Policy Statement

Addressing Unsatisfactory Performance Policy and Procedures

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Contact: Employment Relations
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Catholic Education
Diocese of Parramatta
Addressing Unsatisfactory Performance Policy and Procedures

Address Unsatisfactory Performance Policy and Procedures

Professional support and development strategies for unsatisfactory performance of an employee when usual supervisory processes have not been successful

Related Documents:

- The awards pertinent to employees in the Parramatta Catholic education system contain clauses addressing dispute procedures, suspension and termination
- Discipline Policy for Employees (2008)
- Discipline Procedures for Employees (2008)
- Maintaining Right Relations (2008)
- Child Protection Kit (CEO Parramatta)

Issued on behalf of the Parramatta Catholic education system and the Independent Education Union.

Signed: __________________   Signed: _________________________
Gregory B Whitby     Dick Shearman
Executive Director of Schools  General Secretary
Diocese of Parramatta      NSW/ACT Independent Education Union
ADDRESSING UNSATISFACTORY PERFORMANCE POLICY

STATEMENT OF COMMITMENT

The Parramatta Catholic education system is committed:

- to providing quality teaching and learning as students are our first priority (Vision Statement 1999)
- to providing all staff with appropriate growth-promoting development opportunities (Vision Statement 1999)
- to developing an educational and organisational culture which is ‘inviting inclusive and just’ (Vision Statement 1999)
- to developing ‘communities in which relationships are characterised by mutual regard, forgiveness and Christian hope’ (Vision Statement 1999)

RATIONALE

Students and their families can expect to receive quality teaching and learning from the Parramatta Catholic education system of schools. All schools engage in review processes at all levels to ensure the educational aims are being achieved. In order to ensure our schools are providing quality learning and teaching, all employees are required to engage in professional planning and review of their work performance.

Principals and senior Catholic Education Office personnel are required to address professionally and fairly issues of unsatisfactory performance. Members of staff whose performance is identified as not satisfactory are provided with appropriate guidance and support so that they may achieve the standards of competency required in the exercise of their role. Employees have a right to a fair and transparent process.

SCOPE OF POLICY

The following policy and procedures apply to all employees in the Parramatta Catholic education system. The aim of this policy is to assist employees to resolve areas of unsatisfactory performance by focusing on professional support and development strategies. The policy shall be implemented in accordance with appropriate industrial legislation and the relevant award and/or enterprise agreement.
RESPONSIBILITIES

Employee Responsibilities

Employees in the Parramatta Catholic education system have a responsibility to provide services that will assist teachers and students to engage in quality teaching and learning. They have a responsibility to:

- monitor and enhance their work performance according to the responsibilities in their role
- seek professional assistance to address the perceived deficient performance
- work cooperatively with colleagues
- strive as a member of the school or office community to create an environment supportive of educational excellence

In particular, teachers in the Parramatta Catholic education system have a responsibility to provide students with quality learning experiences and teaching. They have a responsibility to:

- monitor and enhance their teaching practice
- seek professional assistance to address areas of unsatisfactory performance
- engage in creative and critical reflection on their practice with colleagues
- strive as a member of the school community to create an environment in their classrooms and learning areas in which learning is purposeful and relevant to the lives and ongoing development of students

Employer Responsibilities

The Catholic Education Office has a responsibility to offer families a system of schools which are educating communities, schools in which students are first priority and staff members are assisted to develop professionally.

