

Bishop Alexander L.E.A.D Academy

Performance Improvement Policy

Policy/Procedure management log

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Document Control:

Date Approved	This policy has been consulted on directly with the Joint Consultative and Negotiation Committee (JCNC) which includes regional representatives from NEU, NAHT, NASUWT, UNISON and GMB in line with the Trade Union Recognition Agreement between L.E.A.D. Academy Trust and the Trade Unions. First Consultation: October 2020 Final Consultation: December 2020 Implemented: June 2021
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1. Terms of Reference

The policy sets out the procedure for managing performance within the workplace. This policy will apply to all L.E.A.D. Academy Trust employees and L.E.A.D Services employees. This procedure is contractual and does not apply to agency or contract workers.

This policy is designed to ensure that where concerns arise in an individual's performance, these are managed fairly and consistently to ensure the support and opportunity to make improvements are provided. This policy is designed to help all employees maintain or reach the expected standard of performance required by our Trust. Performance issues may arise from both *what* an employee does as well as *how* an employee conducts themselves within the workplace. The process outlined in this document aims to provide a framework within which line managers are able to support and encourage performance improvements.

In most cases, an employee's performance should improve after they have been spoken with informally and made aware of concerns. Concerns around performance may be due to a lack of training or the individual being unaware of, or misunderstanding what is required. Where the shortfall is identified in relation to a gap in induction or training, every effort should be made to rectify this before any performance process commences. The Trust will give the necessary encouragement and support needed. Dealing with issues as they arise informally in the first instance, will allow employees the opportunity to be made aware of such concerns and rectify them to prevent performance issues escalating.

Before any steps in the Performance Improvement Policy procedure are taken, it is important that it is established whether this is the most appropriate course of action. As stated above, an individual's standard of performance may fall below the expected level for a variety of reasons and it is important that the correct procedure or process is used in each circumstance.

For example:

- If performance problems are judged to result from *conduct* (over which the individual has control), the **Trust Disciplinary Policy** would apply. The fundamental distinction between *capability* (whereby the Performance Improvement Policy should apply) and *conduct* may be expressed as "can't" against "won't" respectively; the latter implying some degree of control, deliberation or choice.
- Please refer to the **Trust Sickness Absence Policy** where a member of staff is unable to adequately fulfill their role due to physical or mental health issues, or because of frequent absences due to illness.

The Performance Improvement process should run concurrently with the usual performance appraisal process. Line managers should not wait until a formal annual appraisal meeting before any performance concerns are raised; these should be raised as soon as they become apparent. Any concerns in relation to an employee's performance should be discussed at the onset with a member of the HR team to ensure the relevant policy is being followed.

For employees who are in their probationary period, please refer to the Trust Probation Policy for reference as how to manage significant performance concerns during this period.

1.1 Key Definitions

Headteacher - also refers to any Heads of Department or equivalent role where this process is being applied within the Central Team. In cases where a Headteacher's performance is being managed under this procedure, all reference to 'Headteachers' chairing hearings should be considered as a Senior Trust Leader. Where the Headteacher is the line manager of the employee and is directly involved in managing this procedure, any formal hearings will be undertaken by another suitable Colleague from within the Trust.

Employee - refers to any member of staff employed to work at The Trust.

Senior Manager - refers to a member of the Senior Leadership Team including Business Managers delegated by the Headteacher to deal with a matter under this procedure.

Academy – refers to either a school within the Trust or a Trust working location such as Central Team, Teaching School or IT Services.

Monitoring period – this will usually be a period of 6 working weeks following implementation of the plan however this may be extended depending on the seniority of the employee, and complexity of the role. Where a monitoring period will be greater than this, it will be discussed and confirmed with the employee.

1.2 Key Principles of Performance Improvement

The Trust will ensure that:

- individuals are advised clearly in writing of ways in which their performance falls short of the expected standard, if applicable.
- individuals are made aware at an early stage that this policy will be followed should their performance consistently fail to meet expected standards, along with their entitlements within the process.
- in cases of underperformance, the employee is given an opportunity to discuss their underperformance and is given time and support to improve.
- employees are advised of their right to representation at any formal meetings held under this policy where a warning may be issued.
- employees are given copies of any records relating to their performance which is relied upon during this process.
- individuals are advised of their right to appeal against any formal sanctions that may be awarded during the process.

2. Procedure

2.1 Summary

There are five main stages to the Trust Performance Improvement procedures.

- **Informal Performance Discussions**
- **First Formal Performance Hearing**
- **Second Formal Performance Hearing**
- **Final Formal Performance Hearing**
- **Appeal**

2.2 Informal Performance Discussions

All individuals will be made aware of how their performance will be reviewed during their employment. This will be dependent on their role; for example, teachers will have formal observations whereas this may not apply to support staff.

