**State School Teacher Managing Unsatisfactory Performance Stages**

**Stage1 – Identification and Improvement Plan**

*Concern*

The Principal and the employee (and their nominated support person if requested by the employee) will meet to discuss any ongoing performance concerns. The Principal and State school teacher will document ongoing performance concerns in a formal Identification and Improvement Plan. Performance concerns must be communicated – both verbally and in writing – clearly and with sufficient detail to afford the State school teacher every reasonable opportunity to address the performance concern/s.

*Expectations*

Expectations of the State school teacher’s performance will be recorded in the Identification and Improvement Plan. These expectations will be expressed as performance goals, the achievement of which will indicate satisfactory performance. Wherever possible, performance goals will be measurable to enable objective assessment of the State school teacher’s performance.

*Resources*

The Identification and Improvement Plan will identify material and human resources and other forms of assistance available to the State school teacher to assist the State school teacher achieve the prescribed performance goals. For example, lesson plan proforma documents or assistance in subject planning from the Head of Curriculum/Department may be identified.

The Identification and Improvement Plan will indicate how, and if necessary when, these resources and assistance are able to be accessed.

*Timeframe*

A timeframe for improvement against each performance goal will be recorded on the Identification and Improvement Plan. Wherever possible, improvement timeframes will be scheduled in such a sequence so as to build capabilities within the State school teacher and to assist the Principal in the identification of any incremental improvement in the State school teacher’s performance.

Stage 1 – Identification and Improvement Plan of the MUP process will take no more than five school days including the day on which the Principal notifies the State school teacher either verbally or in writing that a formal MUP process is to be initiated. This stage may be extended beyond five days by mutual agreement between the Principal and the State school teacher.

As part of Stage 1 – Identification and Improvement Plan, the Principal will advise the State school teacher of the intended process consistent with this policy including MUP stages, timeframes and possible disciplinary outcomes. The State school teacher should also be given a copy of this policy.

In documenting the Stage 1 – Identification and Improvement Plan process, the Principal may choose to the use the provided forms or an equivalent.

**Stage 2 – Improvement**

The State school teacher will be provided with four weeks (20 days) to address performance concerns and meet performance goals as recorded in the Identification and Improvement Plan.

The State school teacher's performance will be progressively assessed by the Principal through observation of the State school teacher’s classroom practice and examination of the State school teacher's materials and student work. Four to six lesson observations should be undertaken, each for a minimum of thirty minutes. The State school teacher will not receive prior notice of two of these observations. Relevant non-classroom duties may also be assessed.

It is essential that the State school teacher receives progressive feedback on their performance and copies of documented observations and assessments. The State school teacher must be given the opportunity to respond in writing to each observation and assessment and the State school teacher’s written response should be attached to the Principal’s record of the MUP process.

The Principal may terminate Stage 2 – Improvement at any time in the event that the Principal determines that:

* the State school teacher has addressed the performance concerns and met or exceeded the performance goals as recorded in the Identification and Improvement Plan so that the State school teacher’s performance is now satisfactory; or
* on the basis of medical evidence, the State school teacher is not fit for duties and no other remedial action is available.

Where the Principal terminates Stage 2 – Improvement because the State school teacher’s performance meets or exceeds documented performance goals, no further remedial action will be taken and the MUP process will cease.

The Principal may revisit the MUP process and immediately re-apply the Identification and

Improvement Plan to the extent that the same performance concerns are identified within a

12-month period after the MUP process ceases. Principals will only reinstitute the MUP process at the Identification and Improvement Plan stage following consultation with, and the approval of, the relevant Regional Director or their delegate.

Where the State school teacher demonstrates improved performance but their performance is still not entirely satisfactory, the Principal may extend Stage 2 – Improvement for a further period up to four weeks (20 days). The duration of Stage 2 – Improvement will not extend beyond eight teaching weeks for any State school teacher, including for part-time employees.

On completion of Stage 2 – Improvement, the Principal must assess whether the State school teacher’s performance is satisfactory or unsatisfactory. If unsatisfactory, the Principal must refer the State school teacher's performance to the relevant Regional Director or their delegate, recommending that the process be continued to Stage 3 – External Review. The Principal should immediately provide a copy of this recommendation to the State school teacher, who may choose to make a separate submission to the Regional Director or their delegate.

