



PERFORMANCE IMPROVEMENT POLICY AND PROCEDURE

Agreed: Autumn 2025

Review: Autumn 2026

Statutory

Annual

This policy and procedure have been based on the Surrey County Council template.

1. Policy statement

The Performance improvement policy and procedure outlines the school's approach to managing underperformance.

It should be read in conjunction with the Guide to Ensuring a Fair Process and Providing Employee Support. Please contact the School Business Manager for these documents.

It should be used to support the effective management of performance and its implementation should not be seen as a forerunner to dismissal, although there may be instances where ultimately dismissal is applied due to no improvement.

Minor concerns about performance should be addressed during regular one-to-one meetings, feedback sessions and performance conversations. This policy and procedure should be used when improvements cannot be achieved in this way.

The performance improvement procedure ensures that an employee is given adequate time in which to demonstrate improved performance before further action is taken. However, where an employee's unsatisfactory performance is sufficiently serious, for example in cases where the employee's actions have had or are liable to have a serious or harmful impact on the school, there is the potential for a performance concern to progress straight to the formal stages of the procedure or in cases of alleged gross incompetence, to a formal capability hearing.

2. Policy scope

This policy and procedure applies to all Surrey County Council (SCC) employees on Surrey Pay and teachers.

Those who are within their probationary period of employment: please see the probation policy.

3. When does the performance improvement procedure apply?

The performance improvement procedure applies where the employee is unable to perform work which is expected as part of their job role to a required standard due to insufficient skill level, ability, competence, or knowledge.

It also applies to performance issues relating to a disability or long-term health condition, where the employee is at work and is not off sick or away from work for a reason connected with their disability or long-term health condition. Appendix A details how the procedure should be adapted where there are concerns about the capability of an employee arising due to a disability or long-term health condition.

In circumstances where there are concerns about the capability of an employee arising due to sickness absence, this should be managed using the Staff Absence policy.

Where an employee's poor performance is believed to be the result of deliberate negligence or misconduct, or where serious errors have been made by them to the detriment of the school, managers should use the Disciplinary Policy and Procedure.

4. Key principles

The following guiding principles underpin this policy and procedure and should be observed to maximise overall benefit for the school and its employees:

- We treat employees in a fair and consistent manner
- We support managers to fulfil their responsibility to maintain high standards of employee performance
- We improve employee performance wherever necessary and practicable
- We manage performance issues swiftly and effectively.
- Except in cases of gross incompetence, we will support employees to improve their performance and give them adequate time to improve.
- We protect the council, its employees, clients, the public, and recipients of council services from the consequences of poor performance.

In the first written communication, we will:

- Provide employees with the contact details for [Employee Assistance](#) support services
- Encourage employees to contact their trade union representative if they have one.

5. Managing performance – the informal stage

Performance issues should be identified as early as possible, and the line manager should take steps to resolve these issues by providing or arranging support and/or training to enable the employee to meet the standards required. In schools, depending on size and structure, the informal stage may be led by the headteacher, but it may be more appropriate for a member of the senior leadership team (SLT) to take on this role.

The line manager should gather examples and evidence to highlight where the employee's performance is falling short. A private meeting should be arranged by the line manager with the employee to discuss the performance issue(s), to find solutions and to agree a way forward. The employee should be informed in writing that this is the informal stage and that it is a supportive process.

During the meeting the line manager should ensure that the employee understands what aspects of their performance need to improve; should try to ascertain whether the employee is experiencing any problems that are hindering their performance and the reasons for them (including any external factors such as ill-health or personal circumstances) and should discuss what measures might be helpful in supporting the employee to reach the required standards which might include:

- Training, retraining or development
- Referral, where appropriate, to Occupational Health (where health issues are of concern)
- Undertaking a stress risk assessment, where stress is identified as a concern by the manager or employee
- Mentoring or coaching
- Closer supervision for a limited period
- Temporary alterations to duties, which do not change the job, but allow the employee to develop at a slower pace
- Ensuring a manageable workload.

