

**NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICES**

SCHOOLS AND COLLEGES

DEVELOPING PERFORMANCE POLICY

Status of Policy

- This Policy was introduced in June 2009
- It links with the new Schools' Capability Policy, also introduced in June 2009
- Changes cannot be made to this Policy without the approval of the CYPS HR Services Manager and Senior Human Resources Adviser (Policy and Support). However, if individual schools wish to adapt/amend the Developing Performance Policy they may do so but are recommended to initially take HR advice concerning any legal/procedural implications and then to consult with staff and trade unions at a local level.
- This Policy, Guidance and associated Toolkit have been the subject of consultation with all recognised Trades Unions and the Authority strongly recommends that Governing Bodies adopt the Policy.

If you have any queries about the application of this Policy/Procedure, please contact your designated Senior Human Resources Adviser.

This policy is to be used in the following circumstances: -

- When a pattern of individual under performance has been identified

Note - In cases of very serious under performance, e.g. where the educational progress of pupils or another school function is significantly threatened, then the school may invoke the Capability Procedure without first using the Developing Performance Procedure.

Access: If you require this information in an alternative format such as large type, audio cassette, or Braille, please contact the Policy and Support Team, Human Resources on 01609 532593

Scope

This Policy: -

- Applies to both teaching and support staff in NYCC schools and colleges.

(For non-delegated Directorate services, please refer to the Corporate Developing Performance and Capability Policy)

- Should be read in association with the information contained in the accompanying Manager's Toolkit.
- The policy is not appropriate in cases involving: -
 - Ill health
 - Disciplinary matters
 - Grievances
 - Serious cases of work incapability

(for which separate policies are available)

HISTORY OF DOCUMENT

Issue No.	Author	Date Written	Approved by Governors	Comments
1	NYCC	June 2009	15.6.09	
2			2.2.11	Reviewed and approved

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SUMMARY OF DEVELOPING PERFORMANCE PROCESS

ACTION	BY WHOM	NOTES
Identify under performance	Line Manager	May result from observations, inspections, complaints
Prepare for Initial Meeting	Line Manager advised by LA Q & I Adviser*	Prepare draft Support Plan
Hold Initial Meeting	Line Manager Employee	Ensure evidence is clear and objective
Finalise Support Plan/timescale	Line Manager with employee input	Ensure those supporting and monitoring are clear about the plan and their responsibilities
Support and Monitor	Senior Colleagues, LA Advisers	Support and Monitoring functions should involve different individuals
Prepare for Review Meeting	Line Manager supported by LA Q & I Adviser	Collect monitoring evidence and summarise
Hold Review Meeting	Line Manager Employee	Make decision on how the matter will progress
Decision 1 – Successful	Line Manager	End procedure and continue with normal performance management
Decision 2 – Partially successful	Line Manager	Review Support Plan and continue for further time-limited period
Decision 3 – Unsuccessful	Line Manager	Transfer to Capability Procedure

*The involvement of Q and I advisers may vary according to the issues involved and is likely to be greater in primary schools than secondary schools.

Employees are advised to contact their trade union representatives for advice from the outset, though it is not anticipated that TU Reps will be routinely involved in meetings. Line Managers may also call on HR advice, as appropriate.

ROLES AND RESPONSIBILITIES

Headteacher

Ensure that staff are informed of the standards of work performance required of them, the development opportunities available to them and that they are aware of this Policy. It may be necessary for a Headteacher to inform members of his/her management team, on a confidential basis, of staff subject to performance development procedures but this should be done on a strictly 'need to know' basis.

Line Manager

The principle in all developing performance issues is that the individual's line manager will normally be responsible for managing the process with appropriate support from more senior managers and specialist advisers, as required.

Governing Body

It is the responsibility of the Governing Body to ensure that all policies, practices and procedures are effective, fair, clearly understood, consistently applied and incorporate the principles of natural justice.

