PROCEDURE:
UNSATISFACTORY PERFORMANCE - TEACHERS

1. Introduction

The guidance offered in this paper draws on existing practice and is intended to clarify the respective positions of Heads and School Improvement Partners (SIPs) in dealing with unsatisfactory performance of teachers.

2. If there is uncertainty as to whether a situation falls within these guidelines or the disciplinary procedures advice should be sought from your Senior Human Resources Officer. It is also strongly urged that advice be sought if initiating these procedures.

3. A checklist of ineffectiveness and possible assistance is provided in paragraphs 10 and 11. The proposed procedures for dealing with ineffective teachers systematise existing good practice. These procedures are designed to support the principle that, where unsatisfactory performance is identified, the teacher is treated fairly and steps are taken to improve performance at an early stage. The guidance is the result of extensive consultation with the Council’s Corporate Human Resources Section and Children's Services Department as well as discussion within the Performance and Standards Team between Heads and SIPs and the professional associations’ representatives through the Joint Consultative Committee. For avoidance of doubt these procedures, which are recommended to Governing Bodies, do not form part of the contract of employment.

4. Formal action under these procedures is very much a matter of last resort which may, at the final stage, lead to dismissal and should not interfere with the day-to-day process of guidance, direction and support between the Head and teachers. When, however, normal management steps have failed to achieve effective performance, it is strongly recommended that certain formal procedures are followed.

5. This guidance does not apply to newly qualified teachers. Heads are advised to refer to separate guidance concerning the monitoring of performance of newly qualified teachers.

6. In accordance with the Council’s policy, teachers may be accompanied at any formal meeting by a friend who may be a member of their professional association. The length of time for each stage is a matter of professional judgement. Improvement of some kind could be expected to have immediate effect while others might require more time. It is not envisaged that, in normal circumstances, each of Stages 2 and 4 would last longer than one term.
7. **Procedures for Dealing with Unsatisfactory Performance**

The formal stages of dealing with unsatisfactory performance with the action which could be taken by Heads and SIPS are outlined below. In any cases of unsatisfactory performance of Headteachers the Chair of Governors, or representative, will take the place of the Headteacher in the stages set out below.

8. In extreme cases where there are indications that the Education of pupils is jeopardised this procedure will commence at Stage One and after which Stage Four will be invoked with a maximum monitoring period of four weeks. In all such cases all references to Stages Two and Three contained in Stage Four will not apply. A letter will be sent specifying areas in which improvement is required, support and monitoring to be given and the four weeks target time. In all such cases Inspectorate involvement is recommended.

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<tr>
<th>STAGE ONE</th>
<th>Head</th>
<th>Inspectorate</th>
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<tbody>
<tr>
<td>Head believes there is cause for concern about performance of teacher which has not been resolved by normal management steps.</td>
<td>a) Meeting between teacher and Head.</td>
<td>No formal involvement, unless the causes for concern came to light as the result of an observation.</td>
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<td></td>
<td>b) Following meeting, Head writes to teacher specifying areas in which improvement is required; the support and monitoring by the school to assist the teacher; and the time by which the targets should be met.</td>
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<th>STAGE TWO</th>
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<tr>
<td>Monitoring, observation and support of teacher according to the programme established at Stage One. Opportunity is given at this stage to identify in more depth the specific problems.</td>
<td>a) Head directs programme of monitoring, observation and support.</td>
<td>As for Stage One.</td>
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<td></td>
<td>b) At end of timescale Head writes to teacher on his/her performance and whether required improvements have been made.</td>
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STAGE THREE

Meeting of Head and teacher. If acceptable improvement has taken place, then no further action. If no acceptable improvement, then the matter proceeds to Stage Four.

Head

a) Head meets teacher to consider written report.

b) Either, Head writes to teacher informing her/him that action has stopped, but could be reviewed if performance lapses;

or

writes to specify areas which improvement is still required; the support and monitoring to be given; and the time by which targets should be met and possible outcomes.

c) Head informs Chair of Governors if case proceeds to Stage Four.

Performance and Standards

As for Stages One and Two.

