



Department of  
**Education**

**EMPLOYEE PERFORMANCE AND DEVELOPMENT POLICY**

**EMPLOYEE PERFORMANCE AND DEVELOPMENT PROCEDURES**

**SUBSTANDARD PERFORMANCE PROCEDURES**

This PDF contains the following documents:

**Document 1:**

Employee Performance and Development policy v3.0  
Effective 17 February 2026

**Document 2:**

Employee Performance and Development procedures v3.0  
Effective 17 February 2026

**Document 3:**

Substandard Performance procedures 3.0  
Effective 17 February 2026



**Department of  
Education**

## **EMPLOYEE PERFORMANCE AND DEVELOPMENT POLICY**

**EFFECTIVE: 17 FEBRUARY 2026**

**VERSION: FINAL 3.0**

## 1 POLICY STATEMENT

The performance of all Department employees is managed and developed in accordance with the requirements of governing legislation, intended outcomes of the Department's strategic directions and the specific role of each employee.

## 2 POLICY RULES

Principals, line managers and authorised performance managers will conduct employee performance and development in accordance with the requirements of:

- section 29(1)(i) and (ja) of the Public Sector Management Act 1994
- the Performance Management Standard
- industrial instruments (awards and agreements) or job description forms
- the State Records Act 2000 and the Department's Recordkeeping plan (staff only).

Employees will participate in a performance and development process consistent with the Performance Management Standard and the Employee Performance and Development procedures.

Principals, line managers and authorised performance managers will manage substandard performance in accordance with section 79 of the Public Sector Management Act 1994 for staff subject to that section of the Act, the common law for wages employees, and the Substandard Performance procedures.

## 3 RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

Principals, line managers and authorised performance managers are responsible for implementation of the policy.

The Executive Director, People Services is responsible for compliance monitoring.

## 4 SCOPE

This policy applies to all employees.

## 5 SUPPORTING PROCEDURES

Employee Performance and Development procedures

Substandard Performance procedures

## 6 DEFINITIONS

### AUTHORISED PERFORMANCE MANAGER

A person who has been delegated responsibility for the performance management of a specific employee by that employee's line manager or by a superordinate.

**LINE MANAGER**

The position to whom the employee reports.

**PERFORMANCE AND DEVELOPMENT**

The formal and informal continuous process of evaluating, developing and supporting an employee's performance in the workplace.

**PERFORMANCE MANAGEMENT STANDARD**

As defined by the Public Sector Commission:

'Outcome: The performance of all employees is fairly assessed to achieve the work-related requirements of the public sector body while paying proper regard to employee interests.

Standard: The minimum standard of merit, equity and probity is met for performance management if:

- an employee is informed about how their performance will be managed and the results of their performance assessment;
- a proper assessment of the employee's performance takes into account both the work-related requirements of the job and identified employee interests; and
- processes, decisions and actions are impartial, transparent and capable of review.'

## 7 RELATED DOCUMENTS

**RELEVANT LEGISLATION OR AUTHORITY**

Commissioner's Instruction 40: Ethical Foundations

Equal Opportunity Act 1984

Freedom of Information Act 1992

Industrial Relations Act 1979

Performance Management Standard

Public Sector Management Act 1994

State Records Act 2000

Teacher Registration Act 2012

Work Health and Safety Act 2020 (WA)

**RELATED DEPARTMENT POLICIES**

Bullying in the Workplace policy

Complaints and Notifications policy

Managing a Breach of Public Sector Standard Claims policy

Records Management policy

Staff Conduct and Discipline policy

Work Health and Safety policy

**OTHER DOCUMENTS**

Australian Professional Standard for Principals  
Australian Professional Standards for Teachers  
Australian Teacher Performance and Development Framework  
Code of conduct (staff only)  
Complaints and notifications framework  
Complaints and notifications categorisation schedule (staff only)  
School psychologist competency framework (staff only)  
Competency framework for education assistants special needs (staff only)  
Record keeping plan (staff only)  
Finance capability framework for the WA public sector  
Grievance framework  
Human resources capability framework for the WA public sector  
Industrial instruments (Awards and Agreements) applicable to Department of Education employees (staff only)  
Leadership Expectations  
Building Leadership Impact  
Public Sector Capability Profiles  
School corporate services staff competency framework (staff only)  
 School Psychology Service: Professional practice guidelines

**8 CONTACT INFORMATION**

Policy manager: Director, Industrial and Employee Relations  
 Policy contact officer: Manager, Employee Relations  
 Telephone: (08) 9264 4921 (option 2)

**9 REVIEW DATE**

17 February 2029

**10 HISTORY OF CHANGES**

Effective Date	Last Update Date	Policy version no	Ref no	Notes
21 July 2010	5 July 2012	1.2		Guidelines in section 4.2 amended to reflect changes to <i>School Education Act Employees' (Teachers and Administrators) General Agreement</i> as per D12/0372966, nomenclature throughout policy updated, definition of performance management updated.

