

LNCT

Aberdeenshire Local Negotiating Committee for Teachers



Date: April 2024

LNCT/21/09

Maximising Work Performance Procedure - Teaching

This agreement has been subject to review in Year 2024 by the LNCT Joint Secretaries and HR as part of a review of current Aberdeenshire LNCT Agreements.

**A copy of the Policy/Procedure is attached below.
Supporting documents detailed in the resource pack can be accessed directly by Aberdeenshire Council employees via the HR/People pages on Viva Arcadia.**

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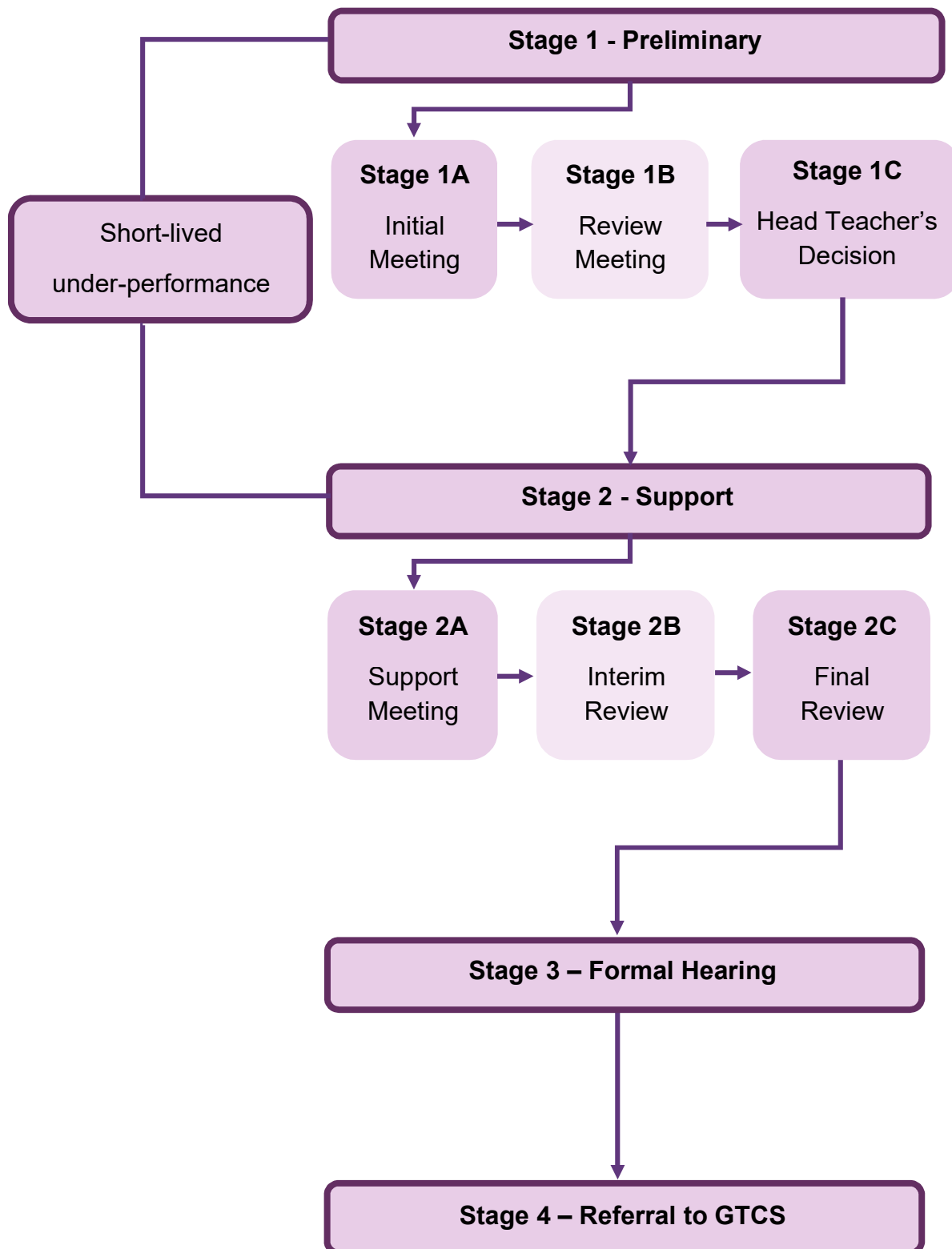


Maximising Work Performance Procedure - Teachers

Review Date: 10th April 2024

Summary

This procedure will apply to teaching competence and, for those in promoted posts, to administrative/managerial competence. The potential outcomes in each case do however differ. It applies to fully registered teachers only, not to probationers.



