

Guidelines for Responding to Unsatisfactory Performance

All schools are required to have in place a policy for responding to situations where a teacher's performance is assessed as unsatisfactory or their conduct gives cause for concern. These guidelines are provided to assist with ensuring a consistent approach is taken across all schools. Schools must ensure that school policy is designed in such a way as to minimise the impact of any unsatisfactory performance or inappropriate conduct.

Introduction

If in any year a teacher's performance or conduct is assessed as being **unsatisfactory**, the School Principal will be required to make an appropriate intervention and/or provide counseling to the teacher concerned. There are two main circumstances when this may occur:

- (i) **Professional Misconduct** – in this circumstance Principals should refer to the “Code of Ethics of the Teaching Profession”, the PSC “Values” statement and Ministry for guidance:

OR

- (ii) **Unsatisfactory Performance** – where the teacher fails to consistently demonstrate one or more of the professional standard dimensions at a level appropriate to their years of experience. In this circumstance the school is required to instigate one of the following measures:
 - (i) Further professional development and training managed by the school; or
 - (ii) Further professional development and training managed with the assistance of the Ministry of Education; or
 - (iii) Counseling (advice and guidance) and Discipline

Whilst it is expected that steps would be taken during the year to address areas of performance that are identified as being unsatisfactory, the following guidelines are provided so as to ensure a consistent approach across all schools where a formal assessment of unsatisfactory performance has been made.

Policy Guidelines

The following guidelines are provided to assist schools to respond to situations where a teacher's performance has been rated by the Principal as **unsatisfactory** and this rating has been verified by the Ministry of Education. These guidelines are underpinned by two key principles that must be reflected in school policy:

- (i) All teachers are to be treated professionally, equitably, fairly and the principles of natural justice apply at all times.

- (ii) Of paramount importance are the learning interests and well-being (both physical and emotional) of students together with the integrity of colleagues.

Counseling

(Implementation of a Performance Improvement Action Plan)

In all instances of unsatisfactory performance the first action to be taken involves the Principal meeting with the teacher to discuss the area(s) of concern. Teachers may be placed on an advice and guidance program instigated by the P&D Division after a school visit has been completed. The following steps should be taken:

- (i) The Principal should arrange to meet with the teacher – advising them that the purpose of the meeting is to discuss their performance. The teacher should be advised that they are able to bring a support person to the meeting and should be provided at least one day's notice of the meeting.
- (ii) The Principal is to provide the teacher or staff member with a letter outlining the areas of concern. This will provide the teacher with the opportunity to respond to the issues raised at the upcoming meeting. The letter may be the result of an unsatisfactory report after a school review visit.
- (iii) At the meeting, the Principal should raise all areas of performance that have been identified as being unsatisfactory, provide specific examples of the teacher's performance that do not meet the required standards and describe the level of performance that is required.
- (iv) The teacher must be provided with an opportunity to respond to the issues raised by the Principal.
- (v) After hearing the teacher's response, the Principal and the teacher should develop an action plan aimed specifically at the teacher achieving and demonstrating an acceptable standard of performance within a reasonable period (this should be no longer than 12 weeks). The action plan should include specific and detailed measures to support and counsel the teacher so as to assist them to reach the necessary standard within the timeframe agreed. This may include providing the teacher with a more experienced senior teacher to act as a mentor and role model, further training and coaching. The plan must also include monitoring mechanisms and an agreed time to meet again to discuss and appraise performance in the area/s of concern.
- (vi) A full written record of the discussions and the action plan must be made by the Principal. A copy of this should be provided to the teacher within one working day of the meeting having taken place. The teacher will be required to sign off on the action plan.

Disciplinary Action

If, after having implemented the action plan prepared during the counseling stage, the teacher fails to demonstrate the required level of performance within the agreed time period, the Principal may consider it appropriate to take disciplinary action. Before doing so the Principal should carefully consider if all other options have been exhausted and should ensure that the school has taken all reasonable steps to assist the teacher to attain the performance level required. Disciplinary action may be necessary in cases of professional misconduct, in which case the Principal should involve the Ministry. In all instances where a decision is made to proceed with disciplinary action, the following steps should be followed:

- (i) The Principal should arrange to meet with the teacher – advising them the purpose of the meeting is to discuss their performance and that the meeting may result in disciplinary action being instigated. The teacher should be advised that they are able to bring a support person to the meeting and should be provided at least one day's notice of the meeting.
- (ii) At the meeting the Principal should outline the area/s of performance that still remain or are of concern, again providing specific examples, and then review the support that has already been made available. The teacher is to be provided with an opportunity to respond.
- (iii) If having heard the teacher's response, the Principal considers all reasonable steps have been taken to allow the teacher to improve their performance; a **written directive** is to be issued to the teacher. A copy of the written directive must be provided to the teacher and a copy must also be placed on their personal file. This directive may originate from the PPR Division at the completion of a teacher supplementary review process.
- (iv) The Secretary of Education will be notified of the directive which will include a recommendation as to any further action the Secretary should consider taking.
 - That a formal warning be issued by the Secretary of Education.
 - That the teacher be dismissed from their position of responsibility (MU holders).
 - That the teacher be suspended from their duties pending a further investigation by the Ministry of Education.
 - That the teacher be dismissed.
- (v) In all instances, the Principal is required to prepare a full written report including full details of the cause(s) for concern, together with full details of **all actions/measures** that the school has taken during the counseling and disciplinary action steps. A copy of this report is to be provided in person to the teacher at the same time it is being forwarded to the Secretary of Education. A third copy must be placed on the teacher's personal file.

It should be noted that if the Secretary of Education considers that the report they receive does not include all the necessary information nor provide sufficient detail as to the steps that have been taken; the Secretary will return the report to the Principal requesting that it be completed.

The Secretary of Education will take no further action until such time as s/he receives all the information required.

Other Options

In some instances, formal counseling and/or disciplinary action may not be warranted. In such circumstances additional professional development and or training and support may be all that is required to ensure the teacher's performance improves to the standard required.

Professional Development and Training – School Managed:

Where appropriate, additional professional development/training and support may be provided by the school (or with the assistance of other schools). Advice, if required, can be sought from the Ministry of Education as to the appropriate professional development/training that would best meet the needs of the teacher.

Professional Development and Training – Ministry of Education Managed:

In some circumstances, off-island support may be required. This may take the form of an attachment to a school in Rarotonga (in the case of the outer islands), or to a New Zealand school or educational establishment. In these circumstances discussions are to be held with the Ministry of Education and an appropriate application made to the Ministry to enable this to happen.