28 September 2012		1.3		Changes to reflect the <i>National Professional Standards for Teachers</i> . Changes endorsed by Corporate Executive at meeting 7 September 2012.
28 September 2012	11 July 2013	1.3	D13/0357914	Amendment of references to <i>National Professional Standards for Teachers</i> to <i>Australian Professional Standards for Teachers</i> . D13/0098087 Amendment to references to documents as per D13/0222254.
28 September 2012	23 August 2013	1.3	D13/0447369	Updated link to <i>Australian Professional Standard for Teachers</i> in Appendix A. D13/0394461
17 December 2013		1.4	D13/0660766	Addition of procedure at section 4.2 and Appendix C. Changes endorsed by Corporate Executive 2 December 2013.
17 December 2013	19 December 2013	1.4	D13/0679517	Addition of point about leave management to Appendix A, Section 3. D13/0666788
17 December 2013	27 February 2014	1.5	D14/0100442	Minor change to formatting in Appendix C. D14/0061908
28 July 2014		1.6	D14/0369937	Numerous changes throughout policy D14/0259580, D14/0323911 and D14/0369019.
28 July 2014		1.7	D14/0375178	Appendix B updated to reflect v1.6 changes prior to policy taking effect.
28 July 2014	12 September 2014	1.8	D14/0434239	Update to guidance re: professional development and career guidance in section 4.2. D14/0434228.
28 July 2014	1 December 2014	1.9	D14/0527051	Minor changes to guidance and appendix C. D14/0527043.
15 March 2016		2.0	D15/0505516	Major review undertaken and policy reformatted into policy and procedures. Endorsed by the Director General at Corporate Executive on 12 February 2016.
15 March 2016	25 May 2020	2.1	D20/0260939	Minor changes to update broken links. D20/0260934

17 February 2026		3.0	D25/0573759	Major review to comply with the Department Code of Conduct and the Work Health Safety policy. Clarification of annual performance & development cycle. Performance expectation for all employee groups. Consistent formatting of procedures for each employee group. Approval (1) D25/0574867 Approval (2) new changes D26/0111791
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**Department of  
Education**

## **EMPLOYEE PERFORMANCE AND DEVELOPMENT PROCEDURES**

**EFFECTIVE: 17 FEBRUARY 2026**

**VERSION: 3.0**

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# 1 POLICY SUPPORTED

*Employee Performance and Development policy*

## 2 SCOPE

These procedures apply to all employees.

## 3 PROCEDURES

### 3.1 EMPLOYEES

All employees will:

- carry out their duties and responsibilities with due competence and care, in accordance with the requirements of their respective roles, the Department's Code of conduct and Work Health and Safety policy
- participate annually in a performance and development process consistent with the Performance Management Standard where:
  - they consistently demonstrate accountability for their performance
  - they have access to growth and development opportunities that allow for employee interests
  - the process links to the contextual needs of the school or business area and intended outcomes of the Department's strategic directions.
- observe confidentiality.

Principals, line managers or authorised performance managers will, in the context of the role and responsibilities of the position, the Department's Code of conduct and Work Health and Safety policy and, where applicable, ongoing registration requirements:

- conduct employee performance and development processes in accordance with the Performance Management Standard
- identify and document performance and development directed at enhancing performance through building capability, professional knowledge and skills
- provide access to relevant professional learning
- consider staff health, safety and wellbeing
- provide regular and timely formal and informal feedback against performance and development goals
- use a variety of evidence in providing performance feedback
- conduct a formal documented review
- observe confidentiality.

#### Guidance

##### Performance Management Standard

"The minimum of merit, equity and probity is met for the Performance Management Standard if:

- an employee is informed about how their performance will be managed and the results of their performance assessment
- a proper assessment of the employee's performance takes into account both the work-related requirements of the job and identified employee interests and
- processes, decisions and actions are impartial, transparent and capable of review."

## Templates

[Access performance and development plan templates \(staff only\).](#)

## Performance cycle

Performance and development is conducted on an annual basis. The review period may be modified where circumstances or needs change. Modify the expectations and review period for the performance and development of employees appointed for less than 12 months to accommodate a performance and development cycle, where practicable.

## Performance and development manager

The process is conducted between an employee and their principal, line manager or authorised performance manager. If there is a breakdown in this relationship, an employee may request an alternative performance and development manager, recognising that a change in line manager will not always be possible, practical or approved.

## Staff conduct

Where matters for discussion in performance and development may relate to staff conduct, refer to the relevant policy or framework for procedural information:

- [Report staff conduct \(staff only\)](#) and the [complaints and notifications schedule \(staff only\)](#) where matters may breach the Code and standards
- the [Grievance framework \(staff only\)](#), [Grievance framework eLearning module \(staff only\)](#) and [Grievance framework template letters \(staff only\)](#) to help manage workplace grievances
- the [Work Health and Safety policy](#) for hazardous actions or behaviours in the workplace. [Manage the risk of harm from psychosocial hazards \(staff only\)](#) and [assess psychological risk \(staff only\)](#) to identify hazards and use suggested control measures
- the [Bullying in the Workplace policy](#) for repeated and unreasonable behaviour in the workplace that creates a risk to the health and safety of an employee or group of employees. [Access resources to address bullying in the workplace \(staff only\)](#)
- the [Equal Opportunity, Discrimination and Harassment policy](#) for prevention and effective management of discrimination and harassment.

