



## Moorland Federation- Improving Individual Performance – Support Staff

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## 1. **INTRODUCTION**

The school/academy expect, and will support, employees to achieve the tasks of their job to the required standards.

Headteachers and Line Managers are expected to acknowledge the achievements of employees and, where required, to discuss with employees at the earliest opportunity where they have fallen short and to set out targets for improvement.

Individual Performance Management within the school/academy should be an on-going process, which includes:

- an organised induction process;
- a systematic probationary period (where relevant);
- regular one-to-one meetings between jobholders and their Line Manager;
- an annual appraisal.

## 2. **PROCEDURE**

This procedure is based on ACAS advice on dealing with performance and provides the Headteacher/Line Manager with a fair, systematic approach to dealing constructively with an employee's consistent unsatisfactory performance in key aspects of their job with the objective of achieving the required improvement in an employee's performance.

This procedure aims to ensure that all appropriate support is offered to the employee to enable them to improve their performance.

If an employee's unsatisfactory performance, or its continuance, is sufficiently serious, it may be justifiable to omit a stage of the warnings or reduce the timeframe of the improvement periods.

If at any point in the procedure there is mutual agreement that the employee is unsuited to their current post, the Headteacher/Line Manager should seek opportunities to retain the services of the employee where possible and with appropriate support, in a capacity more suited to their abilities.

This procedure does not apply to:

- employees who are in their probationary period;
- health issues (including retirement on health grounds) which are dealt with through separate procedures.

### 2.1 **Identifying the Cause**

It is important that the Headteacher/Line Manager is specific about the standard of work required as this will be the basis for evaluating improvements and the employee will have a greater chance of achieving the standards required if these have been made clear.

When identifying the standard of performance required by the post, the Headteacher/Line Manager should refer to relevant information, for example:

- The job description and person specification for the role.
- Policies, procedures and, where applicable, relevant standards applicable to the role.
- Professional codes of practice and other acknowledged good practice guidance (where applicable).

The assessment of an individual's performance should take account of specific evidence of the gap between the individual's competence and the standard required. It is also important to clarify what is the root cause of the employee's inability to perform to the required standard. Poor work performance may be due to a range of factors such as a lack of skills and knowledge, a training/development need, inadequate supervision, changes to their role, their health or changes in personal circumstances outside work.

Alternatively, an employee may have the skills necessary to undertake the duties of the post but fails to apply them due to lack of effort or interest. If it is established that there is a behavioural or conduct issue, this should be dealt with through the school/academy's Disciplinary Procedure.

## **2.2 Informal Procedure**

In many cases, the right word at the right time and in the right way may be all that is needed and, coupled with positive feedback to build confidence, will often be a more satisfactory way of dealing with unsatisfactory performance than a formal meeting.

The informal stage provides the opportunity for the Line Manager to spend time with the employee exploring specific aspects of their performance that are causing concern and discussing how it affects the work of colleagues and the quality of the provision of teaching and learning in the school.

The Line Manager should talk to the employee in private (see [Appendix A](#) for model invite letter). This should be a two-way discussion, aimed at pointing out the shortcomings in performance and encouraging improvement.

The Line Manager should explore the evidence that has led to the conclusion that the employee is experiencing difficulties with their role and the Line Manager should listen to whatever the employee has to say about the issue. The discussion should be constructive with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained.

Matters that may be affecting the performance of the employee such as the need for further training, changes to their role, workload, health and personal circumstances should be explored in the discussion. If an employee develops a disability during their employment which has an impact on their performance, Managers should

consider referring them to the school/academy's occupational health provider for advice on reasonable adjustments or consider redeployment opportunities.

Managers are advised to seek advice from the school's HR provider prior to making any decision regarding continued employment in this situation.

If it becomes evident that there is no underlying problem, the Manager needs to make this clear to the employee and where need for improvement is identified, the Manager needs to make sure the employee fully understands:

- what aspects of their role they are not fulfilling and the evidence to support this view;
- the support that will be put in place to assist them achieve the required standard;
- the progress to be expected within clearly set down realistic appropriate time limits;
- arrangements for monitoring and reviewing progress and how success will be measured.

A review date should be set at which a meeting will be held and progress towards the required standards of improvement will be assessed. The improvement period should be long enough to:

- (a) enable the employee to reasonably demonstrate their ability to meet the required standards; and
- (b) enable the Manager to gather evidence to make an informed assessment of progress.

