



TAUNTON  
— SCHOOL —

# Performance Improvement Policy

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<b>Committee</b>	
<b>Adopted by Governors</b>	Autumn 2023
<b>Last Amended</b>	August 2023
<b>Last Review</b>	August 2023
<b>Review schedule</b>	Annual

## Contents:

### Purpose

1. [Scope](#)
2. [Ill-health/ disability related performance issues](#)
3. [Identifying performance issues](#)
4. [Informal stage and meeting](#)
5. [Informal Review Meeting\(s\)](#)
6. [Sustained performance](#)
7. [Formal Procedure](#)
8. [Right to be accompanied](#)
9. [Role of the companion](#)
10. [Attendance a meetings](#)
11. [Conduct and aims of the Formal Performance Hearings](#)
12. [Stage 1: First Performance Hearing](#)
13. [Stage 2: Second Performance Hearing](#)
14. [Stage 3: Final Performance Hearing](#)
15. [Appeal](#)

## **Purpose**

The School seeks to create a high performing culture, which will support the achievement of our strategic goals. A high performing culture requires underperformance to be addressed whilst ensuring that employees who have gaps in capability are provided the right level of support to address such gaps in a structured manner thus improving their performance and thereby that of the School's.

The purpose of the Performance Improvement Policy ('the Policy') is to establish arrangements for providing support and guidance to staff whose performance has fallen below the standards required for their role, with the aim of enabling them to reach and maintain the necessary and expected standards of performance.

### **1. Scope**

- 1.1 The Policy applies to all employees who have completed their probation period. It does not apply to casual workers, volunteers, agency workers or self-employed contractors.
- 1.2 The Policy is non-contractual.
- 1.3 The Policy cannot be used for:
  - Managing issues of wilful/deliberate under performance (misconduct); these fall within the remit of the Disciplinary Policy;
  - Managing issues of under performance during probation periods; these fall within the remit of the Probation Policy (unless the performance issue is alleged misconduct/gross misconduct, in which case, the Disciplinary Policy may be applied).
- 1.4 The School reserves the right to progress to the relevant stage of this policy (bypassing other stages) should it deem the performance issues to be serious enough to merit this; this will be considered on a case-by-case basis.
- 1.5 In order to gather evidence of under-performance, the School reserves the right to review the employee's HR file including any appraisal documentation, monitoring their work and, if appropriate, interviewing the employee and/or other employees and/or members of the School community (e.g. parents/ students).

### **2. Ill-health/ disability related performance issues**

- 2.1 Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are any reasonable adjustments that could be made to the employee's working arrangements, including changing their duties, varying any targets or providing additional equipment or training. The School may also consider making adjustments to this procedure in appropriate cases.

2.2 Following the implementation of any such support or adjustments, the employee's performance will be reviewed over an agreed period of time, in accordance with this Policy. If performance remains below the required standards, consideration may be given to redeployment into an alternative role and/or ultimately dismissal on the grounds of capability.

2.3 If an employee wishes to advise the School of any medical condition which they consider relevant, they should discuss this with their manager or a member of the HR department.

### **3. Identifying performance issues**

3.1 In the first instance, performance issues should normally be dealt with informally between the employee and the line manager as part of day-to-day management.

3.2 It is important that managers address any performance issues as soon as they become apparent. Indicators of performance below the required standards for a role may include:

- Repeated failure to meet reasonable deadlines and/or achievable targets;
- Inability to manage reasonable workloads;
- Lack of skills and knowledge required for the role;
- Inappropriate conduct/behaviour towards colleagues/stakeholders/the wider community members;
- Significant and/or frequent mistakes;
- Complaints by other employees and/or the wider School community, relating to an employee's area of responsibility.

### **4. Informal stage and meeting**

4.1 The manager will arrange an informal meeting with the employee to discuss the performance issue(s) and any supporting documentation collated. The employee will be advised that the meeting is at the Informal Stage of the Policy. A copy of the Policy should be given to the employee before the informal meeting. The employee *does not* have the right to be accompanied at the Informal Stage.

4.2 During the meeting, the manager will:

- Bring the performance issue(s) to the attention of the employee providing clear examples/evidence, wherever possible;
- Explore possible causes of the under-performance and establish if there are any mitigating circumstances which need to be considered;
- Clarify duties, responsibilities and the required performance standards of the role, via: job description; person specification; appraisal objectives;

- Determine appropriate action to be taken to improve performance – this could be via an action plan, or written Performance Improvement Plan if appropriate at this stage;
- Clarify timescales required for improvement;
- Explore possible training and development needs and other appropriate means of support.

