

# COMPETENCE PROCEDURE FOR ALL SCHOOL STAFF

*Children's Services, Liverpool City Council*

School Employment Advisory Team

May 2007

## Contents

|                  |   | Page   |
|------------------|---|--------|
|                  | Competence Procedure  | 1 - 10 |
| Appendix A       | Fast Track Procedure  |        |
| Standard Letters |   |        |
| Appendix A       | (i) Disciplinary Outcome under fast track procedure   |        |
| Appendix B       | Invite to meeting under stage 1   |        |
| Appendix C       | Letter confirming meeting under stage 1   |        |
| Appendix D       | (i) Outcome of stage 1 – satisfactory progress<br>(ii) Outcome of stage 1 – implement stage 2   |        |
| Appendix E       | Outcome of initial stage 2 meeting<br>(i) Satisfactory progress<br>(ii) Continue support<br>(iii) Oral, written or final written warning                                    |        |
| Appendix F       | Invite to evaluation meeting (wks 20 or 24)   |        |
| Appendix G       | Outcome of stage 2 evaluation meetings<br>(i) satisfactory progress (wks 20 or 24)<br>(ii) final written warning (wk 20 only)<br>(iii) refer to formal hearing (wk 24 only) |        |
| Appendix H       | Outcome of Disciplinary Hearing   |        |
| Appendix I       | (i) Improvement plan<br>(ii) Guidance notes for Improvement plan<br>(iii) Monitoring form   |        |
| Appendix J       | Procedure at Disciplinary Hearing   |        |

## Competence Procedure for All School Staff

This guidance sets out a framework to deal with matters of professional competence and it is highly recommended for the adoption by the governing body. It recommends a model procedure that is fair, efficient and equitable in accordance with good employment practice.

### SCOPE

1. The procedure recommended below has been produced following consultations with the recognised professional associations and trade unions. **The aim** is to improve to an acceptable level, the professional performance of a member of staff through counselling and support. The procedure must be dealt with on a professional and confidential basis.
2. It is recommended by the Local Authority for adoption by governing bodies.
3. **The purpose** of this procedure is to enable head teachers and Governors to manage under-performing member of staff in a fair and equitable way so they can sustain the performance of their role to a satisfactory standard without support.

### GENERAL PRINCIPLES

4. Good management, clear expectations and appropriate support will go a long way towards addressing weaknesses in performance. Early identification of concerns will help to avoid the need for recourse to the competence procedure. In most cases an improvement may be achieved with support and attention. In others the competency procedure must be followed.
5. Head teachers, Governors or managers should examine at this stage the possibility that the member of staff's professional performance may be affected by ill health or some external influence or concern. If this is the case the matter should be dealt with under the appropriate procedure before any consideration is given to competence. Management should also consider whether the issue is a matter of conduct and, if so, invoke the disciplinary procedure.
6. Any unreasonable expectation placed upon the member of staff, or lack of earlier proper explanation on the part of school management or Governors, should also be considered.
7. A member of staff has the right to be represented at any stage of the competency procedure either by their professional association or trade

union representative or a work colleague. Members of staff must be advised of this right.

8. Members of staff have the right to appeal against any sanction issued at any stage of the procedure.
9. The head teacher or governors of a school should consider engaging the services of Local Authority advisers or other advisers with education, Human Resources, or other specialist experience to advise the school. Throughout the process advisors will assist in the organisation of appropriate levels of support including classroom observation, mentoring etc.
10. Where the governing body has delegated authority under the Education Act 2002 to the head teacher for staff discipline, the head teacher should refrain from managing staff competence. Their role in the process will be to conduct any disciplinary hearing that may arise. The head teacher should nominate an appropriate manager to deal with the competence issue. In all cases that manager will have full delegated powers to deal with the competence issue in its entirety. In the case of the head teacher, the governors must ensure that a suitable governor is nominated to deal with the competency issue. That governor cannot sit on any subsequent committee convened to conduct any disciplinary hearing that may arise.
11. At the outset the member of staff and their representative should be informed who the nominated manager or governor is and whether the head teacher has delegated powers for staff discipline.
12. There is a short procedure that would be appropriate in particularly serious cases, where the education or welfare of children is in jeopardy (**Appendix A – Fast Track Procedure**).
13. No formal competency action shall be taken against an employee who is a recognised trade union official (including safety and learning representatives) until the circumstances of the case have been discussed with a full time officer of the trade union concerned.

