

***DIMINISHED PERFORMANCE –
STAFF
(SCHOOLS AND NON-SCHOOL
MINISTRIES)***

POLICY 13



**St Francis Xavier Province of the
Christian Brothers
(Queensland and Northern Territory)**

MAY 2002

***EDMUND RICE EDUCATION DIRECTORATE
INDOOROOPILLY***

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1. INTRODUCTION

This policy is designed to encourage constructive and effective communication between the Trustees of the Christian Brothers Queensland as employer and the employee and to assist the employer to effectively manage diminished performance and to help to ensure that employees receive fair and constructive treatment.

2. SCOPE

This policy applies to all employees of Edmund Rice Schools, Ministries and Initiatives and to the employer.

3. PRINCIPLES

The principles of the Performance Review Policy are that:

- 3.1 care and equitable treatment be accorded to employees in the performance review process that the process be handled promptly and confidentially;
- 3.2 an understanding and agreement be required between the employer and the employees in relation to the expectations regarding employee performance;
- 3.3 there be a prompt application of the procedures in this policy for resolving performance issues;
- 3.4 warnings in relation to diminished performance be used in a constructive way so as to provide an opportunity for improvement of performance;
- 3.5 there be compliance with legislative requirements;
- 3.6 there be open communication and consultation between employees and the employer within the process; and
- 3.7 this policy is only applicable in relation to performance issues and that any issues in relation to conduct or behaviour be handled and dealt with under the Disciplinary Policy and Procedure - Staff.

4. POLICY

The Trustees of the Christian Brothers (the Employer) will seek to maintain and promote the highest standards of skill and professionalism in its employees and will address any concerns which may arise in respect of diminished performance, constructively, fairly and in accordance with the procedure outlined in this policy.

5. PROCEDURE

- 5.1 If any concern arises in relation to the performance of an employee the matter shall be handled by the "appropriate delegate" of the employer in accordance with this policy.
- 5.2 The "appropriate delegate" for the purposes of this policy shall mean:
 - 5.2.1 in the case of concerns in relation to a member of a College Leadership Team ("CLT") and staff of the Directorate, the Director, Edmund Rice Schools ("the Director");
 - 5.2.2 in the case of concerns in relation to a staff member of a College (other than a member of the CLT), the College Principal ("the Principal"); or
 - 5.2.3 in the case of concerns in relation to an employee engaged in a Christian Brothers' Ministry or Initiative, the Co-ordinator of such Ministry or Initiative ("the Co-ordinator").

- 5.3 The Director/Principal/Co-ordinator and/or his/her delegate will address any issue of diminished performance in a prompt, fair and impartial manner.
- 5.4 In the event that the Director/Principal/Co-ordinator has performance issues concerning an employee he/she should meet with the employee and point out those performance issues, including in detail the precise respects in which the employee's performance is not meeting the required standard.
- 5.5 The Director/Principal/Co-ordinator and/or his/her delegate should at the meeting point out to the employee how that employee may address the performance issues or concerns and set out in detail to the employee positive steps which the employee can take to meet the minimum performance standard required.
- 5.6 During that meeting the Director/Principal/Co-ordinator shall set a reasonable time period during which the employee shall be given the opportunity to improve his/her performance.
- 5.7 The Director/Principal/Co-ordinator and/or his/her delegate should at that meeting take proper notes and at the conclusion of the meeting prepare a written and accurate record of the matters discussed at the meeting.
- 5.8 The employee should be provided with a copy of that record and should be invited to sign the original signifying his/her acceptance that the record is a true and accurate record of the discussions at that meeting.
- 5.9 Immediately following that meeting, the Director/Principal/Co-ordinator and/or his/her delegate should write to the employee confirming:
- 5.9.1 the respects in which the employee's performance is not meeting the minimum required standards;
 - 5.9.2 those positive steps which the employee can take to meet the minimum standard of performance required;
 - 5.9.3 the time allowed for the employee to improve performance and the date on which the employee's performance will be reviewed again; and
 - 5.9.4 that in the event that his/her performance does not improve within the time allowed, that may lead to the employment being terminated.

6. REVIEW OF PERFORMANCE

- 6.1 On the date set for further review the Director/Principal/Co-ordinator and/or his/her delegate shall meet again with the employee and review the employee's performance in the intervening period as against those practical steps outlined in the first letter.
- 6.2 In the event that the employee's performance has improved to an appropriate and acceptable level then the Director/Principal/Co-ordinator shall confirm that with the employee at the meeting and then confirm that fact in writing to the employee whereupon the performance review process will be concluded. The employee should be informed however that, should their performance become unacceptable in future, this policy will be invoked again.
- 6.3 In the event that the employee's performance has not met the satisfactory standard the Director/Principal/Co-ordinator and/or his/her delegate shall point out to the employee at the meeting the respects in which the employee's standard of performance remains less than satisfactory and further point out to the employee at the meeting practical steps by which the employee can improve his/her standard of performance to the minimum acceptable level and the reasonable period over which the employee's performance will be monitored.
- 6.4 The Director/Principal/Co-ordinator and/or his/her delegate shall keep notes of the meeting and at the conclusion of the meeting shall prepare a written record of matters discussed at the meeting.
- 6.5 A copy of the written record shall be provided to the employee. The employee should be invited to sign the original record to signify his/her acceptance that the record is a true and accurate record of the meeting.