4.3 Following the meeting, the manager will:

- Make a note of the main points discussed and agreed actions to be taken as a consequence, retaining a copy of the notes and Performance Improvement Plan, and giving copies to the employee;
- Set a date for an Informal Review Meeting, to review the employee's progress against the agreed actions and timescales;
- Advise the employee that if the required improvements in performance are not achieved, then the matter could progress to the Formal Stage of the procedure in future.

4.4 It may be appropriate to structure the areas of improvement, support and timescales at the Informal Stage in the form of a Performance Improvement Plan [see Appendix 1] or using the Teachers' Standards [refer to [www.gov.uk](http://www.gov.uk)], depending upon the individual circumstances.

4.5 The time between the Informal Meeting and the Informal Review Meeting should be sufficient to allow for the required improvements to be made and for any training to take effect; this timeframe will be decided upon by the manager and will be dependent upon the specific performance issue(s) and the duties/nature of the role. Consideration should be given to the employee's view on this timeframe, ensuring that it is achievable.

4.6 Between the Informal Meeting and the Informal Review Meeting, the manager and the employee must ensure that any previously identified training and/or other means of support is provided. Regular 1-1 meetings should also take place during this period, with the manager monitoring performance and collating any supporting documentation.

## 5. Informal Review Meeting(s)

5.1 At the Informal Review Meeting, a review of progress against the previously agreed actions will be discussed, with reference to specific examples and supporting information/ documentation. The manager will conclude the meeting by confirming one of the following outcomes:

- 1) **Required improvements have been achieved** - There has been a sustained improvement in performance, which has met the required standards. This will be acknowledged by the manager and confirmation given that the informal stage of the procedure has been completed, with no further action to be taken. It will also be confirmed that the employee's improvement in performance is expected to be maintained and will continue to be monitored via 1-1 meetings.

- 2) **Required improvements have been partially achieved** - Some improvement has been made but the required performance standards have not yet been fully achieved. The manager will acknowledge the partial improvement and confirm that the period of review will be extended, with an **additional Informal Review Meeting** to be arranged. The manager considers that by extending the timescale for improvement and/or extending any assistance offered, there is sufficient likelihood that performance will improve to the required standards, within a reasonable timescale.

Following the additional informal review meeting, the outcome will either be 'required improvements have been achieved' or 'required improvements have not been achieved' and the actions to be taken are as at **1)** and **3)**.

- 3) **Required improvements have not been achieved** - There has not been a sustained improvement in performance to the required standards and the areas that remain unsatisfactory will be confirmed. The employee will be advised by the manager that the matter will now progress to the **Formal Procedure**.

## **6. Sustained performance**

- 6.1 Once the informal stage of the procedure has concluded, if the required improvements have been achieved but subsequently performance is not sustained and falls below required standards (this may not necessarily be the same performance issue as before), the matter will normally progress to the formal procedure and a Formal Performance Hearing will be arranged.

## **7. Formal Procedure**

### **7.1 Notification of a Formal Performance Hearing**

- The manager will write to the employee, giving 5 working days' notice.
- Meeting arrangements will be confirmed in writing and will include details of: the current stage; the performance standards required; where performance is below these standards; details of all support and training offered to date; any supporting documentation; possible consequences/outcomes of the meeting should the decision be made that the employee's performance is unsatisfactory.
- The letter will confirm that the employee has a right to be accompanied by a work colleague or a trade union representative [please see below].

## **8. Right to be accompanied**

- 8.1 During the formal procedure the employee will have the right to be accompanied by a work colleague or a trade union representative. The employee is required to tell the manager conducting the meeting who their chosen companion is in good time and before the meeting.
- 8.2 The employee is responsible for making arrangements for the attendance of their companion.
- 8.3 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

8.4 The School may, at its discretion, allow the employee to bring a companion who is not a colleague or union representative as a reasonable adjustment where this will help overcome a particular difficulty caused by a disability, or where the employee has a difficulty with understanding English. This must be arranged with prior agreement of the HR Manager.

## **9. Role of the companion**

9.1 An accompanying person will be allowed to address formal meetings to state and sum up the employee's case, respond on their behalf to any views expressed at the meeting and confer with them during the meeting. The accompanying person will not, however, have the right to answer questions on behalf of the employee, address the meeting if the individual does not wish them to do so or prevent the individual from explaining their case.

