



Performance Management and Capability Procedure

NAME OF SCHOOL	STANMORE PRIMARY SCHOOL
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Introduction

This policy and procedure have been consulted upon with the recognised trade unions and professional associations for Hampshire maintained schools. Where Hampshire maintained schools wish to localise this policy and procedure further, consultation will need to take place with staff and representatives of the recognised unions and professional associations. This policy and procedure are commended to academies and other schools which have freedom to develop their own policy and procedure, although such schools which wish to adopt this policy and procedure are advised to take this through their own negotiation/ consultation framework.

This procedure does not form part of any employee's contractual terms and conditions. Any links within this document to other documents are for ease of use and do not form part of this procedure.

This policy and procedure have been written in accordance with the Model Pay Policy contained in the Manual of Personnel Practice. Schools that have chosen to adopt an alternative pay policy will need to make relevant adjustments.

Schools should ensure that employees clearly understand the ethos of the school and that performance management arrangements are in place to support employees to achieve their individual and school aspirations. It should be recognised that there is a collective responsibility to achieve these goals. The Capability Policy and How to Guide is a supportive process aimed at generating sustained improvement.

Purpose

This document sets out the framework for a clear and consistent assessment of the overall performance of employees, including the Headteacher, and for supporting their development within the context of the school's plan for improving educational provision and performance, and the standards expected of teachers and other staff. It also sets out the arrangements that will apply when employees fall below the levels of competence that are expected of them.

Application

The Model Performance Management Policy is for all employees working within a school/school managed provision or establishment (which for ease of reference are referred to throughout this document as 'schools'), with the exception of those employees on contracts of less than one term, those undergoing formal induction (i.e. ECT's), and those who are subject to the Capability Policy.

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Performance Management Policy

1. Principles

- 1.1 Performance management in this school will be a **supportive and developmental** process designed to ensure that all employees have the skills and support they need to carry out their role effectively. It will help to ensure that all employees are able to continue to improve their professional practice and to develop in their careers.
- 1.2 The process of setting and reviewing performance objectives for staff in schools is an integral part of the school's overall approach to school improvement and development. Performance objectives will be written in such a way that they complement and link to the targets expressed in the school improvement/development plan.
- 1.3 It is important to recognise that the objectives set for any member of staff will not represent the complete job that the individual is expected to perform. Reviewing performance is about measuring the progress made against the objectives set with appropriate support, which will represent key priorities for that individual, and in addition, assessing and recognising the overall performance of that person in the job, including an assessment against any relevant standards/accountabilities.
- 1.4 There is no correct number of objectives to set for any member of staff. The number will depend on the role they undertake, the relevant priorities for that person at that time and the nature and complexity of each objective set.
- 1.5 The process of performance management will be carried out in accordance with this policy, which is underpinned by the statutory regulations for teachers and local agreements for support staff.
- 1.6 Performance management will be carried out in such a way to ensure consistency of treatment and fairness.
- 1.7 The Governing Body and Headteacher will monitor the operation and effectiveness of the school's performance management arrangements.
- 1.8 The performance management process will be treated with confidentiality. Normally only the reviewer, reviewee and the Headteacher will have access to performance management information and documentation relating to the reviewee. However, to enable moderation of objectives and assessments to take place, paperwork may be shared with members of the Senior Leadership Team in accordance with the school's Pay Policy. In the event of an Ofsted inspection taking place, Ofsted inspectors may

request that anonymised information about the school's performance management arrangements, including the most recent performance management outcomes and their relationship to salary progression, is provided. Governors may also request an anonymised sample of performance management statements to enable them to perform their role in monitoring the effectiveness of the school's performance management system.

- 1.9 The Governing Body and Headteacher will ensure that all written performance management records are retained securely for six years and then destroyed.
- 1.10 Where an employee's performance is affected by a health problem and/or sickness absence, the matter will normally be dealt with in accordance with the school's Absence Policy and How to Guide. This is likely to lead to a referral to Occupational Health in order to assess the employee's fitness for work.
- 1.11 When assessing an employee through the performance management process, factors such as any periods of ill health, or maternity leave, will be taken into account as this may affect an employee's ability to meet their objectives.
- 1.12 Text in italics denotes areas where schools may wish to exercise discretion.
- 1.13 The audio or video recording of any meetings held under this procedure is not normally permitted. Where an employee is unable to take his or her own notes of a meeting due to a physical, sensory or mental impairment, it is expected that the employee's representative will take notes on their behalf and/or alternative options will be considered to remove any potential disadvantage that an employee may have. Only in exceptional cases may an employee request an audio or video recording of the meeting as an alternative. In such cases, consideration will be given as to whether recording the meeting is appropriate in all the circumstances, including an assessment of whether other options have been considered as above.