5.1 Informal Performance Improvement Plan (PIP)

Together, the manager and employee should draw up a PIP which is a supportive measure to help the employee to improve their performance. Where made, a referral to Occupational Health need not delay the drawing up of a PIP. In most cases it will be possible to identify some support measures prior to receiving recommendations resulting from the Occupational Health referral. Additionally, reasonable recommendations for support measures coming out of an Occupational Health referral can be added into the PIP once received, discussed, and agreed with the employee.

The purpose of the PIP is to document the current performance issue, establish what is expected and then mutually agree targets and objectives, which need to be actioned by the employee to achieve or exceed the required levels of performance. The targets/objectives should be clear and achievable. The PIP will also define the measures the school will take to support the employee in achieving those targets/objectives. Realistic timelines to achieve the targets/objectives (normally 1 to 2 months) will be set against each area of improvement.

Throughout the duration of the PIP, regular meetings will be set between the employee and their manager to monitor progress. The PIP will be for a minimum period of 1 month and up to a maximum of 2 months depending upon the nature of the under-performance and any support in place. At the end of the period, where an employee has shown measured improvement in some areas but has not met the required performance standard overall, the review period may be extended. This should be for no longer than 1 month, where there has already been a 2-month review period.

The employee must be informed in writing that if they are unable to improve their performance and meet the performance standards set out in the PIP over the timescales agreed, the manager will move to the formal performance improvement procedure. The employee must also be informed in writing that their pay progression increment will be paused until they have reached the required standards for the role (see section 12).

6. Managing performance – the formal procedure

Where an employee has not successfully met the requirements of their PIP and has been unable to meet the required acceptable standards of performance for the role, the employee will be invited to a formal stage 1 performance improvement meeting. The purpose of this meeting will be to discuss the employee's performance and decide what additional measures should be taken to help the employee to improve their performance to the required acceptable level.

An employee should inform their line manager (this will be the person who led the informal stage) of any reasonable adjustments that may be required during the process.

The employee will be informed in writing of the formal meeting, with at least 5 days' notice of the meeting date. The invitation letter will detail the points for consideration and inform the employee of their right to bring a trade union representative or work colleague with them to the performance improvement meeting.

In cases of more serious performance issues, but short of gross incompetence, the manager can recommend commencing the formal procedure at stage 2.

7. Formal stage 1

7.1 Stage 1 performance improvement meeting

The formal stage 1 performance improvement meeting will be led by the employee's line manager (person who led the informal process).

At the stage 1 performance improvement meeting the manager will:

- Outline the shortfall between the employee's performance and the standards required
- Explain the issues the unsatisfactory performance is causing
- Explore the causes of the employee's poor work performance and how these can be overcome
- Review the assistance already provided and consider what further support and development is needed to assist the employee.

At the meeting, the employee will be given an opportunity to ask questions, comment on the issues and put forward any explanation they may have for the matters identified by their manager as amounting to poor performance.

After the meeting, the manager will review all the evidence and decide what action to take. Outcomes of the meeting may be a decision to:

- instigate a monitoring period and together with the employee will draw up a further Performance Improvement Plan (PIP) which, depending on the shortfalls in performance, can be implemented for a period of 1 to 2 months. The PIP should link to and reference the informal PIP that was put in place at the informal stage.
- refer the matter for investigation under the disciplinary procedure if the line manager has evidence that the poor performance is because of deliberate negligence or wilful poor performance.
- make a referral to Occupational Health (where performance capability issues may be due to a disability or health condition).
- take no further action

As outlined in section 5.1, where made, a referral to Occupational Health need not delay the drawing up of a PIP and any additional, reasonable recommendations for support measures coming out of an Occupational Health referral can be added into the PIP once received, discussed, and agreed with the employee.

Within 5 working days, the manager will write to the employee to confirm the decision and, if applicable, confirm details of the PIP. Where a PIP and monitoring period have been set up, the letter will make clear the nature of the improvement that is required in the employee's performance and the timescale for making these improvements and will advise that failure to improve performance within the timescale may result in the employee moving to stage 2 of the formal performance improvement procedure. The employee must be informed that their pay progression increment will be paused until they have reached the required standards for the role (see section 12). The letter will constitute a formal notice to improve and will remain on the employee's file for 12 months. The employee should be notified in the letter of their right of appeal.

