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Consultation – summary of responses

Proposals to revise the School Teacher Appraisal (Wales) Regulations 2002 (as amended)

Date of issue: November 2011

Proposals to revise the School Teacher Appraisal (Wales) Regulations 2002 (as amended)

Audience	Local authorities, governing bodies of maintained schools and institutions within the further education sector, headteachers of maintained schools and other interested parties.
Overview	This document summarises the responses received to a consultation on the Welsh Government's proposals to revise the School Teacher Appraisal (Wales) Regulations 2002 (as amended) in order to strengthen performance management arrangements for teachers and headteachers.
Action required	None – for information only.
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Additional copies	The consultation documents can be accessed on the Welsh Government's website at www.wales.gov.uk/consultations

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Introduction and overview

The Welsh Government issued a consultation paper on proposals to revise the School Teacher Appraisal (Wales) Regulations 2002 (as amended) in order to strengthen performance management arrangements for teachers and head teachers. The consultation was launched on 27 June 2011 and was open for responses until 30 September 2011. A total of 7 questions were set out in a pro-forma style document.

The consultation process

Views were sought from stakeholder groups to inform the proposed policy changes. This report summarises the comments received during the public consultation process together with our response.

In total, 24 responses were received, several of which included very detailed suggestions for potential improvements to the draft regulations. The responses represented organisation groups as follows:

Practitioners, Schools and ITT Providers	33%
Teacher Unions	21%
Local Government organisations, National bodies and charities	46%

A synopsis of the main points raised are outlined below, grouped by stakeholder response where possible, along with the resulting action to address these and/or feedback on the main themes and key points raised. A list of all respondents is provided in Annex A. Copies of all responses received can be provided on request.

Some comments were outside the scope of the consultation, and although every effort was made to link these responses to the key themes of the consultation this was not always possible. However, the essence of all such comments has been fully considered.

The consultation document and response pro-forma adopted for this consultation can be found in the Education and Skills section (closed consultations) on the Welsh Government's website at: www.wales.gov.uk/consultations.

We would like to take this opportunity to thank everyone who responded to the consultation for their contribution.

Responses to the consultation questions and our comments and feedback

Responses by Sector		Q1	Q2	Q3	Q4	Q5
Practitioners, Schools and ITT Providers	Yes	38%	25%	50%	38%	63%
	No	38%	13%	25%	25%	25%
	DNA	25%	63%	25%	38%	13%
Teacher Unions	Yes	0%	20%	60%	40%	20%
	No	80%	60%	20%	60%	60%
	DNA	20%	20%	20%	0%	20%
Local Government, national bodies and charities	Yes	82%	82%	64%	45%	82%
	No	18%	0%	0%	18%	0%
	DNA	0%	18%	36%	36%	18%
Total	Yes	50%	50%	58%	42%	63%
	No	38%	17%	13%	29%	21%
	DNA	13%	33%	29%	29%	17%

*DNA – Did not answer yes or no

Question 1: Do you agree that the proposed membership of a local authority representative on the headteacher appraisal panel will improve the ability of the local authority to address their statutory responsibility to drive up standards?

General overview

50% Yes.
38% No.
13% DNA.

Comments from those who agreed with the question included:

- Addition of an objective LA rep will be an essential development to improve consistency, fairness and transparency.
- Logical and cost effective extension.
- Provide both enhanced focus on raising standards and greater support for governing bodies.
- LA well placed both to support and monitor the progress.
- Should strengthen relationships and improve strategic planning.

Shared concerns included:

- Four consultees felt the headteacher appraisal panel should retain independent advisors.
- Six consultees raised concerns over capacity within local authorities.

- Two consultees had concerns over the having a majority of local authority members on the appeal panel.

Practitioners, schools and ITT providers

Three consultees within this grouping would prefer the retention of an independent advisor on the panel. Two felt it would undermine the principle of local management and the independence of the governing body. One consultee mentioned a lack of capacity within the local authority.

Teacher unions

Three consultees within this grouping mentioned a lack of capacity within the local authority. One consultee would prefer the retention of an independent advisor whilst another had concerns over the local authority having a majority in the appeal panel.

Specific comments included:

- Major departure from school governance and could have implications for recommendations on headteacher pay.
- Might possibly work if EAs were "LA reps".
- From headteacher perspective would change from personal development to become akin to Inspection.
- PM is to assist employee not about LA duties.

Local government, national bodies and charities

Two consultees raised concerns over the lack of resources and expertise within local authorities.

Specific comments included:

- The local authority representative needs to be fully aware of the context of Welsh medium and bilingual schools.
- Should recognise the role of diocesan authorities.
- Should be provision for Ministers to appoint panel members from other LAs etc where LA deemed to be failing.
- Should be carried out by Consortia.

Welsh Government response

Well reasoned opinions across various make up of panels. On balance it was decided that membership of appraisal panel should remain as in draft Regulations but that the membership of the Appeal Panel should be revised so that there are 2 governors and 2 LA rep. For religious schools 1 Governor, 2 LA rep and 1 from Diocesan Authority.

