



# **Code of Practice on Teacher Competence**

## **Revised Procedures for Dealing with Underperformance**

**May 2009**

(Approved by LNCT 23.06.09)

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# Code of Practice on Teacher Competence Procedures for Dealing with Underperformance

## 1. Introduction

The General Teaching Council for Scotland (GTCS) published the Code of Practice on Teacher Competence in 2002. This is available on <http://www.gtcs.org.uk/ProfessionalConduct/Competence.asp> The Dumfries and Galloway procedures detailed in this document are directed by the national code of practice.

This code of practice provides the definition of competence in terms of the Standard for Full Registration (SFR) and explains the steps in the process for dealing with cases of short lived underperformance and long running underperformance.

An associated document will be published in 2009 which will define the code of practice in dealing with underperformance in school managers

## 2. Definition of Teacher Competence

- Teacher competence is measured against the SFR and so any case of alleged lack of competence is considered by the GTCS against this standard.
- Teacher competence is described in terms of the SFR and applies to teachers who have gained full registration with the General Teaching Council for Scotland.
- The Standard describes the professional knowledge and understanding, professional skills and abilities, professional values and personal commitment which all fully registered teachers should be able to demonstrate in their professional activities.
- The SFR as detailed below, is available in school and can be downloaded from the GTCS website on [http://www.gtcs.org.uk/Publications/StandardsandRegulations/The\\_Standard\\_for\\_Full\\_Registration.asp](http://www.gtcs.org.uk/Publications/StandardsandRegulations/The_Standard_for_Full_Registration.asp)

### The Standard for Full Registration

#### Professional Knowledge and Understanding

##### *Registered teachers:*

- (a) have detailed knowledge and understanding of the relevant areas of the pre-school, primary or secondary school curriculum;
- (b) have sufficient knowledge and understanding to fulfill their responsibilities for literacy and numeracy; personal, social and health education; and ICT. (As appropriate to the sector and stage of development.);
- (c) understand the nature of the curriculum and its development;
- (d) have sufficient knowledge and understanding to meet their responsibilities to teach cross-curricular aspects;
- (e) have a broad, critical understanding of the principal features of the education system, educational policy and practice, and of their part in it;

- (f) have detailed working knowledge of their sector, of the school(s) in which they teach, and of their professional responsibilities within them;
- (g) can articulate their professional values and practices and relate them to theoretical principles and perspectives;
- (h) have research-based knowledge relating to learning and teaching and a critical appreciation of the contribution of research to education in general.

### **Professional Skills and Abilities**

#### ***Registered teachers:***

- (a) are able to plan coherent and progressive teaching programmes which match their pupils' needs and abilities, and they can justify what they teach;
- (b) communicate clearly, making skilful use of a variety of media, and interact productively with pupils, individually and collectively;
- (c) use a range of teaching strategies and resources which they can evaluate and justify in terms of curriculum requirements and of the needs and abilities of their pupils;
- (d) set and maintain expectations and pace of work for all pupils;
- (e) work co-operatively with other professionals and adults;
- (f) organise and manage classes and resources to achieve safe, orderly and purposeful activity;
- (g) manage pupil behaviour and classroom incidents fairly, sensitively and consistently, making sensible use of rewards and sanctions, and seeking and using the advice of colleagues when necessary;
- (h) understand and apply the principles of assessment, recording and reporting;
- (i) use the results of assessment to evaluate and improve their teaching, and the learning and attainment of the children they teach.

### **Professional Values and Personal Commitment**

#### ***Registered teachers:***

- (a) learn from their experience of practice and from critical evaluation of relevant literature in their professional development;
- (b) convey an understanding of practice and general educational matters in their professional dialogue and communication;
- (c) reflect on and act to improve their own professional practice, contribute to their own professional development, and engage in the process of curriculum development;
- (d) should show in their day-to-day practice a commitment to social justice and inclusion;
- (e) take responsibility for their professional learning and development;

(f) value, respect and are active partners in the communities in which they work.

However as stated by the GTCS, the SFR is not just a simple list of competences which can be ticked. It is a more subtle document than that.

'The professional knowledge and understanding that fully registered teachers bring to their teaching is not static and must allow them to develop as education, including the curriculum, develops.

The professional skills and abilities teachers have also develop as they reflect critically on their current practices and improve their teaching, and their pupils' learning.

