

Guideline

DECS 0911001-2

Managing Unsatisfactory Performance

This guideline supports the *DECD Performance and Development Policy*.

It provides a framework for managing the small number of employees whose performance does not meet the requirements of their role/position and/or the expected standards or levels of performance of a public sector employee.

Publication Date	July 2014
Review Date	July 2016
Related Legislation/Applicable Section of Legislation	Education Act 1972/Section 12 Public Sector Act 2009/Section 8 The Code of Ethics for the South Australian Public Sector
Related Policies, Procedures, Guidelines, Standards, Frameworks	Performance and Development Policy Performance and Development Guideline
Replaces	Managing Unsatisfactory Performance Guideline 2011
Policy Officer (Name/Position)	Jennifer Hilterbrand (Principal Consultant, Performance and Development)
Policy Officer (Phone)	(08) 8226 4167
Policy Sponsor (Name/Position)	Dr Kerry Kavanagh (Director, Workforce Development)
Executive Director Responsible (Name/Position/Office)	Phil O'Loughlin (Executive Director, Human Resources and Workforce Development)
Applies to	All DECD employees

Key Words	Managing performance, unsatisfactory performance, performance management, misconduct, inability, indolence
Status	Approved
Approved by	Phil O'Loughlin (Executive Director, Human Resources and Workforce Development)
Approval Date	18 July 2014
Version	1.1

REVISION RECORD

Date	Version	Revision Description
September 2011	1.0	Initial document
July 2014	1.1	Minor changes to references and addition of language relevant to Families SA employees

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1. TITLE

- Managing Unsatisfactory Performance Guideline.

2. PURPOSE

- The Department for Education and Child Development (DECD) is committed to a high performing workforce where all employees are engaged in structured performance and development programs through which unsatisfactory performance is managed effectively and in a timely manner.
- The *Managing Unsatisfactory Performance Guideline* is part of the department's *Performance and Development Policy* and reflects the standards and principles set out in the:
 - *Education Act 1972*
 - *Children's Services Act 1985*
 - *Public Sector Act 2009*
 - *Fair Work Act 1994*
 - *The Code of Ethics for the South Australian Public Sector*
 - *The Commissioner for Public Sector Employment's Guideline: Management of Unsatisfactory Performance (including Misconduct)*
- The intention of this guideline is to provide a framework for identifying, managing and documenting instances of unsatisfactory performance in a manner that is consistent with the principles of natural justice and procedural fairness.

3. SCOPE

- Section 12 of the *Education Act 1972* requires that the Chief Executive maintain a proper standard of efficiency and competency in the teaching service. Section 8 of the *Public Sector Act 2009* requires that the Chief Executive establish and administer effective performance management and development systems across the department.
- This guideline applies to all employees and encompasses all categories of employment in the Department. Our employees fulfil a vital role in the education and safety of children and students in South Australia and are widely recognized for their valuable contribution to the families and communities of South Australia.
- The *Performance and Development Policy* provides a framework for the achievement of these legislative requirements and delegates responsibility for implementing Performance and Development systems to all leaders. Support for leaders in managing unsatisfactory performance is available from the [DECD Performance and Incapacity Unit](#).

4. GUIDELINE DETAIL

- The guideline has been designed to ensure that leaders, managers and employees are supported by a clear framework for identifying, managing and documenting instances of unsatisfactory performance, in a manner that is consistent with the principles of natural justice and procedural fairness.

4.1. Principles

- The *Managing Unsatisfactory Performance* Guideline is underpinned by the principles of:
 - honesty, openness and transparency
 - natural justice and procedural fairness
 - continuous improvement
 - accountability
 - mutual responsibility
 - clearly specified expectations
 - evidence based
 - confidentiality
 - a safe and supportive working environment.

