



# **Performance Management Policy**

[ACADEMY NAME AND LOGO]

Effective date: 01.11.20

Version 1

## Version control and dissemination

This is version 1 of this Policy. This policy will be reviewed and ratified annually by Trustees.

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# 1 Introduction

- Revised Performance Management arrangements for teachers came into force from 1 September 2012. They are set out in the Education (School Teachers' Performance Management) (England) Regulations 2012 (the Performance Management Regulations).
- The Performance Management Regulations do not apply to teachers and Principals in Schools. However, it is good practice for all academies to have a system for managing the performance of staff and it is recommended that academies also adopt this model policy and a policy, covering all staff, which deals with lack of professional capability.
- The Performance Management Regulations set out the principles that apply to teachers and principals/Principals and provide a minimum framework within which academies should operate.
- Academies must stay within the legal framework set out in relevant legislation that affects all employers such as equality legislation, employment protection and Data Protection.
- This Performance Management Policy has been developed from the model published by the Department for Education. It includes additional details where it is considered that these are helpful to the operation of an effective procedure. The Academy model policy has been drawn up following consultation with all the recognised trade unions and associations: ASCL, NAHT, NASUWT, National Education Union and Unison.
- This policy applies to teachers, including the Principal.
- This Performance Management Policy fulfils the requirements for pay progression decisions as per the academy's Pay Policy for Teachers.

# 2 General principles

## 2.1 Definitions

Unless indicated otherwise, all references to 'teacher' include the Principal

- **Consistency of treatment and fairness**

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

- **Delegation**

Normal rules apply in respect of the delegation of functions by relevant bodies and principals/Principals.

- **Monitoring and evaluation**

The Transform Learning Trust Board will monitor the operation and effectiveness of the academy's Performance Management arrangements.

**Advice and guidance on any aspect of this policy is available from the academy's HR Co-ordinator.**

## 3 Performance Management policy for teachers and principals

### 3.1 Purpose

- This policy sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the Principal, and for supporting their development within the context of the academy's plan for improving educational provision and performance, and the standards expected of teachers.
- Pay progression for all teachers must be linked to performance. Where teachers are eligible for pay progression, the assessment of performance through the Performance Management procedure will be the basis on which a recommendation is made and this

will be in accordance with the current Academy Teachers' Pay and Conditions Document ("the Document").

- The Performance Management procedure will be used also to address any concerns that are raised about a teacher's performance. If the concerns cannot be resolved through the Performance Management process performance will be managed under the Professional Capability Procedure.

### **3.2 Application of the Performance Management procedure**

- This procedure applies to the Principal and to all teachers employed by the academy, except those on contracts of less than one term<sup>1</sup>, those undergoing induction (i.e. Newly Qualified Teachers) and those who are subject to formal capability procedures.
- Performance Management in this academy will be a supportive and developmental process designed to ensure that all teachers have the skills and support they need to carry out their role effectively. It will help to ensure that teachers are able to continue to improve their professional practice and to develop as teachers.

### **3.3 The Performance Management period**

- The Performance Management period will run for twelve months from 1 September to 31 August<sup>2</sup>.
- Teachers 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 Performance Management period will be determined by the duration of their contract.

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<sup>1</sup> One term refers to the three main terms of the school year as set out in Conditions of Service for School Teachers in England and Wales (the Burgundy Book).

<sup>2</sup> The Trust Board may decide a different cycle, it would also be possible to decide different cycles for teachers and the Principal. However, academies are required to carry out an annual review of pay for teachers. The Pay Policy includes deadlines for the annual pay review of 31 October for teachers and 31 December for the Principal.

- Teachers who start their employment part-way through the Performance Management cycle will have their performance managed over a longer or shorter Performance Management period as the Principal determines most appropriate, with the aim of bringing them into line with the cycle for all other teachers as soon as possible.
- If a teacher transfers to a new post within the academy part-way through the Performance Management cycle, or if a centrally employed teacher changes post within the Trust, the Principal will consider whether it is appropriate to continue with the current cycle and/or to revise the objectives in line with the new post.

### **3.4 Appointing appraisers**

#### **For the Principal**

- a) The Principal will be appraised by CEO an Chair supported by a suitably skilled external adviser who has been appointed by the Trust Board for the purpose.
- b) Where a Principal is of the opinion that a member of the Performance Management sub-committee is unsuitable to act as his/her appraiser, he/she may submit a written request to the Chair of the Trust Board for that person to be replaced, stating the reasons for the request.

