



# Developing Performance Policy & Procedure

## The STAR Multi Academy Trust

Date reviewed	February 2022
Changes made	EPM – review, addition of guidance documents and model letters
Date adopted by Trust Board	5 April 2022

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## **1. Scope**

- 1.1 This policy and procedure applies to all staff employed directly by STAR Multi Academy Trust where the establishment has adopted this policy, except those in the following circumstances:
- support staff within their probationary period
  - those on Apprenticeship schemes
  - for dealing with issues of misconduct, attendance or resolving issues at work, for which separate policies apply.
  - employees in the induction period of Early Career Teachers (ECTs)
- 1.2 The policy has been adopted by the Trust Board on the date shown on page 1.
- 1.3 If a concern or grievance is raised regarding any aspect of this Policy it should be dealt with as promptly as possible within this process. Matters should only be referred to be dealt with through the Resolving Issues at Work Procedure where they are not related to the application of this policy for that individual case. The expectation is that when dealing with such concerns the principles of the RIAW policy should be applied.
- 1.4 Where reference is made to Manager within this policy, this could mean Headteacher/Executive Headteacher, line manager, Head of Department/Faculty, Academy Business Manager or Governor. The CEO/Headteacher/executive headteacher will ensure appropriate application of this policy.

## **2. Policy Statement**

- 2.1 In most cases, where instances of underperformance are identified employees will be given the opportunity to address these initially through performance management. If and when necessary, the Developing Performance Policy and Procedure will be implemented followed by, where appropriate, the Capability Procedure. In appropriate cases, e.g. where the delivery of the service is significantly affected, the Capability Procedure may be invoked without first using the Developing Performance Procedure.
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- 2.2 Employees or anyone accompanying employees must not make any electronic recordings of any meetings or Hearings conducted under this procedure.
- 2.3 Managers are strongly advised to take advice from with regards the application of this policy and at all stages of the procedure.

### **3. Right to be accompanied** *(Please refer to Guidance – Appendix 1 Section 2)*

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

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### **4. Procedure**

- 4.1 **Identification of Performance Problems** *(Please refer to Guidance – Appendix 1, Section 3)*

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

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

Use model letter 1, Appendix 2 to invite employee to the meeting.

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

- 4.2 **Initial Meeting and Support Plan** *(Please refer to Guidance – Appendix 1, Section 4)*

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

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

The manager should ensure that the employee understands that at the end of the Developing Performance process a decision will be taken concerning

the employee's work performance and the consequences that may follow (i.e. transfer to the Capability Procedure in the case of failing to achieve a satisfactory improvement).

Use model letter 2, Appendix 2 to confirm the outcome of the meeting.

**4.3 Timescales** *(Please refer to Guidance – Appendix 1, Section 5)*

The length of the process should allow the employee sufficient time to receive support and demonstrate the necessary improvements without unnecessarily prolonging any detrimental effect on the provision of services. While the timescale will be determined case by case, as a general guide minimum of 4 weeks and a maximum of three months would be the parameters between the Initial Meeting and the Review Meeting, before a final decision is made.

**4.4 Monitoring and Support** *(Please refer to Guidance – Appendix 1, Section 6)*

Support and monitoring functions should be delivered by different individuals. The manager should speak to all who are involved in monitoring and support in order to confirm their roles and the timetable involved, emphasising the confidentiality requirements

**4.5 Review Meeting** *(Please refer to Guidance – Appendix 1, Section 7)*

Following the period of support and monitoring a review meeting will be held in accordance with the timescale determined in the Support Plan. Any written evidence must be provided in advance of the meeting, with sufficient time for both parties to give due consideration of the content of the documents.

The employee should receive a letter from the manager prior to the meeting, confirming the date, time and venue, also asking him/her to bring any evidence he/she wish to present to the meeting.

Use model letter 3, Appendix 2 to invite employee to review meeting.

