

How to use the Teachers' Standards for Performance Management/Appraisal

Introduction

This document provides information, advice and guidance on the use of the Teachers' Standards for the purposes of the formal appraisal/performance management of teachers and in the formation of judgements at school level about the quality of teaching and learning. It describes the legal status of the standards, their relationship with the appraisal process, and features of acceptable practice with regard to their use.

This information should be read in conjunction with the NASUWT's advice and guidance for members on appraisal and performance management.

The Union has published separate guidance on the use of the standards in the statutory induction of newly qualified teachers.

The scope and applicability of the Teachers' Standards

The Teachers' Standards came into effect on 1 September 2012. The Teachers' Standards are intended to be used for a range of purposes. These include:

- assessing the suitability of those in Initial Teacher Training (ITT) for the award of Qualified Teacher Status (QTS);
- assessment of the competence of newly qualified teachers at the end of their period of statutory induction;
- the appraisal of qualified teachers in maintained settings as part of revised appraisal arrangements introduced in September 2012;
- by Ofsted when assessing the quality of education, including in academies and free schools; and
- by the Teaching Regulation Agency when hearing cases of misconduct, regardless of the setting within which a teacher works.

Qualified Teacher Learning and Skills (QTLS) Status and the Teachers' Standards

Maintained schools are permitted to employ personnel with Qualified Teacher Learning and Skills (QTLS) status as qualified teachers. Maintained schools have discretion to use the Teachers' Standards in the appraisal of these staff or to use any other set of professional standards they deem appropriate. It is important that effective account is taken of the standards applied to QTLS holders in the development of school-level approaches to the use of the Teachers' Standards.

Arrangements for the use of the Teachers' Standards in schools

Department for Education (DfE) guidance on teacher appraisal states that appraisal should be a developmental and supportive process.¹ Schools should establish a protocol setting out how the

¹ Department for Education (March 2019) *Teacher Appraisal and Capability: a model policy for schools*. Available at: www.gov.uk/government/publications/teacher-appraisal-and-capability-model-policy. (Accessed 24 September 2020).

Teachers' Standards will be applied in respect of appraisal and expectations about teaching and learning. This should make it clear that appraisal will be a supportive and developmental process and should be developed in full consultation with the NASUWT. The protocol should be subject to regular review and the NASUWT should be actively engaged in that process.

The nature of the Teachers' Standards means that their implications for teacher appraisal will vary according to:

- the type of setting in which teachers are deployed;
- the particular requirements of the subject areas they teach; and
- the age and developmental stage of the pupils for whom they are responsible.

However, the NASUWT has identified key principles that must be reflected in protocols on the application of the Teachers' Standards in all settings where they are used.

NASUWT principles for acceptable practice on use of the Teachers' Standards

Appraisal protocols make it clear that the eight statutory standards for teaching only will be applied to the appraisal of teaching

The Teachers' Standards are organised into three main sections. Part One is comprised of eight Standards that relate to teaching. Part Two sets out the Standards for professional and personal conduct. The Preamble to Part One and Part Two seeks to summarise the 'values and behaviour that all teachers must demonstrate throughout their careers' but is not intended to be interpreted as an additional discrete Standard.

Each Standard in Part One is accompanied by a number of bulleted sub-headings. These sub-headings do not constitute Standards in their own right. They provide contextual information to support interpretation of the Standards in every conceivable circumstance where their use may be mandatory. There is no statutory requirement for teachers' performance to be evaluated with reference to the aspects of professional practice described in the sub-headings. Protocols for the use of the Teachers' Standards in schools must be based on the clear understanding that there are only eight statutory Standards in relation to teaching that can be applied to the appraisal of teachers.

Appraisal of teachers should begin from the assumption that the Teachers' Standards are being met

The stated aim of the Teachers' Standards is to establish the 'minimum level of practice expected of teachers in England'.² Therefore, without clear and compelling evidence to the contrary, all teachers should be assumed to be undertaking their professional roles and responsibilities in a way consistent with the requirements of the Standards.

It is not acceptable to establish approaches to the appraisal based on the presumption that teachers are not meeting the Teachers' Standards with the onus of proof placed on teachers to demonstrate that they are doing so.