The Manager should also advise the employee that if there is no improvement by the required date, the matter may result in action being taken in-line with the formal procedure (see 2.5).

The Manager should record the content and outcome of the meeting and agree this with the employee.

## **2.3 Reviewing Progress Against Targets**

2.3.1 At the end of the improvement period a review meeting will be held, the date having been agreed at the initial meeting. The arrangements for the meeting should be notified to the employee at least 5 school days in advance (see [Appendix B](#) model invite letter), including informing the individual they have the right to be accompanied at the meeting by a Trade Union/Professional Association representative or a work colleague.

2.3.2 All relevant documentation that will be referred to at the meeting should be submitted with the invite letter, so the employee can prepare for the meeting.

2.3.3 The first part of the review meeting will consider the evidence supporting the Headteacher/Line Manager's assessment of the extent to which the employee's performance has improved and progress towards targets has been achieved. There are three possible outcomes from the meeting:

- Improving Individual Performance process can be halted, and the normal Appraisal Process will resume (i.e. good standards of performance and progress towards targets have been achieved).
- Further support under the Improving Individual Performance process is required (i.e. some but not all of the identified targets and standards of performance have been achieved). This option means the formal procedure has **not** been invoked and a further review meeting will need to be scheduled.
- Written warning/final written warning issued (i.e. insufficient progress towards targets and the required standards of performance have not been achieved) and transition to the formal stage of the Improving Individual Performance Procedure will commence.

2.3.4 A decision on which option to choose should only be taken after all the facts and any representations from the individual have been considered. The Headteacher/Line Manger should adjourn the meeting to consider the appropriate option before informing the individual of the decision (see [Appendix C](#) for model outcome letter).

## 2.4 Right of Appeal

2.4.1 In the event a written warning/final written warning is issued to the employee, they have the right to appeal the decision by writing to the Clerk to Governors stating the reason for the appeal within 10 school days of receiving the warning.

2.4.2 An appeal against the warning must not interrupt the progress of the formal stage of the Improving Individual Performance Procedure. In the event the appeal is upheld the formal stage of the Improving Individual Performance Procedure will be halted.

2.4.3 The conduct of an appeal against a warning will be in accordance with the School's Appeals Procedure, as set out in Section 2 of Guidance for Schools Volume 1.

## 2.5 Formal Procedure

Where an employee fails consistently to perform his/her duties to a professionally acceptable standard, despite being supported through normal management processes and the informal stage of the Improving Individual Performance Procedure, the formal stage should be applied. The Procedure comprises formal support, including a structured support programme with targets and/or performance standards, a defined timescale in order to try to bring an employee's performance up to an acceptable level within a reasonable period of time, monitoring and review of progress backed up with formal sanction, where justified, by inadequate progress in improving performance.

The procedure includes provision for dismissal if an acceptable standard of performance cannot be achieved and sustained after written warnings have been issued. An employee may appeal against a warning or decision to dismiss to the Governing Body's Appeal Committee. The conduct of an appeal against a warning

or dismissal will be in accordance with the School's Appeals Procedure, as set out in Section 2 of Guidance for Schools Volume 1.

The overall timescale adopted for achieving satisfactory improvement under the procedure will be in accordance with the seriousness of the employee's shortcomings in performance but will not usually be shorter than 10 school weeks and no longer than 24 school weeks. However, the timescale may be shortened if justified, for example where it becomes clear that an acceptable level of improvement is beyond the ability of the person assessed, or where there is a lack of co-operation with reasonable measures to achieve improvement, or where the progress of many pupils is impaired, or their safety is significantly compromised by the employee's poor performance. The minimum timescale for application of this procedure in such circumstances will be 4 school weeks.

### **First Assessment stage**

**Weeks 1 to 4 (10\*)** – Support to the employee, monitoring and evaluation of performance, with guidance and training if necessary.

**Week 5 - (11\*)** – First formal meeting to review and assess performance over the previous 4-10\* school weeks (for model invite letter, see [Appendix D](#)).

If all the identified required standards of performance have been achieved and there is confidence that they will be maintained, the Procedure can end here with a letter from the Headteacher and the normal appraisal process for support staff resumed.

If some or all the required standards of performance have not been achieved, a final written warning should be issued. Formal monitoring, evaluation, guidance and support should continue for a further period. Arrangements for this should be explained at the meeting. The employee must be told clearly that failure to achieve and maintain the required standards may result in dismissal. The decision and main points of the meeting should be confirmed in writing (for model outcome letter see [Appendix E](#)). Any appeal must not interrupt the progress of the procedure.

