

Managing unsatisfactory teaching performance in the classroom: A Christian approach

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Abstract

An area that is the cause of much angst and even heartache for educational leaders is the responsibility of managing unsatisfactory performance of staff members. This paper addresses the topic, and provides a step by step process that includes adherence to legislation, fairness for both leaders and employees, and more importantly, fairness for students who are the recipients of unsatisfactory teaching performance. The approach used within this paper is centred within a Christian worldview. Micah 6:8 (NIV) summarises this perspective: “He has showed you, O man, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God.”

Introduction

Of all the in-school factors that affect student outcomes, quality of teaching has the greatest impact according to Hattie (2008). Gannicott (2019) explains:

Teachers are the most important factor by which policy makers can directly improve student achievement. Today, all teachers in OECD countries are qualified, but just like any other occupational group there is a distribution of effectiveness. The difference between good and bad teachers is very large. On UK evidence, during one year with a very effective maths teacher, pupils gain 40% more in their learning than they would with a poorly performing teacher. (p. 23)

The importance of effective teaching cannot be underestimated and according to Gannicott (2019,) that effectiveness is underpinned by clear, explicit teaching, high expectations, evaluation with feedback, and teacher collaboration.

Managing the unsatisfactory teacher has been described as “the educational leader’s most difficult job” (Hall, 2019, p. 12) and from personal experience it could be added: ‘and the most avoided’. This

challenge is usually perceived as difficult because, invariably, the path to improved performance takes considerable time and effort and a successful outcome is not guaranteed (Down et al., 1999). In fact, most school heads interviewed in a research project in the UK admitted they would go to great lengths to avoid the process (Torrington, 2006). Zepeta (2016) quotes rates of five percent to 15% of teachers who underperform in the classroom. Therefore, it is not surprising that Saulwick & Muller (2004) in their report on the health and wellbeing of educational leaders in the State of Victoria, Australia, found that 37% of the interviewees talked about dealing with nonperforming staff or with student welfare issues as their biggest sources of stress.

However, it is significant that both teachers and administrators in Torrington’s (2006) UK research believed that action was needed when an individual’s performance was unsatisfactory, and that action was needed quickly. The longer the unsatisfactory situation was left unaddressed, the more likely the behaviours would become entrenched.

As an educational leader, not only must you deal with the problem of unsatisfactory staff performance, but it is vital that you follow a series of basic steps and that you constantly work at keeping the process professional, objective, fair and not personal. You do this by reminding yourself and the teacher if necessary, that this is an expectation of your role as leader. You have an obligation to the students, the parents, the other teachers and the individual him/herself to ensure that your school operates at a satisfactory level, and therefore the staff member’s unsatisfactory performance cannot be ignored. Further, as a Christian leader, you have an obligation to reflect Christian values and implement them in your leadership practice.

Identifying factors impacting your “unsatisfactory or ‘at risk’ person

Start to find out why your staff member might be underperforming. Consider three areas:

“Zepeta quotes rates of five percent to 15% of teachers who underperform in the classroom.”

1. Well-being

This refers to the *personal well-being* of the staff member, the old idea of personal problems staying at home just doesn't work for most people. Factors could include health, changes in marital status, grief, and financial or family worries. Many may not be able to cope with the pressures of work at such times.

Behaviours associated with these factors impacting the wellbeing of others might include:

- *Lateness* in arriving at work, moving to the classroom, completing deadlines
- *Emotive and/or withdrawn* around other staff – crying, arguing, loss of sense of humour
- *Absent* or developing patterns of days away from work
- *Concern* expressed by workmates or astute parents over incidents which appear out of character.

2. Change

Many people have felt uncomfortable and threatened by changes in the value systems, curricula, discipline, personal accountability as well as technology that are occurring today.

Staff members struggling with changes in these areas may experience stress and depression which restrict their ability to perform, even to learn new skills.

