



# Capability and Performance Management Procedure

The Common Inspection Framework: Education, Skills & Early Years (Ofsted; April 2015) states that:

*28. Inspectors will make a judgement on the effectiveness of leadership and management by evaluating the extent to which leaders, managers and governors: improve staff practice and teaching, learning and assessment through rigorous performance management and appropriate professional development.*

The Early Years Inspection Handbook (Ofsted; April 2018) states that:

*151. Inspectors should obtain evidence of: how well practitioners and any trainees or students are monitored, coached, mentored and supported, and how under-performance is tackled.*

## **Policy Statement**

The primary aim of this procedure is to provide a framework within which Parkfield Montessori Pre-school can work with employees to maintain acceptable performance standards and to encourage improved performance where necessary. In order to ensure that the experience of children attending the setting is consistently 'good' or better, it is the policy of the setting that under-performance is identified quickly and improved rapidly to an acceptable standard.

## **Procedure**

Parkfield Montessori Pre-school recognises the difference between a deliberate or careless failure on the part of an employee to perform to the standards of which he or she is capable (in which case the Disciplinary Procedure will apply) and a case of incapability, where the employee is lacking in knowledge, skill or ability and so cannot perform to the standard required (in which case this Capability and Performance Management Procedure will be implemented in an attempt to improve the employee's performance).

The setting also recognises that during an employee's employment his or her capability to carry out his or her duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and the employee fails to keep pace with the changes or the employee changes and can no longer cope with the work.

## **Performance Management**

Initially capability issues will be dealt with through support and training. Performance Management meetings will be held with a view to:

- clarifying the required work standards and the level of performance expected of the employee;
- identifying areas of concern;
- establishing the likely causes of poor performance;



- identifying any training or supervision needs;
- setting targets for improvement and agreeing a time-scale for review.

### **Performance Review**

In cases where Performance Management meetings with the employee do not lead to an acceptable improvement in performance, or where the performance issues are more serious, the following procedures will be implemented:

- At all stages of the procedure, evidence will be collated and/or an investigation will be carried out, as appropriate.
- At all stages consideration will be given as to whether the unsatisfactory performance is related to a disability and, if so, whether there are any reasonable adjustments that could be made to the requirements of the employee's job or other aspects of the working arrangements.
- The Proprietor will notify the employee in writing of the concerns regarding performance and will invite the employee to a Performance Review meeting, conducted by the Proprietor and/or Deputy Manager, to discuss the matter. Prior to the meeting sufficient information about the poor performance and its possible consequences will be provided to enable the employee to prepare to answer the case. This will include the provision of copies of written evidence where appropriate.
- Having given the employee reasonable time to prepare their case, a formal Performance Review meeting will then take place, conducted by the Proprietor and/or Deputy Manager, at which the employee will be given the chance to state his or her case, accompanied if requested by a trade union official, a trade union representative or a fellow employee of his or her choice. The employee must make every effort to attend the meeting.

The purposes of the Performance Review meeting include:

- to set out the required standards that the employee is considered not to have met;
- to establish the likely causes of poor performance (including any reasons why any measures taken so far have not led to the required improvement) and to allow the employee the opportunity to explain the poor performance and to ask any relevant questions.

Except in the case where dismissal is proposed, the purposes of the Performance Review meeting also include:

- opportunity to discuss measures, such as additional training or supervision, which may improve the employee's performance;
- the setting of targets for improvement and to set a reasonable time-scale for review (reflecting the circumstances of the case).

In a case where dismissal is proposed, the purposes of the Performance Review meeting also include:



- establishment whether there are any further steps that could reasonably be taken to rectify the employee's poor performance;
- establishment whether there is any reasonable likelihood of the required standards of performance being met within a reasonable time;
- to discuss whether there is any practical alternative to dismissal, such as redeployment to any suitable available job at the same or lower grade.

Following the Performance Review meeting, the Proprietor will decide whether or not formal Performance Action is justified and, if so, the employee will be informed in writing of the Proprietor's decision in accordance with the stages set out below and notified of his or her right to appeal against that decision.

## **Performance Action**

### **Stage 1: Performance Warning**

The employee will be given a formal **Performance Warning**. This will set out:

- the areas in which the employee has not met the required performance standards;
- targets for improvement;
- any measures, such as additional training or supervision, which will be taken with a view to improving the employee's performance;
- a timescale for review and the likely consequences of failing to improve to the required standards within the review period.

The Performance Warning will be recorded in the employee's record and will be nullified after twelve months, subject to satisfactory performance.

The employee's performance will be monitored and at the end of the review period, the Proprietor will write to the employee to advise him or her of the next step. If the Proprietor is satisfied with the employee's performance, no further action will be taken. If the Proprietor is not satisfied with the employee's performance, the matter may be progressed to Stage 2 or, if the Proprietor feels that there has been a significant but insufficient improvement, the review period may be extended.

### **Stage 2: Final Performance Warning**

Failure to improve performance in response to the above procedures, or a first instance of serious poor performance, will result in a **Final Performance Warning** being issued. This will set out:

- the areas in which the employee has still not met the required performance standards;
- targets for improvement;
- any further measures, such as additional training or supervision, which will be taken with a view to improving the employee's performance;
- a further timescale for review and the likely consequences of failing to improve to the required standards within the further review period i.e. that dismissal will probably result.



The Final Performance Warning will be recorded in the employee's record and will be nullified after twelve months, subject to satisfactory performance.

The employee's performance will be monitored and, at the end of the further review period, the Proprietor will write to the employee to advise him or her of the next step. If the Proprietor is satisfied with the employee's performance, no further action will be taken. If the Proprietor is not satisfied with the employee's performance, the matter may be progressed to Stage 3 or, if the Proprietor feels that there has been a significant but insufficient improvement, the review period may be extended.

### **Stage 3: Dismissal**

Failure to improve performance in response to the above procedures will normally lead to **Dismissal** with appropriate notice. The Proprietor may first consider redeploying the employee with his or her agreement to another available job at the same or lower grade which is more suited to his or her abilities. A dismissal decision will only be made after the fullest possible investigation. Dismissal can be authorised only by the Proprietor. The employee will be informed of the reasons for dismissal, the appropriate period of notice, the date on which his or her employment will terminate and how the employee can appeal against the dismissal decision.

### **Appeals**

An employee may appeal against any decision under this Capability and Performance Management Procedure, including dismissal, to the Proprietor within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal meeting with the Proprietor and Deputy Manager.

At the appeal meeting, the employee will be given the chance to state his or her case and will have the right to be accompanied by a trade union official, a trade union representative or a fellow employee of his or her choice.

Following the meeting, the employee will be informed in writing of the results of the meeting. The Proprietor's decision on an appeal will be final.

### **Employees who have been employed for less than one year**

Capability issues in employees who have been employed by Parkfield Montessori Pre-school for less than one year will be addressed through staff supervision and under the procedures set out under Performance Management to help and support them to rapidly improve their performance to an acceptable standard.

Aside from the procedures set out under Performance Management, this Capability and Performance Management Procedure does not apply to any employee who has been employed by Parkfield Montessori Pre-school for less than one year.



This policy is reviewed annually, or as deemed necessary.

Policy reviewed and updated.....(date)

Signed.....