## Probation

Induct all staff employed under the probationary provisions of their award into their role and workplace, and undergo a documented performance and development process. To manage an employee's probationary period of employment to determine suitability and compatibility prior to permanency refer to [Manage staff probation \(staff only\)](#).

## Support

Advice and [professional learning \(staff only\)](#) is available for all line managers through Employee Relations on 9264 4921.

Should there be concerns relating to an employee or probationary employee's performance, or their engagement with the performance and development process, line managers should contact Employee Relations on 9264 4921 (option 2) for assistance as early as possible.

## Procedural grievances and breach claims

If an employee is concerned about the evaluation of their performance, or the performance and development process followed, they should discuss their concerns with their line manager or, in the case that the concern is with their line manager, with the line manager's superordinate.

Where informal resolution fails, an employee may use the grievance procedures contained in the Department's Grievance framework to address concerns about the performance and development process or lodge a breach of Standards claim (staff only) under the Public Sector Management (Breaches of Public Sector Standards) Regulations 2005 at [WorkforcePolicy.breachclaim@education.wa.edu.au](mailto:WorkforcePolicy.breachclaim@education.wa.edu.au)

### 3.2 TEACHERS AND SCHOOL ADMINISTRATORS (OTHER THAN PRINCIPALS)

Principals, or authorised performance managers, will undertake performance and development annually:

- with teachers, and school administrators who have a teaching role, using the:
  - Australian Professional Standards for Teachers (the Standards) and the Australian Teacher Performance and Development Framework
  - performance and development Teacher template (staff only)
- with school administrators who do not teach, or who undertake partial administration duties, referencing job description forms.

#### Guidance

##### Templates

*The School Education Act Employees' (Teachers and Administrators) General Agreement 2021 Part 13, 53.3(b)* mandates the performance and development Teacher template (staff only).

The Deputy principal, head of department, head of learning area or program coordinator template (staff only) may be used.

##### Performance expectations

The Australian Professional Standards for Teachers provide expected levels of performance for teachers at the graduate and proficient career stages. Teachers in their first 3 years of teaching will generally be assessed at the graduate career stage and thereafter they will be assessed at the proficient career stage.

##### Previous documentation

Previous performance and development documentation from other schools and worksites can be sought and referenced by line managers.

##### Evidence

The variety of evidence in providing feedback for teachers may include:

- data showing impact on student outcomes
- information based on direct observation of teaching
- the teacher's program, plans and assessment documentation
- evidence of collaboration with colleagues.

Where video recordings of classroom practice are used as evidence in performance and development discussions:

- a teacher and their line manager should discuss and agree how the process may be conducted
- once those discussions are finalised, and no further reference to the video recording is required, there is no need to keep the recording.

### **Classroom observation**

As part of a teacher's performance and development they are required to participate in classroom observations. A teacher may nominate a relevant person, including a peer or a line manager, to undertake their classroom observation (or observations). Each teacher determines if the written feedback from the observation is retained in their performance and development file. Where concerns have been raised about performance, the principal or nominee may carry out classroom observations. Written feedback will be retained.

### **Resources**

The Australian Institute for Teaching and School Leadership provides a range of support material for teachers and line managers, including Illustrations of Practice, TeacherToolkit, Classroom Practice Continuum, and the My Standards App Self-Assessment Tool.

### **Non-school based roles**

Refer to 3.5 Allied professional staff for teachers appointed to non-school based roles.

## **3.3 SCHOOL PSYCHOLOGISTS**

Lead school psychologists will undertake performance and development annually with school psychologists, referencing the job description, the Competency framework for school psychologists, and the School Psychology Service professional practice guidelines.

The Chief Psychologist, or their nominee, will undertake performance and development annually with lead school psychologists, referencing the job description, the Competency framework for school psychologists and the professional practice guidelines.

### **Guidance**

#### **Template**

Use the School psychologists sample template (staff only).

### **Performance expectations**

The School psychologist competency framework (the framework) outlines the 5 dimensions of professional practice for school psychologists. School psychologists at Level 2 are expected to demonstrate competency at Phase 1 of the framework and senior school psychologists are expected to demonstrate competency at Phase 2 of the framework. Lead school psychologists are expected to demonstrate competency at Phase 3 of the framework.

Refer to Section 5 Other documents for supporting professional codes, competencies and registration standards.

School psychologists aligned with Statewide Services may work to a school psychologist consultant job description form.

Principals of schools at which psychologists work should be consulted, and may contribute feedback, throughout the performance and development cycle. Principals and lead school psychologists may use the feedback form template (staff only).

Directors of education and/or principals may be consulted during the performance and development process for lead school psychologists.