#### **14. STAGE 1**

Where a member of staff's underperformance continues to cause concern, the head teacher or other line manager should investigate and collect evidence. The chair of governors must make arrangements for this to be done if the performance of the head teacher is in question. Once the facts are gathered and the seriousness of the problem established there are four initial options:

- No further action required
- Support / coaching
- Implement formal procedure

- Training

## **Support**

Support and informal coaching should aim to encourage and help the member of staff to improve. It should be conducted discreetly. Explanations should be considered carefully and the matter dropped if it becomes evident that there is no case to answer. The member of staff must be informed what is required, how performance will be reviewed, the review period and that the formal procedure will commence if there is no improvement. Support should not go on too long. A brief note of any support should be kept for reference.

Discussion must not harass the member of staff or turn into a formal interview. If more serious concerns arise, or if the member of staff expresses discontent, or indifference to the support, stage 2 should be commenced to deal with the matter in a more structured and objective manner.

Reference should be made to the professional duties of the member of staff set out in the STP&C document or the PASS competency levels in order to identify the competencies involved.

A period of the time should be agreed with the employee when sustained improvement could reasonably be expected to occur (usually no longer than 1 term) and a record of the improvement sought.

After a period of review involving observation and assessment a firm conclusion should be reached. The options will be either;

- No further action required
- Implement Stage 2

## **15. Stage 2**

The recommended timings set out in this document are upper limits which may be shortened if appropriate. The procedure proposes an upper limit of two terms for the formal assessment of staff competence. Particularly serious cases may be handled in up to four weeks. The period of assessment may be shortened if justified, for example, where it becomes clear that an acceptable level of improvement is beyond the ability of the person assessed, or where there is a lack of co-operation regarding any reasonable measures to achieve improvement.

### **Step 1 Formal interview**

The formal interview initiates Stage 2 of the competence procedure. It provides an opportunity to deal with more serious problems in a structured way. It allows the member of staff to prepare a response to

allegations about performance and make a case in the company of a union representative or work colleague. At least 5 working days notice should be given for the interview and every effort should be made to give as much notice as possible.

The interview may provide new information or put a different slant on evidence collected. If it becomes clear that further investigation is needed the interview should be adjourned for an appropriate length of time to allow this to happen.

The options at the formal interview are either;

- No further action required
- continue to offer support and issue either;
- an oral or written warning
- Invoke Fast Track Procedure (See below\*)

These are relevant to any case where continued concern about the standard of performance is justified. The decision on which level of warning to issue will depend on the seriousness of the problem. If performance is unsatisfactory a written warning will normally be the next step and will invoke an assessment period of up to two terms. An oral warning should not normally be necessary in cases where support has already taken place.

\* Only in cases of particularly serious concern, where the education and care of children is in jeopardy (for example, where a member of staff's classroom control is so poor that no order can be established to enable teaching to take place, or where all the children under a member of staff's care fail to progress in that member of staff's lessons), it is possible to move directly to a final written warning. This will then invoke an assessment period not exceeding 4 weeks before a final evaluation is made (*see appendix A – fast track procedure*).

In relation to performance concerns involving the head teacher, the governor managing the process may engage an educational professional to conduct a professional evaluation of the performance of the head teacher. The education professional will have access to all relevant papers and be able to interview any person deemed appropriate. Copies of any evaluation will be given to the governor managing the process.

If, at the end of the review period and after the professional evaluation has been completed, the governor managing the process is not satisfied that sufficient progress has been made a disciplinary hearing will be called. The panel of governors hearing the case will consider the outcomes of the professional evaluation, in addition to any other evidence.

## Step 2

A decision should be made after all the facts and any representations from the member of staff have been considered. The head teacher or manager should adjourn the meeting briefly to consider the appropriate option before delivering a decision to the member of staff. Any appeal against a warning must be made within 5 working days and heard within 10 working days of notification of appeal, and must not interrupt the progress of the procedure, unless the appeal decision leads to the matter being reconsidered.

Where a formal warning is issued, the head teacher, manager or chair of governors should use the remainder of the meeting to;

- identify the professional shortcomings;
- give clear guidance on the improved standard of performance needed to end the capability procedure;
- explain the support that will be available, and how performance will be monitored over the following weeks;
- depending on the level of warning issued, to identify the timetable for improvement and agree a date for the next/final evaluation meeting; and
- make it clearly understood that failure to improve may lead to dismissal.

A letter should be sent to the member of staff immediately after the formal interview recording: -

- the result of the investigations,
- the main points discussed at the meeting,
- timeframes,
- arrangements for support,
- confirmation of the decision
- details of any warning issued
- information about the handling of the formal stage

A copy should be placed on the individual's personnel file.

**First assessment stage** (Maximum upper time limits that can be applied)

Time periods quoted are all working weeks.

