



ETC International College

ETC Managing Performance Policy & Procedures

July 2024

Content

1.0	Policy	1
2.0	Purpose.....	1
3.0	Scope	1
4.0	Principles	2
5.0	Responsibilities	2
6.0	Procedures.....	2
7.0	Monitoring and Review	6
8.0	Distribution.....	7
9.0	Contacts.....	7
10.0	Cross Referencing	7

This document replaces the document “*ETC Procedure for Improving Teacher Performance*” and now applies to all staff at ETC International College.

	Name and Directorate	Date
This version compiled by:	David Jones, Principal	July 2024

1.0 Policy

The company has a duty to ensure that the performance standards required of employees are fair and understood, and that our employees are fully supported and encouraged to meet the necessary requirements.

This policy is intended to provide guidance on managing situations where employees are incapable of meeting the required standards of the role with particular reference to the employee’s job specification, contract, client and colleague feedback, lesson observations (where appropriate), samples of the employee’s completed work in hard copy, the ETC Company Handbook and any other company rules and regulations in force.

Unacceptable standards of work resulting from an individual’s conduct which is deliberately obstructive or uncooperative should be handled as misconduct in accordance with the company’s ‘*Disciplinary Rules and Procedures*’.

2.0 Purpose

To manage situations where individuals are incapable of performing their current role, despite training and development interventions.

3.0 Scope

This policy applies to all employees who have successfully completed their probationary period.

3.2 Employees who have previously completed a successful probationary period within ETC International College and have been promoted or transferred to a new job role should receive a comprehensive training period as would any new recruit. It is advisable that managers follow normal training programs for such staff, holding monthly performance reviews for the first 3 months. Employees who are unable to attain the required standards should subsequently be managed in accordance with this policy.

4.0 Principles

This policy is not intended to replace the need for day to day performance coaching and development.

Use of this policy is based on the principle of 'no blame' insofar as the individual may be incapable of meeting the required standards as opposed to intentionally performing to unacceptable levels, which is dealt with by the company's *'Disciplinary Rules and Procedures'*.

5.0 Responsibilities

- 5.1 All formal stages of the procedure must be undertaken by an employee's line manager. It remains the line managers' responsibility to manage the process fairly and consistently.
- 5.2 As a general rule the following table will be referred to when identifying the most appropriate levels of management to undertake certain courses of action. The table is a guideline only and depending on the employees position within the company alternative arrangements may be more appropriate. In these circumstances, the Principal / Director can give advice as to the most appropriate people to be involved.

	Teaching staff	Administrative, Marketing and ancillary staff	Managerial staff
Appeal against dismissal	Principal / Director	Director	Director / Alternative Director
Dismissal	DoS / Principal	Principal	Principal / Director
Appeal	DoS / Principal	Principal	Principal / Director
Formal	ADoS / DoS	Line Manager	Line Manager / Principal
Informal	ADoS / DoS	Line Manager	Line Manager / Principal

- 5.3 The Principal will provide guidance and assistance to all parties involved in matters of discipline. Whilst the Principal may have previous knowledge of a case, any advice given will be independent and without bias.

6.0 Procedures

Procedures

6.1 Informal Procedure

- 6.1.1 Where a line manager considers that an employee's performance is

unacceptable, the employee will be invited to an informal discussion with the line manager. This discussion will focus on the areas of poor performance, using relevant examples, facts and / or figures as well as ascertaining whether the employee accepts that there is a problem. Opportunity should be given to the employee to give explanations for the unsatisfactory performance.

- 6.1.2 Should the discussion establish that the poor performance is due to a lack of relevant skills the employee, where reasonable and appropriate, will be offered help to obtain necessary skills through training and supervision. The employee will be given such time as the company considers appropriate to reach the required standard of performance.
- 6.1.3 Where poor performance results from a lack of support, equipment or necessary facilities the company will seek to address this by providing, where reasonable, appropriate assistance. The employee will then be given such time as the company considers appropriate to reach the required level of performance.
- 6.1.4 Where unsatisfactory performance is not due to the above reasons and where the employee has not previously been informed of their poor performance, clear guidance should be given on how the employee is expected to improve. Appropriate arrangements should be made to monitor the employee's performance, together with a follow up meeting to discuss progress following a specified time frame.
- 6.1.5 The manager should make a record of the conversation and provide a copy for the employee so that both parties are clear on the improvements that are required to be made.
- 6.1.6 Following this informal meeting, and the monitoring of the employee's performance if the individual continues to fail to meet the required standard of performance, the line manager may then decide to invoke the formal procedure.

6.2 Formal Procedure

6.2.1 Performance Improvement Meetings

- 6.2.1.1 STEP ONE – Statement of grounds for action and invitation to meeting
- 6.2.1.2 The company will write to the employee requesting that they attend a formal meeting in accordance with this policy - '*Managing Performance Policy and Procedure*' - to discuss their failure to meet the required performance standards. The letter will enclose any supporting documentation and advise the employee that they have the right to be accompanied at the hearing by their trade union representative or a work colleague of their choice.
- 6.2.1.3 The employee will be given a minimum of 24 hours' notice in writing of the meeting and the employee will be told that he or she will have an opportunity at the meeting to put forward an explanation. In exceptional circumstances, for example, holidays, an employee may waive the right to 24 hours' notice, thereby enabling the meeting to take place sooner.

