



Loreto High School Chorlton

**Competency Procedure
(Support Staff)**

Approved: April 2015

A Competency Procedure for Support Staff

Purpose of Document

1. This document sets out the steps which should be taken when over a period of time a member of a school's support staff experiences consistent and significant difficulty in performing to an acceptable standard the duties for which she/he was appointed. This under-performance is known as lack of competence.
2. A lack of competence can have serious personal and professional implications for the individual concerned. It is therefore necessary to have procedures which are soundly based in law and which balance the rights of the individual with those of the pupils and with the needs of the school.
3. These procedures should not be used where there are clear grounds for believing that the reason for the under-performance lies in the person's health. There are separate procedures for dealing with health related issues.

The Role of The Governors

4. Governors have a central role in the formal conduct of their school. It is therefore vital that no governor is involved in a matter of staff competence in such a way as to prejudice the position of the governing body at a stage before its formal involvement is required. This document therefore assumes that the head teacher (or her/his representative) will be responsible for implementing and managing this procedure.

Principles

5. This document is based on the following principles:
 - a. pupils have entitlement to an effective education efficiently delivered in well managed and ordered schools;
 - b. support staff have an obligation to achieve an acceptable standard when discharging the duties for which they were appointed and to be accountable to governors for the standards of their performance;
 - c. all support staff have the right to expect workloads which are neither unreasonable nor excessive;
 - d. access to appropriate and ongoing professional and personal support and advice is necessary to enable support staff to perform their duties satisfactorily;
 - e. responsibility for resolving matters of staff competence rests first and foremost with the head of the school;
 - f. the Chief Education Officer and his staff have an important and constructive role to play in ensuring that these procedures are applied reasonably and equitably;

- g. a sensitive, realistic and constructive approach to matters of staff competence is required of all those working through these procedures;
- h. matters of staff competence should be dealt with promptly, efficiently, within agreed time periods (adjusted according to specific circumstances) and with clear outcomes resulting at all stages;
- i. representatives of the appropriate trade union should be involved in the implementation of this procedure at each stage.

Application

- 6. In all schools support staff should have the reasonable expectation that advice, support and encouragement are available from senior staff. Information on in-service training should be easily accessible. Every day support mechanisms are fundamental to the effectiveness of the support staff and their presence is one of the hallmarks of a caring and effective school.
- 7. Head teachers should ensure that their schools have in place appropriate arrangements whereby the possible lack of competence of a member of the support staff is known to them at the earliest opportunity. This is especially important in the case of staff newly appointed to the school or staff who have recently been promoted within it. It is the responsibility of the head teacher to act promptly, supportively and effectively when alerted to possible cases of lack of competence. The pace of change in schools and rising expectations and standards give added force to this requirement.

Preliminary Steps

- 8. As part of their ongoing management responsibilities head teachers will be alert to those situations where support staff are considered to be under-performing. When a potential issue of competence is identified the head teacher will wish to meet with the member of staff concerned to clarify and establish some or all of the following:
 - a. a sharing of the information which forms the basis of the head teacher's concern;
 - b. the perspectives of the head teacher and the member of staff on that information;
 - c. the extent to which a problem exists;
 - d. possible reasons for the shortcomings in (c).
- 9. The member of staff will be informed of her/his right to be accompanied by a trade union representative or friend and will have 7 working days written notice of the meeting.
- 10. The head teacher should explore fully the circumstances behind an apparent lack of competence. This should include an examination of the member of staff's work load and the resources available. The member of staff should be given every opportunity to present her/his view and/or explanation of the situation. Full account should be taken of the member of staff's circumstances both at work and, if appropriate, outside work.

11. The head teacher will review the matters discussed and consider the outcomes. Where the head teacher considers that:

- a. the lack of competence may be related to the member of staff's health she/he will contact the LEA's designated Management Support Officer before taking any further action;
- b. the member of staff's explanation for her/his under-performance is unsatisfactory she/he will be informed clearly of the nature of that under-performance and warned that there must be sufficient improvement to raise the standard of performance to a satisfactory level;
- c. the member of staff's explanation is satisfactory no further action will be necessary.

