

MANAGING UNSATISFACTORY PERFORMANCE: PROFESSIONAL STAFF PROCEDURE

PURPOSE

The University is concerned to support employees in their performance and development by providing the tools and support that will enable employees to reach and maintain expected performance standards. However, the University ('us', 'our' or 'we') will take appropriate disciplinary action where an employee's performance does not accord with expected standards.

This procedure covers the management of employees where a supervisor is of the view that the employee's performance is not satisfactory, in accordance with [clause 64](#) of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 ("the Enterprise Agreement").

In this situation, the supervisor may counsel the employee in accordance with the requirements of this procedure, including identifying the nature of the improvement required and the time within which reasonable improvement can be expected. Supervisors with concerns about the conduct of employees, as opposed to their performance, should refer to [Integrity and Respect Policy](#) and related procedures.

This procedure is based on the principles of procedural fairness and natural justice as set out under [clause 52](#) of the Enterprise Agreement and operates in conjunction with the provisions of [clauses 54](#) and [64](#).

SCOPE

This procedure applies to all continuing and fixed term professional employees at the University's Australian campuses, herein collectively referred to as 'you' for the purpose of this procedure, but does not apply during any period of probationary employment. For managing performance of employees on probation, refer to the [Professional Staff Probation procedure](#).

PROCEDURE STATEMENT

1. Regular discussion and ongoing informal feedback

- 1.1 The performance development process at the University encourages a culture of continuous improvement. Supervisors are required to formally meet with you at least once a year to review the achievement of goals and provide feedback on performance based on self-assessment and discussion with your supervisor. In addition, supervisors are encouraged to meet informally and regularly with you throughout the performance cycle (see [Performance Development Process: Professional Staff procedure](#)).
- 1.2 Regular and informal feedback is crucial to achieving positive performance development. Informal feedback meetings should be conversational and a two-way exchange of information shared in a supportive environment. Examples of informal meetings and feedback opportunities include:
 - holding impromptu discussions,
 - weekly or fortnightly one-on-one catch ups,
 - discussing problems and challenges and finding solutions,
 - informally discussing goal achievement,
 - seeking input from employees, and
 - brainstorming sessions on how to progress goals.
- 1.3 Regular and informal feedback sessions are an opportunity to raise problems or concerns regarding your performance and/or behaviour at an early stage, and allows for strategies to be put in place to resolve these concerns prior to formal meetings within the cycle and prior to formal counselling. It is recommended that your supervisor maintains a written record of these conversations (preferably by using the Notes function in myPlan).
- 1.4 Monash HR offers [training](#) on giving and receiving feedback. This training is available for both you and your supervisor.

2. Formal review meetings

- 2.1 In accordance with our [performance development process for professional staff procedure](#), a formal review meeting must be convened at the end of the annual performance cycle (in the period November to March). Your supervisor may choose to conduct a mid-year performance review with you, however this is not mandatory.
- 2.2 You and your supervisor are both required to include progress reports of your progress towards annual work goals and career aspirations and development goals as well as overall comments on your performance. Your supervisor is encouraged to use this opportunity to formally record any observations that you are not meeting your performance expectations. Confidential notes can be made in myPlan by using the Notes function, if preferred.