2. The Performance Management Cycle

- 2.1 The performance management cycle for the Headteacher and all teachers will run for twelve months, with the end of year review being completed by October for teachers, and by December for the Headteacher, in reference to the previous academic year. The performance management cycle for support staff will run for twelve months with the end of year review being completed by December, in reference to the *previous academic year or current financial year [use whichever applies]*.

- 2.2 Employees who are employed on a fixed-term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. The length of the period will be determined by the duration of their contract.
- 2.3 The performance management cycle will link to the pay arrangements for employees. In the case of teaching staff, the end of year review and the annual pay determination will take place by the end of October each year (December for the Headteacher) and is informed by the performance management cycle concluding at the end of the previous academic year (31 August). In the case of support staff who are performance managed via the Individual Performance Planning (IPP) process, the end of year review will be completed by December in order for decisions about pay to be made, effective from 1 April each year

3. Appointing reviewers

- 3.1 The Headteacher's performance will be reviewed by the Governing Body, supported by a suitably skilled external adviser who has been appointed by the Governing Body for that purpose.
- 3.2 In this school the task of reviewing the Headteacher, including the setting of objectives, will be delegated to a sub-group consisting of *two/three [delete as appropriate]* members of the Governing Body. The appointed governors will be known as the Headteacher Performance Management Committee (HPMC).
- 3.3 Given the close working relationship between the Headteacher and the Chair of Governors, it would not normally be appropriate for the Chair of Governors to be part of the HPMC.
- 3.4 The Headteacher will decide who will review the performance of other teachers and support staff, however this will normally be the employee's line manager. The Headteacher will determine whether the reviewer also makes a recommendation about pay progression, in accordance with the school's Pay Policy. The Headteacher has the discretion to delegate the review process to other employees who will normally be line managers. Reviewers will have the necessary knowledge and training in order to undertake this role.
- 3.5 Where performance concerns arise ([see section 6](#)), the Headteacher may re-delegate the reviewer role to a senior manager or undertake the role of reviewer themselves.

4. Setting Objectives

- 4.1 The Headteacher's objectives will be set by the Governing Body after consultation with the external adviser. At least one of the targets for the Headteacher will relate to outcomes for pupils.
- 4.2 Objectives for each employee will be set before, or as soon as practicable after, the start of each performance management cycle. In setting objectives, reviewers will have regard to what can reasonably be expected given the employee's role and level of experience, as communicated in the school's Pay Policy. The level of expectation of an employee's performance must also be communicated at the outset of the performance management cycle. For example, where the School has been explicit that to achieve their improvement plans teaching needs to be good or above, this expectation must be clearly communicated to all staff through the school's ratings of performance as defined in the school's Pay Policy.
- 4.3 The objectives set for each teacher will, if achieved, contribute to the school's plans for improving educational provision and performance and improving the education of pupils at the school, and will take into account the outcomes for pupils. Objectives will also take into account the professional aspirations of the employee.
- 4.4 Objective setting will have regard to a reasonable level of expectations of the employee in the context of work/life balance.
- 4.5 Before, or as soon as practicable after, the start of each performance management cycle, each teacher will be informed of the standards, objectives and success criteria against which their performance in that performance management cycle will be assessed. In addition, the reviewer and reviewee will agree the reviewee's development plan for that year.
- 4.6 Before, or as soon as practicable after, the start of each performance management cycle, each member of support staff will be informed of the key accountabilities against which their performance in that performance management cycle will be assessed, for example those contained within the role profile applicable to that employee. In addition, the reviewer and reviewee will agree the reviewee's development plan for that year.

5. Reviewing Performance

5.1 Evidence

A number of methods will be used in order to obtain evidence by which to assess an employee's performance. These include those detailed below. Such evidence will be triangulated in order to undertake an overall assessment of the employee's performance. This will include their performance against their objectives and against the relevant standards/key accountabilities for their role.

