



How to address issues of equality, fairness and diversity in the implementation of performance management

Before using these sheets, please make sure that you are familiar with the revised performance management arrangements for teachers and head teachers as set out in the Regulations, the Guidance and the model performance management policy prepared by the Rewards and Incentives Group (RIG). You can refer to these on the TDA website at www.tda.gov.uk/pm

References: *Regulation 7.9 and the Guidance sections 1.5, 4.2, 4.3, 4.4, 4.6, 4.15, 5.22, 5.27, 5.34 and 6.13 refer to equal opportunities and fairness in the performance management process.*

Key points

Schools have a duty not to discriminate on grounds of age, sex, sexual orientation, religion or belief, race, disability, part-time contracts and trade union membership. The provisions of the legislation tackling sex, disability and racial discrimination mean that schools must also demonstrate how they promote equality of opportunity. Every school will already have an equal opportunities policy which should reflect this duty. Schools will also want to make sure that performance management operates in a consistent manner, while recognising and taking account of the needs and circumstances of each individual.

Schools need to implement the revised performance management arrangements in a way that:

- takes full account of equal opportunities considerations in the context of the school and fully addresses the equalities duties
- ensures that the impact and outcomes are appropriately monitored and reported
- contributes to the school's overall review of its equal opportunities responsibilities
- recognises and takes account of the needs of each individual.

Considerations

Schools will need to make sure, for example, that:
Taking account of equal opportunities considerations

- the scope of the school's equal opportunities policy is agreed in relation to staff employment, including how the equalities strands relating to age, sex, sexual orientation, race, religion or belief, disability and trade union membership will be addressed
- staff are consulted on the arrangements for ensuring equal opportunities, fairness and consistency in performance management, and any changes that might be needed to the equal opportunities policy, and agreement is sought with the trade unions
- the provisions of the school's equal opportunities policy are reviewed to make sure that it covers all areas of unlawful discrimination as set out in the legislation
- the data which the school currently collects or has access to relating to equal opportunities for its staff is reviewed to support the operation of the school's performance management policy, to avoid duplicating data collection arrangements and to ensure fitness for purpose
- the equal opportunities policy and performance management policy are communicated to all staff
- all staff and governors are aware of the benefits and implications of equal opportunities for their roles as reviewers and reviewees

Monitoring, reporting and review

- the critical stages in the performance management process are monitored, including:
 - moderation of planning statements, including objectives and performance criteria
 - performance reviews
 - pay recommendations
 - appeals
- the school's information management system is reviewed to consider how it can help to generate equal opportunities monitoring reports
- practical arrangements for collecting, analysing and storing data are reviewed to make sure that equal opportunities data is used sensitively and that confidentiality is assured
- all staff are advised about the purpose of data collection, how data will be used and how confidentiality with regard to personal information will be safeguarded
- a format is identified for regular reporting on the equal opportunities impact of the school's performance management policy, without identifying individuals or compromising the principle of confidentiality
- responsibility is assigned for analysing the data and arrangements put in place to support this process
- the annual review of the school's performance management arrangements will contribute to the school's review of its duties on equal opportunities

Taking account of the needs of each individual

- a consistent approach is applied to the appointment of reviewers
- responsibility for the conduct of reviews is distributed equitably across reviewers
- reviewees are fully aware of how the performance management process will affect them and of their entitlements during the process
- the timing within directed time of planning and review meetings is discussed with the reviewee as far in advance as possible
- the specific needs and circumstances of individuals are taken into account when agreeing objectives, performance criteria, and arrangements for classroom observation, including the need for reasonable adjustments on grounds of disability, part-time contracts, maternity and long-term absence
- reviewees are encouraged to notify reviewers as soon as possible of any factors that might impact on their performance and which should be taken into account during the planning and review process (e.g. maternity).

Further information on performance management is at www.tda.gov.uk/pm