But underpinning both these areas are the professional values and personal commitment fully registered teachers display throughout their careers. Teachers take responsibility for their professional learning and development because that is a key factor in being part of a profession.'

*'all teachers will have professional reflection and self-evaluation at the heart of their working lives – and it is against the SFR that they should be reflecting, evaluating and measuring themselves. That is the principal reason why the SFR is of significance to every teacher in the land.'*

Teaching Scotland (2007)

[http://www.gtcs.org.uk/Teaching\\_Scotland\\_Online/Issue23June2007/News/TSO23\\_news\\_sfrleaflet.asp](http://www.gtcs.org.uk/Teaching_Scotland_Online/Issue23June2007/News/TSO23_news_sfrleaflet.asp)

Although 'How Good is our School' may provide useful exemplars of practice, HGIOS is a whole school evaluation tool and is not a measure of teacher competence.

Allegations of serious professional incompetence will be dealt with in accordance with the Conduct, Competence and Disciplinary Rules 2006.

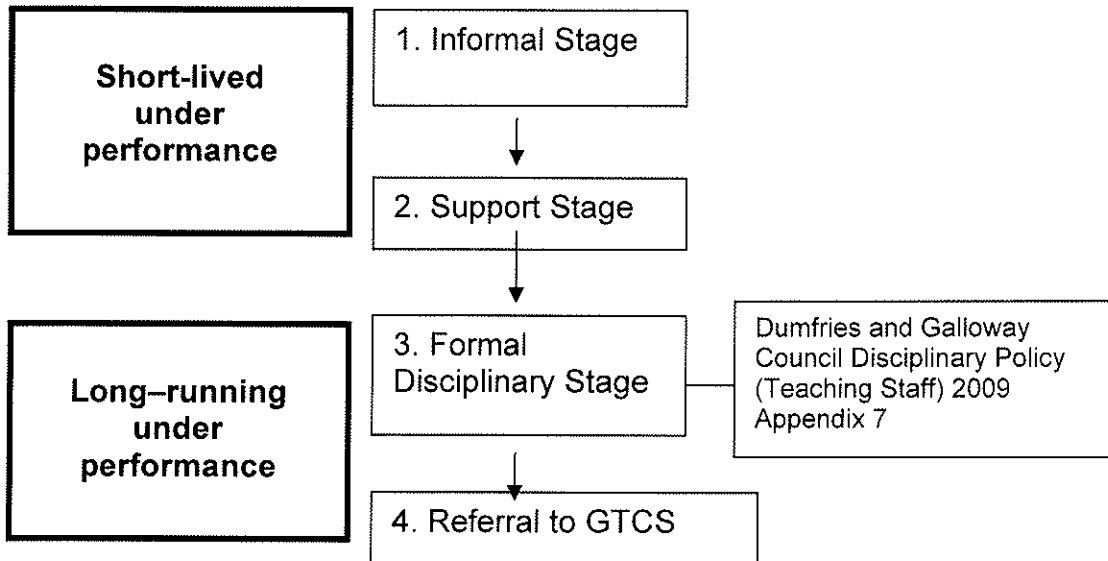
[http://www.gtcs.org.uk/Publications/StandardsandRegulations/Conduct\\_Competence\\_and\\_Disciplinary\\_Rules\\_2006.asp](http://www.gtcs.org.uk/Publications/StandardsandRegulations/Conduct_Competence_and_Disciplinary_Rules_2006.asp)

As part of the McCrone settlement, the Scottish Negotiating Committee for Teachers (SNCT) agreed a Revised Disciplinary Framework (SNCT Circular 18); this is available on <http://www.snct.org.uk/library/248/SNCT%2018.pdf> or in the recently published SNCT Handbook on Conditions of Service.

This is to be used by employers in conjunction with the GTCS Code of Practice on Teacher Competence and the benchmark for competence, the Standard for Full Registration.

### **3. Procedures for Dealing with Underperformance**

These procedures assume that the teacher has been performing at a competent level up to the point at which temporary underperformance is first identified There are four stages in the procedure.

**Figure 1 : Stages in the Process**

In stages one and two it is assumed that the teacher's problem is one of short-lived underperformance

The GTCS highlight that short-lived underperformance can be caused by many different factors such as illness, personal circumstances, lack of understanding of current methodology, loss of confidence or external factors beyond the control of the teacher.

Long-running underperformance is the term used to describe the problem when stage 3 of the procedure is implemented. By this stage, although support, guidance and professional development opportunities have been offered to the teacher, these have not resulted in the improvements to the level defined in the Standard for Full Registration.

