

Managing Unsatisfactory Performance

of employees of the Department of Education, Training and Employment (except for state school teachers and principals)





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Managing Unsatisfactory Performance

This policy for managing unsatisfactory performance will provide a framework for the identification and management of unsatisfactory performance and workplace misconduct, and contribute to excellence in service provision and outcomes for the Queensland Government and community.

Managing Unsatisfactory Performance is a process that aims to be efficient, effective, equitable and confidential in dealing with ongoing unsatisfactory performance by an employee. Workplace misconduct (behavioural and attitudinal problems) can be managed through performance management where appropriate, but should be referred to your local/regional Human Resources Unit. Where performance management is inappropriate, refer through to Workforce Relations.

Implementation

This policy is a component of the Valuing Performance Policy Statement, and applies to all employees of the Department of Education, Training and Employment, except for state school teachers and principals employed under the *Teachers' Award State 2003*.

Prior to implementing the following process, the understanding is that performance plans have been developed and implemented in accordance with the *Developing Performance Framework*.

Whilst it is recommended that an Individual Performance Plan be in place for all employees, the Managing Unsatisfactory Performance process can be implemented irrespective of whether a current individual performance plan exists. In cases where there is no individual performance plan in place, further advice should be sought from your local/regional Human Resources Unit.

What is unsatisfactory performance?

Unsatisfactory Performance can include the inability and/or unwillingness to utilise relevant skills to carry out tasks and major accountabilities associated with an employee's particular position in a manner that meets the reasonable expectations and service standards of the role.

Unsatisfactory performance may be attributable to lack of appropriate skills/experience, incomplete knowledge, an illness or injury, unscheduled ongoing absenteeism, and/or lack of commitment.

The objective of the managing unsatisfactory performance process is to correct and/or improve unsatisfactory performance where possible. Whilst injury and illness may be a cause for unsatisfactory performance, the management of this situation should be assessed as whether it is appropriate to be managed under the Managing Unsatisfactory Performance process. For further information, please contact your local/regional Human Resources unit and/or the Organisational Health team.

When is the Managing Unsatisfactory Performance (MUP) policy used?

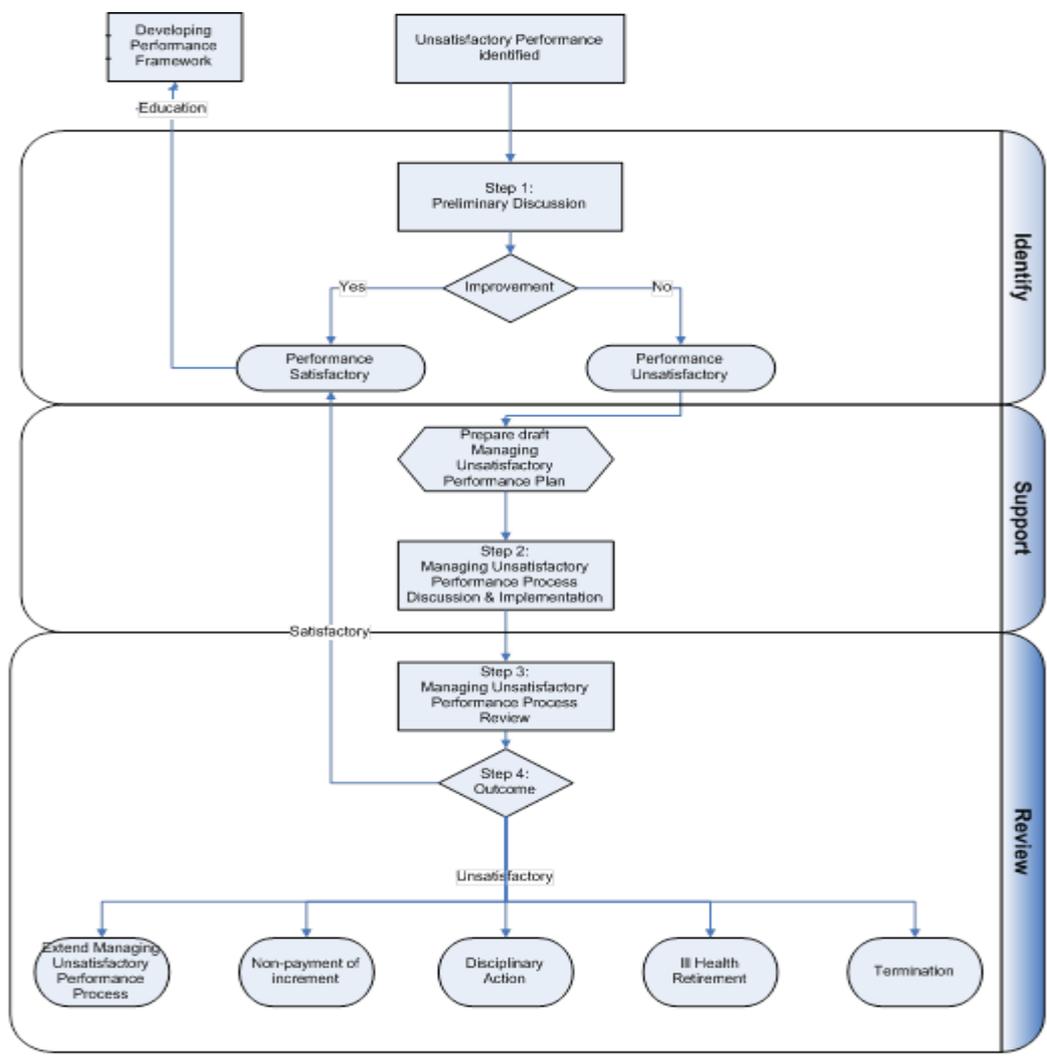
This guideline is to assist managers, supervisors and employees through the process of managing unsatisfactory performance. This process is to be used when informal conversations and strategies regarding unsatisfactory performance have failed to improve performance to a satisfactory standard.