At any point where concerns about an individual's performance arises, they will be invited to attend an informal one-to-one meeting with their line manager as soon as reasonably practicable. Any discussions which take place regarding their performance should be viewed in a positive manner. At this point, the line manager should attempt to establish the reason for any underperformance. The line manager should also try to establish how they can support and encourage the employee to improve their performance. In most cases, it is expected that an individual's performance should improve following this informal meeting with the appropriate support and guidance. As this is a line management conversation, the employee does not have the right to representation at this meeting. Notice of these meetings taking place will be given wherever possible however, there may be circumstances where this is not given and immediate meetings take place.

During this meeting, it is expected that the line manager will:

- have prepared for the meeting by identifying objective evidence and examples to support the discussion.
- wherever possible, provide recognition with examples of where positive performance has been identified and discuss areas for development where performance may not be to the expected standard.
- discuss with the employee the reason for the shortfall in performance, listen to their responses and jointly explore possible solutions to resolve the issue(s).
- jointly agree Specific, Measurable, Achievable, Relevant and Time-bound (SMART) objectives, establish what support the individual needs, and what support will be given to achieve the objectives.
- set out a reasonable timescale for achieving the objective(s) dependent on the role and seniority of the individual however this would usually be a period of around six weeks.
- clearly explain to the employee any next steps including providing a copy of this policy for their reference.

Within a reasonable period, usually 5 working days, following the informal meeting, the line manager will provide the employee with a document to confirm the agreed expectations and objectives for improvement. The line manager will also provide the employee with a clear and reasonable timeline for improvement. Appendix 1 may be used as an example plan however, at the informal stages this is not compulsory.

At the end of this initial monitoring period, the line manager will again review performance with the individual informally. The outcome of this meeting will be one of three options:

1. Performance has improved to be at the expected level and the line manager will confirm this to the individual. They will no longer be subject to performance monitoring procedures. This should be advised verbally and confirmed in writing either by letter or email so both parties have a record of this concluding.
2. Some progress has been evidenced however, there is not sufficient progress to remove the employee from performance monitoring procedures. In this case, informal timescales may be extended for a further short period. The support being provided will also be reviewed to consider whether any further measures can be put in place.

3. Performance has been deemed not to have improved sufficiently during this monitoring period and the case will be progressed to a formal hearing.

2.3 First Formal Performance Hearing

Should a circumstance arise where performance has not improved during the informal monitoring period, the employee will be invited in writing to attend a first formal performance hearing usually with between 5 to 10 working days' notice of this taking place. Any documents to be referred to in the hearing by the line manager should be provided to the employee with the written notice of the hearing. Should the employee wish to refer to any other documents, these should be provided to the Chair of the meeting no less than 3 working days before this takes place.

This meeting will usually be Chaired by the Headteacher supported by a member of the HR team to provide procedural advice; HR is not a decision maker in this process. As this is a formal meeting where a warning may be issued in relation to standards of performance, the employee has the right to representation should they wish. A note taker may also be present.

At the hearing, the line manager will be expected to present a case to the Headteacher using evidence to advise where performance has not met the expected standard and what support has so far been provided during the informal stages. The employee will be given the opportunity to discuss their case with the Chair and provide any reasons as to why they feel their performance has or has not improved.

Following an adjournment of the hearing to review the case, the Chair will reconvene the meeting and advise the employee of one of the following outcomes:

- **Informal monitoring to be continued** as some evidence of improvement has been made but where this is not deemed to be sufficient to remove the employee from informal procedures.

OR

- **A first formal warning will be issued** with a performance improvement plan (PIP, [Appendix 1](#)) to ensure performance meets expected standard over the next monitoring period. It must be explained that if there is no satisfactory improvement within the given timescales, this could lead to further formal warnings being issued. The warning will be confirmed in writing within 5 working days of the meeting taking place and the employee will be advised of their right to appeal this decision.

During the monitoring period, if performance improves to the expected standard for a sustained period of time, the employee will be provided with a letter confirming that improvements have been evident and that the formal proceedings have ceased. However, if performance fails to be maintained within a six working-month period of this confirmation being issued, a further formal Performance Review hearing will be arranged.

2.4 Second Formal Performance Hearing

Should performance not have improved during the monitoring period or has failed to be maintained after being removed from procedures whilst the first formal warning is still live, a second formal performance hearing will be arranged.

The employee will be invited in writing to attend a Second Formal Performance Hearing usually with between 5 to 10 working days' notice of this taking place. As at the previous hearing, any documents to be referred to in the hearing by the line manager should be provided to the employee with the written notice of the hearing. Should the employee wish to refer to any other documents, these should be provided to the Chair of the meeting no less than 3 working days before this takes place.

