


# **Improving Performance Policy**

**Guidance for Schools Staff**

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Human Resources**

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## 1.0 Policy Statement:

We are committed to delivering quality services for the continued success of the school; to achieve this we must enable all our employees to perform to the required standard (which we describe as “doing your job well”).

We will therefore support:

- all our employees to personally deliver the highest standards of service possible
- our line managers to proactively address performance issues.

Our 121 process and supervision arrangements provide a framework for achieving the best performance on a day-to-day basis. This policy provides a framework when employees are not performing, with the emphasis on employees achieving an improvement to the required standards, within agreed and achievable timescales. Where the performance concerns relate to a Headteacher then this will be managed by the chair of governors/appropriate appointed member of the governing body.

The policy aims to:

- Ensure employees are fully aware of the standard of performance that is expected and how their performance needs to improve (performance gap).
- Support employees to achieve the required standard for their role and to maintain this standard of performance.
- Support line managers / the headteacher to effectively manage all underperformance issues promptly.
- Ensure consistency and fairness of approach.

If an employee has concerns about the way their performance is being managed, then they should raise their concerns promptly. This will not however normally stop the performance management process from progressing as set out in this policy.

## 2.0 Who this policy is for:

2.1 This policy and associated procedures apply to all school staff employees except the following:

- Schools may have separate arrangements in place for employees still within the probation.

2.2 This policy should be applied to employees who are underperforming, due to a lack of skills, knowledge or ability. It may also be used where an employee’s performance is being impacted by their behaviours/attitude by linking the concerns back to the school’s Values and Expectations. Where a manager believes underperformance is due to misconduct, e.g. carelessness, negligence, lack of effort or a refusal to amend negative behaviours/attitude the Disciplinary Procedure must be applied.

2.3 Where the seriousness of the issue warrants it or where the same or similar issues have been addressed informally in the past 12 months, and where the informal process has been exhausted, the school reserves the right to move straight to the formal process.

## 3.0 Responsibilities

3.1 Effective performance management requires everyone to understand and carry out their responsibilities.

Line managers must:	Employees must:
Induct all new employees.	Consistently perform to the required standard for their role.
Give regular performance feedback through day-to-day management.	Seek clarification from their line manager if they are unsure what standard of performance is expected.
Hold regular 121s/supervision with all employees. Use these discussions to define what performance is expected, outline any improvements required and to give constructive feedback.	Let their line manager know if there are any factors impacting on performance (e.g. lack of equipment or information). Actively participate in 121s and reflect and act on feedback given.
Proactively address any performance issues as they arise following the steps outlined in this procedure.	Actively discuss the concerns raised, seeking clarity and an understanding of what needs to change/improve.
Maintain records of any action taken under this procedure.	
Maintain confidentiality.	

3.2 Line managers are responsible for seeking timely advice and support on performance concerns from the School's HR Provider. The School's HR Provider can be contacted to give support and provide advice to Senior Leaders to ensure the policy aims are followed.

## 4.0 Improving Performance (as part of normal day-to-day management)

4.1 In most cases the day-to-day management of an employee and/or regular 121s will successfully address any minor underperformance concerns at an early stage. Therefore, this policy should not be invoked unless formal 121s have failed to achieve the required improvement.

4.2 Where performance concerns have not been resolved a Performance Improvement Plan (PIP) will be set. Before any PIP is set, the employee must have been advised at the previous 121 that this may be a possibility if performance has not improved by the next 121. At this subsequent 121 meeting, the line manager will advise the employee that their performance continues to cause

concern, will explore with the employee the reasons for the underperformance concerns and help identify whether any specific support may be required.

4.3 The line manager will positively and constructively discuss with the employee their level of performance and its impact, and identify what improvements are required. During the 121, the following 4 areas will be discussed:

<b>Identify</b> <i>Identify the concern</i>	<ul style="list-style-type: none"> <li>• The performance gap (the difference between the employee's current performance and the standard required, reviewing specific examples to illustrate this)</li> <li>• Reasons/cause for underperformance</li> </ul>
<b>Improve</b> <i>Plan for improvement</i>	<ul style="list-style-type: none"> <li>• Clarify what improvements are needed (objectives)</li> <li>• Agree what actions are needed and reasonable support and/or training is required to enable the employee to reach the required standard. Where the employee disputes the performance concerns, or the actions needed to address them, the final decision on what needs addressing will rest with the line manager.</li> <li>• Put in place a Performance Improvement Plan (PIP)</li> <li>• Confirm that the formal procedure will be applied if performance does not improve to the required standard during the monitoring period</li> </ul>
<b>Attain</b> <i>Define the standard to attain</i>	<ul style="list-style-type: none"> <li>• Define what the standards are that the employee needs to reach</li> <li>• Define the timescales of the monitoring period (minimum 4 weeks) and set the review date</li> <li>• Set a provisional date of the first formal meeting</li> </ul>
<b>Maintain</b>	<ul style="list-style-type: none"> <li>• Clarify that the required standard needs to be maintained on a long-term basis</li> </ul>

4.4 The line manager will include a summary of the main discussion points on the 121 record and include a copy of the PIP.