How is MUP implemented?

The Managing Unsatisfactory Performance Policy should be used in conjunction with the Developing Performance Framework (DPF)

Overview of Managing Unsatisfactory Performance





Identify

Step 1: Preliminary discussion

The preliminary discussion is not to replace regular informal performance discussions between managers and employees. This preliminary discussion is to identify any issues that may be contributing to the unsatisfactory performance of an employee. Should any problems with performance be experienced, managers should discuss these with the employee in a timely manner. If the employee's performance fails to improve, the manager can proceed with the MUP process.

The employee should be invited to bring a support person along to this preliminary discussion, the discussion must be file noted and signed by all parties. If, at any stage throughout the MUP process, the employee refuses to sign the file notes, the refusal should be noted on the document and the process will continue.

During the preliminary discussion, it is important that the manager/supervisor:

- Encourages open, honest and constructive communication;
- Advise the employee that the aim of the meeting is to assist them to improve their performance;
- Clarifies performance requirements, referring to the position description to establish and review tasks, and identify specific examples where the employee has not met these requirements;
- Indicates to the employee the impact of the unsatisfactory performance on the work unit objectives;
- Allows the employee to provide any additional information and give their view on the situation;
- Discusses with the employee possible reasons for the unsatisfactory performance;
- Advises the employee of preliminary action to be taken (i.e. an assessment of the position description and identification of gaps in satisfactory performance standards);
- Informs the employee of possible implications of continued unsatisfactory performance; and
- Reminds the employee of the availability of a confidential Employee Assistance Scheme (EAS) that they can access at any time.

It is crucial to recognise that workplace problems may be influenced by things not connected with work. Before thinking about starting a performance improvement process, it is important to first consider whether a team member's personal circumstances may be a contributing factor. If this is so, it does not mean that you do not need to address the work problem, but it may impact upon how the problem is addressed. Examples of external problems which may affect work performance include:

- A medical condition affecting the employee or a family/household member;
- Personal relationships;
- Money concerns; and/or
- Substance abuse.

In these circumstances, there are several support group options provided by the Queensland Government that you can refer employees to for counselling and support through EAS. A Managing Unsatisfactory Performance Plan may still be implemented if these factors exist, however there is



a necessity to include additional support and appropriate time frames. For further information, seek advice from your local/regional Human Resources Unit or Workforce Relations.

Even if the problem does not stem from things outside work, the team member's personal workplace circumstances may have influenced the situation. Factors that may be playing a role in the given situation include:

- Unclear performance expectations;
- Ineffective supervision;
- Inadequate professional development, training or resources;
- Change to how the job is performed;
- Job design (lack of challenge);
- Poor physical or social work environment; and/or
- Lack of knowledge, skills or abilities for effective performance in the job.