### **Weeks 1 to 20**

Guidance, training and other areas of agreed support should be implemented at this stage. Observation and monitoring should then be utilised to evaluate performance against the set criteria. Consideration should also be given to the effectiveness of the agreed areas of Support.

If at any point during this stage the circumstances suggest a more serious problem, a decision may be taken to move directly to a final written warning.

**Week 20** Evaluation meeting to assess performance over the previous weeks. At least 5 working days notice must be given for the meeting and the member of staff may be accompanied by a union representative or work colleague. If the level of performance has been satisfactory and there is confidence that it can be sustained the competency procedure can end here with a letter from the manager / individual managing the process.

If performance continues to be unsatisfactory a **final written warning** should be issued. Formal monitoring, evaluation, guidance and support should continue for a further period. Arrangements for this should be explained at the meeting. The member of staff must be told clearly that failure to achieve an acceptable standard, with confidence that it can be maintained, may result in dismissal. The decision and main points of the meeting should be recorded in a letter to the member of staff. Any appeal against a final warning must be made within 5 working days, and heard within 10 working days of notification of appeal, and must not interrupt the progress of the procedure, unless the appeal decision leads to the matter being reconsidered.

## **Second assessment stage**

### **Weeks 20 to 24**

Regular monitoring and evaluation of performance, with guidance, training if necessary, and support to the member of staff.

**Week 24** Final evaluation meeting to report the assessment of performance over the previous weeks. At least 5 working days notice must be given for the meeting and the member of staff may be accompanied by a union representative or colleague. If performance has been satisfactory, and there is sufficient confidence that it can be maintained, the competency procedure can end here.

If performance is unsatisfactory the member of staff should be told that the matter will be referred to the head teacher / a panel of the governing body for a formal hearing. The result of the assessment, main points of the meeting and date of the hearing (if known), should be recorded in a letter to the member of staff.

## 16. Disciplinary Process

At this stage the decision as to whether the matter proceeds to a panel of governors, or goes before the head teacher, needs to be taken. If the governing body has delegated staffing responsibilities to the head teacher under the Education Act 2002 and the head teacher has not been managing the member of staff under this procedure, the head teacher will conduct the disciplinary hearing. If the governing body has not delegated such responsibilities to the head teacher or the head teacher has managed the member of staff under this procedure, the matter will proceed to a governor committee. In the case of the head teacher the matter can only be considered by a panel of governors.

This governor committee will comprise at least three governors. This must hear the representations and recommendations brought by the head, or other manager conducting the competency evaluation, and any representations that the member of staff may wish to make.

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

If at the end of this period of review the committee or Headteacher remain dissatisfied with the employees performance, a further disciplinary hearing will be called. If the presenting officer's recommendations are supported, a final warning will be issued to the employee to the effect that if the required improvements are not reached by a given date, consideration will be given to her/his dismissal.

If appropriate, the governing body should also set up a committee of governors to hear any appeal against a dismissal decision. None of the governors on the 1<sup>st</sup> committee should be on the Appeal Committee.

17. Following an Ofsted inspection a school may be judged to be in need of special measures or significant improvement. Where there is PRIMA FACIE EVIDENCE to suggest that the reason for the deficiencies rests with the Headteacher, the position of the Headteacher may be so undermined, and the confidence of the Governing Body or the LA so eroded that steps may need to be taken to consider whether or not the Headteacher should continue to work at the school.

To meet this situation, it is necessary to have a strategy in place that:-

- A) observes the requirements of employment protection legislation and principles of natural justice;



- B) ensures that actions taken are justified, fair and reasonable in all the circumstances and
- C) is consistent with Education statutory requirements, where appropriate, and Education (School Government) Regulations.

Clearly the above Procedure for Headteachers is not appropriate in such particular circumstances because of its potential lead-in period and the contradictory need for very rapid turnaround in the case of schools causing concern. There is also the matter of parental (and perhaps staff confidence) and a possible danger of withdrawal of pupils from a school causing concern if some immediate steps are not taken.

In such circumstances the emergency measures detailed in **Appendix A – Fast Track Procedure** shall be followed.

### **IMPORTANT PROCEDURAL GUIDANCE**

#### **b) Role of Governors**

Governors should not normally be involved with a competency procedure before the dismissal stage. The exception to this is where a governor or governors are involved in considering an appeal against a warning or in a competency procedure against a head teacher when some governors may be involved in the monitoring and evaluation of performance. It is important to be prepared for the possibility of dismissal. The use of governors to hear any grievances or appeals against warnings should be limited to ensure a sufficient number of impartial governors remain available for the dismissal and dismissal appeal committees. Normally at least three governors are required for the dismissal committee and no fewer for the appeal. If it is not reasonably practicable to have three governors on each committee this can be reduced to two.