## **10. Attendance at meetings**

10.1 Where the employee is unable to attend due to circumstances beyond their control (e.g. personal ill-health, availability of their chosen accompanying person), they should inform the Manager and HR immediately and the School will usually arrange an alternative time, wherever possible within five working days of the original date.

10.2 If the employee is persistently unwilling or unable to attend the meeting, with no satisfactory explanation given, they may be subject to the Disciplinary Policy and the manager may reach a decision with regards to their performance, in their absence, based upon the available evidence and information.

## **11. Conduct and aims of the Formal Performance Hearings**

11.1 The conduct of the formal hearings will be as follows:

- The meeting will be led by the manager, with a HR representative in attendance;
- The manager will set out the required standards that they believe have not been met, including reviewing any existing Performance Improvement Plan and relevant evidence;
- Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
- Identifying whether there are further measures, such as additional training, mentoring or supervision, which may improve performance to the required level;
- Where appropriate, discussing targets for improvement and a time-scale for review;
- The employee will be given the opportunity to respond to any points raised;
- If dismissal is a possibility (Stage 3), establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment/ removal of some duties/ demotion into an alternative or junior role.

- 11.2 A meeting may be adjourned if the manager needs to gather any further information or give consideration to matters discussed at the meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened. Any adjournment should last no longer than is reasonably necessary in the circumstances.
- 11.3 The employee will be informed in writing of the decision and reasons for it, as soon as reasonably practicable after the performance meeting. Where possible this will also be explained in person.
- 12. Stage 1: First Performance Hearing**
- 12.1 Following a Stage 1 Performance Hearing, if the decision is made that the employee's performance is unsatisfactory, they will be issued with a First Written Improvement Notice, setting out the following:
- a) The issue of a first written improvement notice and a Performance Improvement Plan (PIP). The PIP will set out the areas where the current performance does not meet the standard required, areas for improvement and timescale;
  - b) Any measures, such as additional training, support or additional supervision/peer support as appropriate;
  - c) Date set for a performance review meeting, normally in six (6) weeks' time;
  - d) The consequences of failing to improve within the review period;
  - e) Right of appeal.
- 12.2 During the review period regular progress meetings should be held and a note of these made. As this is a formal stage, progress meetings to monitor the employee's performance against the PIP should take place on a regular basis in which the employee will be expected to demonstrate improvement in their performance.
- 12.3 Performance will be monitored during the review period and we will write to the employee to inform them of the outcome:
- a) if the manager is satisfied with their performance, no further action will be taken.
  - b) if the manager feels that there has been a substantial but insufficient improvement, the review period may be extended, depending upon the circumstances.
  - c) if the manager is not satisfied, the matter may be progressed to a Stage 2 Performance Meeting.
- 12.4 It is to be noted that if further performance issues occur within the review period, a decision may be made to progress to Stage 2 prior to the active period of the Stage 1 Improvement Notice ending.



- 12.5 It is further to be noted that if an employee is signed off a process but this is not sustained or there is a reoccurrence whilst the written improvement notice is in place the employee will re-enter this process at the appropriate formal stage. Consideration at this stage may also be given as to whether it would be appropriate to escalate the matter to Stage 2.
- 12.6 The Stage 1 First Improvement Notice will normally remain active for six (6) months from the end of the review period. After the active period the notice will remain permanently on the employee's HR file but will be disregarded in deciding the outcome of any future performance proceedings.
- 13. Stage 2: Second Performance Hearing**
- 13.1 If the employee's performance does not improve within the review period set out in the First Improvement Notice, or if there is further evidence of poor performance whilst the Notice is still active, the School may decide to progress to a Stage 2 Performance Hearing. Notification of this will be as set out above (7.1), with the only difference being that a second written improvement notice may be issued as an outcome and the PIP revised accordingly.
- 13.2 At the Stage 2 meeting the manager should seek to establish if there is any new evidence or circumstances to consider, and/or whether there is any change to the employee's circumstances which are affecting their ability to reach the required standard and perform at work.
- 13.3 Following a Stage 2 Performance Hearing, if the decision is made that the employee's performance is unsatisfactory; they will be issued with a Second Improvement Notice, setting out the following:
- a) The issue of the second written improvement notice and a revised PIP;
  - b) Any measures such as additional training, support or supervision to be provided;
  - c) Date set for a performance review meeting, normally in 4 weeks' time;
  - d) The potential future implications on the employees' future employment should they continue to fail to reach the required performance standards within the new timescales;
  - e) The right to appeal.
- 13.4 During the review period regular progress meetings should be held and a note of these made. As this is a formal stage, progress meetings to monitor the employee's performance against the PIP should take place on a regular basis in which the employee will be expected to demonstrate improvement in their performance.
- 13.5 A Second Written Improvement Notice will normally remain active for twelve (12) months from the end of the review period. After the active period, the notice will remain permanently on the employee's HR file but will be disregarded in deciding the outcome of future performance proceedings.

