
Cameley Church of England
Primary School

Managing Performance Teachers Policy

This policy is written with reference to the Christian Foundation
of the school.

'Nurturing Faith: Inspiring Learning'

Our vision has been inspired by Matthew 17:20

*"Let the words of Christ, in all their richness, live in your hearts and make you wise."
Colossians 3:16*

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MANAGING PERFORMANCE

Contents

1. Introduction
2. General Points
3. Formal Procedure (First Assessment Stage and Second Assessment Stage)
4. Decision Meeting
5. Headteacher/Governors Hearing

1 INTRODUCTION

- a) The procedure applies to all teaching staff, including the headteacher, and will be followed when an employee consistently fails to achieve or maintain an acceptable level of professional performance.
- b) Good management, clear expectations and appropriate support will go a long way towards addressing weaknesses in performance. Any concerns a manager has about the performance of any employee should be raised with the individual as early as possible. Normally this will be part of the appraisal procedure. Early identification of the problems through that procedure will help to avoid the need for formal capability procedures.
- c) This formal procedure will only normally be instigated after a period of informal advice and support in accordance with a period of structured support (*see Appraisal Policy*). In many cases it will be possible to overcome difficulties through early intervention, which may include discussion with the member of staff and their professional association/trade union representative. In exceptional cases (e.g. where the nature of the problem creates a demonstrable safety risk to pupils and/or staff, or where the employee has refused to comply with previous advice or instruction) the formal interview may be initiated at the outset. HR advice should always be sought
- d) Governing bodies must by law have procedures for dealing with lack of capability in members of staff. They must have regard to guidance from the Secretary of State in determining staff capability. This procedure incorporates that guidance.
- e) In accordance with the provisions of Sections 35 and 36 of the Education Act 2002, governing bodies have overall responsibility for all dismissals. However, other than in exceptional circumstances the governing body should delegate to the headteacher authority to take staff dismissal decisions. The headteacher may involve other governors in dismissal

processes, for example in hearing representations at a dismissal hearing but the initial decision should be the headteachers. A governors' staffing panel would (of course) hear any subsequent appeal (*Refer to 8.1 Panels for Hearings and Appeals and it is suggested that advice is always sought from the HR Team*).

- f) If the headteacher is exercising his/her right to consider dismissal rather than a first governors panel then he/she should not be involved in the line manager role in the procedure.
- g) If this procedure is required in respect of performance issues relating to a headteacher then the line manager role would be taken by a relevant governor, this may or may not be the chair.
- h) The principal aim of the procedure is to enable the employee to meet satisfactory standards through guidance, training and support. It is in the employee's own interests to seek assistance at the earliest possible time over any problem which might affect professional capability. The importance of full and open discussion between the line manager/headteacher and member of staff at all stages, with a willingness to establish agreement on the perceived problems and their solution, cannot be over-emphasised.
- i) Where the performance issues are in respect of a member of staff who is a recognised trade union representative, this formal procedure will not be invoked until the circumstances of the case have been discussed with a full time official of the union concerned. Discussion with the full time official of the union should be conducted in consultation with the Schools HR Team.
- j) Where it becomes apparent that the employee's professional performance may be affected by a medical problem, appropriate advice should be sought from the Council's Occupational Health Service through the Schools' HR Team and the employee may be requested to undertake a medical examination. Ill health procedures (including the possibility of ill health retirement) will be applied where appropriate. Advice should be sought from Schools' HR Team on the correct procedure to be followed. Under the Equality Act if an employee is disabled, or becomes disabled whilst in employment, the employer is required to make 'reasonable adjustments' including, possibly, adjustments to the requirements of the job to enable the disabled person to maintain their employment (*see also Section 9.3 Preventing discrimination and Valuing Diversity*).
- k) It is not appropriate to enter into Appraisal when the formal Managing Performance procedure has been invoked.
- l) Where it is considered that there is a wilful refusal to carry out duties or to perform them to an acceptable standard, the matter may be treated as misconduct and the Disciplinary Procedure will then apply.

- m) Appendix 1 - Flowchart for Managing Performance should be read in conjunction with this procedure.

