The Dales School
Developing Performance
Policy & Procedure – Schools

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Policy produced for Schools and Colleges under Local Management of Schools, together with Early Years providers under the HR service provision of NYHR.

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1. Scope

1.1 This policy and procedure apply to all staff employed directly by schools under the Local Management of School arrangements, where school has adopted this policy except those in the following circumstances:

- Employees within their probationary period
- For dealing with issues of misconduct, attendance or resolving issues at work, for which separate policies apply.
- Teachers within their statutory induction period i.e. Early Career Teachers (ECTs)

1.2 The policy has been adopted by the Governing Body of this school on the date shown on page 1.

1.3 If a concern or grievance is raised regarding any aspect of this Policy it should be dealt with as promptly as possible within this process. Matters should only be referred to be dealt with through the Resolving Issues at Work Procedure where they are not related to the application of this policy for that individual case.

1.4 **Where reference is made to Manager within this policy, this could mean Headteacher/Principal, line manager, Head of Department/ Business Manager or Governor.**

1.5 When reading and applying the Policy, Managers and employees should refer To the accompanying Guidance. Relevant sections of the Guidance are cross-referenced within Section 4 – Procedure.

2. Policy Statement

2.1 In most cases, where instances of underperformance are identified employees will be given the opportunity to address these initially through performance management. If and when necessary, the Developing Performance Policy and Procedure will be implemented followed by, where appropriate, the Capability Procedure. In appropriate cases, e.g. where the delivery of the service is significantly affected, the Capability Procedure may be invoked without first using the Developing Performance Procedure. In such cases the employee will be allowed to make representations to the manager, accompanied by a trade union representative or work colleague, before a final decision is taken.

2.2 If an employee is currently being managed under this procedure they will not be awarded an increment, if they were otherwise due to one or will lose an increment if already at the top of their pay band.

2.3 Where a school has not adopted capability issues as a performance criterion under the school's pay policy, 2.2 will **not** apply to teachers. Please note where it has been adopted as a criterion, increment removal will not apply to teachers and therefore a teacher cannot lose an increment that has already been awarded.

2.4 Employees or anyone accompanying employees must not make any electronic recordings of any meetings or Hearings conducted under this procedure.

2.5 Managers are strongly advised to take advice from NYHR with regards the application of this policy and at all stages of the procedure.

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3. Right to be Accompanied *(Please refer to Guidance – Section 2)*

3.1 The school extends the right to be accompanied by a trade union representative or work colleague at all formal meetings of the Developing Performance Procedure e.g. initial and review meetings. The accompanying representative has a right to address the meeting but no right to answer questions on the employee's behalf.

4. Procedure

4.1 **Identification of Performance Problems** *(Please refer to Guidance – Section 3)*

Concerns over an individual's job performance may arise through a variety of sources. Where normal performance management has not eliminated concerns line managers must be clear that that there remain concerns regarding an individual's performance, and there is a pattern of underperformance sufficient to warrant dealing with the matter through the Developing Performance Procedure. This should not come as a surprise to the individual due to the issues having been raised during normal performance management.

Where the manager feels that the issues should be addressed through the Developing Performance Procedure then the manager will speak with the employee on a 1:1 confidential basis, asking them to attend an initial meeting to discuss the way forward. The manager will inform the employee of the areas of work performance to be discussed and follow this conversation up in writing. The employee will be given a copy of the Developing Performance Policy, emphasising the supportive nature of the process.

In preparation for the meeting, the manager will produce a draft Support Plan and give it to the employee for consideration at the Initial Meeting.

4.2 **Initial Meeting and Support Plan** *(Please refer to Guidance – Section 4)*

The manager should ensure that the employee understands that the intention of the process is to support them in achieving a sustainable satisfactory job performance. The employee should be given an overview of the entire process including all possible outcomes.

The concerns regarding under performance will be discussed, clearly identifying the nature of the problem(s) and the evidence to support the concerns. The employee will be given the opportunity to respond with their own views and opinions at every stage of the process.

The employee should, whenever practicable, be assisted through training, coaching or other development activities and be given adequate time to reach the required standard of performance, balanced against the effects of the under performance on service delivery.

Following a full discussion of the issues raised, including the draft Support Plan, a structured Support Plan will be finalised and confirmed in writing

The manager should ensure that the employee understands that at the end of the Developing Performance process a decision will be taken concerning the employee's work performance and the consequences that may follow (i.e. transfer to the Capability Procedure in the case of failing to achieve a satisfactory improvement).

