



South York
MULTI-ACADEMY TRUST

Performance Development Policy

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This policy has been adopted by the Board of Directors of the South York Multi Academy Trust (SYMAT) and applies to all Trusts that make up the Trust. This policy applies to teaching staff within the Trust operating within the South York Multi-Academy Trust unless specific conditions and applications are identified within this policy.

This policy will be monitored regularly by the Multi Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.

This policy reflects the removal of performance related pay effective from 1st September 2024.

This policy follows formal negotiations between the employer and joint trade unions

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1. Introduction

- 1.1 This policy emanates from the revised performance development arrangements that have legal effect from 1 September 2012. They are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations).
- 1.2 This policy applies to all teaching staff, including Headteachers employed by the Trust, except those on contracts of less than one term, those undergoing induction (i.e. ECTs) and those who are subject to formal capability procedures. Modified appraisal arrangements will be made to employees who have only worked part of the appraisal cycle.
- 1.3 The Trust is committed to promoting an inclusive, supportive, and respectful working environment where all employees are treated fairly and equitably in line with the Equality Act 2010.

2. Purpose

- 2.1 This policy sets out the framework to be used in this Trust for a clear and consistent assessment of the overall performance of teachers including the Headteacher within the context of the Trust's plan for improving educational provision and performance, and the relevant standards expected of teachers.
- 2.2 Performance development in this Trust will be a supportive process in the context of the Trust's improvement plan. It is designed to ensure that all teachers have the skills and support they need to carry out their role effectively. The aims of the policy are to improve outcomes for all children/students in the Trust and to ensure that all teachers, including the Headteacher, are motivated to continuously develop their skills and improve their performance.
- 2.3 This policy is separate from the Trust's capability procedure. The Performance Development Policy will address, as positively as possible, any concerns that are identified regarding a teacher's performance. If concerns are such that they cannot be resolved through the performance development process, there will be consideration of whether to commence the formal capability procedure.

3. Application of Policy

- 3.1 The policy covers performance development and applies to the Headteacher and to all teachers employed by the Trust, except those on contracts of less

than one term, those undergoing induction (i.e. ECTs) and those who are subject to formal capability procedures.

4. The Performance Development Period

- 4.1 It is a statutory requirement that the performance of teachers must be reviewed annually.
- 4.2 In the South York Multi-Academy Trust the period under review will run for twelve months from 1st September 2022 to 31st August 2023.
- 4.3 Teachers who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The length of the period will be determined by the duration of their contract.
- 4.4 Where a teacher starts their employment with the Trust part way through the Trust's cycle, the Governing Body (in the case of Headteachers) or the Headteacher (for all other teachers) shall determine the length of the first cycle for that teacher, with a view to bringing his/her cycle into line with the cycle for other teachers as soon as possible.
- 4.5 Where a teacher transfers to a new post within the Trust part-way through the cycle the Headteacher or in the case where the employee is the Headteacher, the Governing Body shall determine whether the cycle shall begin again and whether to change reviewer.

5. Appointing Reviewers for the Headteacher

- 5.1 The Headteacher's performance will be reviewed by the Governing Body, supported by a suitably experienced external adviser who has been appointed by the Trust for that purpose.
- 5.2 In this school the task of appraising the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of three members of the Governing Body.
- 5.3 Where a Headteacher is of the opinion that any of the governors appointed by the governing body is unsuitable to act as his/her reviewer, s/he may submit a written request for that governor to be replaced, stating the reason for the request.

- 5.4 The Trust will appoint an External Adviser to provide advice and support in relation to the development and review of the performance of the Headteacher. The External Adviser will have a proven expertise in Performance Development of Headteachers.
- 5.5 Where the Headteacher is also the Trust CEO the review process will be a composite one involving a sub-group of the Governing Body.

6. Appointing Reviewer for Teachers

- 6.1 The Headteacher of each school will decide who will review other teachers in their school within the Trust. Staff identified as reviewers will be made fully aware of the requirements of them in that role, including the requirement to provide appropriate training where required.
- 6.2 Where teachers have an objection to the Headteacher's choice of reviewer, s/he may submit a written request to the Headteacher setting out their concerns. The Headteacher will consider this carefully and where appropriate an alternative reviewer will be offered. If an alternative reviewer is required, but one is not available, then the Headteacher may become the reviewer themselves.
- 6.3 Where it becomes apparent that the appointed reviewer will be absent for the majority of the review cycle, the Headteacher may perform those duties themselves or delegate those duties to another teacher for the duration of that absence. The review cycle will not begin again in the event of the reviewer being changed.
- 6.4 Where a reviewer is appointed who is not the Teacher's line manager, the person to whom that role has been delegated will have an appropriate position in the staffing structure; together with the necessary background, knowledge, skills and training to undertake the role.
- 6.5 Where a teacher is experiencing difficulties and the Headteacher is not the reviewer, then the Headteacher, or another appropriate member of the Senior Leadership Team, may undertake the role of reviewer.

