



St Mary's Academy Trust

Improving Employee Performance Policy

Date agreed by HR Committee: August 2019

Date to be reviewed: April 2021

1. INTRODUCTION

- 1.1 Employees have a responsibility to achieve an acceptable level of performance at work and must be supported and encouraged to reach this level.
- 1.2 Headteachers should set realistic and achievable standards consistent with the employee's role and should ensure that employees understand what those standards are in terms of the quality and quantity of work and the time and costs associated with the expected output.
- 1.3 This policy should be used for dealing with performance issues for all non-teaching employees employed by the Trust.
- 1.4 This policy does not apply to the Chief Executive who is governed by separate terms and conditions of service in this respect.
- 1.5 This policy does not include Teachers, for whom reference should be made to the Capability Procedure for Teachers.
- 1.6 The formal process defined in this policy does not apply to those employees covered by the Probationary Period Review Procedure during their first six months in post.
- 1.7 Employees who have a period of long term illness or maternity leave will have this process suspended during their absence and the process will recommence at the same stage on their return to work.

2. LINKS TO OTHER POLICIES

- 2.1 Where poor performance is due to misconduct then this should be dealt with through the Disciplinary Procedure.
- 2.2 Where poor performance is linked to health issues then reference should be made to the Managing Attendance Policy.
- 2.3 Where poor performance is related to a disability as defined under the Equality Act (2010) then consideration must be given to any reasonable adjustments which can be made to the workplace or job role. Further guidance is available in the Supporting Disabled Employees at Work Policy.
- 2.4 Where poor performance is linked to issues relating to bullying, harassment or victimisation then reference should be made to the Dignity at Work Policy.

3. THE EMPLOYEE PERFORMANCE FRAMEWORK

3.1 Performance in employment is wider than the formal aspect of the process. It is supported by an overarching framework which includes a number of related policies.

3.2 Recruitment

3.2.1 Performance standards are set before an employee commences in the post and consideration should be given to these prior to recruitment.

3.2.2 The job description must be reviewed and checked to ensure it is still fit for purpose, on each occasion before any recruitment commences so that the expected standards can be re-enforced throughout the recruitment process. This should ensure that the appointee has the necessary skills and abilities to meet the objectives of the post and fulfil the performance expectations.

3.2.3 The appropriate policies should be followed until the post(s) is(are) filled with an appropriate candidate ensuring that the performance expectations are re-enforced.

3.3 Induction

3.3.1 Once the chosen candidate is appointed they should be given an effective school induction which re-enforces the standards expected and outlines the policies which will be used to monitor performance (see section 4.2). New starters should also attend the Trust induction with the CEO and HR.

3.4 Probationary Period

3.4.1 Any employee who has not got continuous service covered by the Continuous Service Redundancy Payments Modification Order, must successfully complete a 6 month probationary period during which their performance must meet the expected standards and achieve the specified objectives as defined by the Headteacher. Ongoing employment in this post will be subject to the employee satisfactorily completing their probationary period.

4. THE INFORMAL PROCESS

4.1 The aim of the informal process is to identify areas of potential weakness as early as possible and to develop targets and objectives and provide support and training to assist the employee to improve to an acceptable standard within a given timescale.

4.2 Performance Monitoring

4.2.1 Once the employee has satisfactorily completed their probationary period then their ongoing performance will be monitored and reviewed using a combination of the following elements, which together will inform the improving employee performance process:

- **Performance Management**

All employees should receive a Performance Review on an annual basis. During the review, a discussion will take place regarding the employee's targets and objectives for the forthcoming year along with a review of achievements against those set for the previous period. Headteachers should also discuss the Trusts vision, values and behaviours with the employee to ensure they understand what is expected of them as an employee of the Trust.

Headteachers and employees can communicate with each other through one to one meetings and supervision. Performance can be monitored during one to one discussions between the Headteacher and employee, which should be convened regularly and documented. These discussions should include an ongoing update regarding targets and objectives and the prioritisation of day to day workloads to ensure that objectives are met.