#### **c) Representation at formal interview, evaluation meetings and dismissal hearing**

A member of staff has a legal entitlement to be accompanied by a work colleague or union representative. If the member of staff's chosen companion is not available at the time proposed for the interview, meeting or hearing, and the member of staff proposes an alternative date that is reasonable and falls within 5 working days of the day proposed for the interview, the school must rearrange the hearing to the time proposed by the member of staff unless this is impractical. In this event a mutually convenient date should be agreed.

#### **d) Notice**

Notice of 5 working days must be given for an initial formal

competence interview. The date of successive evaluation meetings should be fixed at the preceding interview or meeting and notice should only be necessary if it is rearranged. Notice of at least 5 working days must be given for a staff dismissal committee or dismissal appeal hearing.

**e) Support for the member of staff**

Those monitoring the performance should offer feedback and instruction to help the member of staff improve performance. If training courses or assistance from colleagues would be helpful these should be arranged as soon as possible but should not interrupt the timing of the procedure.

**f) Monitoring arrangements**

Monitoring should include observations of a range of relevant duties and functions. An objective record of the monitoring should be kept and used to assist with the evaluation of performance.

**g) Written records**

A written record should be made of all interviews with the member of staff and any action taken following such an interview. Records should be shared with the member of staff and a copy should also be kept on their personal file. Except in agreed circumstances any formal warnings should be disregarded for disciplinary purposes after a specified period of satisfactory performance. All formal warnings should be expunged from the file on expiry. The time periods are 6 months for an oral warning, 9 months for a written warning and 12 months for a final written warning.

**h) Staff who are absent through illness during the procedure**

Urgent action is required if sickness absence intervenes during a competency procedure.

If long term sickness absence appears to have been triggered by the commencement of a formal competency procedure, the case should be referred immediately to the employer's occupational health service to assess the person's health and fitness for continued employment. Schools must take a considerate and sympathetic approach, but in general the length of time they may wait for a person's health to improve before considering whether to terminate employment on health grounds should be subject to occupational health guidance.

Short absences should not delay any part of the formal stage of the competency procedure. Reasonable steps should be made to enable the member of staff to attend evaluation meetings. However, where the member of staff is unable to attend, these may proceed in the member of staff's absence if delay would otherwise compromise the maximum time set aside for the procedure. In such circumstances a full account of the evaluation should be provided in the letter confirming the decision taken.

**i) Decisions on continuing the procedure and recommending dismissal**

Normally the decision to continue a competency procedure or recommend dismissal should be taken by the head, or by the manager with the head's agreement (except where the head's performance is being considered). If there is a difference of opinion, the head's decision should prevail (except where the head's performance is being considered).

**j) Timetable**

References to 'terms' throughout the model procedure and the guidance on applying the procedure are taken to mean the normal school term lengths for schools that operate a three term academic year. Any schools that operate on more than the normal three terms in an academic year should make an approximate pro rata adjustment to any references to terms.

**k) Disputes about the procedure**

Any disagreements or grievances about the interpretation of the model procedure, or the application of any related matters not covered in the procedure, must not delay the various elements of the competency procedure or the overall timetable determined as appropriate for handling any particular case.

**l) Appeals against formal warnings**

Appeals should normally be restricted to considering the reasonableness of the decision made, any relevant new evidence, or any procedural irregularities. A member of staff is entitled to be accompanied at an appeal hearing by a work colleague or union representative. The appeal decision should be confirmed in writing and the member of staff told that there is no further appeal against the decision. Where the reasonableness of the decision is being questioned the test that should apply for overturning a formal warning

is that the decision was so unreasonable that it was one that no other head or manager, acting with proper regard to his or her responsibilities, could have chosen to take. Where an appeal is upheld the matter should be referred back to the head or manager to be reconsidered or for further appropriate action. Where monitoring would otherwise be continuing, it should not be halted while an appeal is pending.

m) **Grievances**

A member of staff may raise a grievance about the behaviour of a head or other manager during the course of a competency procedure. Depending on the circumstances it may be appropriate to suspend the procedure until the grievance can be considered. Such a delay should only be considered where there is a strong indication that the member of staff has been mistreated and consideration should be given to bringing in another manager to deal with the competency case. Any records should be passed to the new manager and if appropriate the case should be continued within the same timetable.

