

Education and Learning  
Procedures and Guidelines

# CODE OF PRACTICE ON TEACHER COMPETENCE

## PROCEDURES FOR DEALING WITH UNDERPERFORMANCE

2022

## 1 INTRODUCTION

The General Teaching Council for Scotland (GTCS) published the Framework on Teacher Competence (FTC) (March 2012). This is available on <https://www.gtcs.org.uk/wp-content/uploads/2021/10/framework-on-teacher-competence.pdf>. The Dumfries and Galloway procedures detailed in this document are directed by the FTC.

The GTCS provides the definition of competence in terms of the Standard for Full Registration 2021 (SFR). The FTC explains the steps in the process for dealing with cases of short-lived underperformance and long running underperformance.

This document provides guidance in dealing with underperformance in teachers. It defines competence in terms of the Standard for Full Registration 2021 by linking to the professional actions of teachers. It explains the steps schools would be required to take in dealing with cases of short-lived underperformance and provides guidance on the steps to take where a case is deemed by schools to be one of long running underperformance.

## 2. 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 GTCS.
- The Standard describes the professional values and personal commitment of all teachers, their professional knowledge and understanding and their professional skills and abilities which all fully registered teachers are expected to demonstrate in their professional activities.
- The SFR, as detailed below, is available in school and can be downloaded from the GTCS website on <https://www.gtcs.org.uk/wp-content/uploads/2021/09/standard-for-full-registration.pdf>.
- 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 GTCS Fitness to Teach Rules 2017. <https://www.gtcs.org.uk/wp-content/uploads/2021/09/fitness-to-teach-rules.pdf>
- The SNCT has a Disciplinary Framework for teachers and associated professionals contained within the SNCT Handbook on Conditions of Service Part 2: [https://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.11](https://www.snct.org.uk/wiki/index.php?title=Appendix_2.11). This is to be used by employers in conjunction with the FTC and the SFR.
- It would be deemed good practice for the manager to inform the teacher 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.

## 3. DEALING WITH UNDERPERFORMANCE

Note: holding an informal discussion can resolve many issues in the first instance.

### Procedures

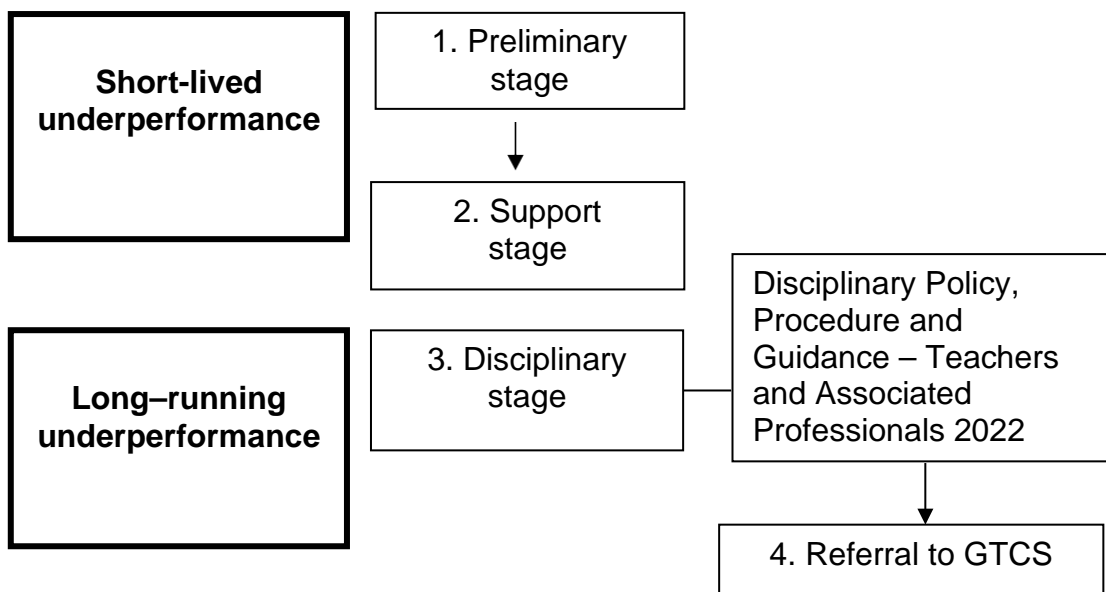
The following procedures assume that the teacher has been performing at a competent level up to the point at which temporary underperformance is first identified. There are four stages in the procedure.

