

Performance Management Policy



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Monitoring and Review

This policy is reviewed **annually** by the Policy Owner: **R Inchiliffe**

The scheduled review date for this policy is **February 2025**

Values and Ethos

Our values and ethos are inclusive, and child centred. Our Trust is founded on the principles of inclusivity, diversity, and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **Excellence** and high standards
 - a can-do culture and no-excuses ethos
- **Values driven** with a deep sense of purpose
 - putting children and young people first
 - behaving ethically
- **Ambition** and aspiration for all
 - irrespective of background or barriers – being truly inclusive
- **Teamwork**
 - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

Contents

	Page
Introduction / Legal Framework	5
General Principles	5
Responsibilities	6
Powers (Scheme of Delegation)	6
Informal Process – Management Guidance	7
Informal Process – Initial Meeting, Monitoring and Review	7
Informal Process – Final Review Meeting	8
Formal Process – Review Meeting, Monitoring and Review	9
Formal Process – Final Review Meeting	10
Performance Management Hearing	11
Performance Management Hearing – Possible Outcomes	12
Performance Management Hearing – Dismissal with Notice	13
Redeployment	14
Appeals	14
Suspension	15
Qualifications / Continuous Professional Development (CPD)	15
Illness / Absence During the Performance Management Process	16
Overlapping Grievance Case	16
Disciplinary Action	16
Employment Terminated Whilst Process Ongoing	17
Written Records	17
References	17
Public Sector Equality Duty (Equality Act 2010)	17

Note - Throughout this policy, the Chief Executive / Chief Operating Officer / Executive Principals / Principals / Head of School / Line Managers will be referred to by the term Manager.

1. Introduction / Legal Framework

- 1.1. The Trust values all its employees and appreciates the essential role they play in delivering high quality education to the children and young people of Darlington.
- 1.2. The Trust also recognises that employees at all levels need to know the standard of job performance expected of them.
- 1.3. The Trust will aim to address such cases informally in the first instance. However, if the informal process has been tried unsuccessfully, or where the situation is of a more serious nature, the Trust will use a formal process. Both the informal and formal procedures are set out in this policy.
- 1.4. The People Team has overall responsibility for this policy, including keeping it under review.
- 1.5. This policy applies to all employees. It does not apply to agency workers, consultants, or self-employed contractors.
- 1.6. This policy does not form part of any employee's contract of employment.

2. General Principles

- 2.1. The Trust recognises the importance of dealing with performance management cases fairly. As such:
 - *The emphasis will be on dealing with issues informally before moving into the formal performance management procedure; however, where matters cannot be resolved informally, or where actions are of a more serious nature, the formal procedure will be followed*
 - *A constructive approach will be taken to achieving improved work performance and standards through effective supervision, monitoring, support, training, and performance review*
 - *Employees have the right to be accompanied at all stages of the formal procedure by their trade union representative, or workplace colleague who does not have a conflict of interest. The Trust will consider a request for legal representation where professional registration may be at risk or where there is the possibility of referral to a statutory organisation (in which case the Trust will also have access to legal representation)*
 - *Employees will have the right to appeal against any formal sanction*
 - *The Trust will raise and deal with issues promptly and not unreasonably delay meetings, decisions, or confirmation of those decisions*
 - *Before the commencement of any performance management process there should be demonstrable evidence of poor performance*

- *Employees will be given reasonable and proportionate timescales in which to achieve satisfactory improvement of tasks in which they are underperforming. Such timescales will be appropriate to the job and work cycles*
- *When setting timescales, the manager will consider the level of any additional training necessary to achieve the required standards of performance*
- *It is recognised that the performance management process is difficult for those managed under this policy and appropriate support should be given and achievements recognised.*

3. Responsibilities

- 3.1. The Board of Trustees and Chief Executive, and through appropriate delegation, the Chief Operating Officer in respect of the Trust Support Team, and the Executive Principals, Principals and Head of Schools in respect of Academy / School employees are responsible for ensuring that this policy and the related procedures are implemented effectively in the Trust.
- 3.2. Employees with management responsibilities have primary responsibility for managing effective job performance in their teams. Use of performance management processes, supplemented by regular meetings to discuss day-to-day performance, should help to establish an ongoing positive working relationship between managers and their team members. Ideally, this should prevent performance management issues from occurring in the first instance.
- 3.3. Employees must acknowledge that good job performance is a crucial part of any employment relationship and accepted as the norm. As such, they must take whatever action is necessary to improve their performance and be open to and act upon constructive feedback. They must comply with this policy and the related procedures as appropriate.
- 3.4. The People Team is responsible for advising managers on effective case management and for gathering, analysing and reporting on data relating to performance management cases. They may advise managers, trustees and governors at informal or formal meetings, if required.