STAGE FOUR

Monitoring, observation and support of teacher according to programme established at stage three. Any inspectorate intervention to advise and/or report on teacher.

Head of Performance and Standards receives a copy of letter to teacher and any request for intervention by Head. Establishes that procedures for Stage One, Two and Three have been carried out. Head of Performance and Standards decides on any SIP involvement at Stage Four.

Head sends copy of letter to teacher at conclusion of Stage Three to Head of Performance and Standards with any request for advice, report and/or observation.

b) Head writes to teacher on performance at end of Stage Four.
**STAGE FIVE**

Meeting of Head and teacher, to which teacher has the right to bring friend, who can be representative of a professional association. If acceptable improvement, then no further action. If no acceptable improvement then the case proceeds to Stage Six.

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<tr>
<td>a) Head meets teacher to consider written report.</td>
<td>No formal involvement at the meeting, though any written report from Head of Performance and Standards would form part of evidence on which Head makes decision.</td>
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<tr>
<td>b) Either Head writes to teacher informing that action has stopped, but could be reviewed if performance lapses</td>
<td></td>
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<tr>
<td>or</td>
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<tr>
<td>writes to inform teacher of reasons why the matter is proceeding to Stage Six or Stage Five is to be repeated, stating possible outcomes of proceeding to Stage Six.</td>
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**STAGE SIX**

a) The case goes to a meeting of Sub-Committee of Governing Body.

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<td>Head reports to and attends meeting of Sub-Committee.</td>
<td>Director of Children’s Services (or representative) attends Meeting of Sub-Committee. Assistant Director, Standards and Schools report considered by Sub-Committee. As for Stage Five.</td>
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**STAGE SEVEN**

Any appeal against the Sub-Committee’s Decision would be taken at this Stage either by (the Teaching Staff Management Sub-Committee of the Council or by – I think the section in brackets needs to be removed) a Sub-Committee of the Governing Body constituted to hear appeals.

**HEARING PROCEDURES**

Hearing procedures will follow those used for the Teachers’ Disciplinary Code, as relevant.
9. **Principles of Procedure for Unsatisfactory Performance**
   a) The performance of teachers and the steps to deal with unsatisfactory performance are the responsibility of the Head and Governing Body.
   b) SIP involvement would begin with the Head consulting with the Assistant Director, Standards and Schools about any advice, inspection, monitoring and/or report.
   c) The Inspector would first consider whether the Head had formally dealt with the situation in accordance with stages 1 to 3 outlined before proceeding with the involvement agreed with the Assistant Director, Standards and Schools.

10. **Checklist on Teacher’s Ineffectiveness**
    i) Evidence of one or more of the following is usually required when considering cases of ineffectiveness:-
       a) A level of performance which impeded pupils’ progress;
       b) A lack of knowledge about the subject being taught or the skills appropriate to a particular task;
       c) Lack of lesson preparation;
       d) Preparation consistently not matched to the abilities and interests of pupils;
       e) A considerable lack of application of appropriate teaching skills;
       f) Inability to maintain suitable methods for the discipline and control of pupils;
       g) Disregard of pupils’ work and achievement;
       h) Inability to comply with terms of job description;
       i) Inability to implement school/authority policies
       j) Lack of inter-personal/staff management skills;
       k) Lack of budgeting/financial management skills where appropriate;
       l) Inability to act on the advice provided.

11. **Checklist on Support Given**
    When reviewing the level of support to an ineffective teacher the following measures should be considered:-
a) Observation by senior members of staff or LA officer, and subsequent advice and help at a properly arranged meeting;

b) easing the burden imposed by a time-table embracing an undue proportion of difficult children or classes;

c) senior staff being available to support in a crisis;

d) recommending appropriate INSET or further training;

e) setting a regular teaching assignment relating to specialist qualification or experience;

f) full records of: visits to classrooms; monitoring; support and advice given; including opportunities to undertake INSET; and

g) notification in writing to teacher on areas in which improvement is required, the monitoring and support provided, and the time by which targets should be met.

Note: This procedure applies from 2007. This version was reformatted in September 2011.