Behaviours associated with this situation might include:

- | | |
|--------------------|---|
| <i>Reluctance</i> | to engage in group discussions in a positive way |
| <i>Resistance</i> | to attempts to plan cooperatively of the institution and often the program, process and administration. |
| <i>Criticism</i> | behaviours displayed which encourage others to take the responsibilities thus avoiding the issue. |
| <i>Inadequacy</i> | of the particular change may be quite articulate, but the substance is not evident in the classrooms. |
| <i>Enunciation</i> | |

Frustration is expressed by colleagues – often nicely.

3. Competence

This is about the skills used in ensuring effective learning occurs in the classroom – that is, the core business of teaching. These skills fall within two categories – planning and then implementation. Most staff members in this section are inexperienced teachers, or may not have been involved in an adequate supervision process in the past. The provision of appropriate supervision is often the starting point for all retrieval programs

Symptoms within this area might include:

- *Lack* of discipline,
- low expectations, monitoring of standards, untidiness
- *Inability* to focus on and address the real problem, e.g. blaming a class for behaviour when the content of the lesson and/or pedagogy was inappropriate.

Why is it we avoid this activity of addressing unsatisfactory performance?

As leaders, we are no different from the majority of our colleagues and fellow humans. We do have certain physical needs, but we also have some strong psychological needs. These include the need to feel comfortable, to be liked, to feel that we are in control and that we are right. We need to feel we are succeeding.

Working with those who may disagree with us, who are threatened by our need to improve their performances, who also want to feel comfortable and un-challenged by us, can sometimes be very unpleasant. Further, the possibility of legal action by a disgruntled staff member can be a great deterrent to action. This is why it is important to thoroughly acquaint yourself with the steps in this process and to remain calm, objective, fair and professional throughout.

First, set the scene:

There are two essential tasks which will improve your

“Start to find out why your staff member might be under performing. Consider three areas: Wellbeing ... Change [and] Competence”

Peter's Story: Some years ago the introduction of computers to the classroom was a threatening issue for many older teachers. Peter was one such teacher. Nearing retirement, Peter avoided professional development workshops involving the integration of ICT into the curriculum. As his highly inventive list of excuses was exhausted he became increasingly cynical and sarcastic about the value of technology in education as well as irritable with his students. Eventually his supervisor needed to confront him and discuss his changed attitude and possible causes. During the conversation, the threatening nature of the curriculum changes became apparent. The supervisor quickly arranged for some short coaching sessions with another older teacher, so that at the next workshop Peter was comfortable and able to display considerable ICT competence!

chances of success and reduce your stress:

- Create a positive workplace climate
- Create empathy between yourself and the at-risk person

Creating a positive work climate

1. Start as you mean to continue. Right from the very beginning take a personal interest in the school, the staff, the children – model positive, supportive attitudes.
2. Articulate and build the language into the core values, goals and plans. What your staff hear you say as a leader needs to be professional, dynamic and committed to the school and its community. You really have to ‘talk up’ your beliefs and values. In a tactful but firm manner, you also need to encourage staff and parents to talk up the school and become its champions as well.
3. So often staff in schools with low morale report that “no one values what I do”. Make sure this doesn’t happen in your school by going around the classrooms and specialists’ rooms often and demonstrate that you know what they are doing and that you value their efforts. Set a specific time in your diary for this important activity. Take an interest in special activities that they or their classes have undertaken. Reward their efforts personally, and also in public – at meetings, in the school newsletter, on the school website, the community and the media.
4. Be honest and open with your staff – demonstrate that they can trust you – both to be discreet when needed and to share information when they need to know.
5. Professional development is critical to teachers’ knowledge, competence and enthusiasm – ensure that you support PD for your staff and yourself during the budgeting process. Model this ongoing learning yourself.

Create empathy between yourself and the ‘at risk’ person.