At this stage, where a teacher's performance or conduct is such as to give rise to serious concern, disciplinary action may be taken by the authority in accordance with Dumfries and Galloway disciplinary procedures. Appendix 7

Stage four of the process is Referral to the GTCS under the terms of Section 9B of the Teaching Council (Scotland) Act 1965.

The staged process for underperformance is summarised in Fig 2.

NB This code of competence continues to apply if the teacher transfers to another school within Dumfries and Galloway.

### **Stage 1 : Informal**

Although the GTC(S) refer to this stage as 'informal' it should be noted that all meetings are recorded in writing.

To enable support and facilitate discussion, prior to these meetings (usually 5 working days) any reports on performance should be shared between all parties.

- (a) The informal stage does not form part of the employer's formal disciplinary procedures.
- (b) It is assumed, at this stage, that the problem is one of short-lived Under-performance.
- (c) Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.
- (d) Informal discussions should be held between the teacher and senior colleagues to discuss identified areas of underperformance. During these informal discussions the teacher should be encouraged to participate fully in identifying the causes of the underperformance and suggesting possible remedies. Advice and guidance should be offered from senior colleagues to support improvement.

Possible remedies may include some or a combination of the following CPD strategies:

- review/evaluate current practice;
  - update/refresh knowledge and understanding;
  - review guidelines and documentation;
  - review materials/resources/literature;
  - focused classroom observation and feedback;
  - more detailed planning;
  - a period of in-school mentoring;
  - team teaching/observing others;
  - accessing other resources (eg. Staged Intervention Mentor);
  - participate in professional development courses.
- (e) At the conclusion of the first informal discussion a date should be agreed by the teacher and senior colleagues to review performance. This meeting is referred to in these guidance as the stage 1 Interim Review Meeting. It is recommended that this discussion should cover the following agenda:
1. Introduction and reason for the Stage 1 Interim Review Meeting meeting;
  2. The area of concern and aspects of the SFR to which this pertains;
  3. The in-school support agreed;
  4. Timescales and targets.

A minute should be kept of the Stage 1 Interim Review meeting.

Depending on the context of the situation a reasonable length of time should be given for the teacher to reach the required standard. This time should not normally be more than 20 working weeks.

- (f) At the conclusion of this period of time, a Stage 1 Final Review meeting is arranged. The purpose of this meeting is to determine whether or not the required standard has been achieved. An oral report should be given to the teacher indicating the outcome. Two outcomes are possible:

**Outcome 1:**

Where improvements have been made to the required standard, no further action will be taken. The teacher should be informed of this decision in writing. It is not expected that there will be a repeat referral under the code within a short timescale.

### **Outcome 2:**

Where improvements have not been achieved to the required standard, the teacher should be informed that the matter will be referred to the headteacher / senior management representative who will consider whether the second stage of the procedures should be implemented. The teacher will be informed of the headteacher's decision and the underpinning reasons in writing.

### **Stage 2 : Support**

It should be noted that in Stage 2, all meetings are recorded in writing. To enable support and facilitate discussion, prior to these meetings (usually 5 working days) any reports on performance should be shared between all parties.

- (a) The support stage does not form part of the employer's formal disciplinary procedures.
- (b) It is assumed, at this stage, that the problem is still one of short-lived underperformance.
- (c) Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.
- (d) The teacher should be informed in writing by the headteacher of:
  - the specific aspects of the SFR which are to be addressed;
  - the proposed mechanisms which will be put in place to support the teacher;
  - appropriate professional development opportunities which can be accessed.
- (e) Discussions should be held between the teacher and headteacher / senior management representative to agree the way ahead. During these discussions the teacher should be encouraged to address the issues openly in order to:
  - clarify the areas of underperformance;
  - suggest forms of support which he/she would find helpful;
  - agree appropriate professional development opportunities.

Sympathetic consideration should be given to all reasonable requests made by the teacher. The teacher may find it helpful to detail any requests and responses in writing. The headteacher should receive any written request or response 24 hours in advance of any meeting.

At the conclusion of these discussions the headteacher should give a broad indication of the support mechanisms and professional development opportunities which will be made available. Dates for a Stage 2 Interim Review meeting and a Stage 2 Final Review meeting will be confirmed.

As soon as possible after the discussion the headteacher should confirm in writing:

- the improvements to be made;

- the support mechanisms and professional development package to be provided;
- confirmation of the review dates.