At all times Governing Bodies will need to have regard to the Articles and Instruments of Government of the school in dealing with staffing issues.

Once school procedures have been established, the Governing Body and the Headteacher/Principal should ensure that copies are readily available to all staff at the school (and to the County representatives of all recognised Trade Unions if different to the content of the Authority's Policy and Model Procedure).

In cases where the Headteacher (and possibly other senior school managers) is/are the subject of the Developing Performance Procedure then the Chair of Governors or other nominated school Governor(s) may be involved in the process, supported by LA Advisers.

It is recognised that where Governors are involved in managing/discussing a case in detail then such Governors will not be eligible to sit on a Capability or Appeal Panel under the school's Capability Procedure (concerning the same case) should such a Panel be required.

Cases of under performance will not be discussed in Governors meetings. The confidentiality of such matters will be respected both within and outside the school.

The Authority

The Authority will support schools in the implementation of this Policy in line with its service level agreements.

Advice is available to the school (and will be taken up as appropriate) from the Local Authority's Human Resources Service and its Quality and Improvement Service. Other specialist advice may also be called upon, as appropriate.

Trade Unions

The role of the trade unions is to support their members in the workplace and members are of course free to consult their trade union representatives on any aspect of the operation of this policy and procedure. Members may wish to be accompanied by a trade union representative at the initial and formal review meetings of this procedure.

Definitions

In this document: -

- the word 'school' will be taken to denote schools and colleges within NYCC
- the words 'manager' or 'line manager' will be taken to denote the Headteacher or other school manager, as appropriate
- the words 'working days' will denote the days on which the school is open to pupils or for designated staff training days. For staff who work 'all year round' it will also include those days on which they are contracted to work in the school closure periods. During term-time, the number of 'working days' is not affected by whether an employee is contracted to work full-time or part-time. However, at any time, days on which an employee is not available for work by reason of annual leave or other authorised absence will not count as 'working days'.

This Policy and Procedure should be applied in accordance with the aims of the County Council's Equalities Policy Statement (*Please refer to the NYCC Equality Statement for full text*).

An Equalities Impact Assessment has been carried out in relation to this policy.

Developing Performance Procedure

1.0 Introduction

1.1 The school is committed to training and developing its staff to reach their potential and will use this procedure when it is clear that focused and concentrated support and/or monitoring is necessary to deal with under performance.

1.2 The aim of the procedure is to be supportive, offering advice, guidance and a fair opportunity to show sustained improvement (see [Appendix 6](#) for Guidance on Support Mechanisms).

1.3 The school's performance management arrangements for both teaching and support staff will continue during this process.

1.4 It is not anticipated that employees will routinely be accompanied by their trade union representatives during this process. However they may request to be accompanied by a trade union representative or work colleague at any meeting and are advised, in any case, to notify their trade union representative that they are entering this process.

1.5 If an employee does not demonstrate significant and sustained progress during the defined period of monitoring and support then he/she may be moved to the Capability Procedure.

1.6 In very serious cases_e.g. where the educational progress of pupils or an important aspect of the operation of the school is significantly threatened then the school may invoke its Capability Procedure without first using the Developing Performance Procedure. In such cases the employee (and/or their trade union representative) may make representations concerning this, to be considered by the school.

1.7 This procedure is not applicable during the induction period of Newly Qualified Teachers (NQTs) unless serious capability concerns are identified. However, in such cases, the 'fast track' Capability Procedure may be used.

2.0 Confidentiality

2.1 The maintenance of confidentiality is important to the integrity of the process and the confidence in it of the individual subject to the Developing Performance Procedure. Failure to maintain confidentiality may lead to a significant loss of confidence in the process.

2.2 Notes of meetings should be taken and supplied in summary form to the employee for their comment and agreement. All documentation should be stored securely.