\* Amend to reflect duration of improvement period

### **Second Assessment stage (if required)**

**Weeks 1 to 4 - (10\*)** – Regular monitoring and evaluation of performance, with guidance, training if necessary, and where appropriate further support to the employee.

**Week 5 - (11\*)** – Second formal meeting to review and assess performance over the previous 4-10\* school weeks (for model invite letter, see [Appendix F](#)).

If all the identified required standards of performance have been achieved, and there is confidence that they will be maintained, the Procedure can end here and the normal Appraisal process for support staff resumed.

Prior to deciding to dismiss *or* making a recommendation to dismiss, the Headteacher may consider whether or not alternative employment is available within the school/academy. If alternative employment is identified, this needs to be

discussed with the individual. The reasons for the offer of alternative employment and the implications of refusing it, i.e. termination of employment, should be given to the employee in writing.

All dismissals under this Procedure will be subject to the appropriate period of notice being given in accordance with the employee's statutory or contractual rights. During the notice period the school could look at further options to redeploy the staff member, if appropriate roles arise.

If performance is unsatisfactory, either:

- (a) decide to dismiss (where the Headteacher has been delegated the power to dismiss by the Governing Body); or
- (b) recommend dismissal to the Governors' Staff Dismissal Committee.

(For model outcome letter see [Appendix G](#)).

## **Dismissal**

Where the Headteacher has previously been involved in issuing formal sanctions as part of the process, consideration should be given to whether any decision to dismiss should be referred to a Governing Body Staff Dismissal Committee.

Where the Staff Dismissal Committee is convened, three governors, (or two if there are not enough governors who have not been involved in any action or decision connected with the dismissal), must hear the representations and recommendations brought by the Headteacher, and any representations that the employee may wish to make. The Governing Body should also set up an Appeal Committee to hear any appeal against a dismissal decision. No governor who served on a Staff Dismissal Committee should be on the Appeal Committee. There should always be at least the same number of governors on the appeal committee as made the original decision to dismiss.

For maintained schools, a LA representative should attend the meeting to advise the Headteacher/Governor Staff Dismissal Committee. For academies, it is recommended a HR Adviser attends to advise the Headteacher/Governor Staff Dismissal Committee.

### **3. STAFF WHO ARE ABSENT THROUGH ILLNESS DURING THE PROCESS**

Absence which is considered by a Headteacher to have been primarily caused by the application of the Improving Individual Performance Procedure, and which management believe is likely to be indeterminate or long term based on GP certificates, should be referred immediately to the occupational health provider to assess whether the individual is fit for work/able to attend a formal meeting and when a return to work is likely.

Reasonable steps should be made to enable the individual to attend evaluation meetings, but where they are unable to attend, the meeting should be rescheduled and if still unable to attend these may proceed in the absence of the individual if delay would otherwise compromise the time set aside for the procedure. The employee may wish to consider having their Trade Union Representative attend

evaluation meetings on their behalf. In such circumstances, a full account of the evaluation should be provided in the letter confirming the decision taken. It would only be appropriate to continue the Improving Individual Performance process where the individual is absent due to illness, if the monitoring and assessment of performance has reached a stage when the absence of the individual would not significantly affect the outcome.

If this is not the case, the absence should be dealt with in accordance with the sickness absence management procedure, with the individual being made aware any return to work arrangements will include the on-going need to address performance concerns.

#### **4. GRIEVANCES**

Where a member of staff raises a grievance during the Improving Individual Performance process, the process may be temporarily suspended in order to deal with the grievance. Where the grievance and Improving Individual Performance process are related, it may be appropriate to deal with both issues concurrently.

**STANDARD LETTER: INVITATION TO INFORMAL PERFORMANCE  
MANAGEMENT MEETING**

Dear xxx

I am writing with reference to concerns regarding your performance in your role as xxx at the school.

We have met and discussed my concerns on previous occasions; our most recent discussion was on (date). Your response to my concerns has been xxx. I have continued to monitor and assess the situation.

It is with regret that, despite additional support given to you, my concerns remain and I would now like to meet with you to discuss these in a more formal manner in accordance with the school's Appraisal Policy. A copy of this policy is enclosed with this letter. The specific issues that I would like to discuss with you are:

1. Xxx
2. Xxx
3. Xxx

This meeting has been arranged for (date) at (time) in my office. I have enclosed with this letter relevant data and other documents which will be referred to at the meeting.

