

## Educator Appraisal, Training and Performance Management

### Legislation:

Education and Care Services National Law (WA) Act 2012: 163, 169

Education and Care Services National Regulation Act 2012: 125-128, 136-143, 145-153

National Quality Standard: 4.1, 4.2, 7.1, 7.2

The Equal opportunity Act: [www.equalopportunity.wa.gov.au](http://www.equalopportunity.wa.gov.au)

Fairwork Australia: [www.fairwork.gov.au/](http://www.fairwork.gov.au/)

Occupational Health and Safety Act 1984 <http://www.commerce.wa.gov.au/worksafe>

Chamber of Commerce and Industry website – [www.cciwa.com](http://www.cciwa.com)

### Policy Statement:

Unicare is dedicated to supporting educators in their performance and ongoing professional development. We recognise the importance of an effective support system to ensure Educator/staff wellbeing and retention. Unicare aims to provide an environment in which employee's value and support each other and give constructive feedback as part of normal everyday practice.

### Strategies for implementation:

- An initial performance appraisal will take place within new employees 3 month probationary period and every 2 years thereafter with the Director.
- Appraisals are intended to be opportunities to discuss educator strengths and provide constructive feedback with regard to performance. Goals and training opportunities will be set. Both the Director and teams complete the appraisal forms prior to the appraisal meeting.
- Appraisals will be reflective of educator position descriptions and appropriate to their qualification level. Written goals and timeframes will be agreed upon.
- Appraisals will be reviewed every 2 years or more frequently if required.
- Performance appraisals may be used to substantiate a formal warning for continued poor work performance.
- Unicare will ensure provisions for educator/staff training and professional development are available and educators are supported in the advancement of their qualifications and careers.

**Procedure for dealing with poor work performance and unacceptable behaviour.****Stage I - Verbal Warning**

- An employee is verbally informed as soon as possible of any complaint concerning their work performance and given the opportunity to respond to the concerns expressed and changes required.
- An informal, un-minuted interview should be held, attended by the employee and one or more of the following persons – Director; Assistant Director; Management Committee member. (Although un-minuted, a record will be made that the interview took place).
- Complaints about the employee's work will be specific and relate to the job as summarised in the job description. The employee should be asked to respond to each concern. If their response is satisfactory the discussion ends. If their response is unsatisfactory, they will be told that their response fails to justify their conduct and an outline should be given to the employee on how they must improve their performance and a review period set for 1-4 weeks depending on the particular circumstances.
- Any support that the employee requires to make the required changes should be identified and appropriate steps made to implement.

**Stage II - Written Warning**

- If the employee's performance has not improved the employee is to be advised with reasonable notice of the date, time and reason of the second interview, which will be a formal documented interview. This will allow for the employee to arrange attendance by their chosen representative if desired.
- A formal documented interview should be held with a copy of the record of the interview provided to the employee, the Director and one placed on the employee's file.
- Documentation to include:
  - (a) Specific details of performance standards not being achieved or not maintained.
  - (b) Action to be taken if standards are not achieved or maintained.
  - (c) The date at which the performance will be reviewed.
  - (d) Signatures of all relevant parties at the interview that it is an accurate record of the proceedings, but on the part of the employee does not necessarily indicate their agreement.

If the employee disagrees with the assessment then there should be a right of written reply which will also be attached to the file.

Stage III - Written Warning

- A second formal documented interview is held. A verbal warning is given followed up by a "Letter of Warning" which includes specific areas where improvements must be achieved, the consequences for lack of improvement (that job loss may be the final result), and the review date.
- Documentation of the interview follows the same requirements as set out in Stage II.

Stage IV - Final Written Warning

- The Director/Management Committee may conduct a third formal documented interview with the employee in which another written warning may be given that continuing failure to improve will result in suspension or dismissal.
- All other procedures as set out in Stage II will be followed.

**Termination of Employment**

- If the interviewing panel believe that the employee's performance has not improved after the Stage IV interview, the employee should be invited to explain why they should not be dismissed, and to raise any issues that may warrant consideration. The interviewing panel must then decide whether to recommend to the Management Committee that:
  - (a) Alternative employment is available and should be offered. If the employee does not accept then the Operator may issue a notice of dismissal. If the employee accepts, a new contract is issued "without loss of service".

Or:

- (b) Employment should be terminated.

A dismissal notice will include the effective date of dismissal, reasons for dismissal and termination of payment as per award entitlement. The length of notice of dismissal, detailed in the relevant award, is usually two weeks. An employee may be paid out in lieu of such notice.

**Unfair dismissal**

If an employee believes that their termination of employment, or treatment as an employee is a breach of their general protection under the Fair Work Act, they may ask for assistance from Fair Work Australia. Applications relating to general protections where the employee has been dismissed must be lodged with Fair Work Australia within 60 days of being dismissed.

Unicare will ensure an employee is not dismissed in a manner that is considered harsh, unjust or unreasonable and ensure the above procedure has been followed.

**Procedure for dealing with serious unacceptable behaviour/gross misconduct**

Where an employee in the workplace:

- a) Intentionally endangers life.
- b) Is found stealing.
- c) Reports to work under the influence of drugs or alcohol.
- d) Inflicts or threatens physical or sexual abuse or harassment.
- e) Fails to comply with policies and procedures and risks that health and safety of others.

The following procedures should apply:

- The Operator should suspend the employee without loss of pay pending an investigation, which should be completed as soon as possible.
- The written results of the investigation should be sent to the employee and an interview arranged to allow the employee to respond.
- The employee should be advised that they are welcome to have a representative at the interview if they wish.
- The interview should be attended by the Nominated Supervisor, Staff representative, the person reporting the unacceptable behaviour, the employee, and the employee's representative if desired. The employee should be advised formally of the findings of the investigation and asked to respond.
- The employee's responses to the investigation results should be assessed:
- If the employee's responses are considered to be credible, then either the matter will come to an end there and then, or a warning may be issued if appropriate;
- If further investigation is required, then the above steps will be repeated;
- If the employee's responses are considered to be not credible, then a decision will be made to terminate immediately with written confirmation to follow.

It is not necessary to give the minimum notice or compensation in lieu of notice if the employee is guilty of misconduct which would make it unreasonable to continue employment throughout the notice period. In this case salary shall be paid up to the time of dismissal only.