The Teachers' Standards are not used as a checklist for appraisal or performance management

The Regulations governing performance management/appraisal in maintained schools include a provision that teachers' performance must be 'assessed against' the Teachers' Standards.³ However,

² Department for Education (2013) *Teachers' Standards: guidance for school leaders, school staff and governing bodies*.

³ The Education (School Teacher Appraisal) (England) Regulations 2012

the DfE has not prescribed the way in which this provision should be interpreted in practice. It is not necessary to check teachers' performance against every Standard. Such an approach fails to recognise that professional standards should be regarded as a holistic set of integrated components rather than a crude checklist of features of professional practice.

In the absence of any clear and compelling evidence to the contrary, the assumption should be that teachers are meeting the Standards. This should be regarded as sufficient to satisfy the legal requirement to assess teachers against the Standards.

This does not prevent the Standards being used as a tool to assist teachers to reflect on their professional practice or their career, pay or professional development aspirations. In the context of appraisal undertaken as a positive and supportive process of professional dialogue and evaluation of practice, the Standards can be used to support the identification of objectives in the appraisal cycle. More information and guidance about the setting of appraisal objectives can be found in the NASUWT's practical guides on appraisal: www.nasuwat.org.uk/advice/performance-management.html.

Additional wording should not be substituted into the Teachers' Standards

The DfE's guidance on the Standards makes clear that it is not appropriate to substitute additional descriptors for the wording used in the Teachers' Standards.⁴ Therefore, schools should not seek to augment the Standards or add additional requirements in respect of the Teachers' Standards beyond those contained within the statutory version published by the DfE.

Teachers do not have to provide evidence that they have continued to meet each Standard

The setting of objectives should enable appraisers to have access to sufficient evidence to make a judgement that teachers' performance continues to be effective and that the Teachers' Standards are being met. As a result, there should be no expectation in schools' appraisal policies for teachers to generate and collate evidence that they are meeting each of the Teachers' Standards. There is no requirement for teachers to provide evidence that they are meeting each of the Standards in the Regulations governing appraisal in maintained schools.

Appraisal reports do not require detailed assessments of teachers' performance against the Standards

The Appraisal Regulations require that teachers' written appraisal reviews must include an assessment of their performance against the Standards against which they are being assessed. However, the DfE's guidance on the Teachers' Standards confirms that there is no prescribed method of recording this assessment.

It is not necessary for schools to record detailed assessments against each of the Teachers' Standards. Unless there is clear and compelling evidence to the contrary, the assumption should be that teachers are meeting the Standards.

The Teachers' Standards should not be applied differently according to teachers' position on the pay scale

Arrangements which attempt to impose different interpretations of the requirements of the Teachers' Standards according to teachers' positions on the pay scale are unacceptable. The Teachers' Standards Review Group, the body tasked by the DfE with developing the Teachers' Standards, rejected any requirement for the Standards to be employed in this way. The DfE has stated that it is not necessary or helpful for schools to adopt rigid models that seek to set out exactly what the Teachers' Standards mean for teachers at different points of the pay scale.

⁴ DfE (2013) *Teachers' Standards*.

The Teachers' Standards do not replace key statutory and contractual terms and conditions of employment for teachers

While the Teachers' Standards are constituted on a statutory basis, they do not replace or override teachers' other key contractual and statutory rights. In particular, the Teachers' Standards do not replace the professional duties and responsibilities set out in the School Teachers' Pay and Conditions Document (STPCD).

The Teachers' Standards should not be regarded as a contract of employment nor a job description. Nothing in the Teachers' Standards militates against the right of teachers and school leaders to take lawful industrial action.

Schools must be able to demonstrate that the Teachers' Standards are applied on an equitable basis for all relevant teachers

Schools are under a legal responsibility to ensure that they apply the Teachers' Standards in a way that does not discriminate unlawfully on the grounds of sex, race, disability, age, religion or belief, sexual orientation, gender reassignment, marital status, part-time working, fixed-term contract or trade union activities. Schools must also demonstrate how they promote equality of opportunity through appraisal and their use of the Teachers' Standards.

Further information about the equality dimensions of appraisal practices can be found in the NASUWT's practical guidance on appraisal.

Further information and advice

Further information on performance management and appraisal can be found at: www.nasuwat.org.uk/advice/performance-management.html.

Teachers and school leaders should contact the NASUWT if they have particular concerns about appraisal and performance management practice in their school: advice@mail.nasuwat.org.uk or phone 03330 145550.



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