The Competency Procedures Support Pack 2023 is available to support and document the process.

Rodger Hill  
Schools' Manager – People

Agreed by LNCT 14 May 2013  
Updated Oct 2023

FIG 1: STAGES IN THE PROCESS



### Stage 1 (Preliminary) and Stage 2 (Support)

In Stages 1 and 2 it is assumed that the teacher's 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.

### Stage 3 (Disciplinary stage) and Stage 4 (Referral to GTCS) Long-running Underperformance

Long-running underperformance is the term used to describe the issue 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 SFR. A report should be produced by the Headteacher at this stage (refer to Appendix 2 for further guidance). At this stage, where a teacher'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 Associated Professionals 2022.

Disciplinary action may result in a referral to the GTCS under the terms of Article 25 of the Public Services Reform (GTC Scotland) Order 2011.

Note: this code of competence continues to apply if the teacher transfers to another school within Dumfries and Galloway.

### **Stage 1: Preliminary**

It should be noted that all meetings must be recorded in writing.

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

- (a) The preliminary 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 underperformance.

- (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 professional learning 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;
- participate in professional development courses.

At the end of the informal discussion, the **Competency Procedures Support Pack 2023 Appendix 1 – Early Notification Form** should be used. The purpose of this form is to ensure that areas of concern are identified early, with actions detailed to help address any issues of short-term underperformance.

- (e) At the conclusion of the first informal discussion, a date should be agreed by the teacher and senior colleagues to review performance. Depending on the context of the situation, a reasonable length of time (normally not more than ten weeks) should be given for the teacher to reach the required standards. This time-scale should be agreed by both parties. Mid-way through the process, a meeting should be arranged to review progress. If progress towards meeting the standard is satisfactory by this stage, the process is deemed to be complete.

A minute should be kept of the Stage 1 Interim Review meeting (see **Appendix 3**). Records should be kept until the staged process reaches its conclusion.

- (f) At the conclusion of this period of time, a 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 within five working days. 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 (within five working days).

### **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 five working days) any reports on performance should be shared between all parties. The **Competency Procedures Support Pack 2023 Appendix 2 – Notification of Concern Form** should be used by promoted staff to support the process.

- (a) The support stage does not form part of the employer's formal disciplinary procedures, the teacher should be made aware of the potential for matters to progress to formal disciplinary procedures and that reliance may be placed on evidence gathered at both Stages 1 and 2.
- (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; and
  - appropriate professional development opportunities which can 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; and
  - 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 review meeting and a final review meeting will be agreed.

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; and
- confirmation of the review dates.

The **Competency Procedures Support Pack 2023 Appendix 3 – Additional Support Log** should be used to document progress on achieving/maintaining the SfR.

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 not normally be more than 20 working weeks.

- (f) At the conclusion of the 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 within five working days.

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 within five working days.