Again, this will be Chaired by the Headteacher supported by HR and a note taker will be present. The individual will be advised of their rights to representation.

At the hearing, the line manager will be expected to present evidence of performance during the monitoring period and why this has not yet met the required standards. The employee will be given the opportunity to discuss their case with the Chair and provide any reasons as to why they feel their performance has not yet improved.

Following an adjournment of the hearing, the Chair will reconvene the meeting and advise the employee of one of the following outcomes:

- **Extension of formal monitoring period** in circumstances where some progress has been made but where this is not deemed to be sufficient to remove the employee from formal procedures, the first formal warning period will be extended by a further 3 working months.

OR

- **Final Formal Warning will be issued** with a further performance improvement plan (PIP, [Appendix 1](#)) to ensure performance meets required standards over the next monitoring period. It must be explained that if there is no satisfactory improvement within the given timescales, this could lead to dismissal on grounds of capability. The warning will be confirmed in writing within 5 working days of the meeting taking place and the employee will be advised of their right to appeal this decision.

During the monitoring period, if performance improves to the expected standard for a sustained period of time, the employee will be provided with a letter confirming that improvements have been evident and that the formal proceedings have ceased. However, if performance fails to be maintained during a 12 working month period of this confirmation being issued, a Final Formal Performance Review hearing will be arranged at which the individual's capability to continue in post will be discussed.

2.5 Final Formal Performance Hearing

If the employee's performance has still failed to improve to the required level within the agreed timescales, they will be invited to attend a Final Formal Performance Hearing. This will again be Chaired by the Headteacher who has previously been involved with the other hearings supported by an independent panel member (e.g. Academy Governor or another Trust Headteacher). HR will also be present for procedural advice however, HR do not form part of the decision-making panel. A note taker will also be present.

The employee will be invited in writing to attend a Final Formal Performance Hearing usually with between 5 to 10 working days' notice of this taking place. As at the previous hearing, any documents to be referred to in the hearing by the line manager should be provided to the employee with the written notice of the hearing. Should the employee wish to refer to any other documents, these should be provided to the Chair of the meeting no less than 3 working days before this takes place.

At the hearing, the line manager will be required to present all evidence in the case including what progress has been made during the formal procedures and what support has been provided to the employee. The employee will be given the opportunity to discuss their case with the Panel and provide any reasons as to why they feel their performance has not yet improved.

Following an adjournment of the hearing, the Panel will reconvene the meeting and advise the employee of one of the following outcomes:

- **Extension of formal monitoring period** in circumstances where some progress has been made but where this is not deemed to be sufficient to remove the employee from formal procedures, the second formal warning period will be extended by a further 6 working months.

OR

- If there are no extenuating circumstances, a decision may be taken that the employee's contract of employment be terminated by reason of capability. In some circumstances, there may be solutions other than dismissal (e.g. demotion or transfer of employment) which will be fully explored at the hearing.

The outcome will be confirmed within 10 working days of the hearing along with confirmation of the right to appeal the decision.

3. Appeal

If the colleague chooses to appeal against the decision made at any Formal Performance Review Hearings, this must be submitted within 5 working days of the date of the letter confirming the hearing outcome. This must detail the full details as to why the appeal is being submitted and should be sent to hr@leadacademytrust.co.uk. This appeal submission should also include any documentation that the employee wishes to refer to in their appeal.

The appeal hearing will be arranged as soon as reasonably possible and the employee will be given between 5-10 working days' notice of this taking place. They will be advised of their rights to representation at any appeal hearing. This will be heard by a senior manager who will be supported by a member of HR. A note taker will also be present.

In the case of an appeal against termination of employment, this will be heard by a panel including where possible a more senior manager than the person who chaired the original hearing supported by another person who is independent of the school. HR will also be present along with a note taker.

Following an adjournment of the appeal hearing, the meeting will be reconvened during which time the Panel will advise of the outcome of the hearing. This will either be that the appeal is upheld, and the original decision is overturned or that the appeal has been unsuccessful, and the original decision remains. This decision will be confirmed in writing usually within 10 working days of the hearing. The employee will be advised at this time that there is no further right of appeal in this process.

4. Absence During Performance Processes

Should the employee be absent from work during the performance improvement process (informal or formal stages) for a significant period, the plan will be paused until the employee is in a position to return to work. This absence could be due to illness or for family friendly reasons such as maternity, parental or adoption leave.

Upon return to work, discussions will take place with HR to ensure that progression of the support plan is reasonable considering the timescales and reasons for absence. Revised timescales or any adjustments put in place as a result of the absence will be clearly communicated in writing to the employee.

5. Trade Union Representation

Unless a formal performance hearing is arranged, all meetings with the line manager held under this policy are deemed usual day-to-day line management meetings and as such there is no right to representation at these.