4. Powers (Scheme of Delegation)

- 4.1. In line with the Scheme of Delegation, the Trust has delegated powers to the following:

Stage	Authorised Officer	Appeal Hearing Officer
Informal (As part of supervision and performance management processes)	Immediate line manager and/or Chief Executive and/or COO and/or Executive Principal and/or Principal/Head of School	No right of appeal
Formal review meeting and monitoring	Immediate line manager and/or Chief Executive and/or COO and/or Executive Principal and/or Principal/Head of School	No right of appeal
Performance management Hearing	Chief Executive / Chief Operating Officer	Panel of Trustees

5. Informal Process – Management Guidance

- 5.1. Unsatisfactory performance could be due to a range of issues such as a lack of skills, inadequate training, lack of support, equipment or other resources, or problematic working relationships.
- 5.2. The Trust will seek to resolve performance management issues informally wherever possible before moving into the formal performance management procedure. In some cases, early identification of problems may lead to an improvement in an employee's performance to the required standard, without recourse to the formal procedure.

6. Informal Process - Initial Meeting, Monitoring and Review

- 6.1. The manager will make the employee aware of unsatisfactory performance at the earliest possible opportunity and try to identify the reason(s) for this underperformance. This may be done as part of normal supervision, one-to-one process, or relevant performance management arrangements.
- 6.2. This process involves a manager talking with the employee aimed at discussing unsatisfactory performance and encouraging improvement. Employees themselves may also recognise problems and request a discussion with their manager.

- 6.3 Although the employee does not have a legal right to representation at this stage of the process, both representation and People Team involvement may be recommended in certain cases.
- 6.4 The manager will provide factual examples and evidence of the unsatisfactory performance and will listen to the explanation given by the employee.
- 6.5 A Performance Improvement Plan (PIP) will be drawn up with, and issued to, the employee either at or after the meeting. Further details, a suggested format for the Improvement Plan and draft cover letter are included in the guidance to this policy. A copy of which will be saved on the employee's personal file.
- 6.6 The PIP will give a realistic timescale during which the improvement is required. Such timescales will be appropriate to the job and work cycles, with regular monitoring meetings in between. It is recommended that there is regular review meeting held in the middle of the review period to which the People Team and the employee's representative may be invited if appropriate.
- 6.7 The manager will advise the employee if satisfactory progress is not being achieved against the PIP and it may be amended if appropriate. The manager will make clear what the likely outcome will be if satisfactory performance is not achieved and sustained. They will also advise if incremental pay progression will be affected at this stage.

7. Informal Process - Final Review Meeting

- 7.1 This will be held at the end of the monitoring period between the manager and employee to discuss progress made against the PIP.
- 7.2 The manager will confirm if the employee's performance has reached the required standard or not.
- 7.3 *Improvement to Required Standard*
 - 7.3.1. If the employee's performance has improved to the required standard, the manager will:
 - *Acknowledge the improvements achieved*
 - *Confirm that the improvements will need to be sustained*
 - *Confirm the discussions in writing*
 - 7.3.2. A further meeting will then be arranged as appropriate to the job and work cycles to ensure that the improvements are being sustained.
- 7.4 *Failure to Reach Required Standard*

- 7.4.1. If the employee's performance has not improved to the required standard, the manager will inform the employee of this failure and provide factual information and evidence of the reasons supporting this conclusion.
- 7.4.2. The manager will also inform the employee in writing that the matter will now progress to the formal stage of the procedure and that there may be an impact on incremental pay progression. They must make the employee aware that continued failure to meet the required standards of performance may result in a formal performance management hearing, which may in turn lead to termination of employment on performance grounds. Performance Management arrangements for teachers will be suspended at the point of entry into the formal procedure.
- 7.4.3. If the employee has made significant improvement against the Plan but has not achieved all targets the manager may agree to extend the period of the informal stage if it is believed that all targets can be achieved in a reasonable timescale.

