



Performance Improvement Policy

Introduction

The objective of this policy is to help and encourage all employees to achieve and maintain standards of job performance and to ensure that the School has fair and effective arrangements in place for dealing with work performance and capability matters. The school is committed to ensuring that all staff have the appropriate skills, knowledge, competence and aptitude to undertake their role effectively.

Scope

This policy will provide information on the procedures which will be followed in the event that an employee requires support to improve their performance standards.

For the purposes of this policy and procedure capability is assessed with reference to skill, aptitude, behaviours, competence, knowledge and ability to do the job.

In contrast, where an employee's unsatisfactory job performance is clearly due to the employee's own lack of effort, carelessness or negligence, the issue will be dealt with under the School's disciplinary procedure.

In exceptional cases where one performance error has serious consequences the principles of this policy may not apply. Instead the matter may be dealt with as potential misconduct or gross misconduct under the School's disciplinary policy.

This policy follows guidance provided from the ACAS Code of Practice and applies equally to all staff who are full-time and part-time and those on permanent and fixed-term contracts. Please note that this policy is non-contractual.

Informal Process

Employees are encouraged to approach a Senior Management member in the first instance if they feel that they are not coping adequately with any aspect of their job. No employee will be penalised or victimised for disclosing this sort of concern and every reasonable measure will be taken to provide support. Where reasons for poor performance are due to personal or work-related problems, employees must discuss with their Head of Department. Such situations will be dealt with sensitively.

When the School needs to raise any performance concerns and issues with the employee then the employee will be spoken to informally by the Head Teacher. At the meeting the Head Teacher will state the nature of the performance issue and explain why it is a problem, giving specific examples of instances where the performance has been unsatisfactory. The employee will also be asked why standards have declined. Once the employee has discussed what they think is the root cause of the problem and the manager has stated what performance is expected in terms of job duties and targets, it should then be possible to put together agreed specific action points and a timescale for improvement, with training if necessary.



During this investigation meeting the employee will also be asked if there is any further training or support they may require to achieve the improvements required. Actions will then be agreed and monitored over time.

Where the employee continues to make errors or not improve in their performance the formal process may be instigated. Additionally the formal process may be used in the first instance where performance errors have caused or contributed to financial loss or other serious detriment to the School.

At all stages the School will give consideration to whether the unsatisfactory performance is related to a disability and, if so, whether there are any reasonable adjustments that could be made to the requirements of the employee's job or other aspects of the working arrangement.

Formal Process

This procedure applies only to teachers or Head Teachers about whose performance there are serious concerns that the appraisal process has been unable to address.

At least five working days' notice will be given of the Formal Capability Meeting. The notification will contain sufficient information re the concerns about performance and their possible consequences to enable the teacher to prepare to answer the case at a formal capability meeting. It will also contain copies of any written evidence; the details of the time and place of the meeting; and will advise the teacher of their right to be accompanied by a colleague, a trade union official, or a trade union representative who has been certified by their union as being competent.

Formal Capability Meeting

This meeting is intended to establish the facts. It will be conducted by the Deputy Head or Head Teacher. The meeting allows the teacher, accompanied by trade union representative or a colleague if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

Stage 1: First Meeting

The teacher will be asked to explain why shortfalls in each performance area are occurring and the following will also be addressed:

- Does the teacher require any further training?
- Is the teacher receiving the right level of supervision?
- Is the teacher aware of exactly what is required of them in their role?
- Does the teacher have adequate equipment and facilities?
- Are there any other underlying issues causing poor performance?

The person conducting the meeting will then explain in detail what standards of performance are expected in each area discussed and exactly what actions are required of the teacher. An



action plan will then be agreed for the following 4 weeks incorporating actions, standards and behaviours expected from the teacher as well as any training or support areas agreed.

The person conducting the meeting may also conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end. The person conducting the meeting may also adjourn the meeting for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

Stage 2: Monitoring and Review Period following a Formal Capability Meeting

The 4 week review process

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. The member of staff will be invited to a formal review meeting.

