

...use the Teachers' Standards

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, available from the NASUWT website at www.nasuwt.org.uk.

The Union has published separate guidance on the use of the standards in the statutory induction of newly qualified teachers. This is also available from the NASUWT website.

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.

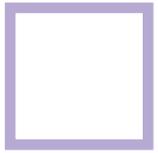
These include:

- 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 teaching and learning in schools, including academies and free schools; and
- by the Teaching 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

It is important to note that the Department for Education (DfE) has implemented changes to the statutory framework for staffing in maintained schools that permit the employment of personnel with Qualified Teacher Learning and Skills (QTLS) status as qualified teachers.

Maintained schools have been given the discretion to make use of the Teachers' Standards in the appraisal of these staff or to use any other set of professional standards they deem appropriate. It is therefore 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

While all the intended uses of the Teachers' Standards are significant, this guidance is focused principally on the use of the Teachers' Standards for the purposes of performance management/appraisal and in establishing common understandings at school level about expectations in respect of teaching and learning.

At the outset, however, it is important to recognise that the Regulations governing appraisal for teachers, the Education (School Teachers' Appraisal) (England) Regulations 2012, do not apply in academies and free schools. Therefore, there is no legal obligation on these schools to make use of the Teachers' Standards in their appraisal or performance management processes. However, the use by Ofsted of the Teachers' Standards in forming judgements about the quality of teaching and the effectiveness of academies' and free schools' performance management process means that it is important that the principles of acceptable practice with regard to the application of the Standards set out in this guidance inform approaches to their implementation and use in academies and free schools.

It is imperative that all schools establish a clear, consistent and equitable protocol on the ways in which the Teachers' Standards will be interpreted and applied in practice, particularly in the context of schools' policies on appraisal and in the formation of organisation-wide expectations about teaching and learning. The protocol must be developed in full consultation with the NASUWT and must be reviewed at regular intervals to ensure its continued effectiveness and appropriateness.

The nature of the Teachers' Standards and the ways in which they might influence the work of teachers means that their specific implications for teachers 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.

It is therefore not appropriate or necessary to seek to establish precise definitions of each of the Standards. However, the NASUWT has identified a range of key principles that must be reflected in protocols on the application of the Teachers' Standards, in all settings where they are used. These principles are explained in further detail below.

Concerns about the interpretation and application of the Teachers' Standards should be referred to the NASUWT.

PRINCIPLES FOR ACCEPTABLE PRACTICE ON USE OF THE TEACHERS' STANDARDS

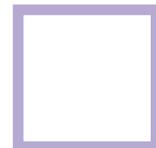
The Teachers' Standards that relate to teaching are comprised of eight Standards only

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.¹



Each Standard in Part One is accompanied by a number of bulleted sub-headings. However, the DfE has made clear that these sub-headings do not constitute Standards in their own right. The sub-headings merely seek to ‘amplify’ the Standards and provide contextual information to support the interpretation of the Standards in every conceivable circumstance where their use may be mandatory.² There is therefore no statutory or legal 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 an assumption that the Teachers’ Standards are being met

Given that the stated aim of the Teachers’ Standards is to establish the ‘minimum level of practice expected of teachers in England’,³ it follows that, 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 to be 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.⁴ However, the DfE has not prescribed in the Regulations or in any accompanying guidance, the way in which this provision should be interpreted in practice. It is therefore clear that statutory requirements to assess teachers against the Standards do not necessitate an approach to appraisal in which teachers’ performance is checked against every Standard. The NASUWT is clear that such an approach would fail to take into effective account the fact that any framework of effective professional standards should be regarded as a holistic set of integrated components rather than a crude checklist of features of professional practice.

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

However, this does not prevent the Standards being used as a tool to assist teachers’ own reflection 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.

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.⁵ Schools should therefore 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 as part of the appraisal process should ensure that appraisers have access to sufficient evidence to allow for a judgement to be made that teachers' performance continues to be effective and that the Teachers' Standards are therefore 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. It should also be noted that 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 therefore not necessary for schools to record detailed assessments against each of the Teachers' Standards. Given that, unless there is clear and compelling evidence to the contrary, an assumption should be made that teachers are meeting the Standards, there is no need for schools to do any more to comply with the requirements of the Regulations in these circumstances than to confirm that this is the case.

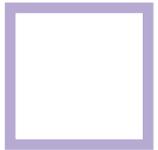
The Teachers' Standards should not be applied differently according to teachers' position on the pay scale

Arrangements in schools in which attempts are made to impose different interpretations of the requirements of the Teachers' Standards according to the position of teachers on the pay scale are unacceptable. The Teachers' Standards Review Group, the body tasked by the DfE with developing the Teachers' Standards, explicitly rejected any requirement for the Standards to be employed in this way. The DfE has confirmed this view and has stated clearly 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.

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, it is important for protocols in schools to recognise explicitly that 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 also 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 will be 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, part-time working, fixed-term contract or trade union activities. Schools must also demonstrate how they promote equality of opportunity with regard to their use of the Teachers' Standards.

It is particularly clear from this requirement on schools that the establishment of practices within the context of appraisal whereby schools seek to apply the Teachers' Standards as a checklist of requirements on teachers are likely to be highly problematic in terms of the obligation on schools to ensure that use of the Standards' does not lead to outcomes that might potentially discriminate against staff. Adherence by schools to the principles set out in this guidance will assist schools in ensuring that their practices do not undermine their obligations in respect of discrimination and equality of opportunity.

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

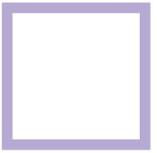
¹ DfE (2012) *Teachers' Standards*. (www.education.gov.uk/publications/standard/SchoolsSO/Page1/DFE-00066-2011); retrieved on 23/08/12.

² DfE (2012). *Teachers' Standards: Myths and Facts*. (<http://media.education.gov.uk/assets/files/pdf/t/teachers%20standards%20myths%20and%20facts.pdf>); retrieved on 23/08/12.

³ DfE (2012). *Teachers' Standards: How will they be used?*

⁴ Education (School Teachers' Appraisal) (England) Regulations 2012. (www.legislation.gov.uk/uksi/2012/115/contents/made), retrieved on 24/08/12.

⁵ DfE (2012). *Teachers' Standards: Myths and Facts*.



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