8. Formal Process - Review Meeting, Monitoring and Review

- 8.1. A formal meeting will be arranged between the manager and the employee. The employee will be notified of this meeting in writing and informed that they will be entering the formal process on the date of the meeting. The purpose of the meeting will be to review the Improvement Plan actioned at the informal stage.
- 8.2. There is no right of appeal against a decision to move to the formal stage of the process. However, the employee may raise a grievance if they have clear grounds that the decision to move to the formal stage is unfair.
- 8.3. The meeting will be held without unreasonable delay, whilst allowing the employee reasonable time to prepare their case. The Trust will give at least 7 calendar days' prior notice of the meeting and of the employee's right to be accompanied.
- 8.4. The employee's manager will conduct the meeting, accompanied by a member of the People Team.
- 8.5. At the meeting, the Performance Improvement Plan will be updated to reflect the current position and revise any timescales, actions etc. A monitoring period will be set for the formal process, which will be appropriate to the job and work cycles and will not usually exceed one term but may be shorter if reasonable in the circumstances. Any other options available will also be discussed. It is recommended that a regular review meeting is to be held throughout. Anything discussed in these meetings and actions agreed will be put in writing and a copy saved on the employee's personal file.

- 8.6. The employee will be given the opportunity to explain any reasons for his / her under-performance, identify any support mechanisms that have not already been put in place and suggest any other support that may help them to improve.
- 8.7. The manager must make the employee aware that continued failure to meet the required standards of performance may result in a formal performance management hearing, which may in turn lead to termination of employment on performance grounds and inform the employee if incremental pay progression is to be affected in their case.
- 8.8. The updated PIP will be issued to the employee following the meeting with a cover letter outlining the discussions. Further information (plus a format for the PIP and draft cover letter) is provided in the guidance to this policy.
- 8.9. The employee's performance will be monitored formally throughout the given timescale, during which time the manager will provide the employee with ongoing guidance on their progress towards reaching the improvement(s) required.
- 8.10. At the end of the formal monitoring period, the manager will arrange a further meeting with the employee.

9. Formal Process - Final Review Meeting

- 9.1. If the employee's performance has improved to the required standard, the manager will:
 - *Acknowledge the improvements achieved;*
 - *Confirm that the improvements will need to be sustained;*
 - *Confirm the discussions in writing;*
 - *A further meeting will then be arranged within a timescale appropriate to the job and work cycles to ensure that the improvements are being sustained. If they are, the formal process may end and the manager will continue to monitor the employee's performance as normal via the relevant appraisal process, supplemented by regular meetings to discuss day-to-day performance.*
- 9.2. However, if the employee's performance subsequently dips, the manager may revert to the relevant part of the formal procedure, as appropriate in each case (including a formal performance management hearing if necessary).
- 9.3. If the employee's performance has not improved to the required standard, the manager will inform the employee of this failure and provide factual

information and evidence of the reasons supporting this conclusion. They will also discuss the impact on incremental progression if relevant.

- 9.4. Any other options available will also be discussed (e.g., voluntary redeployment).
- 9.5. The manager will confirm that a Performance Management Hearing will be arranged with the Chief Executive or the Chief Operating Officer. This decision will be confirmed in writing. Further information is given in the guidance to this policy.
- 9.6. The manager must make clear to the employee that the performance management hearing is the final stage of the performance management process and could result in the termination of their employment.

10. Performance Management Hearing

- 10.1. A formal performance management hearing will be arranged to consider the employee's performance to meet and maintain the performance standards required of their role.
- 10.2. The meeting will be held without unreasonable delay, whilst allowing the employee reasonable time to prepare their case. The Trust will normally give 7 calendar days' prior notice of the meeting in writing and of the employee's right to be accompanied.
- 10.3. The Hearing will be conducted by a Hearing Panel and a member of the People Team will advise the Hearing Panel.
- 10.4. The letter will state the purpose of the performance management hearing, outline the nature of the unsatisfactory performance and include the documentation (and witness statements where applicable) to be used at the hearing,
- 10.5. It will also advise the employee of the need to provide any evidence that s/he wishes to be considered at the Hearing preferably at least 7 calendar days in advance but at least 48 hours prior to the Hearing and the need for the employee to give the name(s) and capacity of any witnesses they wish to call to the Hearing in support of their case.
- 10.6. Witnesses may be called by either party and it is the responsibility of those calling witnesses to make clear what evidence the witness will bring to the matter so that appropriate and relevant questions may be asked. In exceptional circumstances specific arrangements may be made, such as agreeing questions in advance if the matter is highly sensitive.