2 GENERAL POINTS

In dealing with an employee's performance under the procedure set out below the following points must be observed:-

- a) The employee will be provided with a copy of this document at the outset and advised to contact their professional association/trade union representative prior to any meeting to consider action under this procedure.
- b) The employee will be given at least 5 working days written notice of any formal meeting to initiate or review any stage of the procedure. The correspondence will include clarification of the nature and purpose of the meeting, who will attend and any relevant documentation.
- c) The employee is entitled to be represented by a workplace colleague or professional association/trade union representative at each stage of the procedure.
- d) For newly qualified teachers undertaking their induction year, (and support staff within their probationary period) separate procedures apply.
- e) Members of the governing body must not be involved in any discussion regarding the employee's alleged deficiencies or the action being taken in relation to this procedure, as this may prejudice their involvement in any subsequent hearing or appeal. However, it may be appropriate for the headteacher or other line manager to inform the chair of governors and/or the chair of the relevant subcommittee that a problem exists and to explain the procedure that is being followed.
- f) The LA, both Schools' HR Team and School Adviser (where appropriate), should be informed that there is a potential performance issue at the earliest opportunity so that appropriate advice and support can be provided.
- g) A reasonable period of time for improvement and monitoring must be allowed under each stage of the procedure and will be specified at the beginning of that period. The actual time will depend on the nature of the problems that exist and the remedial action proposed. Normally the total period of formal monitoring will not exceed four terms.
- h) References to terms throughout this procedure are taken to mean the normal school term lengths for schools that operate a six term academic year. If the Authority is operating a three term academic year then an appropriate pro-rata adjustment to references to terms should be made.
- i) The procedure does not prejudice the outcome of any particular review meeting but indicates how to proceed if further action is considered necessary.

- j) Where there is a satisfactory outcome of the review at any stage of the process, formal monitoring will be discontinued and no further reference will be made to the problem unless there is cause to invoke the procedure again within the timescale of any warnings that have been issued.
- k) Within this procedure, formal warnings may be issued by the line manager/headteacher, or in the case of the head it would be the chair of governors or other appropriate governor. If the professional association/trade union representative feels that a substantial injustice has occurred in relation to such a warning they may set out the basis of those concerns in writing. A governor or a panel of governors may hear an appeal. Advice will be sought from Schools HR and the LA adviser if appropriate, before determining the response. Appeals should normally be restricted to considering the reasonableness of the decision made, any relevant new evidence, or any procedural irregularities. The appeal decision should be confirmed in writing and the employee told that there is no further appeal against the decision. Where the reasonableness of the decision is being questioned the test that should apply for overturning a formal warning is that the decision was so unreasonable that it was one that no other line manager/headteacher, acting with proper regard to his/her responsibilities, could have chosen to take. Where monitoring would otherwise be continuing, it should not be halted while an appeal is pending.
- l) Any of the review meetings may be adjourned if it becomes clear that additional information is required and subsequently reconvened when this information is obtained but in any case should not be deferred for longer than two weeks.

3 FORMAL PROCEDURE

- a) Where an employee fails to make the necessary improvements after a period of structured support in accordance with the Appraisal Procedure, it will be necessary to convene a formal interview. This meeting will be held with the senior manager/headteacher, school adviser (where appropriate) and a member of the schools HR team. The purpose and arrangements for this meeting must be notified in writing at least five days in advance and the employee invited to bring a trade union/professional association representative or workplace colleague. The correspondence will include relevant documentary evidence, a copy of the procedure and indication of the outcomes of the meeting (see 3.d of this procedure).
- b) As discussed in 1c above, in exceptional cases (e.g. where the nature of the problem creates a demonstrable safety risk to pupils and/or staff, or where the employee has refused to comply with previous advice or instruction) the formal interview may be initiated at the outset.
- c) At the meeting the line manager/headteacher will;

- Review the employee's performance during the period of structured support, or induction and support, and their progress in meeting objectives set, stating clearly all the issues and concerns; This should include evidence to explain why it has been necessary to convene a meeting in accordance with the formal procedure and why performance is not deemed satisfactory.
 - Review the provision, nature and extent of support given during the period concerned;
 - Identify and discuss any factors which may be impacting on the employee's ability to perform adequately;
 - Give the employee ample opportunity to comment on any of the issues raised and make representations as are appropriate.
- d) The line manager/headteacher will determine at the end of the meeting either:
- To provide a period of structured support (in cases where this stage has not previously been applied); OR
 - That there has been a significant improvement in the performance and that there should be a further period of structured support to ensure the on-going achievement of a satisfactory standard; OR
 - That the standard of performance has not reached a satisfactory level and that the formal procedure will be initiated. In the majority of these circumstances a formal written warning will be appropriate and the duration of this warning will be for a period of not less than 4 terms. In cases of exceptional concern it is possible to move directly to a final written warning (second assessment stage). The advice of the adviser/Schools HR Officer should be sought early in this situation.
- e) A decision on the action to be taken following a formal interview should be made after all the facts and any representations from the employee have been considered. The line manager/headteacher should adjourn the meeting to consider appropriate options prior to informing the employee of their decision. It will be necessary to ensure that the employee is clear about the following points:
- The shortcomings in performance which have been identified;
 - The standards of performance that are needed to end the procedure;
 - The support/training that will be available and how performance will be monitored;
 - The level of warning being issued and the associated timescale for assessment and improvement (see 3.d, g and l)

- Dates and arrangements for further review and evaluation meetings (see assessment stages)
 - That failure to improve may lead to dismissal procedures.
- f) The above points together with a brief record of any other main points covered must be confirmed in writing to the employee as soon as possible after the interview and in any event within 5 working days of the decision being made.