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4.3 **Timescales** *(Please refer to Guidance – Section 5)*
It is not possible to provide a timescale to suit all cases. However, as a general guide a minimum of 4 weeks and a maximum of three months would be the parameters between the Initial Meeting and the Review Meeting, before a final decision is made. Precise timings will depend upon the circumstances of each case. A significant deterioration in performance may result in the need to bring forward the date of the review meeting.

4.4 **Monitoring and Support** *(Please refer to Guidance – Section 6)*
Support and monitoring functions should be delivered by different individuals. The manager should speak to all who are involved in monitoring and support in order to confirm their roles and the timetable involved, emphasising the confidentiality requirements. It is important that everyone follows the Support Plan, including the timescale. If the plan is amended the reason will be discussed and agreed with the employee as soon as possible.

Employees who are notified of their under performance should be given a copy of the Developing Performance Policy and Procedure. Consideration must be given to the implementation of support arrangements through a named work contact and the employee should be made aware of staff support available through Health Assured, an employee assistance programme, which offers confidential counselling and support (0800 030 5182) - *applies only to Academies that subscribe to Health Assured*.

4.5 **Review Meeting** *(Please refer to Guidance – Section 7)*
Following the period of support and monitoring a review meeting will be held in accordance with the timescale determined in the Support Plan. Prior to this meeting the Manager should collect and read all monitoring information, clarifying points with the providers of that information where necessary. Any written evidence must be provided in advance of the meeting, with sufficient time for both parties to give due consideration of the content of the documents.

The employee should receive a letter from the manager, a minimum of 5 working days prior to the meeting, confirming the date, time and venue, also asking them to bring any evidence they wish to present to the meeting. Where there is a likelihood that performance remains unsatisfactory, and the outcome may be a move to the Capability procedure, the employee should be informed of this probability at least five working days prior to the meeting, and advised of the right to be accompanied by a trade union representative or work colleague.

At the review meeting the manager will discuss progress against the Support Plan using the evidence/feedback collected. The employee will be invited to respond.

After the discussion the manager will form a judgement as to which of the following three outcomes is appropriate: -

i. Successful
That the employee has achieved and maintained the required standards of job performance. Therefore, the Support Plan has been successfully concluded.

ii. Partially Successful

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That the employee has demonstrated some improvement but not sufficient to fully satisfy all the required standards of the post. This will require a further period of support and monitoring with an updated Support Plan, followed by a further review meeting and subsequent decision. At this further stage it is likely that the decision taken will be either i) or iii), with a third period of support and monitoring being appropriate only in exceptional cases.

There may be occasions where specific targets are given greater weighting, and that if they are not achieved, despite others having been met, a decision is made that the individual has been unsuccessful, as per iii). In such situations, the individual will be made aware, before the plan has commenced, of the significance of certain targets, if applicable.

iii. Unsuccessful
That the employee has failed to show sufficient improvement in relation to the agreed targets, to satisfy the manager that the individual is capable of progressing to a satisfactory standard within the Developing Performance Procedure. This will result in a revised action plan, and further monitoring and support under the capability procedure, with immediate effect

Following the review meeting the decision will be confirmed in writing.

4.6 **Unavailability and Sickness Absence** If an employee is absent due to sickness during the Developing Performance process, the Manager should determine the nature and likely duration of the absence. Advice may be sought from the school's Occupational Health provider regarding the employee's ability to take part in the process.

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5. Flow diagram for Developing Performance Procedure

Employee's line manager identifies a pattern of under performance
(May result from appraisals, observations, inspections, and complaints.
Ensure evidence is clear and objective, with a pattern of underperformance)

↓

Employee's line manager prepares for initial meeting and gives 5 working days' notice of meeting to employee
(Prepare draft Support Plan)

↓

Initial Meeting held with employee and line manager
(Employee may request representation at this meeting Aim to gain agreement on the content of a Support Plan)

↓

Finalise Support Plan/timescale
(Ensure those supporting and monitoring are clear about the plan and their responsibilities)

↓

Support and Monitor
(Support and Monitoring
Functions should be delivered by different individuals)

↓

Prepare for Review Meeting
(Line Manager to collect monitoring evidence and summarise)

↓

Hold Review Meeting
(Make decision on how the matter will progress)
Potential outcomes:

Decision 1 – Successful – continue with appraisal policy
Decision 2 – Partially Successful – Review Support Plan and continue for a further period within timescale
Decision 3 – Unsuccessful – Transfer to Capability Procedure

* Clear records and notes of meetings should be taken and supplied to the employee for their comment and agreement. All documentation (letters, support plans etc.) should be stored securely.

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