- **Corporate Responsibilities (Accountability Framework)**

The Trust has a number of key areas of responsibility that affect all employees. Depending on the employee's role, some of these areas will have a greater significance than others, but many like health and safety, equality and diversity, information governance and anti-fraud apply equally to all employees regardless of role. These areas of responsibility are detailed within the Accountability Framework.

- **What the Trust Expects of You**

The Trust's Vision, Values and Behaviours are developed to provide clarity about plans, ambitions, standards and expectations. Employees are expected to contribute to the achievement of the vision and act in accordance with the values and behaviour expectations.

4.3 The Informal Process

4.3.1 It is imperative that all discussions under section 4.2 above are documented otherwise the improving employee performance process cannot proceed further. If documentation is not available then Headteacher should meet with the employee and revisit any outstanding performance issues, ensuring that the meeting is documented and clear standards of expectation regarding performance are agreed.

4.3.2 The Headteacher should consider whether there are any circumstances, either personal or work related which may have impacted negatively on the employee's performance.

4.4 Informal Improving Employee Performance Action Plan

- 4.4.1 Where performance is not satisfactory, in order to appropriately address this, Headteachers must ensure that clear indication, both verbally and in writing is given to the employee detailing the expected improvements and support mechanisms which will be put in place. The Headteacher should proceed as follows:
- 4.4.2 The Headteacher should arrange to meet with the employee and clearly define the areas of concern regarding performance and the targets and objectives which have not been achieved, allowing the employee opportunity to present their perspective of the performance issues. Discussions should also detail the expected standards, objectives to be met and any agreed actions including appropriate training, coaching etc. Headteachers must ensure that the targets and objectives set for the employee are within the confines of the role and are achievable in the timeframe.
- 4.4.3 Discussions must be documented on the Informal Improving Employee Performance Action Plan along with details of the required actions from the meeting. This must be supplied to the employee by the Headteacher within 3 days of the meeting and should be signed by both parties.
- 4.4.4 This action plan will remain in place for three months, unless there are circumstances which dictate otherwise e.g. a training requirement cannot be fulfilled within this timescale, in which case an appropriate timescale should be agreed.
- 4.4.5 In cases where the performance issues are of such a severity that there is a severe risk to the Trust then the timescale of the Action Plan may be shortened.
- 4.4.6 Where the employee works an alternative working pattern e.g. term time only then it may be necessary to agree a different timescale in order to allow the employee sufficient time for improvement.
- 4.4.7 During the period that the action plan remains in place the Headteacher should ensure that the employee continues to participate in the performance monitoring mechanisms outlined in section 4.2.

4.5 Reviewing the Informal Improving Employee Performance Action Plan

- 4.5.1 The Headteacher should arrange to meet with the employee to review the action plan on a fortnightly basis with a final meeting being arranged to coincide with the end of the action plan period.

4.5.2 On meeting with the employee, the Headteacher should discuss each item identified on the action plan and identify with the employee whether these have been met satisfactorily.

4.5.3 Regardless of the outcome of the review the details must be clearly documented on the action plan, signed by both Headteacher and employee and a copy retained by both.

4.6 Outcome of Informal Improving Employee Performance Action Plan

4.6.1 The outcome of the meeting at the end of the action plan should be one of the following:

- If all previous actions identified on the action plan have been implemented and the employee's performance has improved satisfactorily, the result being that objectives are now being met then no further action need be taken. The employee will continue with the normal cycle of performance monitoring as defined in 4.2 above.
- If there are actions identified on the plan which have not yet occurred then these should be discussed and if justified on the Headteacher or employees part then the timescale should be extended for a further month to enable the completion of the original action plan. Review meetings should be held fortnightly. In exceptional circumstances where a one month extension is not appropriate then this may be extended to a maximum of two months. Review the extension by following paragraph 4.5.1 onwards.
- If all previous actions identified on the action plan have occurred but there is evidence that the employee's performance has not improved satisfactorily and objectives are still not being met then the Headteacher should inform the employee that it is their intention to progress to the formal review stage (Section 5).