Depending on the context of the situation a reasonable length of time should be given for the teacher to reach the required standard. This time would normally be 20 working weeks.

- (f) At the conclusion of the Stage 2 Final Review meeting the teacher should be informed of the outcome.

*Two outcomes are possible:*

**Outcome 1:**

Where improvements have been achieved to the required standard, no further action will be taken. The proceedings will be deemed to be complete. The teacher should be informed of this decision in writing by the headteacher.

It is not expected that there will be a repeat referral under the code within a short timescale.

**Outcome 2:**

Where improvements have not been achieved to the required standard, the teacher should be informed that formal disciplinary procedures will be implemented. This decision and the underpinning reasons should be communicated to the teacher in writing by the headteacher.

The teacher should be advised of their statutory and contractual rights to be accompanied during disciplinary procedures at stages 3 and 4.

**Stage 3 : Disciplinary**

- (a) This stage comprises the Dumfries and Galloway Council's formal disciplinary procedures. (Dumfries and Galloway Discipline Policy (Teaching Staff) 2009. Appendix 7.
- (b) The problem is now considered to be one of long-running underperformance.
- (c) The teacher should be advised of their statutory and contractual rights to be accompanied during disciplinary procedures.
- (d) A comprehensive statement should be produced by the headteacher indicating:
- Details of the teacher's alleged failure to maintain the standards described;
  - In the SFR with clear identification of which aspects are alleged not to meet the required standards;
  - Details of the support mechanisms and professional development opportunities offered to the teacher;
  - The duration of stages 1 and 2;
  - The teacher's performance at the start of the support stage;
  - The teacher's performance at the end of the support stage.

- This is collated the school link EO who reviews all information to ensure evidence is robust and in standard format before submitting it to the Investigating Officer.

(e) The above information will be considered:

- at subsequent stages in the employer's formal disciplinary proceedings; and
- if the case is referred to GTCS.

*Potential outcomes from Stage 3 are detailed in the Dumfries and Galloway Discipline Policy (Teaching Staff) 2009.*

#### **Stage 4 : Referral to the General Teaching Council for Scotland<sup>1</sup>**

- (a) A case is referred to the General Teaching Council under the terms of Section 9B of the Teaching Council (Scotland) Act 1965 as amended, i.e. where a case culminates in:
- the dismissal of the teacher;
  - the resignation of the teacher in the context of a possible dismissal.
- (b) Relevant information from the Disciplinary stage will be sent to the General Teaching Council.
- (c) Information relating to the General Teaching Council's procedures for dealing with such cases can be found in the General Teaching Council's Code of Practice on the Exercise of its Disciplinary Functions and in the Conduct, Competence and Disciplinary Rules.

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<sup>1</sup> Guidance on the referral to GTCS of teachers following dismissal on the grounds of long running underperformance is currently being prepared by GTCS