The Catholic Education Office has a responsibility to:

- provide students with the opportunity for quality teaching and learning
- provide resources for employees to engage in opportunities for growth-promoting development opportunities
- provide formative and developmental opportunities to assist staff whose performance is not conducive to quality teaching and learning
- take appropriate disciplinary action when the performance of a staff member does not improve to the required level following assistance through the development process

Principals in the Parramatta Catholic education system have a responsibility to provide educational leadership in schools so that quality teaching and learning is evident. They have a responsibility to:

- provide teachers with the support and resources to facilitate their work with student learning in the classroom
- recognise and celebrate the achievements of teachers and support staff
• provide teachers and support staff opportunities for ongoing development both as individuals and as a school community
• identify and assist teachers and support staff whose performance is not conducive to quality teaching and learning
• engage professionally in developmental processes with teachers and support staff whose performance is not satisfactory

UNDERLYING PRINCIPLES
The development process will be guided by the following principles:
• persons engaged in the process will be afforded natural justice
• the process will be conducted in a manner that is respectful of all parties
• the process will be conducted with procedural fairness ensuring fair practice and equity
• confidentiality will be observed
• the process will be conducted in a timely manner

COMMITMENT TO EMPLOYEES
An employee who is advised they must address unsatisfactory performance has the right to:
• be fully informed about areas requiring improvement as soon as these are identified
• receive advice that their performance is not satisfactory through usual supervisory processes such as mentoring and other informal measures prior to being advised a development process is required
• be fully informed in writing about the development process, including the time frame to be followed
• be advised and supported by a colleague who may be a union representative
• be treated fairly and impartially
• have the process handled confidentially and respectfully
• be fully informed about any action that will be taken
• appeal to an objective person external to the process

REVIEW
The Catholic education system, Diocese of Parramatta will monitor the use of this policy and ensure it is reviewed by the end of December 2011.
ADDRESSING UNSATISFACTORY PERFORMANCE PROCEDURES

PREAMBLE

In general, performance issues are addressed through usual supervisory processes and through professional development opportunities. Employees can expect to be assisted by their supervisors to address performance issues as they arise. It may be sufficient for the supervisor to advise the employee about the concern and discuss the issue with them with the objective of encouraging the employee to address the issue. It may be that an employee is not aware of conduct that is required and a clear explanation from the supervisor is all that is needed. Conversely, supervisors can expect that members of staff will engage in dialogue with them when they require support.

At times attempts to address unsatisfactory performance issues under usual supervisory processes are not successful. In such instances a development process may be used. Prior to the commencement of such a process the employer will advise the employee in writing that if required improvement does not occur in a defined timeframe the development process will be introduced. The development process is conducted as outlined in the following procedures. The process would usually be a ten (10) week process. A summary is provided in the flow chart in Appendix 1.

ROLES IN THE PROCESS

Employer delegate

The employer is represented by the term, employer delegate. In schools the employer delegate is usually the principal. At times the head of school services may be the employer delegate. For Catholic Education Office employees the employer delegate will usually be represented by the team leader or head of service. The employer delegate is responsible for overall management of the development process and for determining at the completion of the process if a satisfactory level of performance has been achieved.

Supervisor

The supervisor is usually the person the employee reports to in day-to-day matters. The supervisor advises the employer delegate on details relating to the employee's role, performance and expected outcomes. The employer delegate may, at times, fulfil the role of supervisor. The supervisor reviews the employee's performance during the process and provides the employer delegate with reports as required.

Peer Colleague

The peer colleague is a person who guides and coaches the employee throughout the development process. Their focus is professional formation. They assist the employee to reflect on their practice. The role is not supervisory. However, the peer colleague engages in reflective dialogue with the employee and supervisor throughout the process.

The peer colleague is selected with the agreement of both supervisor and employee. Appropriate time and resources will be provided to the employee and the peer colleague in order to allow effective dialogue to take place.

NOTE: At times the same person may perform the role of supervisor and peer colleague. This would need the agreement of both the employee and the employer delegate.
Support Person

The support person is a person who may attend meetings with the employee as a witness to the process. The support person may be a staff colleague, an IEU chapter representative or an IEU organiser. If the employee elects to have the support of an IEU organiser, an officer from the CEO will also attend meetings.

STEPS IN THE PROCESS

The following outline of process is designed on the assumption the process will be completed in a ten-week period. The length of the process may vary. It is recognised that because of varying circumstances, such as a week’s excursion or an employee on leave, the time line may need to be adjusted.