Question 2: Do you agree that linking performance management more closely with professional standards will result in objectives relevant to improving standards within schools?

50% Yes.
17% No.
33% DNA.

General overview

Three consultees warned that the standards should not be used as a tick list.

Practitioners, schools and ITT providers

Comments included:

- Need to focus on school rather than individual headteacher.
- Maybe, but link doesn't necessarily improve objectives.
- Standards not well crafted and should have been aligned with QTS.

Teacher unions

Comments included:

- Too many standards.
- Standards should form backdrop to PM; Process must not be punitive but supportive; max of 3 objectives.
- Should be clear that PM process is about development and not assessing competence.

Local government, national bodies and charities

Comments included:

- Positive step.
- Estyn should collect data on effectiveness of standards for use in future review.
- Standards need to be used holistically to avoid process becoming tick box exercise.
- Embedding standards is essential.
- Important – and should include local school improvement priorities.
- Need link to school's aims.
- Important to recognise the importance of standards and performance in wider context.

- Should not be used as a simple tick list but as a description of the complex work of practitioners from which objectives can be easily identified.
- But need training/guidance to clearly link generic terminology of standards to practical application in schools.

Welsh Government response

Following consideration of the issues raised, both pro and con, it was decided that the link to professional standards was essential to the new system so no change proposed.

Question 3: We envisage that the performance management documentation would be used as the basis for judgements where the school teacher is eligible for pay progression under the School Teacher's Pay and Conditions Document. Do you agree that allowing evidence from the revised performance progression to higher pay scales (as in England) rather than the continued use of a separate application form as currently exists in Wales, will make threshold pay decisions more robust and reduce the associated bureaucracy?

General overview

58% Yes.
13% No.
29% DNA.

Three consultees who answered positively added that making threshold pay decisions more robust and the reduction of bureaucracy was dependant on the performance management system working efficiently. Two consultees mentioned that progression should not be automatic.

Practitioners, schools and ITT providers

One consultee within this group commented that they were strongly opposed due to difficulty in linking measurable results and other data with individual performance.

Teacher unions

One consultee within this group answered negatively commenting that it may align performance management with assessment rather than development.

Local government, national bodies and charities

Comments included:

- Some concern over potential impact on appraiser/appraisee attitudes.
- With appropriate guidance.
- Concern over openness of PM process if link to pay.

Welsh Government response

On balance the Group decided that the draft regulations should remain unchanged.

Question 4: Do you agree that the transitional arrangements from the existing performance management procedures, including the timing of the introduction of the new procedures, are adequate?

General overview

42% Yes.
29% No.
29% DNA.

Four consultees commented that the procedures are adequate with one adding that schools will have the flexibility to determine the first appraisal cycle.

Alternative arrangements suggested included:

- Two suggested commencing in September 2012.
- Either trialling in first year and/or possibly voluntary in first year then compulsory in second.
- Though if timetable proves too tight then possibly initially introduce for new teachers only.
- January 2012 and phasing it in for other teachers.

Practitioners, schools and ITT providers

No specific comments.

Teacher unions

One consultee felt that there was not enough time for training in new procedures.

Local government, national bodies and charities

Once consultee felt there is a requirement of guidance to be issued prior to introduction of new system.

Welsh Government response

Concern over timing can be addressed through communication (i.e. new system not required to be implemented until 31-12-12 not immediately after regulations c.i.f.).

Question 5: We want to encourage all practitioners to reflect regularly on ways to further develop their teaching and leadership. Do you agree that maintaining a practice review portfolio which records and evaluates professional development activities will support this process?

General overview

63% Yes.
21% No.
17% DNA.

Three consultees welcomed the idea of a portfolio commenting that it would 'help with self-evaluation' and that it would be 'important for career development'.

Eight consultees welcomed the idea but raised the following concerns:

- Should enhance professional development but concern that it not become overly bureaucratic.
- Welcome opportunity for self reflection but concerns about increase in workload.
- Must not become bureaucratic.
- Provided that the portfolio is evaluative and not cumulative or descriptive. NPQH pilot should be used for all teachers.
- Should be: a standard format; not increase bureaucracy or workload; web based; an extension to GTCW registration; clear and comprehensive guidance.
- Providing that teachers and their appraisers are provided with clear guidance, development resources and training.
- Must be "owned" by teacher.

Four consultees commented negatively adding that it would be overly burdensome, unduly prescriptive and restricting and needless, additional bureaucracy.

Practitioners, schools and ITT providers

One member of this group stated that they already had a system.

Teacher unions

All members of this group raised concerns over workload implications.

Local government, national bodies and charities

There were no negative comments from this group but most included caveats or concerns over workload or the availability of sufficient training.

Welsh Government response

Wide ranging comments but on balance decided that regulations should be unchanged.

Question 6: We plan to work with stakeholders to draft guidance to support implementation of these changes. Are there any topics which need to be specifically covered in guidance?

General overview

There were no clear trends across the consultation as a whole.