## 3.4

## PRINCIPALS

Principals will undertake performance and development in accordance with the Principal Professional Review (PPR) (staff only) process and:

- self-assess against the:
  - Principal performance improvement tool (staff only)
  - Personal attributes for leadership (staff only)
- develop and incorporate actions for growth and development into a Leadership development plan that is reviewed and updated annually, and made available to the Director General, or nominee, on request
- participate in a cyclical independent validation.

### Guidance

Principals appointed to a position on a permanent basis, or on a temporary basis for 2 or more school terms, are required to adhere to a Statement of expectation (staff only) and are expected to develop a Leadership development plan as part of a continuous cycle of ongoing self-reflection and leadership development.

### Template

Principal self-assessments can be documented and stored securely on the Electronic school assessment tool (ESAT) (staff only) with a 'submission' made available for cyclical validation.

### Performance expectations

Principals will fulfil the requirements outlined in the Statement of expectation (staff only) and demonstrate performance levels of 'medium' to 'outstanding' against the domains of the PPIT. Refer to the Principal performance standard (staff only) for a description of the expected level of performance.

### Evidence

Principals can gather feedback from a range of sources including colleagues, staff, students and community members. Self-assessments are conducted using feedback from sources such as:

- 360° surveys (Principal performance improvement tool and Personal attributes for leadership)
- Public School Review report
- School Performance Monitoring System
- staff and community surveys
- school culture surveys
- Organisational Health Index
- school board/council
- directors of education.

### Resources

Find resources to prepare for your Principal Professional Review (staff only).

Refer to Leadership Institute professional learning programs (staff only) and Access the Leadership Resource Hub to find professional learning and resources for principals.

Refer to the Australian Institute for Teaching and School Leadership to find information and tools for principals.

### Non-school based roles

Refer to 3.5 Allied professional staff for principals appointed to non-school based roles.

### 3.5 ALLIED PROFESSIONAL STAFF

Line managers and authorised performance managers will undertake performance and development with allied professional staff annually based on the position's job description form and framework where applicable.

#### Guidance

##### Template

The [Allied professional staff sample template \(staff only\)](#) may be used.

##### Performance expectations

The role and responsibilities outlined in the job description form, in conjunction with the relevant framework (if applicable), provide the expected standard for performance:

- for school corporate services staff refer to the [School corporate services staff competency framework \(staff only\)](#)
- for education assistants special needs refer to the interim [Competency framework for education assistants special needs \(staff only\)](#)
- for public sector employees refer to the relevant competency framework or guidance for:
  - [Capability profiles Levels 1 to 6](#)
  - [Leadership capability profiles \(Level 7 to Class 4\)](#)
  - [Human resources capability framework for the WA public sector](#)
  - [Policy capability framework for the WA public sector](#)
  - [Finance capability framework for the WA public sector](#)
  - [Digital capability: A guide for agencies](#)
  - [Procurement capability resources](#).

##### Resources

The Public Sector Commission's [Building Leadership Impact](#) provides behaviours and associated mindsets for positive leadership at all levels in the public sector. Refer to [Access Building Leadership Impact professional learning and resources \(staff only\)](#) to identify the leadership context for any role and use the practical tools and professional learning resources for self-reflection and to further develop the behaviours expected in each leadership context.

### 3.6 PERFORMANCE NOT MEETING EXPECTED STANDARD

Where an employee's performance is identified as not meeting the required standard, principals, line managers or authorised performance managers will:

- in the first instance, provide resources and assistance to the employee to assist them to achieve the required standard of performance.

If this is not successful:

- refer to the [Substandard performance procedures](#)
- advise affected employees in writing of:
  - the aspects of their performance not meeting expected standards
  - the potential consequences, which may include a range of sanctions, including termination of their employment, should their performance be found substandard
- give a reasonable opportunity and assistance for employees to improve to a satisfactory standard.



### **Guidance**

Refer to the 'performance expectations' of the role for expected standards of performance. Document the resources and assistance provided to support the employee.

Line managers should contact Employee Relations on 9264 4921 as early as possible for assistance regarding concerns relating to an employee or probationary employee's performance.

An employee who retires or resign without having successfully demonstrated performance that meets expected standards may have their employment record notated as unsuitable for future employment and, for applicable employees, notification must be made to the Teacher Registration Board of Western Australia. The employee will be advised of the process for having the notification on their employment record removed.

## **3.7 RECORD KEEPING**

In accordance with the State Records Act 2000 and the Department's Recordkeeping plan, principals, line managers and authorised performance managers will:

- manage the retention and disposal of employee performance and development records
- retain employee performance and development records for a minimum of 5 years.

### **Guidance**

Hard copy records should be kept secure and filed confidentially, preferably in a locked cabinet to demonstrate duty of care for confidential staff records. They should not be saved electronically on a 'shared drive' to which other staff may have access.

Records should be maintained separately to the employee's personnel file.

For information on the retention and disposal of employee performance records refer to Section 68 of the General Disposal Authority for State Government Information.

## **4 DEFINITIONS**

### **ACCOUNTABILITY**

The demonstration of an employee's due competence and care in performing functions, responsibilities and obligations as they relate to the intended outcomes of the workplace and thus to the Department's purpose.