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

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

**i. Successful**

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

## **ii. Partially Successful**

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

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

## **iii. Unsuccessful**

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

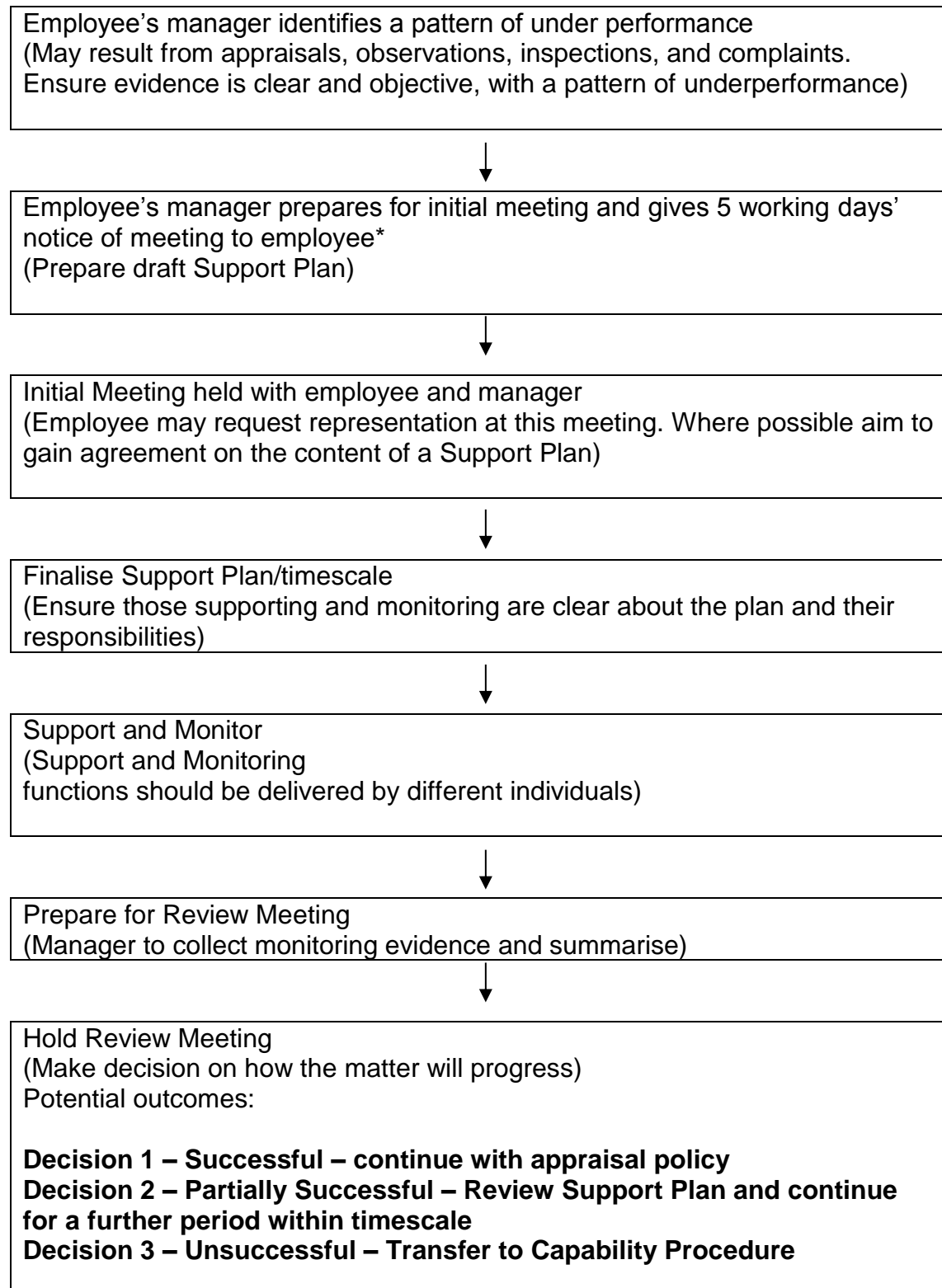
Following the review meeting the decision will be confirmed in writing.

Use model letter 4, 5 or 6, Appendix 2 to confirm the outcome of the meeting.