**GLOSSARY OF TERMS**

|                          |   |
|--------------------------|---|
| School Staff             | - All staff employed by the school's governing body           |
| Professional Association | - Recognised trade union                                      |
| The Dismissal Committee  | - Governor committee that deals with all disciplinary matters |

**FAST TRACK PROCEDURE**

**Introduction**

Prior to the Fast Track Procedure being invoked, thorough consideration should be given to any evidence available and an appropriate initial investigation should be completed. The individual and their professional association or union representative should be consulted throughout this stage.

At all stages throughout the Fast Track Procedure the following options are available:

- No further action required;
  - continue to offer support
  - Return to normal competency procedure
  - Continue through the fast track procedure
1. The Governor Committee/Head teacher (with delegated powers) will consider all the reports and the response of the member of staff. If the Governor Committee/Head Teacher (with delegated powers) supports the findings of the presenting officer, it will issue the member of staff with a final written warning under the school's disciplinary procedure.
  2. The warning will state specifically the 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 of no more than four weeks. The warning will also identify the professional support and advice which will continue to be available to the member of staff during this period. The member of staff will be advised that if the improvement is not achieved, more serious action may be taken including dismissal.
  4. During this final period of professional support an educational professional maybe engaged, if appropriate, to conduct a professional evaluation of the performance of the member of staff at the earliest opportunity following the Governor Committee/Head teacher (with delegated powers) decision. The education professional will have access to all relevant papers and be able to interview any person deemed appropriate. Copies of the evaluation will be given to the Chair of Governors, Headteacher or manager and the member of staff.
  5. If, at the end of the period and after the professional evaluation has been completed, the Chair of Governors, Headteacher or Manager are not satisfied that sufficient progress has been made, a disciplinary hearing will again be called. At this time, it will, in addition to any other evidence, consider the

professional evaluation undertaken.

6. The outcome of the disciplinary hearing may be dismissal or to extend the review period, where it is considered that there is still the possibility that satisfactory improvement may shortly occur.
7. At all stages, where formal disciplinary action is taken, the member of staff 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 A (ii)**

**Refer to Fast Track Procedure**

Dear

**Disciplinary Hearing**

Further to the Second Stage / Investigation Meeting you attended on *(date)* under the Competency Procedure, I am writing to confirm the outcome of that meeting.

Serious concern has been raised in regards to your performance. Specifically *(detail specific examples)*.

You responded to this by stating that

Either: -

- a) Having considered your response, I am still dissatisfied that you have made satisfactory and sustained improvement against the Improvement Plan. Accordingly, I have referred the matter to a Governor Committee.

Or

- b) I still remain seriously concerned about your performance and believe that the Education and Welfare of Children under your supervision is in jeopardy. Accordingly, I have referred the matter to a Governor Committee.

*(delete as appropriate)*

Arrangements have been made for the Committee to meet on *(date)*. You are entitled to be represented at this meeting by your Professional Representative or a work colleague and should make your own arrangements in this regard.

Please contact me upon receipt of this letter to confirm your attendance at this meeting. A copy of the procedure to be followed at this meeting is contained within appendix J of the Competence Procedure.

Yours sincerely

**Head Teacher  
Manager  
Chair of Governors**

**Appendix B**

**Model Letter – Invite to meeting under stage 1 of Competency Procedure**

Dear

I write to inform you that I have some concerns regarding your professional performance as a *(job title)* specifically in the areas of:

I would like to discuss these matters with you on \_\_\_\_\_ at \_\_\_\_\_ am / pm at the school. You may be accompanied by a work colleague, your professional association or trade union representative if you choose.

I would advise you to seek guidance on the process from your professional association. A copy of the School's Adopted Competence Procedure is attached for your information and this meeting is convened under stage 1 of the procedure.

Please confirm that the proposed date, time and venue are convenient for you and your professional association or trade union representative.

Yours sincerely

**Headteacher**  
**Manager**  
**Chair of Governors**



**Confirmation of outcomes from Stage 1 Meeting**

Dear

Thank you for attending the meeting arranged under stage 1 of the school's competency procedure, which took place on ..... You attended the meeting supported by ....., from (union).

At the meeting we discussed my concerns regarding your professional performance in the areas outlined in my letter to you dated ... (see date of appendix b letter).

It was agreed that your performance in these areas would be reviewed for a period of ..... weeks and we arranged to meet again on     at     at the end of that period.

We discussed the support that the school could provide during this period to help you address the concerns and this support has been incorporated in the attached improvement plan.

Whilst I am confident that, with the support provided, you will make the necessary improvements, I must inform you that if, by the end of this review period, no apparent improvement has been made, stage 2 of the procedure will be implemented.