Do this in two ways:

A. Create empathy by what you think:

Your words might sound perfectly acceptable and your facial expression might be quite pleasant and appear to reflect care, but if in your mind you view the person with less than genuine care and respect, the person will often sense this.

- Take seriously other’s needs and concerns
- Value their feelings and attitudes even if you do not understand them
- Respect others’ privacy, values and experience
- Reserve judgement and blame

B. Create empathy by what you demonstrate:

Your body language, the look in your eye and the way you sound, may give the wrong message. Many of us are completely unaware of the attitude we are portraying by our outward behaviours. Video yourself, or get some feedback by a trusted colleague.

- Listen actively, displaying interest
- Use open body language
- Make affirming gestures and statements
- Use a warm vocal tone.

Having set the scene, begin to address the problem through the initiation of a recommended, experience validated and planned approach. As a suggestion, the following Five Step Intervention Program has emerged from the writer’s 30 years as a state school principal, 6 years as an education director and 12 years as a tertiary education lecturer! Mostly common sense and experience, though informed by multiple individuals and sources.

Five Step Intervention Program

Step 1 - Data gathering and problem definition

1.1 Accept there is a problem and gather data
Good administrators react quickly to situations which have the potential to damage the learning environment and emotional climate within the school. Procrastination or simply hoping that things will get better, is not an effective strategy within a problem solving framework. The signs outlined earlier provide some guides to the early identification of emerging performance problems. Check to ensure your staff handbook or other documentation, clearly sets out the job description / expectations of your staff member.

Data can be gathered from diary notations of your own observations or those of other administration staff, letters of complaint, incidents in the classroom, the teacher concerned, friends on staff etc. The collection of data is absolutely critical. Without this ‘hard’ evidence it is too easy for you to rely on ‘gut reaction’ which may relate more to your indigestion or a personality conflict than the actions of the person under observation.

Do not speak to the teacher concerned or mention this to anyone else until you have thoroughly established your facts and evidence.

1.2 Perform a ‘drive-by’.

Casually pass by their classroom and mention what you have noticed (very briefly and in a supportive manner) to see if there is another ‘side’ to this apparent evidence. Be very aware of your facial expressions and tone of voice. If there is no valid reason for the behaviour, proceed to step 2. Pray for the person and for yourself, that God will guide your

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words and help you to think clearly.

It is important that at this stage that you ensure personal acquaintance with the relevant legislation that covers the concept of natural justice and wrongful dismissal. Some useful sites are included after the reference list.

If you work within a systemic facility or are responsible to a board of management, it may be a requirement for you to report your concerns at some stage of the management process. If you are fairly inexperienced and you are not sure whether to start a formal process, discuss your data with a mentor or the chair of your governing body, in confidence.

- for the meeting—you definitely do not want to be disturbed. (While it needs to be formal i.e., probably not in the yard, meet in his/her classroom or personal school space rather than your office, to lower ‘power’ perceptions. Ensure the cleaners don’t interrupt if it is after hours).
- Have personal prayer before the meeting, stay calm, maintain a formal but relaxed facial expression and an empathetic controlled softer tone of voice.
 - State your concerns and your expectations clearly (have copy of staff handbook/contract ready).

“
Pray for the person and for yourself, that God will guide your words and help you to think clearly
”

Some years ago, one of the office staff spoke to a young and inexperienced administrator about one of the teacher’s aides. She described the inappropriate comments this staff member had made to a parent. The administrator was horrified and immediately went to the staff member to confront her about her comments. How embarrassing to find that the real agenda was a personal animosity between the two women and that action had been taken without ascertaining the context and the actual conversation that had taken place. Take the time to thoroughly check your information; it saves embarrassment, hurt and even potential legal action!