4.6.1 The details of the outcome, whatever this is, must be clearly documented on the action plan. A copy of the action plan should be given to the employee within 3 days of the meeting, signed by both the Headteacher and employee and a copy retained by both.

5. THE FORMAL PERFORMANCE MEETING (STAGE 1)

5.1 The Headteacher, supported by HR, should contact HR who will assist with the following arrangements for a meeting with the employee:

- Arrange for 3 members of the Governing Body to hear the case.
- Arrange a date for the meeting (giving 10 days notice)
- Arrange suitable accommodation for the meeting
- Collate all supporting documentation referred to in Section 4 above in readiness to present this at the stage 1 meeting

5.2 The Headteacher, supported by HR, should write to the employee giving 10 days notice making reference to the previous action plan, confirming that the situation is now progressing into the formal stage. The letter should contain the following information:

- Name of the senior manager who will hear the case
- Date, time and location of the meeting
- Right to representation
- Copy of this Policy
- Copy of previous Improving Employee Performance Action Plan
- The outcome of this meeting may conclude in a final written warning being issued

5.3 The Chair of Governing Body will chair the meeting, ensuring that introductions are made and that the format of the meeting is explained as follows:

5.3.1 The Headteacher should clearly define the areas of concern regarding performance and the targets and objectives which have not been achieved, referring to the documentary evidence collated in Section 4.

5.3.2 The employee and/or Chair of the meeting can ask any relevant questions of the Headteacher.

5.3.3 The employee and/or their representative should then be afforded the opportunity to respond and present their reasons and perspective regarding the performance issues.

5.3.4 The Headteacher and/or Chair of the meeting can ask any relevant questions of the employee.

5.3.5 Taking account of the information presented by both the Headteacher and employee and/or their representative the Chair will decide on the appropriate course of action. This will normally be one of the following:

- If the employee's performance is deemed satisfactory then the employee will re- enter the normal cycle of performance monitoring as defined in 4.2 above.
- If the employee's performance is deemed unsatisfactory then details of the expected standards, objectives to be met and any further opportunities for training, coaching and support which will assist the employee in improving their performance will be discussed. The Chair must ensure that the targets and objectives set for the employee are within the confines of the role and are justifiable and achievable. The Chair will also inform the employee that they are issuing them with a final written warning which will remain in place for the duration of the Formal Improving Employee Performance Action Plan (see 5.3.6 below). The final written warning must be confirmed in writing and the employee will have a right of appeal against this (see 5.3.9 below).

- 5.3.6 Discussions and agreed actions from this meeting should be clearly documented on the Formal Improving Employee Performance Action Plan. The Action Plan should be issued to the employee by the Chair within 3 days of the meeting. It should be signed by all parties and a copy retained by the employee, the Headteacher and the Chair.
- 5.3.7 This formal action plan/final written warning should remain in place for 3 months to allow further opportunity for improvement, unless there are circumstances which dictate otherwise e.g. a training requirement cannot be fulfilled within this timescale, in which case an appropriate timescale should be agreed.
- 5.3.8 In cases where the performance issues are of such a severity that there is a severe risk to the Trust then the timescale of the Formal Improving Employee Performance Action Plan/Final Written Warning may be shortened.
- 5.3.9 Where the employee works an alternative working pattern e.g. term time only then it may be necessary to agree a different timescale in order to allow the employee sufficient time for improvement.
- 5.3.10 During the period that the action plan/final written warning remains in place, the Headteacher should ensure that the employee continues to participate in the performance monitoring mechanisms outlined in section 4.2 and should meet with the employee to review their progress on a fortnightly basis.
- 5.3.11 Where the employee has been issued with a final written warning they must be given the right of appeal. The appeals process is detailed in Section 7.