4.2. Performance Expectations

- Performance expectations are established standards of performance, including ethical and behavioural standards. Sources of performance expectations may include:
 - [*Australian Charter for the Professional Learning of Teachers and School Leaders*](#)
 - [*Australian Professional Standard for Principals*](#)
 - [*Australian Professional Standards for Teachers*](#)
 - [*Children's Services Act 1985*](#)
 - [*Code of Ethics for the South Australian Public Sector*](#)
 - [*Competency Framework for the South Australian Public Sector \(ASO1 – ASO8\)*](#)
 - [*Education Act 1972*](#)
 - [*Education Regulations 2012*](#)
 - [*Protective Practices for Staff in their Interactions with Children and Young People*](#)
 - [*Public Sector Act 2009*](#)
 - [*South Australian Executive Service \(SAES\) Competency Framework*](#)
 - [*Teachers Registration and Standards Act 2004*](#)
 - Job and Person Specifications/Role Descriptors (and similar)
 - relevant strategic plans, improvement plans, or values statements
 - policies, procedures, frameworks or agreements that apply to relevant workplace operations.

4.3. Unsatisfactory Performance

- Unsatisfactory performance occurs when an employee is not performing the duties of their role to the required standard or otherwise is not performing in a satisfactory manner.
- Performance expectations include employees' technical duties and the totality of conduct in connection with their role as a public sector employee.

4.3.1. Unsatisfactory Performance – Inability

- Employees may perform unsatisfactorily because they lack the necessary skills, competence or understanding required to execute or accomplish the technical duties of their role.
- Every effort must be made by leaders to understand why an employee is unable to perform satisfactorily in order to provide effective support and reasonable opportunity to remedy unsatisfactory performance.

4.3.2. Unsatisfactory Performance – Indolence/Lack of Application or Effort

- Employees may perform unsatisfactorily due to a lack of application or effort on their part and/or a refusal/failure to follow lawful and reasonable managerial directions.

4.3.3. Unsatisfactory Performance – Misconduct

- Misconduct may involve either a negligent or deliberate departure from accepted ethical or behavioural standards. A breach of the disciplinary provisions of the Code of Ethics for the South Australian Public Sector (the code of conduct for the purposes of the Public Sector Act) will amount to misconduct, as will conduct that amounts to misconduct under Section 26 of the *Education Act 1972*¹ or at common law.
- Misconduct is defined in the *Public Sector Act 2009* as:
 - (a) a breach of a disciplinary provision of the public sector code of conduct while in employment as a public sector employee; or
 - (b) other misconduct while in employment as a public sector employee.
- The term includes making a false statement in connection with an application for engagement as a public sector employee and being convicted, while in employment as a public sector employee, of an offence punishable by imprisonment.
- Note: some forms of conduct that amount to misconduct may be managed as unsatisfactory performance per se. This is usually low-level misconduct, for example repeated lateness for work. For guidance on managing misconduct specifically, please contact [Human Resources and Workforce Development](#).

4.3.4. Unsatisfactory Performance – Mental or Physical Incapacity²

- If an employee is not performing the duties of their role satisfactorily (including misconduct) a leader should consider the possibility that it may be due to mental or physical disability/illness. In this situation, independent medical information may be sought to inform any action aimed at addressing the unsatisfactory performance.

¹ Section 26 of the *Education Act 1972* is relevant to officers of the teaching service only.

² Mental or physical illness is not unsatisfactory performance in itself. Section 4.3.4 refers only to mental or physical illness as it relates to unsatisfactory performance. A negotiated Employee Health Support Plan may assist leaders to make reasonable accommodations that will support an employee with a mental or physical illness to maintain a satisfactory level of performance.

