



POLICY

Policy Title: Unsatisfactory Performance – Professional Staff

Policy Owner: Director Human Resources Service Centre

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1. INTENT

The performance of professional staff is integral to the University attaining its mission statement and defining themes.

This policy aims to:

- Develop a comprehensive strategy, using a range of support mechanisms, by which a supervisor can assist staff who are performing at a sub-optimal level.
- Provide an efficient, effective and equitable system to manage unsatisfactory performance.
- Improve work performance through a constructive and cooperative approach.
- Recognise the sensitive nature of issues related to unsatisfactory performance and the importance of maintaining confidentiality.
- Create a transparent process that is reviewable with the documentation and recording of information.
- Create a non-threatening and supportive environment in which to address issues related to unsatisfactory performance.

2. ORGANISATIONAL SCOPE

All Edith Cowan University Professional Staff excluding casual employees.

3. DEFINITIONS

TERM	DEFINITION
Natural Justice	embodies the principles of protecting the rights and interests of an individual. The principles of natural justice include: <ol style="list-style-type: none"> i. That a person be clearly informed as to the nature of the matters raised and the standards of work expected of the employee; ii. That a person has ample opportunity to respond to the matters raised; iii. That the process is fair and objective to the extent that it is seen to be unbiased by a reasonable person; iv. That the Unsatisfactory Performance process be outlined to the employee; v. That investigations be conducted fairly and justly; and vi. The right to representation if an employee so chooses.
Unsatisfactory Performance	the inability or unwillingness to utilise relevant skills to carry out major accountabilities associated with an employee's particular position in a manner that meets the reasonable expectations and service standards of the University.
Unsatisfactory Performance Management	a process that aims to be efficient, effective, equitable and confidential in dealing with ongoing, serious and unsatisfactory performance by an employee
Supervisor	is the person with managerial responsibility for the employee.
Decision maker	either the Head of Faculty/Director of Centre/Office or, in the case of a recommendation to terminate the employment of an employee, the Vice-Chancellor.
Disciplinary Action	means action to discipline an employee for unsatisfactory performance and may include: <ol style="list-style-type: none"> i. Counselling; ii. Formal censure; iii. Withholding a salary increment; iv. Demotion by one or more salary increments; v. Suspension with or without pay; or vi. Termination of Employment.
Employee Representative	means a person nominated by an employee or group of employees to act on their behalf, who may or may not be an employee or union representative. An employee representative cannot be a person who is currently a practicing solicitor or barrister.

4. POLICY CONTENT

4.1 Initial Counselling Session

- 4.1.1** Concerns about unsatisfactory performance shall be considered in the first instance by the employee's supervisor.
- 4.1.2** If the supervisor determines that there may be substance to the concerns, the supervisor will inform the employee of the alleged sub-optimal behaviour, the standards expected of the employee and provide the employee with an opportunity to respond.
- 4.1.3** Where appropriate, the supervisor will provide guidance, counselling or other appropriate action to assist the staff member to improve their conduct. The supervisor may direct the employee to undertake any reasonable action, including participation in professional development activities or attending sessions with the Employee Assistance Program, to attain the desired standard of performance. If resolved at this stage no further action will be taken.
- 4.1.4** Where the steps in subclause 4.1(3) have been unsuccessful or are inappropriate due to the serious nature of the allegation(s), the supervisor will advise the employee of the need to commence an Unsatisfactory Performance process, including the implementation of a formal Performance Improvement Plan.

4.2 Formal Process – Performance Improvement Plan

- 4.2.1** When initiating a formal process, the supervisor will notify the employee in writing of the nature of the unsatisfactory performance, the performance required, examples of where standards are not currently being met, the possible disciplinary outcomes that may be instituted and what the formal process entails.
- 4.2.2** The supervisor will hold regular review meetings and may be supported by an employee of the Human Resources Service Centre. The staff member may seek to engage an employee representative or request a support person.
- 4.2.3** The supervisor will develop a Performance Improvement Plan in conjunction with the employee.
- 4.2.4** The Plan will detail performance expectations, performance standards required, expected outcomes, methods of assessment and anticipated timelines.
- 4.2.5** If the unsatisfactory performance concerns are resolved during the period of the Performance Improvement Plan, the outcome will be recorded and no further action will be taken.
- 4.2.6** If, after the conclusion of the Performance Improvement Plan the unsatisfactory performance concerns remain unresolved, the supervisor will provide a report to the Head of Faculty or Centre and the employee as soon as practicable. The report will detail the facts related to the unsatisfactory performance, strategies undertaken to address sub-standard performance and the reasons for any findings that are made.

- 4.2.7** Upon receipt of the supervisor's report, the employee will be invited to submit a written response to the Head of Faculty/Centre/Office within ten (10) working days.
- 4.2.8** The Head of Faculty/Centre/Office will review the process that has been undertaken and any response provided by the employee to ensure that all reasonable steps have been taken and will determine the appropriate course of action to be taken.
- 4.2.9** The Head of Faculty/Centre/Office shall advise the employee in writing of their finding/s.
- 4.2.10** Should the Head of Faculty/Centre/Office determine that the employee's performance is unacceptable, the report will be forwarded to the Vice-Chancellor with a recommendation for disciplinary action to be taken with the endorsement by the Director Human Resources Service Centre.
- 4.2.11** The Vice-Chancellor shall, before making a decision, satisfy themselves that the processes outlined in this policy have been followed and that the actions of the employee constitute unsatisfactory performance.
- 4.2.12** Where the Vice-Chancellor is satisfied that there has not been unsatisfactory performance, no further action will be taken and the employee will be advised accordingly.
- 4.2.13** Decisions of the Vice-Chancellor shall be provided to the employee in writing within seven (7) working days.

4.3 Records

Documentation relating to a formal process of resolving unsatisfactory performance will be placed on a formal restricted access file. Such documentation may include records of meetings, discussions with witnesses, responses, emails and considerations relevant to the alleged underperformance.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Director Human Resources Service Centre has overall responsibility for the content of this policy and its operation in ECU.

Professional Staff are required to comply with the content of this policy and to seek guidance in the event of uncertainty as to its application.

6. RELATED DOCUMENTS:

- 6.1 Other documents which are relevant to the operation of this policy are as follows:
- [Academic and Professional Staff Union Collective Agreement 2013](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

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8. APPROVAL HISTORY

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