#### **For teachers**

- a) The Principal will decide who will appraise other teachers. Where the Principal decides to delegate Performance Management to line managers, this will include all aspects of the process.
- b) In this academy the Principal has decided that:
  - I. The Principal will normally be the appraiser for those teachers she/he directly line manages and the relevant line manager will be the appraiser for those teachers who they line manage.
- c) Where a teacher has more than one line manager the Principal will decide which line manager is best placed to be the appraiser.

- d) Where a teacher is of the opinion that the person appointed is unsuitable to act as the appraiser, he/she may submit a written request to the Principal for the appraiser to be replaced, stating the reasons for the request.
- e) All appraisers will receive appropriate training and guidance in these procedures.

### **3.5 Setting objectives**

#### **For the Principal**

- a) Before, or as soon as practicable after the start of each Performance Management period, the Performance Management sub-committee (CEO / Chair / External Advisor) must inform the Principal of the standards against which their performance will be assessed and set objectives for that period.
- b) The Principal's objectives will be set by the Performance Management sub-committee of the Trust Board after consultation with the external adviser.
- c) The Performance Management sub-committee and the Principal will seek to agree the objectives but, if that is not possible, the appraisers will determine the objectives. Objectives may be revised if circumstances change.

#### **For teachers**

- a) Before, or as soon as practicable after the start of each Performance Management period, the Principal (or appropriate line manager acting as appraiser) must inform each teacher of the standards against which their performance will be assessed and ensure that objectives are set for that Performance Management period.
- b) All teachers must be assessed against the Teachers Standards except for those who hold Qualified Teacher Learning and Skills status (QTLS)<sup>3</sup>. The *Teachers' Standards* can be found in Annex A. The Principal will need to consider whether certain teachers

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<sup>3</sup> For teachers who are qualified teachers by virtue of holding QTLS status, it is for the Principal to decide which standards are most appropriate. Such teachers may be assessed against the Teachers' Standards, against any other sets of standards issued by the Secretary of State, against any other professional standards relevant to their performance or any combination of those three.

should also be assessed against other sets of standards published by the Secretary of State that are relevant to them.

- c) Objectives for each teacher will be set before, or as soon as practicable after, the start of each Performance Management period. The objectives set for each teacher, will be specific, achievable and time-bound and will be appropriate to the teacher's role and level of experience. In setting objectives, the appraiser will have regard to what can reasonably be expected in the context of roles, responsibilities and experience, consistent with the academy's strategy for achieving a work/life balance for all staff.
- d) The objectives set for each teacher will, if achieved, contribute to the academy's plans for improving the academy's educational provision and performance and improving the education of students at that academy. The objectives should also support teachers' professional development.
- e) In this academy, all teachers, including the Principal, will normally have no more than three objectives.
- f) The appraiser and teacher will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.
- g) Objectives will be moderated across the academy by the Principal to ensure that they are consistent between teachers with similar experience and levels of responsibility.

### **3.6 Pay progression**

Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on the assessment of their performance against the relevant teacher standards and their agreed objectives. The decision made by the Trust's Pay Committee will be based on the criteria and guidance set out in the Pay Policy<sup>4</sup>. (NB – pay recommendations for

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<sup>4</sup> Please refer to the Pay Policy for Teaching Staff.

teachers must be made by 31 October and for the Principal by 31 December). In Transform Learning Trust the Finance, Audit, Resources and Risk Committee act as the Pay Committee.

### **3.7     Reviewing performance**

#### **Observation**

- a) This academy believes that observation of classroom practice and other responsibilities is important in assessing teachers' performance in order to identify particular strengths; areas for development and to gain useful information which can inform academy improvement more generally.
- b) In this academy, 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 academy. All observation will be carried out in a supportive way and in line with the academy's Classroom Observation Protocol<sup>5</sup>.
- c) Classroom observation for the purpose of Performance Management will only be carried out by those with Qualified Teacher Status (QTS).
- d) In addition to formal observation for the purposes of Performance Management, the Principal or other leaders with responsibility for teaching standards may "drop in" 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 and will be carried out in line with the academy's Classroom Observation Protocol.
- e) Teachers (including the Principal) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

#### **Feedback**

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<sup>5</sup> The academy's Classroom Observation Protocol is provided in Annex B.