Fig 2. **STAGED PROCESS for DEALING WITH UNDERPERFORMANCE**

Stage 1 and 2; short-lived underperformance

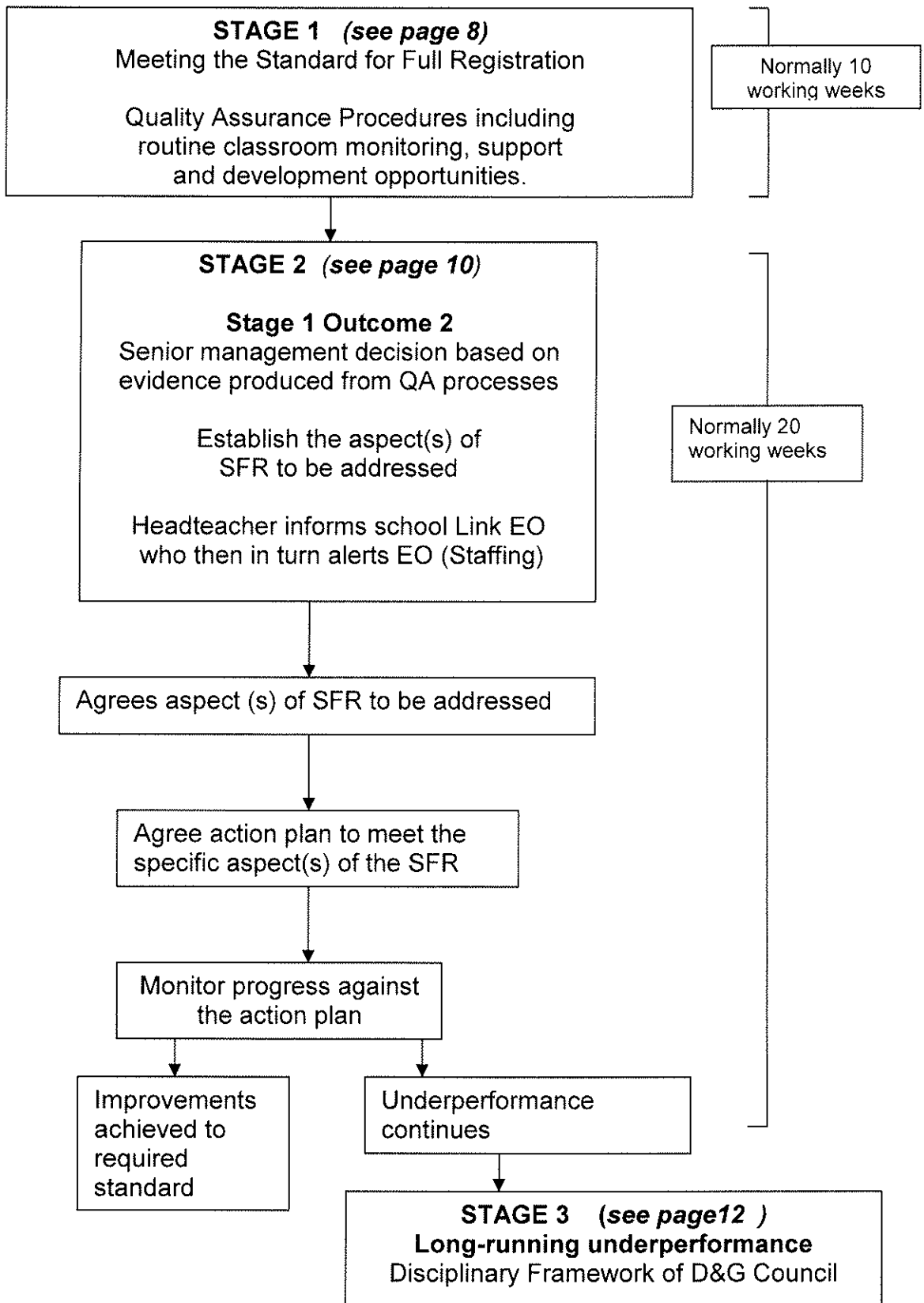
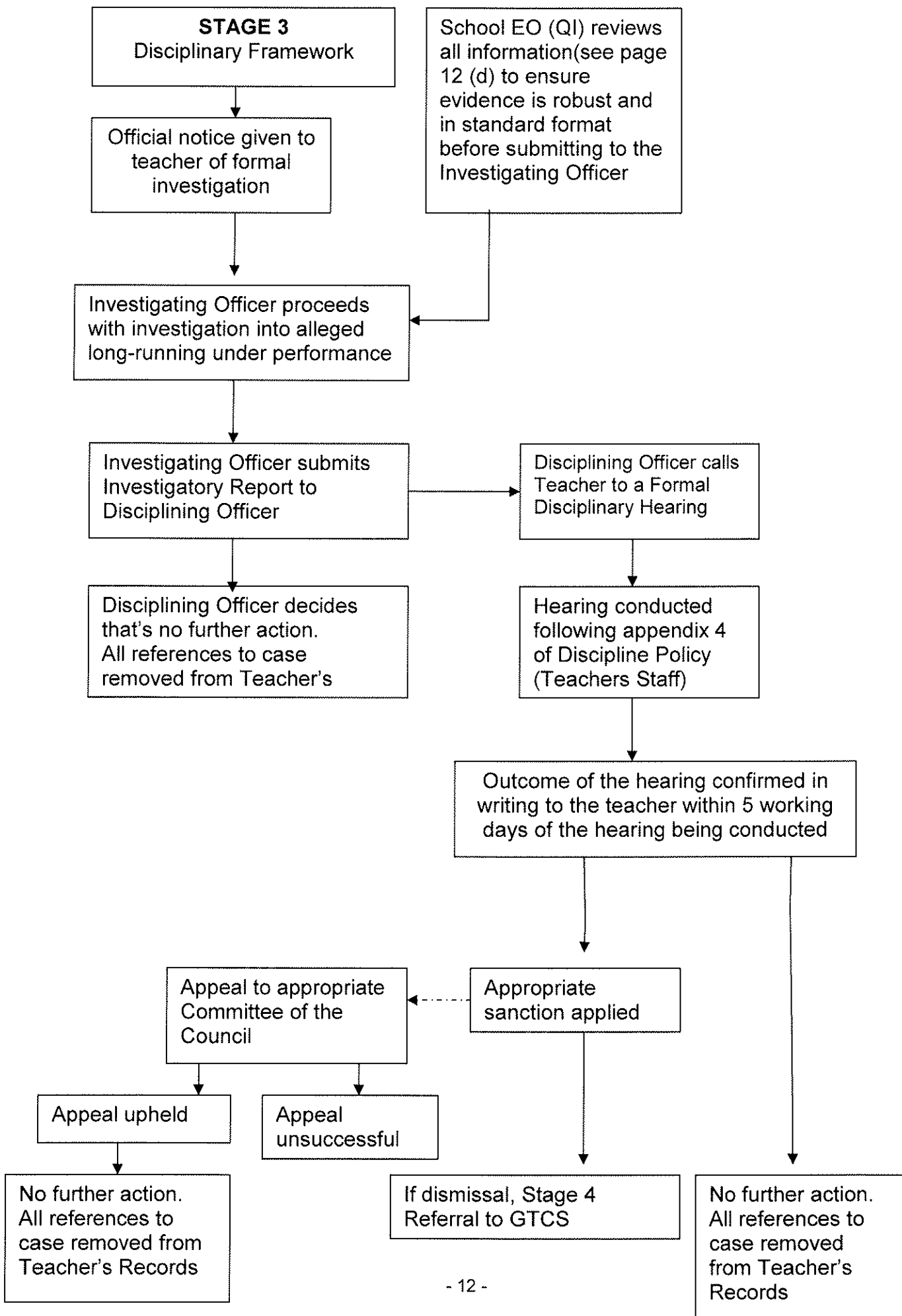