### **ALLIED PROFESSIONAL STAFF**

Allied professionals are those staff employed under s235(1)(a), (c) and (d) of the School Education Act 1999 and includes public servants, school support staff and wages staff.

## **AUTHORISED PERFORMANCE MANAGER**

A person who has been delegated responsibility for the performance and development of a specific employee by that employee's line manager or by a superordinate.

## **EMPLOYEE INTERESTS**

Refer to the employee's career and professional development needs and personal circumstances that need to be considered when negotiating work arrangements, discussing career aspirations and development opportunities, and when making an informed assessment of employee performance.

## **LINE MANAGER**

The position to whom the employee reports.

## **PERFORMANCE AND DEVELOPMENT**

The formal and informal continuous process of evaluating, developing and supporting an employee's performance in the workplace.

## **PERFORMANCE MANAGEMENT STANDARD**

As defined by the Public Sector Commission:

'Outcome: The performance of all employees is fairly assessed to achieve the work-related requirements of the public sector body while paying proper regard to employee interests.

Standard: The minimum standard of merit, equity and probity is met for performance management if:

- an employee is informed about how their performance will be managed and the results of their performance assessment
- a proper assessment of the employee's performance takes into account both the work-related requirements of the job and identified employee interests and
- processes, decisions and actions are impartial, transparent and capable of review.'

## **PROCEDURAL FAIRNESS**

A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions
- the person affected is given a fair hearing
- all parties to a matter have an opportunity to put their case where an adverse decision or finding is made
- all relevant arguments are considered and irrelevant arguments are excluded.

## **SUPERORDINATE**

The person to whom an individual's line manager reports or a more senior manager.

## RELATED DOCUMENTS

### RELEVANT LEGISLATION OR AUTHORITY

Commissioner's Instruction 40: Ethical Foundations

Equal Opportunity Act 1984

Freedom of Information Act 1992

Industrial Relations Act 1979

Performance Management Standard

Public Sector Management Act 1994

School Education Act 1999

State Records Act 2000

Teacher Registration Act 2012

Work Health and Safety Act 2020 (WA)

### RELATED DEPARTMENT POLICIES

Bullying in the Workplace policy

Complaints and Notifications policy

Managing a Breach of Public Sector Standard Claims policy

Records Management policy

Staff Conduct and Discipline policy

Work Health and Safety policy

### OTHER DOCUMENTS

Australian Professional Standard for Principals

Australian Professional Standards for Teachers

Australian Teacher Performance and Development Framework

Building Leadership Impact

Capability Profiles Levels 1-6

Code of Conduct (staff only)

Competency framework for education assistants special needs

Complaints and notifications framework

Complaints and notifications schedule (staff only)

Department of Education's Recordkeeping plan (staff only)

Finance Capability Profile

Grievance framework

Human resources capability framework for the WA public sector

Industrial instruments (Awards and Agreements) applicable to Department of Education employees (staff only)

Leadership capability profiles (Level 7 to Class 4)

Leadership Expectations

Personal attributes for leadership (staff only)

Principal performance improvement tool (staff only)

Principal performance standard (staff only)

School corporate services staff competency framework (staff only)

School psychologist competency framework (staff only)

School Psychology Service: Professional practice guidelines

School Psychology Service: Scope of Practice  
Australian Health Practitioner Regulation Agency General registration standard or provisional registration standard  
Australian Psychological Society (APS) Code of Ethics 2007  
Australian Psychological Society (APS) Code of Ethics (effective 1 December 2025)  
Australian Health Practitioner Regulation Agency Professional competencies for psychologists  
Australian Health Practitioner Regulation Agency Professional competencies for psychologists (effective 1 December 2025)  
Australian Health Practitioner Regulation Agency Code of conduct for psychologists (effective 1 December 2025)  
Statement of expectation (staff only)

## 6 CONTACT INFORMATION

Policy manager: Director, Industrial and Employee Relations

Policy contact officer: Manager, Employee Relations  
T: (08) 9264 4921

## 7 REVIEW DATE

17 February 2029

## 8 HISTORY OF CHANGES

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15 March 2016	28 April 2016	2.1	D16/0260622	Corrected link for <i>Australian Professional Standards for Teachers</i> . D16/0260595
15 March 2016	10 June 2016	2.2	D16/0211300	Minor amendments in response to Corporate Executive decision on 12 February 2016. Endorsed by the Director General at Corporate Executive on 29 April 2016. Minor amendments to Appendix C, Employee Performance Procedures and Appendix A, Substandard Performance Procedures confirmed by Policy Subcommittee on 1 June 2016.
15 March 2016	1 July 2016	2.3	D16/0419314	Addition to Guidance under section 3.3 to include information for school psychologists. D16/0419291
15 March 2016	20 July 2016	2.4	D16/0460554	Deletion of text in Guidance under s3.1. D16/0460534
15 March 2016	25 May 2020	2.5	D20/0260940	Minor changes to update broken links. D20/0260934
17 February 2026		3.0	D25/0573794	Major review to comply with the Department Code of Conduct and the Work Health Safety policy. Clarification of annual performance & development cycle. Performance expectation for all employee groups. Consistent formatting of procedures for each employee group. Approval (1) D25/0574867 Approval (2) new changes D26/0111791



Department of  
**Education**

## **SUBSTANDARD PERFORMANCE PROCEDURES**

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# 1 POLICY SUPPORTED

Employee performance and development policy

# 2 SCOPE

These procedures apply to all employees.