Support –


Employees who are notified of their under performance should be given a copy of the Developing Performance Policy and, at the same time, be made aware of the Staff Care Network (including contact details – 07885 260198) and, if a teacher, the Teacher Support Service – www.teacherline.org.uk

3.0 Identification of Performance Problems

3.1 Concerns over an individual's job performance may arise through a variety of sources. When such concerns arise the manager must determine whether there is a pattern of under performance sufficient to warrant dealing with the matter through the Developing Performance Procedure. Before approaching the employee the manager should be clear about the evidence, checking how this relates to the requirements of the individual's role and required professional standards. The evidence must be objective and robust.

3.2 Examples of sources of evidence -

- Lesson and general observations of such matters as repeated failure to meet deadlines, regular mistakes, poor staff management, examples of poor teaching, ineffective behaviour management and/or planning deficiencies
- Unsatisfactory pupil progress
- Failure to meet occupational professional/competence standards.
- Complaints or expressions of concern from parents or colleagues (subject to verification)
- the findings of Ofsted and other inspections.

 For teaching staff the [National Standards](http://www.tda.gov.uk/standards) at www.tda.gov.uk/standards set out the professional knowledge, skills and attributes necessary to effectively carry out the key duties and responsibilities of specified roles. The Standards help Headteachers and other school managers to set clear and relevant targets to assist in the evaluation of progress and improving performance. All staff employed to work with children will be expected to meet the [Common Core of Skills and Knowledge for the Children's Workforce](http://www.everychildmatters.gov.uk) www.everychildmatters.gov.uk There are also the National Occupational Standards in Children's Care, Learning and Development at www.ukstandards.org.uk

3.3 Where the manager is satisfied that the issues are such that they should be addressed through the Developing Performance Procedure then the employee should be spoken to on a 1:1 confidential basis, asking them to attend an initial meeting to discuss the way forward. The manager should inform the employee of

the areas of work performance to be discussed and follow this conversation up in writing (see [Model Letter 1](#)). The employee should be given a copy of the school's Developing Performance Procedure, emphasising the supportive nature of the process.

3.4 The manager should consider whether other professional input would be beneficial at the meeting e.g. the school's Quality and Improvement Adviser or a specialist teacher or other specialist. If so, the employee will be informed accordingly.

3.5 Although not routine at this stage, the employee may be accompanied by a trade union representative or work colleague, should they so wish.

4.0 Initial Meeting and Support Plan

4.1 The manager should ensure that the employee understands that the intention of the process is to support the individual in achieving a sustainable satisfactory job performance.

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


4.3 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.

4.4 The manager should establish whether, in the employee's view, there are any other factors to be taken into account – e.g. working relationships, working conditions, effects of organisational change, work process deficiencies, personal difficulties, health problems.

4.5 Following a full discussion of the issues raised a structured support plan should be agreed and subsequently confirmed in writing covering the following:

- i. areas of performance which require attention and standards to be achieved.
- ii any support and development activities to be provided and who will provide that support.
- iii the arrangements for observation and monitoring.
- iv the success criteria and arrangements for review.


- v timescales for action.
- vi. a review date.

-  **Targets set should be SMART –**
- Specific
 - Measurable
 - Achievable
 - Realistic
 - Time-bound

4.6 The arrangements made and, in particular, the timescale set should reflect a balance between the needs of the individual for development and support and the seriousness of the consequences of continuing under performance on the educational experience of any pupils affected or on the efficient operation of the school in other areas.

4.7 A draft Support Plan will be produced before, at or as soon as possible after the meeting and given to the employee for consideration (see examples at [Appendix 2](#), [Appendix 3](#), [Appendix 4](#) and [Appendix 5](#)). The employee will be given five working days from receipt of the draft plan to comment on the content of the plan, after which it will be finalised and circulated as appropriate (see [Model Letter 2](#)).

4.8 The manager will ensure that the employee understands that at the end of the 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).