## **4.6 Unavailability and Sickness Absence**

If an employee is absent due to sickness during the Developing Performance process, the manager should determine the nature and likely duration of the absence. Advice may be sought from the Academy Trust Occupational Health provider regarding the employee's ability to take part in the process.

## 5. Flow diagram for Developing Performance Procedure



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

**6. Work Performance Support Plan CONFIDENTIAL**

This form should be completed by the employee and the Headteacher and all items should be agreed and signed. This document will remain confidential.

<b>Name of Employee</b>		<b>Headteacher/Line Manager</b>	
<b>Job Title</b>		<b>Date of Meeting</b>	
<b>Start date</b>		<b>Proposed end date</b>	

<b>Improvement Area and Standard of Improvement Required</b>	<b>Performance Criteria (what does success look like )</b>	<b>Training and Development Required Specify Type, Dates, Etc.</b>	<b>Deadline/review</b>	<b>Completed</b>	<b>Signatures (To be completed after improvement completed)</b>

Signatures to agree the above mentioned action points

Employee \_\_\_\_\_

Date \_\_\_\_\_

Headteacher/Line Manager \_\_\_\_\_

Date \_\_\_\_\_

DATE OF NEXT MEETING:

## **Appendix 1 – Policy Guidance**

### **1. Introduction**

Each section of the guidance corresponds with the relevant section of the Developing Performance Policy and Procedure and is cross-referenced accordingly.

This guidance has been produced both for managers and employees.

Managers are strongly advised to take advice from the Academy Trust with regards the application of the Developing Performance Policy and Procedure and Guidance at all stages.

Managers are strongly advised that where there may be other factors that may have an impact on an employee's performance, for example issues at home/bereavement, careful consideration should be given as to whether or not those matters would be more appropriately dealt with by another procedure and/or by providing support.

If a concern or grievance is raised regarding any aspect of this Policy and the accompanying guidance it should be dealt with promptly as soon as possible within the process. Matters should only be referred to be dealt with through the Resolving Issues at Work Procedure where they are not related to the application of this policy for that individual case. The expectation is that when dealing with such concerns the principles of the Resolving Issues at Work Procedure policy should be applied.

#### **Where the delivery of service is significantly affected**

(links to Policy and Procedure 2.1)

Each Academy will determine what constitutes "significantly affected", an example may be a Head of Department where results are demonstratively on the decline, this example is not intended to be restrictive, Academies are free to determine significant in their context.

### **2. Right to be accompanied**

*(Links to Policy and Procedure 3.1)*

The employee has the right to be accompanied by a trade union representative / professional association or work colleague. The manager should establish the status of the person accompanying the employee before the start of the meeting. A work colleague is allowed to accompany the employee unless there is a risk that the colleague may be compromised e.g., if they may be required to monitor or support the employee or give information about the employee's job performance. If this is the case the employee should be asked to find a suitable alternative colleague to accompany them.

A work colleague who supports an employee will be given paid time-off to undertake this duty.



### **3. Identification of Performance Problems**

*(Links to Policy and Procedure 4.1)*

The Developing Performance Procedure is a supportive process aimed at returning the employee to a sustainable level of acceptable performance. In order to inform their judgement on whether to instigate the Developing Performance Procedure, the manager may need to discuss the matter on a confidential basis with their own line manager and/or the Human Resources Provider.

In drafting a Support Plan, the content should relate to appropriate professional standards (support staff) or the Professional Standards for Teachers and should also be linked to the employee's Job Description and Person Specification. The manager should consider whether within reasonable limits, input would be helpful from anyone else e.g. a specialist adviser

### **4. Initial Meeting and Support Plan**

*(Links to Policy and Procedure 4.2)*

The purpose of the initial meeting is to hold a two-way discussion concerning the employee's job performance and to agree a Support Plan to cover a defined time period.

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, excessive workload, effects of organisational change, work process deficiencies, personal difficulties, health problems - and clarify the issues. The manager should consider and discuss, if appropriate, whether there are any issues falling under the Equality Act 2010, e.g. disability.

