

Education and Learning  
Procedures and Guidelines

**CODE OF PRACTICE  
ON HEADTEACHER COMPETENCE**

**PROCEDURES FOR DEALING WITH  
UNDERPERFORMANCE**

**2022**

## 1 INTRODUCTION

This document provides guidance in dealing with underperformance in Headteachers. It defines competence in terms of the duties of a Headteacher and the Standard for Headship (SfH) and explains the steps in the process for dealing with cases of short lived underperformance and long running underperformance.

## 2 DEFINITION OF HEADTEACHER COMPETENCE

### 2.1 The role of the Headteacher

The role of the Headteacher is defined with Annex B of the McCrone Agreement.

<https://www.webarchive.org.uk/wayback/archive/3000/https://www.gov.scot/Resource/Doc/158413/0042924.pdf>

It states that the role of the Headteacher is, within the resources available, to conduct the affairs of the school to the benefit of the pupils and the community it serves, through pursuing objectives and implementing policies set by the education authority under the overall direction of the Director or nominee. The Headteacher shall be accountable to the education authority for the following list of duties and for such other duties as can reasonably be attached to the post:

- (a) Responsibility for the leadership, good management and strategic direction of the school.
- (b) Responsibility for school policy for the behaviour management of pupils.
- (c) The management of all staff, and the provision of professional advice and guidance to colleagues.
- (d) The management and development of the school curriculum.
- (e) To act as adviser to the Parent Council and to participate in the selection and appointment of the staff of the school.
- (f) To promote the continuing professional development of all staff and to ensure that all staff have an annual review of their development needs.
- (g) Working in partnership with parents, other professionals, agencies and schools.
- (h) To manage the health and safety of all within the school premises.

(Annex B)

plus any other matter devolved from SNCT for local agreement (Annex F).

### 2.2 The Standard for Headship

The headteacher acts as the leading professional in the school and/or learning community. The headteacher also plays a pivotal role within the broader children's services network. Headteachers work with and support their peers and other educational establishments and make significant contributions to policy development across their cluster, local authority, regional or national education systems. Headteachers proactively contribute to leadership for improvement at system level (authority, regional and national level). This includes the ability to work collaboratively and collegially, encouraging and seeking views from across the learning community – from colleagues, parents/carers and families, children and young people, partners in other schools, the local authority and regional settings. Headteachers, working with others:

- (i) Lead and work collaboratively with the learning community to design and build the curriculum. They critically engage with policy, research and practice to inform strategic knowledge and understanding of curriculum.
- (ii) Lead and work collaboratively to establish a culture which promotes wellbeing for all to enable and sustain positive relationships and partnerships with colleagues, learners, and others across the learning community to meet the identified needs of all

learners. They critically engage with policy, research and practice to inform strategic knowledge and understanding of the learning environment.

- (iii) Establish and promote a collaborative culture of professional learning within and beyond the school and wider learning community. They critically engage with policy, research and practice to inform strategic knowledge and understanding of professional learning.
- (iv) Ensure collegial practices are established to enable and sustain a culture of self-evaluation for whole school and learning community improvement to evaluate the impact on every learner. They critically engage with policy, research and practice to inform strategic knowledge and understanding of self-evaluation.
- (v) Work with colleagues and the wider learning community to strategically manage and allocate resources in a fair, transparent and equitable manner in line with identified strategic and operational priorities. They critically engage with policy, research and practice to inform strategic knowledge and understanding of equitable and sustainable use of resources.

Across all of these areas, Headteachers contribute to leadership for improvement at school and system level.

### 3 THE INSTIGATION OF THE PROCEDURES

Competence is defined in terms of the duties of a Headteacher (Annex B/F) and the Standard for Headship (SfH) (2021).

A Headteacher may be considered as underperforming if they fail to ensure statutory duties are fulfilled as required by the employer (Standards in Scotland's Schools etc Act (2000)

[http://www.opsi.gov.uk/legislation/scotland/acts2000/asp\\_20000006\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2000/asp_20000006_en_1)

or, if they fail to meet the leadership and management capabilities as detailed within the SfH (2021).

Should the Headteacher fail on either of the above, a representative of Education and Learning Senior Management Team (SMT) will determine the cause of the underperformance and act accordingly. A decision will be made at this point whether it is an issue which should be considered as an issue of competence or one relating to professional conduct.

It would be deemed good practice for the SMT representative to inform the Headteacher that should they be a member of a trade union, then they should consider informing their school representative; or in the case of a school representative, the manager should inform their local area representative.

### 4. CONDUCT AND DISCIPLINARY

Should the senior management representative determine the issue is one of inappropriate professional conduct or gross misconduct then Dumfries and Galloway Council's [Disciplinary Policy, Procedure and Guidance - Teachers and Professionals 2022](#) must be followed.

Inappropriate professional conduct and gross misconduct are defined in the Code of Professionalism and Conduct <http://www.gtcs.org.uk/web/FILES/teacher-regulation/copac-0412.pdf>. The Code sets out the key principles and values for registered teachers which include Headteachers in Scotland ensuring the boundaries of professional behaviour and conduct are clear.