3. Performance improvement and withholding increments

- 3.1 Where you have not made satisfactory progress towards meeting goals set in the performance plan, your supervisor should contact their HR Business Partner for support and advice.
- 3.2 In the first instance, your supervisor will arrange for a counselling discussion with you.
- 3.3 During this discussion your supervisor will:
 - outline how you are to achieve the expected performance standard;
 - provide a time frame for when the standard must be achieved; and
 - discuss the resources that may be available to assist you meet the standards, (e.g. professional development opportunities).
- 3.4 The performance standards required should be reasonable and reflect the genuine needs and requirements of the position.
- 3.5 The counselling discussion will also confirm that you may be subject to further disciplinary action if you do not meet the required performance standard within a specified timeframe.
- 3.6 The discussion should be a two-way dialogue between you and your supervisor. During the discussion you are able to:
 - ask questions of your supervisor;
 - provide information about your performance (including mitigating factors); and
 - request assistance in meeting required standards where such assistance is available and suitable for the purpose.
- 3.7 At the end of the counselling discussion you should have a clear understanding of:
 - your level of performance (as assessed by your supervisor);
 - how you are failing to reach the required performance standard;
 - what is required of you to meet the required performance standard; and
 - the period of time in which performance is expected to improve.
- 3.8 Your supervisor will keep a record of the counselling discussion and provide a copy to you. In addition, your supervisor will ensure that relevant goals, strategies and achievement indicators are reflected in your performance development plan.
- 3.9 Following the counselling discussion, your supervisor will monitor your performance and will keep you informed about how you are progressing in meeting the required standard.
- 3.10 If you are not yet at the increment ceiling for your current HEW level, your supervisor and Head of Unit may consider withholding your annual increment payment if your performance does not improve. In such circumstances, your supervisor and Head of Unit (in consultation with the HR Business Partner and/or a Workplace Relations Consultant) must ensure that the process in [clause 64](#) of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 is followed.

4. Further disciplinary action

- 4.1 If your supervisor considers that no substantial improvement has occurred and that counselling has not produced the desired improvements in performance, your supervisor should consult with the Head of Unit and the relevant HR Business Partner to determine whether further disciplinary action is required. The HR Business Partner will in turn consult with the Workplace Relations Consultant assigned to their faculty/department.
- 4.2 If all parties agree that your performance is unsatisfactory, your supervisor, with the assistance of the HR Business Partner and Workplace Relations Consultant, will engage in a formal unsatisfactory performance disciplinary process in accordance with [clause 54](#) of the Enterprise Agreement.

5. Responsibilities

Employee

- 5.1 Employees have a responsibility to perform their work to a standard that is acceptable to their supervisor and which conforms with the accepted work performance policies, objectives, and accountabilities of the work units in which they are engaged.
- 5.2 Where employees are deemed not to be performing to the accepted standard they have a responsibility to:
- use their best endeavours to quickly reach and maintain the standard;
 - inform their supervisor of any matters that are affecting their ability to perform to an acceptable level; and
 - participate fully in any measures that the University considers are suitable in assisting the employee to attain and maintain acceptable work performance standards.

Supervisor

- 5.3 The supervisor is accountable to the University for:
- the performance and conduct of those whom they supervise; and
 - ensuring that employees understand the standards of performance that apply to the work that they are given.
- 5.4 Where an employee's performance is not to the standards that have been set, the supervisor has a responsibility to:
- inform the employee of this as soon as it is practicable and to discuss with the employee in a counselling session why performance is not to standard;
 - work with the employee to determine what the issues are and the action required to improve performance to the acceptable level within a specified timeframe; and
 - ensure that the resources and measures that have been identified as being a part of the improvement program are accessible to the employee in a timely fashion.
- 5.5 Where the employee persists in not meeting the standards of performance expected by the University, or is not moving satisfactorily towards meeting those standards, the supervisor has a responsibility to:
- advise the employee about the possible disciplinary actions that may be taken; and
 - provide information to the Head of the Unit and the HR Business Partner about the employee's performance issue.

The Head of Unit

- 5.6 The Head of Unit is responsible for:
- reviewing the issues and facts after an allegation of unsatisfactory performance has been made by the supervisor; and
 - ensuring that the supervisor has followed procedures, including offering counselling.

Monash HR

- 5.7 The HR Business Partner is responsible for:
- ensuring that the supervisor has followed University procedures, including offering counselling with regard to managing unsatisfactory performance; and
 - providing procedural advice and support to the head of unit and the supervisor with regard to managing unsatisfactory performance.
- 5.8 The Staff Development Unit is responsible for scheduling workshops for supervisors in the Performance Development for Professional staff - supervisor training.
- 5.9 Workforce Policy and Performance is responsible for:
- maintaining this procedure and related procedures and documents;
 - updating this procedure in consultation and communication with key stakeholders; and
 - generally providing advice and support with regard to Managing Unsatisfactory Performance: Professional Staff.
- 5.10 Workplace Relations is responsible for ensuring compliance with the unsatisfactory performance and disciplinary action provisions in the Enterprise Agreement.