Table 1: Documentation - Data gathering and problem definition

DIARY	Notations in a dated diary provide a starting point for the intervention. These notations may indicate other recording sources such as phone logs, parent letters of complaint, records of conversations, observations etc
RECORD OF INCIDENTS	Once the frequency or seriousness of events warrant attention, it is important to maintain a register of events. These should be dated and include resultant actions as well as an outline of events. This record should be kept in a secure place.
FILE	Copies of diary entries, incident reports, letters etc., should become part of a quick reference file. Again, this documentation should be kept in a secure place.

Step 2 - First meeting - An outline of expected performance

This is the stage where the first formal meeting is scheduled which addresses the aspects of poor performance outlined previously. It is sensible to have a witness present as well as a support person for the staff person, such as a staff member or counsellor.

DO

- Organise a meeting planner (agenda) & minutes,
 - Maintain a calm and sensitive approach
 - Remember conflict resolution strategies (non-judgmental, non-blaming)
 - Expect displays of emotion (have some tissues and a glass of water ready in case either are needed).
 - Choose an appropriate quiet time and area
- Allow the staff member to explain his/her perspective on the issues raised.
 - Propose resolution through a Partnering Agreement (proposed strategies e.g.: peer coaching, in-service workshops, mentoring, specialist interventions etc., agreed timelines) that indicates expected actions to be accomplished by both the administration (or their appointee) and the teacher, to be developed by consulting together to address the issue.
 - Remind that this is, however, a formal warning.
 - Remind this is not personal intervention, it is part of the supervisory responsibility demanded by your role, which also includes a personal interest in both his/her wellbeing and his/her professional welfare in the school, and includes confidentiality.

- Finish with prayer, if appropriate—that is, providing the staff member is in agreement.

DON'T

- Expect this meeting to solve the problem immediately
- Mention dismissal or anything similar
- Allow yourself to be drawn into the problem or take ownership
- Attempt to become a counsellor if you are not trained in the field
- Pull out a preconceived plan of attack. Encourage the teacher to suggest a solution.
- Dominate the 'air time'
- Devalue solutions offered—try to make a list for discussion later

It is important at this stage to be well prepared and stick to the facts about the teacher's performance as observed. Take a summary of your notes into the meeting and have the file handy. If the facility is a Christian service or the teacher is a Christian it is appropriate to ask if you may pray with and for the person.

Once a list of possible solutions is developed, establish a time-lined management plan to be enacted. Start this plan with simple solutions first to increase the chances of success. This concludes the meeting on a positive note with agreements to achieve and then meet again to go further into the

process. This plan is to be copied, and a copy given to the teacher before the meeting closes.

Step 3 – Subsequent performance evaluation and consequences

This second meeting is held as per the timeline for two possible reasons:

- a. If the staff member has met the requirements satisfactorily and there is evidence to show that this has occurred, then they should be affirmed and given a short letter of completion that records the issues and achievements.
- b. In the eventuality that the person has not complied with the agreement, or only in some parts and not others, this meeting is very important, and you need to have thought the issues and process through carefully. Have a witness present (e.g., deputy, counsellor, Board Chair etc).

DO

- Pray before-hand, then with the person, if it is judged appropriate and they agree
- Affirm them for the improvements they have made
- Remind them of the agreement they signed
- Find out why they haven't complied with some things.
- If there are valid reasons, ask them to suggest how they could meet the requirements
- And, if necessary, work together on how these

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Table 2: Documentation – First meeting

MEETING PLANNER	This proforma sets out step by step the process for the meeting and is used to stay on track. It is an elaborated agenda. You may wish to have a basic plan for the staff member and a more detailed one for yourself.
MINUTES	This set of minutes is used to record conversations. It should be a dated record of who was present and the issues discussed. It can be used to record informal conversations, but must contain a clear outline of expectations and the support offered. List the date and time for the next meeting. Scheduling within two weeks would affirm the significance, priority and level of commitment of the leader. • A copy should be given to the staff member after the meeting. • All documentation should be retained in the newly established file. • Be aware that some policies (both private and government) have mandated timelines for this procedure.
PERFORMANCE INDICATOR	A document, either school or organisationally based, which outlines the expected procedures or performance levels in the area where the staff member is experiencing difficulty (Refer to this formal documentation to emphasise the seriousness of the situation—not meeting expectations) for example: school policy, The Behaviour Management Plan, Staff Handbook, the individual's work contract.
PARTNERING AGREEMENTS	This is designed to enhance the understanding of the joint responsibilities of the stakeholders. A completed copy is given to the staff member. Should include: • the concern being addressed • initial agreed-on tasks and strategies • support being offered (e.g. coaching, professional development etc) • timelines including date and expectations for next meeting

