Procedure: Managing unsatisfactory performance

Purpose

To outline the process for the management of underperformance of staff, in accordance with the Enterprise Agreement and the Policy: Unsatisfactory performance and misconduct.

Definitions

Unsatisfactory performance means a persistent and serious failure of the staff member to perform the work of the position or appointment at a level which would be reasonably required having regard to: the nature and purpose of the position; its classification; and any representations made by the staff member at the time of selection for employment or selection/promotion to the staff member's current position or level, without the presence of sufficient mitigating factors.

Improvement plan is a written agreement with a defined timeframe which details the specific improvements required and, if necessary, the additional guidance, assistance and training which would reasonably enable a staff member to meet appropriate performance standards.

Disciplinary action means formal counselling; written warnings (including, where appropriate, a final warning); withholding an increment; demotion from an increment point within a grade; demotion to a lower classification; other action as recommended by a review committee; or termination of employment (in the case of un-remediated unsatisfactory performance).

Procedure

Principles

1. The University endeavours to assist staff members to perform to a high standard through the setting of performance objectives aligned with University goals, regular feedback, and the provision of development opportunities.

2. The University's conduct expectations are specified in University Codes, including the Code of Conduct and Codes of Practice.

3. The University ensures that the steps defined within this procedure are adhered to prior to any decision being made to discipline or terminate the employment of a staff member for unsatisfactory performance.

4. A staff member may seek assistance from a union or staff representative and may seek procedural advice from Human Resources staff at any time during the processes defined within this procedure.

5. The principles of procedural fairness and natural justice are applied to all unsatisfactory performance processes. All staff involved in making decisions in relation to disciplinary action or grievance processes have a duty to ensure that they are not affected by favouritism, bias or conflict of interest, and they must act fairly and impartially.

6. Assessments about unsatisfactory performance and any verbal or written improvement plans have regard to the staff member's Performance Development and Review Agreement and the relevant classification standards and secondary descriptors for the position.

7. Where the reasons for unsatisfactory performance do not relate to the staff member's competency and commitment to meet the performance standards (for example, ill health) the matter may not be dealt with as underperformance. Initial advice is sought from the relevant College/Division Human Resources team.

Unsatisfactory performance

8. Where a supervisor of a staff member has concerns about the performance of a staff member the supervisor meets with the staff member as soon as reasonably practicable to discuss these concerns and establish a reasonable period of review. This, where necessary, includes:

a) the specific deficiencies in the staff member's performance;

b) appropriate development assistance required to address the issue/s;

c) the specific corrective action required;

d) the performance standards required; and

e) a reasonable timeframe in which to address the issue/s.

9. Where the staff member has addressed the performance concerns within the identified timeframe, the action will cease.

10. Following the completion of a reasonable review period as outlined in clause 8, if there is little or no improvement in the performance of the staff member, the supervisor will work with the staff member to establish an Improvement Plan and timeline to assist the

staff member to achieve the performance standards. The Improvement Plan will specify the required performance and standards including:

a) a clearly defined statement of the problem or performance concerns;

b) the actions to be taken by both the staff member and the supervisor to correct the problem;

c) the timeframe over which the staff member's performance will be closely monitored. The timeframe is not normally less than one month but may be up to twelve (12) months in positions where it is unreasonable to have a lesser period. Where the timeframe cannot be agreed between the staff member and the supervisor, the supervisor's supervisor assesses the circumstances and determines a reasonable timeframe;

d) where relevant, the staff member's commitment to a program of training and/or counselling and the supervisor's commitment to provide, or release the staff member to attend, such training and/or counselling; and

e) a statement that any deliberate breach of any of the requirements of the Improvement Plan may lead to an initiation of disciplinary action in accordance with the Enterprise Agreement (Disciplinary action).

11. Payment of an increment which is due when an Improvement Plan is in place may be delayed until the supervisor is satisfied that the conditions of the Plan have been met.

12. At the end of the review period specified in clause 10, the supervisor advises the staff member in writing that either:

a. the issues are resolved, that no further action is required and any deferred increments are paid from the date that the performance is deemed satisfactory;

b. a further period of review is required, specifying the new review period; or

c. that the performance is assessed as unsatisfactory performance and that proportionate disciplinary action is warranted, in which case the supervisor makes a report to the Director – Human Resources which includes the aspects of performance or conduct seen as unsatisfactory, and the record of the attempts to remedy the problem and any issues in mitigation of which they are aware.

13. The University provides the staff member with a copy of the report. The staff member is entitled to a reasonable opportunity, of no less than five (5) working days, to submit a written report to the Director – Human Resources.

14. After considering the staff member’s response, the Director – Human Resources or the Vice Chancellor’s nominee decides to:

a. take no action;

b. where the Director – Human Resources or the Vice Chancellor's nominee is of the view that procedural fairness has not been afforded to the staff member, the matter will be referred back to the supervisor with a direction to revisit any of the steps defined above; or

c. take proportionate disciplinary action, in which case the Director – Human Resources or Vice Chancellor's nominee sets out in writing and provides the staff member a statement as to what material has been considered; what acts, omissions, or failings constitute the unsatisfactory performance; and any relevant conclusions upon which the findings are based.

15. Where a decision is made to take disciplinary action the staff member may only seek a review of this decision in accordance with the review of decision provisions of the Enterprise Agreement.

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