- Medical information may:
 - confirm that incapacity is the reason for the unsatisfactory performance
 - diagnose the severity of the incapacity
 - provide a prognosis as to the likelihood of a return to satisfactory performance
 - assist a leader to make reasonable modifications to an employee's role/duties to accommodate an identified medical condition.
- When managing unsatisfactory performance that may be caused by mental or physical illness, it is important to do so in accordance with the relevant employment legislation and/or any industrial instruments, such as awards, determinations or guidelines of the Commissioner for Public Sector Employment. When it is evident that a medical condition is affecting an employee's ability to perform the duties of their role to a satisfactory standard, a leader may seek advice from the [Performance and Incapacity Unit](#).
- Note: regardless of the employee's personal circumstances, or the nature of unsatisfactory performance, all instances should be addressed by leaders within a reasonable timeframe and documented to a standard that could provide the foundation for management processes to address any future incidents of unsatisfactory performance.

4.4. Initial Intervention

- If it becomes apparent to a leader that an employee's performance is unsatisfactory, the leader:
 - advises the employee, in a timely manner, as to how their performance is allegedly unsatisfactory citing relevant performance expectations and providing evidence and examples as appropriate
 - gives the employee a reasonable opportunity to respond to the allegations of unsatisfactory performance and provide details of any mitigating circumstances (e.g. personal issues, medical conditions, workplace conflict or workload issues)
 - provides the employee with a reasonable opportunity to remedy the unsatisfactory performance with reasonable levels of support where appropriate (i.e. training, mentoring, counselling, infrastructure)
 - conducts regular meetings as required to monitor, discuss and document progress towards achievement by the employee of a satisfactory standard of performance.
- A leader will take reasonable measures to work collaboratively with an employee subject to a performance management process.
- A leader will take reasonable measures to investigate any mitigating circumstances and take appropriate action. Human Resources can advise about the most effective way to manage any such circumstances.
- Most instances of unsatisfactory performance will be remedied following a supportive and targeted management process, particularly when addressed by leaders as soon as it becomes evident.

4.5. Persistent Unsatisfactory Performance

- If, during a performance management process, an employee does not demonstrate a reasonable level of improvement in the performance of their duties, the process should progressively increase in its level of formality and structure relative to the nature of the unsatisfactory performance.

- If unsatisfactory performance persists, the leader:
 - advises the employee that they are able to have a support person in attendance at any meetings related to the management of their unsatisfactory performance³
 - considers arranging a note taker to attend meetings related to the process
 - continues to advise the employee as to the manner in which it is alleged the performance by them of their duties is unsatisfactory, citing relevant performance expectations and providing evidence and examples as appropriate
 - identifies further training, resources and support reasonably required for the employee to achieve acceptable standards of performance, involving managerial direction where appropriate
 - specifies a period of time that gives the employee reasonable opportunity to remedy the unsatisfactory performance and that appropriately reflects the issues⁴
 - continues to conduct regular meetings to monitor, discuss and document progress towards achievement by the employee of a satisfactory standard of performance
 - provides regular opportunities for the employee to provide alternative view/s, relevant information or details of any arising mitigating factors
 - advises the employee that failure to remedy unsatisfactory performance may result in the imposition of a sanction, including the possibility of termination of employment
 - advises the employee of services available to them via the Department's [Employee Assistance Program](#).
- If an employee's performance of their duties remains unsatisfactory after reasonable support and opportunity has been provided to remedy the unsatisfactory performance, the leader refers the matter to the Chief Executive to determine appropriate action, or otherwise, pursuant to relevant employment legislation or common law provisions. The leader should also contact the [Performance and Incapacity Unit](#).
- Note: an inadvertent failure by a leader to apply any of the steps in this guideline does not make an action, decision or process defective, as long as the action or decision is fair and reasonable overall.

4.6. Documentation and Evidence

- The leader properly maintains confidential records when managing unsatisfactory performance. Such records may include:
 - summaries or transcripts of meetings, discussions or plans relating to unsatisfactory performance, which should be signed by all parties present⁵
 - correspondence relevant to the unsatisfactory performance (including emails)
 - documented alternative views or relevant information provided by the employee subject to the process
 - any other evidence substantiating allegations of unsatisfactory performance.
- Evidence demonstrating unsatisfactory performance is to be shared with the employee subject to the process in a timely manner, to give them reasonable opportunity to respond in the course of the process.

