

# Managing Unsatisfactory Performance

- Principals





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## Managing Unsatisfactory Performance - Principals

The objective of the Managing Unsatisfactory Performance - Principals (MUP) policy is for unsatisfactory performance of state school principals to be identified and managed so that state school principals are meeting or exceeding performance expectations and service delivery standards that maintain public confidence in state schooling.

Principals are responsible and accountable for:

- leading and managing the school community and
- their own performance and the performance of their school
- their positive engagement with the Developing Performance Framework (inclusive of Leadership Matters) and Educational Leaders Capability and Leadership Framework and
- compliance with relevant legislation, including but not limited to the Education (General Provisions) Act 2006.

This policy provides processes and procedures for the identification and management of unsatisfactory performance for principals.

The MUP policy provides a framework within which principals will have an opportunity to address concerns about unsatisfactory performance in such a way that:

- recognises the leadership role of principals in realising the vision and modelling the values of Education Queensland
- acknowledges the relationship between leadership performance and school performance
- ensures efficiency, equity, dignity and confidentiality in dealing with a principal's unsatisfactory performance and
- acknowledges the potential for an ongoing contribution to public education in Queensland.

This policy applies to principals employed under the *Teachers' Award – State 2003*.

This policy forms part of the Valuing Performance Policy Statement.

Prior to implementing a MUP process, it is assumed that the principal is aware of expectations of their performance and leadership development as conveyed through departmental documents, policies and processes including:

- recruitment, selection and induction programs for principals
- the principal's role description
- the Leadership Matters Framework
- Educational Leaders Capability and Leadership Framework

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- P-12 Curriculum Framework Policy
- Teaching and Learning priorities as outlined in the *Roadmap for curriculum, teaching, assessment and reporting in Years 1-9*
- *School Planning, Reporting and Reviewing Framework for Queensland State schools – 2010* and Quadrennial School Review and
- ongoing regular discussions with the relevant principal supervisor with respect to the principal's performance and school performance

The ongoing communication of performance expectations to principals through these and other mechanisms enables emergent performance concerns to be identified and addressed as they arise. As such, it is intended that issues that may lead to a formal MUP process will usually be identified informally and formal performance management processes usually will be applied in the event of unaddressed, ongoing and/or significant performance concerns.

Expectations of performance and leadership development will form part of a written performance management tool, such as the Developing Performance Framework (inclusive of Leadership Matters), between the principal and their principal supervisor. However the absence of such a written performance management tool does not preclude the application of this policy in the event of a principal's unsatisfactory performance.

## **Performance Considerations**

The principal's performance will be assessed against a range of key indicators, including but not limited to the following considerations, for the purpose of determining satisfactory or unsatisfactory performance:

- Achievement
- Confidence
- Leadership
- Engagement and
- Responsiveness



## Principal performance

Performance criteria	Performance consideration
Achievement (student performance)	<ul style="list-style-type: none"> <li>• Trends in student achievement</li> <li>• Student attainment (Year 12)</li> <li>• Achievement standards for Indigenous students</li> </ul>
Confidence	<ul style="list-style-type: none"> <li>• Enrolment data (Prep for primary schools and Year 8/7 for secondary schools with consideration of catchment enrolment)</li> <li>• School Opinion Survey (SOS) data, including staff morale</li> <li>• Staff absenteeism</li> <li>• School investigation and Internal and Finance Audit outcomes</li> </ul>
Leadership	<ul style="list-style-type: none"> <li>• Strong leadership with an unrelenting focus on improvement</li> <li>• Shared commitment to core priorities</li> <li>• Quality curricula and curriculum planning to improve learning</li> <li>• Teaching focussed on the achievement of every student</li> <li>• Monitoring student progress and responding to learning needs</li> <li>• Effective professional learning culture</li> </ul>
Engagement (student engagement in learning)	<ul style="list-style-type: none"> <li>• Student attendance rate</li> <li>• Active participation in assessment tasks</li> <li>• Student retention for Years 10/12</li> <li>• Post-school educational and vocational student outcomes</li> <li>• Available pathways for students (academic, VET, combined pathways)</li> </ul>
Responsiveness	<ul style="list-style-type: none"> <li>• Implementation of strategies for more effective teaching and learning, including curriculum development and behaviour intervention</li> <li>• Effectiveness of communication</li> <li>• Consultation processes within the school</li> <li>• Community engagement strategies</li> <li>• Involvement in school governance</li> <li>• Strategies to address SOS results</li> <li>• Record of managing student, staff and parent/carer complaints</li> </ul>

The above performance considerations will be reviewed regularly to ensure currency and relevance in consultation with the relevant union/s and Principal Associations.