 **Managers need to inform SUPPORT STAFF that issues of under performance are likely to affect their entitlement to incremental progression (this is referenced in model letters 2, 5 and 6 in the Toolkit).**

5.0 Timescales

5.1 The length of this process should allow the employee sufficient time to demonstrate the necessary improvements without unnecessarily prolonging any detrimental effect on the school and its pupils.

5.2 It is not possible to provide a timescale to suit all occasions. However, as a general guide, one term would normally be the maximum time between the Initial Meeting and the Review Meeting, with up to a further half-term to deal with any residual issues (if necessary) before a final decision is made.

6.0 Monitoring and Support

6.1 The manager should speak to all colleagues who are involved in monitoring and support in order to confirm their roles and the timescales involved. The same individuals should not normally be involved in both the monitoring and support aspects of the process.

6.2 The manager should ask each colleague to report back to him/her immediately should there be any departures from the plan, should any unforeseen difficulties be encountered or should the individual claim not to be receiving adequate and/or effective support. The confidentiality of the matter should be re-iterated.

6.3 It is important that the Support Plan, including the timescale, is adhered to by all parties involved. Should it be necessary to amend any aspect of the plan, at any stage, then the reason should be explained to the employee at the earliest opportunity.

6.4 The manager should check periodically with the employee as to whether they are satisfied with the support received and address any issues raised.

7.0 Sickness Absence

7.1 If an employee is absent due to sickness during the process, the manager should refer to the [Attendance Management](#) Procedure and consult the school's Senior HR Adviser.

8.0 Review Meeting

8.1 Following the period of support and monitoring a review meeting will be held in accordance with the timescale determined in the Support Plan.

8.2 Prior to this meeting the Manager should collect and read all monitoring information, clarifying points with the providers of that information where necessary.

8.3 The employee should be reminded of the date of the meeting, in writing, (see [Model Letter 3](#)) also asking them to bring any evidence they wish to present to the meeting.

8.4 The manager will consider whether there should be other professional input at the meeting e.g. the school's Quality and Improvement Adviser or a specialist teacher or other specialist. If so, the employee will be informed accordingly. The employee may be accompanied by a trade union representative or work colleague if they so wish.

8.5 At the review meeting the manager will discuss progress against the Support Plan using the evidence/feedback collected (see [Appendix 7](#) for guidance on giving feedback). The employee will be invited to respond.

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

i) That the employee has demonstrated a significant improvement, reaching and maintaining the required standards of job performance, as indicated in the Support Plan. Therefore, the Support Plan has been successfully concluded.

ii) That the employee has demonstrated some marked improvement but not sufficient to fully satisfy all the success criteria of the Support Plan. This will necessitate a further period of support and monitoring – the Support Plan being adjusted accordingly - 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 – and then probably limited to a reduced number of performance issues/timescale, some of the areas of concern having been satisfactorily resolved.

iii) That the employee has failed to show sufficient improvement to satisfy the manager that the individual is capable of progressing to a satisfactory standard within the Developing Performance Procedure. This will result in the invoking of the school's Capability Procedure, with arrangements to be made for the first meeting of that procedure.

8.7 Following the review meeting the decision will be confirmed in writing (see [Model Letter 4](#), [Model Letter 5](#) or [Model Letter 6](#) (as appropriate).

9.0 Concerns or Grievances

9.1 Employees should be made aware from the outset that if, at any point, they are concerned or unclear about anything connected with the process they should contact their manager immediately in order to discuss the matter(s).

9.2 Whenever a concern is raised regarding any aspect of the operation of the Performance Development Procedure, it should be dealt with as promptly as possible by the manager and, where possible, within this procedure.

9.3 Should it not be possible to resolve the matter within this procedure then the school's [Resolving Issues at Work](#) Procedure should be invoked.

9.4 In the case of a concern or grievance against a Headteacher, the Headteacher's 'line manager' will be deemed to be the Chair of Governors, who will seek Local Authority support as appropriate.