4.5 The employee will be advised that their performance will be monitored for an identified and appropriate period which will be at least 4 weeks. Throughout the monitoring period the line manager will monitor the employee's performance against the PIP and have regular 121s (normally weekly) to discuss progress and give feedback.

4.6 The employee should be left in no doubt whether or not their performance is improving and whether they are on target to meet the required standard. The line manager will keep notes of any meetings/discussions that take place in addition to 121s and ensure the employee has a copy.

4.7 The employee does not have the right to representation at this stage.

## 4.8 Outcome of the Performance Improvement Plan

Towards the end of the monitoring period the line manager will decide whether overall performance has improved to the required standard. In exceptional circumstances the line manager may consider a further review period (the timescale will be determined by the line manager, but it is unlikely to exceed 4 weeks).

Overall performance improved to required standards	Overall performance not improved to required standard
No further action will be taken, providing the employee maintains the required standard during the next 12 months. If an employee's performance deteriorates during the following 12 months this will be managed as part of the formal procedure. The line manager will write to the employee to confirm this.	The line manager should inform the employee in writing that they will now manage the underperformance concerns as part of the formal procedure.

## 5.0 Formal Procedure (Outline)

5.1 We expect that with a structured improvement framework in place and appropriate support from the line manager, that most performance concerns will be resolved.

5.2 However, where performance concerns have still not been resolved, we will continue to work with employees to address our concerns via our formal procedure.

5.3 The formal procedure consists of:

- First Formal Meeting (and a subsequent monitoring period), and then if required
- Second Formal Meeting (where a decision whether to dismiss an employee may be made).

5.4 Line managers should contact the School's HR Provider before moving to the formal procedure.

## 6.0 Responsibility Levels for Managers

6.1 These are the minimum responsibility levels and depending on each individual circumstance decisions may be taken at a more senior level as deemed appropriate.

Authority Level	Management Level	Decisions
1	Line Managers (below Headteacher)	Performance management decisions up to and including <b>first formal</b>
2	Headteacher and above	All performance management decisions including <b>second formal</b> (possible dismissal)

## 6.2 First Formal Meeting

6.2.1 The first *formal* meeting will normally be conducted by the line manager who is managing the employee's underperformance, but it may be conducted by another manager (Level 1) within the school.

6.2.2 Where the meeting is conducted by another manager, the employee's line manager will normally attend meeting to present the case.

## 6.3 Second Formal Meeting

6.3.1 The second formal meeting must be conducted by a Level 2 manager who has the authority to dismiss.

6.3.2 This could be the same manager who conducted the first formal meeting if they are a Level 2 manager.

6.3.3 The employee's line manager will normally present the case.

# 7.0 First Formal Meeting

## 7.1 Invitation to meeting:

The manager conducting the first formal meeting will send a written invitation (by post/email) to the employee, which will:

- outline the reason for the meeting
- give at least 7 calendar days' notice. Meetings should be planned to ensure that timings and locations are reasonable to both parties
- advise the employee that they may be accompanied by a work colleague or trade union representative. A HR representative will also be present to advise the manager conducting the meeting on process
- provide copies of any papers that will be referred to. e.g. PIP, records of training undertaken, and support given

- inform the employee that they need to provide the name of their work colleague/trade union representative and copies of any additional documentation they wish to have considered at least 3 calendar days before the meeting

*Note: If the employee is unable to secure a representative or work colleague to accompany them, or there are other circumstances beyond the employee's control which would prevent them from attending the meeting, an alternative date will be arranged. The alternative date will normally be within 7 calendar days of the original meeting date. If the employee or their work colleague/trade union representative is unable to attend on the revised date, advice must be sought from the School's HR Provider before any decision is taken to hold the re-scheduled meeting in the absence of those unable to attend.*

## 7.2 The manager conducting First Formal Meeting will:

- set out the standard of overall performance expected of the employee
- explain how the employee's performance has been assessed as falling below these standards (performance gap) and the impact of this on service delivery/colleagues
- confirm whether underperformance is due to a specific reason(s)
- review progress during normal day to day management monitoring, including any measures taken to support the employee so far
- give the employee and/or their representative the opportunity to explain any mitigating circumstances
- discuss the way forward and agree a Formal Performance Improvement Plan (Formal PIP) that clearly identifies:
  - the improvements necessary to achieve the expected standards
  - that improvements are required early on in the monitoring period
  - the timescale for improvement to the required standard (i.e. employee fully effective in role – normally this will be between 6 and 8 weeks)
  - how performance will be measured/monitored
  - additional support/training to be provided (this must be reasonable and proportionate)
- Issue a formal 12 month written warning.