Table 3: Documentation - Subsequent performance evaluation and consequences

MEETING PLANNER	As before
MINUTES	As before, plus • agreed-on tasks and strategies • support being offered (e.g., coaching, professional development, etc.) with agreed timelines, including the date and expectations for the next meeting

Table 4: Documentation - The Improvement / Maintenance Plan

PROGRAM OUTLINE	This outlines the goal of the intervention program and establishes some formal expectations. All goals are to be specific, measurable and attainable in terms of what is generally expected within the school's supervision framework. The expected actions should be specified and outlined. Timelines should be written and a schedule of feedback meetings indicated.
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“Amongst this ‘busyness’ it is all too easy to act hastily and without sufficient information or reflection”

- could be achieved.
- Remind them that this is the second meeting and is a formal warning, that the procedure will have to be taken further and if unresolved could lead to dismissal if the matters are not addressed.
- Remind them that this is part of your role and it is not personal.
- Give the person a copy of the minutes of this meeting with the clear expectations of the person, outlined.

the quality of improved performance is maintained and that a decision is made at the end of the process as to whether it needs to finish, continue or lead to dismissal. Achieving the goals of the Improvement Plan should be affirmed in a tangible, recognisable way including notification that formal supervision reverts to the ‘normal’ school policy processes. If the final decision is that there is an insufficient improvement and that performance is persistently unsatisfactory, then the consequences and likely steps to be followed need to be made clear to the staff member.

Step 4. - The improvement / maintenance plan

This stage is the ‘body’ of the process. It involves:

- Ongoing consultation – it is a good idea to set aside a regular time each week to review the progress of this plan with the staff member.
- Identification of a priority list of issues
- Planned strategies (e.g., peer coaching, in-service workshops, mentoring, specialist interventions etc.)
- Key personnel and their specific roles
- Agreed and negotiated timelines
- Goals (improvements to be seen) and end results/outcomes to be observed and measured
- Future consequences.
- Date for review.

Step 5 - Follow up

Often, if things improve, this last step may be forgotten. This is inappropriate. Clear completion of what was important to initiate, should be equally formally, resolved. It is really important to ensure that

This Step 5 can occur in place of Step 3 if things have been clearly resolved.

Some words of caution

As a school leader your day is filled with a myriad of tasks, often fragmented and sometimes chaotic. Amongst this ‘busyness’ it is all too easy to act hastily and without sufficient information or reflection.

As administrators it is vital that you are aware of natural justice, and the responsibility to avoid pitfalls – such as wrongful dismissal/unlawful termination including constructive dismissal. Appendix 1 provides a summary of these concepts.

Finally

As stated in the introduction, managing unsatisfactory performance is usually neither easy nor pleasant. As Christians, Micah 6:8 sums up the way God would have us act. To do justly - that is being fair to the students, other staff, parents and the person concerned. A clear, planned process with ample

Table 5: Documentation – Follow up

MEETING PLANNER	As mentioned before, this agenda sets out the course of the meeting and ensures that points you wish to make are included.
FEEDBACK REPORTS	This is your evidence on which the final decision is made. It indicates whether the staff member has reached the required improvement or not. It should also record the improved skills observed at set times through the program.
MINUTES	These minutes record the improvements noted, or not, as the case may be, and the resulting decision. The staff member should receive a copy of this.

opportunity for the person to meet contractual obligations is fair. To love mercy - is about kindness which in this context is achieved through openness, confidentiality, support and opportunity for improvement. To walk humbly with one's God – is about including God in every step of the process and recognising our own shortcomings and need of Him, asking “Here's what I want: give me a God-listening heart so I can lead your people well ... for who on their own is capable of leading” (1 Kings 3:9 Message).