³ It is not appropriate for any meetings to be unreasonably delayed due to the unavailability of an employee's support person. If this occurs, the employee should be advised to nominate another support person. However, reasonable attempts should be made to accommodate the attendance of the employee's preferred support person.

⁴ Timeframes may be modified in the course of such a process to accommodate arising circumstances.

⁵ Failure or refusal by a party or parties to sign such documents does not invalidate the documents if on the balance of probabilities their content is found to be a fair and accurate description of events.

- Evidence that has been gathered from multiple sources will support a determination that a leader has acted fairly. Where possible, evidence will also be gathered from people other than the responsible leader, for example (as relevant):
 - documented observations of practice⁶
 - reports or complaints by persons other than the responsible leader that relate to the unsatisfactory performance and that have been substantiated in the course of the process.

4.7. Timeframes

- Establishing timeframes that allow reasonable time for an employee to remedy unsatisfactory performance is an essential element of a process that is consistent with the principles of natural justice and procedural fairness. The reasonableness of these timeframes is a critical consideration for the Chief Executive when making a decision on whether an employee has performed unsatisfactorily and if so, whether a sanction should be imposed as a result of the unsatisfactory performance.
- The primary consideration when establishing timeframes is that they are reasonable in the circumstances. A judgement as to what is reasonable will take into account the full context and may include considerations such as:
 - the stage of the employee's career
 - the employee's qualifications and/or employment history
 - any mitigating factors such as health or personal problems
 - the nature and extent of the unsatisfactory performance
 - the extent to which the employee has been made aware of the unsatisfactory performance
 - the extent to which reasonable support has been provided previously
 - the availability of evidence to substantiate the unsatisfactory performance
 - the extent to which such evidence has been made available to the employee
 - risk to children, employees, the community or the department, public sector, Minister or Government.
- Advice in establishing or modifying timeframes when managing unsatisfactory performance may be sought from the [Performance and Incapacity Unit](#).

4.8. Determination of the Chief Executive

- In making a decision on whether: a) an employee has performed unsatisfactorily; b) if a sanction should be imposed as a result of such unsatisfactory performance; and c) what the appropriate sanction is, the Chief Executive will consider if:
 - the principles of natural justice and procedural fairness have been observed
 - reasonable efforts have been made to resolve the unsatisfactory performance
 - clear evidence is available substantiating both the relevant unsatisfactory performance and the processes implemented in attempting to manage it.
- If so satisfied, the Chief Executive may apply an appropriate sanction in accordance with relevant employment legislation or common law provisions as outlined below.

4.8.1. Officers of the Teaching Service

⁶ Leaders ensure that people conducting observations of practice in this context understand that they are bound by confidentiality.

- Under Section 26 of the *Education Act 1972*, sanctions that the Chief Executive may apply to an officer of the teaching service for instances of proven unsatisfactory performance (including misconduct) include:
 - reprimanding an employee, or
 - imposing a fine upon the officer not exceeding the amount of one week's salary of the officer; or
 - reducing the remuneration of the officer by—
 - transferring the officer to another position in the teaching service, or
 - varying the officer's duties and classifying or reclassifying the officer, or
 - removing an entitlement to an increment of remuneration, or
 - suspending the officer from duty (without pay) for a period not exceeding one year, or
 - dismissing the employee from the teaching service.
- Where the Chief Executive is satisfied that an officer of the teaching service is, by reason of mental or physical illness or disability, incapable of performing satisfactorily, the Chief Executive may do one or more of the following in accordance with Section 17 of the Education Act:
 - by written determination, transfer the officer to some other position in the teaching service or vary the officer's duties and assign an appropriate classification to the officer
 - determine to take steps to transfer the officer to some other employment in the Government of the State
 - grant the officer leave of absence (without remuneration) from the teaching service
 - recommend to the employing authority that the officer be retired from the teaching service.