- 10.7. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.
- 10.8. If any supplementary evidence to be considered at the Hearing is submitted by either party after this timescale, both sides must receive copies prior to the Hearing and the Hearing Panel will ultimately decide if this evidence can be considered.
- 10.9. Where possible, the employee's representative should be consulted about the date and time of the Hearing. If the representative cannot attend on the proposed date, an alternative time and date will be arranged, ideally not more than five working days after the original date.
- 10.10. Employees and their representatives should make every effort to attend the Hearing on the date given. If the employee or representative does not attend, the Hearing may proceed in their absence and a decision be made, based on the evidence available.
- 10.11. The procedure to be followed at the Hearing is given in the guidance to this policy. The Hearing Panel will conduct the proceedings and consider all the information available, including any mitigating factors presented and will aim to give their decision at the end of the Hearing. This decision will be confirmed in writing within 5 working days.

11. Performance Management Hearing - Possible Outcomes

- 11.1. *No Further Action Required* - Where the Hearing Panel believes that the employee has reached the required standard of performance and can maintain this standard, no further formal action will be required. This outcome will be confirmed in writing to the employee.
- 11.2. *Management Guidance* - The Hearing Panel may decide that the required standard has been reached but that specific management guidance should be provided to ensure that this standard is maintained. If management guidance is required, arrangements will be made to provide this guidance at the earliest opportunity. Such guidance may be a written procedure which must be followed, specific timescales or deadlines for completing work etc.
- 11.3. The details will be confirmed in writing for information if performance issues arise in the future. There is no right of appeal against the issue of management guidance.
- 11.4. *Formal Written Warning and Formal Monitoring* - Where the Hearing Panel believes that the employee has not reached the standard required for the role

but there is a realistic probability that the employee will be able to achieve this standard in a short timescale (appropriate to the job and work cycles), the employee will be issued with a formal written warning and informed of the area for improvement and the level of performance required. This warning will remain valid for performance management purposes for 24 months from the date of the Hearing. The employee will also be informed of the impact on incremental pay progression if appropriate.

- 11.5. The employee will also be informed of the right of appeal and that further under-performance could result in their dismissal on performance management grounds if the required standard is not achieved.
- 11.6. Following a formal written warning, formal monitoring will continue for a period appropriate to the job and work cycles.
- 11.7. At the end of the formal monitoring period, a review meeting will be held with their Manager to assess if the employee's performance has improved to the required standard.
- 11.8. Improvement to Required Standard Achieved - If the employee's performance has improved to the required standard, the manager will:
 - *Acknowledge the improvements achieved;*
 - *Confirm future expectations for performance;*
 - *Confirm the previous formal written warning;*
 - *After the expiry of the formal written warning period, the warning will be ignored for the purpose of the employment relationship in general (i.e., for promotion, or selection for training courses or for disciplinary action) providing the employee's performance has been sustained at the required standard.*
- 11.9. However, details will not be removed from the personal file as they form a valid record of employment history which will be referred to should performance issues arise in the future.
- 11.10. Failure to Reach the Required Standard - If the employee's performance has not improved to the required standard at the end of the monitoring period, a further Hearing will be arranged, as previously specified in this policy.

12. Performance Management Hearing - Dismissal with Notice

- 12.1. After full consideration of all the facts and evidence at the Hearing, the Hearing Panel may conclude that the employee has not been able to reach the required standard of performance, that s/he will not be able to do so and that their employment will be terminated on the grounds of performance management with appropriate notice.

- 12.2. Confirmation of the decision will be made in writing within 5 working days of the Hearing, including details of any proposed referral to an appropriate body, if applicable. The letter will specify the reason for the dismissal, the notice period and the right of appeal.
- 12.3. In such cases, the employee may be considered for redeployment during the notice period.

13. Redeployment

- 13.1. An opportunity for redeployment may be considered. However, the Hearing Panel must make clear to the employee that such redeployment can only be considered if a vacancy exists or arises during the notice period and if the employee meets the essential criteria for the vacant post.
- 13.2. Any redeployment will be subject to an appropriate trial period, which will be identified when the alternative employment is offered. If the alternative employment is not successful within the trial period, the Hearing will be re-convened, with the original Hearing Panel if possible.
- 13.3. This situation is likely to result in employment being terminated with appropriate notice and subject to a right of appeal.

