

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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Dear Colleague

AJNCT/34 PROCEDURES FOR DEALING WITH TEACHER COMPETENCE

This is a new local agreement which sets out the principles and procedures to be followed for dealing with teacher competence in primary and secondary schools and is attached as an **Appendix**.

This local agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 8 December 2022, and subsequently ratified by the Staffing Sub-Committee on 25 April 2023.

Yours sincerely

**JIM HAMMOND
MIKE CALLAGHAN**

Joint Secretaries

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cc: Chief Executive
Director of Education and Lifelong Learning and Chief Education Officer
Director of HR, Digital Enablement and Business Support

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PROCEDURES FOR DEALING WITH TEACHER COMPETENCE

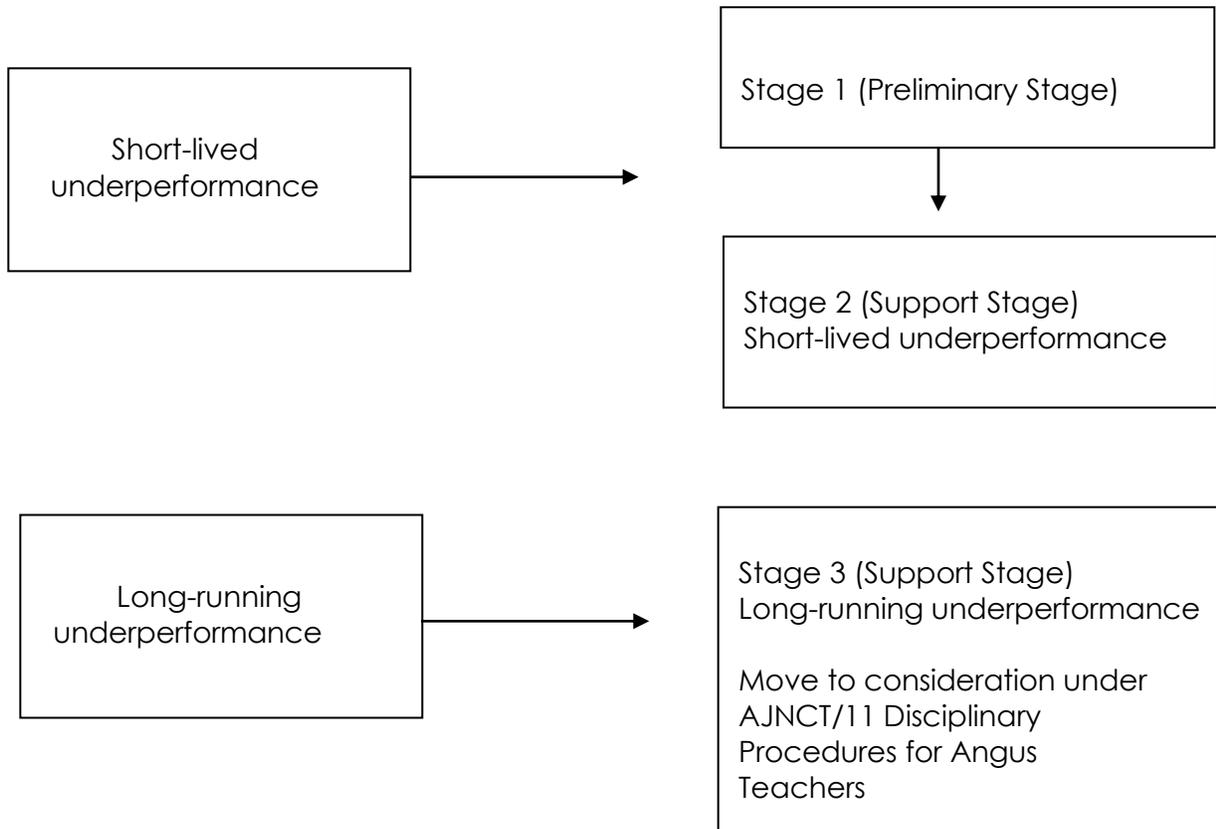


Introduction and Scope

This procedure is specific to addressing alleged underperformance of teachers. It explains the steps in the process for dealing with cases of both short-lived and long-running underperformance. This agreement should be in conjunction with the [General Teaching Council Scotland \(GTCS\) Framework on Teacher Competence](#) which is used to address concerns relating to the performance of teaching ability and is linked to the GTCS Standard for Full Registration.

Reference should be made to AJNCT agreements 29 and 30 if there are issues relating to the underperformance of Leadership and Management functions of Principal Teachers, Depute Head Teachers and Head Teachers.

There are 3 stages in the procedure for dealing with Head Teacher performance:



At all stages the teacher should be encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.

