

# MANAGING UNSATISFACTORY PERFORMANCE: PROFESSIONAL STAFF PROCEDURE

## SCOPE

This procedure applies to all continuing and fixed term professional staff 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 staff on probation, refer to the [Professional Staff Probation procedure](#).

## PROCEDURE STATEMENT

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

This procedure covers the management of staff where a supervisor is of the view that the staff member'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 staff member 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 staff, 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](#).

## 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 staff, 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

### Staff member

- 5.1 Staff 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 staff 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 staff member 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 staff understand the standards of performance that apply to the work that they are given.
- 5.4 Where a staff member's performance is not to the standards that have been set, the supervisor has a responsibility to:
- inform the staff member of this as soon as it is practicable and to discuss with the staff member in a counselling session why performance is not to standard;
  - work with the staff member 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 staff member in a timely fashion.
- 5.5 Where the staff member 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 staff member 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 staff member'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 a staff member (and confirmed by the performance supervisor) as necessary for the staff member to achieve in order to meet the Key Responsibilities identified in the staff member's Position Description.
Career aspirations and development goals	Specific professional development aspirations identified by the staff member (and confirmed by the performance supervisor) as necessary for the staff member's professional growth and career development through targeted learning and development opportunities.
Counselling	A process in which the supervisor may advise the staff member 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 staff member may improve their performance. The counselling process also provides an opportunity for the staff member 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 <a href="#">clause 54</a> of the Enterprise Agreement or the performance development process described at <a href="#">clause 64</a> 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 <a href="#">clause 54</a> of the Enterprise Agreement.
End-of-year review	Occurs at the completion of the annual performance development cycle and aims to provide the staff member and performance supervisor with an opportunity to document and discuss the achievements of the staff member during the preceding annual cycle against the annual work goals and career aspirations and development goals identified in the staff member's performance plan.
Enterprise Agreement	The relevant Enterprise Agreement that applies to a particular staff member. Clauses relating to this procedure are: <a href="#">Monash University Enterprise Agreement (Academic and Professional Staff) 2014</a> <ul style="list-style-type: none"> <li>• <a href="#">Clause 52 - General Principles</a></li> <li>• <a href="#">Clause 54 – Professional Staff Disciplinary Procedures</a></li> <li>• <a href="#">Clause 64 - Performance Development</a></li> </ul>
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 staff member 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 staff member'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 a staff member. 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 a staff member has two or more supervisors, one should be nominated as the performance supervisor.

## GOVERNANCE

Parent policy	<a href="#">Probation, performance and promotion</a>
Supporting schedules	
Associated procedures	<a href="#">Performance Development Process: Professional Staff</a>
Legislation mandating compliance	
Category	Human Resources
Approval	Chief Human Resources Officer as delegate of the Chief Operating Officer - 6 November 2015
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