6.2.2 STEP TWO – The Performance Improvement Meeting

- 6.2.2.1 The meeting will normally be conducted by the employee's first level of management (line manager), accompanied by a note taker. At the meeting the line manager will remind the employee of the steps taken to encourage improvement. He / she will again discuss the areas of poor performance and the results of the monitoring process. The employee will have an opportunity to raise any points, which he or she wishes to have considered. If, after the meeting, the line manager believes that there is a shortfall in performance, which requires further action, a formal warning will be issued in accordance with paragraph 7 below.
- 6.2.2.2 The manager presiding over the hearing may adjourn the proceedings at any stage if this appears necessary. Any adjournment will normally be for a stated period.
- 6.2.2.3 On completion of the meeting the manager will adjourn to fully consider the case. The hearing will be reconvened and the employee verbally informed of the decision. This will be followed up in writing within 7 working days or as soon as reasonably practicable.
- 6.2.2.4 All formal performance warnings will set out:
- The nature of the under-performance
 - The level of improvement required
 - Any additional training and support which has been agreed to help the employee
 - The time limit for achieving the required improvement
 - Any interim review meetings to be held during the duration of the performance warning
 - What will happen if the employee fails to achieve or maintain the required standard of improvement, and
 - How long the warning will remain active on the employees file.
- 6.2.2.5 The letter will also inform the employee of the right to appeal under this procedure.

6.2.3 STEP THREE – Appeal

- 6.2.3.1 All employees will have the right to appeal against any formal performance improvement warning. Employees should note that an appeal hearing is not intended to repeat the detailed discussions of the performance improvement meeting, but to focus on specific factors which the employee feels have been dealt with unfairly or which have received insufficient consideration.
- 6.2.3.2 If the employee wishes to appeal they should do so in writing to the appropriate line manager no later than 7 working days of the date of the written decision relating to the warning imposed. The letter of appeal should set out the reason(s) for the appeal and provide any new additional

information in support of the appeal, which was not discussed at the performance improvement meeting.

- 6.2.3.3 The appeal will be heard by the next level of management to the one who heard the meeting, where a more senior manager is not available a different manager at the same level will hear the appeal. The appeal hearing will be heard within 10 working days of receipt of the employee's appeal letter or at the earliest mutually-convenient time.
- 6.2.3.4 The employee has the right to be accompanied by a trade union representative or work colleague at the appeal hearing.
- 6.2.3.5 The employee will receive written notification of the outcome of the appeal within 7 working days or as soon as is reasonably practicable. If there is any delay the employee will be informed. The appeal decision will be final and there will be no further right of appeal.

6.2.4 Outcome of the Appeal Hearing

- 6.2.4.1 The original decision may be confirmed, overturned or reduced to another stage. Except in relation to a decision to dismiss, formal action will not be confirmed until an appeal is decided. If an appeal is upheld, formal action will be effective from the date of the original decision being communicated to the employee.
- 6.2.4.2 In the case of dismissal, the dismissal shall take immediate effect from the date when the decision to dismiss is communicated to the employee. If the dismissal is overturned on appeal, the employee will be reinstated.

6.3 Formal Warnings

The company reserves the right to implement the procedure at any stage should the outcome of the initial informal meeting suggest that the performance failing warrants it.

6.3.1 Performance Improvement Verbal Warning

If the company considers that an employee needs to improve their performance, the employee will receive a performance improvement verbal warning. A copy of the warning will be placed on file and will remain in force for a period of 9 months.

6.3.2 Performance Improvement Written Warning

If the employee's performance warrants it, or if there is no improvement, or insufficient improvement, or the improvement in performance is not maintained during the currency of the verbal warning, the employee will be invited to a further performance improvement meeting, as outlined above to review their performance. In the absence of a satisfactory explanation, the company may issue a performance improvement written warning. A copy of the warning will be placed on file and will remain in force for a period of 12 months.

6.3.3 Performance Improvement Final Warning

If the employee's performance warrants it, or if there is no improvement, or insufficient improvement, or the improvement in performance is not maintained during the currency of the written warning, the employee will be invited to a further performance improvement meeting, as outlined above to review their performance. In the absence of a satisfactory explanation, the company may issue a performance improvement final warning. A copy of the warning will be placed on file and will remain in force for a period of 12 months.

6.4 Dismissal

If there is no improvement, or insufficient improvement, or the improvement in performance is not maintained during the currency of the final written warning, the employee will be invited to a further performance improvement meeting, as outlined above. In the absence of a satisfactory explanation the company may decide to dismiss the employee with notice.

6.5 Alternatives to dismissal

The company may, as an alternative to a final written warning or dismissal, demote the employee, or transfer the employee to another role which is believed to be more appropriate, and if appropriate reduce the employee's salary and benefits accordingly.

6.6 Representation

- 6.6.1 At each stage of the procedure, the employee will have the right to be accompanied by a trade union representative or a work colleague of their choice. There is no right for any employee to be accompanied by a partner, spouse or legal representative.
- 6.6.2 If the employee's representative is unable to attend a hearing on the date proposed, an alternative time and date can be agreed so long as it is reasonable and does not unduly delay the procedure.
- 6.6.3 The employee will not have the right to be accompanied by a representative if the performance problem is dealt with under the informal stage of this procedure.

6.7 Records

- 6.7.1 The company will keep a record of actions taken in accordance with this policy, including the written statement setting out the concerns about the employee's performance, all letters sent to or by the company in relation to performance, minutes of meetings and appeal hearings. These records will be maintained in accordance with the company's obligations in terms of data protection requirements.

7.0 Monitoring and Review

This policy is effective immediately and will be reviewed regularly.

8.0 Distribution

This policy will be available to employees via Hard copy.

9.0 Contacts

For support and guidance on the practical application of this policy and procedure please contact the Principal.

10.0 Cross Referencing

This policy refers to the following other human resources policies:

‘Disciplinary Rules and Procedures’

**This version updated July 24 Board of Governors
Next update due July 2027**