature and seriousness of the concerns, providing the teacher the opportunity to comment on and discuss these;
- following the feedback session, a teacher will be invited to a meeting where the concerns are outlined in more detail. At that meeting, which will be held following at least five days' notice, the teacher's targets for improvement will be discussed alongside a programme of support. Prior to the meeting, the teacher will be advised that they

- have the right to be assisted by a representative of an independent trade union or work place colleague, and at any future meetings where capability will be discussed;
- in consultation with the teacher at the above meeting, an action plan with support will be established (for example coaching, training, in-class support, mentoring, structured observations, visits to other classes or schools or discussions with advisory teachers), that will help address those specific concerns; and
 - make clear how progress will be monitored and when it will be reviewed;
 - explain the implications and process if no – or insufficient – improvement is made including the strong likelihood that there will be no pay progression.

The teacher's progress will continue to be monitored as part of the appraisal process and a reasonable time given for the teacher's performance to improve. This will depend upon the circumstances, with appropriate support as determined by the Action Plan, in order that the aim of recovering and improving performance can be achieved. During this monitoring period the teacher will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

If sufficient progress is made such that the teacher is performing at a level that indicates there is no longer a possibility of capability procedures being invoked the teacher should be informed of this at a formal meeting with the appraiser or Headteacher. Following this meeting the appraisal process will continue as normal.

If no, or insufficient, improvement has been made over this period, the teacher will be invited to a First Formal Capability Meeting under the Formal Capability Procedure to determine whether formal capability proceedings need to be commenced or the appraisal process remains in place. The teacher may be assisted by a trade union representative or work colleague and will have at least five working days' notice of the meeting. (See Capability model policy – teaching staff (P329b) on HR InfoSpace.

Annex 2 – Classroom observation protocol

The Governing Board is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:

- *carry out the role throughout the year with professionalism, integrity and courtesy; □ evaluate objectively;*
- *report accurately and fairly; and*
- *respect the confidentiality of the information gained.*

The amount of observation for each teacher should reflect and be proportionate to the needs of the individual. For example, there will be a minimum of one observation per year, specifically chosen for the purposes of observing the quality of teaching and learning for

the appraisal process, will be led by the appraiser. Schools can set a maximum number of observations and maximum number of hours worth of observations.

Information gathered during the observation will be used, as appropriate, for a variety of purposes including to inform school self-evaluation and school improvement strategies in accordance with the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on staff.

In keeping with the commitment to supportive and developmental classroom observation those being observed will be notified five days in advance.

Classroom observations will only be undertaken by persons with QTS. *In addition, in this school classroom observation will only undertaken by those who have had adequate preparation and the appropriate professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.*

Oral feedback will be offered as soon as possible after the observation and normally no later than the end of the following working day. It will be given during directed time in a suitable, private environment. Feedback will highlight strengths and areas that need further development. Where there are concerns about any aspect of the teacher's performance, the appraiser will give clear feedback and give the teacher the opportunity to comment and discuss the findings and to agree any support

Written feedback will be provided within five working days of the observation taking place. *If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement these should also be covered in the written feedback and the appropriate action taken in accordance with the regulations and guidance. This will include details on how the appraiser will continue to review progress and the implications of the process, if progress was insufficient and continued to be so.*

*The written record of feedback also includes the date on which the observation took place, the lesson observed and the length of the observation. **The teacher has the right to append written comments on the feedback document.** No written notes in addition to the written feedback will be kept.*

A Headteacher has a duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained. Heads have a right to drop into classrooms to inform their monitoring of the quality of

learning. Headteachers may consider the classroom observations they have agreed for appraisal are sufficient and that drop ins will not be needed.

*In this school:
drop ins will only be undertaken by the Headteacher.*

Annex 3 – Pay and Performance Management Appeal Procedure

A member of staff may make an appeal against any determination or proposed determination in relation to their pay or performance management.

- i) The possible grounds for appeal are that the person or committee by whom the decision was made:
 - incorrectly applied any provision of the Teacher Appraisal Regulations;
 - failed to have proper regard for the relevant statutory guidance;
 - failed to take proper account of any relevant evidence;
 - took account of irrelevant or inaccurate evidence;
 - failed to apply the **school's own performance management policy**;
 - was biased; or
 - otherwise unlawfully discriminated against the teacher.

