

Background

Performance Management has significant benefits for our centres as it leads to inspire and enhance each team members performance. Where there is underperformance, we will work to resolve this promptly and effectively in accordance with an individual *Performance Improvement Plan* developed in conjunction with the team member.

Underperformance is not the same as *misconduct*. *Misconduct* is a serious offence such as theft or assault, which may warrant instant dismissal. In some cases of misconduct, the employer will seek specific advice from the Fair Work Ombudsman or professional legal advice about how to proceed before taking any course of action.

Working in conjunction with the *Performance Management Policy* and *Code of Conduct Policy*, this procedure assists managers with managing underperforming team members in a prompt and professional manner.

Procedure

Managing Underperforming Team
Members Underperformance or poor
performance includes:

- The team member not performing tasks associated with the role according to the job description.
- The team member not carrying out the work to the standard as set by the job description.
- The team member displaying unacceptable, disruptive, or negative behaviour at work.
- The team member not following policies and procedures of the Centre.

The Centre Manager will review past Performance Review reports to identify if any previous concerns have been raised, as well as the team members job description to identify any responsibilities not being met.

The Centre Manager will assess and analyse the issue by determining:

- The seriousness of the issue.
- How long the issue has existed.
- The team members present performance and how this varies to what is expected of the team member.

Performance Management Meeting

1. Advise the team member of the purpose of the meeting in advance so they can adequately prepare for the meeting.
 - Advise the team member of the date and time of the meeting – 24hrs will be provided
 - Advise the team member they are permitted to bring a support person of their choice to the meeting. Their role is to support the team member during the meeting, not speak or advocate for them.
 - Arrange for the meeting to take place in a private and comfortable environment that is non-threatening, away from distractions and interruptions.
2. Provide clear communication with the team member to clarify:
 - Performance indicators – why there is an issue.
 - Expectations around ethics, values, and behaviour.
 - How their underperformance or behaviour impacts the workplace environment.
 - Why there is a concern from management.

3. Clearly articulate the outcome they wish to achieve from this meeting. The team member will be provided with the opportunity to have their point of view heard and considered.
4. Listen to the team member about the issue or any comments the team member makes.
5. Summarise their understanding of the meeting to the team member.
6. Clearly explain that more serious actions may need to be taken if the team members performance does not improve. This may include further mentoring, counselling, issuing formal warnings and ultimately if the issues cannot be resolved, termination of employment.
7. Minutes from this meeting will be documented in the *File Note Template* accurately and verified by all meeting attendees. This includes the team member, support person, and management.

Performance Improvement Plan

A *Performance Improvement Plan* will be developed in consultation with the team member, outlining actions and goals to be implemented.

The team member will be requested to contribute to the development of the Performance Improvement Plan to help resolve the issue.

- Explore ideas by asking open ended questions.
 - Emphasis common ground.
 - Keep on track.
 - Focus on positive possibilities.
 - Offer assistance such as professional development, redefining their roles and responsibilities, etc.
1. Performance expectations and what is to be achieved over a specific period of time will be discussed and documented with the team member.
 2. Job Descriptions will be used to review the role and responsibilities of the team member.
 3. Management will identify and document any areas for professional development that can be implemented as part of the Performance Improvement Plan.
 4. Dates for follow up meetings/monitoring of the plan will be established in consultation with the team member.
 5. The Performance Improvement Plan will be finalised and signed by management and the team member. A copy will be provided to the team member and a copy placed on the team member's file.

Performance Plan

Review Management

will be required to:

- Monitor the team members performance and continue to provide feedback and encouragement.
- Work with the team member to ensure that performance improvements are sustained.
- Conduct a review meeting 6-8 weeks following the initial meeting and implementation of the *Performance Improvement Plan*.

- Discuss how the team member believes they have performed against the set goals and strategies developed within the *Performance Improvement Plan* and make adjustments if required.
- Review whether further support is required to assist the team member.
- Provide meeting minutes to the team member and a copy of any amendments to the *Performance Improvement Plan*.

Official Warning/s

The team member will be provided with the opportunity to fix any performance issues before being issued a warning. Management will provide a team member with an official warning in writing before ending their employment. If a warning is given to the team member, management will:

- Be clear about the reason for the warning.
- Provide written clarification.
- Set clear expectations about what actions need to be demonstrated to resolve the issue.
- Ensure the warning is fair and reasonable in the circumstances.

Termination of Employment

If a team members performance does not improve to an acceptable standard, termination of their employment may be an option. Employers cannot dismiss their team members in circumstances that are *harsh, unjust, or unreasonable*. What is harsh, unjust, or reasonable will depend on the circumstances of each case.

However, it is important to be fair to the team members particularly when it comes to termination of employment. They should be given reasons for dismissal and an opportunity to respond to these reasons (Fair Work Ombudsman 2013).

Management must provide the team member with written notice of the day of termination when ending their employment. The written notice must provide details of the team members last day and a reason as to why their employment has been terminated. Team members will receive their entitlements, such as their notice of termination and any annual leave that they have accrued.

The employer must keep records of when the team members leaves the centre, including the name of the person who terminated the employment, details of how the termination took place (notice given by team member, termination by employer, etc.).

Termination of Employment | Serious Misconduct

All team members are to be made fully aware that the identified breaches of the *Code of Conduct* and role responsibilities may lead to termination of employment. The employer can instantly terminate a team members employment, where the team member has engaged in *serious misconduct*.

Prior to making final decisions to terminate a team member because of serious misconduct, the employer must take the following steps:

- Immediately arrange a meeting with the team member and advise them that they are able to have a support person present at the meeting.
- Arrange to have a witness present at the meeting.
- Identify the serious misconduct and present any facts or evidence that surrounds the alleged misconduct.
- Allow the team member to respond to the allegations.
- Consider termination options.

If after considering the options, including any statements provided by witnesses, provide a letter of

termination of employment to the team member. The letter will include the reasons for the termination of employment and the date the employment will end. When a team member is terminated on the grounds of *serious misconduct*, the employer does not have to provide any notice of termination.

Team members will receive their entitlements, such as their notice of termination and any annual leave that they have accrued.

The employer must keep records of when the team members leaves the centre, including the name of the person who terminated the employment, details of how the termination took place (notice given by team member, termination by employer, etc.).

Sources

- Fair Work Ombudsman – Managing Underperformance: <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warning> accessed 24 June 2025
- National Quality Framework (NQF): <https://www.acecqa.gov.au/nqf/about> accessed 24 June 2025

Further reading and useful websites

- National Employment Standards (NES): <https://www.fairwork.gov.au/employment-conditions/national-employment-standards> accessed 24 June 2025
- Early Childhood Australia (ECA) Code of Ethics: <https://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/> accessed 24 June 2025
- Safe Work Australia – Guide to Managing Psychosocial Hazards: <https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-psychosocial-hazards-workplace> accessed 24 June 2025

Procedure Review

The Service encourages staff and parents to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur, and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognized authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Version	Date Reviewed	Approved By	Comments/Amendments	Next Review Date
1	2 March 2021	Kaylene Harper	Policy Amended	March 2022
2	10 September 2021	Kaylene Harper	Reviewed policy	September 2022
3	7 October 2022	Linda Hollard	Reviewed policy	October 2023
4	23 August 2023	Grace McKinstry	Reviewed policy. Accessed sources and further readings.	August 2024
6	8 July 2024	Tiffany Boeske	Reviewed Procedure and amended notice periods	July 2025
7	24 June 2025	Gen Mahaki	Annual review; updated sources and links	June 2026