4.8.2. Public Sector Act Employees

- Under the provisions of the *Public Sector Act 2009*, sanctions that the Chief Executive or his/her delegate may impose on a Public Service employee for instances of proven unsatisfactory performance (including misconduct and physical or mental incapacity) include:
 - reducing the remuneration level of an employee (Section 53), or
 - terminating an employee's employment (Section 54).
- When the unsatisfactory performance is in the nature of misconduct the Chief Executive or his/her delegate is also able to:
 - reprimand an employee (Section 55(1)(a)), and/or
 - suspend an employee from duty without remuneration or accrual of leave rights for a specified period (Section 55(1)(b)).
- A public sector agency may, in conjunction with taking disciplinary action:
 - assign an employee to different duties or to a different place (Section 47), or
 - transfer an employee to other employment (Section 9).

4.8.3. Other Employees

- Other employees include those employed under Section 101b of the Education Act; the *Children's Services Act 1985*; and Weekly Paid employees.

- Other employees may be issued with a warning (including the option of a final warning or one of a series of warnings) or their employment may be terminated for instances of unsatisfactory performance (including misconduct and physical or mental incapacity), according to common law principles.

4.9. Right of Appeal against Disciplinary Action/Right of Review

4.9.1. Officers of the Teaching Service

- Under the provisions of the *Public Sector Act 2009*, sanctions that the Chief Executive or his/her delegate may impose on a Public Service employee for instances of proven unsatisfactory performance (including misconduct and physical or mental incapacity) include:

4.9.2. Public Sector Act Employees

- Where their employment is terminated, a Public Service employee may, before the end of a period of 21 days from the date the termination of employment takes effect, apply to the Industrial Relations Commission of South Australia for relief under Chapter 3, Part 6, of the *Fair Work Act 1994* (Unfair Dismissal provisions).
- In the case of a sanction other than termination of employment, a Public Service employee may:
 - under Section 61 of the *Public Sector Act 2009*, apply for an internal review of the decision within 21 days of the day on which the employee is notified by the agency of the decision. Information about application for an internal review is available from [Human Resources and Workforce Development](#).
 - under Section 62 of the *Public Sector Act 2009*, apply to the Industrial Relations Commission of South Australia for an external review of the decision if the internal review has been completed, has not commenced within 21 days of lodgement of the application for internal review or if the matter remains unresolved following an internal review.

4.9.3. Other Employees

- Other employees include those employed under Section 101b of the Education Act; the Children's Services Act 1985; and Weekly Paid employees.
- These may, before the end of a period of 21 days from the date the termination of employment takes effect, apply to the Industrial Relations Commission of South Australia for relief under Chapter 3, Part 6, of the Fair Work Act 1994 (Unfair Dismissal provisions).

4.10. Relocation

- If an employee is transferred, engaged or assigned elsewhere within the department while undergoing an active management process relating to unsatisfactory performance, then the process continues in the new role. An exception is when the performance expectations and/or required standards that are considered unsatisfactory do not apply or are not relevant to the new role/duties.
- The continuation of an active management process relating to unsatisfactory performance will be accompanied by the discrete transfer of information relevant to the employee's unsatisfactory performance between the previous and new/current leader. This transfer of information must be via confidential means and not via the employee subject to the process. The employee subject to the process should be informed of this transfer of information. The transfer of information should only include information previously provided to the employee as part of the process⁷.

⁷ An exception to this is legal advice. The transfer of information may include legal advice that is subject to legal professional privilege and has not been made available to the employee. Please seek advice from Human Resources and Workforce Development before transferring such information.

4.10.1. Honest Disclosure – Leaders

- Leaders are obliged to truthfully disclose relevant information relating to an employee's unsatisfactory performance to potential/prospective leaders when contacted for an employment reference or when negotiating the assignment or transfer of an employee to different duties.