The manager will monitor the employee's performance and provide regular feedback during the monitoring period by holding progress review meetings.

Before the monitoring period is due to end the employee will be invited, in writing, to a stage 1 performance improvement review meeting. The manager will prepare a progress report, which will be discussed at the formal stage 1 performance improvement review meeting.

7.2 Stage 1 review meeting and potential outcomes

The purpose of the review meeting is to consider and discuss the report the line manager will have prepared on the individual's progress against the agreed targets and objectives.

From the discussions held in the review meeting the line manager will be able to ascertain if sufficient improvement in performance has been achieved.

The potential outcomes of the stage 1 performance improvement review meeting include:

Successfully achieving satisfactory standards of performance required for the role.

If this is the case the line manager will confirm, in writing within 5 working days, that no further action is required, and the formal process ends at this point. Regular one-to-ones and performance conversations/the appraisal process for teachers will resume. If the standard of performance or capability falls below the required standards at any stage during the 12 months following the date of the notice to improve, the line manager may decide to initiate stage 2 of the procedure.

Failing to reach satisfactory standards of performance required for the role.

If this is the case, the manager will confirm, in writing within 5 working days one of the following outcomes:

If there has been sustained improvement, but the employee is not yet meeting satisfactory standards of performance, the PIP may be extended and/or amended and run for a further 1 month. In this case, a further stage 1 performance improvement review meeting will be held at the end of that extended review period.

If there has been no or insufficient improvement in performance the employee should be advised that the case will be progressed to a stage 2 performance improvement meeting. If this is the case, the manager will confirm, in writing within 5 working days, that the employee has failed to reach satisfactory standards of performance as required for the role and will inform the employee of progress to a stage 2 performance improvement meeting. The invitation letter will confirm the manager's continued concerns, detail the points for consideration and inform the employee of their right to bring a trade union representative or work colleague with them to the meeting.

8. Formal stage 2

8.1 Stage 2 performance improvement meeting

The formal stage 2 performance improvement meeting will be led by the employee's line manager or by the line manager's manager. In schools, the formal stage 2 will normally be led by the Headteacher, unless they have been involved in the process, or by one or more of the governors.

At the stage 2 performance improvement meeting the manager will outline the areas of performance that are continuing to cause concern and reiterate the standards required. The manager will:

- Explain the impact of the continued unsatisfactory performance
- Explore the causes of the employee's poor work performance and how these can be overcome
- Review the assistance already provided and consider whether there is any further reasonable support and development that could be provided to assist the employee.

At the meeting, the employee will be given an opportunity to ask questions, comment on the issues and put forward any explanation they may have for the matters identified by their manager as amounting to poor performance.

After the meeting, the manager will review all the evidence and decide what action to take. Outcomes of the meeting may be a decision to:

- instigate a further monitoring period, normally of up to 1 month. The PIP that was set up at stage 1 may be amended or adjusted with an agreed action plan for this further period. However, it may be concluded that no amendments or adjustments to the PIP are needed as all reasonable steps have been taken and all reasonable support given that should have allowed the employee to perform to an acceptable standard.
- refer the matter for investigation under the disciplinary procedure if the line manager has reason to believe that the poor performance is because of deliberate negligence or wilful poor performance
- make a referral to Occupational Health (where capability issues may be due to a disability or health condition).
- take no further action

As outlined in section 5.1, where made, a referral to Occupational Health need not delay the drawing up of a PIP and any additional, reasonable recommendations for support measures coming out of an Occupational Health referral can be added into the PIP once received, discussed, and agreed with the employee.

Within 5 working days, the manager will write to the employee to confirm the decision. Where a further monitoring period (which should normally be no longer than 1 month) has been set up, the letter will make clear the nature of the improvement that is required in the employee's performance and the timescale for making these improvements. The employee must be informed that their pay progression increment will be paused until they have reached the required standards for the role (see section 12).

The letter will also advise that if the necessary improvements do not take place, the case will be progressed to a capability hearing and that one potential outcome of that hearing might be the employee's dismissal from the council/school. It should also notify the employee of their right of appeal. The letter will constitute a final stage formal notice to improve and will remain on the employee's file for 12 months.