7. Setting Objectives

- 7.1 The Headteacher's objectives will be set by the Governing Body after consultation with the external adviser and the Headteacher. These will be set

by the Trust Board in consultation with the Governing Body for the Headteacher/CEO

7.2 Objectives for each teacher, including the Headteacher will be:

- Set before, or as soon as practicable after, the start of each review period.
- Specific, Measurable, Achievable, Realistic and Time-bound (i.e. SMART) and will contain a description of what success might look like.
- Appropriate to the teacher's role and level of experience.
- Set with regard to what can be reasonably expected in the context of roles, responsibilities and experience and workload consistent with the Trust's strategy for achieving a work/life balance for all staff. The maximum number of objectives is 3 for each appraisal cycle

7.3 The reviewer and reviewee will seek to agree the objectives, but if that is not possible, the reviewer will determine the objectives. (NB. In such cases where the reviewer is not the Headteacher, it should be noted that all objectives, will be moderated and quality assured by the Headteacher, and so in cases of non-agreement on objectives, the final decision will include consideration by the Headteacher)

The appraisal process should be supportive and conducive to the development of teachers and the appraisal should consider wellbeing of the teacher when setting appraisal objectives.

7.4 Reviewees may at any provide their comments alongside objectives

7.5 The reviewee's objectives may be revised during the review cycle if circumstances change.

7.6 The objectives set for each teacher will, if achieved, contribute to the Trust's plans for improving the educational provision and performance and improving the education of pupils at that school. This will be ensured by quality assuring all objectives against the school improvement plan and the relevant set of Teacher Standards.

7.7 The objectives will take account of the professional aspirations of the teacher

- 7.8 Performance management discussions will not be based on teacher generated data and predictions, or solely on the assessment data for a single group of students however this data may be referred and it will be recognised that factors outside of teachers' control may significantly affect results.
- 7.10 The number of objectives that each teacher will be expected to achieve in the performance development cycle will be reasonable and appropriate to their role in the staffing structure. Teachers will have a minimum of three and maximum of five objectives with at least one directly relating to pupil progress. These must reflect whole school objectives, cover key responsibilities and may include a team objective (e.g. pastoral or subject), as appropriate.
- 7.11 The reviewer will take into account the effects of an individual's circumstances, including any disability, when agreeing objectives. For example, this might include a reasonable adjustment to allow an individual slightly longer to complete a task than might otherwise be the case. When a member of staff returns from a period of extended absence, objectives may be adjusted to allow them to readjust to their working environment.
- 7.12 Though reviews are an assessment of overall performance of teachers and the Headteacher, objectives cannot cover the full range of a teacher's roles/responsibilities. Objectives will, therefore, focus on the priorities for an individual during the annual cycle.
- 7.13 It is recommended that the objectives should be related to the Teachers' Standards and the objectives outlined in the school and departmental development plans.
- 7.14 At the review stage it will normally be assumed that those aspects of a teacher's roles/responsibilities not specifically highlighted as a concern by any interim review/amendment to the statement have been carried out satisfactorily.

8. Assessment of Performance Against the Relevant Standards

- 8.1 Before, or as soon as practicable after, the start of each review period, each teacher will be informed of the standards against which that teacher's performance in that review period will be assessed.
- 8.2 All teachers will be assessed against the set of standards contained in the document called "Teachers' Standards" published in July 2011. The Headteacher or governing body (as appropriate) will also consider whether certain teachers should also be assessed against other sets of standards published by the Secretary of State that are relevant to them, and where this is

the case, those teachers will be notified accordingly. As a minimum all teachers should be competent against all of the Teachers' Standards.

- 8.3 Reviewers will assess qualified teachers against the relevant standards to the level that is consistent with what should reasonably be expected of a teacher in the relevant role and at the relevant stage of their career. At schools in this Trust it is expected, in general terms, that early-career teachers will be at least competent against all the Teachers' Standards (years 1-3), mid-career teachers will be at least confident against all the Teachers' Standards (years 4-6) and more experienced teachers (UPS) will be generally expert against all the Teachers' Standards.
- 8.4 At the review of a teacher's performance against the Teachers' Standards the teacher will provide the following evidence:
- A review of their students' examination results or progress data
 - Lesson Observation feedback
 - Feedback from work scrutinies
 - Any further evidence which might relate specifically to the teacher's Performance Development objectives

The teacher is welcome to provide any other evidence which will exemplify his or her performance against the Teachers' Standards.