If the above have been identified as the catalyst for the unsatisfactory performance, discussions between the manager and the employee should be focused on how to remedy the issues either through regular meetings, clarifying the requirements of the position, establishing a level of feedback required by the employee or other solutions. Additionally, revisit the employee's Individual Performance Plan through the *Developing Performance Framework* or *Performance Planning and Management* framework, and undertake professional development or other appropriate programmes designed to assist in improving performance in the areas of concern identified.

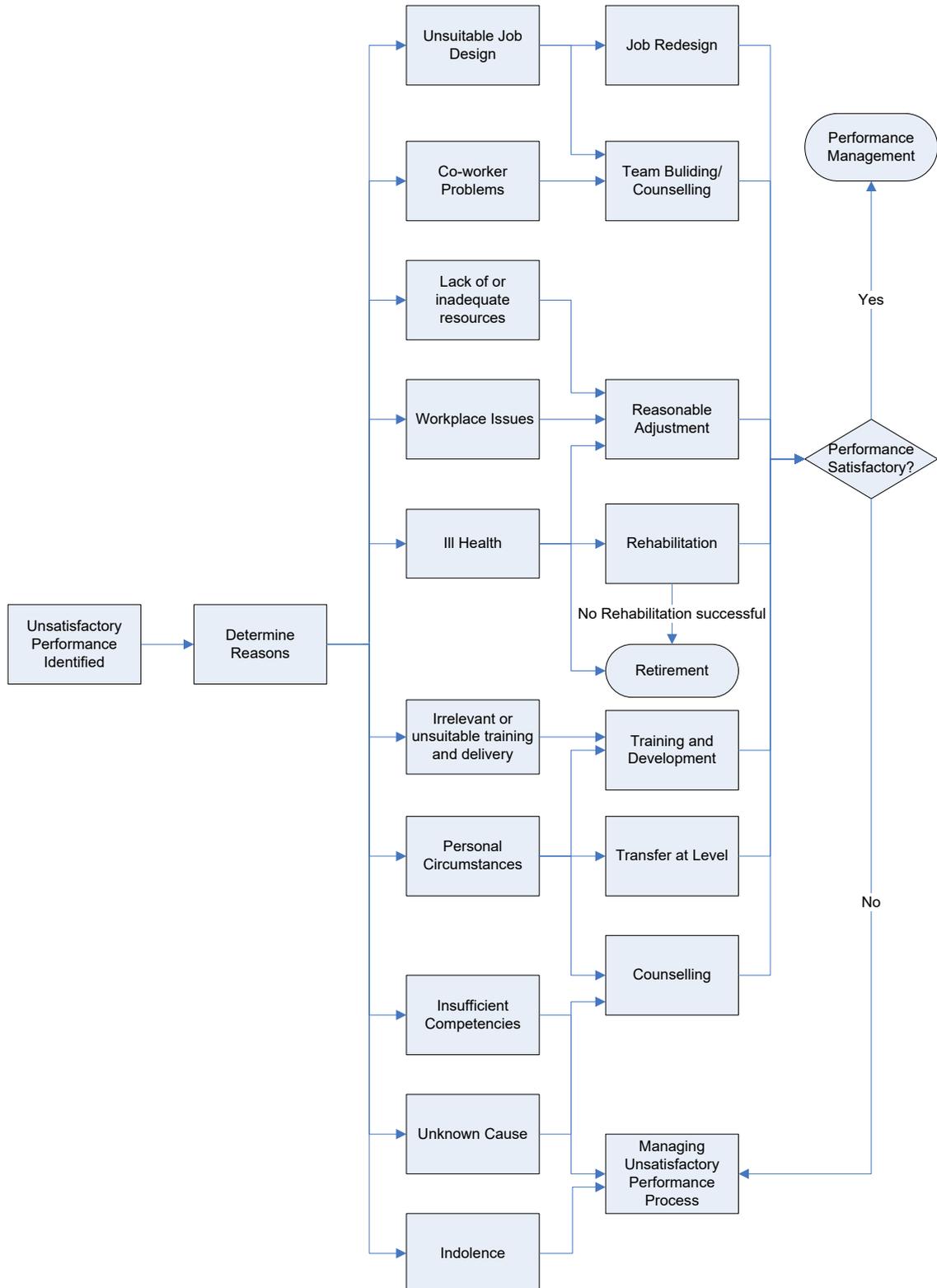
Employees should be advised that if their work performance does not improve following the preliminary discussion and subsequent remedial actions that the MUP process will be continued and that an outcome of the MUP may include disciplinary action which could, depending on the circumstances, lead to termination of their employment.