*Note: In exceptional circumstances and at our discretion, slightly longer timescales may be given to improve to the required standard where the role is complex and or the role requires a longer timeframe to enable an objective assessment.*

## 7.3 Following the first formal meeting, the manager will write to the employee within 7 calendar days to confirm:

- The Formal PIP
- Timescale for improvement and the provisional date of the second formal meeting
- If the employee is unable to achieve the improvements during the Formal PIP or if satisfactory performance is not maintained during the period of the 12-month written warning, that dismissal may be an outcome.



- The right of appeal

## 8.0 Formal Monitoring Period (normally 6 - 8 weeks)

8.1 The line manager will ensure that the employee's overall performance is closely monitored. Regular meetings (normally weekly) will be held between the employee and their line manager to ensure:

- effective performance monitoring
- appropriate support and feedback is given (the employee should be left in no doubt whether their performance is improving sufficiently)
- if further underperformance concerns are identified, the reasons are discussed

8.2 Notes of the discussions held during the formal review period will be kept by the line manager and shared with the employee and these may be referred to the second formal meeting.

*Note: In circumstances where the Formal PIP sets out a longer improvement period than the normal maximum of 8 weeks, if an employee does not make significant and sustained progress towards the required standards, the extended improvement period may be reduced.*

### 8.3 Outcome of Formal Monitoring Period

Towards the end of the formal monitoring period, the line manager will contact the School's HR Provider for advice, review progress against the Formal PIP and decide whether overall performance has improved to acceptable standards.

In exceptional circumstances, the line manager may consider a further monitoring period (up to a maximum of 4 weeks) for those employees whose original Formal PIP period was for 8 weeks or less, before concluding the formal monitoring period. In these circumstances a revised provisional date for the second formal meeting will be set.

Overall performance improved to required standards	Overall performance not improved to acceptable standards
<p>The line manager will confirm that the employee has met the required standard as set out in the Formal PIP and that no further action will now be necessary (i.e. no second formal meeting will now need to take place), provided the employee sustains the required level of overall performance for the duration of the 12-month warning.</p> <p>If an employee's performance deteriorates during the 12-month warning, the employee will be invited to a second formal meeting (and dismissal may be the outcome).</p> <p>Underperformance beyond this 12-month period will normally be addressed via 121's unless paragraph 2.3 applies.</p> <p>The manager will write to the employee to confirm this.</p>	<p>The line manager should inform the employee that they will now be formally invited to a second formal meeting (where dismissal may be an outcome).</p> <p><i>(Note: A provisional date for this meeting was set at the beginning of the monitoring period).</i></p>

## 9.0 Second Formal Meeting (potential dismissal)

### 9.1 Invitation to Meeting

The manager conducting the meeting will send a written invitation (by post/email) to the employee, which will:

- outline the reason for the meeting
- give at least 7 calendar days' notice. Meetings should be planned to ensure that timings and locations are reasonable to both parties but will not be unreasonably delayed by parties unable to make themselves available (*Note: a provisional date will have been set at the beginning of the formal monitoring period but there may be reasons why this has to change*)
- advise the employee that they may be accompanied by a work colleague or trade union representative and that their line manager and a HR representative will also be present
- provide copies of any papers that will be referred to e.g. PIPs, records of training undertaken, and support given
- advise that a possible outcome of the meeting may be dismissal on grounds of underperformance (capability)
- set out the requirement for the employee to provide the name of their work colleague/trade union representative and copies of any additional documentation they wish to have considered at least 3 calendar days before the meeting

*Note: If the employee is unable to secure a representative or work colleague to accompany them, or other circumstances beyond the employee's control which would prevent them from attending the meeting, an alternative date will be arranged. The alternative date will normally be within 7 calendar days of the original meeting date. If the employee or their work colleague/trade union representative is unable to attend on the revised date, advice must be sought from the School's HR Provider before any decision is taken to hold the re-scheduled meeting in the absence of those unable to attend.*

### 9.2 The manager conducting Second Formal Meeting will:

- consider the evidence regarding the case to date (if the manager conducting the hearing is not the employee's line manager, the line manager will present the case)
- review the actions taken to date i.e. 121s and the first formal meeting and monitoring period, including any measures taken to support the employee
- give the employee and/or their representative the opportunity to explain any mitigating circumstances

### 9.3 Outcome of Second Formal Meeting

The manager conducting the meeting will adjourn the meeting to consider all of the evidence presented. Having made a decision, they will continue with the meeting to deliver their decision.