- 13.6 Performance will be monitored during the review period and we will write to the employee to inform them of the outcome:
- a) if the manager is satisfied with their performance, no further action will be taken.
  - b) if the manager feels that there has been a substantial but insufficient improvement, the review period may be extended, depending upon the circumstances.
  - c) if the manager is not satisfied, the matter may be progressed to a Stage 3 Performance Hearing.
- 13.7 It is to be noted that if further performance issues occur within the review period, a decision may be made to progress to Stage 3 prior to the active period of the Stage 2 Final Improvement Notice ending.
- 14. Stage 3: Final Performance Hearing**
- 14.1 The School may decide to hold a Stage 3 Final Performance Hearing if we have reason to believe that the employee's performance:
- a) has not improved sufficiently within the review period set out in previous improvement notices;
  - b) is unsatisfactory while a Final Improvement Notice is still active; or
  - c) has been grossly negligent such as to warrant dismissal without the need for a Final Improvement Notice.
- 14.2 Notification of this Hearing will be as set out above (7.1), with a Senior Manager (not previously involved) chairing the hearing. The Chair of the panel will write to the employee. Both the employee and their manager will be required to present their case at the hearing.
- 14.3 Following the meeting, if the School find that the employee's performance is unsatisfactory, we may consider a range of options including:
- a) extending an active Final Improvement Notice and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period);
  - b) issuing a Final Improvement Notice (where no Final Improvement Notice is currently active);
  - c) redeployment into another suitable job at the same salary and grade level; should a role be available;
  - d) redeployment into a lower salary and grade level should the duties and responsibilities reflect this and should a role be available;
  - e) dismissal with notice.

- 14.4 Dismissal will normally be with full notice or payment in lieu of notice, unless the employee's performance has been so negligent as to amount to gross misconduct, in which case the School may dismiss the employee without notice or any pay in lieu of notice.
- 15. Appeal**
- 15.1 Where dismissal is the outcome of the Performance Hearing, the employee has the right of appeal against this decision.
- 15.2 The appeal should be made in writing, setting out your grounds of appeal, and addressed to the HR Manager within 7 days of the date on which you were informed in writing of the decision.
- 15.3 The grounds of appeal may come under one or more of the following headings:
- a) Any procedural error(s) - but only if so substantial as to undermine the fairness of the decision;
  - b) Any errors of fact which were fundamental to the decision;
  - c) Whether the decision was unreasonable and should not be allowed to stand;
  - d) Any new evidence/information.
- 15.4 The date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, where the outcome of an appeal is to re-instate the employee, they will receive any remuneration or other benefits which they would have received had the decision to dismiss them not been taken. Continuity of employment will be preserved in these circumstances.
- 15.5 An Appeal Hearing will be convened as soon as is reasonably possible and the employee will be given written notice of the date, time and location of this.
- 15.6 The Appeal Hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light. This will be at the School's discretion depending on the circumstances of the case. In any event the Appeal will be dealt with as impartially as possible.
- 15.7 Where possible, the Appeal Hearing will be conducted by a more a senior colleague who has not been previously involved in the case. A member of the HR Department will also usually be present and the employee has the right to be accompanied [as stated above]. The Manager involved in the earlier stages of the process may also be asked to attend and present the management case to the Appeal Panel.
- 15.8 The Appeal Hearing may be adjourned if the School need to gather any further information or give consideration to matters discussed at the Hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the Hearing is reconvened.
- 15.9 Following the Appeal Hearing the possible outcomes are:

- 1) The Appeal is rejected and the dismissal is upheld;
  - 2) The Appeal is upheld, the dismissal is overturned and the employee is re-instated;
  - 3) The Appeal is partially upheld, the dismissal is overturned with conditions for further monitoring and review, within a defined timescale; or
  - 4) Substitute a different outcome.
- 15.10 The outcome will be confirmed in writing.
- 15.11 There will be no further right of appeal.