- a) Teachers will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

### **Development and support**

- a) Performance Management is a supportive process which will be used to inform continuing professional development. The academy wishes to encourage a culture in which all teachers take responsibility for improving their teaching through appropriate professional development. Professional development will be linked to academy improvement priorities and to the on-going professional development needs and priorities of individual teachers.
- b) The academy's continuing development (CPD) programme will be informed by the professional development needs identified as part of the Performance Management process. The Trust Board will ensure that, as far as possible, resources are made available in the academy budget for appropriate training and support agreed through the Performance Management process.

### **Assessment**

- a) Each teacher's performance will be formally assessed in respect of each Performance Management period. In assessing the performance of the Principal, the Trust Board must consult the external adviser.
- b) This assessment is the end point to the annual Performance Management process, but performance and development priorities may also be reviewed and addressed on a regular basis throughout the year in interim meetings. There will be a formal mid-year review for all staff members (see Annex C).
- c) The teacher will have access to an ongoing log of their Performance Management objectives and review meeting notes, as well as a chance to review or comment on them in their formal review meetings in October of each year (see Appendix C for Performance Management timetable). The Performance Management log will include:

- I. details of the teacher's objectives for the Performance Management period;
  - II. an assessment of the teacher's performance of their role and responsibilities against the relevant standards. Where the standards are being met detailed written evidence will not normally be required. However, if there are concerns that standards are not being met these should be evidenced;
  - III. an assessment of the teacher's performance of their role and responsibilities against their objectives;
  - IV. an assessment of the teacher's professional development needs and identification of any action that should be taken to address them;
  - V. a recommendation on pay progression;
  - VI. a space for the teacher's comments.
- d) The formal review meeting will take place annually to discuss the content of the written Performance Management report and any action required, and to inform objective setting for the next cycle. The assessment of performance and of professional development needs will inform the planning process for the following Performance Management period.

### **3.8 Appeals**

- Teachers have a right of appeal against any of the entries in their written Performance Management log. If a teacher feels that an entry is wrong or unjust, they may appeal in writing within five working days of their Performance Management review, setting out at the same time the grounds for appeal. Where a teacher wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.
- If the reason for appeal is associated with a decision on pay progression the appeal process in the Trust's Pay Policy should be followed.
- In all other cases the appeal will be considered by a senior manager or an individual member of the Trust Board who has not been previously involved with the case. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and

place. The teacher will be given at least five working days' notice of the date of the hearing and has the right to be accompanied by a trade union representative or a work colleague. Notes will be taken and a copy sent to the employee.

- Appeals should normally be restricted to considering the reasonableness of the decision made, any relevant new evidence or any procedural irregularities.
- The employee will be informed in writing of the results of the appeal hearing within three working days of the date of the hearing.

### **3.9 Confidentiality**

The Performance Management process and the written Performance Management log will be confidential. However, confidentiality does not override the need for the Principal to quality-assure the operation and effectiveness of the Performance Management system.

### **3.10 Record retention**

The Principal will ensure that all written Performance Management records are retained in a secure place for six years and then destroyed.

### **3.11 Concerns about a teacher's performance – structured support**

- a) Where there are concerns about any aspects of a teacher's performance at any time during the year, the appraiser will, as part of the Performance Management process, meet the teacher to arrange the provision of structured support: The appraiser will:
  - I. give clear feedback about the nature and seriousness of the concerns;
  - II. give them the opportunity to comment on and discuss the concerns;
  - III. agree any support e.g. coaching, mentoring, structured observations, that will be provided to help address those specific concerns;
  - IV. make clear how progress will be monitored and when it will be reviewed;

- V. explain the implications and process if no – or insufficient – improvement is made.
- b) The teacher should be advised, in advance, of the nature and purpose of the meeting and may request the opportunity to bring a trade union representative or work colleague to the meeting, if they wish<sup>6</sup>.
  - c) Notes will be taken of the meeting and a copy given to the member of staff within three working days of the meeting.
  - d) The teacher's progress will continue to be monitored as part of the Performance Management process. It may be appropriate to revise objectives. It will be necessary to allow sufficient time for improvement; this will depend on the circumstances but will normally be for a period of not less than four to six working weeks<sup>7</sup>.
  - e) When progress is reviewed, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the Performance Management process will continue as normal, with any remaining issues continuing to be addressed through that process.
  - f) If the appraiser is not satisfied with progress, the teacher will be notified in writing that the Performance Management system will no longer apply and that their performance will be managed under the Professional Capability Procedure. He/she will be invited to a "formal capability meeting".
  - g) Full details of the procedure to be followed are contained in a separate Professional Capability Procedure.