However, where formal hearings are arranged as part of this policy the employee may wish to have a representative present with them so long as this does not cause unnecessary delay to the hearing taking place. Should the employee's chosen representative not be available on the date arranged, a further date will be arranged within 5 working days. Should the representative or any alternative be unavailable on the rearranged date, the hearing may reasonably go ahead.

When an informal process commences with an employee who is also a trade union representative, they will be advised to bring this to the attention of their own Union.

6. Appendix 1 – Performance Improvement Plan (PIP)

Employee Name:

Job Title:

Line Manager name & Job Title:

Date:

Objective	Current Progress Against Objective What does performance look like now?	How Will You Achieve It?	What Support/Training do You Need? Identify what & who this will be from	How Will We Know if You Have Achieved It? What will performance look like?	Review Date(s)
Employee's Comments					
Line Manager's Comments					

Next agreed review dates over the 6 working week monitoring period:

- X
- X
- X
- Final review date:

From our discussion, I understand the above expectations and that failure to achieve them may result in formal Performance Review Hearing being arranged. I commit to making all reasonable attempts to improve my performance during this period and will raise any concerns during this period with my line manager.

Employee Signature

Date

Manager Signature

Date

7. Annex A – Trust Teacher Standards Framework

It is expected that where an individual progresses through to the framework, they are able to maintain expected standards of each prior point in addition to the new ones.

Teacher	M1 (ECT Year 1)	- The vast majority of pupils make good progress in English and Maths and a small proportion make accelerated progress, with support of an accomplished or expert teacher. - Proactively seek and act upon support from staff, focused on personal improvement. - Build positive relationships with staff, pupils and parents. - Ensures the wellbeing and safety of all children - Have an awareness of the role of the Trust - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
	M2 (ECT Year 2)	- The vast majority of pupils make good progress in English and Maths and a small proportion make accelerated progress, with support. - Proactively seek and act upon support from staff, focused on personal improvement - Begin to offer and develop own ideas, and share these within the team - Ensures the wellbeing and safety of all children - Take responsibility for a subject/area - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
	M3	- The vast majority of pupils make good progress in English and Maths and a small proportion make accelerated progress. - Begin to advise staff on matters relating to your subject leadership - Offer informal support/awareness of the needs of others in your department/team. - Ensures the wellbeing and safety of all children - Shaping the way your subject is taught across the academy - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
Accomplished Teacher	M4	- All pupils make consistently good progress in English and Maths and a small proportion make accelerated progress. - Professional relationships begin to have an impact upon professional practice of others - Ensures the wellbeing and safety of all children - Independently identify areas of development for self, and others within subject leadership role - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
	M5	- All pupils make consistently good progress in English and Maths and a small proportion make accelerated progress. - Aware and proactive about personal professional development - Supporting staff to improve pupil progress in your subject /specialism/team, identify areas of need in others - Awareness of National policies - Ensures the wellbeing and safety of all children - Develop subject links with other academies within the Trust relating to your subject - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
	M6	- All pupils make consistently good progress in English and Maths and a small proportion make accelerated progress. - Professional relationships with all members of the academy community – staff, parents, governors - Awareness of local and national agendas and lead development within strands, reporting to governors when necessary - Step up in leadership absence where appropriate - Actively aware of own professional development needs, and those within the team, working to support and develop colleagues - Ensures the wellbeing and safety of all children - Have an impact upon the professional development of colleagues - Awareness of and exemplification of best practice, policies and procedures - Awareness of the requirements of expert teacher expectations, with the ability to evidence development towards this. - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player

Expert Teacher	UPS1	- All pupils make consistently good progress in English and Maths and at least a third make accelerated progress. - Departmental academy improvement leadership (e.g. NQT's, Students, Coaching) - Working with parents cross department - Step up in the absence of SLT - Working to overcome the professional development challenges of others - Ensures the wellbeing and safety of all children - Exemplification of best practice, policies and procedures - Awareness and access to professional development networks outside the academy - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
	UPS2	- All pupils make consistently good progress in English and Maths and at least a third make accelerated progress. - Cross academy improvement leadership, member of SLT - Working with parents cross academy - Lead in academy improvement issues – accountable - Working to overcome the professional development challenges of others - Step up in the absence of HT/DT - Ensures the wellbeing and safety of all children - Exemplification of best practice, policies and procedures - Access to improvement networks outside the academy - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player
	UPS 3	- All pupils make consistently good progress in English and Maths and at least half making accelerated progress. - Whole academy improvement lead, accountable - Working with parents across the academy - Working to overcome the professional development challenges of others - Step up in absence of HT/DT - Exemplification of best practice, policies and procedures - Access to academy improvement networks - Enthusiasm and professional conduct reflects the Trust's ethos, joining in and being a team player