Definition of Competence

Competence is defined in terms of the performance of duties of registered teaching staff, as detailed in the Scottish Negotiating Committee for Teachers (SNCT) Handbook, [Part 2, Section 2](#):

The Role of a Teacher

The role of the teacher is to deliver high quality learning and teaching to secure improved educational outcomes for children and young people, in collaboration with colleagues and under the direction of senior school staff. Consistent with the policies and practice of the school and the Council, the duties of teachers are to:

- (a) manage and organise classes through planning and preparing for teaching and learning.
- (b) assess, record and report on the work of pupils' progress to inform a range of teaching and learning approaches
- (c) prepare pupils for examinations and where required, assist with their administration.
- (d) contribute towards good order and the wider needs of the school
- (e) develop the school curriculum
- (f) contribute to the school and council planning and improvement processes.
- (g) maintain and develop knowledge and skills and contribute to the professional development of colleagues including probationary and student teachers

The [GTCS Standards for Registration](#) supports the self-evaluation and professional learning of teachers. The Standard for Full Registration is the foundation of the Professional Standards and is the benchmark of competence required of all registered teachers in Scotland.

This Professional Standard is the gateway to the profession and constitutes the teaching standards in which learners, parents, the profession itself and the wider community can have confidence

Professional Conduct

Should a senior manager determine the issue may be one of inappropriate professional conduct then AJNCT/11 Disciplinary Procedures for Angus Teachers must be followed. The [GTCS Code of Professionalism and Conduct](#) sets out the key principles and values for registered teachers, ensuring the boundaries of professional behaviour and conduct are clear.

Stage 1 (Preliminary Stage)

Underperformance should be dealt with, at least in the early stages, through the use of informal advice, guidance and counselling. It is essential that concerns of this nature are fully discussed and that support is provided with the objective of encouraging and helping the teacher to improve. Holding informal discussions can resolve many issues in the first instance.

Preliminary discussions are used to talk through the nature of the concern(s), determine the cause and agree how to address the issues and review progress appropriately based on the individual circumstances. 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 to support improvement.

Should health concerns or other sensitive issues arise as a potential contributory factor, the line manager should access advice from Human Resources.

Although the Preliminary Stage does not form part of the Disciplinary Procedures for Angus Teachers – AJNCT/11, the teacher should be made aware of the potential for matters to progress to formal procedures and that reliance may be placed upon evidence gathered at the preliminary stage. Meetings and action points at the preliminary stage should be documented.

The line manager will act accordingly to decide whether the matter is an issue of competence or one relating to professional conduct. Where, through informal discussion, improvements have been achieved to the required standard, no further action will be taken.

It is important that a reasonable length of time is given for the teacher to reach the required standard. However where improvements have not been achieved to the required standard, consideration will be given to move to Stage 2 of the procedures.

Stage 2 (Support Stage) Short-lived underperformance

The Support Stage Short-lived underperformance does not form part of the Disciplinary Procedures for Angus Teachers – AJNCT/11 however the teacher should be made aware of the potential for matters to progress to disciplinary procedures and that reliance may be placed upon evidence gathered at both the preliminary stage and the support stage. It is assumed, at this stage, 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 teacher.

Where health issues are a factor, the council's Occupational Health process must be accessed at an early stage in discussion with HR.

Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.

1) Initial Meeting – Agree areas of concern to be addressed. Agree an action plan to meet the specific concern(s) and timescales

At the first formal meeting there should be a professional dialogue between the senior manager and teacher to discuss identified areas of underperformance. During this discussion the teacher 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
- a period of mentoring or peer support
- review guidelines, literature and documentation
- observe the practice of other teachers
- update/refresh knowledge and understanding
- more detailed planning
- participate in relevant professional learning opportunities

At the conclusion of the initial meeting the senior manager will prepare a summary document which includes the:

- specific areas of underperformance linked to the GTCs Standard for Registration that need to be addressed;
- proposed mechanisms which will be put in place to support the Head Teacher
- professional development which will be undertaken;
- improvements to be made;
- timescales over which the targets are to be met;
- agreed dates for an interim and a final 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 timescale is not normally expected to be longer than 20 working weeks.

2) Interim Meeting – Consider progress against the action plan

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 teacher to achieve these improvements if required.

3) Final Review Meeting

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 teacher will receive a written confirmation of the outcome.

Two outcomes are possible following the Final Review Meeting:

Outcome 1: No further action

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.

No record will be kept on the teacher's personal file.

Outcome 2: Move to Long-running underperformance

Where improvements have not been achieved to the required standard, the teacher should be informed that the matter will move to Stage 3 (Support Stage) Long-running underperformance. The concern is now considered to be long-running underperformance.

This decision and the underpinning reasons should be communicated to the teacher in writing.

Stage 3 (Support Stage) Long-running underperformance

At this stage, the performance gives rise to serious concern. It is considered to be long-running and although support, guidance and professional development opportunities have been offered, these measures have not resulted in the achievement of the necessary improvements to the standard required.

A statement should be produced by the senior manager outlining:

- Details of the teacher's alleged failure to perform to the standards required [GICS Standards for Registration](#);
- The specific duties which it is alleged have not met the required standards;
- A summary of the information gathered at the preliminary stage;
- The duration of Stage 2;
- The level of performance at the start of Stage 2;
- The performance at the end of the Stage 2;
- The support mechanisms and professional development offered to the teacher throughout the process.
- Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.

The statement will be passed to the relevant senior officer for consideration in accordance with AJNCT/11 - Disciplinary Procedures for Angus Teachers.