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Rationale

A registered teacher must maintain the standard of professional competence throughout their career. Accordingly, this should be read and used in conjunction with the current Standard for Registration which is the standard of professional competence expected by GTC Scotland of fully registered teachers. GTC Scotland Professional Update does not measure teacher competence. Alleged competence issues will therefore continue to be handled in line with this procedure.

Introduction

Under performance will be identified through the appropriate school's Quality Assurance procedures and addressed immediately. This can often be done through informal counselling which may quickly address the problem.

The procedure assumes that the teacher has been performing at a competent level up to the point at which temporary under-performance enters Stage 1. Short-lived under-performance is used to describe a problem which, with support and guidance, will be overcome by the teacher within a short period of time. In Stages 1 and 2 of the following procedures, it is envisaged that the teacher's problem is one of short-lived under-performance.

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

Initially it should be dealt with under the Stage 1 Preliminary procedure below. Where completing the Stage 1 Preliminary procedure does not result in a satisfactory level of performance being attained, the Stage 2 Support may be implemented.

Neither the Preliminary nor the Support stage constitutes part of Aberdeenshire Council's Disciplinary Procedure. Where completing the Support stage does not produce the required improvement the Formal stage, which consists of Disciplinary proceedings, will be applied.

At all stages those providing advice, guidance and support should consider whether it is improvement by the teacher or adjustment to the post that is required.

A teacher who feels that the procedure is being or has been applied to him/her unfairly may initiate the Council's Grievance Procedure.

It should be noted by all parties that during this procedure the LNCT agreement LNCT/21/29 Classroom Visits to Improve Teaching is temporarily suspended.

Right to be Accompanied or Represented

Employees may be accompanied or represented by a colleague or trade union representative at various stages of the procedure.

These terms are defined as follows:

Accompany

A colleague/union representative accompanying an employee may:

- Put the employee's case to the hearing
- Respond on behalf of the employee to any views expressed at the hearing
- Ask questions
- Confer privately with the employee during the hearing
- Sum up at the end of the hearing.

A colleague/union representative accompanying an employee may not:

- Answer questions on the employee's behalf.

Represent

A colleague/union representative has all the rights above and in addition may answer questions on behalf of the employee, if the employee so wishes.

When Accompanying or Representing

An employee accompanying/representing a colleague will be given reasonable paid time off to attend the meeting, to conduct discussions with the colleague immediately before and after the meeting, and, if required, to familiarise him/herself with the issues.

Travel costs may be claimed in the usual manner. There is no obligation on any employee to accompany/represent a colleague when asked to do so.

No employee will be disadvantaged because he/she has accompanied or represented a colleague, or because he/she has declined to do so. A decision on whether to agree to accompany/ represent or not should be given as promptly as possible.

Identification of Under Performance

Under performance will be identified through the appropriate School's QA procedures, by the Principal Teacher or School Management Team link person.

An individual must meet the Standard for Full Registration in order to become a fully GTC Registered teacher. **Under performance is therefore defined as a failure to maintain the level defined in the Standard.**

For those in promoted posts, under performance in administrative/managerial responsibilities will also be addressed under this procedure. It should be noted that although under performance in administrative/managerial responsibilities will be addressed under this procedure it will be in the knowledge that GTC Scotland procedures and Fitness to Teach Panel outcomes can only relate to teaching competence and not to administrative/managerial competence.

Procedures for Dealing with Under Performance

The procedures assume that a teacher has been performing at a competent level up to the point at which under performance is identified.

Under performance may 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.

In Stages 1 and 2 of the procedure under performance is addressed informally and is described as short-lived under-performance. Where undertaking Stages 1 and 2 is unsuccessful, Stage 3 (disciplinary) is implemented and is described as long-running under-performance. By this stage, although support and guidance and professional development opportunities have been offered to the teacher, this has not resulted in the teacher regaining the level defined in the Standard for Full Registration. Stage 4 (referral to GTC Scotland) may follow.