6. Breach of procedure

- 6.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

DEFINITIONS

Annual work goals	Indicators identified by an employee (and confirmed by the performance supervisor) as necessary for the employee to achieve in order to meet the Key Responsibilities identified in the employee's Position Description.
Career aspirations and development goals	Specific professional development aspirations identified by the employee (and confirmed by the performance supervisor) as necessary for the employee's professional growth and career development through targeted learning and development opportunities.
Counselling	A process in which the supervisor may advise the employee about aspects of their performance that are giving rise to concern. The counselling process is concerned to identify what the issues under advisement are, to examine options for change and to point to ways in which the employee may improve their performance. The counselling process also provides an opportunity for the employee to furnish to the supervisor information about aspects of their performance, or about the context or contributing factors that are impacting on their behaviours. Counselling may occur in the context of or arising from the disciplinary process described at clause 54 of the Enterprise Agreement or the performance development process described at clause 64 of the Enterprise Agreement, in accordance with the applicable clause and with relevant University policy and procedures.
Disciplinary action	Action by the University to discipline a member of professional staff including unsatisfactory performance, misconduct or serious misconduct, and may entail the following measures: reprimand or counselling; transference to another position within the University (as determined by the University); withholding of an increment; suspension from the University; and/or dismissal as described at clause 54 of the Enterprise Agreement.
End-of-year review	Occurs at the completion of the annual performance development cycle and aims to provide the employee and performance supervisor with an opportunity to document and discuss the achievements of the employee during the preceding annual cycle against the annual work goals and career aspirations and development goals identified in the employee's performance plan.
Faculty or divisional cluster	A cluster of faculties and/or administrative divisions that is serviced by a particular HR Service Hub.
Feedback	The primary means for recognising good performance and for redirecting performance that needs improvement. Feedback is an ongoing activity that is usually information based, regular, immediate, informal and verbal. It is used to build trust and relationships in the workplace.
Head of Unit	The head of an academic or organisational work unit, for example Head of School, Head of Department or where applicable, a person acting as their nominee.
HR Business Partner	A key member of the Monash HR Business Partnering community and provides strategic advice, guidance and solutions that underpin key client goals, HR strategy and organisational vision to a particular client group.
Performance plan	A planning tool that is prepared by the employee and confirmed in a meeting with the performance supervisor at the commencement of the annual performance development cycle. It records the annual work goals and career aspirations and development goals for the employee's year ahead and the specific targets and progress towards achieving those goals. The performance plan forms the basis for performance conversations at any stage of the annual performance development cycle including formal end-of-year reviews and any regular informal performance discussions.
Supervisor	The person who is responsible for managing the performance of an employee. This will be the immediate line manager, unless the University nominates an alternative supervisor. The supervisor must be trained to effectively perform their role in the performance development process. Where an employee has two or more supervisors, one should be nominated as the performance supervisor.

ADMINISTRATION

Parent policy	Probation, performance and promotion
Supporting policies	<ul style="list-style-type: none">• Employment conditions• Equal opportunity• Ethics Statement• Integrity and respect• Leave and wellbeing• Pay, benefits and entitlements• Recruitment and appointment
Supporting procedures	Performance Development Process: Professional Staff
Supporting documents	<ul style="list-style-type: none">• Clause 52 - General Principles, Monash University Enterprise Agreement (Academic and Professional Staff) 2014• Clause 54 – Professional Staff Disciplinary Procedures, Monash University Enterprise Agreement (Academic and Professional Staff) 2014• Clause 64 - Performance Development, Monash University Enterprise Agreement (Academic and Professional Staff) 2014
Legislation mandating compliance	
Responsibility for implementation	
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Procedure owner	Director Workplace Relations
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Content enquiries	ask.monash or phone Monash HR on (03) 990 20400