9.0 Quality Assurance

- 9.1 The Headteacher will moderate the review process to ensure that all reviewers are working to the same standards. Objectives will be moderated across the school to ensure that they are consistent between teachers with similar experience and levels of responsibility. Such moderation will ensure that recommendations are fair, non-discriminatory, consistent and rooted in clear evidence of the specific teachers' individual performance

10. Reviewing Performance – Quality of Teaching

Lesson Observations

- 10.1 The effective and efficient operation of the performance development process requires lesson observation to be a confidential process of constructive engagement within an atmosphere of support and co-operation.
- 10.2 Accordingly, observations will be carried out in a supportive manner, with professionalism, integrity and courtesy. Observations will be evaluated

objectively and reported accurately and fairly and will take account of particular circumstances which may affect performance on the day.

- 10.3 At least five working days' notice of the date and time of the observation will be given and verbal feedback provided by at least the end of the next school day and written feedback within 5 working days, unless circumstances make this impossible.
- 10.4 Formal classroom observation will be carried out by qualified teachers.
- 10.5 For the purposes of performance development, teachers' performance will be observed on an appropriate and reasonable number of occasions and will, as far as possible, be agreed by the reviewer with the reviewee based on the individual circumstances of the teacher and the overall needs of the school. The number and duration of performance development observations will be in accordance with the school's observation protocol, which includes provision for exceptional circumstances where concerns have been raised about a teacher's performance, or where the teacher requests additional observation visits. Observations will not exceed three hours under normal circumstances
- 10.6 Headteachers or other leaders with responsibility for learning and teaching standards may 'drop in' or undertake other observations to evaluate the standards of teaching and learning and to ensure that high standards of professional performance are established and maintained. The length and frequency of 'drop in' or other observations, and the notice to be given, will vary depending on specific circumstances but will be in accordance with the school's classroom observation and drop-in policy.
- 10.7 For the purpose of professional development, feedback about lesson observations should be developmental.
- 10.8 This school will use the findings of each observation, including performance development observations, to inform recommendations made for other management requirements (for example subject area reviews), thereby seeking to minimise the total number of occasions on which teachers are observed.
- 10.9 Teachers (including the Headteacher) whose posts have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

Marking and Feedback

- 10.10 Teachers can expect to have their marking of pupils' work and the feedback they provide to be monitored during the year. The findings of this work scrutiny will help inform judgments about teaching standards.

11. Development and Support

- 11.1 Performance review is a supportive process which will be used to inform continuing professional development. The Trust wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development.
- 11.2 Professional development will be linked to Trust and individual school improvement priorities and to the ongoing professional development needs and priorities of individual teachers.
- 11.3 The individual school's CPD programme within the Trust will be informed by the training and development needs identified as part of the review process. The Trust Board and Governing Body will ensure in the budget planning that, as far as possible, resources are made available in the school budget for appropriate training, and support agreed for reviewees, maintaining access on an equitable basis.
- 11.4 An account of the training and development needs of teachers 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 Body about the operation of the review process in the school.
- 11.5 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:
- the training and support will help the school to achieve its priorities;
 - and
 - the CPD identified is essential for a reviewee to meet their objectives.
- 11.6 Account will be taken in a review meeting of where it has not been possible for teachers to fully meet their performance criteria because the support recorded in the planning statement has not been provided.

12. Feedback During Performance Development Period

- 12.1 Teachers will receive constructive feedback on their performance:
- Throughout the year with one interim review.

- That highlights particular areas of strength as well as any areas that need attention; this will not be limited to a summative grade (or similar) following any observation.
- After any observations, verbally by at least by the end of the next school day and written feedback within 5 working days, unless circumstances make this impossible.
- As soon as possible should any other evidence in relation to their performance against the relevant teacher standards come to light.
- The review cycle in this school includes an interim review meeting to allow the reviewee and reviewer to discuss progress towards achieving objectives; and to flag any issues that may impact upon pay progression recommendations. This meeting will be scheduled to take place in the spring term.
- In addition, reviewees are encouraged to alert their reviewer as early as possible, if they have any concerns about meeting their objectives.