Generally, Stages 1A and 1B below are conducted by senior colleagues (the immediate line manager and/or link person) and the Head Teacher conducts Stages 1C, 2A, 2B and 2C and prepares and presents the case at Stage 3. Where, however, the under performer is a Depute Head Teacher or the Head Teacher is the only promoted member of staff, the Head Teacher will conduct Stages 1A and 1B and the QIO will conduct Stages 1C, 2A, 2B, and 2C.

Throughout all stages of the procedure there should be records kept that will show evidence of:

- consistent and continuing reference to the Standard for Full Registration;
- a well-structured and documented process which –
- sets out and records the evidence gathered, support and development provided, and reasons for the decisions made at each Stage;
- is fair and reasonable, with clear objectives linked to either the short-lived or long-running underperformance;
- is aimed to improve and not punish the individual concerned, with an indication of reasonable support and professional development offered;
- is tailored to the individual circumstances;
- complies with the terms of the Equality Act 2010.

Stage 1 – Preliminary

Stage 1A – Initial Meeting

In the first instance the immediate line manager and/or link person (as appropriate) will arrange to meet the teacher to informally discuss the identified area(s) of under performance. A calendar weeks' notice should be given. Although the Preliminary Stage does not form part of the formal disciplinary procedures, 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 Stages 1 and 2.

The teacher should be encouraged to bring a colleague or Union representative to accompany him/her at the meeting. ('Accompany' is defined above.) If required, the date and time of the meeting should be changed to accommodate attendance by the teacher's companion. The meeting location should be selected to ensure confidentiality and freedom from interruptions.

The purpose of the meeting is:

- If required, to clarify the level of performance required by the Standard for Full Registration
- To identify the performance gap
- To discuss identified area(s) of under-performance, and cause(s)
- To identify possible improvement strategies
- To allow the senior colleague(s) to offer advice and guidance to support improvement
- To determine a course of action designed to enable the teacher to reach the required standard. The performance gap and the action(s) designed to rectify it should be put in writing and a copy retained by the teacher and by the senior colleague(s)
- To agree the length of time within which it is reasonable to expect the required improvement(s) to be made and set a date for a review meeting at the end of this period. Interim meetings should also be scheduled as appropriate.

The meeting should be as open as possible and the atmosphere should be one of support and encouragement not of censure.

The teacher should be encouraged to participate fully in identifying the causes of the under-performance and suggesting possible remedies. Depending on the perceived causes, the suggested improvement strategies may require action on the part of others besides the teacher.

Additionally, the teacher may refer to the senior colleague(s) at any time to arrange an interim meeting should a difficulty arise. An interim meeting may result in an adjustment of the action plan and/ or the time period set for reaching the required standard.

If the performance problems are related to matters outside of work then the teacher should be encouraged to seek the appropriate help or services to enable the causes to be dealt with. The Employee Assistance Programme made available by the Council should be considered.

Stage 1B – Review Meeting

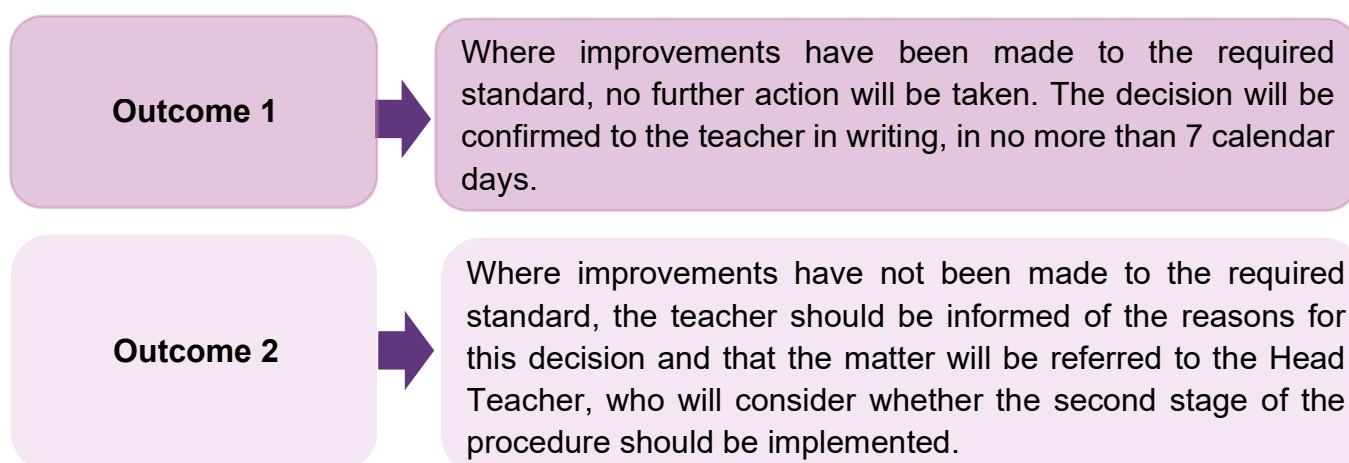
The review meeting will be held as agreed in Stage 1A. The teacher and the senior colleague(s) involved in Stage 1A will attend.