**Stage 3: Long-running underperformance**

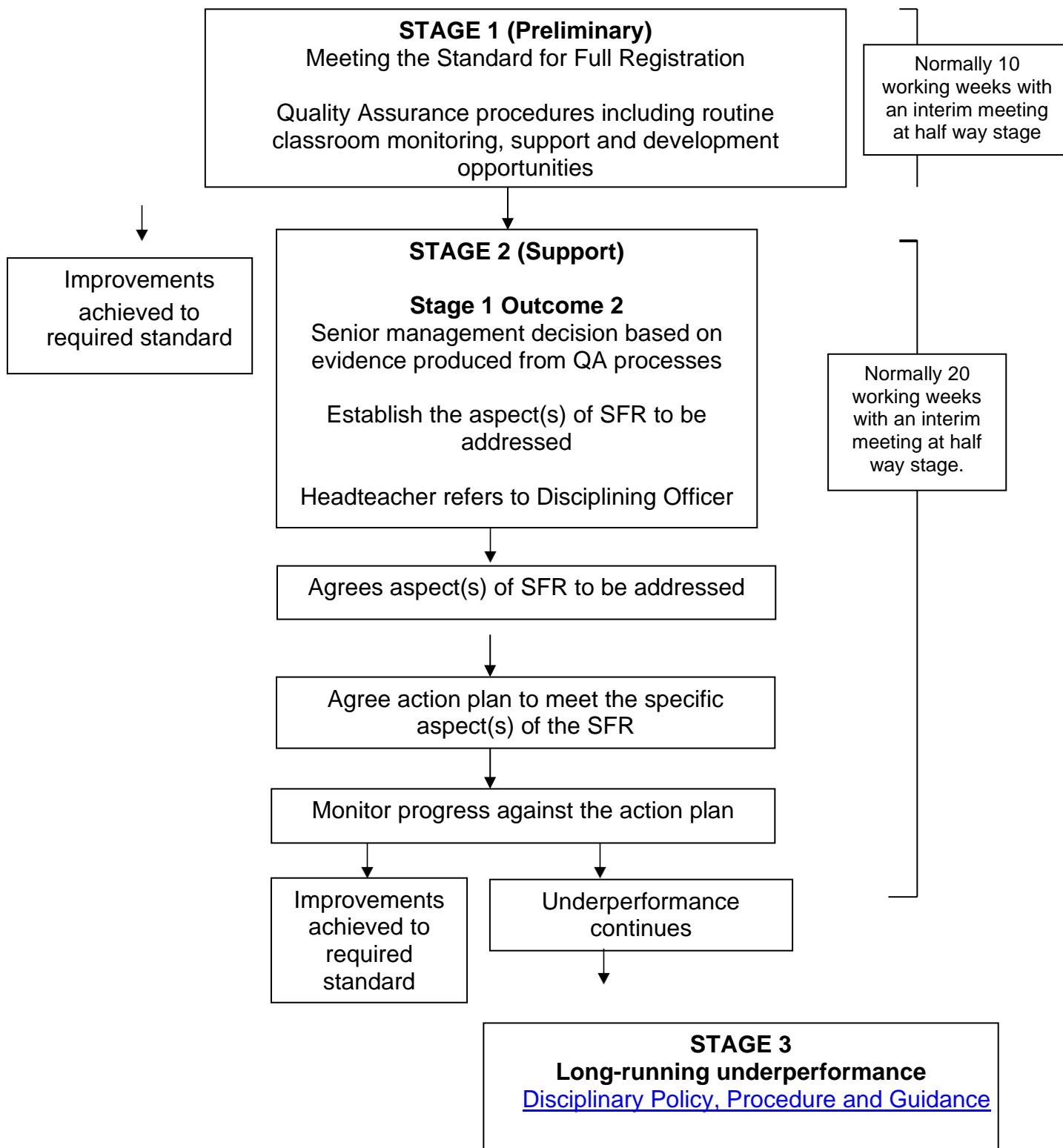
This stage comprises the Dumfries and Galloway Council's formal disciplinary procedures [Disciplinary Policy, Procedure and Guidance - Teachers and Associated Professionals 2022](#). The **Competency Procedures Support Pack 2023 Appendix 4 – Evidence File for Stage 3** advice will help to support the process.

- (a) A comprehensive statement should be produced by the senior manager responsible 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 and passed to the Headteacher in the first instance who reviews all information to ensure evidence is robust and in standard format before submitting it to the Disciplining Officer.
- (b) The above information will be considered:
- At subsequent stages in the employer's formal disciplinary proceedings.
  - If the case is referred to GTCS.

Potential outcomes from Stage 3 are detailed in the [Disciplinary Policy, Procedure and Guidance - Teachers and Associated Professionals 2022](#)

FIG 2: STAGED PROCESS FOR DEALING WITH UNDERPERFORMANCE

Stage 1 and 2: short-lived underperformance





<b>PROCEDURES FOR DEALING WITH UNDERPERFORMANCE STAGES 1 AND 2</b>
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### **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 (where appropriate)**

- *“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 may be the manager who initially identifies any short-lived underperformance during routine monitoring.