The manager will monitor the employee's performance and provide regular feedback during the monitoring period.

Before the monitoring period is due to end the employee will be invited, in writing to a stage 2 performance improvement review meeting. The manager will prepare a report, which will be discussed at the formal stage 2 performance improvement review meeting.

8.2 Stage 2 Review meeting and potential outcomes

The purpose of the review meeting is to consider and discuss the report the line manager will have prepared on the individual's performance and progress against the agreed targets and objectives. From the discussions held in the review meeting the line manager will be able to ascertain if sufficient improvement in performance has been achieved.

The potential outcomes of the performance improvement review meeting include:

Successfully achieving satisfactory standards of performance required for the role.

If this is the case the line manager will confirm, in writing within 5 working days, that no further action is required, and the formal process ends at this point. Regular one-to-ones and performance conversations/the appraisal process for teachers will resume. If the standard of performance or capability falls below the required standards within 12 months from the date of the final notice to improve, the employee will be asked to attend a capability hearing.

Failing to reach satisfactory standards of performance required for the role.

If this is the case, the manager will confirm in writing that the case will be progressed to a capability hearing and that one potential outcome of that hearing might be their dismissal from the council/ school.

9. Capability hearing

The employee will be invited, in writing, to attend a capability hearing, which will be chaired by a manager more senior than the employee's line manager. This meeting could be chaired either by the headteacher (assuming the power to dismiss has been delegated and they have had no prior involvement in the case) or a panel of governors not previously involved in the case.

The employee will be given 5 working days' notice of the meeting in writing and informed of their right to be accompanied by a trade union representative or colleague. The employee will be issued with copies of the documents that will be referred to within the hearing. Within the invitation letter

the employee will be notified that one of the potential outcomes of the hearing could be that they are dismissed from the council or school's service.

At the meeting, the manager will discuss the areas of concern. The employee will have the opportunity to respond.

9.1 Capability hearing potential outcomes

Where the Chair decides that the level of performance is such that the employee can no longer fulfil the requirements of the job, they can:

- dismiss the employee from the current role but seek to find suitable alternative work during the notice period. This will only apply in extenuating circumstances, for example where an employee was promoted beyond their capability but performed exceptionally in their previous role and statutory provisions allow for this. Where a suitable alternative role is found and an offer to redeploy is made, the employee is free to refuse the offer.
- dismiss the employee without recourse to seeking alternative employment. Any dismissal will be with notice or with payment in lieu of notice if the contract of employment allows.

In exceptional circumstances and having heard all the evidence, the chair can instead decide to instigate a final, short monitoring period and review.

The decision of the Chair should be communicated to the employee in writing within 5 working days of the meeting. The employee should be notified of their right of appeal against dismissal in that letter. Decisions to dismiss teachers in voluntary controlled and community schools must also be notified to the local authority without delay so that formal notice can be served within the statutory 14-day period.

10. Gross incompetence

In exceptional cases, there is the potential for a performance concern to progress straight to a capability hearing, without the requirement to undertake the informal stage and formal stage 1 and 2 meetings. This will only apply in cases of gross incompetence that potentially give grounds for summary dismissal, even if the actions are not resulting from deliberate negligence or misconduct. In this situation, the normal process for arranging and inviting an employee to the formal capability hearing will apply.

11. Appeals

Appeals against notices to improve employees have the right to appeal against a decision to issue a first or final stage notice to improve their performance, however the appeal must be based on one of the following specific grounds:

- That there was a defect in the procedure applied
- That new evidence has emerged, that was not known at the time of the meeting or hearing, which may have materially changed the outcome of that meeting or hearing

If the employee wishes to exercise their right of appeal, they must do so in writing (by email or letter) to an appropriate senior manager/director within 5 working days of being notified of the decision. Their email or letter must outline their grounds for appeal, providing the rationale or evidence in respect of the grounds.

The appeal will normally be considered by a more senior-level manager than the manager who issued the notice to improve. If the appeal is based on one of the specific grounds, an appeal hearing will be convened.