The purpose of the review meeting is:

- To review progress since the initial meeting and discuss current performance
- To discuss any difficulties encountered in implementing the course of action determined at Stage 1A
- To determine whether the required improvements have been made.

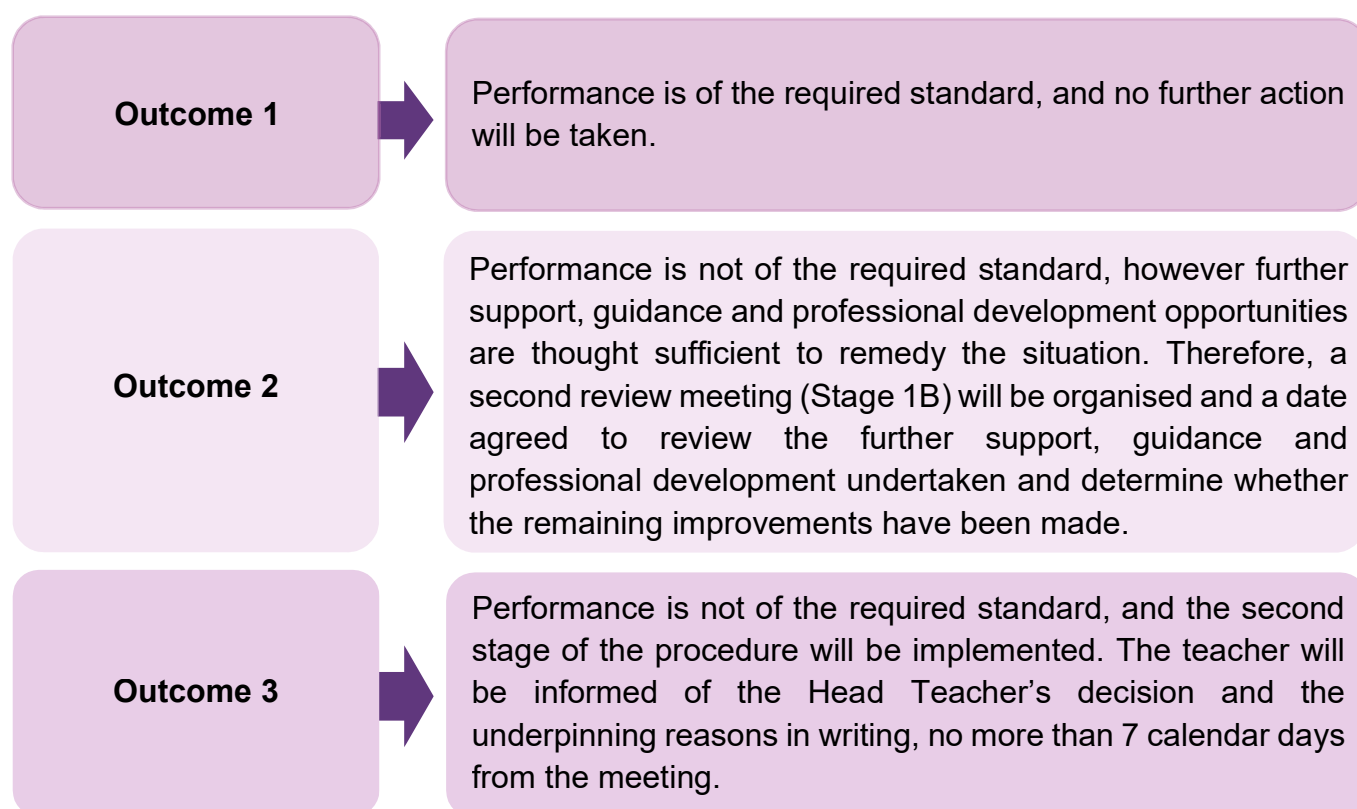
The teacher should be encouraged to bring a colleague or Union representative to accompany them at the meeting. ('Accompany', is defined above.)