14. Appeals

- 14.1. There is no right of appeal against a decision to move to the formal stage of the process.
- 14.2. Employee can lodge an appeal against a formal written warning and / or dismissal. The Appeal must be in writing and sent to the Chair of Trustees within 5 working days of receipt of written confirmation of the decision and must include reasons for the appeal.
- 14.3. The appeal will be heard by an appeal panel and a representative from the People Team will be in attendance to provide advice and guidance to the Appeals Panel. The Appeal Panel will comprise of a minimum of two Board Members.
- 14.4. Appeals will be heard without unreasonable delay and ideally at an agreed time and place. The Appeal Panel will review impartially the decision taken. A member of the People Team will provide support.
- 14.5. The employee will be given preferably at least 5 working days' notice of the date of the Hearing and has the right to be accompanied.
- 14.6. The decision of the Appeal Panel is final.

- 14.7. The Appeal Panel will confirm the decision to the employee in writing within 5 working days of the Appeal Hearing.

15. Suspension

- 15.1. In extreme cases (e.g. where employee is under the performance management procedures and their performance at work is having a negative or damaging impact on the people in their care), the employee may be suspended from work. However, suspension will only be considered where temporary alternative employment is not available or appropriate.
- 15.2. Suspensions may be made at any point during the performance management procedure, should this become necessary and will usually progress straight to a Hearing.
- 15.3. The period of suspension will be on full pay, will be as brief as possible and without prejudice. It will also be kept under review and the manager concerned will write to the employee to explain the reason(s) for any delay(s) whilst a Hearing is being arranged.

16. Qualifications / Continuous Professional Development (CPD)

- 16.1. Where employee no longer has the appropriate qualifications or accreditations that are essential to continue in his/her job role, the Principal, Executive Principal, COO or Chief Executive will consider whether adjustments can be made to existing duties so that the employment can continue within service constraints. Check contracts of employment – should state what qualifications or accreditations and memberships are required for the role, and if employee ceases to hold them then their employment may need to be terminated.
- 16.2. Where the qualification or accreditation in question is fundamental to the employee's duties and they cannot continue without them, the manager will consider if there is any training which can be provided which will enable them to achieve the appropriate qualification within reasonable timescales and costs or if suitable alternative employment is available. Where this is not possible, a Hearing will be convened and the possible outcome could be termination of employment.

17. Illness / Absence during the Performance Management Process

- 17.1. If there is any possibility that the poor performance may be linked to illness, injury or other physical or mental impairment, this procedure must be suspended whilst advice is sought from the Trust's Occupational Health Service.

- 17.2. Where employee is absent from work due to illness, the Trust will seek advice from their Occupational Health Service on the employee's ability to go through the process before progressing the case further.
- 17.3. If the employee's absence from work occurs during the course of the performance management procedure, the Trust will also seek advice from Occupational Health on the employee's fitness to attend meetings, Hearings, Appeals etc.
- 17.4. The Trust's Absence Management Policy and Procedures will continue to be implemented as normal throughout any performance management process. The Trust will seek to keep the employee at work wherever possible through temporary redeployment etc.

18. Overlapping Grievance Case

- 18.1. In managing performance management issues, the Trust will not allow grievances put forward by the employee concerned to delay the process unnecessarily.
- 18.2. Although there is no right of appeal against a decision to move to the formal stage of the process, the employee may raise a grievance if they have clear grounds that the decision to move to the formal stage is unfair.
- 18.3. If employee raises a grievance during the performance management process, the Trust may or may not decide to temporarily suspend the performance management process in order to deal with the grievance. However, where the grievance and performance management cases are related, the Trust will deal with both issues concurrently. Further information is available in the guidance to this policy.

19. Disciplinary Action

- 19.1. If at any stage the Principal, Executive Principal, Chief Operating Officer or Chief Executive has reason to believe that the underperformance is due to poor conduct or lack of effort on the part of the employee, they will stop the performance management process and may invoke formal disciplinary action.
- 19.2. The employee will be informed of the change in procedure and reminded of the right to representation.
- 19.3. In these cases, the Principal, Executive Principal, Chief Operating Officer or Chief Executive is advised to take advice from the People Team before acting.

20. Employment Terminated Whilst Process Ongoing

20.1. The Trust reserves the right to conclude the performance management process after the employment has terminated. In such cases, employees will be informed of the outcome of the process in writing, including details of referral to an appropriate body, if applicable, and given copies of relevant paperwork.

21. Written Records

21.1. Details of all performance management cases and subsequent action taken will be retained on the employee's personal file held by the Trust's People Team.

22. References

22.1. The Trust will disclose information regarding current performance management issues being dealt with under the formal stages of the policy when requested to do so for the purpose of employment references.

23. Public Sector Equality Duty (Equality Act 2010)

23.1. In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.