## MUP Processes

MUP processes provide the principal with an opportunity to address concerns about their performance.

Performance concerns must be communicated clearly and with sufficient detail to afford the principal every reasonable opportunity to address the performance concerns.

The MUP process is not the appropriate process for identification and delivery of performance development needs – which remains the function of the Developing Performance Framework (inclusive of Leadership Matters).

Whilst injury or illness may be a cause for or contribute to unsatisfactory performance, each case should be assessed to determine whether or not it is appropriate to be managed under the MUP process. It is not appropriate that the MUP process be implemented or continued where unsatisfactory performance is associated with a pre-existing illness or injury. Medical advice should be sought to determine the principal's capacity to participate in a MUP process. Where a principal accesses sick leave during a MUP process, the principal may be referred for an Independent Medical Assessment where deemed appropriate (see Part 7 of the *Public Service Act 2008*). For further information, please contact the Organisational Health unit.

Where any party directly involved in a MUP process submits a formal grievance associated with the MUP process or against individuals involved in the MUP process, the MUP process will continue according to agreed timelines while the grievance is progressed. The investigation and determination of such formal grievance conducted in accordance with timelines for grievance handling will not prevent the MUP process from being progressed to finalisation, but may form part of considerations under Stages 2 and 3 of the MUP process.

The department's Director-General may exercise their power to enforce a temporary relocation from the school if the principal's performance is of a sufficiently serious and pressing nature with respect to student and staff health and safety or ongoing school operations or suitability of placement.

For further information on the stages in a MUP process, refer to the Performance Process Flowchart.

### **Informal process**

Unsatisfactory performance within one or more performance consideration alone will not usually warrant implementation of a formal MUP process. Unsatisfactory performance will be the subject of ongoing performance conversations between the principal and their principal supervisor or another departmental senior officer. The purpose of these conversations is to assist the principal in fulfilling their responsibility for:

- identifying, acknowledging and accepting accountability for performance concerns
- ascertaining any legitimate mitigating factors that may assist in explaining or dealing with concerns and
- developing and implementing strategies to address identified issues

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The principal is responsible for:

- responding to and addressing performance concerns
- identifying what existing assistance and/or resources are required to address the concerns and
- ensuring appropriate monitoring mechanisms are in place for feedback on their performance, for example peer review and opinion surveys

The principal supervisor is responsible for:

- reviewing the effectiveness of remedial strategies and
- monitoring the principal's performance

The informal MUP process is separate and distinct from the formal MUP process. However, the nature and duration of opportunities to respond to performance concerns and the effectiveness of remedial strategies may inform decision-making in the formal MUP process.

Principals will be advised of the intention to implement an informal MUP process and be provided with an opportunity to seek the advice and support of a union representative and/or colleague in all meetings during which matters pertaining to the informal MUP process are discussed.

Any records of the informal MUP process will be provided to the principal and may be retained on a principal's personnel record. The principal will have an opportunity to submit a written response to any MUP record retained on their personnel record. Such information on a principal's personnel file may not be relied upon as evidence of unsatisfactory performance in any decision-making process in relation to the principal's employment in the absence of a formal MUP process being enacted.

### ***Formal process***

A formal MUP process will be implemented in the event that:

- there is no improvement in the principal's performance within a reasonable period of time to the satisfaction of the principal supervisor or
- the performance concerns are of a sufficiently serious and pressing nature or
- performance concerns are adversely impacting on public confidence in the school and state schooling

Principals will be advised of the intention to implement a formal MUP process and provided with an opportunity to seek the advice and support of a union representative and/or colleague in all meetings during which matters pertaining to the formal MUP process are discussed.

Principals will be afforded the opportunity to respond to all performance concerns, including raising possible reasons for all adverse performance considerations.

The formal MUP process will be implemented as follows:

### **Stage 1 – Identification and Improvement Plan**

Notwithstanding that performance concerns would usually be discussed and remedial strategies developed and implemented prior to a formal MUP process, the principal



supervisor will document ongoing performance concerns in a formal Identification and Improvement Plan.

The principal will develop improvement strategies in consultation with the principal supervisor for inclusion in the Identification and Improvement Plan.

The Identification and Improvement Plan will identify performance improvement goals and identify what existing assistance and/or resources the principal will utilise to achieve these goals and how/where this assistance and/or resources will continue to be made available.