Take heart if you face this issue with some trepidation; plan and move carefully and prayerfully, ensuring that the standards at your school are upheld and that your school team knows you will do the ‘right thing’.

Warning/disclaimer: These guidelines are only general recommendations and as each state jurisdiction has specific legislation, you are responsible for ensuring the regulations are complied with in the processes of the school administered.

TEACH

References

- Down, B., Hogan, C., & Chadbourne, R. (1999). Making sense of performance management: Official rhetoric and teachers' reality. *Asia - Pacific Journal of Teacher Education*, 27(1), 11-24.
- Gannicott, K. (2019). Gonski 2.0: A controlled flight into terrain. *Australian Quarterly*, 90(1), 21-31.
- Hall, P. (2019) The instructional leader's most difficult job. *Educational Leadership*, 76(6), 12-17.
- Hattie, J. (2008). *Visible learning: A synthesis of over 800 meta-analyses relating to achievement*. Routledge.
- Henderson-Sparkes, (1995). Managing your marginal teachers. *Educational Leader*, 74(2), 32-34.
- Saulwick Muller Social Research. (2004). *The privilege and the price: A study of educational leader class workload and its impact on health and wellbeing - Final report*. Victoria Department of Education and Training.
- Torrington, D. (2006). Procedures as a way of handling capability problems in the teaching profession and implications for more general application. *Employee Relations*, 28(4), 287-397.
- Zepeda, S. J. (2016). Principals' perspectives: Professional learning and marginal teachers on formal plans of improvement. *Research in Educational Administration & Leadership*, 1(1), 25-59.

Resources and websites

State government education sites - have details on managing underperforming or unsatisfactory staff.

NSW Government Education. (2020, May 26). *Guidelines for the Management of Conduct and Performance*. <https://policies.education.nsw.gov.au/policy-library/associated-documents/pd20060335.pdf>

Victoria State Government Education and Training - Human Resources. (2020, January 7). *Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service*. https://www.education.vic.gov.au/hrweb/Documents/Complaints_Misconduct_and_Unsatisfactory_Performance_TS.pdf [This is an excellent and comprehensive site that provides detailed information.]

National legislation - on workplace relations is provided by the Fair Work Commission.

Australian Government. (n.d.). Managing performance and warnings. Fair Work Ombudsman. <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>

Some education and childcare resources

Hanson, C., Patterson, S., & Farrell, J. (2006). Children's Services and the Law: A legal guide for the childcare sector. Community Child Care Cooperative Ltd (NSW).

NSW Government (2020, March 1). Children (Education and Care Services National Law Application) Act 2010. <https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2010-104>. [A national law to regulate education and care services for children.]

NSW Government (2020, October 1). Education and Care Services National Regulations (2011 SI 653). <https://www.legislation.nsw.gov.au/view/html/inforce/current/si-2011-0653> [The regulations for NSW centre-based early education and care services.]

Author information

Marion Shields after 30 years as a state school principal, six years as an education director and 12 years as a lecturer in higher education, holding two doctorates, is a retired educator intent on improving the learning and wellbeing of both students and teachers through effective administration and professional learning.

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Appendix 1 - Related legislation/definitions

Wrongful dismissal/Unlawful termination

It's illegal for an employer to dismiss an employee for a number of reasons. These reasons include:

- a person's race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin (some exceptions apply, such as where it's based on the inherent requirements of the job)
- temporary absence from work because of illness or injury
- trade union membership or participation in trade union activities outside working hours or, with the employer's consent, during working hours
- non-membership of a trade union
- seeking office as, or acting as, a representative of employees
- being absent from work during maternity leave or other parental leave
- temporary absence from work to engage in a voluntary emergency management activity
- filing a complaint, or participating in proceedings against an employer.