- 6.6 As soon as possible following the conclusion of the meeting the Director/Principal/Co-ordinator and/or his/her delegate should write to the employee confirming:
- 6.6.1 the respects in which the employee's performance is still less than satisfactory;
 - 6.6.2 the practical steps outlined at the meeting by which the employee can reach the minimum acceptable level of performance;
 - 6.6.3 a date upon which the employee's performance should again be reviewed;
 - 6.6.4 that in the event that the employee's performance does not improve by the date set for review to a minimum acceptable standard then that may lead to the employee's dismissal from employment; and
 - 6.6.5 that the letter constitutes the second, formal warning of the employee in respect of diminished performance.

7. SUBSEQUENT REVIEW OF PERFORMANCE

- 7.1 On the date set for further review the Director/Principal/Co-ordinator and/or his/her delegate shall meet with the employee and again review his/her performance as against practical steps set out in the second letter by which the employee could meet the minimum acceptable performance standard.
- 7.2 In the event that the employee's performance has improved to the minimum acceptable performance level then the Director/Principal/Co-ordinator should point that out to the employee at the meeting.
- 7.3 At the conclusion of the meeting the Director/Principal/Co-ordinator shall in that event write to the employee pointing out that the employee's performance has improved to the minimum acceptable standard and that letter should signify that the disciplinary process is concluded. The employee should be informed however that should their performance become unacceptable in future, this policy will be invoked again.
- 7.4 In the event that the employees' performance is still less than the minimum standard required then the Director/Principal/Co-ordinator at the meeting should:
- 7.4.1 point out to the employee that he/she has still not met the minimum standard of performance required; and
 - 7.4.2 point out to the employee the respects in which the employee's performance is still less than the minimum acceptable standard.
- 7.5 The Director/Principal/Co-ordinator and/or his/her delegate should keep notes of the meeting and at the conclusion of the meeting should prepare a written record of the meeting.
- 7.6 The employee should be provided with a copy of the written record and invited to sign the original to signify that it is a true and accurate record of the meeting.

8. OUTCOMES

- 8.1 At the conclusion of the meeting the Director/Principal/Co-ordinator will consider whether the circumstances are such that the employee's employment should be terminated, whether to remove the employee from the position of added responsibility, whether to continue to review the employee's performance or whether to write to the employee inviting him/her to show cause why their employment should not be terminated.
- 8.2 Subject to 10 below, in the event that a decision is made to terminate the employee's employment then that fact will be communicated in writing to the employee.
- 8.3 In the event that the Director/Principal/Co-ordinator decides to continue the review of the employee's performance then that fact will be communicated in writing to the employee and a further date set for review of performance.

9. SHOW CAUSE

- 9.1 As an alternative to continuation of the performance review process or to immediate dismissal the Director/Principal/Co-ordinator may determine to write to the employee inviting the employee to show cause why his/her employment should not be terminated.
- 9.2 A letter from the Director/Principal/Co-ordinator to the employee may invite the employee to show cause in writing and/or to meet with the Director/Principal/Co-ordinator on a specified date at a specified time to show cause orally why the employment should not be terminated.
- 9.3 At the show cause meeting the Director/Principal/Co-ordinator shall read any written material provided by the employee in answer to the show cause and listen to any oral submissions or statements made by the employer or the employee's representative and at the conclusion of the meeting the meeting shall adjourn for the purpose of allowing the Director/Principal/Co-ordinator to consider all matters.
- 9.4 A written record of the show cause meeting should be prepared by the Director/Principal/Co-ordinator and a copy provided to the employee.
- 9.5 The employee should be invited to sign the original record to signify that that record is a true and accurate record of the meeting.

10. TERMINATION

- 10.1 In the event that the Director/Principal/Co-ordinator considers it is appropriate to terminate the employee's employment, he/she shall prior to terminating that employment confer with:
- 10.1.1 in the case of a member of a College Leadership Team ("CLT"), the Province Leader;
 - 10.1.2 in the case of staff of Edmund Rice Schools (other than a CLT) and the staff of the Directorate, the Director of Edmund Rice Schools; or
 - 10.1.3 in the case of Christian Brothers' Ministries and Initiatives, the member of the Province Leadership Team with responsibility for that Ministry.
- 10.2 Once the Director/Principal/Co-ordinator has made a decision that decision should be communicated in writing to the employee.
- 10.3 If a decision is made to terminate the employee's employment then the employer will comply in all respects with the minimum notice periods and entitlements set by the Industrial Relations Act 1999 (Qld), but nothing in this policy should be construed as interfering with the right which the employer reserves to itself to summarily dismiss an employee in cases of serious misconduct.

11. SUPPORT PERSON

- 11.1 Prior to any interview or meeting held pursuant to this policy for the purposes of reviewing an employee's performance, the employee should be informed that he or she is entitled to have a third party present during any formal interview and for the purposes of any show cause meeting.
- 11.2 The appropriate delegate shall be responsible for ensuring that all stages of the performance review process, including all oral discussions with employees, are properly and contemporaneously documented and are retained on the employee's record.