*Note: In exceptional circumstances the manager may consider a further monitoring period (up to a maximum of 4 weeks) e.g. where additional information or further action is considered necessary before making a decision. The outcome of the meeting will be delayed, and a reconvened meeting should take place within 4 weeks of the original meeting date.*

Overall performance improved to required standards	Overall performance not improved to acceptable standards
No further action will be taken under this procedure, providing the employee sustains the required standard during the next 12 months. The decision to take no further action at this stage will be confirmed by the Manager in writing, within 7 calendar days of the meeting. If there are further underperformance concerns during this 12-month period, a further second formal meeting will be held, and dismissal may be an outcome.	<p>The employee will normally be dismissed.</p> <p>The decision to dismiss will be confirmed by the Manager in writing, within 7 calendar days of the meeting.</p> <p>The letter will explain the reason for dismissal, the right to appeal against dismissal and any support or steps that may be taken during the notice period.</p>

9.4 Where the potential outcome may be dismissal, the Manager will have considered alternative roles if applicable and appropriate. Advice should be sought from the School's HR Provider before a dismissal decision is taken. The school should also inform the HR Business Partner for Children's at Milton Keynes City Council.

## 10.0 Appeals

10.1 The purpose of an appeal hearing is to decide whether the Improving Performance Policy has been followed and to decide if the decision to award a particular sanction was reasonable in all the circumstances.

10.2 If the employee wishes to appeal the decision, at the first/second formal meeting they should do so within 7 calendar days of notification of the decision to the manager who chaired the meeting.

10.3 The employee can appeal on the following grounds only:

- That the managing underperformance procedure has been applied defectively or unfairly
- That new evidence has come to light that was not available at previous meeting / hearing and that it is likely to make a difference to the original decision.
- As a result, the outcome or level of sanction imposed was inappropriate.

10.4 The employee must ensure that they can clearly demonstrate that they have information/evidence available to them that substantiates their grounds for appeal. An employee cannot appeal simply because they do not agree with or like the outcome.

10.5 Arrangements for the appeal to be heard will be made by the Chair of Governors within 14 calendar days of the receipt of the appeal.

10.6 The employee will be given notice in writing at least 10 calendar days in advance of the time and place of the hearing.

10.7 Management and the employee should provide the Chair of Governors with any written material to be used at the hearing at least 7 calendar days prior to the hearing.

10.8 The Chair will arrange for a copy of the other party's written material to be provided to management and the employee at least 3 working days prior to the hearing.

10.9 Any extension on the time frames must be agreed in advance by both parties.

10.10 The Appeal Hearing will be chaired by a member of the Governing Body advised by a representative from the School's HR Provider.

10.11 At the appeal hearing both parties (i.e. the individual who is appealing against the action taken against them and the management representative) have the opportunity to state their case and to ask questions of each other.

10.12 The employee has the right to be accompanied to the appeal hearing by a work colleague, or a trade union representative.

10.13 There will be full consideration of any new evidence before any decision is taken.

10.14 In the case of an appeal against action that includes dismissal, the Chair can sanction that the:

- Appeal is upheld, and, if appropriate, a lesser penalty may be awarded; or
- Appeal is not upheld, and the sanction remains the same

10.15 The decision of the Chair should be communicated in writing within 7 calendar days of the hearing.

10.16 The decision of the Appeal Hearing is final and there is no further internal right of appeal.

## **11.0 Notice Periods**

11.1 When an employee is dismissed, they are entitled to the appropriate period of contractual or statutory notice (whichever is greater), paid at their normal rate of pay. Employees will not normally be required to work their notice period.

## **12.0 Employee Support**

12.1 The employee should also be reminded of the Employee Assistance Programme should issues of a personal nature be impacting on the individual's performance. The Employee Assistance Programme can be contacted 365 days of the year on 0800 028 0199.

## **13.0 Data Protection**

13.1 The school processes personal data collected to monitor and manage employee's performance and any subsequent actions required in accordance with its Data Protection Policy.

13.2 A written record of all meetings conducted under the Performance Management process will be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.