The employee will have the right to be accompanied at an appeal hearing by a colleague or trade union official.

A decision will normally be given verbally and confirmed in writing within five working days of the appeal hearing. The decision of the chair is final.

11.1 Appeals against dismissal or redeployment

Employees have the right to appeal against a decision to dismiss or to offer redeployment.

Appeals against dismissal or redeployment can be made on the following grounds:

- That there was a defect in the procedure applied
- That new evidence has emerged, that was not known at the time of the hearing, which may have materially changed the outcome of that hearing
- That the decision was too severe
- That mitigating circumstances were not fully considered when determining the outcome
- That not all relevant evidence was considered

If the employee wishes to exercise their right of appeal, they must do so in writing (by email or letter) to an appropriate senior manager/director within 10 working days of being notified of the decision. Their email or letter must outline their grounds for appeal, providing the rationale or evidence in respect of the grounds.

The appeal will normally be heard by a member of the leadership team of the employee's directorate, as appointed by the senior manager, who has not previously been involved in the proceedings. A senior manager will normally chair any appeal against dismissal. In schools, the appeal should be lodged with the clerk to the governors. A separate panel of governors not involved in the original decision process would be convened to hear the appeal.

The employee will have the right to be accompanied at an appeal meeting by a colleague or trade union official.

A decision will normally be given verbally and confirmed in writing within five working days of the appeal hearing. The decision of the chair is final.

12. Pausing pay progression increments

Where performance is below the required standards for the role, the employee has a performance improvement plan in place and has been notified that this will affect their ability to earn a pay progression increment, their increment will normally be delayed until the required standards of performance are achieved.

On achieving the required standards of performance as outlined in the PIP, the pay increment will be implemented on and effective from the first of the month following the performance review meeting. It will not be backdated.

For further information on the procedure for pausing a pay progression increment, please see the pay policy.

An increase in pay as a consequence of the annual salary review will not be withheld.

13. Remote proceedings

Wherever possible, meetings under this procedure will be held face-to-face. Where it is not possible, we will conduct the process remotely. We will ensure that employees and their representatives have access to the necessary technology for participating. We will ensure that the procedure remains fair and reasonable.

14. Recording meetings

We will take a written record of all meetings conducted under this procedure. This will be done either by the person holding the meeting or by an additional person arranged by us to take notes.

Neither the employee nor any person acting on their behalf is normally permitted to record electronically any meeting that we hold under the performance improvement procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.

In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

15. Grievances

If an employee has a concern relating directly to the instigation or application of the performance improvement process, there is opportunity within the process for the concern to be raised. It is not necessary for the employee to raise a grievance through the grievance procedure.

In most cases the concern will be considered and addressed as part of the performance improvement process, and the process will not normally be paused to hear the concern separately.

Depending on the concern being raised there may be occasions when the performance improvement process is paused at the discretion of the council/school whilst the concern is heard separately through the grievance procedure. For example, in some cases of alleged discrimination in the application of the performance improvement process. If such an allegation is made the manager hearing the grievance can consider if the performance improvement process will continue.

If an employee has a concern during the performance improvement process that is unrelated to the instigation or application of that process their concern will be addressed separately. The proceedings of the performance improvement process and the proceedings of the grievance procedure will run independently and, to ensure that the concern is dealt with fairly and promptly, may run concurrently.

In all cases a judgement should be made on the most appropriate way of handling the two issues without unreasonable delay; it is rare that it will be necessary to postpone formal performance improvement proceedings to deal with other concerns raised. HR advice should be sought if the appropriate course of action is unclear.

16. Partnership working

If the employee is working across organisations and/ or as part of an integrated team, it is the policy of their employer which will apply and should be followed in managing a performance improvement process. The manager does not have to be employed by the same employer and advice can be sought from the HR helpdesk (or the school's HR provider) for specific cases where this situation applies. Managers from partner organisations will be expected to implement this policy and associated procedure when they are managing Surrey County Council (SCC) employees, with support from SCC management and /or HR.

If the employee is not wholly employed by one employer, advice should be sought from the relevant HR teams for both employers to identify and agree how the underperformance should be managed across the organisations. Please note, this is in relation to employment status and not how the post is being funded.

