

4.5 PERFORMANCE MANAGEMENT

INTRODUCTION

Where an employee's conduct or performance is not meeting expectations, Lindfield Montessori School will support them with a performance management process as soon as possible. It is important, particularly where the performance concerns are based on information provided by other staff members rather than your own experience, that the concerns are not put to the employee as fact, but rather, as an allegation and seek their response.

MANAGING POOR PERFORMANCE CHECKLIST

Below is a checklist to assist in structuring the performance management process. The checklist relates to performance management of educators, but the principles and steps are the same for other positions.

Check performance management framework	Documentation	Circle
Refer to the MEA and code of conduct for steps that must be followed	Multi Enterprise Agreement (Teachers / Support Staff)	Yes / No
Review Preliminary Support	Useful Documentation	Circle
1. Does the employee really understand what is expected of their role?	Job description	Yes / No
2. Are your performance expectations reasonable? Would your standards of performance be seen as reasonable by a third party?	Institute of Teachers Standards	Yes / No
3. Has the employee received appropriate and reasonable support and training to assist them in performing their role?	Induction manual, name of mentor, agenda of training courses	Yes / No
4. Do you have the following documentation (evidence)?	<ul style="list-style-type: none"> Dates of incidents/copies of complaints/relevant emails Minutes of meetings outlining issues discussed and confirming the employee's responses to issues raised. Copies of useful supporting documentation provided 	Yes / No
Implementing a Performance Process	Useful Documentation	Circle
1. Have you informed the employee of the standards they are required to meet?	Letter outlining the problem areas and standards required to be met (e.g. job description, Institute of Teachers)	Yes / No
2. Have you informed the employee of the shortcomings in their performance and given them examples?	Can be done initially in a meeting and followed up by confirmation in writing.	Yes / No
3. Has the employee been given an adequate opportunity to respond to the examples and the alleged failure to	This could be done in a meeting or in writing. Minutes of meeting in which opportunity to respond has been provided	Yes / No

perform?	or written response by employee.	
4. Has due consideration been given to the employee's response to the examples and alleged failure to perform including any extenuating circumstances?	Minutes of meeting in which any response or issues were discussed (e.g. health issues). The school may need to request further information such as medical advice from the employee's treating doctor prior to making any employment decisions. In these instances, please consider seeking advice from an Employment Relations Advisor at AISNSW.	Yes / No
5. If you are satisfied that there are genuine performance concerns, what are the next steps to improve performance?	<p>Consider what steps should be taken to address performance concerns (e.g. performance improvement plan, warning letter) and the period over which performance will be monitored.</p> <p>When developing a performance improvement plan, consider what support can be provided to assist them to prove and ensure that goals set out in the plan are SMART (specific, measurable, achievable, relevant, and timebound) goals.</p> <p><u>Document outlining the timetable:</u></p> <p>Planned lesson observations</p> <p>Required documentation</p> <p>Regular meetings</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>

PERFORMANCE MANAGEMENT MEETING

If the school feels that they have reached a point where despite the support of the School, the employee is not making sufficient improvement, the School may wish to address these concerns in a performance management meeting. The potential outcome of this process could be taking disciplinary action against the employee such as a formal letter and/or commencing a formal performance improvement plan.

The steps for a performance management meeting are as follows:

STEP 1

Issue the letter to organise the performance management meeting to the employee. This letter is to outline the performance concerns and invite the employee to a meeting with their support person. Ensure the employee is given 24 hours' notice of the meeting to ensure the employee has adequate time to prepare a response. The School may choose to provide greater notice if the concerns are more serious (*see Appendix D: Template invitation to performance management meeting*).

STEP 2

Meet with the employee and their support person. The staff member holding the meeting should also have a support person to take minutes. At the outset of the meeting, remind the employee that their support person is there to provide emotional support and not to speak on their behalf. Let the employee know that they can take a break if needed.

STEP 3

Put the concerns to the employee and give them an opportunity to respond.

STEP 4

Let the employee know at the end of the meeting whether their response was satisfactory. If it was not, let the employee know that they will be issued with a warning letter and whether the School will be implementing a formal performance improvement plan.

If the School needs additional time to consider their response in making a decision, communicate this to the employee.

If a warning letter is not warranted, a Performance Improvement Plan is not commenced, however, the School's decision needs to be put in writing. The School may wish to put the employee on notice, that is, should the employee not make sufficient improvement, the School may implement a further performance management process in the future.

Depending on the nature of the performance concerns, the above steps may need to be repeated on multiple occasions, with multiple warnings issued. However, if the performance concerns relate to serious conduct issues, then a single warning may be sufficient.

FURTHER DISCIPLINARY ACTION – DISMISSAL

SUMMARY DISMISSAL

Termination by summary dismissal may occur where, for example, an employee:

- Disobeys a lawful instruction of the school
- Is guilty of other serious misconduct, e.g., physical or verbal aggression or abuse
- Is guilty of a criminal offence
- Continues to have performance issues, after the above steps have been taken.

The President has the authority to commence an investigation into an employee's conduct or performance. The President:

- may, if necessary, suspend the employee with full pay while considering any matter which, in the view of the school, could lead to the employee's summary dismissal, and
- should immediately advise the School's Governing Body who will then arrange a full investigation of the circumstances and facts of the matter with the parties directly involved.

In the event the teacher is unsuccessful in addressing the performance concerns	Useful Documentation	Circle
1. Is the level of under performance serious enough to warrant dismissal?	Consider nature of performance issues	Yes / No
2. Has the employee been given a reasonable opportunity to improve their performance?	Timeline outlining meetings/correspondence and period given for improvement	Yes / No
3. Was the employee warned that, if their performance did not improve, their employment may be terminated?	Letter indicating employment may be terminated if no improvement	Yes / No
4. Can you produce evidence of failure to teach the required performance standards?	<ul style="list-style-type: none"> Written lesson observation feedback indicating satisfactory or unsatisfactory performance. Written feedback on unsatisfactory performance in lesson planning, programming, classroom management etc. 	Yes / No
5. Does the employee understand all the circumstances leading to their dismissal, and the school's preliminary view?	<p>A letter outlining the school's preliminary view that the employee's employment should be terminated. The letter should outline the concerns, the performance process and the failure to improve.</p> <p>The employee should be provided with an opportunity to respond to the school's preliminary view before a final decision is made. This could be done in a meeting or in writing.</p>	Yes / No
6. Was anything raised by the employee that changed the school's preliminary view?	If no, then issue written notice of termination ensuring that notice is given in accordance with the MEA. It is also useful to set out in this letter the employee's accrued but untaken leave entitlements that will be paid to them on termination of employment.	Yes / No

Please note

- The school's position in relying on poor conduct or performance to terminate an employee is more difficult when counselling starts after the employee has performed to an unsatisfactory level for a considerable period without comment.
- Termination shall in all cases comply with appropriate legislation.
- If a President's nominee is counselling the employee, the nominee should consult the President before each discussion takes place and any decision to terminate the employee's employment in normal circumstances must be made with the President.
- The purpose is to deal fairly and consistently with all employees, and in so doing avoid discrimination, favouritism and unfairness.
- Prior to the termination of an employee's employment for reasons related to job performance, the President or nominee is responsible to ensure that the corrective action procedures outlined in this policy have been carried out

Related to NQS QA	7.1, 7.2
Related Policies	Grievance Procedure Code of Ethics Ethical Conduct Management and Operation of the School Child Protection
Sources & Further Reading	Policy adapted from AIS Australia – Managing Poor Performance for NSW/ACT Independent Schools (<i>Reviewed May 2021</i>).

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
March 2022	Updated copy	2024