5.4 Reviewing the Formal Improving Employee Performance Action Plan

- 5.4.1 A final review meeting should be arranged to coincide with the end of the action plan/final written warning period and should be chaired by the same Chair of Governors.
- 5.4.2 At the meeting the issues and actions documented in the Formal Improving Employee Performance Action Plan should be reviewed and discussed to determine whether the employee's performance has improved satisfactorily, resulting in targets and objectives being achieved. All supportive actions previously agreed e.g. training etc should also be reviewed to ensure that these have occurred.
- 5.4.3 The format for the final review meeting should follow the same format as 5.3 – 5.3.4 above.

5.4.4 The outcome of this formal review meeting should be one of the following:

- If all previous actions identified on the action plan have been implemented and the employee's performance has improved satisfactorily, the result being that objectives are now being met then no further action need be taken. The employee will continue with the normal cycle of performance monitoring as defined in 4.2 above.
- If there are actions identified on the plan which have not yet been implemented then these should be discussed and if justified on the Headteacher or employees part then the timescale should be extended for a further month to enable the completion of the formal action plan. In exceptional circumstances where a one month extension is not appropriate then this may be extended to a maximum of two months.
- If all previous actions identified on the formal action plan have been implemented but there is evidence that the employee's performance has not improved satisfactorily and objectives are still not being met then the Chair should inform the employee that they are suspended from work on full pay whilst arrangements are made for a Stage 2 Formal Performance Meeting which will be conducted by an independent panel and which may result in their dismissal. The suspension should be confirmed in writing.

5.4.5 Regardless of the outcome of the formal review the details must be clearly documented on the review section of the formal Improving Employee Performance Action Plan. This should be issued to the employee within 3 days of the review meeting and should be signed and a copy retained by all parties.

6. THE FORMAL PERFORMANCE MEETING (STAGE 2)

6.1 Where an employee's performance has failed to improve satisfactorily throughout the informal and formal processes outlined in sections 4 and 5 above, the Headteacher, supported by HR, should make arrangements for a Stage 2 formal performance meeting in order for a further independent panel to assess the performance issues, action taken to date, training, support etc.

6.2 The panel will consist of the HR Committee who have had no prior involvement in the case.

6.3 The Headteacher, supported by HR, should make the following arrangements for this meeting:

- Identify the panel members and confirm their attendance (see 6.2)
- Arrange a date for the meeting
- Arrange suitable accommodation for the meeting
- Arrange for the meeting to be recorded

- Collate all supporting documentation referred to in Sections 4 and 5 above
- Prepare the management case

6.4 The Headteacher, supported by HR, must write to the employee informing them about the meeting, giving ten working days' notice of the meeting. The letter should contain the following information:

- Date, time and location of the meeting
- Names and titles of the panel members
- Advise of the right to be represented
- A copy of this policy
- A copy of all documentation which the Headteacher will refer to in the meeting, referred to in Sections 4 and 5 above.
- Advice to the employee that the meeting could result in their dismissal

6.5 The Headteacher, supported by HR, must prepare a statement of case detailing all the discussions and actions taken under the processes outlined in Sections 4 and 5 above and all support, training etc which has been provided to the employee in an attempt to improve their performance. This will be verbally presented to the panel at the formal performance meeting.

6.6 The meeting should proceed as detailed in the Procedure at a Formal Performance Meeting.

6.7 After both the Headteacher and employee (or their representative) have given all the evidence in support of their cases, all questions have been asked and summaries given the panel will deliberate on all information presented and the conclusion is likely to be one of the following:

- If it is determined that the employee's performance has improved satisfactorily in order that objectives are being met, then there will be no further action. The suspension will be lifted, if applicable, and the employee will continue with the normal cycle of performance monitoring as defined above.
- If it is determined that there is an avenue of support or training which has not yet been explored, then the panel should instruct the Headteacher to lift the suspension if applicable, and to implement the recommended actions and set a date for a further review in one month's time. In exceptional circumstances where a one month extension is not appropriate then this may be extended appropriately usually to a maximum of two months. Following the extension period, the stage 2 meeting should be reconvened following the same format as 6.6.
- If it is determined that all possible support, training and management intervention has been implemented during both the informal and formal processes defined in Sections 4 and 5 above and the employees' performance has not improved to a satisfactory

level which would enable them to meet their objectives then the panel should dismiss the employee with immediate effect giving the appropriate pay in lieu of notice.