Fig. 3 – LONG-RUNNING UNDERPERFORMANCE



**PROCEDURES FOR DEALING WITH UNDERPERFORMANCE  
STAGES 1 AND 2**

***ROLES AND RESPONSIBILITIES OF LINE MANAGERS DEALING WITH UNDERPERFORMANCE***

Subject to the policies of the school and the Authority, and as detailed in Annex B of 'A Teaching Profession for the 21<sup>st</sup> Century', the responsibilities of line managers within the process are outlined below:

**PRINCIPAL TEACHER**

- *“responsible for the leadership and good management of colleagues*
- *“reviewing the CPD needs, career development and performance of colleagues*
- *“the provision of advice, support and guidance to colleagues”*

In effect, this means that the Principal Teacher identifies any short lived underperformance during routine monitoring.

**Stage 1**

The Principal Teacher:

- initiates Stage 1 by holding the first informal discussion with the teacher to discuss identified areas of underperformance linked to the SFR, together with support required, timescale and targets (**see page 8**);
- agrees a date to review performance;
- monitors the progress made by the teacher and the effectiveness of the support given;
- informs his/her line manager (appropriate member of school management team) that short lived underperformance has been identified and that Stage 1 has been initiated;
- provides regular updates on progress to his/her line manager;
- conducts the Stage 1 Interim and Final Review meetings to review performance and gives an oral report to indicate which of the two outcomes has been decided (**see page 9**);
- refers the matter to the headteacher in the form of a written report and awaits the headteacher's decision. The report should detail the specific aspects of the SFR which the Principal Teacher considers are not being met. It should also propose an action plan to support the underperforming teacher, including recommendations for appropriate CPD and targets.

**Stage 2**

The Principal Teacher:

- continues to play a part in monitoring the progress made by the teacher and the effectiveness of the support given;
- provides support for the Headteacher at the Stage 2 Interim and Final Review Meetings.