4.10.2. Honest Disclosure – Employees

- Employees applying for alternative employment within the public sector are obliged to truthfully disclose to the relevant selection panel chairperson, details of an active management process that has been instigated as a result of their performance being identified as unsatisfactory. Similarly, employees who are contacted for referee reports in relation to a colleague who is subject to management processes in light of unsatisfactory performance are obliged to provide truthful information.

4.11. Confidentiality

- The employee, leader/s, human resources consultants and any other personnel involved in a management process relating to an employee's unsatisfactory performance must keep the matter confidential between the parties, unless otherwise authorised or required to disclose information.
- This does not, however, restrict responsible and reasonable sharing of records within the agency to facilitate effective management processes. Records of management processes relating to unsatisfactory performance may be shared appropriately with departmental personnel who are reasonably involved in the process or who have any level of management responsibility for the employee. Nor generally does it restrict an employee subject to the process from discreetly and responsibly discussing the process within their own support network where they find it personally beneficial to do so. An exception will be when the employee is lawfully and reasonably directed not to divulge information pertaining to the process to certain parties.
- Information may only be disclosed to parties outside of the department in accordance with the exceptions to the [Department of Premier and Cabinet Information Privacy Principles](#) (clause 10).

4.12. Leave

- Leaders should give reasonable consideration to any application by an employee subject to an active performance management process to access accrued leave entitlements.
- Where leave of any kind is approved in these circumstances, management processes are to immediately resume upon the employee's return to work.

4.13. Support

- The [Performance and Incapacity Unit](#) are involved in processes to manage unsatisfactory performance. Leaders and employees are also encouraged to seek advice and support from their union, association or employee representative group.
- All employees may access the department's [Employee Assistance Program](#), a free confidential counselling service for all employees and their families. All counsellors are qualified, experienced professionals who have extensive training and experience in counselling, coaching and workplace consulting.
- Leaders may also access the [Manager Assist](#) program. Manager Assist is a free confidential counselling service tailored to the needs of leaders.

4.14. Complaint Resolution

- Complaints regarding processes implemented to address instances of unsatisfactory performance should be lodged in accordance with the [DECD Complaint Resolution for Employees Procedure](#).

5. ROLES AND RESPONSIBILITIES

Role	Authority/Responsibility for
Chief Executive	<ul style="list-style-type: none"> making a decision on whether : <ul style="list-style-type: none"> an employee has performed unsatisfactorily if a sanction should be imposed as a result of such unsatisfactory performance what the appropriate sanction is considering if: <ul style="list-style-type: none"> the principles of natural justice and procedural fairness have been observed during the management of the employee reasonable efforts have been made to resolve the unsatisfactory performance clear evidence is available substantiating both the relevant unsatisfactory performance and the processes implemented in attempting to resolve it.
Leaders ⁸	<ul style="list-style-type: none"> managing the performance and development of employees they are responsible for, including instances of unsatisfactory performance clarifying performance expectations and behavioural standards to be achieved by employees informing employees of instances of unsatisfactory performance in a timely manner and giving them reasonable support and opportunity to achieve acceptable standards of performance implementing appropriate management processes to address instances of unsatisfactory performance that are consistent with the principles of natural justice and procedural fairness maintaining confidentiality to ensure the rights and reputation of employees subject to unsatisfactory performance processes ensuring a safe working environment and safe systems of work ensuring instances of unresolved unsatisfactory performance are referred to the Chief Executive with evidence demonstrating that: <ul style="list-style-type: none"> the relevant unsatisfactory performance can be substantiated and is persistent reasonable efforts have been made to resolve the unsatisfactory performance the process implemented in attempting to resolve the unsatisfactory performance can be substantiated the principles of natural justice and procedural fairness have been observed.

⁸ For the purposes of this guideline the term leader refers to any employee with line management responsibilities. All leaders are also employees as outlined in section 3.2 in the context of their own performance.