The teacher will then have the action plan confirmed in an outcome letter and be placed on a 4 week review process. During this 4 week review process the teacher will meet weekly with the Head Teacher/Deputy Head to review how they have progressed over that week, detailing examples of where improvements have or have not been made.

All weekly meetings will be minuted. If at the end of the 4 week review period significant improvements have been made, the teacher may be taken off of the Formal Performance Review process or the process may be extended to maintain consistency. If the process is extended then another 4 week review will take place, with weekly review meetings.

The teacher will be issued a letter to advise that failure in performance standards for the same areas in future may result in performance capability disciplinary action being taken without a further 4 week review process.

However, if at the end of the 4 week review process significant improvements have not been made an investigation meeting will be held by the head teacher / deputy head teacher. At this investigation meeting if there are no reasonable explanations provided as to why improvements have not been made, then a performance capability disciplinary may be required.

Stage 3: A Disciplinary hearing related to performance and capability

The teacher will be invited to a performance capability disciplinary hearing in writing, given reasonable notice and offered the right to be accompanied by a Trade Union Official or work colleague.

The meeting will be taken by a school Governor or Trustee not previously involved in the process and the teacher will be asked to explain why improvements have not been made to the required standard. Once the teacher has stated all of their reasons and explanations, the



meeting will be adjourned and the school Governor or Trustee will make a decision on what action to take next.

Any of the below outcomes may be decided at the disciplinary meeting:

- No formal warning is to be issued and the employee will be placed back onto a further 4 week review process.
- A First Written warning may be issued. This will remain on the employee's file for a 6 month period.
- A Final Written warning may be issued. This will remain on the employee's file for 12 months.

In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the professional shortcomings, for example which of the standards expected of teachers are not being met;
- give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from formal capability procedures;
- explain any support that will be available to help the teacher improve their performance;
- set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but in straightforward cases could be half a term;
- warn the teacher formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

Depending on the severity of the issues, for example serious financial loss, etc, the disciplinary meeting could lead to a more serious warning being issued in the first instance.

If a disciplinary warning is issued, the teacher will then be placed on a further 4 week review process, with weekly meetings and the situation will be reviewed at the end of the review period.

If there is continued failure to improve to the standards required then this could lead to dismissal. Alternatively, the School may work with the teacher to consider demotion or other alternative posts available prior to dismissal.

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the teacher will be informed in writing of the matters covered in the bullet points above in the form of an action plan during the following four weeks. This will incorporate actions, standards and behaviour expected from the member of staff as well as any training or support areas agreed.

Appeal

If a teacher feels that a decision to dismiss them, or other action taken against them, is wrong or unjust, they may appeal in writing against the decision within five days of the decision, setting out at the same time the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a colleague, a trade union official, or a trade



union representative will apply as with formal capability and review meetings and, as with other formal meetings, notes will be taken and a copy sent to the teacher.

At the appeal meeting the teacher will be given the opportunity to state their grounds of appeal, the Trustee will consider the explanations put forward and send the teacher an appeal outcome in writing. Once the appeal outcome has been sent, the teacher would have then exhausted their right of appeal.

The appeal will be dealt with impartially and, wherever possible, by Trustees who have not previously been involved in the case.

The teacher will be informed in writing of the results of the appeal hearing as soon as possible.

The School Disciplinary Policy complies with the ACAS code of Practice

Confidentiality

The appraisal and capability processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Head Teacher and Trustees to quality-assure the operation and effectiveness of the appraisal system.

Consistency of Treatment and Fairness

The Trustees are committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Definitions

Unless indicated otherwise, all references to “teacher” include the Head Teacher.

Grievances

Where a member of staff raises a grievance during the capability procedure the capability procedure may be temporarily suspended in order to deal with the grievance. Where the grievance and capability cases are related it may be appropriate to deal with both issues concurrently.

Monitoring and Evaluation

The Trustees and Head Teacher will monitor the operation and effectiveness of the school’s appraisal arrangements.

Data Protection

All records relating to this policy and associated procedures will be maintained in line with the School’s Data Protection Policy.

Reviewed August 2018 SFBC/AC

Reviewed June 2019 SFBC

Reviewed August 2020 SFBC