12.2 At any point in the review cycle, where there are aspects of a teacher's performance that causes some concern, the relevant member of the SLT will work with the teacher and their Line Manager to establish more specific areas for improvement. An Individual Support Plan (ISP) will be written that includes the areas for improvement, the timeframe and the support that will be offered.

12.3 If, despite the reviewee receiving appropriate and exhaustive support, the reviewee's performance does not improve and goes on to give rise to continued or significant concern, the Performance Development process will cease and the Headteacher will invoke the completely separate Capability Policy and procedure.

13. Annual Assessment

13.1 Each teacher's performance will be formally assessed in respect of each review period. In assessing the performance of the Headteacher, the Governing Body must consult the external adviser.

- 13.2 The teacher will receive as soon as practicable following the end of each review period – and have the opportunity to comment on - a written review report. The report will include:
- details of the teacher's objectives for the performance development period in question;
 - an assessment of the teacher's performance of their role and responsibilities against their objectives, and against the relevant standards;
 - an assessment of the teacher's training and development needs and identification of any action that should be taken to address them;
 - a space for the teacher's own comments
- 13.3 A review meeting will take place to discuss the content of the report and any further action required and to inform objective setting for the next cycle. In some circumstances an interim review meeting may be appropriate.
- 13.4 The assessment of performance and of training and development needs will inform the planning process for the following review period.

14. Appeals

- 14.1 Reviewees have a right of appeal against any of the entries in the written performance development report.

15. Dealing with Concerns about Performance

- 15.1 When dealing with a teacher experiencing difficulties, the objective is to provide support and guidance through the review process in such a way that the teacher's performance improves and the problem is, therefore, resolved.
- 15.2 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.
- 15.3 If a reviewer identifies through the review process, or via other sources of information, for example parental complaints, that the difficulties experienced by a teacher are such that, if not rectified, could lead to capability procedures the reviewer, the Headteacher, or a member of the leadership team, will, as part of the review process meet the teacher to:

- give clear written feedback to the teacher about the nature and seriousness of the concerns;
- give the teacher the opportunity to comment on and discuss the concerns;
- give the teacher at least 5 working days' notice that a meeting will be held to discuss targets for improvement alongside a programme of support, and inform the teacher 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;
- 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, i.e. the possibility that action under the school's formal capability procedure could be initiated, which could ultimately lead to dismissal.

- 15.4 The teacher's progress will continue to be monitored as part of the performance development process and a reasonable time given for the teacher's performance to improve. The time for improvement will depend upon the circumstances and will be clearly specified, with appropriate support as agreed in the Individual Support Plan, in order that the aim of recovering and improving performance can be achieved. This will be for a minimum of 4 weeks. 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.
- 15.5 At the end of the period specified in the Individual Support Plan by when it is agreed improvements should have been made, a review meeting with the reviewer or Headteacher will be convened to review performance.
- 15.6 If sufficient progress has been 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 will be informed of this. Following this review meeting, the review process will continue as normal.
- 15.7 If no, or insufficient improvement has been made over this period, the teacher will be advised of this at the review meeting. The teacher will also be advised that they will be invited to attend a formal meeting in line with the Capability Policy and Procedure to determine whether there are continued concerns about the standard of performance. If the decision at the formal meeting is that there

are sufficient continued concerns, a formal warning may be issued and the process set down in the Capability Policy and Procedure will be followed. Where it is determined that it would be more appropriate to continue to address the remaining concerns through the Performance Development policy, the employee will be advised of this and a timescale will be communicated. It may also be appropriate to consider an extension of the Individual Support Plan to allow for additional time for improvement.

General Principles Underlying this Policy

16. ACAS Code Of Practice on Disciplinary and Grievance Procedures

- 16.1 The conduct of the formal capability stage will be undertaken in accordance with the provisions of the *ACAS Code of Practice*.

17. Consistency of Treatment and Fairness

- 17.1 The Trust Board Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

18. Sickness

- 18.1 If long term sickness absence appears to have been triggered by the commencement of monitoring as a result of concerns about a teacher's performance having been raised with them, the case will be dealt with in accordance with the Trust's Attendance Management Policy.
- 18.2 This will normally include the teacher being referred to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring. In some cases, it may be appropriate for the process to continue during a period of sickness absence. However, the views of the occupational health physician will always be taken into account before a decision is reached.

19. Grievances

- 19.1 Where a member of staff raises a grievance during the process, the process may be temporarily suspended in order to deal with the grievance. Where the grievance and the performance review cases are related it may be appropriate to deal with both issues concurrently.