Employees	<ul style="list-style-type: none"> • being accountable for the performance expectations and behavioural standards that relate to their role/duties • complying with reasonable directions, policies and procedures in the performance of their role/duties • being active and positive participants in any reasonable management process implemented to address identified unsatisfactory performance • addressing, to the best of their ability, any instances of unsatisfactory performance identified by their leader/s • clearly identifying and communicating any barriers to the achievement of performance expectations and required standards with their leader.
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6. MONITORING, EVALUATION AND REVIEW

- **When:** Review due July 2016.
- **How:** Ongoing consultation occurs with the field through HR/WD professional learning programs, the DECD website, and the Performance and Incapacity Consultants.
- **Whom:** Executive Director, Human Resources and Workforce Development
- **Reporting:** The Human Resources / Workforce Development Annual Report includes data, progress and initiatives in performance and development policy and practice.

7. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Natural Justice	Natural justice means that a person whose rights or legitimate expectations may be affected by a decision has the right to know the detail of any allegations against them and any information otherwise relating to the making of the decision, and be provided with a reasonable opportunity to respond and/or make submissions about such matters to the decision maker.
Procedural Fairness	<p>The concept of procedural fairness is derived from the principles of natural justice. A process that accords with procedural fairness is one in which:</p> <ul style="list-style-type: none"> • the processes leading to an administrative decision are administratively fair • the decision maker acts for a proper purpose • the decision maker takes into account relevant considerations and does not take into account irrelevant considerations.
Performance	In the context of employment, the term 'performance' includes conduct and behaviour as well as the execution of the technical duties of a role. Leaders should not artificially separate employees' performance of technical duties from their overall conduct.

Code of Ethics for the South Australian Public Sector	This document outlines the ethical framework, values and professional conduct standards for the South Australian public sector. All public sector employees are required to behave at all times in a way that is consistent with the values and professional conduct standards outlined in the Code of Ethics.
Confidentiality	The principle of confidentiality seeks to protect the rights and reputation of individuals by limiting the access to, and/or disclosure of, personal information relating to them. Information pertaining to management processes instigated to address unsatisfactory performance will be stored securely and only divulged to a third party in accordance with the Cabinet Information Privacy Principles . Such information will be retained in compliance with the <i>State Records Act 1997</i> and destruction schedules issued under that Act.
Support person	A support person, such as a fellow employee or union representative, may be nominated by an employee who is the subject of a performance management process. The support person may attend meetings related to the management of the employee's performance and provide general support to the employee. They also act as a witness or observer to the process. A support person may raise issues regarding principles of natural justice and procedural fairness but may not act as an advocate for the employee during the process.

8. SUPPORTING DOCUMENTS

- *DECD Performance and Development Policy*
- *DECD Performance and Development Guideline*
- DECD Fact Sheet: [Is it Time to Manage Unsatisfactory Performance?](#)
- [Principles of Natural Justice and Procedural Fairness](#)
- [Principles of Natural Justice – a checklist](#)

9. REFERENCES

- [Australian Charter for the Professional Learning of Teachers and School Leaders](#)
- [Australian Professional Standards for Principals](#)
- [Australian Professional Standards for Teachers](#)
- [Children's Services Act 1985](#)
- [Code of Ethics for the South Australian Public Sector](#)
- [Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance \(including Misconduct\)](#)
- [Competency Framework for the South Australian Public Sector \(ASO1 – ASO8\)](#)
- [Disability Discrimination Act 1992](#)
- [Education Act 1972](#)
- [Education Regulations 2012](#)
- [Fair Work Act 1994](#)

- [*Protective Practices for Staff in their Interactions with Children and Young People*](#)
- [*Public Sector \(Honesty and Accountability\) Act 1995*](#)
- [*Public Sector Act 2009*](#)
- [*South Australian Executive Service \(SAES\) Competency Framework*](#)
- [*Teachers Registration and Standards Act 2004*](#)
- [*Work Health and Safety Act 2012*](#)
- Relevant industrial instruments