NB: State school teachers who are subject to a Managing Unsatisfactory Performance (Stage

2 or beyond) process at the time of their annual increment will not be entitled to progress to

the higher increment under the *Department of Education, Training and Employment State*

*School Teachers’ Certified Agreement 2012.* The State school teacher will become eligible to progress to a higher increment only when theirperformance has been assessed as satisfactory. Future increments will occur annually fromthe date that their performance has been assessed as satisfactory.

**Stage 3 – External Review**

In deciding whether or not to implement an external review of the State school teacher's performance, the Regional Director or their delegate will review the MUP process to date to ensure its compliance with this policy and that the State school teacher has been provided with reasonable opportunities to formally respond through the MUP process.

If the recommendation that the process be continued to Stage 3 – External Review is accepted, the Regional Director or their delegate will nominate two external officers, classified as either School Leader/s or Head/s of Program, to further assess the State school teacher’s performance.

The Regional Director or their delegate will inform the State school teacher in writing that the

MUP process will now proceed to Stage 3 – External Review and provide information on the process and the external officers' names. The external officers will initially meet with the

State school teacher and explain the proposed review process.

The external officers will undertake four to six lesson observations for a minimum of thirty minutes each within one week (5 days) where possible and no more than two weeks (10 days). Half of the observations (i.e. either two or three teaching periods) may be undertaken without the State school teacher receiving prior notice. The external officers should assess all facets of the State school teacher’s competency and provide the State school teacher with progressive feedback. The assessment document should be discussed with, and signed by, the employee.

The external officers must prepare a comprehensive report on the State school teacher's performance and suitability for continued employment, recommending an appropriate outcome of the MUP process. The external officers’ report must be provided to the Regional Director and the employee.

The Regional Director will consider the Stage 3 – External Review report and may:

dismiss the matter providing reasons for doing so to the State school teacher and

Principal; or

submit to the Board of Review a letter recommending that the Board of Review consider a particular form of disciplinary action pursuant to *Section 187* of the *Public Service Act*

*2008* and attaching a summary of the MUP process and relevant documentation; or

take any other appropriate action, including recommencement of the process at either Stage 1, 2 or 3.

Where the Regional Director dismisses the matter providing reasons for doing so, the MUP process will cease and no further remedial action will be taken. However, the Principal may revisit the MUP process and immediately re-apply the Identification and Improvement Plan to the extent that the same performance concerns are identified within a 12-month period after the MUP process ceases. Principals will only reinstitute the MUP process at the Identification and Improvement Plan stage following consultation with, and the approval of, the Regional Director.

**Stage 4 – Board of Review**

The Board of Review will meet, as required, to:

consider the State school teacher’s performance; and

ensure that the MUP process has been fair and observed tenets of natural justice; and

consider whether to accept the Regional Director’s recommendation of disciplinary action pursuant to Section 187 of the *Public Service Act 2008*.

The Board of Review will examine all submissions and independently recommend appropriate administrative action to the Assistant Director-General, Human Resources, who then determines the final administrative action to be taken (e.g. termination of employment).

The Board of Review assists in minimising possible industrial conflict associated with performance-related matters, and helps ensure that allegations of unfair practices do not undermine performance management processes.

The Board of Review will consist of:

Executive Director, Workforce Management and Support;

aState School Principal;

a State High School Principal; and

a representative of the Queensland Teachers’ Union.

Where disciplinary action is proposed pursuant to the *Public Service Act 2008*, the State school teacher will be given at least 14 days to respond to all matters of concern before a determination is made.

All responses will be fully considered by the Board of Review prior to recommending final administrative action for approval by the Assistant Director-General, Human Resources.

Immediately after the Assistant Director-General, Human Resources determines the final administrative action on an unsatisfactory performance report, the Principal and the Regional

Director will receive a copy of the determination.

When the employment of a State school teacher is terminated for unsatisfactory performance following a MUP process, a Notice of Further Consideration Required will be placed against the State school teacher’s employment record. Any future applications for employment with the Department of Education, Training and Employment will be referred directly to the Executive Director, Workforce Management and Support for consideration.