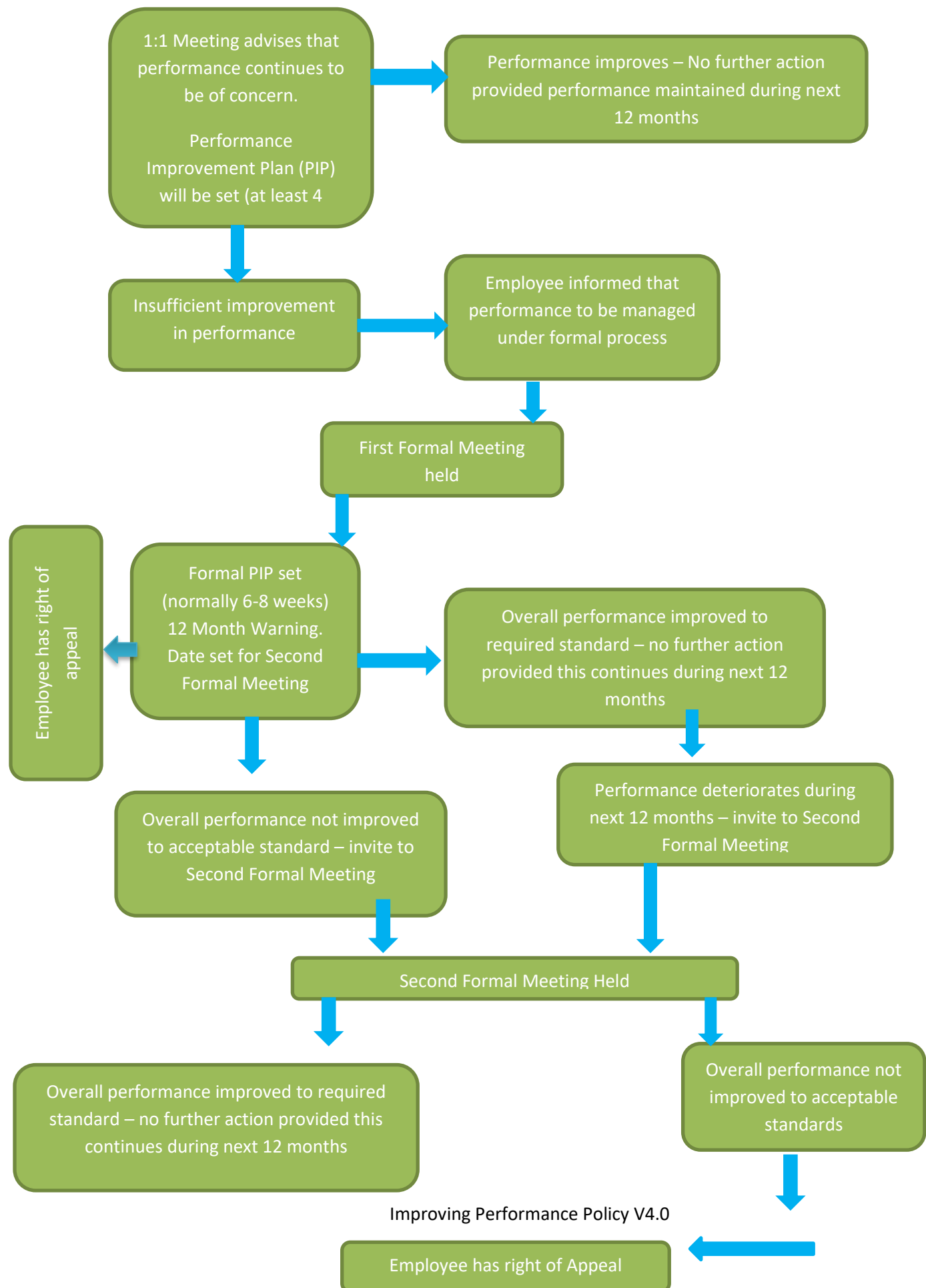
13.3 Any data collected and processed as part of managing an employee's performance is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement process under the procedure. Records are retained and destroyed in accordance with the organisation's Retention Schedule.

13.4 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under this Disciplinary Procedure.

## **14.0 Review and Monitoring**

14.1 The policy and procedure will be reviewed, and its effectiveness evaluated periodically. We retain the discretion to review it at any time subject to relevant consultation.

## Appendix 1 - Improving Performance Flowchart



## Version Control

Version	Date	Updated by	Comments
V3	16/08/2023	MKCC HR	Updated onto new policy template
V4	23/05/2025	Morgan Logan	Updated in line with the MKCC policy.