At the conclusion of the discussions the senior colleague(s) will adjourn for a short time to decide whether the required standard has been reached. They will then advise the teacher of their decision, which will be one of the following 'outcomes':



Stage 1C – Head Teacher’s Decision

The Head Teacher’s decision will be based on the documented evidence from previous Stages, together with meetings with all parties involved if appropriate. The Head Teacher will decide on one of the following outcomes:



Stage 2 – Support

Stage 2A – Support Meeting

The Head Teacher will hold a meeting with the teacher to discuss the under performance issue. A calendar weeks' notice should be given in writing, along with a brief note of the issues to be discussed. Although the Support Stage does not form part of the formal disciplinary procedures, 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 Stages 1 and 2.

The teacher should be encouraged to bring a colleague or Union representative to accompany him/her at the meeting. ('Accompany', is defined above.)

The meeting location should be selected to ensure confidentiality and freedom from interruptions.

The purpose of the meeting is:

- To advise the teacher of the specific aspects of the Standard for Full Registration which are to be addressed
- To clarify the areas of under performance, and identify the performance gap
- For the Head Teacher to advise of the support mechanisms and professional development opportunities available
- For the teacher to suggest forms of support or professional development which he/she would find helpful
- To agree the way ahead, and the appropriate support/ professional development opportunities to be provided
- A written timeframe should be agreed in order to assist the Teacher reach the required standard this should outline the key milestones and take into account the circumstances of the individual case
- Set dates for an Interim Review meeting and a Final Review.

Sympathetic consideration should be given to all reasonable requests made by the teacher, who should be encouraged to address the issues openly.

The Head Teacher will confirm the following details to the teacher in writing, no more than 7 calendar days after the meeting:

- The improvements to be made
- The support mechanisms and professional development package to be provided
- Confirmation of the review dates.

The teacher may refer to the Head Teacher at any time should a difficulty arise.

Stage 2B – Interim Review

The purpose of the Interim Review is to discuss progress on the action plan determined in Stage 2A.

The teacher and head teacher should raise any concerns. The interim review may result in an adjustment of the action plan and/or the time period set for reaching the required standard.

The teacher should be encouraged to bring a colleague or Union representative to accompany him/her at the meeting. ('Accompany', is defined above.)