Practitioners, schools and ITT providers

Suggestions included:

- Use of data in small schools.
- Setting objectives – examples of good practice and poor practice with commentary.
- Role of Governing Body; Governors should have input to the guidance.
- Advice on the transparent planning of the appraisal.
- Process and wording of objectives.
- Key aspects of evaluation and impact analysis.
- Observation should include: minimum of 3 per cycle; Max of 3 observers; distinction between formal, judgemental and evaluative and other such as mentoring.

Teacher unions

Comments included:

- Make clear that standards are not a checklist; portfolio must have clear template to avoid becoming overly bureaucratic.
- Training.
- Separate competency and capability guidance needed.
- Clear appeals procedure.
- Should contain a 'toolkit' for assessing performance and progression.
- A standard portfolio; examples of targets; moderation of objectives by head teacher.
- Request an alternative appraiser.
- Maximum number of reviews for manager.
- Limit on the number of objectives; objectives not out with duties under STPCD; link of objectives to lack of required CPD.
- Must include a model PM policy that will be consistent with the provisions of the STPCD.

Local government, national bodies and charities

- Effective gathering of evidence to measure progress; effective evaluation; data analysis; target setting; objective setting/writing success criteria; judging standards of literacy and numeracy; and lesson observation and evaluation.
- Distinctive nature of schools with a religious character.
- Role of Associate Governors.
- Guidance must reflect all PRD model; PM part of wider PRD process not a separate one off event.
- Use of PLCs.
- Skills needed to conduct an effective professional dialogue meeting by teacher and appraiser.
- Training for Governing Bodies.
- Use of data; Target setting; the professional standards.
- The role of local authority representative with governors.
- The number of objectives; model policies.
- Need a clear definition of "stakeholders".

Welsh Government response

List of suggestions to be fed into Guidance discussion/Implementation Groups.

Question 7: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

General overview

There were no clear trends across the consultation as a whole.

Practitioners, schools and ITT providers

Workload implications and variability of data in small schools.

Links to pay; Training for Governors.

PM information should also be used to inform decisions about competency procedures.

Teacher unions

- Need a culture where teachers should expect to contribute to, and benefit from, CPD.
- Endorsed Reg 18 and stressed PM should be about personal development and not assessment of competency.
- Links to SPCD.
- Need to include provision relating to work/life balance.
- Portfolios should be optional.
- Could be read as changing fundamentally the nature and purpose of the appraisal process. PM is primarily about improving performance.
- Headteacher PM statement to Estyn unacceptable.
- LA capacity.
- Timing of all Wales Core Data Sets.
- Welcomed provision excluding information from others not involved in appraisal.
- Link between PM and school self-evaluation is neither sufficiently explicit nor strong.

Local government, national bodies and charities

- Welcome provision of HT report to Estyn on request.
- Requirement for WG to provide guidance to schools to evaluate effectiveness of PM process.
- Difficult to gauge impact on music teachers and educators.
- Clarification of introduction timescale.
- Portfolio should be for development as well as PM.
- Welcomed inclusion of participation of diocesan authority.
- Requirement for teachers on short term contracts to maintain a portfolio.
- Clarity needed around induction arrangements.
- Protocol guidance on performance management arrangements where an Executive Head is responsible for a federation.
- LA rep must be bi-lingual.
- Communication via web site not enough – should include other methods including hard copy.

Welsh Government response

Following the consultation the Minister for Education and Skills decided that the draft regulations should be changed so that headteachers objectives are to be made available to Estyn rather than a copy of the full appraisal. All other comments were considered, including where opposing points were made by different consultees, but no further changes to the regulations were made.

Outline of changes

There were well reasoned arguments for and against most of the proposed changes and these are highlighted in the report. All comments were considered and, on balance, the following main changes to the draft consulted upon have been incorporated:

- The compilation of the Appeal Panel for head teachers has been amended so that it will now comprise 2 Governors and 2 local authority representatives.
- Several regulations have been amended to ensure that there is clarity that appraisal reviews do not form a part of disciplinary or dismissal procedures.
- Headteachers objectives are to be made available to Estyn rather than a copy of the full appraisal.

Many of the other suggestions received revolved around detailed interpretation of the appraisal procedures and these will be incorporated and/or clarified in guidance to practitioners on implementation of the new procedures.

Finally, some comments received were rejected as they were outside the remit of appraisal procedures and were more related to disciplinary or dismissal procedures.

Annex: Full list of respondents

Respondents to the consultation:

StackpoleVC School
Newtown High School
Catholic Education Service for England and Wales
NUT Cymru
Flintshire LA
Prestatyn High School
ASCL Cymru
GTCW
ATL – The Association of Teachers and Lecturers
Governors Wales
NASUWT
UWIC
Estyn
Argored Cymru
Gowerton School Governing Body
Swansea Association of Governing Bodies, Management Committee
Incorporated Society of Musicians
Carmarthenshire Local Authority
Community Governor, Gowerton Primary School
South East Wales Consortium
Diocese of Wrexham Education Service
Confidential
CYDAG
NAHT Cymru