At the meeting we will discuss and agree targets for improvement and establish an action plan for support to help you in addressing the concerns.

You are entitled to be accompanied to this meeting by either your trade union / professional association representative or a work colleague. I have invited xxx, HR Advisor, to attend the meeting and (name) will also be in attendance to take minutes.

Please would you confirm with me that you are able to attend.

Yours sincerely

Headteacher

**STANDARD LETTER: INVITATION TO INFORMAL PERFORMANCE  
MANAGEMENT REVIEW MEETING**

Would you please attend a review meeting on (date) at (time) in (location).

The purpose of this meeting is to review and assess your progress towards the targets agreed following the meeting held on (date) and to decide, as a result of this review, the appropriate course of action. The options are:-

- Drop the matter i.e. all identified standards of performance achieved.
- Extend the improvement period i.e. there has been some improvement so some but not all identified standards of performance have been achieved.
- Written warning/ final written warning issued i.e. there has been little or no progress towards the achievement of the identified standards of performance. A written warning will invoke the Formal Performance Management Procedure.

Enclosed are the following relevant reports and other documents, including those produced as a result of the investigation which will be referred to at the meeting.

As this meeting may result in a warning, you are entitled to be accompanied by either your trade union/professional association representative or a work colleague. Also present will be myself, (name of member of school's staff if appropriate), (name of LA officer/adviser) and (name of HR Adviser).

Please would you confirm with me that you are able to attend.

Yours sincerely

Headteacher

**STANDARD LETTER: CONFIRMING THE OUTCOME OF INFORMAL PERFORMANCE REVIEW MEETING**

I am writing to confirm the outcome of the informal performance review meeting held on (date of meeting) which was attended by the following (names and positions of all attendees).

After full consideration of all of the written evidence and the discussion, I informed you that as you had not made satisfactory progress towards the achievement of the identified standards of performance, I had no alternative but to issue you with a written/final written warning and invoke the Formal Performance Management Procedure.

(State the areas of continuing concern about the standard of performance, detailing the structured support programme and the targets. Copies of which should be enclosed with this letter).

During the next 4-(10)\* weeks' your performance will continue to be monitored. A formal meeting has been arranged for (specify date).

You have the right to appeal against this warning by writing to the Clerk to Governors stating the reasons for your appeal within 10 school days of receiving this warning.

Please sign the enclosed copy of this letter to confirm its receipt and your understanding of its contents and return it to me.

May I reaffirm my commitment to helping you to achieve the standards of performance necessary in your work.

Yours sincerely

Headteacher

\* Amend to reflect duration of improvement period.

**STANDARD LETTER: INVITATION TO FIRST FORMAL PERFORMANCE  
MANAGEMENT MEETING**

With reference to the outcome of the informal performance management meeting held on (date), as arranged, would you please attend a first formal performance management meeting on (date) at (time) in (location), in accordance with the School's Improving Individual Performance Procedure.

The purpose of this meeting is to review and assess your progress towards the targets set and to decide, as a result of this review, the appropriate course of action. The options are:

- No further action, i.e. all identified satisfactory standards of performance achieved.
- Final written warning, i.e. where a first written warning was given at the first formal meeting and none, or only some, of the identified standards of performance have been achieved.
- *A decision to dismiss/recommendation for dismissal to the Governors' Staff Dismissal Committee*, i.e. where a final warning was given at the first formal meeting and none, or only some, of the identified standards of performance have been achieved.

Enclosed with this letter are the following relevant reports and other documents, including those produced through the implementation of the structured support and monitoring/assessment programmes (describe the documentation below) which will be referred to at the meeting.

As this meeting may result in a *final written warning/dismissal/recommendation for your dismissal\**, you are entitled to be accompanied by either your trade union/professional association representative or a work colleague. Also present at the meeting will be myself, XXXX and (name of *HR Adviser/ LA Adviser\**).

Please would you confirm with me that you are able to attend by contacting XXX

Yours sincerely

Headteacher

\* delete/ amend as appropriate

**STANDARD LETTER CONFIRMING THE OUTCOME OF FIRST FORMAL MEETING**

I am writing to confirm the outcome of the first formal meeting held on (date of meeting) which was attended by the following (names and positions of all attendees).

(Explain the process of the hearing, i.e. who presented the management case and briefly what the employee replied).