#### **Stage 1: Preliminary**

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.
- 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.
- Refers the matter to the Headteacher in the form of a written report (copied to the teacher) 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: Support**

The Principal Teacher:

- Continues to play a part in monitoring the progress made by the teacher and the effectiveness of the support given.
- Provides reports for the Headteacher at the Stage 2 Interim and Final Review Meetings.
- Participates in 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. The Headteacher is responsible for the leadership, good management and strategic direction of the school. Furthermore, the professional actions taken by the Headteacher/Depute Headteacher will reflect the principles within the Standard for Headship.

**HEADTEACHER/DEPUTE HEADTEACHER**

- *"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."*
- *"establish and promote a collaborative culture of professional learning within and beyond the school and wider learning community."*

**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 (see Appendix 1).**

In effect, this means that the Headteacher/Depute Headteacher continues managing underperformance.

**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, ie 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.
- Informs the Schools' Manager - People 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. Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.
- 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 Headteacher to Headteacher; and Headteacher to Schools' Manager - People.
- 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.
- 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 Schools' Manager - People of decision.

### **Stage 3**

The Headteacher:

- Writes to the Director or Nominee to inform of continued long-running underperformance.
- Compiles a comprehensive statement giving information as detailed on pages 10 and 11, submitting this to the appointed Investigating Officer.

**PROCEDURES FOR DEALING WITH UNDER PERFORMANCE****Sample Minute – First / Interim / Final Review meeting**STAGE 1 STAGE 2 **Teacher Support****Record of Discussion between \_\_\_\_\_ and \_\_\_\_\_**

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

Specific aspects of performance/ 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: \_\_\_\_\_

Date for Final Review Meeting: \_\_\_\_\_

**Signed: \_\_\_\_\_ (Manager) Date: \_\_\_\_\_****Signed: \_\_\_\_\_ (Teacher) Date: \_\_\_\_\_**

**Action Plan (Stage 2)**

**Planned Support – (Date)**

SFR Reference	Areas for Improvement	Agreed Support	Monitoring (inc. timeframe)

Signed: \_\_\_\_\_ (Manager)      Date: \_\_\_\_\_

Signed: \_\_\_\_\_ (Teacher)      Date: \_\_\_\_\_

**PROCEDURES FOR DEALING WITH UNDER PERFORMANCE****Sample Letters*****Letter to Teacher (End of Stage 1 - no further action)***

Dear

**FRAMEWORK ON TEACHER COMPETENCE**

I write to inform you that as a result of the action taken during the Stage 1 (Preliminary) process with regard to the Framework on Teacher Competence, a satisfactory improvement has been recognised in your performance consistent with the Standard for Full Registration and therefore I deem no further action to be necessary.

Yours sincerely

Headteacher

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

Dear

**FRAMEWORK ON TEACHER COMPETENCE**

I write to inform you that as a result of the action taken during the Stage 1 (Preliminary) process with regard to the Framework on Teacher Competence, a satisfactory improvement has not been recognised in your performance consistent with the Standard for Full Registration and therefore I consider it necessary to move to Stage 2 (Support) of this Framework.

The underpinning reasons for this decision are as follows:-

Yours sincerely

Headteacher

cc Schools' Manager - People

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

Dear

**FRAMEWORK 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 Framework on Teacher Competence, a satisfactory improvement has been recognised consistent with the Standard for Full Registration and therefore I deem no further action to be necessary.

Yours sincerely

Headteacher

cc Schools' Manager - People



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

Dear

**FRAMEWORK ON TEACHER COMPETENCE**

I write to you following the recent Final Review of Stage 2 of the Framework on Teacher Competence. As discussed, the improvements have not been achieved to the required standard, and therefore I now consider the issue 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 Director or Nominee who will contact you directly.

Yours sincerely

Headteacher

Cc Director or Nominee  
Schools' Manager - People

***Letter to Director or Nominee (informing of Stage 3)***

Dear

**FRAMEWORK ON TEACHER COMPETENCE**

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

Both the teacher involved and the Schools' Manager - People have been informed of my decision.

I refer this matter to you for further action, as you see appropriate, as detailed in the Dumfries and Galloway Code of Practice on Teacher Competence 2022.

Yours sincerely

Headteacher