PROCEDURES FOR MANAGING CASUAL TEACHERS WHO ARE EXPERIENCING DIFFICULTIES WITH THEIR TEACHING PERFORMANCE

April 2003
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ATTACHMENTS A-B 10
PROCEDURES

1. INTRODUCTION

These procedures set out the process for managing casual teachers who are identified as experiencing difficulties with their performance.

2. PRINCIPLES

2.1 Overview

These procedures apply to all casual teachers who are identified as experiencing difficulty with their teaching performance.

The Department of Education and Training is committed to ensuring that it has efficient teachers, including casual teachers, who are skilled and committed to meeting the needs of students, schools and the public education system.

Basic principles underpinning this commitment are:

- Students have a right to be taught by competent teachers;
- Casual teachers are responsible for performing their duties efficiently and competently;
- Casual teachers have the right to support throughout these procedures;
- The school is the most effective environment in which to foster teacher improvement;
- The Department of Education and Training has a responsibility to take action to address performance issues and support casual teachers to improve their teaching performance.

2.2 Procedural Fairness

When implementing these procedures all Department of Education and Training officers must act in a manner consistent with the principles of procedural fairness. Procedural fairness includes:

- The casual teacher’s right to be informed about any difficulties in relation to their teaching performance and how the issues will be addressed;
- The casual teacher’s right to be given a copy of these procedures when they are first informed of the difficulties in their teaching performance;
- The casual teacher's right to be heard, which includes the right of the teacher to put their views on the matter and respond to the difficulties identified;
• The casual teacher's right to impartial decision making including:
  - the right to impartiality in all phases of the process;
  - the right to an absence of bias in the decision maker(s); and
  - the right to know the explicit action that will be taken.

Officers or persons supporting and making decisions about a casual teacher who has been identified as experiencing difficulties in their teaching performance must act justly and be seen to act justly.

2.3 What Is Teacher Efficiency?

Teacher efficiency is defined as the level of performance that a teacher is required to meet.

Casual teachers who fail to meet the required level of performance disadvantage the education and welfare of students and can impact on the workload and morale of colleagues. Action to improve efficiency is essential.

If a casual teacher fails to reach the level of performance required the teacher may be asked to show cause why their casual approval should not be withdrawn.

It is important to remember that casual teachers may be experiencing difficulties which affect their efficiency for a number of reasons including:

a) professional problems which may include communication difficulties;

b) school management, organisation and system issues;

c) health issues;

d) personal difficulties being experienced both within and outside the school.

Principals should be sympathetic and take care to understand the reasons for personal difficulties experienced by the teacher.

2.4 Misconduct

It is necessary to distinguish between failure to meet the required level of performance and misconduct. Misconduct may be a single, isolated or specific incident which may require a prompt disciplinary response and which can be proved or disproved. In contrast, one incident of a teacher having difficulty with their teaching performance does not prove that the teacher is not meeting the required level of teaching performance but simply shows that he or she has experienced difficulty once.
3. RESPONSIBILITIES

3.1 Responsibilities of the Department

The Department of Education and Training is responsible for providing students with a range of opportunities to develop the knowledge and skills to take their place as capable and responsible citizens. This includes providing quality teaching, effective management and positive, safe learning environments.

The Department is committed to providing a safe working environment for teachers and to assist them in providing a broad range of educational opportunities for students.

The Department has a responsibility to provide appropriate support and to take appropriate action, including withdrawal of casual teaching approval, when it is evident that a casual teacher’s performance has failed to improve sufficiently following the provision of support.

3.2 Responsibilities of Principals

Principals have a responsibility to ensure a supportive and professional environment is created for all teachers, including casual teachers.

Casual teachers should be provided with relevant documentation, such as school routine, emergency procedures and the school’s student welfare and discipline policy.

Principals have an ongoing accountability for the supervision of teachers’ work and the identification of difficulties casual teachers may be experiencing in their teaching performance.

Decisions about whether casual teachers are performing at the level required will be made in the context of the professional judgement exercised by principals and executive staff.

In fulfilling their responsibility for the leadership and management of staff in schools, including dealing with instances where casual teachers are experiencing difficulties with their teaching performance, principals have a particular responsibility to:

- ensure that the casual teacher is supported and their performance is properly monitored;
- properly inform casual teachers who have been identified as experiencing difficulties with their teaching performance about these procedures;
- ensure that casual teachers have the opportunity to respond to statements or decisions arising from the application of these procedures and properly consider such responses.
3.3 Responsibilities of Casual Teachers

In performing their duties to the level required, casual teachers have a particular responsibility to:

- assess and enhance their own performance;
- seek assistance from colleagues if they are experiencing difficulties; and
- undertake any strategies developed in accordance with the procedures to support them to improve their teaching performance.

4. Withdrawal of Casual Approval

Where a casual teacher indicates he or she is not prepared to participate in the strategies developed in accordance with these procedures, the General Manager of Personnel will consider removing the teacher’s casual approval.