# 3 PROCEDURES

## 3.1 SUBSTANDARD PERFORMANCE

Superordinates and line managers will:

- base their opinion that an employee's performance is substandard on evidence and the reasonable performance expectations of the role
- not request the commencement of a substandard performance investigation unless an employee has been:
  - previously formally advised what aspects of their performance are considered unsatisfactory
  - formally advised of the possible consequences, which may include a range of sanctions, including termination of employment, should their performance be found to be substandard
  - given a reasonable opportunity and assistance to improve to a satisfactory standard.

In managing substandard performance processes, line managers and authorised performance managers will:

- employ and demonstrate a proper and fair process
- communicate clearly and openly with the employee throughout the process
- treat employees with courtesy, sensitivity and consideration
- consider the health, safety and wellbeing of employees involved in the process
- manage the retention and disposal of substandard performance records, in accordance with the State Records Act 2000 and the Department's Recordkeeping plan (staff only).

### Guidance

The process related to Substandard Performance is detailed in Appendix A which summarises approval, management and accountability requirements.

Section 79 of the *Public Sector Management Act 1994* provides:

the performance of an employee is substandard if and only if the employee does not, in the performance of the functions that he or she is required to perform, attain or sustain a standard that a person may reasonably be expected to attain or sustain in the performance of those functions.

Section 239 of the *School Education Act 1999* imports section 79 of the Public Sector Management Act for members of the teaching staff and other officers.



Employees not covered by section 79 of the *Public Sector Management Act 1994* are subject to the common law. Principles of procedural fairness apply to any substandard performance process.

Where a substandard performance process is undertaken, all relevant documents, or copies of documents, should be provided to Employee Relations as a part of the process. Those documents will be retained by the Department in accordance with the requirements of the *State Records Act* and Department's Recordkeeping (staff only).

An employee may be accompanied by a support person at any meeting regarding potential substandard performance. Understand the role of a support person (staff only). Provisions relating to representation of employees in public service and ministerial officer positions can be found in the *Public Sector CSA Agreement (staff only)*.

The functions of principals and teachers are described in sections 63 and 64 of the School Education Act 1999 and further elaborated under the *School Education Act Employees' (Teachers and Administrators) General Agreement* and the Teachers (Public Sector Primary and Secondary Education) Award.

Expectations for teacher performance are set out in the Australian Professional Standards for Teachers. Teachers in their first three years of teaching following graduation will generally be assessed at the graduate career level of the Standards. Thereafter all teachers are required to demonstrate performance at the proficient career level.

Refer to the relevant performance expectations for the role in the Employee Performance and Development procedures.

An employee who retires or resign during a substandard performance process will have their employment record notated as unsuitable for future employment and, for applicable employees, notification must be made to the Teacher Registration Board of Western Australia. The employee will be advised of the process for having the notification on their employment record removed.

## 3.2 EMPLOYEES COVERED BY SECTION 79 OF THE PUBLIC SECTOR MANAGEMENT ACT 1994

### 3.2.1 PUTTING THE ALLEGATION TO THE EMPLOYEE

Line managers and authorised performance managers will:

- comprehensively document and conduct substandard performance processes in accordance with section 79 of the *Public Sector Management Act* and the principles of procedural fairness
- brief their superordinate when an employee's performance may be considered substandard.

If there is reasonable evidence that the employee's performance may be substandard, the line manager or authorised performance manager will make a written recommendation to the Director General or delegate requesting that the allegation of substandard performance is put to the employee.

The Director General or delegate will:

- provide the employee with written notification of the areas in which their performance is considered substandard

- invite the employee to admit or deny the allegations in writing within 10 business days
- inform the employee that a support person or union representative may be present at any meetings.

### 3.2.2 RECEIVING AND CONSIDERING THE RESPONSE

The Director General or delegate will:

- consider the employee's response before taking further action
- where the employee provides an adequate explanation, inform the employee that no further action will be taken
- where the employee does not provide an adequate explanation, inform the employee that the alleged substandard performance will be investigated
- where the employee admits their performance has been substandard, determine the penalty to be applied.

#### **Guidance**

Where an allegation of substandard performance is proven, there are sanctions available to employers in accordance with section 79 (3) of the *Public Sector Management Act* or any applicable industrial instrument. The employer may apply one of the following sanctions:

- withhold for a period as the employer thinks fit an increment of remuneration otherwise payable to the employee
- reduce the level of classification of that employee
- terminate the employment in the public sector of that employee.