- (ii) Any appeal against non-spinal column point progression will not be dealt with by this procedure. Such appeals will be dealt with by the school's Pay Policy Appeal Procedure.

ANNEX 3 ^(a) – Performance Management Appeal Procedure

Procedure at a Hearing of the Performance Management Appeal Committee of the Governing Board (Headteacher)

1. The committee should elect a Chair who should then introduce those present and explain the purpose of the hearing.
2. The Headteacher, or nominated person, should present evidence on the case, referring to any relevant documentation.
3. The designated member of the appropriate Performance Management Committee should be given the opportunity to ask questions.
4. The members of the committee and their adviser(s) should be given the opportunity to ask questions.
5. The designated member of the appropriate Performance Management Committee should present their case referring to any relevant documentation.
6. The Headteacher, or their representative, should be given the opportunity to ask questions.
7. The members of the Committee and their adviser(s) should be given the opportunity to ask questions.
8. The Headteacher, or their representative, should make a closing statement.
9. The designated member of the appropriate Performance Management Committee should make a closing statement.
10. The Chair of the Performance Management Appeal Committee should call an adjournment. All parties will be required to withdraw except members of the Committee and their adviser(s) who consider the evidence, discuss the case and the Committee will reach a decision.

Note

The Chair of the Committee may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for the Chair may be granted at the discretion of the Committee.

11. The Performance Management Appeals Committee will deliberate in private and will communicate their decision to all parties within 48 hours.
12. The decisions of the Governing Board's Performance Management Appeals Committee are final and there is no recourse to the staff grievance procedure.

ANNEX 3^(b) - Performance Management Appeal Procedure

Procedure at a Hearing of the Performance Management Appeal Committee of the Governing Board (for staff other than the Headteacher)

1. The committee should elect a Chair who should then introduce those present and explain the purpose of the hearing.
2. The appellant or their representative should present evidence on the case, referring to any relevant documentation.
3. The Headteacher or designated member of the appropriate Performance Management Committee and their representative should be given the opportunity to ask questions.
4. The members of the committee and their adviser(s) should be given the opportunity to ask questions.
5. The Headteacher or designated member of the appropriate Performance Management Committee and their representative should present his/her case referring to any relevant documentation.
6. The appellant, or their representative, should be given the opportunity to ask questions.
7. The members of the Committee and their adviser(s) should be given the opportunity to ask questions.
8. The appellant, or their representative, should make a closing statement.
9. The Headteacher, or their representative, should make a closing statement.
10. The Chair of the Performance Management Appeal Committee should call an adjournment. All parties will be required to withdraw except members of the

Committee and their adviser(s) who consider the evidence, discuss the case and the Committee will reach a decision.

Note

The Chair of the Committee may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for the Chair may be granted at the discretion of the Committee.

11. The Performance Management Appeals Committee will deliberate in private and will communicate their decision to all parties within 48 hours.
12. The decisions of the Governing Board’s Performance Management Appeals Committee are final and there is no recourse to the staff grievance procedures.

Annexe 4 – Table of changes

Date of change	Paragraphs affected	Summary of update
21/10/2020	7.1, 13.1, 13.2	31 December dates taken out with reference to Headteachers in line with the School Teachers’ Pay and Conditions Document.
27/11/2019	9	‘Trust’ changed to ‘Appeals Committee’

06/06/2019	<p>DfE updates: 6.1, 7, 13, 15</p> <p>TU feedback: 1, 12, 9</p>	<p>Updates made following updates to the DfE's model policy on Teacher Appraisal. These were mainly based on ensuring there is regard to reduction of teacher workload when conducting performance management. Further updates also made based on Trade union feedback:</p> <ul style="list-style-type: none"> • 1 performance management activities must be undertaken within the teacher's directed time but not PPA time. • 1 Where an employee is also a lay TU official no disciplinary action can be taken until the case is discussed with a professional TU Officer. • 12 Appraisers must be suitably trained. • Annex 2 Guidance around observations – minimum and maximum examples. • 9 where a grievance arises during the process it should be dealt with during the appeals procedure, unless there are exceptional circumstances, then the process may be paused
11/05/2018	19	New para added to take account of the General data protection regulations in force from 25 May 2018.
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content