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

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

The Support Plan should cover the following: -

- i. specific areas of underperformance to be addressed from the Behaviour and Skills Framework/ Teaching Standards, or other relevant standards, Job Descriptions and Person Specifications
- ii. any weightings attached to the key issues
- iii. the behaviours the employee needs to demonstrate
- iv. the actions that need to be taken
- v. any additional support and/or resources needed

- vi. the arrangements for monitoring and assessment and the timescales involved
- vii. the success criteria for each issue.

Targets set should be SMART –

- Specific
- Measurable
- Achievable
- Realistic
- Time-bound

Targets may be weighted in terms of importance. When this occurs the weighting arrangements and how these may affect the overall outcome of the process should be made clear to the employee at this stage and noted on the Support Plan. It should not be assumed that just because a weighting has been assigned to a target the employee automatically understands its priority, it is still important for the manager to discuss this directly with the employee.

## **5. Timescales**

*(Links to Policy and Procedure 4.3)*

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

## **6. Monitoring and Support**

*(Links to Policy and Procedure 4.4)*

Employees who are notified of their underperformance should be given a copy of the Developing Performance Policy and Procedure. Consideration must be given to the implementation of support arrangements through a named work contact.

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It is important that everyone follows the Support Plan, including the timescale. If the plan is amended the reason will be discussed and agreed with the employee as soon as possible.

If an employee is absent due to sickness for a significant period during the process you should refer to the Attendance Management Policy and consult the Human Resources service.

The employee should be made aware of staff support available through Health Assured, an employee assistance programme, which offers confidential counselling and support (0800 030 5182)

## **7. Review Meeting**

*(Links to Policy and Procedure 4.5)*

The purpose of the Review Meeting is to assess the employee's performance against the targets in the Support Plan and to reach a decision regarding how successful the employee has been in meeting those targets. Prior to reaching a conclusion, a two-way discussion should take place. If necessary, the manager may wish to take some time to consider all the information before communicating the outcome.

Prior to this meeting the Manager should collect and read all monitoring information, clarifying points with the providers of that information where necessary. Where there is a likelihood that performance remains unsatisfactory, and the outcome may be a move to the Capability procedure, the employee should be informed of this probability prior to the meeting.

It may be helpful to also include performance conversations throughout the review period and an interim review meeting at the half way point in the review period so that any concerns in respect of the lack of progress against the performance targets can be highlighted at the earliest opportunity.

## **8. Support Mechanisms for Improving Work Performance**

The following offers guidance on supporting staff who have been identified as under-performing in their work.

### **Be Positive**

- At the outset, express confidence in the ability of the individual to meet their targets.
- Begin with an expectation of success as this should increase the employee's confidence.
- Identify positive aspects of the employee's performance and consider how these can be used to support improvement in less successful areas.

### **Plan Objectively**

- View the process objectively. What is the gap between the existing performance and a fully satisfactory performance? What are the key things that need to happen to 'bridge the gap'?
- Ensure that all relevant aspects of work performance are discussed at the outset (it can be demoralising to have things added to the Support Plan part-way through).
- Ensure an agreed manageable plan so that the employee is clear about the targets set at the beginning of the process.

- Ensure that targets and success criteria are realistic, clearly specified, and SMART.
- Ensure that there are at least some 'quick wins' to help build confidence.
- How will progress be assessed? How will we know when the success criteria have been met? Ensure that evaluation mechanisms are as precise as possible.
- Who needs to be involved in supporting the employee? Arrange any agreed support, including visits, before the plan is finalised. Allow time for the visits to be planned, implemented, and evaluated before discussing outcomes and follow up actions.
- What other resources may need to be made available to assist the employee (ensure these are sufficient to help achieve objectives)?
- How long will be needed to demonstrate the required improvement? Adequate time must be allowed for the agreed support to be given and the employee to benefit from it.
- Consider each target separately in terms of the support needed even if this results in the same support mechanisms being used for different targets.

### **Consult Meaningfully**

- Ascertain the employee's opinions as to the support they feel they need.
- How can this be provided effectively?
- Ensure that the employee is clear about the support you have agreed to provide and when/how frequently/for how long it will be in place.
- Ensure that the monitoring and assessment arrangements/timescales are defined.
- Ensure that the employee is clear from the outset about the targets to be met, what the success criteria are and how they will be measured (it is important that employees are made aware of what 'success' will look like from the outset).