Fair Work Australia: <http://www.fairwork.gov.au/termination>

Constructive dismissal: when you are forced to resign

1. What is constructive dismissal?

A constructive dismissal occurs when the conduct of an employer causes an employee to resign. The employer may expressly ask the employee to resign, or the employer's conduct may leave the employee feeling that he or she has no other choice but to resign. This conduct generally involves an employer engaging in a serious breach of the employment contract or indicating that it no longer wishes to perform its side of the employment contract. ...

Types of constructive dismissal

3.1 Forced resignation

Forced resignation occurs where an employer expressly insists that an employee resigns. In this case, the employee can argue that his or her resignation was not voluntary. It is irrelevant that the employer's insistence on the employee's resignation was based on good intentions, for example, to save the employee from embarrassment or to make it easier for him or her to find future employment. However, there will be no constructive dismissal where an employee, without pressure from the

employer, decides to "jump before they are pushed".

3.2 Legitimate reason for resignation

Constructive dismissal may occur where an employee has chosen to resign due to the unacceptable conduct of the employer. Such conduct may be an unauthorised variation to employment conditions, such as a pay-cut, demotion, change of working hours or relocation. It may also be the unacceptable personal treatment of the employee (such as harassment by a fellow worker) that the employer has unreasonably failed to prevent or punish.

<http://www.elcwa.org.au/factsheets> (The Employment Law Centre of Western Australia is a not-for-profit community organisation specialising in employment law)

Natural justice

"English legal system doctrine that protects against arbitrary exercise of power by ensuring fair play. Natural justice is based on two fundamental rules: (1) Audi alteram partem (Latin for, hear the other side): no accused, or a person directly affected by a decision, shall be condemned unless given full chance to prepare and submit his or her case and rebuttal to the opposing party's arguments; (2) Nemo iudex in causa sua (Latin for, no man a judge in his own case): no decision is valid if it was influenced by any financial consideration or other interest or bias of the decision maker. These principles apply to decisions of all governmental agencies and tribunals, and judgments of all courts, which may be declared to be of having no effect (ultra vires) if found in contravention of natural justice."

Source: The Business Dictionary: <http://www.businessdictionary>

Appendix 2 - Summary of preliminary check list

- Are there policy documents or a detailed job description/contract that state the work requirements?
- Has the person been told what is unsatisfactory in a discreet and courteous manner, based on school or systemic documentation and collected data regarding his/her inadequate performance?
- Has he/she been given a chance to discuss this and explain why the inadequacy might be?
- Has he/she been given the opportunity to have a support person present during meetings?
- Has the person been clearly told what is expected and given written copies of

“As administrators it is vital that you are aware of natural justice, ... to avoid pitfalls – such as wrongful dismissal/unlawful termination including constructive dismissal”

”

this together with timelines for required improvements?

- Has a plan been put into place to assist him/her in achieving these expectations? (e.g. coaching, mentoring, supervision, professional development, etc.)
- Has his/her performance been monitored regularly as per the timelines and has he/she been given regular feedback, and does he/she understand the consequences of failure to improve?
- Has the final meeting been minuted indicating

decisions made and why, and has he/she been given a copy?

- Have you maintained appropriate confidentiality?
- **Have you prayed with and for this person and shown genuine care and compassion?**

Appendix 3 - Sample proforma: Meeting Planner

Date:

Present:

Location:

Meeting Goals: (Areas that need addressing)

1.

2.

3.

4.

Action Plan

Who and When

1.

2.

3.

4.

Additional tasks, Resources, Professional development

Signed Date

Signed

Meeting Review Date.....