The steps are as follows:

1. **Assessing the need for the development process**
   Prior to a development process taking place, an employee can expect that their supervisor would have already raised any concerns with them and advised them in writing that if the required improvement does not occur a development process will commence.

   The employee’s supervisor discusses the areas of concern with the employer delegate and clearly identifies:

   - areas of alleged unsatisfactory performance
   - strategies that have already been used to try to address the performance issues
   - expected outcomes to be achieved

   The employer delegate confers with the head of school services or for CEO staff, the head of service, to assess the need for a development process.

   If after coaching and informal counselling have taken place and it is still determined that a development process is required, the process is planned in accordance with this policy and procedures. The Team Leader Employment Relations is part of this meeting to provide advice on the process to be followed.

   Subsequent to being advised of the need for the development process, the employee will have a right to respond directly to the employer delegate before a formal process commences. If the development process proceeds, they will be notified of the proposed development procedures to take place and may seek advice from the Independent Education Union.

2. **Advising the employee of need for the development process**
   The employer delegate meets briefly with the employee concerned to:

   - advise that it is necessary for a formal development process to be initiated
   - identify in general terms the areas of performance requiring development. These shall be consistent with unresolved areas of concern raised during professional dialogue and confirmed in step 1 above
   - arrange a suitable time for the initial meeting
• advise who will be present at the meeting e.g. employee delegate, employee and supervisor

• advise that the employee may wish to bring a support person who may be a union representative

• provide a copy of the *Addressing Unsatisfactory Performance Policy and Procedures* document

The arrangement is confirmed in writing (Appendix 2a).

If a school employee elects to have a union organiser as a support person, the head of school services will manage the process.

3. **Initial meeting**
The initial meeting will usually be attended by the employer delegate, supervisor, employee and support person (if desired). The employer delegate arranges for a record of the meeting to be kept.

The following matters are addressed at an initial meeting:

• employer delegate explains the context of the meeting and provides an overview of the *Addressing Unsatisfactory Performance Policy and Procedures*

• employer delegate identifies the employee’s strengths

• employer delegate advises the employee of the areas needing improvement and provides concrete evidence to support the need for development (e.g. student workbooks, assessment results, letters from parents)

• employee puts forward his/her perspective on the issues raised

• employer delegate makes any necessary adjustment to the areas identified in the light of the employee’s response

• employer delegate identifies the outcomes that are expected for performance to be considered satisfactory, taking into account the employee’s input

• employer delegate negotiates with the employee an agreed peer colleague for the process

The substance of the meeting is confirmed in writing (see Appendix 2b). (Note: Step 3 may require more than one meeting to complete).

4. **Planning the development program**
The employer delegate, employee (and support person), supervisor and peer colleague meet to address the following matters:

• the areas needing development are identified

• the performance required in each of the areas is clearly described

• how satisfactory performance will be identified or measured

• development strategies are negotiated which may include:
professional study or skilling

professional dialogue/reflection practices

professional reading

journaling

counselling, mentoring or coaching

teacher exchange

collegial teaching

observations/class visits by mentor

review meetings

- a timeframe for the process is negotiated. Appendix 1 provides a sample of the timeframe

- the development plan to be followed is confirmed in writing (Appendix 3).

The substance of the meeting is confirmed in writing.

5. **Commencing the development process**
   A three-week (approx) development period proceeds with the negotiated development strategies.

   For teachers, the period may include at least one scheduled and one unscheduled lesson visit by the supervisor, perhaps in the third (or final) week of the period. Following lesson visits the teacher, supervisor and peer colleague meet to discuss/review the areas under development. Release time is provided for this meeting (approx 40-60 mins).

   For employees other than teachers the period may include at least one scheduled and one unscheduled visit by the supervisor to monitor performance in a specified week – perhaps the third (or final) week of period. Following the visit, employee, supervisor and peer colleague meet to discuss/review the areas under development. This meeting of about 40-60 minutes is structured into the employee's workday.