5.1.1 **Observation**

This school believes that observation of classroom practice and other responsibilities is important both as a way of assessing the performance of classroom-based employees in order to identify any particular strengths and areas for development they may have, and of gaining useful information which can inform school improvement more generally. Therefore, feedback from lesson observations will be developmental and not simply a judgement. All observation will be carried out in a supportive manner.

In this school classroom-based employees' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the employee and the overall needs of the school at that time. Classroom observation of teachers will normally be carried out by those with QTS. In addition to formal observation, the Headteacher or other leaders with responsibility for standards in the classroom may "drop in" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances.

Observations are a snapshot in time and reviewers will use the information gathered from these alongside other types of evidence to make judgements about performance.

As soon as practicable after an observation and within ___ *working days*, verbal feedback will be given to the employee. This will be followed up with written feedback within ___ *working days* of the observation taking place. Where it is not reasonably practicable to provide feedback within these timescales, feedback will be provided at the earliest opportunity thereafter.

Teachers (including the Headteacher) who have responsibilities outside the classroom, and support staff who are not classroom-based, will also have their performance of those responsibilities observed and assessed.

Observations undertaken by Ofsted inspectors or as a result of local authority monitoring will not, in themselves, be used for performance management purposes. However, these observations may highlight the need for the school to undertake separate observations for performance management purposes, for example if a lesson is rated as inadequate by Ofsted. Observations undertaken by a local authority officer may be used in performance management where this has been planned and communicated to all parties in advance.

5.1.2 Pupil progress and attainment

Rates of pupil progress and levels of attainment as pertinent to the teacher's role will be used in assessing a teacher's performance against the Teachers' Standards and, where relevant, against objectives.

The HPMC, with advice from the External Adviser, will review levels of pupil attainment, rates of pupil progress and whole school performance in their assessment of a Headteacher's performance in addition to other objectives that may have been set.

Where support staff are providing support to groups or individual pupils, the progress and attainment of those pupils may be taken into account in assessing the performance of the employee. This will only be used alongside other evidence which supports the level of contribution of the employee to the progress and attainment of pupils.

5.1.3 Work sampling

Work sampling may be used in assessing teacher performance against the standards for the role, and where relevant, against objectives.

5.1.4 Other evidence

Other evidence may be considered, where it is pertinent to the objectives set and the standards/accountabilities for the role.

Examples of such evidence may include (but are not limited to):

Teachers

- Short, medium and long-term planning.
- Effective deployment and management of classroom-based support staff.

The Headteacher

- Evidence from reports from external sources such as Ofsted, the local authority, or other reviews.
- Other performance data (for example from DfE).

Support staff

- A sample of written correspondence produced (administrative staff).
- A sample of budget correspondence (finance staff).
- A sample of health and safety monitoring (site staff).
- Examples of displays and resources prepared (classroom-based support staff).

It may also be appropriate to consider evidence such as feedback from colleagues, including peers, and for line managers, their staff.

5.2 Feedback

- 5.2.1 Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength and celebrate success, as well as any areas that need development and support. Where there are concerns about any aspects of an employee's performance, this will be managed in accordance with [Section 6](#) of this policy.

5.3 Annual Assessment

- 5.3.1 Every employee's performance will be formally assessed in each performance management cycle. In assessing the performance of the Headteacher, the Governing Body will consult the external adviser.
- 5.3.2 This assessment is the end point of the annual performance management process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place *[insert frequency, e.g. once per term]*.
- 5.3.3 An employee will receive a written performance management statement as soon as practicable following the end of each performance management cycle. The employee will have the opportunity to comment on this. Teachers will receive their written performance management statement by 31 October (31 December for the Headteacher). Support staff will receive their performance management statement by *[date]*. The performance management statement will include:

- an assessment of the employee's performance of their role and responsibilities against their objectives in the last performance management cycle;
- an assessment of the employee's performance of their role and responsibilities against the standards/accountabilities for their role in the last performance management cycle;
- summary of the evidence considered to support the decisions made;
- a recommendation on pay based on performance in the last performance management year (where staff are eligible for progression).

The employee will also receive a new performance management statement for the new performance management cycle. This will include:

- details of the employee's objectives for the new performance management cycle;
- details of the standards/accountabilities to apply in the new performance management cycle;
- an assessment of the employee's current training and development needs and identification of any action that should be taken to address them in the new performance management cycle;
- an indication of when monitoring will take place.