Yours sincerely

**Headteacher  
Manager  
Chair of Governors**

Enc – Completed Improvement Plan

**Outcome of stage 1 review – satisfactory progress**

Dear

**Competency Procedure**

I refer to our review meeting of (date) regarding your performance at stage 1 of the Competency Procedure.

I write to confirm that after reviewing your performance in the action areas contained within the improvement plan, I am satisfied that you have demonstrated a sustained improvement in all areas.

I am confident therefore that you have now shown you can sustain the required level of performance in the areas of concern and it is therefore no longer necessary to support you under the Competency Procedure.

If, however, you do have any difficulties in maintaining this level of performance, please do not hesitate to contact me to discuss this.

Yours sincerely

**Head Teacher**  
**Manager**  
**Chair of Governors**

**Outcome of stage 1 review– implement stage 2**

Dear

**Competency Procedure**

Further to our review meeting held under Stage 1 of the Competency Procedure, I am writing to confirm the outcome of that meeting.

The purpose of the meeting was to review your performance against the improvement plan which was given to you on (insert date of Appendix C letter).

As discussed at the meeting, my evaluation indicates that your overall performance, despite extensive support, has not improved sufficiently against my expectations and I still have the following concerns:

As such, I must inform you that stage 2 of the competency procedure will now be implemented.

Under stage 2 of the competency procedure, you are invited to attend a formal interview on (date) at (time) to take place (where). At this interview you will have the opportunity to respond to the allegations and present your case and any evidence you wish to be taken into account.

You are entitled to be supported / represented by a work colleague or union representative at this meeting and as such, I would advise you to contact them as soon as possible.

Please confirm that the proposed date, time and venue are convenient for you and your work colleague, professional association or trade union representative.

Yours sincerely

**Head Teacher  
Manager  
Chair of Governors**

**Outcome of stage 2 interview – no further action**

Dear

**Competency Procedure**

Further to the formal interview you attended on (insert date), which initiated stage 2 of the Competency Procedure, I am writing to confirm the outcome of that meeting.

I can confirm that after having fully considered the matters raised by you at that interview and the evidence presented, I am satisfied that my concerns have been addressed and can inform you that no further action will be required.

I am confident therefore that you will now show you can sustain the required level of performance in the areas of concern and it is therefore no longer necessary to support you under the Competency Procedure.

If, however, you do have any difficulties in maintaining this level of performance, please do not hesitate to contact me to discuss this.

Yours sincerely

**Head Teacher  
Manager  
Chair of Governors**

**Outcome of stage 2 interview – continue support**

Dear

**Competency Procedure**

Further to the formal interview you attended on (insert date), which initiated stage 2 of the Competency Procedure, I am writing to confirm the outcome of that meeting.

I can confirm that after having fully considered the matters raised by you at the interview and the evidence presented to address my concerns, it is my view that the period of support detailed in the improvement plan should be extended. As such, I will extend this period for a further ... weeks and a review meeting will take place on ... at ...

Whilst I remain confident that, with continued support over this extended period, you will make the agreed improvements as specified in the revised improvement plan (enclosed). I must inform you that if, by the end of this review period, no apparent improvement has been made, a formal sanction may be issued under stage 2 of the Competency Procedure.

If, during this extension you experience any difficulties relating to the support or any other aspect of your improvement plan, please do not hesitate to contact me to discuss this.

Yours sincerely

**Head Teacher  
Manager  
Chair of Governors**

Enc. Revised Improvement Plan

**Outcome of stage 2 Review Meeting – Oral or Written Warning**

Dear

**Competency Procedure**

Further to the meeting you attended on (insert date) under stage 2 of the Competency Procedure, I am writing to confirm the outcome of that meeting.

I explained at the meeting that my evaluation indicates that your overall performance, despite extensive support, has not improved sufficiently. The following points within the improvement plan still give me cause for concern:

(Insert text)

You responded to these points by stating:

(Insert text)

Full consideration was given to the points raised by you at the meeting. It was concluded that you had not made satisfactory and sustained improvement. As such, I am issuing you with (an/a) (Oral /Written) Warning which will remain on your file for a period of 6 (*oral*) / 9 (*written*) months. The warning will expire on (date).

You have the right to appeal against this warning. Any appeal should be in writing to myself and logged within 5 working days of receipt of this letter.

Your competency is now being managed under the first assessment stage of the competency procedure and as such, the week 20 evaluation meeting has been arranged to take place on **(date at 20 weeks)**. You have the right to be accompanied by a trade union representative or work colleague at that meeting.

However, I must advise you that if, at any point during this stage, the circumstances suggest a more serious problem, a decision may be taken to move directly to a final written warning. Prior to any warning being issued you will be given the opportunity to respond fully to the concerns.