A note of the meeting will be taken and a copy made available to the member of staff within three working days.

12. A member of staff who disagrees with the head teacher's assessment of their competence may register an objection by writing to the head teacher within five working days of receipt of the note. This objection will form part of the written record in any further consideration.

13. Where the head teacher considers that the explanation offered by the member of staff for her/his under-performance is unsatisfactory (see paragraph 11 (b) above) the member of staff will be given a period not exceeding six weeks to achieve an improvement and a date will be set for a further meeting to review the situation. At this meeting the head teacher will inform the member of staff whether a satisfactory standard of performance has been achieved. Where the head teacher considers the standard of performance to be satisfactory the member of staff will be informed and no further action will be taken. Where the head teacher considers the standard to be unsatisfactory he/she will consult with the LEA's designated Management Support Officer before issuing an oral warning and moving to the formal stage. The member of staff should be advised to consult her/his trade union.

14. Before moving to the formal stage of this procedure the head teacher should contact the LEA's designated Management Support Officer to discuss the measures taken to date, the measures to be taken and the time scale proposed.

Formal Stages

Stage One

15. The initiation of action at this stage must not be the first occasion on which a member of staff is made aware that her/his performance has failed to reach a satisfactory standard.
16. Where a head teacher has decided to institute formal competency proceedings he/she will write to the member of staff concerned giving ten school days notice that he/she is required to attend a formal interview to consider further her/his lack of competence. The member of staff will be informed of her/his right to be accompanied by a trade union representative or friend. The letter will provide full but concise details of the lack of competence. If the head teacher intends to invite individuals to provide information the member of staff must be informed of this in the letter calling him/her to the meeting and a concise written summary of the points to be made must be included. Where a member of staff wishes to invite individuals to provide information on her/his behalf the head teacher should be informed as soon as possible and not less than five school days before the meeting.
17. This meeting will constitute the date of entry into the formal competency procedure.
18. A failure to attend such a meeting without good cause will normally lead to disciplinary action. Where a member of staff has good reason for non-attendance a second meeting will be convened within ten school days.
19. Where a member of staff does not accept that there is a difficulty and/or refuses to cooperate in a reasonable manner in the identification of the nature and causes of the difficulties or formulation of a programme of support the head teacher will consult the Chief Education Officer before confirming a move to stage two of this procedure. The member of staff will have the right to place a written note of dissent on file (a copy of which will be sent to the Chief Education Officer).
20. After the meeting a clear and written programme of support will be formulated which must be discussed with the member of staff. The overriding objective of this programme will be to provide within a reasonable time scale the necessary support to enable the member of staff concerned to raise her/his performance to the standard required.
21. The measures used will reflect the circumstances of the particular case and the discussions which have taken place but the following options will be discussed and considered:
 - a. appropriate advice and support from within the school;
 - b. close but sympathetic supervision for a limited period from a suitably experienced and competent senior colleague;
 - c. counselling;
 - d. further training (including, where appropriate, visits to other schools and other departments within the school);

- e. alterations to duties (in so far as this is consistent with the effective operation of the school);
- f. change of post/duties within the school;
- g. regular opportunities for feedback.

22. The strategy of the support programme must specify clearly:

- a. those areas where the standard of performance is not acceptable;
- b. the standards of future performance which are expected;
- c. what monitoring arrangements will be used;
- d. the arrangements to be made for regular feedback (there will normally be a weekly feedback meeting);
- e. when the outcomes of the monitoring will be reviewed (this will normally be at 4 school week intervals) and by whom;
- f. that relevant records will be maintained.

23. The time scale adopted will be in accordance with the seriousness of the lack of competence of the member of staff. Consideration will be given as to whether the problem is a specific or broader difficulty, whether it is of very recent concern or spanning a longer period of time. The programme of support will not normally be less than six weeks and will not normally exceed twelve weeks. In extreme case the period may be reduced to a maximum of four weeks.