### 3.2.3 INVESTIGATION

The Director General or delegate will authorise an investigation.

### 3.2.4 PUTTING THE REPORT TO THE EMPLOYEE AND CONSIDERING THEIR RESPONSE

The Director General or delegate will provide the employee with:

- a copy of the report, the findings, and any proposed sanctions or sanctions
- the opportunity to respond to the report's findings in writing within 10 business days.

### 3.2.5 NOTIFICATION OF DECISION

After considering the finding and the employee's response, the Director General or delegate will notify the employee of the decision, including any penalties that are to be applied.

### 3.2.6 APPEAL PROCESS

The employee will be informed by the Director General or delegate that they may appeal to the WA Industrial Relations Commission against:

- a finding that their performance is substandard
- any sanction that has been imposed, except where that sanction is to withhold a salary increment in accordance with section 78(1)(b) of the *Public Sector Management Act*.

### 3.3 EMPLOYEES NOT COVERED BY SECTION 79 OF THE *PUBLIC SECTOR MANAGEMENT ACT 1994*

Line managers will document and conduct substandard performance processes in accordance with relevant industrial instruments and the principles of procedural fairness, as follows:

- the employee has previously been advised of concerns about their performance and given reasonable opportunity to address these
- the allegation of substandard performance is put to the employee clearly and that they be given a right of response
- performance is assessed fairly and objectively
- comprehensive documentation and records of the process undertaken must be kept as an independent review of the process will be undertaken to inform the Director General or delegate's decision making.

#### **Guidance**

Advice is sought from Employee Relations regarding the management of substandard performance for staff not covered by section 79 of the *Public Sector Management Act*, as some industrial instruments may impose specific requirements. Only the Director General or their delegate have the authority to terminate the employment of employees not covered by section 79 of the Act for substandard performance. It is Employee Relations' role to advise the decision maker on the adequacy of the process undertaken at school level.

Affording the affected employee procedural fairness and a consideration of the prevailing circumstances is required. This will generally involve an investigation authorised by the Director General or delegate.

#### 3.3.1 ALLEGATION OF SUBSTANDARD PERFORMANCE UPHeld

Where an employee's performance is found to be substandard and a decision is taken to terminate employment, the Director General or delegate will inform the employee that they may appeal that decision to the WA Industrial Relations Commission.

#### **Guidance**

For employees not covered by section 79 of the *Public Sector Management Act*, the only sanctions available for substandard performance are a reprimand or termination of employment. Only the Director General or delegate can apply a sanction.

In accordance with *Teacher Registration Act (2012)* Section 42, Employee Relations will give notice to the Teacher Registration Board when a teacher ceases teaching for substandard performance.

#### 3.3.2 ALLEGATION OF SUBSTANDARD PERFORMANCE NOT UPHeld

Where an allegation of substandard performance is not upheld, but concerns regarding some aspects of the employee's performance remain, the line manager will consider and address any work-related issues within the context of the performance and development process.

## 4 DEFINITIONS

### **AUTHORISED PERFORMANCE MANAGER**

A person who has been delegated responsibility for the performance management of a specific employee by that employee's line manager or by a superordinate.

### **DELEGATE**

A delegate is the specified position within the Department with the authority under an Instrument of Delegation to exercise a function, power or duty assigned to the Minister or the Director General by the Public Sector Management Act 1994.

### **LINE MANAGER**

The position to whom the employee reports.

### **PROCEDURAL FAIRNESS**

A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions
- the person affected is given a fair hearing
- all parties to a matter have an opportunity to put their case where an adverse decision or finding is made
- all relevant arguments are considered and irrelevant arguments are excluded.

### **SUBSTANDARD PERFORMANCE**

The performance of an employee is substandard if and only if the employee does not, in the performance of the functions that he or she is required to perform, attain or sustain a standard that a person may reasonably be expected to attain or sustain in the performance of those functions.

### **SUPERORDINATE**

The person to whom an individual's line manager reports or a more senior manager.

## 5 RELATED DOCUMENTS

### **Relevant legislation or authority**

Commissioner's Instruction 40: Ethical Foundations

Equal Opportunity Act 1984

Freedom of Information Act 1992

Industrial Relations Act 1979

Performance Management Standard

Public Sector Management Act 1994

State Records Act 2000

Teacher Registration Act 2012

Work Health and Safety Act 2020 (WA)

**Related Department policies**

Bullying in the Workplace policy  
Complaints and Notifications policy  
Managing a Breach of Public Sector Standard Claims  
Records Management policy  
Staff Conduct and Discipline policy  
Work Health and Safety policy

**Other documents**

Australian Professional Standard for Principals  
Australian Professional Standards for Teachers  
Australian Teacher Performance and Development Framework  
Code of Conduct (staff only)  
Complaints and notifications framework  
Complaints and notifications categorisation schedule (staff only)  
Competency framework for school psychologists (staff only)  
Competency framework for education assistants special needs (interim)  
Department of Education: Record keeping plan (staff only)  
Finance capability framework for the WA public sector  
Grievance framework  
Human resources capability framework for the WA public sector  
Industrial instruments (Awards and Agreements) applicable to Department of Education employees (staff only)  
Leadership Expectations  
Building Leadership Impact  
Public Sector Capability Profiles  
School corporate services staff competency framework  
School psychologist competency framework (staff only)  
School Psychology Service's: Professional Practice Guidelines