### **Separate Monitoring and Support**

- Ensure that different individuals are engaged in the monitoring and support aspects of the process and that time is factored in for this to take place.
- Where the employee would like a person who is monitoring their progress to also offer support, e.g., their line manager or Headteacher/Executive Headteacher, then this may be possible by agreement.
- Build in adequate time for discussion and evaluation following observation and visits, this should not take place during lunch/break/PPA time.
- Be clear about the purpose of monitoring activities i.e. how will they contribute to the assessment of progress against success criteria?
- Ensure monitoring is clearly focused upon aspects of the plan to be assessed.
- Classroom observations should have a clear and known purpose and be directly related to the Support Plan.

### **Follow up each Action**

- Build in time after each observation/visit to discuss learning points and evaluate the benefits.
- Ensure any required follow up actions are agreed and noted.
- Offer balanced, constructive advice and points for further development after each monitoring session.

### **9. Suggested Roles and Responsibilities for Dealing with Developing Performance Issues**

<b><u>Type of Staff Requiring Support</u></b>	<b><u>Lead Responsibility</u></b>	<b><u>Support Roles</u></b>	<b><u>Notes</u></b>
Headteacher / Executive Headteacher	Chair of Governors with appropriate Adviser	HR Possibly other educational advisers	Seniority of support roles may depend on size/type of academy Possible involvement

			of another senior Governor
SMT Members	Headteacher / Executive Headteacher possibly with appropriate Adviser	HR Possibly other educational advisers	Possible involvement of Chair of Governors or another senior Governor
Teachers (Secondary Academy)	Head of Department	HR Head of Faculty Subject Adviser	General support from Headteacher/ or other SMT member
Teachers (Primary Academy)	Headteacher / Executive Headteacher	HR Educational Adviser and/or Subject Adviser	Possible involvement of Deputy/Asst Headteacher/ KS Co-ordinator
Support Staff (Secondary Academy)	Line Manager	Possibly HR Academy SMT Member Possibly Specialist Adviser	General support from Headteacher/ Business Manager, depending on level of post
Support Staff (Primary Academy)	Line Manager	Possibly HR Headteacher/Principal or other SMT Member Possibly Specialist Adviser	Involvement depends on size of academy. In small primary academies Headteacher/ will be the only line manager

## **Appendix 2: Supporting Documents**

### **Model Letter 1 – Request to attend initial meeting**

Dear **(name)**

Further to our recent conversation I confirm that I would like you to attend a meeting in order to discuss some aspects of your work and the measures we need to put in place in order to assist you to achieve a sustained, satisfactory standard of performance.

The meeting will be held under the Academy Trust's Developing Performance Policy (a copy of which is enclosed) on **(date at time at venue)**. If you are not comfortable for the meeting to be held in **Academy** please let me know as soon as possible and we will seek an alternative venue.

The issues to be discussed emanate from **DESCRIBE BACKGROUND**. You will be provided with a draft support plan to consider in advance of the meeting. Any comments or questions you may have about the draft support plan can be discussed at the meeting.

I intend that **(name)** will also be present to assist the process.

You have the right to be accompanied at the meeting by a trade union representative/ professional association or work colleague, please inform me if you intend to

If you have any queries in advance of the meeting, please let me know as soon as possible.

Yours sincerely,

**(Name)**  
**(Job Title)**

## **Model Letter 2 – Following Initial Meeting**

Dear **(name)**

I refer to the meeting you attended on **(date)** at which we discussed the following aspects of your work performance under the Academy Trust's Developing Performance Policy: -

***List areas of work performance discussed***

Following the meeting and full consideration of the points you raised I now enclose the completed version of the Support Plan. Please read this thoroughly and let me know if you have any remaining queries.

**Please include if appropriate:** As explained, I confirm that issues raised in this process may have a detrimental effect upon your incremental progression.

May I remind you that if you have any concerns at any point during this process then please let me know immediately and I will discuss them with you at my earliest convenience.