- 5.3.4 The assessment of performance against the objectives and standards will inform the planning process and training and development needs for the next performance management cycle.
- 5.3.5 All staff and reviewers are encouraged to also use performance management meetings to discuss other matters pertinent to their employment.

5.3.6 With the exception of the Headteacher pay recommendation, all pay recommendations arising out of the performance management process must be approved by the Headteacher before being shared with the individual member of staff to whom the recommendation relates and before being referred to the governors' pay committee. The HPMC must also refer their recommendation to the governors' pay committee.

5.3.7 Pay progression for all staff will be as set out in the school's Pay Policy.

5.4 Moderation of Performance Management Statements

5.4.1 The Headteacher will take responsibility, where the reviewer role has been delegated, for ensuring there is an appropriate system in place to moderate performance management statements and pay recommendations, to ensure consistency and equality of treatment.

6. Dealing with performance concerns

6.1 The majority of employees are competent in their role for the majority of the time. On occasions, however, an individual's performance can be deemed to be below accepted standards and support is needed to help them re-attain and sustain the required level of performance.

There may be reasons to explain why an employee is unable to perform to the required standards. This may happen due to a physical, cognitive, mental, sensory, emotional, or developmental disability, impairment, condition or illness which may be temporary or permanent. Consideration must be given to whether reasonable adjustments are appropriate

6.2 Concerns about performance will be addressed at the time they are identified and not left to the employee's next performance management meeting. This will assist the employee to recognise issues at an early stage.

6.3 Performance concerns may be identified by the reviewer or by a Senior Manager/Headteacher. Where a concern is identified that is likely to require structured managerial support (see 6.10), the Headteacher may re-delegate the reviewer role to a senior manager or undertake the role themselves. A reviewer must

notify the Headteacher where they identify performance concerns and agree with the Headteacher how to proceed.

6.4 Concerns about the performance of the Headteacher may be identified by an individual or combination of sources. Where a concern is identified via the HPMC, the Chair of the HPMC must notify the Chair of Governors. Where the initial concern is identified by the Chair of Governors, he or she must notify the Chair of the HPMC. In both circumstances, the Chair of the HPMC will review the evidence available with the School Improvement provider to determine how to proceed.

6.5 Where it is necessary to take forward a performance concern in respect of the Headteacher, this will be undertaken by the HPMC, with professional advice from the School Improvement provider, and the Chair of Governors will be kept apprised of the situation.

6.6 When raising performance concerns with an individual, the Headteacher/Senior Manager/HPMC will take into account any factors which may be having an impact on the employee's ability to perform their duties. However, such factors in themselves do not negate the need to address performance concerns.

6.7 Whilst there are no formal rights of representation at this stage, employees are encouraged to contact their professional association or trade union representative for advice and support.

6.8 Identifying when performance is below accepted standards

6.8.1 The Headteacher/Senior Manager/HPMC may consider a member of staff to be underperforming where:

- the standard of performance falls below that which is required to meet or make progress towards a specific performance management target; and/or
- the standard of performance falls below that which is required to meet the expectations of a particular role in their school; and/or
- the performance falls below the relevant standards/accountabilities for the role; and/or
- the overall school performance falls below that which is required (in the case of the Headteacher).

6.8.2 If the Headteacher/Senior Manager has evidence to show that an employee is no longer meeting the expectations of their role, these concerns will be addressed with the individual promptly.

6.8.3 Where the school has clearly communicated a level of expectation, the Headteacher and senior managers may consider a member of staff to be underperforming if they are not reaching this level of expectation.

6.9 Determining possible initial courses of action

6.9.1 Depending on the severity of the underperformance, the Headteacher/Senior Manager/HPMC need to take a view as to the proportionate response. This may include:

- an early conversation to confirm the expected standards of the role;
- coaching/mentoring support;
- structured managerial support;
- consideration of application of the Capability Policy (exceptional circumstances or concerns).

An early conversation and coaching/mentoring support will only be used on their own to support low level or early stage concerns where these may be an effective measure. Where the performance concern is more significant or continues, structured managerial support will normally be put in place.