All of the above points need to be taken into consideration before undertaking a performance improvement process. Where the preliminary discussion has been unsuccessful (i.e. the performance has failed to improve to a satisfactory level) or is inappropriate due to the serious nature of the situation, the supervisor will advise the employee of the need to commence a Managing Unsatisfactory Performance process, including the implementation of a formal Managing Unsatisfactory Performance Plan.

*Employees engaged under the *Department of Education and Training (Education) Cleaners' Certified Agreement* should refer to the Agreement for further information.*



Identifying Factors of Unsatisfactory Performance





Support

Step 2: Managing Unsatisfactory Performance Plan

The aim of the Managing Unsatisfactory Performance Plan (MUPP) is to provide an opportunity to improve performance to a satisfactory standard through constructive discussion, coaching and development. The broad aims are to:

- Assist managers, supervisors, employees and team members to work together in addressing performance and behavioural problems;
- Mutually understand why unsatisfactory performance is occurring;
- Provide opportunities to develop skills and competencies;
- Improve performance to the agreed and negotiated standards; and
- Clarify the expectations and performance standards to avoid the need for disciplinary action.

Initial unsatisfactory performance meeting

Prior to the meeting with the employee to discuss the unsatisfactory performance, the manager/supervisor should prepare a letter detailing the nature of the unsatisfactory performance, examples of where standards are not currently being met, the possible disciplinary outcomes that may be instituted and what the formal process involves. This confirmation of the process and potential outcomes should accompany a draft MUPP to be discussed at the initial performance improvement meeting. The example MUPP template attached as Appendix 1 is a guide to assist in the development of a MUPP, and will require customisation for each individual case. The MUPP should be based on the performance requirements as defined by the duties within the position description but should focus on the specific aspects of unsatisfactory performance. If you require assistance in developing the draft MUPP, please contact your local HR Manager or Workforce Relations.

The draft MUPP will outline the:

- objectives;
- performance indicators;
- measurables of achievement;
- length of review period;
- professional development or other support required; and
- the supervisor and reviewing officer for the plan.

The length and complexity of the MUPP will vary from case to case depending upon the performance issues that are being experienced. The manager/supervisor will request the employee to attend a meeting to discuss their performance and advise that they are welcome to invite a support person to accompany them throughout the MUP process. During the meeting, the manager/supervisor will deliver the prepared letter, discuss the contents of the proposed plan and offer the draft MUPP for comment. It is necessary to maintain detailed notes throughout the MUP process.

Developing a Managing Unsatisfactory Performance Plan

The Managing Unsatisfactory Performance Plan is a formal document that is agreed upon by both parties to represent the performance standards and measures that must be met by the employee to warrant satisfactory performance in the position that the employee is currently employed. The



MUPP should relate directly to the position description and the requirements included in performing the role and should be developed in consultation with the employee wherever possible. It is broken up into 3 parts:

- Objectives;
- Performance Indicators; and
- Measurement.

In developing the MUPP, there are some principles that can be utilised to ensure that the performance indicators are appropriate. The main principle is the SMART principle. This assists in making sure the outcomes and performance indicators of the MUPP are:

- Specific – Who? What? Where? The performance indicators must be precise.
- Measurable – How will the performance indicator be measured? What does the desired outcome look like?
- Attainable – Is the performance indicator realistic yet challenging? Is it true to the Role Description?
- Relevant – Is this performance indicator something that is appropriate to the employees' job? Will this performance indicator notably improve this employees' performance? and
- Timely – Is it trackable? (i.e. does it allow for monitoring of progress?) Generally the MUPP would be a maximum of 3 months in duration, with the length of the plan dependent upon the performance issue/s being improved.

For example, there is very little value in saying that an employee “needs to manage budgets”. A performance indicator for a MUPP in relation to budgets would be more like “*The employee is to monitor the cost centre spreadsheet on a monthly basis with regards to expenditures and revenues/fees/ recoveries, as well as deviations of both a positive or negative nature.*”

By setting specific targets with timeframes makes the MUPP easily understood and managed. A further example of a performance indicator that follows the SMART principle is “*By June 30, 2008 the employee will work with the PSC diversity team to implement diversity recruitment practices that will increase the diversity of applicant pools by 10%*”. This satisfies the SMART criteria as the defined performance indicator is:

- Specific - the employee is working with the PSC diversity team to deliver an outcome;
- Measurable – A specified goal of 10% increase;
- Attainable – the goal is within the reach of the employee;
- Relevant – the performance indicator is directly linked with the employees role description and within the scope of their role; and
- Timely – By 30 June 2008.

