Competence Procedures

Reviewed: 09.26
To be reviewed: 09.28

Statement of Intent

This policy will be applied to all staff employed to work in St Vincent's school, excluding any staff whose pay is not determined by the Governing Body. The prime statutory duty of governing bodies as set out in paragraph 21 (2) of the Education Act 2002 is to "…conduct the school with a view to promoting high standards of educational achievement at the school." This policy is intended to support that statutory duty.

The aim of this procedure is to address unsatisfactory professional performance. Consideration should be given at an early stage to the possibility that the employee's professional performance may be affected by ill health or some external influence or concern.

Every effort should be made to solve any difficulties or problems by informal means at an early stage. Before the Headteacher or a line manager considers managing an individual's inadequacy or deficiency through the Competence Procedure, they will have attempted to remedy the situation through informal means with the employee. This should go on for no longer than half a term depending upon the complexities of the identified improvement. It will be expected that the employee will be able to sustain satisfactory performance without support at the end of this stage. If the employee cannot do this, then they will proceed to the first stage of the Competence Procedure.

An employee has the right to be represented at any stage of the Competency Procedure either by their professional association/trade union representative or a colleague. Employees must be advised of this right when notice of the meeting is given.

First Stage

At the first stage the Headteacher or line manager will meet with the employee, who may be accompanied by either their professional association/trade union representative or a colleague. The purpose of the meeting will be to:

- establish the required level of performance;
- Identify supervision and monitoring arrangements during the review process;
- identify any support mechanisms which will be utilised to assist the employee;
- set a timescale by which the required improvements should be made (usually no longer than one term).

Regular monitoring of progress will be undertaken during this period, the results of which will be fed back to the employee at each stage. It should also be made clear that if acceptable improvement is not achieved and sustained within the time period set then recourse will be made to the second stage.

At the end of the meeting a record of the discussion, including the conclusions reached, the arrangements for appropriate supervision and regular monitoring of progress during the review period, will be prepared by the Headteacher or line manager and a copy given to the employee together with an Improvement Plan (Appendix 1.)

Second Stage

If a difficulty or problem persists, the Headteacher or line manager will inform the employee that he/she is required to attend a meeting at which his/her performance and need for professional support will be discussed.

At the second stage, the Headteacher or line manager will meet with the employee, who may be accompanied by either their professional association/trade union representative or a colleague. The purpose of the meeting will be to:

- identify the areas of performance causing concern;
- consider the employees response to this and discuss any action to remedy the situation;
- confirm the required level of performance;

- examine what further support may be required to assist with achieving the required improvement;
- set out the timescale for improvement, (usually no longer than one term);
- identify supervision and monitoring arrangements during the review process.

Regular monitoring of progress will be undertaken during this period, the results of which will be fed back to the employee at each stage. It should also be made clear that if acceptable improvement is not achieved and sustained within the time period set then recourse will be had to the Disciplinary Policy and Procedure.

The meeting should be regarded in the context of professional support and development and will be the final stage, in most circumstances, before disciplinary action is considered.

If an employee refuses to accept the application of this procedure, the refusal may be considered as gross misconduct and dealt with under the Disciplinary Policy and Procedure.

At the end of the meeting a record of the discussion including the conclusions reached, the arrangements for appropriate supervision and regular monitoring of progress during the review period will be prepared by the Headteacher or line manager and a copy given to the employee together with an Improvement Plan. A copy of the report should be placed on the employee's personal file, for the duration of the management of their performance under the Competence Procedure.

The Headteacher or line manager will regularly discuss progress with the employee during the review period. At the end of the review period the Headteacher or line manager will meet with the employee to discuss his/her progress. Any written reports on the employee's progress or lack of it will be shared with the employee.

The Headteacher or line manager will consider any comments or observations made by the employee on the reports of his/her progress and will decide on a course of action.

The employee will be informed orally at the review of the decision and this will be confirmed in writing within five working days. The decision will be either:

- that the employee has made satisfactory and sustained improvement in his/her performance and can maintain an acceptable level of performance without support, or
- that some progress has been made, but that the situation has not been sufficiently sustained without support. Accordingly the review period will be extended by a period of time related to the complexity of the further improvement required, and that if at the end of that extension an acceptable level of performance has not been reached, consideration will be given to disciplinary action, or
- that the employee has not made satisfactory progress and accordingly the matter will be referred to the Governors' Disciplinary Committee.