Further advice and support is available from the Trust's HR Co-ordinator.

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<sup>6</sup> As this is an informal meeting there is no automatic right for the teacher to be accompanied.

<sup>7</sup> It is for the person conducting the meeting to determine the set period which should be between four and ten working weeks. It should be reasonable and proportionate and should provide sufficient opportunity for an improvement to take place.

### **3.12 Other relevant policies and procedures**

- Capability Procedure
- Pay Policy for Teaching Staff

## Frequently Asked Questions

### **What happens if the appraiser is likely to be absent for the majority of the Performance Management cycle?**

If it becomes apparent that the appraiser will be absent for the majority of the Performance Management cycle the Principal will appoint another appraiser or he/she can decide to carry out the Performance Management him/herself.

### **What happens if the teacher is absent for the majority of the Performance Management cycle?**

If the teacher is likely to be absent for the majority of the Performance Management cycle the effect of the period of absence will need to be taken into account.

If the absence is anticipated in advance, e.g. maternity leave, the objectives should be revised. If the absence is due to ill health, the agreed objectives may be revised when the teacher returns to work or the length and impact of the absence on the teacher's ability to achieve his/her objectives will be taken into account in the assessment at the end of the cycle.

In either case, the principle is that the extent to which the teacher can achieve his/her objectives must be proportionate to the time spent at work during the Performance Management cycle.

# Annex A – Teachers’ Standards

## Preamble

Teachers make the education of their students their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their students.

## Part one: teaching

### A teacher must:

1. Set high expectations which inspire, motivate and challenge students
  - establish a safe and stimulating environment for students, rooted in mutual respect
  - set goals that stretch and challenge students of all backgrounds, abilities and dispositions
  - demonstrate consistently the positive attitudes, values and behaviour which are expected of students.
2. Promote good progress and outcomes by students
  - be accountable for students’ attainment, progress and outcomes
  - be aware of students’ capabilities and their prior knowledge, and plan teaching to build on these
  - guide students to reflect on the progress they have made and their emerging needs

- demonstrate knowledge and understanding of how students learn and how this impacts on teaching
  - encourage students to take a responsible and conscientious attitude to their own work and study.
3. Demonstrate good subject and curriculum knowledge
- have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain students' interest in the subject, and address misunderstandings
  - demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship
  - demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject
  - if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
  - if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.
4. Plan and teach well-structured lessons
- impart knowledge and develop understanding through effective use of lesson time
  - promote a love of learning and children's intellectual curiosity
  - set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding students have acquired
  - reflect systematically on the effectiveness of lessons and approaches to teaching
  - contribute to the design and provision of an engaging curriculum within the relevant subject area(s).
5. Adapt teaching to respond to the strengths and needs of all students

- know when and how to differentiate appropriately, using approaches which enable students to be taught effectively
  - have a secure understanding of how a range of factors can inhibit students' ability to learn, and how best to overcome these
  - demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support students' education at different stages of development
  - have a clear understanding of the needs of all students, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.
6. Make accurate and productive use of assessment
- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
  - make use of formative and summative assessment to secure students' progress
  - use relevant data to monitor progress, set targets, and plan subsequent lessons
  - give students regular feedback, both orally and through accurate marking, and encourage students to respond to the feedback.
7. Manage behaviour effectively to ensure a good and safe learning environment
- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the academy, in accordance with the academy's behaviour policy
  - have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
  - manage classes effectively, using approaches which are appropriate to students' needs in order to involve and motivate them

- maintain good relationships with students, exercise appropriate authority, and act decisively when necessary.

#### 8. Fulfil wider professional responsibilities

- make a positive contribution to the wider life and ethos of the academy
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
- deploy support staff effectively
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues
- communicate effectively with parents with regard to students' achievements and well-being.

### **3.13 Part two: personal and professional conduct**

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside academy, by:

- treating students with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard students' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- ensuring that personal beliefs are not expressed in ways which exploit students' vulnerability or might lead them to break the law.