6.8 Actions Following the Formal Performance Meeting Stage 2

Following the Formal Performance Meeting Stage 2 the Chair of the panel must write to the employee to confirm the discussions and outcome of the meeting.

The letter should contain the following information:

- Detail who was present at the meeting
- Indicate the date and location of the meeting
- Summarise the information presented by both the Headteacher and employee
- Specify the panel's decision, including any further actions (and timescales where appropriate)
- If the outcome is dismissal - confirmation of termination date, details of pay in lieu of notice and right of appeal

7. THE APPEALS PROCESS

7.1 Where an employee has been subject to a Formal Performance Meeting as outlined in Sections 5 or 6 they have the right of appeal against the outcome. In order to appeal the employee must inform the Chair in writing of their wish to appeal within 14 days of receipt of the letter of the confirmation of the outcome of the formal performance meeting.

7.2 The Headteacher, supported by HR, should make the following arrangements for the Appeal Meeting.

- Identify the Appeals Panel from an appropriate Committee of the Board
- Arrange a date for the meeting – ensuring that the Chair of the previous performance meeting is available to present the case along with any witnesses
- Arrange suitable accommodation
- Arrange for the meeting to be recorded
- Liaise with the Chair of the previous performance meeting to collate the supporting documentation and to prepare managements case

7.3 If the employee was dismissed at the Stage 2 performance meeting then all employees shall have the right of appeal against a dismissal, which shall be exercisable in accordance with the criteria set out in the policy. All such appeals shall be heard by a panel consisting of HR Committee, independent Human Resources and the Chief Executive.

7.4 The appeal will be conducted as a review of the first instance decision, having regard to the matters set out in the grounds for appeal and any new evidence (if applicable) that has become available following the outcome of the original meeting. Both parties should address the panel summarising the key aspects of their case.

- 7.5 The panel will have received and considered the statement of case and all witness statements from both parties submitted prior to the meeting. Witnesses will not normally be required to present evidence but should be available to be questioned should this be required. The appeal shall normally be conducted in one day except in exceptional circumstances.
- 7.6 It is recommended that the Headteacher, supported by HR, should make arrangements for the Appeal Meeting and inform the employee in writing, giving 10 working days' notice of the requirement to attend the Appeal Meeting.
- 7.7 The Headteacher should write to the employee confirming arrangements for the Appeal Meeting.
- 7.8 The process outlined in the Procedure at the Appeal Meeting should be followed.
- 7.9 The Appeal Panel has authority to confirm, reduce, increase or revoke the original outcome. The decision of the Appeals Panel is final.
- 7.10 Where possible, the decision will normally be given verbally to the employee at the conclusion of the meeting and confirmed in writing. Notification of the decision should be confirmed in writing to the employee within 5 working days.
- 7.11 However, it may be necessary to communicate the outcome in writing. All parties should be advised of any changes to the method of communication and extension to timescales at the closure of the meeting.
- 7.12 The Headteacher, supported by HR, must make arrangements for all documentation relating to this procedure to be placed on the employee's electronic personal file.

8. EQUALITY AND DIVERSITY

- 8.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact HR who will if necessary ensure the policy is reviewed.

9. DATA IMPACT ASSESSMENT

- 9.1 At all stages of this procedure data obtained will be used for only the purpose for which it is intended and will be stored securely with restricted access to those involved in the process. Following the process data will be stored on the electronic personal file for the duration of the employees' employment with the Trust and for 6 years thereafter. The data will be destroyed at this time using a confidential shredding service.

10. INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS

- 10.1 There are no tax or national insurance implications arising from this Policy.