**PROCEDURES FOR DEALING WITH UNDERPERFORMANCE  
STAGES 1, 2 and 3**
**ROLES AND RESPONSIBILITIES OF LINE MANAGERS DEALING WITH UNDERPERFORMANCE**

Subject to the policies of the school and the authority, and as detailed in Annex B of 'A Teaching Profession for the 21<sup>st</sup> Century', the responsibilities of line managers within the process are outlined below. Furthermore, the professional actions taken by the HT/DHT will reflect the principles within the Standard for Headship

**HEADTEACHER/DEPUTE HEADTEACHER**

- *"responsible for the leadership, good management and strategic direction of the school"*
- *"the management of all staff and the provision of professional advice and guidance to colleagues"*
- *"to promote the continuing professional development of all staff"*

In effect, this means that the headteacher/depute headteacher continues managing underperformance. It should be noted that the headteacher/depute headteacher may follow procedures as given previously for Stage 1/2 of Principal Teacher Role depending on the Management Structure within a School.

**Stage 1**

The headteacher/depute headteacher:

- Supports the Principal Teacher when informed of short-lived; underperformance ie Stage 1 being initiated ;
- Meets Principal Teacher for regular updates on progress.

The headteacher:

- Decides the outcome from the written report compiled by the Principal Teacher i.e. whether Stage 2 of the procedures should be implemented or no further action to be taken. Letter written to the teacher informing them of this decision.

**Stage 2**

The headteacher:

- writes to the underperforming member of staff, stating the aspects of the SFR to be addressed, proposed mechanisms to support and appropriate professional development opportunities (**See (d) page 9**);
- informs the EO (QI) that Stage 2 Support is taking place.

The headteacher/depute Headteacher:

- meets with teacher or member of staff underperforming to discuss the above bullet point. Both parties could have another colleague in attendance;
- agrees Action Plan (Appendix 3) and support mechanisms relevant to the aspects of SFR and set dates for Interim Review and Final Review meetings. This should be recorded on the minute;
- monitors progress against the Action Plan;

- informs line manager of progress (depute to head and head to EO [QI]);
- calls a meeting at the agreed Interim Date to discuss progress;
- calls a meeting at the agreed Final Review date informing Teacher or member of staff of the decision from the Informal Support Process Stages 1 and 2 (see[f] page 9);
- produces documentation to support decision at Final Review Meeting.

The Headteacher:

- writes to Teacher or member of staff informing of the outcome and reasons for this decision;
- informs EO (QI) of decision.

### **Stage 3**

The headteacher:

- writes to Service Director - Schools Services to inform of continued long-running underperformance;
- compiles a comprehensive statement giving information as detailed on pages 11 and 12, submitting this to School Link EO

**PROCEDURES FOR DEALING WITH UNDER PERFORMANCE**

**Sample Minute – First / Interim / Final Review meeting**

STAGE 1

STAGE 2



*Dumfries  
& Galloway*  
COUNCIL

**Teacher Support**

Record of Discussion between \_\_\_\_\_ and \_\_\_\_\_

Date/Review Period \_\_\_\_\_

Specific aspects of the SFR which are to be addressed;

Proposed mechanisms which will be put in place to support the teacher;

Appropriate professional development opportunities which can be accessed

Progress and/ or targets

Date for Interim Review meeting (s) \_\_\_\_\_

Date for Final Review meeting \_\_\_\_\_

### APPENDIX 3

#### Action Plan

#### Planned Support – (Date)

SFR Reference	Areas for Improvement	Agreed Support	Monitoring

**PROCEDURES FOR DEALING WITH UNDER PERFORMANCE**

***Sample Letters***

***Letter to Teacher (End of Stage 1 - no further action )***

Dear

**CODE OF PRACTICE ON TEACHER COMPETENCE**

I write to inform you that as a result of the action taken during the Stage 1 (Informal) process with regard to the Code of Practice on Teacher Competence, a satisfactory improvement has been recognised in line with the SFR and therefore I deem no further action to be necessary.

Yours sincerely

Head Teacher

cc Education Officer  
Line Manager (if applicable)

***Letter to Teacher (End of Stage 1 – move to Stage 2 )***

Dear

**CODE OF PRACTICE ON TEACHER COMPETENCE**

I write to inform you that as a result of the action taken during the Stage 1 (Informal) process with regard to the Code of Practice on Teacher Competence, a satisfactory improvement has not been recognised in line with the SFR and therefore I consider it necessary to move to Stage 2 (Support) of this Code.

The underpinning reasons for this decision are as follows:-

- \*
- \*
- \*

Yours sincerely

Head Teacher

cc Education Officer  
Line Manager (if applicable)

***Letter to Teacher (End of Stage 2 - no further action )***

Dear

**CODE OF PRACTICE ON TEACHER COMPETENCE**

I write to inform you that as a result of the action taken during the Stage 2 (Support) process with regard to the Code of Practice on Teacher Competence, a satisfactory improvement has been recognised in line with the SFR and therefore I deem no further action to be necessary.