6. **Review meeting**
   At the completion of the three (3) week development process the employee, peer colleague and supervisor meet. In preparation for this meeting the employee and supervisor reflect separately on the process to date, using the proforma in Appendix 4a. The meeting is chaired by the supervisor.

   At the review meeting the following matters are addressed:

   - areas identified as needing development are revisited
   - improvements are identified and affirmed
   - any area/s that have not improved are identified, providing examples of the lack of improvement
• if areas have not improved there is discussion and analyses of why there has not been improvement

• current development strategies are reviewed and if necessary changed

• the development process for the next three (3) weeks is negotiated

The meeting is conducted in a spirit of collegial support and honest dialogue. It is essential to locate specific performance issues, e.g., “classroom management”, within broader educational concepts such as ‘How children/young people learn’.

During the meeting a summary of the first three weeks of the development process is prepared and signed by the employee and supervisor (Appendix 4b).

If there is disagreement on any aspect of the summary the employee or supervisor may elect to add his or her own comments.

Copies of the summary are provided to the employee, the supervisor and employer delegate. If there has been improvement, the employer delegate commends the employee in writing. If there has been little or no improvement, the employer delegate will advise the employee in writing of the seriousness of the matter and that change in performance/behaviour is required otherwise it may be necessary to proceed with a disciplinary process.

7. Ongoing Development
The development program continues in weeks 4–6 as outlined above in Steps 5 & 6.

8. Review Meeting
A second review meeting is conducted as outlined above in Step 6.

9. Ongoing Development
The development program continues during weeks 7-9.

10. Final Review Meeting
The final review meeting between the employee, peer colleague and supervisor occurs in week 9.

The final report is prepared and distributed to employee, supervisor and employer delegate to allow all parties an opportunity to contribute to the Final Report.

11. The outcome of the process is determined
The employer delegate presents the final report to the head of school services or for CEO staff, the head of service, to assess whether unsatisfactory performance issues have been addressed. The final decision rests with the head of school services/head of service.

The employer delegate convenes a meeting, attended by the employer delegate, employee, supervisor and if requested support person. In some instances it may be helpful for the head of school services/head of service to conduct this meeting to explain their decision in person.

The purpose of the meeting is to discuss the outcome of the development process.

a) If performance issues are now addressed, the employer delegate affirms the development that has occurred, checks if any ongoing support mechanisms are required and thanks them for their commitment to the process.
b) If there is improvement but an area/s still needs improvement, the process is extended for a further period e.g. 4-6 weeks. During this time attention is focused on the specific area/s needing improvement.

c) If there is little or no improvement, the employer delegate informs the employee that they will recommend to the head of staff services that a disciplinary process commence according to the system *Discipline Policy and Procedures for Employees*.

The employee is advised of the outcome of the development process in writing. The head of school services/head of service offers the employee the opportunity to meet to review the outcome if they wish (see Appendix 5).

**APPEALS PROCESS**

An employee may choose to appeal an unsatisfactory performance decision on a number of grounds which could include the perceived unfairness of judgment, the severity of the action to be taken, new evidence coming to light or procedural irregularities.

An appeal needs to be lodged within five working days of the final meeting with the employee and is addressed to the executive director of schools.

The appeal will be conducted by an independent person who has not been involved in the disciplinary process.

The employee lodging the appeal will be informed in writing of the arrangements for the appeal hearing and the timeframe for the appeal.

The employee will be informed in writing of the results of the appeal and the reasons for the decision. The employee will be advised if the decision constitutes the final stage of the appeals process.

**RECORD KEEPING**

For school employees, a copy of the final letter advising the employee of the outcome of the development process is kept on the employee's confidential personnel file at the school.

For CEO employees a copy of the final letter is placed in the employee’s HR file at the CEO.