Yours sincerely

**(Name)**  
**(Job Title)**

Encl: Finalised Support Plan



### **Model Letter 3 – Request to attend a Review Meeting**

Dear **(name)**

In accordance with the timescale agreed previously I confirm that a review meeting will be held in order to discuss progress against the Support Plan, which was designed to assist you in addressing previously identified aspects of your work performance.

This meeting will be held under the Developing Performance Policy, a copy of which was provided to you previously.

The meeting will be held on **(date at time at venue)**.

There are three potential outcomes following the assessment of your performance: -

**Either;**

1. Significant and sustained progress has been achieved, enabling the Support Plan process to cease with normal performance management continuing, **or**
2. Some significant progress has been made, enabling the process to continue for a further period of monitoring and support, followed by another review, **or**
3. No, or very little, significant progress has been made, causing the Capability Procedure to be invoked

*(Where there is a likelihood that the Capability Procedure will be invoked the following sentence should be added –*

It is likely that as a consequence of this review the Capability Procedure will be invoked. If this is the case then a Support Plan under the Capability Procedure will be discussed at the meeting. You are advised of your right to be accompanied by a trade union representative or work colleague at the review meeting)

I intend that **(name(s)/post(s))** should be present at the review meeting as I believe they will have a useful input to make. However, please be assured that, as far as reasonably possible, the process will be treated as confidential.

You have the right to be accompanied at the meeting by a trade union representative/ professional association or work colleague.

If you have any queries prior to the meeting, please let me know.

Yours sincerely,

**(Name)**  
**(Job Title)**

## **Model Letter 4 – Following a Review Meeting – Successful Outcome**

Dear **(name)**

I refer to the recent review meeting held under the Academy Trust's Developing Performance Policy to discuss your progress against the previously agreed Support Plan.

I am very pleased to confirm that significant and sustained progress has been demonstrated, enabling the Support Plan process to cease. Normal performance management arrangements will continue.

I would like to congratulate you on making such good progress and look forward to its continuation. Should you wish to discuss any aspect of your work with me in the future please do not hesitate to do so.

Yours sincerely,

**(Name)**  
**(Job Title)**

## **Model Letter 5 – Following a Review Meeting – Partially Successful Outcome**

Dear **(name)**

I refer to the recent review meeting held under the Academy Trust's Developing Performance Policy to discuss your progress against the previously agreed Support Plan.

I am pleased to confirm that you have demonstrated some significant progress, though not sufficient to bring an end to the process at this stage.

Accordingly, as discussed, a further period of support and monitoring will take place, with a review on **(date and time)**.

**Please include as appropriate:** As explained previously, I confirm that issues raised in this process may have a detrimental effect upon your incremental progression.

I enclose a copy of your revised Support Plan. As ever, if you have any comments or concerns about the process, at any time, then please contact me without delay.

Finally I should like to recognise the progress you have made to date and look forward to its continuation during the next period of monitoring and support in order to bring this matter to a satisfactory conclusion.

Yours sincerely,

**(Name)**  
**(Job Title)**

Encl: Revised Support Plan

## **Model Letter 6 – Following a Review Meeting – Unsuccessful Outcome**

Dear **(name)**

I refer to the recent review meeting, held under the Academy Trust's Developing Performance Policy, to discuss your progress against the previously agreed Support Plan.

Following an assessment of your performance I must confirm that insufficient progress has been made and you are not meeting the standards required in your post **(job title)**. Accordingly, as discussed, you will move into the Capability Procedure which will allow you a final opportunity to reach the required standards of performance.

**(Please include if appropriate** As explained previously, I confirm that issues raised in this process may have a detrimental effect upon your incremental progression).

I will contact you again shortly with the date of the first meeting under the Capability Procedure. In the meantime, if you have any comments or queries about the process please let me know immediately.

**(Please include if appropriate** Finally, may I remind you of the availability of staff support available through Health Assured, an employee assistance programme, which offers confidential counselling and support (0800 030 5182). I also advise you to contact your trade union representative without delay, if you have not already done so.

Yours sincerely,

**(Name)**  
**(Job Title)**