Disciplinary Process

The Disciplinary Committee hearing will consider any reports and the response of the employee. If the Disciplinary Committee supports the findings of the Headteacher or line manager it will issue the employee with a final written warning under the school's disciplinary procedure.

The warning will state specifically the continuing areas of concern and identify the action or level of performance required to remedy the situation. It will set a timescale for this to occur which is reasonable in all the circumstances of the individual case and those circumstances will include the school's need for an effective service. In extreme cases where, for example, the education of pupils is in jeopardy, the period given for improvement after the date of a formal warning will be no more than four weeks. The warning will also identify the professional support and advice which will continue to be available to the employee during this period. The employee will be advised that if the improvement is not achieved, consideration will be given to his/her dismissal.

If at the end of this period of professional support, the Headteacher or line manager remains dissatisfied with the employee's performance, a further disciplinary hearing will be called. If the Headteacher's or line manager's recommendations are to dismiss the employee, then the employee will be dismissed.

However, the outcome of the disciplinary hearing may be to extend the review period rather than dismiss the employee, where it is considered that there is still the possibility that satisfactory improvement may occur.

At all stages, where formal disciplinary action is taken, the employee has a right of appeal to a Governors' Disciplinary Appeal Committee. Any dismissal arising as a result of this competence procedure will include the relevant notice.

Fast Track (Teaching Staff)

The short procedure of up to four weeks would apply in particularly serious cases where the education of children is in jeopardy. Examples of this might be where a teacher's classroom control is so poor that no order can be established to enable normal teaching to take place, or where a majority of the children under a teacher's care fail to progress in that teacher's lessons. Before deciding whether such problems would justify the use of the fast track procedure, there would need to be an investigation and a formal interview. That would allow for a clear understanding of the reasons for such a weakness. In such cases, it would need to be made clear that four weeks was the maximum period for improvements to be achieved.

At the end of the review period the Headteacher or line manager will meet with the employee to review the matter. Any written reports on the employee's progress or lack of it will be shared with the employee.

The Headteacher or line manager will consider any comments or observations made by the employee on the reports of his/her progress and will decide on a course of action.

The employee will be informed orally at once of the decision and this will be confirmed in writing within five working days. The decision will be either:

- that the employee has made satisfactory and sustained improvement in his/her performance and can maintain an acceptable level of performance without support, or
- that some progress has been made, but that the situation has not been sufficiently sustained without support. Accordingly the review period will be extended by a period of time related to the complexity of the further improvement required; and that if at the end of that extension an acceptable level of performance has not been reached, consideration will be given to disciplinary action, or
- that the employee has not made satisfactory progress and accordingly the matter will be referred to the Governors' Disciplinary Committee.

Disciplinary Process – Fast Track (Teaching Staff)

The Disciplinary Committee hearing will consider any reports and the response of the employee. If the Disciplinary Committee supports the findings of the Headteacher or line manager, it will issue the employee with a final written warning under the school's disciplinary policy and procedure.

The warning will state specifically the continuing areas of concern and identify the action or level of performance required to remedy the situation. It will set a timescale for this to occur which is reasonable in all the circumstances of the individual case and those circumstances will include the school's need for an effective service. In extreme cases, where for example, the education of pupils is in jeopardy, the period given for improvement after the date of a formal warning will be no more than four weeks. The warning will also identify the professional support and advice which will continue to be available to the employee during this period. The employee will be advised that if the improvement is not achieved, consideration will be given to his/her dismissal.

If at the end of this period of professional support, the Headteacher or line manager remains dissatisfied with the employee's performance, a further disciplinary hearing will be called. If the Headteacher or line manager's recommendations are supported, then the employee will be dismissed.

The outcome of the disciplinary hearing may be to extend the review period rather than dismiss the employee, where it is considered that there is still the possibility that satisfactory improvement may shortly occur.

At all stages, where formal disciplinary action is taken, the employee has a right of appeal to a Governors' Disciplinary Appeal Committee. Any dismissal arising as a result of this competence procedure will include the relevant notice.

Appendix 1

Improvement Plan

Area	Current Performance	Expectations	Support	How To Monitor
Define the problem area / competence.	Define the problem in greater detail – how does the problem present itself?	Set out what you would like to see in place. This should be in clear, measurable and achievable terms.	Make any arrangements for support clear.	Who will monitor progress and give feedback. Set review date.