**6 CONTACT INFORMATION**

Policy manager: Director, Industrial and Employee Relations  
Policy contact officer: Manager, Employee Relations T: (08) 9264 4921  
Other: Employee assistance program  
Manager assistance program  
T: 1300 307 912 (toll free)

**7 REVIEW DATE**

17 February 2029

## 8 HISTORY OF CHANGES

Effective Date	Last Update Date	Policy version no	Ref no	Notes
21 July 2010	5 July 2012	1.2		Guidelines in section 4.2 amended to reflect changes to <i>School Education Act Employees' (Teachers and Administrators) General Agreement</i> as per D12/0372966, nomenclature throughout policy updated, definition of performance management updated.
28 September 2012		1.3		Changes to reflect the <i>National Professional Standards for Teachers</i> . Changes endorsed by Corporate Executive at meeting 7 September 2012.
28 September 2012	11 July 2013	1.3	D13/0357914	Amendment of references to <i>National Professional Standards for Teachers</i> to <i>Australian Professional Standards for Teachers</i> . D13/0098087 Amendment to references to documents as per D13/0222254.
28 September 2012	23 August 2013	1.3	D13/0447369	Updated link to <i>Australian Professional Standard for Teachers</i> in Appendix A. D13/0394461
17 December 2013		1.4	D13/0660766	Addition of procedure at section 4.2 and Appendix C. Changes endorsed by Corporate Executive 2 December 2013.
17 December 2013	19 December 2013	1.4	D13/0679517	Addition of point about leave management to Appendix A, Section 3. D13/0666788
17 December 2013	27 February 2014	1.5	D14/0100442	Minor change to formatting in Appendix C. D14/0061908
28 July 2014		1.6	D14/0369937	Numerous changes throughout policy D14/0259580, D14/0323911 and D14/0369019.
28 July 2014		1.7	D14/0375178	Appendix B updated to reflect v1.6 changes prior to policy taking effect.
28 July 2014	12 September 2014	1.8	D14/0434239	Update to guidance re: professional development and career guidance in section 4.2. D14/0434228.

28 July 2014	1 December 2014	1.9	D14/0527051	Minor changes to guidance and appendix C. D14/0527043.
15 March 2016		2.0	D15/0505519	Major review undertaken and policy reformatted into policy and procedures. Endorsed by the Director General at Corporate Executive on 12 February 2016.
15 March 2016	28 April 2016	2.1	D16/0260622	Corrected link for <i>Australian Professional Standards for Teachers</i> . D16/0260595
15 March 2016	10 June 2016	2.2	D16/0211345	Minor amendments in response to Corporate Executive decision on 12 February 2016. Endorsed by the Director General at Corporate Executive on 29 April 2016. Minor amendments to Appendix C, Employee Performance Procedures and Appendix A, Substandard Performance Procedures confirmed by Policy Subcommittee on 1 June 2016.
15 March 2016	21 June 2017	2.3	D17/0263546	Minor typo change to guidance under section 3.3 D17/0263489
15 March 2016	25 May 2020	2.4	D20/0260942	Minor changes to update broken links. D20/0260934
17 February 2026		3.0	D25/0574099	Major review to comply with the Department Code of Conduct and the Work Health Safety policy. Clarification of annual performance & development cycle. Performance expectation for all employee groups. Consistent formatting of procedures for each employee group. Approval (1) D25/0574867 Approval (2) new changes D26/0111791

## APPENDIX A. SUBSTANDARD PERFORMANCE PROCESS - SECTION 79

Step	Activity
1	<p>The performance of an employee is identified as potentially substandard and the principal, line manager or authorised performance manager has actioned the requirements in the Employee performance and development procedures 3.6 Performance not meeting expected standards.</p> <p>A meeting is held with the employee to inform them of performance concerns and that their employment could be in jeopardy if substandard. This is also communicated to them in writing.</p>
2	Principal, line manager or authorised performance manager provides employee with information about the Department's Employee Assistance Program offering free confidential counselling.
3	Principal, line manager or authorised performance manager briefs superordinate.
4	Principal, line manager, authorised performance manager or superordinate requests that the Director General or delegate cause an investigation to be held.
5	<p>Director General or delegate writes to employee outlining allegations, proposed investigation and possible consequences (employee has 10 business days to respond).</p> <p>If the response satisfies the concerns the matter is closed. If the employee denies the allegation or does not satisfy the concerns, Step 6 proceeds.</p>
6	Director General or delegate authorises an investigation.
7	Investigation conducted and report submitted to Director General or delegate.
8	Director General or delegate provides employee with a copy of report, findings and any proposed sanctions. Employee has 10 business days to respond.
9	Director General or delegate considers employee response and advises employee of decision.