20. Confidentiality and Professional Relationships

- 20.1 The review process will be treated with confidentiality. Only the reviewer's line manager or, where they have more than one, each of the line managers will be provided with access to the reviewee's plan recorded in their statements. This will be done where this is necessary to enable the line manager to discharge their line management responsibilities. In addition, the Headteacher or another appropriate member of the Senior Leadership Team may have access to the performance development documentation for the purpose of moderation, or for support to be given in terms of performance development.
- 20.2 The process of gathering evidence for performance review will not compromise normal professional relationships between teachers. The Governing Body recognises that the reviewer may need to seek information from other colleagues about the work of the reviewee where they work in more than one subject/departmental area.
- 20.3 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 review system. The Headteacher or appropriate colleague might, for example, review all teachers' objectives and written review records personally – to check consistency of approach and expectation between different reviewers.

21. Monitoring and Evaluation

- 21.1 The Trust Board, Local Governing Body of each school and the Headteacher will monitor the operation and effectiveness of the Trust's performance development arrangements.
- 21.2 The Headteacher will provide the Governing Body with a written report on the operation of the school's performance development and capability policies annually. The report will not identify any individual by name. The report will include an assessment of the impact of these policies on:
- Race
 - Sex
 - Sexual Orientation
 - Disability
 - Religion and Beliefs
 - Age
 - Part-time Status
 - Maternity and Pregnancy
- 21.3 The Headteacher will report on whether there have been any appeals or representations on an individual or collective basis on the grounds of alleged discrimination.

22. Retention

- 22.1 The Governing Body and Headteacher will ensure that all written performance development records are retained in a secure place for six years and then destroyed.

APPENDIX 1 – MONITORING THE QUALITY OF TEACHING PROTOCOL

The Trust Board and Local Governing Bodies are committed to ensuring that classroom observation and other monitoring is developmental and supportive and that those involved in the process will:

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

Teachers' performance will be monitored on an appropriate and reasonable number of occasions, based on the individual circumstances of the teacher and the overall needs of the school. In this Trust it has been agreed that the total period for classroom observation arranged for any teacher will not exceed three hours under normal circumstances, but this may be supplemented by shorter periods of 'drop ins' and other types of monitoring (e.g. book scrutiny and progress data analysis) relating to specific faculty or whole school priorities.

The amount of observation for each teacher should reflect and be proportionate to the needs of the individual and may therefore exceed this amount of time, for example where concerns have been raised about a teacher's performance, or where the teacher requests additional observation visits.

In this Trust 'proportionate to need' will be determined by the number of subject areas the teacher is delivering and issues arising from previous observations or the performance development review process. In keeping with the commitment to supportive and developmental classroom observation those being observed will be notified in advance other than for 'drop in' observations.

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 and individual CPD. All observation will be carried out in a supportive manner.

Information gathered during monitoring the quality of teaching will be used, as appropriate, for a variety of purposes to promote school self-evaluation and school improvement strategies in accordance with the school's commitment to streamlining data collection and minimizing bureaucracy and workload burdens on staff. All such information will be regarded as confidential and will be handled sensitively. Teachers will be given a copy of any observations carried out and information from these will be confined to line managers and the SLT as appropriate.

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 individual school. Formal classroom observation will be carried out by those 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.

In addition to formal observation, Headteachers or other leaders with responsibility for teaching standards may “drop in”, periods up to 15 minutes, 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. Drop in findings will only inform the performance development review process where concerns emerge and evidence arises which merits the revision of the objectives agreed at the beginning of the review process.

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

The amount of observation for each teacher should reflect and be proportionate to the needs of the individual. In this Trust the established protocol is a minimum of one formal observation per cycle. In addition to this, informal coaching/peer observations may be scheduled. These developmental peer observations are not part of performance development regulations.

The arrangements for observation, where possible, should be included in the plan in the performance review planning statement and will include the amount of observation and where possible, specify its primary purpose, any particular aspects which will be assessed and the groups to be observed.

Where evidence emerges about the reviewee’s teaching performance which gives rise to concern during the cycle, classroom observations may be arranged in addition to those recorded at the beginning of the cycle.

If issues emerge 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 feedback and the appropriate action taken. Additional observations may be scheduled in addition to those detailed above. Where concerns remain following additional observations a review meeting must be held and details of any such observation must be inserted as an addendum into the original review statement. Five days notice must be given both for the review meeting.

Where 30 minute or longer observations have occurred, there should be a short, written record of the observation, feedback given and any subsequent follow-up work. Verbal feedback should ideally be given immediately but must be given by the end of the following day at the latest. The written record of the observation must be available to the reviewee within five working days. The reviewee may add comments to this if they so wish.

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.