6.10 Structured managerial support

6.10.1 Where a performance concern has been identified that requires additional support, a discussion will be held between the Headteacher/Senior Manager/HPMC and the employee. The outcome of the meeting will be to identify what steps will be taken to assist the employee to improve their performance and move to the required standard. (In cases involving the Headteacher, the HPMC will normally invite the School Improvement provider to give support at this meeting.) The discussion will include:

- what area(s) of performance is/are of concern;
- what improvement is required/the standard the employee needs to meet;

- the timescales in which this is to be achieved (these will vary depending on the issues identified);
 - the support that will be provided to assist the employee;
 - how frequently the performance/progress will be monitored and reviewed;
 - the seriousness of the issue and potential consequences of improvement not being achieved, including potential impact on pay progression.
- 6.10.2 The employee will be invited to provide his/her point of view on the shortfall in performance and whether they believe there is an underlying reason. The employee will also be asked to identify what support they feel they need in order to achieve the required improvement, and the Headteacher/Senior Manager/HPMC will indicate what support they intend to put in place.
- 6.10.3 The key outcomes of the discussion will be recorded in writing and shared with the individual. The written record of the discussion will be placed on the individual's personal file and a copy given to the employee.
- 6.10.4 Review meetings will be held at the agreed timescales to review progress towards targets set and the appropriateness of the support being given. At these meetings, any improvements will be communicated to the individual as well as the remaining gap between their current level of performance and the expectations set. The outcome of these meetings will also be recorded in writing and a copy shared with the individual.
- 6.10.5 The purpose of any structured managerial support programme is to assist the employee to achieve the necessary improvement within the agreed timescales. Where this is successful the Headteacher/Senior Manager/HPMC will confirm this at the relevant review meeting and record this in writing to the employee. The employee will be informed that the improvement in their performance must be sustained.
- 6.10.6 If the employee is not making the necessary progress towards the required improvement, the employee will be informed that failure to achieve this may lead to the Capability Policy being applied and that there may be an impact on their pay progression. The Headteacher/Senior Manager/HPMC will make a judgement about when to communicate this given that it may not be appropriate to do so during the first discussion. However, if a move to the Capability Policy is a likely outcome, the potential for this must be communicated to the member of staff in good time. It must be recorded in writing that the employee has been informed of the potential

consequences should their performance not meet the required standard. If the necessary improvement is then not achieved within the agreed timescales, the Headteacher/Senior Manager/HPMC will need to consider use of the formal stages of the Capability Policy.

6.10.7 Where the employee has initially made the required improvement but this performance has not been sustained independently over a six month period, the Headteacher/Senior Manager/HPMC will need to consider use of the Capability Policy.

6.11 By-passing structured managerial support

6.11.1 in most circumstances a structured managerial support programme will be put in place prior to the Capability Policy being used. However, the Headteacher/Senior Manager/HPMC may determine after taking advice from Education Personnel Services that it is appropriate to move straight to the formal stages of the Capability Policy, in exceptional circumstances, for example:

- the employee's performance is putting the health and safety of pupils and/or staff at risk;
- the employee's performance is putting the education of pupils in serious jeopardy;
- the employee's performance has not been sustained independently for 6 months at an accepted level following an earlier managerial support programme.

6.12 Transition to the Capability Policy

6.12.1 At any time during provision of structured managerial support, the Headteacher/Senior Manager/HPMC may consider transition to the Capability Policy. The Headteacher/Senior Manager/HPMC will have specific regard to:

- the nature and severity of the underperformance;
- the impact on pupils and colleagues both in the short and longer term;
- the likely and required timescale for improvements to be made;
- the engagement of the employee in the programme.

6.12.2 In a typical case, if a structured management support programme has been in place and the issues have not resolved after a period between four school weeks and half a term then it would be appropriate to consider moving onto the Capability policy. However, when determining how long to allow before moving onto the Capability policy, the Headteacher/Senior Manager/HPMC will give consideration to the circumstances of the case, in particular the factors listed under paragraph 6.12.1 above.

6.12.3 To move to the Capability Policy the Headteacher/Senior Manager/HPMC will follow the process outlined in the Capability Policy and How To Guide, inviting the employee to attend a meeting under stage one of the Capability Policy where all the relevant information will be considered and a decision made about next steps.

6.12.4 Should the Capability Policy commence, performance management will be suspended.