## 5. PROCEDURES FOR DEALING WITH UNDERPERFORMANCE

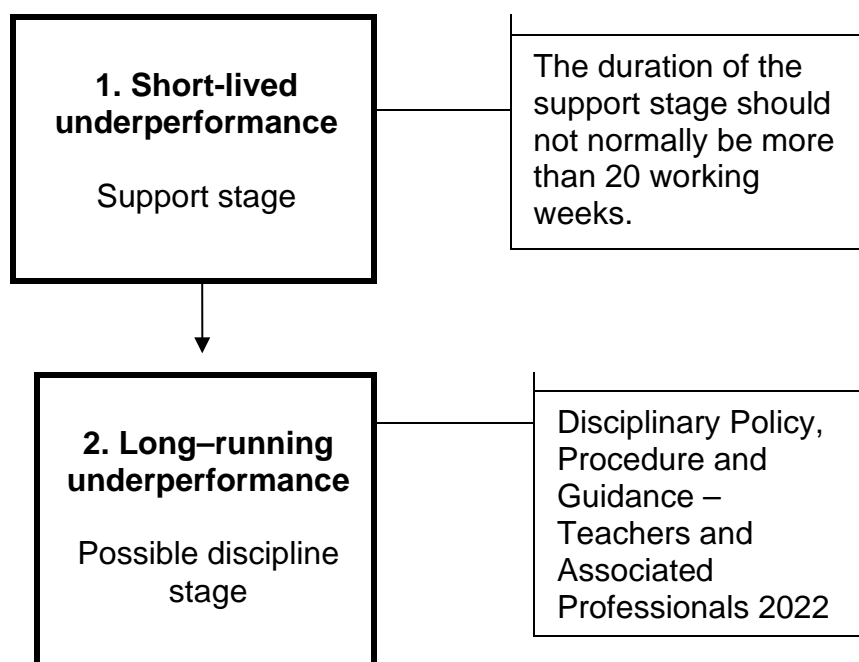
These procedures assume that the Headteacher has been performing at a competent level up to the point at which temporary underperformance is first identified. Throughout this guidance, there is the assumption that underperformance relates to leadership and management activities and as such, there is no referral to teaching ability, the Standard for Full Registration (2012).

There are two stages in the procedure for dealing with management and leadership underperformance.

Rodger Hill  
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FIG 1: STAGES IN THE PROCESS



### Stage 1

In stage one it is assumed that the issue is one of short-lived underperformance. 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 Headteacher.

### Stage 2

Long-running underperformance is the term used to describe the issue when the discipline stage of the procedure is implemented. By this stage, although support, guidance and professional development opportunities have been offered to the Headteacher, these have not resulted in the improvements to the level defined in the SfH.

At this stage, where a Headteacher's performance is such as to give rise to serious concern, disciplinary action may be taken by the authority in accordance with the [Disciplinary Policy, Procedure and Guidance - Teachers and Professionals 2022](#).

The staged process for underperformance is summarised in Fig 2.

### Stage 1: Support

- (a) The support stage does not form part of the employer's formal disciplinary procedures.
- (b) It is assumed, at this stage, that the issue is still one of short-lived underperformance.
- (c) Headteachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.
- (d) At the first formal meeting to consider these issues there should be a professional dialogue between the Headteacher and the representative of SMT to discuss identified areas of underperformance.

During this discussion the Headteacher should be encouraged to participate fully in identifying the causes of the underperformance and suggesting possible solutions.

Advice and guidance should be offered to support improvement which may include a planned programme of professional development. Possible support may include some or a combination of the following professional learning strategies:

- review/evaluate current practice related to remit;
- update/refresh knowledge and understanding;
- review guidelines, literature and documentation;
- more detailed planning;
- a period of mentoring;
- peer support;
- participate in relevant professional learning opportunities.

(e) At the conclusion of the first discussion the SMT representative will summarise:

- the specific aspects of the SfH which are to be addressed;
- the proposed mechanisms which will be put in place to support the Headteacher;
- the professional development which will be undertaken;
- the improvements to be made;
- the timescales over which the targets are to be met;
- agreed dates for an **interim and final review meeting**.

Depending on the context of the situation a reasonable length of time should be given for the Headteacher to reach the required Standard. This time is normally no longer than 20 working weeks.

(f) The purpose of the **interim meeting** is to consider progress towards the targets agreed at the first discussion. Further support may be offered to the Headteacher to achieve the improvements required.

(g) The **final review** meeting will be held to assess the degree of improvement against the required standard. Within five working days of the final review meeting, the Headteacher will receive a formal notification 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 Headteacher should be informed of this decision in writing by the SMT representative.

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

#### **Outcome 2:**

Where improvements have not been achieved to the required Standard, the Headteacher should be informed that Stage 2 of the procedure will be implemented. This decision and the underpinning reasons should be communicated to the Headteacher in writing by the SMT representative.

**Stage 2: Long-running underperformance**

- (a) A comprehensive statement should be produced by the SMT representative indicating:
- Details of the Headteacher's alleged failure to perform their leadership role at the Standards described.
  - Clear identification of the aspects of the SfH which it is alleged are not met to the required Standards.
  - Details of the support mechanisms and professional development offered to the Headteacher.
  - The duration of Stage 1.
  - The Headteacher's performance at the start of the support stage.
  - The Headteacher's performance at the end of the support stage.
- (b) The above information will be passed to the Disciplining Officer by the SMT representative for subsequent stages in the employer's formal disciplinary proceedings.

Potential outcomes from Stage 2 are detailed in the [Disciplinary Policy, Procedure and Guidance - Teachers and Professionals 2022](#)

FIG 2: STAGED PROCESS FOR DEALING WITH UNDERPERFORMANCE