Teachers must have proper and professional regard for the ethos, policies and practices of the academy in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

## **Annex B – Classroom Observation Protocol**

### **Introduction**

- The Principal is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:
  - a) carry out the role with professionalism, integrity and courtesy;
  - b) seek to reach agreement in advance on how classroom observations are to be carried out;
  - c) evaluate objectively;
  - d) report accurately and fairly; and
  - e) respect the confidentiality of the information gained.
- Principals have a duty under the School Teachers' Pay and Conditions Document (STPCD) *to lead, manage and develop the school workforce, including appraising and managing performance*. Classroom observation is essential for Performance Management and for evaluating standards of teaching and learning.
- Classroom observation may take different forms, including formal classroom observation, drop-ins and learning walks.

### **Planning for observation**

- In this academy, teachers' performance will be regularly observed but the amount and type of classroom observation will depend upon the individual circumstances of the teacher and the overall needs of the academy. The amount of observation for each teacher should reflect and be proportionate to the needs of the individual, taking into account factors such as their Performance Management objectives and whether the teacher works part or full time.
- The Principal will consult teachers on the number, pattern and types of observation that they can expect during the year and ensure that they receive reasonable notice of observations. As far as possible, formal classroom observations will take place at a time agreed between the teacher and the observer.
- Information gathered during classroom observations will be used, as appropriate, for a variety of purposes including to inform academy self- evaluation and academy improvement strategies in accordance with the academy's commitment to streamlining data collection and minimising bureaucracy and workload burdens on all staff.
- The arrangements for classroom observation for Performance Management will be included in the discussion of objectives and will include the amount of observation and its focus, the duration of the observation, when during the Performance Management cycle the observation will take place and who will conduct the observation.
- Where there are concerns about a teacher's performance additional classroom observations may be arranged. These will be discussed and agreed in a 'concerns' meeting between the appraiser and the teacher, as described in the Performance Management Policy (paragraphs 47-53).

### **Conducting observations**

- Classroom observations for Performance Management will only be undertaken by persons with qualified teacher status (QTS). In addition, classroom observation will only be undertaken by those who have had adequate preparation and possess 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.

### **Feedback and records**

- Oral feedback will be given as soon as possible after an observation and no later than the end of the following working day.
- Written feedback will be provided within five working days of the observation taking place. If issues emerge from an observation that were not part of the planned focus of the observation these should also be covered in the written feedback and appropriate action discussed with the teacher.
- The written record of feedback will include 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. No written notes in addition to the written feedback will be kept.
- Ofsted-style grades are not a part of the Performance Management process and should not feed into the assessment of a teacher's performance. However, a academy may choose to use Ofsted grades to inform their evaluation of the standards of teaching and learning in the academy.

### **Drop-in observations and Learning Walks**

- In addition to formal classroom observations, the Principal or other leaders with responsibility for teaching standards may "drop in" on lessons to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained.
- Formal evidence from drop-ins and learning walks should not be used in the assessment of an individual teacher's performance unless this has been agreed as evidence in the Performance Management process. However, it may still form the basis of a professional development conversation.
- The duration, frequency and scope of drop-ins and learning walks should be considered carefully. They should have a clear rationale and focus which should be communicated to teachers.

### **Peer observation**

- Teachers should have the opportunity to engage in classroom observation with other professional colleagues through peer observation in order to review and develop their practice. Professional development through peer observation is voluntary.

#### **Newly Qualified Teachers (NQTs)**

- Observations are an important part of the statutory induction process and support for newly qualified teachers (NQTs). The general principles set out above apply equally to NQTs, in particular reasonable notice of observations and the provision of feedback.

#### **Professional capability procedures**

- Classroom observation may be used as part of a programme of structured support for teachers who are subject to formal capability procedures and to provide evidence of a teacher's progress. The amount and focus of observation will be discussed with the teacher.

## **Annex C – Performance Management Timetable**

	<b>Performance review</b>	<b>Mid-year Monitoring</b>
<b>CEO</b>	<b>Mid September</b>	<b>Beginning of March</b>
<b>Principal</b>	<b>Late September</b>	<b>Beginning of March</b>
<b>Line Managers</b>	<b>October</b>	<b>End of March</b>
<b>Teachers</b>	<b>October / November</b>	<b>End of March</b>