The principal and principal supervisor will agree on and document timelines for demonstrated improvement in performance in the Identification and Improvement Plan. The principal will not unreasonably withhold agreement to timelines for demonstrated improvement.

In preparing the Identification and Improvement Plan, the principal and principal supervisor will give consideration to prior opportunities to respond to the performance concerns, the duration of time already provided to address these concerns and the effectiveness of past or current remedial strategies.

In the event that the principal demonstrates improvement in performance within the agreed timelines to the satisfaction of the principal supervisor, no further remedial action will be taken and the formal MUP process will cease. However the principal supervisor may revisit the formal MUP process and re-apply the formal Identification and Improvement Plan to the extent that the same performance concerns are identified within a 12-month period after the formal process ceases.

In the event that the principal does not accept that performance concerns need to be addressed or where agreement on timelines for demonstrated improvement can not be reached or in the event that the principal does not demonstrate improvement in performance within the agreed timelines to the satisfaction of the principal supervisor, the principal supervisor will submit a written report to their Regional Director detailing informal and formal MUP processes and making a recommendation with respect to a suggested outcome or outcomes of the MUP process.

The principal will be provided with a copy of the written report within 48 hours of the report being provided to the Regional Director. The principal will have 7 days from their receipt of the written report (excluding the day of receipt) to submit a written response to the Regional Director.

## **Stage 2 – Regional Director Review**

The Regional Director will consider the principal supervisor's written report and recommendation and review the MUP processes having consideration for:

- any written response to the principal supervisor's report from the principal
- performance considerations subject to the MUP processes, including the seriousness and pressing nature of the concerns
- the record of informal and formal MUP processes as documented within the report
- the MUP processes' adherence to principles of natural justice, including the provision of opportunities for the principal to respond to performance concerns
- demonstrated improvement in performance
- whether or not the principal may benefit from additional time to demonstrate improvement and

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- any grievances submitted by the principal with respect to the MUP process

In the event that the Regional Director recommends ceasing the MUP process, no further remedial action will be taken and the formal MUP process will cease. However the Regional Director may require that the formal MUP process be revisited and Stage One, including re-application of the formal Identification and Improvement Plan, recommenced where the same performance concerns are identified within a 12-month period of a formal process ceasing.

In the event that the Regional Director recommends that further opportunities for performance improvement are warranted, Stage One of the formal MUP process will be re-enacted with, in the first instance, the principal and principal supervisor meeting to review the formal Identification and Improvement Plan, including timelines for improvement.

In the event that the Regional Director agrees with the principal supervisor that the principal's performance has not satisfactorily improved and that the Regional Director believes it is unlikely that satisfactory improvement will occur if provided with an additional period of time, the Regional Director may recommend that the principal will be:

- relocated to another school and engaged in the capacity of deputy principal, head of program or classroom teacher or
- relocated to a lower-banded school in the role of principal or
- another role as recommended by the Regional Director

The Regional Director will submit a written report with their recommendation to the Principal Performance Board no later than 14 days after the Regional Director's receipt of the principal's written response (excluding the day of receipt). The Regional Director's written report will include a statement of reasons for the recommendation and detail the informal and formal MUP processes followed.

The principal will be provided with a copy of the Regional Director's written report to the Principal Performance Board and will have 14 days to respond to it including any correspondence that the principal "show cause" as to why a recommended course of disciplinary action should not be adopted.

### **Stage 3 – Principal Performance Board Review**

The Principal Performance Board will consider the Regional Director's written report and review the Regional Director's decision having consideration for the reasons for the decision, the conduct of the informal and formal MUP process and any written submissions or grievances with respect to the MUP formal process lodged by the principal.

The Principal Performance Board will consider the recommendations of the Regional Director and the principal's response.

The Principal Performance Board will confirm the appropriate remedial action on the basis of either:

- Relocation to another school and engaged in the capacity of deputy principal, head of program or classroom teacher or
- Relocation to a lower-banded school in the role of principal or
- Another role as recommended by the Regional Director

The Principal Performance Board will consist of:

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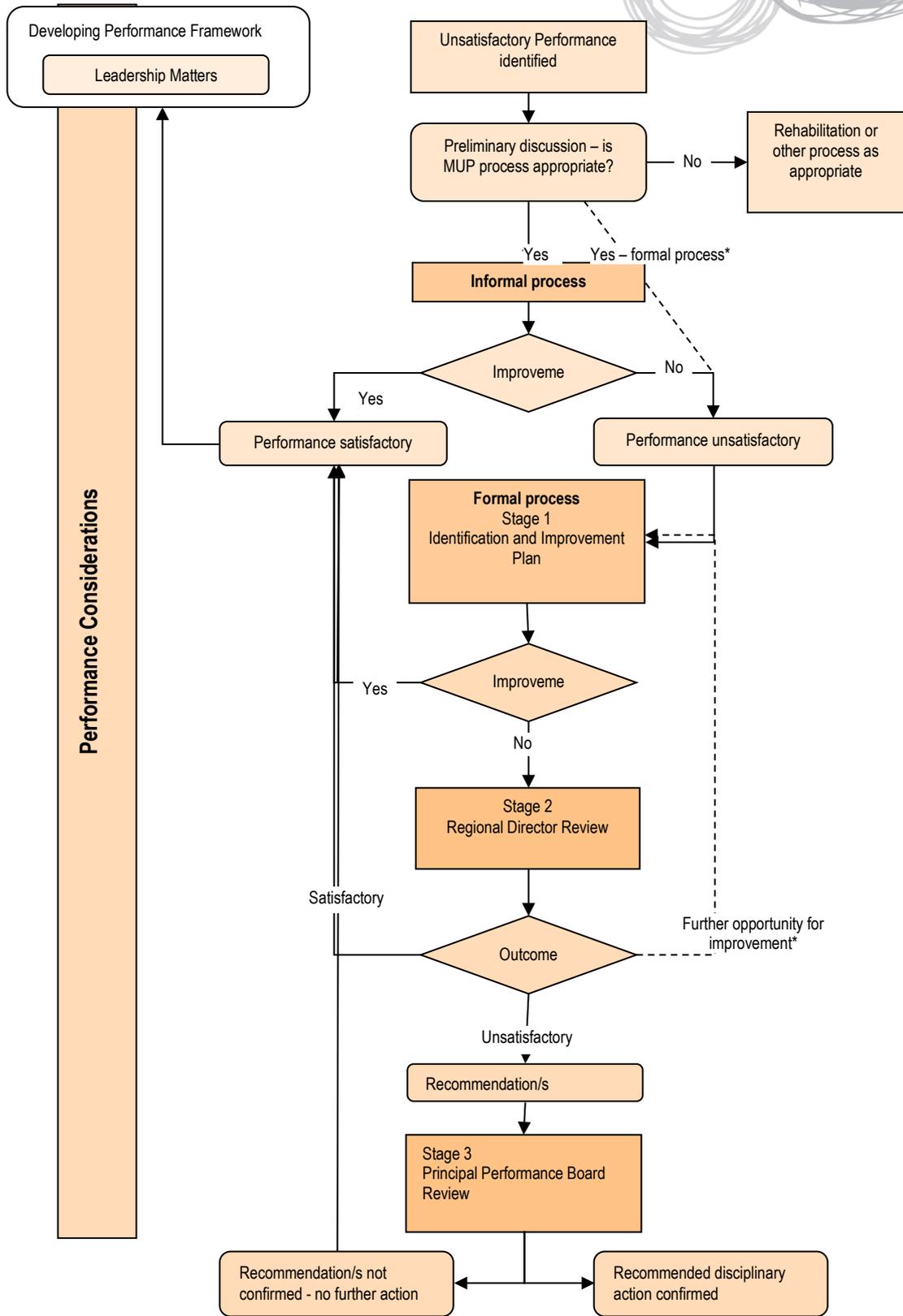


- the Deputy Director-General, Education Queensland
- the Executive Director, Workforce Management and Support, Human Resources
- a Regional Director as nominated by the Director-General
- the General Secretary of the Queensland Teachers' Union, or their delegate and

### ***External Review***

In accordance with the Appeals Directive, a fair treatment appeal cannot be lodged with respect to the management of unsatisfactory performance other than the final decision being the outcome of the MUP process. This decision may be appealed in writing to the Public Service Commission within 21 days of a principal's receipt of a "show cause" letter.