17. Safeguarding concerns

17.1 Safeguarding procedures for employees working with children or vulnerable adults

In cases involving serious allegations of incompetence against an employee who works in a position of trust with children or vulnerable adults, the relevant safeguarding team or LADO should be informed immediately by the manager and, if appropriate, a strategy or Allegations against Staff and Volunteers (ASV) meeting set up. There may be a requirement to pause the internal capability hearing pending enquiries by external agencies (for example, police or social services). If a safeguarding investigation needs to take place this is separate to the capability process.

17.2 Referral to the Disclosure and Barring Service (DBS)

If an organisation removes an individual (paid worker or unpaid volunteer) from their employment with children or vulnerable adults (or would have, had the person not left first) because the person poses a risk of harm to adults and/or children, the organisation has a legal duty to make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

Referrals should be made promptly once employment has ended and should be supported by any relevant evidence and the employee should be informed in writing, usually at the point a decision to dismiss is notified, or the employee's resignation is acknowledged. The line manager or appropriate manager, in consultation with HR, is responsible for making any such referrals and ensuring they are made in good time. In cases where referral to the DBS is likely to be necessary, particular care needs to be taken to ensure good records are kept of the capability evidence.

18. Professional bodies

18.1 Adherence to professional standards

SCC requires employees in registered professions (e.g., Social Work, Teaching), to adhere to the standards of professional practice set out by the profession and to their relevant codes of professional conduct. Contravention of professional codes, standards, practice, laws, or rules may be regarded as a capability issue and may lead to action being taken under the council's performance improvement policy or relevant performance capability procedures relevant to the profession.

18.2 Referral to professional bodies

Where performance concerns are of a sufficiently serious nature (gross incompetence) or if they raise significant risks, SCC may be required to refer the case to the employee's professional body in line with its requirements. The requirements of different professional bodies will differ. The employee will in all cases be informed that a referral will be made and may also wish to consider referring themselves where this is appropriate.

Where a professional body suspends, removes, or places conditions on an employee's professional registration, and this impacts on their role, SCC may need to take further action.

19. Teacher references

If a teacher has been subject to formal capability procedures in the previous two years, as stated in The School Staffing (England) (Amendment) Regulations 2012 and the Staffing and employment advice for schools, "this must be disclosed to new potential school employers when requested".

20. Roles and responsibilities

Line Managers and school governing bodies are responsible for implementing the policy in a fair and consistent manner.

Employees are responsible for engaging with and adhering to this policy and procedures.

Surry County Council will consult Trade Unions regarding the content of the policy and Trade Unions will be reasonably available to support and represent their members.

The Surrey County Council People and Change (HR) team are responsible for providing advice and guidance to Line Managers to support the fair application of this policy and procedure. The school will also seek advice from their HR Support.

We expect all parties to apply the policy fairly.

21. Relevant legislation

Equality Act 2010

The law on unfair dismissal requires employers to act reasonably. What is classed as reasonable behaviour will depend on the circumstances of each case. However, the core principles are set out in the [Acas Code of Practice on disciplinary and grievance procedures](#) (which apply equally to performance improvement/capability procedures) and its accompanying [Acas guide to discipline and grievances at work](#) which are adhered to in this policy and procedure.

The School Staffing (England) (Amendment) Regulations 2012 Staffing and employment advice for schools

22. Documents associated with this policy

- Guide to ensuring a Fair Process and providing Employee Support
- Guidance (FAQs)
- Performance Improvement Plan (PIP) template

23. Related policies

Disciplinary policy and procedure

Absence management policy and procedure

24. Glossary

Acronym or term	Definition
SCC	Surrey County Council. It can also be referred to as the council.
PIP	Performance Improvement Plan – a measure to help an employee achieve the required level of performance.
LADO	Local Authority Designated Officer responsible for managing allegations against adults who work with children.
ASV Meeting	Allegations against Staff and Volunteers Meeting – a meeting or discussion during which a decision is made on the strategy for managing an allegation. An ASV meeting, chaired by LADO will normally only be convened when it has been decided that the threshold of harm/risk of harm has been met.