Part A of the attached Managing Unsatisfactory Performance Plan template relates specifically to improving behaviour and attitude issues in line with the Code of Conduct, such as absenteeism, hours of work and compliance with the principles of the Code of Conduct.

Principles of the Code of Conduct contained within Part A of the MUPP may include (but are not limited to):

- compliance with reasonable management requests;
- respectful conduct and participation at meetings; and
- compliance with leave management guidelines.



Part B of the MUPP template relates specifically to the duties and responsibilities in the position description that have been identified as areas requiring improvement on the employee's behalf. Performance Indicators should be specific information on what is required of the employee to meet performance standards.

In order to assist the employee to succeed in achieving the measurables in the plan, there is capacity to include any training and mentoring that is to be provided to the employee within the MUPP template.

Implementation of MUPP

At the completion of this initial meeting, the supervisor and employee will set a mutually convenient time within the following 7 days (unless otherwise negotiated) to meet again after the employee has had the opportunity to review the draft plan and discuss any feedback that the employee may have on the MUPP. The second meeting will focus on the MUPP and any changes the employee believes to be necessary, and where reasonable this feedback should be incorporated into the MUPP. Changes should be agreed to by both parties and the plan should be finalised at this meeting (unless otherwise negotiated). The MUPP should be signed by all parties and the reviewing officer should be confirmed at this point. If the employee does not sign the plan or file note, or changes to the plan cannot be agreed to, this should be noted and approval should be sought from the Reviewing Officer to continue with the plan and the employee's refusal to sign recorded.

The supervisor will schedule regular review meetings, at least fortnightly, with the employee at the implementation of the MUPP and document the content of discussion for file note purposes. These review meeting dates and times should be recorded in the MUPP. The employee should be asked to sign the file notes to verify it is an accurate reflection of the conversation.

Review

Step 3: Managing Unsatisfactory Performance Review

The regular review meetings scheduled by the supervisor should offer both parties the opportunity to provide feedback on what has or has not been achieved. The focus of these discussions should be referring to the MUPP and the measurables that were agreed to, and the progress of the employee in relation to these measurables.

Unless otherwise negotiated, the employee must attend the review meetings as scheduled. At these meetings, the employee should be made aware of the following:

- The details of the employee's performance improvement or concerns;
- If the employee is not showing sufficient improvement, a reminder that disciplinary action may occur if performance is not improved to a satisfactory standard;
- The end date of the MUPP; and
- A reminder that the Employee Assistance Scheme is available to the employee.

If necessary, the supervisor may review the MUPP and if reasonable, re-evaluate the plan, consider an extension to the review period, or provide further training or other support in order to achieve the outcomes of the MUPP. For further advice, the supervisor should contact local/regional Human Resources Unit or Workforce Relations.



Step 4: Outcome

At the final review meeting, the manager/supervisor will indicate whether or not the managing unsatisfactory performance process has been successful (i.e. if performance has improved to a satisfactory level). If the process has been successful, and the unsatisfactory performance concerns are resolved during the period of the MUPP, the MUPP should be signed off by all parties (employee, supervisor and Reviewing Officer), the outcome will be recorded and no further action will be taken.

If, after the conclusion of the MUPP, the unsatisfactory performance concerns remain unresolved, or if the performance has improved but not to a satisfactory level, the Manager will advise the employee that they will be preparing a report for the Reviewing Officer for recommendations of action, with a copy also provided to the employee. The report will detail the facts related to the unsatisfactory performance, strategies undertaken to improve performance and the reasons for any findings that are made.

The Reviewing Officer will review the process that has been undertaken and all material including the MUPP, file notes and any additional information to ensure that all reasonable steps have been taken. Following this, the Reviewing Officer will determine the appropriate course of action to be taken. If the Reviewing Officer considers the managing unsatisfactory performance process has been appropriate and the employees' performance has not been improved to a satisfactory standard, the report will be referred Workforce Review with a recommendation for consideration of disciplinary action.