## Performance process flowchart



\*See [procedure](#) for further information

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## Responsibilities

### Principals:

- are responsible and accountable for:
  - leading and managing the school community
  - their own performance and the performance of their school
  - their positive engagement with the Developing Performance Framework (inclusive of Leadership Matters) and Educational Leaders Capability and Leadership Framework and
  - compliance with relevant legislation, including but not limited to the Education (General Provisions) Act 2006

### *Informal MUP process*

- are responsible and accountable for:
  - identifying, acknowledging and accepting accountability for performance concerns
  - ascertaining any legitimate mitigating factors that may assist in explaining or dealing with concerns
  - developing and implementing strategies to address identified issues
  - responding to and addressing performance concerns
  - identifying what existing assistance and/or resources are required to address the concerns
  - ensuring appropriate monitoring mechanisms are in place for feedback on their performance, for example peer review and opinion surveys
- are aware they have an opportunity to submit a written response to any MUP record retained on their personnel record

### *Formal MUP process*

- are responsible and accountable for:
  - developing an Identification and Improvement plan in accordance with Formal Process Stage 1, and implement the plan.
  - agreeing on and documenting timelines for demonstrated improvement in performance in the Identification and Improvement Plan.
- are aware they have the opportunity to seek the advice and support of a union representative and/or colleague in all meetings during which matters pertaining to the formal MUP process are discussed
- are aware they have the opportunity to respond to all performance concerns, including raising possible reasons for all adverse performance considerations.
- are aware they have an opportunity (if relevant) to respond in writing to reports by the principal supervisor (at Stage 1) and Regional Director (at Stage 2), and the timeframes for these responses.

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## **Principal supervisors:**

### ***Informal MUP process***

- are responsible and accountable for:
  - advising the principal of the intent to implement an informal MUP process
  - providing the principal with an opportunity to seek the advice and support of a union representative and/or colleague in all meetings during which matters pertaining to the information MUP process are discussed.
  - reviewing the effectiveness of remedial strategies
  - monitoring the principal's performance
  - providing any records of the informal MUP process to the principal.

### ***Formal MUP process***

- are responsible and accountable for:
  - agreeing on and documenting timelines for demonstrated improvement in performance in the Identification and Improvement Plan
  - if process is unable to be finalised at Stage 1, submitting a written report to the Regional Director detailing informal and formal MUP processes and a recommendation with respect to a suggested outcome or outcomes.
  - providing a copy of the written report to the principal within 48 hours of submitting the report to the Regional Director.

## **Regional Directors:**

- are responsible and accountable for:
  - considering the principal supervisor's written report and recommendation and reviewing the informal and formal MUP processes
  - making a recommendation on the outcome of the processes in accordance with Formal Process Stage 2.
  - if relevant, submitting a written report with their recommendation to the Principal Performance Board in accordance with Stage 2
  - providing a copy of the written report to the principal, including any correspondence that the principal 'show cause' as to why a recommended course of disciplinary action should not be taken.

## **Principal Performance Board:**

- is responsible and accountable for:
  - considering the Regional Director's written report and reviewing the Regional Director's decision, having consideration for:
    - the reasons for the decision
    - the conduct of the informal and formal MUP process and
    - any written submissions or grievances with respect to the formal MUP process lodged by the principal
  - confirming the appropriate remedial action on the basis of either:
    - relocation to another school and engagement in the capacity of deputy principal, head of program or classroom teacher or

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- relocation to a lower-banded school in the role of principal or
- another role as recommended by the Regional Director.

### **Director-General:**

- may exercise their power to enforce a temporary relocation from the school if the principal's performance is of sufficiently serious and pressing nature with respect to student and staff health and safety or ongoing school operations or suitability of placement.

## **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:

- Reduction of classification level and a consequential change of duties; and/or
- Transfer or redeployment to other public service employment; and/or
- Reduction of remuneration level; and/or
- A reprimand.

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.

### **Identification and Improvement Plan**

A written plan for improvement of a principal's performance in which the principal supervisor documents the following:

- ongoing performance concerns
- improvement strategies
- performance improvement goals
- existing or new resources available to support improvement in the principal's performance
- timelines for demonstrated improvement

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### **Managing Unsatisfactory Performance – Principals (MUP)**

The process that incorporates the Identification and Improvement plan and the review periods to improve a principal'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.

### **MUP**

See Managing Unsatisfactory Performance – Principals

### **Principal Performance Board**

Consists of:

- The Deputy Director-General, Education Queensland
- The Executive Director, Workforce Management and Support, Human Resources
- A Regional Director as nominated by the Director-General
- The General Secretary of the Queensland Teachers' Union or their delegate and

### **Principal supervisor**

An officer responsible for the supervision of a principal and their work.

### **Unsatisfactory Performance**

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

## **Policy Review**

The Department and Queensland Teachers' Union commit to review this Managing Unsatisfactory Performance - Principals Policy after 12 months of the policy's operation.

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