**Alternative 1**

After full consideration of all of the written evidence and the discussion, I am pleased to confirm that you have achieved the identified standards of performance. Consequently, you are no longer subject to the Improving Individual Performance Procedure and the normal Appraisal Process for support staff will resume. As I stressed to you, it is essential that you maintain these standards throughout the next performance management cycle. Failure to do so may result in re-invoking the formal stage of the Improving Individual Performance procedure without further recourse to the informal stage of the process should similar concerns regarding performance arise during this period.

**Alternative 2**

After full consideration of all of the written evidence and the discussion, I informed you that as you had achieved none, or only some, of the identified standards of performance, I had no alternative but to issue you with a final written warning. I need to emphasise that unless you achieve the standards of performance within XX school weeks, I will have no alternative other than to recommend to the Governors' Staff Dismissal Committee that you are dismissed for reason of a lack of professional capability.

(State the areas of continuing concern about the standards of performance referring to the structured support programme and the target documents, copies of which should be enclosed with this letter).

The improvement period will be for XXX weeks and progress towards the identified standards of performance will be reviewed at the next formal meeting which has been arranged on (date) at (time) in (location). During this period, consideration will also be given to alternative employment opportunities within the school/academy. In the event you are redeployed into a suitable alternative role, your final written warning will remain "live" throughout the next performance management cycle.

You have the right to appeal against this final warning by writing to the Clerk to Governors stating the reasons for your appeal within 10 school days of receiving this warning.

Please sign the enclosed copy of this letter to confirm its receipt and your understanding of its contents and return it to me.

### Alternative 3

Where a final warning was issued at the Informal Stage Review Meeting and a decision to dismiss/make a recommendation for dismissal is the outcome of the formal meeting, use Appendix F, Alternative 2.

Yours sincerely

Headteacher

**STANDARD LETTER: INVITATION TO SECOND FORMAL REVIEW MEETING**

With reference to the previous first formal performance management meeting held on (date), as arranged, would you please attend a second formal performance management meeting on (date) at (time) in (location), in accordance with the formal stage of the School's Improving Individual Performance Procedure.

The purpose of this meeting is to review and assess your progress towards the targets set and to decide, the appropriate course of action. The options are:

- No further action i.e. all identified satisfactory standards of performance achieved.
- *A decision to dismiss/recommendation of dismissal to the Governor Staff Dismissal Committee* for reason of a lack of professional capability i.e. none or only some the identified standards of performance have been achieved.

Enclosed with this letter are the following relevant reports and other documents, including those produced through the implementation of the structured support and monitoring/assessment programmes (describe the documentation below) which will be referred to at the meeting.

As this meeting may result in a dismissal/ recommendation for dismissal, you are entitled to be accompanied by either your trade union/professional association or a work colleague. Also present will be myself, (name of member of school's staff), and (name of *HR Adviser/ LA Adviser\**).

Please would you confirm with me that you are able to attend by contacting XXX

Yours sincerely

Headteacher

\* delete/amend as appropriate

**STANDARD LETTER CONFIRMING OUTCOME OF SECOND FORMAL PERFORMANCE MANAGEMENT MEETING**

I am writing to confirm the outcome of the second formal performance management meeting held on (date of meeting) and attended by (names and positions of all attendees).

(Explain the process of the hearing ie who presented the management case and briefly what the employee replied).

**Alternative 1**

After full consideration of all of the written evidence and the discussion, I am pleased to confirm that you have achieved all the identified standards of performance. Consequently, you are no longer subject to the Procedure and the normal Appraisal Policy for support staff will resume. As I stressed to you, it is essential that you maintain these standards throughout the next performance management cycle. Failure to do so may result in invoking the formal stage of the Improving Individual Performance procedure without further recourse to the informal stage of the process should similar concerns regarding performance arise during this period.

**Alternative 2**

After full consideration of all of the written evidence and the discussion, I informed you that as you had achieved none or only some the identified standards of performance, I had no alternative but to dismiss/*recommend to the governors that you should be dismissed* from your post for reason of a lack of professional capability. *A meeting of the Governors' Staff Dismissal Committee is being arranged to consider my recommendation.* I will write to you with full details of the time, date, place and procedure for the hearing together with the documents I would wish the Committee to consider. If there are any documents that you would like the Committee to consider please would you let me have these as quickly as possible.

*I regret that pending the outcome of the hearing you will be placed on paid leave of absence. While you are on paid leave of absence you should not enter the school premises without the permission of either myself or a Deputy Headteacher.\*\**

Yours sincerely

Headteacher

\* Delete/ amend as appropriate

\*\* If dismissal is recommended, Headteacher may wish to consider if appropriate for the individual to remain in post pending the hearing