Stage 2C – Final Review

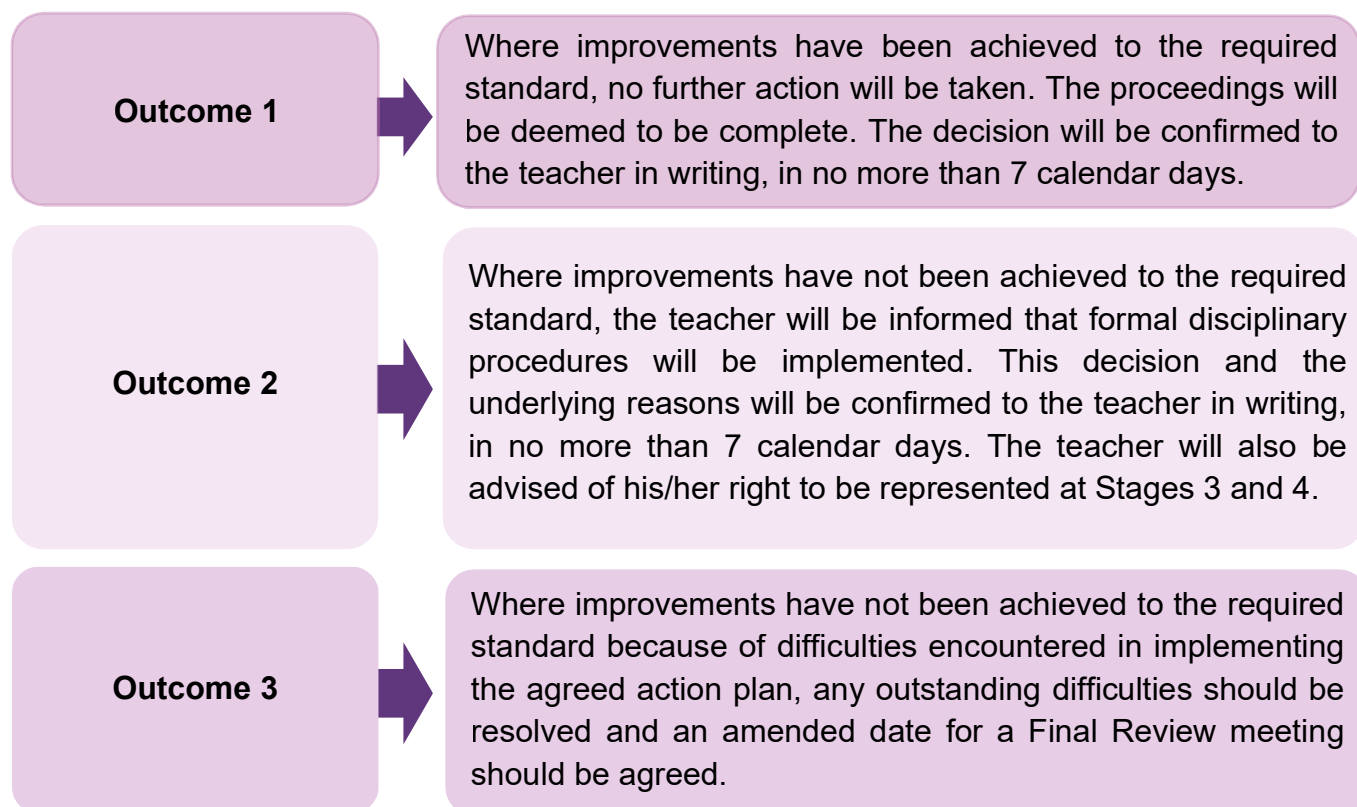
The Final Review meeting will be held as agreed in Stage 2A.

The purpose of the review meeting is:

- To review progress since the initial meeting and discuss current performance
- To discuss any difficulties encountered in implementing the action plan
- To determine whether the required improvements have been made.

The teacher should be encouraged to bring a colleague or Union representative to accompany him/her at the meeting. ('Accompany', is defined above.)

At the conclusion of the discussions the Head Teacher will adjourn for a short time to decide whether the required standard has been reached. He/she will then advise the teacher of the decision, which will be one of the following 'outcomes':



Stage 3 – Formal Hearing

An under performance issue that has reached Stage 3 is considered to be one of long-running under performance, and will be addressed under Aberdeenshire Council's Disciplinary Procedure for teachers.

In relation to any disciplinary hearing convened under the procedure, the Head Teacher will produce a comprehensive statement including the following:

- Details of the teacher's alleged failure to maintain the standards described in the Standard for Full Registration with clear identification of which aspects are alleged not to be of the required standard
- How and why it is alleged that the teacher has fallen below the required standard of performance
- Details of the support mechanisms and professional development opportunities offered to the teacher
- The process, documentation and duration of Stages 1 and 2 alleged not to be of the required standard
- The performance milestones during the process
- The teacher's performance at the start of the support stage
- The teacher's performance at the end of the support stage.

This information will also be considered in any referral of the case to the General Teaching Council for Scotland (GTCS), which constitutes Stage 4 of this procedure.

Stage 4 – Referral to GTCS

A case must be referred by the employer (or former employer) to GTC Scotland under the terms of Article 25 of the Public Services Reform (GTC Scotland) Order 2011 if:

- The teacher is dismissed; or
- The teacher resigns or leaves their post in the context of a possible dismissal.

Such referrals should be made to the Fitness to Teach Department at GTC Scotland.

The employer must explain to GTC Scotland the circumstances which caused them to dismiss the registered teacher or to conclude that they would have, or might have, dismissed the registered teacher.

Information relating to GTC Scotland's procedures for dealing with such cases can be found in the Fitness to Teach Rules.

Referral to the GTC will take place only in connection with teaching competence, not administrative/managerial competence.

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Reviewers	Next Review Year
001	01 Sep 2005	Creation of new documents			
002	01 Nov 2012	Updated wording in line with FTC			
003	28 May 2015	Update			
004	06 Sep 2022	Updated links			
005	10 Apr 2024	Format update and updated links	HR Ops	L McLean	2025

Appendix One – The Resource Pack