The Reviewing Officer should advise the employee of their assessment of the case, in writing, and any action to be taken, including referral to Workforce Review for consideration of disciplinary action.

For **all cases**, the Reviewing Officer or Workforce Review Team shall advise the employee in writing of their finding/s.

Employee responsibilities

Employees are responsible for achieving the performance requirements of their position. The MUP process will only take place when it is identified that performance is not meeting the requirements of the position at a satisfactory level.

Employees are required to:

- Attend scheduled review meetings;
- Provide feedback on the draft MUPP; and
- Participate in identified developmental activities.

Manager/Supervisor responsibilities

Managers and supervisors are responsible for monitoring the performance of employees to ensure that work is being performed to a satisfactory level.

Managers/Supervisors are required to:

- Schedule and attend review meetings;



- Provide open, honest and constructive feedback;
- Provide opportunities for development as identified in the MUPP and ensure that the employee is offered the support to complete developmental activities;
- Include, where possible, employee feedback on the proposed MUPP; and
- Ensure that the MUPP is appropriate with goals and measurables to be specific, attainable and within achievable time periods.

Supporting information and contacts

Managing Unsatisfactory Performance Plan Template – link

Example Letter for implementing Managing Unsatisfactory Performance Plan - link

Workforce Relations

Workforce Review

Glossary

Disciplinary Action – A public service officer's* chief executive may discipline the officer if the chief executive is reasonably satisfied the officer has:

- Performed the officer's duties carelessly, incompetently or inefficiently; or
- Been guilty of misconduct; or
- Been absent from duty without approved leave and without reasonable excuse; or
- Contravened, without reasonable excuse, a direction given to the officer as a public service officer by a responsible person; or
- Used, without reasonable excuse, a substance to an extent that has adversely affected the competent performance of the officer's duties; or
- Contravened, without reasonable excuse, a provision of this Act or an obligation imposed on the person under a code of conduct—
 - Approved under the Public Sector Ethics Act 1994; or
 - Prescribed under a directive of the commission chief executive.

Examples of disciplinary action may include —

- Termination of employment; and/or
- Reduction of classification level and a consequential change of duties; and/or
- Transfer or redeployment to other public service employment; and/or
- Forfeiture or deferment of a remuneration increment or increase; and/or
- Reduction of remuneration level; and/or
- Imposition of a monetary penalty; and/or
- If a penalty is imposed, a direction that the amount of the penalty be deducted from the officer's periodic remuneration payments; and/or
- A reprimand.

* In this instance, a Public Service Officer includes Teacher Aides' employed under the Teacher Aides' Certified Agreement and School Cleaners employed under the Cleaners Certified Agreement.

Disciplinary action is taken under s188 of the *Public Service Act 2008*, and can only be instigated by the appropriate delegate under the delegations manual.

**Employee/Staff Member –**

A person working within a school, institute or work unit.

Manager –

A Principal or Manager of a school or work unit.

Managing Unsatisfactory Performance Plan (MUPP) –

A document that outlines the necessary performance improvement required by an employee to reach a satisfactory standard. The plan should be developed using the SMART principle of specific, measurable, attainable, realistic and timely goals and achievements.

Managing Unsatisfactory Performance Process –

The process that incorporates the managing unsatisfactory performance plan and the review periods to improve an employee's performance to a satisfactory standard for their role.

Performance Management –

The ongoing feedback, coaching and reward that managers provide to team members. It is underpinned by building good relationships with your team and having regular conversations about their work.

Reasonable Adjustment -

Work units must be prepared to make adjustments to address impediments to improving a person's work performance, for example:

- Acquisition of suitable resources to allow a person to improve their performance – for example, replacing an old computer; or
- Responding appropriately to workplace issues – for example, physically moving people to ensure effective team interaction.

Reviewing Officer –

The Executive Director, Institute Director, or other delegated authority responsible for the work unit, Institute or Region.

Supervisor –

An employee responsible for the supervision of an employee or group of employees and their work.

Support Person –

A colleague, union member or other person that offers support to the employee throughout the MUP process. The support person does not actively participate in, or contribute to, the MUP process, but offers emotional support to the employee throughout the process.

Unsatisfactory Performance –

Work performance by an employee that is below the satisfactory standard for the role in which they are engaged.

Workplace Misconduct –

May include inappropriate or offensive conduct that is unwelcome, unsolicited and disrespectful to an employee.