I must inform you, at this stage, that failure to achieve the necessary improvements could lead to you being dismissed from your post.

Yours sincerely

**Head Teacher**

**Manager**

**Chair of Governors**

***Invite to evaluation meeting (wks 20 or 24)***

Dear

Following our meeting on .... when you were advised your competency was now being managed under the first / second assessment stage of the competency procedure, I wish to confirm the arrangements for the week 20 / 24 Evaluation meeting.

The meeting has been arranged to take place on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_ . The purpose of the meeting is to assess your performance against the improvement plan over the last 20/ 24 weeks

As you are aware, you are entitled to be accompanied by a work colleague or trade union representative at this meeting. I will be supported by \_\_\_\_\_

Please confirm that the proposed date, time and venue are convenient for you and your professional association, trade union representative or work colleague.

Yours sincerely

**Headteacher  
Manager  
Chair of Governors**

***Outcome of stage 2 Evaluation Meeting – satisfactory progress***

***Dear***

**Competency Procedure**

I refer to our evaluation meeting under the (first / second) assessment stage of stage 2 of the School's adopted Competency Procedure which took place on (date).

I write to confirm that after reviewing your performance in the action areas contained within the improvement plan, I am satisfied that you have demonstrated a sustained improvement in all areas.

I am confident therefore that you have now shown you can sustain the required level of performance in the areas of concern and it is therefore no longer necessary to support you under the Competency Procedure.

If, however, you do have any difficulties in maintaining this level of performance, please do not hesitate to contact me to discuss this.

Yours sincerely

***Head Teacher  
Manager  
Chair of Governors***



**Outcome of stage 2 Evaluation Meeting (wk 20) – Final Written Warning**

Dear

**Competency Procedure**

Further to the evaluation meeting you attended on under the first assessment stage of stage 2 of the Competency Procedure, I am writing to confirm the outcome of that meeting.

I explained at the meeting that my evaluation indicates that your overall performance, despite extensive support, has not improved sufficiently against my expectations. The following points within the improvement plan still give me cause for concern:

You responded to these points by stating:

Once I had had the opportunity to fully consider the points raised by you at the meeting, I informed you that I remained dissatisfied that you have made satisfactory and sustained improvement.

As such, I am issuing you with a Final Written Warning which will remain on your file for a period of 12 months and will expire on (date).

You have the right to appeal against this warning. Any appeal should be in writing to myself and logged within 5 days of receipt of this letter and should clearly detail the grounds of your appeal.

Your competency is now being managed under the second assessment stage of the competency procedure and as such, the final evaluation meeting has been arranged to take place on **(date at 24 weeks)** in line with the procedure. You have the right to be accompanied by a work colleague or trade union representative at that meeting.

I must inform you, at this stage, that failure to achieve the necessary improvements could lead to you being dismissed from your post.

Yours sincerely

**Head Teacher**  
**Manager**  
**Chair of Governors**

**Refer to Formal Hearing**

Dear

**Disciplinary Hearing**

Further to the final evaluation meeting you attended on \_\_\_\_\_ under the second assessment stage of stage 2 of the Competency Procedure, I am writing to confirm the outcome of that meeting.

Your progress within the improvement plan was discussed with you (and your representative). It was explained that you have failed to

You responded to this by stating that

Having considered your response, I am still dissatisfied that you have made satisfactory and sustained improvement against the Improvement Plan. Accordingly, I have referred the matter to a Governor Committee.

Arrangements have been made for the Committee to meet on (date). You are entitled to be represented at this meeting by your Professional Representative or a work colleague and should make your own arrangements in this regard.

Please contact me upon receipt of this letter to confirm your attendance at this meeting. A copy of the procedure to be followed at this meeting is contained within appendix J of the Competence Procedure.

Yours sincerely

**Head Teacher  
Manager  
Chair of Governors**

***Disciplinary Hearing***

Dear

**Re: Disciplinary Hearing**

I write with regard to the disciplinary hearing that I chaired on (date), assisted by (HR officer if present). You attended with your trade union representative / work colleague, (name & trade union of rep/post of colleague) / You attended without a representative, but you confirmed that you had been informed of your right to representation by your trade union or by a work colleague. (Name & post of investigating officer) was the presenting officer.

The purpose of the hearing was to consider allegations that:

(Summary of the allegations).

I heard evidence from the investigating officer (summary of case presented by investigating officer).

In response, I heard evidence from your trade union representative and yourself that (summary of response from TU and respondent).