First Assessment Stage

- g) This will apply to an employee who has been issued with a formal written warning. The assessment period should be appropriate for the circumstances and allow sufficient time for support and improvement. An average assessment period of 10 weeks is normally recommended. The minimum period of four weeks should only be applied in exceptional circumstances and advice from Schools' HR Team should always be taken.
- h) During the assessment stage there will be regular observation, monitoring and evaluation of the employee, with structured review meetings being held at agreed intervals. Guidance, training and support will be available as appropriate and as agreed and having regard to the nature of the problem and the previous support provided. It is strongly recommended that in the case of teaching staff an adviser from the LA or an appropriate independent consultant will become part of the observation, monitoring and evaluation of the employee process during this formal assessment stage.
- i) In the event of serious performance issues occurring during the assessment period, it may be appropriate to bring forward the evaluation meeting with a view to progressing to a final written warning.
- j) An evaluation meeting will be held at the end of the assessment period. At least 5 working days' notice of the meeting must be given and the employee has right of representation. The outcomes would be:
- If the level of performance has been satisfactory and there is confidence that it can be sustained, the procedure may be ended with a letter from the Line Manager/Headteacher but may be re-invoked for the duration of the first written warning; OR
 - If the standard of performance remains unacceptable a final written warning should be issued. This will result in a further period of assessment. The employee must be told clearly that failure to achieve a sustained acceptable standard with confidence that it can be maintained may result in dismissal.

- k) The decision and main points of the meeting must be recorded in a letter to the employee and issued within 5 working days of the decision.

Second Assessment Stage

- l) This will apply to an employee who has received a final written warning. The minimum period of review should be 4 weeks from confirmation of such a warning. However it is recommended that an average period of review would be 8 weeks to provide for regular monitoring and evaluation of performance, with relevant guidance, training and support appropriate to the circumstances and previous action taken. Advice from Schools HR Team should always be taken.

4 Decision meeting

- a) A final evaluation meeting will be arranged at the end of the assessment period. At least 5 working days' notice must be given and the employee has right of representation. The outcomes are:
 - o If the level of performance has now reached a satisfactory standard and there is sufficient confidence that it can now be maintained, the procedure may end at this point subject to being re-invoked for the length of the warning; OR
 - o If performance is still unsatisfactory the employee must be advised that the matter will now be referred to a headteacher/governors hearing to consider the employee's future position at the school and this may result in the employee's dismissal. Options for the employee such as redeployment to a post of lesser responsibility should be discussed at this stage if these options have not been previously considered. The headteacher/manager should seriously consider the appropriateness of any vacancies in the school.

5 HEADTEACHER/GOVERNORS HEARING

- a) The arrangements for establishing headteacher/governors' panels and for the conduct of Hearing and Appeals are set out in separate documents - *refer to 8.1 Panels for Hearings and Appeals.*
- b) The employee will be given at least 5 working days written notice of the date of the headteacher/governors' Panel meeting and be reminded of their right to representation. The letter will make it clear that one possible outcome of the hearing may be dismissal. Any documentation to be

considered by the headteacher/governors panel will be provided to all parties at least 5 working days before the hearing. A Schools' HR Team representative will act as the Strategic Director of People and Community representative in these circumstances and therefore has the right to attend the panel hearing for the purpose of giving advice to the governors' panel. In a Voluntary Aided School the Church's Director of Education, or their nominated representative has the right to attend to give advice.

- c) The headteacher/panel will consider any written or verbal reports presented by the employee. Witnesses may be called as appropriate and will normally include the School Adviser.
- d) The Panel will adjourn and will make a decision on the outcome. The outcomes will be:
 - Continue formal assessment period, in which case the procedure will refer back to the Second Assessment Stage **OR**
 - Dismissal
- e) This decision will be confirmed to the employee within 5 working days of the decision.
- f) The employee has the right of appeal against the decision to a separate panel of governors and this appeal will be heard as a rehearing.

This policy will be read in conjunction with managing performance (teaching and support staff). It will be reviewed on a yearly basis.