Yours sincerely

Head Teacher

cc Education Officer  
Line Manager (if applicable)

***Letter to Teacher (End of Stage 2 – move to Stage 3)***

Dear

**CODE OF PRACTICE ON TEACHER COMPETENCE**

I write to you following the recent final review of Stage 2 of the Code of Practice on Teacher Competence. As discussed, the improvements have not been achieved to the required standard, and therefore the problem is now considered to be one of long-running underperformance.

I have included a summary of the reasons for this decision and have to inform you that we will now progress to Stage 3, which comprises the Authority's formal disciplinary procedures.

I will also convey this decision to the Service Director, Schools Services.

I would remind you that you have statutory and contractual rights to be accompanied at Stage 3.

Yours sincerely

Head Teacher

cc Education Officer

***Letter to Service Director – Schools Services (informing of Stage 3)***

Dear

**CODE OF PRACTICE ON TEACHER COMPETENCE**

Following the Code of Practice on Teacher Competence in line with the SFR, I write to inform you that *Teacher X* has not reached the required standard after a period of support.

Both the teacher of staff involved and the Education Officer (QI) to the School have been informed of my decision.

I refer this matter to you for further action, as you see appropriate, as detailed in the Dumfries & Galloway Procedures for Dealing with Underperformance, January 2008.

Yours sincerely

Head Teacher

## Checklist for Stage 1 (Informal) of Code of Practice on Teacher Competence

	Headteacher/Senior Management informs the teacher that GTCS Code of Practice on Teacher Competence is being applied.
	A discussion on identified areas of underperformance is arranged with the member of staff
	The teacher is encouraged to invite a colleague or a representative of their Professional Association to attend.
	Headteacher/Senior Management prepares a clear statement outlining concerns relating to SFR
	A list of competences which require to be addressed is prepared and shared with the teacher within 5 days of the meeting.
	Should the teacher wish, written requests or responses to the statement can be made to the headteachers, at least one working day before the meeting.
	A meeting is held and targets, support and development opportunities are agreed.
	The meeting is minuted and the minute signed by both parties.
	At the conclusion, a date is agreed to review performance. (
	Headteacher/Senior Management create the Action Plan which identifies targets, timescale and personnel involved, and this is shared with the teacher
	The Action Plan is agreed within ten working days.
	A mutually agreed supporter/mentor is identified if requested by the teacher
	Five working days before the agreed date for the Review Meeting both parties review progress towards meeting targets.
	Headteacher/Senior Manager and the teacher should exchange evaluations of progress at least one working day in advance of the Review Meeting.
	The Review Meeting is chaired by a member of SMT
	At the Review Meeting the teacher is asked if there is any medical reason for their continued underperformance
	The Review Meeting is minuted and the minute signed by both parties.
	The outcome of the meeting is clearly conveyed to the teacher by the headteacher.
	If necessary, notify the School Link EO of the decision to move to Stage 2.

## Checklist for stage 2 (Support) of Code of Practice on Teacher Competence Interim Review Meeting

	The Interim Review Meeting is arranged at the first meeting for Stage 2
	10 Working days prior to the meeting a written notification is sent to the teacher confirming arrangements for the Interim Review Meeting
	The meeting is held and progress against the agreed targets is discussed
	Further support/development opportunities to take forward the previously agreed competences are agreed
	At the conclusion of the meeting a date is agreed for the Final Review Meeting
	Within 10 working days the teacher is provided with a record of the meeting setting out a clear indication of progress expected prior to the Final Review Meeting.

## Checklist for stage 2 (Support) of Code of Practice on Teacher Competence Final Review Meeting

	The Final Review Meeting is arranged at the planning meeting for Stage 2
	10 Working days prior to the meeting a written notification is sent to the teacher confirming arrangements for the Final Review Meeting
	The meeting is held and progress against the agreed targets is discussed.
	At the conclusion of the meeting, a brief adjournment should take place to consider the outcome.
	Within a short period of time, the meeting should reconvene at which point the teacher should be informed verbally of the outcome of the meeting and of the next steps to be implemented.
	The teacher to be informed in writing of the outcome of the meeting.

# **Appendix 7; Dumfries and Galloway Council Discipline Policy (Teaching Staff)**