

Name of Guidelines	Senior Executive, Executive and Senior Management - Performance Management Guidelines
Description of Guidelines	Provides advice on dealing with performance management and dismissal for poor performance, including guidance on how to manage performance issues and conduct a formal performance management process for senior staff of the University.
Guidelines apply to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit, etc</i>)
	<input checked="" type="checkbox"/> Staff only <input type="checkbox"/> Students only <input type="checkbox"/> Staff and students
Guidelines Status	<input type="checkbox"/> New policy <input checked="" type="checkbox"/> Revision of existing guidelines

Approval Authority	Vice Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	4 February 2015
Effective Date	4 February 2015
Approval Date of Last Revision	31 January 2019
Effective Date of Last Revision	31 January 2019
Date of Policy Review*	February 2022

**unless otherwise indicated, this policy will still apply beyond the review date*

Related legislation, policies, procedures, guidelines and local protocols	
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1. Guidelines Purpose

These guidelines deal with performance management and dismissal for poor performance. The purpose of the guidelines is to provide guidance on how to manage performance issues and how to conduct a formal performance management process. The Guidelines are not legally binding on the Australian Catholic University.

These guidelines apply to those Senior Executive, Executive and Senior Management staff members who are not covered by the Australian Catholic University Staff Enterprise Agreement 2017 – 2021, or its successor.

Nothing in these guidelines prevent the University from terminating employment by providing written notice, or payment in lieu of notice, in line with an Executive Employment Agreement or a Senior Management Employment Agreement.

2. Grounds for dismissing a Staff member

Lawful reasons for dismissing a Senior Executive, Executive and Senior Management staff member include:

- performance (eg where the staff member is unable to satisfactorily complete the inherent duties of the job);
- conduct (eg consistently late for work);
- serious misconduct (e.g. fighting, drinking on the job) - see Executive/Senior Executive Staff - Dealing with Misconduct and/or Serious Misconduct Guidelines; and

- redundancy (ie the position no longer exists).

3. Performance

A Senior Executive, Executive and Senior Management staff member's performance is considered to be inadequate if the staff member is not meeting the reasonable performance standards of the position, and/or has not achieved a satisfactory rating in one or more key areas of their performance plan over a significant period.

4. Informal Performance Management

Wherever possible it is preferable that performance related issues are dealt with informally by the staff member's direct manager or supervisor, especially at first instance where the staff member has otherwise performed satisfactorily, or the inadequate performance is not significant.

Where a manager has concerns about a staff member's performance the manager should generally give initial consideration to whether or not the provision of counselling, mentoring or further training would be appropriate as an alternative to commencing a formal performance management plan.

Where it is not appropriate to address the staff member's performance issues informally, or where attempts to do so have been ineffective in resolving the issues, the process outlined below should be followed.

5. Verbal warnings

Where a manager has concerns about a staff member's performance, the manager should explain to the staff member the manner in which the staff member's performance is not meeting the required standard.

The manager should, in the first instance, verbally counsel the staff member by informing them of the area(s) in which they are not meeting the required standard of performance or conduct expected of them.

The staff member should be given an opportunity to respond to the employer's concerns and be provided with an opportunity to rectify their performance within a reasonable

period of time, depending on the circumstances. The staff member should also be offered further training, mentoring or coaching if appropriate in the circumstances.

The manager should make written notes of the verbal warning.

6. Official Warnings

If the staff member fails to rectify their performance within the required period, the manager may then require the staff member to attend a meeting at which an official warning will be given.

If the staff member's performance continues to be inadequate to such an extent that it would be unreasonable for the manager to allow the staff member the allotted time to remedy the problem, then the manager may institute the first official meeting prior to the specified time expiring.

The manager should inform the staff member prior to the meeting of the concerns which the manager has with the staff member's performance and advise the staff member they are allowed to have a person of their choice accompany them to the meeting.

At the meeting the manager should outline the nature of the problem(s) and allow the staff member an opportunity to respond.

If the staff member's response is not adequate the manager will present the staff member with an official written warning. The warning should state:

- the problem;
- refer to all previous oral warning(s) and their dates;
- the corrective action which is required;
- identify any remedial training required;
- what action will be taken if the staff member does not remedy the problem (when issuing a warning, the warning should state that if the problem is not remedied within a specified time then the staff member may be dismissed);
- state that the written warning will be filed in the staff member's personal file [for a specified period of time]; and
- set out a time frame for a further review.

The manager should then monitor the staff member's performance to determine whether they are making the required improvement.

7. Steps leading to dismissal

Following the issuing of the official written warning, if the staff member fails to remedy the fault within the allotted time, or it would be unreasonable for the manager to allow the staff member to continue working out the allotted time, the manager should then initiate a further warning process/initiate a dismissal process.

That will involve requesting by letter that the staff member attend an official meeting to respond to the allegations of inadequate performance. That letter should state:

- that the staff member's performance has not improved;
- the steps the employer has taken to remedy the problem in the past;
- the fact that the staff member is entitled to be accompanied by a person of their choice; and
- the fact that, unless the staff member can adequately explain their ongoing poor performance, then ACU may decide to dismiss the staff member.

The staff member may have a person of their choice with them at the meeting. The manager should start by outlining the concerns they have with the staff member's performance or conduct. It is very important for the manager to listen to the Staff member's responses as objectively as possible. The manager should then adjourn the meeting to consider the staff member's response and determine whether they will progress a recommendation that the staff member be dismissed.

If the staff member's response is adequate, the manager should inform the staff member they will remain employed, but that the staff member's performance will continue to be closely monitored for a specified period of time (e.g. one to three months).

If the staff member's response is considered inadequate, the manager has two options:

- issue the staff member with a further warning; or
- orally inform the staff member that the manager will be recommending dismissal to the Vice-Chancellor and President.

The Vice-Chancellor and President will consider the recommendation and any response from the staff member. If the Vice-Chancellor and President determines that dismissal is appropriate, the staff member will receive a written notice of termination. The notice should state the reasons for the dismissal, ie poor performance and the history of warnings given previously. Termination of employment is not effective unless it is received in writing.

The manager should consult with their senior manager before recommending the dismissal of a staff member. Only the Vice-Chancellor and President has the delegation to dismiss a staff member of Australian Catholic University and, in such circumstances, the decision of the Vice-Chancellor and President is final.

8. Revisions made to these Guidelines

Date	Major, Minor or Editorial	Description
31 January 2019	Editorial	<ul style="list-style-type: none"> • Guidelines title updated from <i>Senior Staff – Performance Management Guidelines</i> to <i>Senior Executive, Executive and Senior Management Guidelines</i>, with wording reflected throughout guidelines. • New ACU branding and policy template. • HR contact details now include Service Central.

The University may make changes to these guidelines from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about these guidelines may forward their suggestions to the Director, Human Resources.

9. Further Assistance

Any staff member who requires assistance in understanding these guidelines should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).