In making a decision in this case, I have listened carefully to all the evidence presented to me. I am satisfied that (summary of Chair's findings)

Having taken all these factors into account, I am satisfied that your actions warrant a disciplinary sanction being issued to you. My decision, therefore, is to issue you with an/a Oral/Written/Final Written Warning.

The warning will remain on your file for 6/9/12 months, and will expire on (date), at which point it will be disregarded if there has been no need for further disciplinary action. If further action is required during this period, please be aware that any live warnings may be taken into account and that this may lead to your dismissal.

You have the right to appeal against your this sanction. If you wish to appeal, you must do so in writing to me, within 5 working days of receipt of this letter, stating briefly the grounds for your appeal.

Yours sincerely

**Headteacher  
Chair of Disciplinary Hearing**

**IMPROVEMENT PLAN**

*Appendix I (i)*

**NAME:** \_\_\_\_\_ **NAME OF REVIEWER:** \_\_\_\_\_ **SCHOOL:** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_ **REVIEW DATE:** \_\_\_\_\_

**AREA:** \_\_\_\_\_

| <b>CURRENT PERFORMANCE</b> | <b>SUCCESS CRITERIA<br/>(including interim milestones)</b> | <b>SUPPORT / RESOURCES<br/>AVAILABLE</b> | <b>MONITORING</b> |
|----------------------------|--|--|-------------------|
| 1.                         |  |  |                   |
| 2.                         |  |  |                   |
| 3.                         |  |  |                   |
|                            |  |  |                   |

Signed: \_\_\_\_\_  
Manager / Headteacher / Chair of Governors

Signed: \_\_\_\_\_  
Teacher

Date Agreed: \_\_\_\_\_

**IMPROVEMENT PLAN - Guidance Notes**

*Appendix I (ii)*

**NAME:** \_\_\_\_\_ **NAME OF REVIEWER:** \_\_\_\_\_ **SCHOOL:** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_ **REVIEW DATE:** \_\_\_\_\_

**AREA:** Define the problem area

Use separate sheet for each area

| <b>CURRENT PERFORMANCE</b>   | <b>SUCCESS CRITERIA<br/>(including interim milestones)</b>   | <b>SUPPORT / RESOURCES<br/>AVAILABLE</b>  | <b>MONITORING</b>   |
|--|--|---|---|
| <p>Define the problem in greater detail – how does the problem present itself? Detail the specific issues to be addressed.</p> | <p>Set out the standards with associated specific success criteria.</p> <p>These should be in clear, measurable and achievable terms and should have interim milestones with relevant dates.</p> | <p>Make any arrangements for support clear. (eg. training, development, time, mentoring, access to IT facilities etc).</p> <p>Ensure it is clear who, within the school will make the necessary arrangements for support.</p> | <p>Detail any monitoring to be carried out, specify by whom and when.</p> <p>Diary dates should be arranged at the outset and include dates for classroom observation (if applicable).</p> <p>Ensure dates for feedback are included. (Feedback from lesson observations should be delivered orally within 24 hours and in writing within 5 working days).</p> <p>Any concerns that arise during monitoring should be raised with the individual as soon as possible.</p> <p>Use attached sheet to record outcomes of review / monitoring meetings.</p> |

Continue on separate sheets as necessary

**MONITORING FORM**

|            | Date of review meeting | Agreed Outcomes from Meeting<br>[Whats gone well? What could have gone better? Recommendations for improvement (or agreed way forward). Support / development required and agreed?] |
|------------|------------------------|---|
| 1. Issue 1 |                        |   |
|            |                        |   |
|            |                        |   |
| 2. Issue 2 |                        |   |
|            |                        |   |
|            |                        |   |
| 3. Issue 3 |                        |   |
|            |                        |   |
|            |                        |   |



**PROCEDURE AT DISCIPLINARY HEARING**

1. Management's opening statement of case.
2. Questions of management's opening statement by the employee and/or the representative.
3. Questions by the disciplinary panel and/or their adviser.
4. Questions by management of its witness(es).
5. Cross-examination by the employee or their representative of management's witness (es).
6. Questions by the disciplinary panel and/or their adviser.
7. Re-examination of witness (es) by management.
8. Employee's opening statement of case.
9. Questions of the employee's opening statement by management.
10. Questions by the disciplinary panel and/or their adviser.
11. Questions by the employee or the representative of his/her witness (es).
12. Cross-examination by management of the employee's witness (es).
13. Questions by the disciplinary panel and/or their adviser.
14. Re-examination of witnesses by the employee or the representative.
15. Summing up by management.
16. Summing up by the employee or the representative.
17. Disciplinary panel retires to deliberate.
18. Decision given in writing within 5 working days.