All documentation related to the development process is kept in a confidential file in the office of the employer delegate. The employee may have access to this file and receive a copy of any documentation held in the file.

**LIST OF APPENDICES**

1. Flow chart and time line
2a. Sample first advice letter
2b. Summary of initial meeting
3. Proforma for development plan
4a. Individual review summary-reflection sheet
4b. Signed review meeting
5. Final report
Employee identified as having unsatisfactory performance
Assess the need for development process after informal measure exhausted

Advise employee of issue/s and arrange meeting in writing. Employee may seek advice from the union

Initial meeting to identify areas for improvement and allow employee an opportunity to respond

Plan and design development program

Commence development process

Review meeting evaluation/reflection

Ongoing development

Review meeting evaluation/reflection

Ongoing development

Final review meeting evaluation/reflection

Outcome of performance management process is determined

Employer delegate convenes meeting to advise employee of outcome

Meets required standard of satisfactory

Extend development process

Focus on specific areas needing improvement

Little/no improvement – disciplinary action

Employee may appeal decision
Date

Dear Mr/Ms ……………..

As we have discussed, I am writing to advise you that there are areas of your performance as a [job title] that are not satisfactory.

In particular, I believe it is important for us to address performance issues in the following areas:

1. 
2. 
3.

I am advising you that a development process will commence to assist you to address these issues. I enclose for your information a copy of the process to be followed. There will be an opportunity to clarify this process when we meet.

As outlined in the document, you may elect to have a support person present at any discussions in relation to this matter.

I have scheduled an initial meeting for [insert time and date being at least 3 working days] to discuss my concerns in more detail and to provide you with an opportunity to respond. Attending this with me will be [supervisor].

Please do not hesitate to contact me prior to the meeting if you wish.

Yours sincerely

Employer Delegate

[end]
Summary of initial meeting

Name of employee:

Date of meeting:

1. Identified strengths of employee

2. Area for improvement
   NOTE: Section 2 is repeated if more than one area is being worked on – adjust space as needed

   Expected outcome

3. Any additional comments by employee

Employer delegate name and signature (dated)

I agree that I have sighted this document and had the opportunity to add comments.

Employee signature (dated)

[end]
Development plan

Employee’s name:

Supervisor:

Employer delegate:

Peer colleague:

Note: the following headings on this form are repeated if there is more than one area being worked on – adjust space as needed

- Area of performance to be improved
- Standard of performance required
- Development strategies to be implemented
- Monitoring procedures and dates for review

[end]
Reflection meeting

To be completed separately by employee and supervisor and brought to the review meeting. The following 4 headings are repeated for each separate area for improvement – adjust space as needed

- Area for improvement

- What are the indicators of improvement and what development strategies have assisted the improvement?

- What are the indicators that improvement is still not satisfactory and that development strategies were not effective?

- Review the development plan and suggest changes

Signed and dated

[end]
Record of review meeting

Persons attending:

Date:

The following 5 headings are repeated for each separate area for improvement – adjust space as needed

- Area for improvement

- Indicators of improvement

- Indicators of unsatisfactory performance

- Any additional or changed strategies
  (NOTE: it may be necessary to revise the development plan outlined in appendix 3)

- Any additional comments by employee

_________________________  
Supervisor (signed and dated)

I agree I have sighted this document and had the opportunity to add comments.

__________________________
Employee (signed and dated)

[end]
Final report

Name of Employee:

The following 3 headings are repeated if there is more than one area of improvement

- Area/s for improvement
- Indicators of improvement
- Indicators of unsatisfactory performance

Recommended outcome of the development process (indicate which is appropriate)

- Performance issues are now addressed and employer delegate commends employee for their commitment to the process
- Improvement is evident, however an extended development process is required
- There is little or no improvement, proceed to disciplinary action

Any additional comments by employee

________________________
Employee (signed and dated)

I agree I have sighted this document and had the opportunity to add comments.

________________________
Supervisor (signed and dated)