24. At the end of the period specified for the first stage of the formal procedure a meeting will be called to review the operation of the programme, and in particular to assess its effectiveness and the extent to which the member of staff's performance has improved. The head teacher will write to the member of staff concerned giving ten school days notice that he/she is required to attend this meeting. The member of staff will be informed of her/his right to be accompanied by a trade union representative or friend. If the head teacher intends to invite individuals to provide information the member of staff must be informed of this in the letter calling him/her to the meeting. Where a member of staff still wishes to invite individuals to provide information on her/his behalf the head teacher should be informed as soon as possible and not less than five school days before the meeting/ There are three possible outcomes from this review:

- a. the member of staff's performance has reached the required standard. In this situation the support programme will cease and no further management action will be required.
- b. the member of staff's performance has not yet reached the required standard. In this situation the programme of support will move to a second stage and consideration will be given to modifications which are likely to be helpful.
- c. the member of staff's performance shows no improvement. In this situation the head teacher will consider whether; (a) to move to paragraph 32 of this

procedure, or (b) there are mitigating circumstance which would justify the approach set out in paragraph 24 (b) above.

Stage Two

25. Where it is decided that a further period of support is necessary the head teacher will write to the member of staff giving ten school days notice that he/she is required to attend a formal stage 2 interview. The member of staff will be informed of her/his right to be accompanied by a trade union representative or friend. If the head teacher intends to invite individuals to provide information the member of staff must be informed of this in the calling letter and a concise written summary of the points to be made included. Where a member of staff wishes to invite individuals to provide information on her/his behalf the head teacher should be informed as soon as possible and not less than five school days before the meeting.
26. A revised programme of support drawn up by the head teacher will accompany the letter referred to in paragraph 25 above. It will seek to build on the progress achieved at stage 1 and will be tailored to the particular circumstances of the member of staff and the school. It will normally include some or all of the measures listed in paragraph 21 above and must incorporate the strategies specified in paragraph 22 above.
27. The time scale adopted will be in accordance with the seriousness of the lack of competence of the member of staff, the progress achieved at stage one and the support period set for stage one. The programme of support will not normally be less than six weeks and will not normally exceed 12 weeks. In extreme cases, the period may be reduced to a maximum of four weeks.
28. A failure to attend such a meeting without good cause will normally lead to disciplinary action. Where a member of staff has a good reason for non-attendance a second meeting will be convened within ten school days. Where the member of staff is unwilling to co-operate the head teacher will suspend the member of staff on full pay and invoke the school's disciplinary procedure.
29. At the end of the period specified for stage 2 the head teacher will consider the monitoring/review evidence to assess the extent to which the member of staff's performance has improved. At this juncture it may be relevant to consider whether a different balance of duties or an alternative post (within the school) would be appropriate.
30. Where the head teacher is satisfied that the member of staff's standard of performance has reached an acceptable level and is likely to be maintained or further improved the member of staff will receive written notification that the programmes of support is to be terminated.
31. Where the head teacher is satisfied that in spite of the action taken the required standard of performance has not been achieved he/she will consult the Chief Education Officer before taking the action outlined in paragraph 32.
32. The school's disciplinary procedure will be invoked and prompt steps taken to convene a disciplinary hearing. The head teacher will consider whether suspension (with full pay) or transfer to another post is appropriate or possible.

33. Following a disciplinary hearing at which the governors have determined that the member of staff should be dismissed, the governors will consider whether the performance of further duties during the period of notice would be detrimental to the school, the pupils and/or the individual concerned. Where the governors have such concerns and consider that suspension on full pay would be appropriate they will make a recommendation to that effect to the head teacher.

34. Where a member of staff has been the subject to the formal stages of the competency procedure and within a reasonable time scale of the programme of action being terminated further concerns arise concerning her/his competence it will not normally be necessary to restart this procedure at stage 1.

Note

For the purposes of this document a week shall be deemed to consist of five days when the school is in session.