5. Workers Compensation

A workers compensation claim submitted by a casual teacher, who is being managed under these procedures, is to be managed in accordance with the processes and timelines stipulated in the appropriate workers compensation, injury management and occupational health and safety legislation.

If a casual teacher being managed under these procedures submits a workers compensation claim for psychological injury, the principal must state on the Employer’s Report of Injury Form that the teacher’s performance is being managed in accordance with the Procedures For Managing Casual Teachers Who Are Experiencing Difficulties With Their Teaching Performance.

6. Dispute Resolution Procedures

Subject to the provisions of the Industrial Relations Act 1996, should any dispute arise about the implementation of the procedures, then the following procedures should apply:

1. The employee and/or Federation workplace representative will immediately raise the dispute with the principal.

2. Should the matter not be resolved within two days the matter will be referred to the District Superintendent and the appropriate Federation officer for resolution.

3. Where the procedure in paragraph 2 above of this subclause does not lead to resolution of the dispute within five days, the matter will be referred to the General Manager of Personnel of the Department and the General Secretary of the Federation. They or their nominees will negotiate an agreed method and time frame for resolving the matter.

4. Should the above procedures not lead to a resolution, then either party may make application to the Industrial Relations Commission of New South Wales.
7. PROCESS FOR IMPLEMENTATION OF PROCEDURES

7.1 Identification

Casual teachers experiencing difficulty with their teaching performance will be identified in accordance with the following process:

- Principal(s) or nominee identifies that the casual teacher is experiencing difficulty with their teaching performance at a level requiring formal support.

- Principal(s) discusses the difficulties identified with the casual teacher and formalises the process by completing Attachment A.

- Principal refers the identified areas of difficulty to the Staff Efficiency and Conduct Unit (SECU) by faxing Attachment A.

Where the casual teacher is no longer employed at the school(s) the Manager of SECU or nominee will discuss the identified areas of performance difficulty with the casual teacher.

7.2 Implementation

- The case is assessed by a designated SECU officer who will:
  - keep a record of the referral
  - assess the seriousness of the referral
  - consider any other referrals made in relation to the teacher

- As a result of this assessment, depending on the seriousness of the matter or, in less serious matters, a pattern of referral (of at least three referral notifications), the designated SECU officer will determine the appropriate action to be implemented, including:
  - monitoring of the casual teacher’s performance; or
  - the Manager SECU or nominee interviewing the casual teacher and clearly advising of concerns and improvement strategies. These strategies could include: further training in curriculum area(s), self-help, involvement in professional development courses, mentoring; or
  - the casual teacher being required to participate in a negotiated school based support program.

The casual teacher will receive a letter advising them of the action to be implemented.
7.3 Implementation of School Based Support Program

An Independent Assessor will be appointed to consider the concerns raised by the school(s) and review the decision of the Manager SECU to require the casual teacher to participate in a support program.

Where the Independent Assessor determines that the casual teacher is required to participate in a school based support program the Independent Assessor will case manage a school based support program having considered the Principles in Section 2.

Where the Independent Assessor determines that the casual teacher is not required to participate in a school based support program the Independent Assessor will recommend alternative action to the Manager SECU.

The casual teacher will be provided with targeted support for up to five days at a suitable school.

Should a casual teacher placed on a program demonstrate efficient and competent teaching skills to the Independent Assessor in less than the five days then the program could be concluded at that point.

The Independent Assessor will advise the casual teacher of the details relating to the support program (including relevant information about the school, class(es) to be taught and persons involved in the support program) and negotiate the commencement date for the support program.

At the beginning of the support period, the Independent Assessor and the Principal of the school are to meet with the casual teacher to discuss the casual teacher’s employment and the identified areas of concern. The casual teacher is to be informed beforehand that they may have a support person present at the meeting and that this person may be an officer of the Teachers Federation.

At this meeting, the procedures and strategies to be implemented will be determined.

7.4 Outcomes

During the support period, the casual teacher will be assessed to determine if they have reached the level of performance required.

The outcomes will be:

- If there has been sufficient improvement and the casual teacher has been assessed as meeting the level of performance required:
  - the Independent Assessor will advise the Staff Efficiency and Conduct Unit; and
  - the teacher is to be advised in writing by SECU that they have met the required level of performance and that no further action will be taken.

- If there has been some improvement in the casual teacher's performance the
Independent Assessor in consultation with the school may determine that the casual teacher requires monitoring to ensure improvement continues:

- the Independent Assessor will advise the Staff Efficiency and Conduct Unit; and
- the teacher is to be advised in writing by SECU that they will be monitored to ensure improvement continues.

- If there is insufficient improvement in the casual teacher’s performance the Independent Assessor in consultation with the school will prepare a report to be forwarded to SECU (Attachment B) indicating that the casual teacher’s efficiency is determined as not satisfying requirements and recommending that the casual teacher show cause why their casual approval should not be withdrawn.

- The casual teacher may seek a review by the Director of Staffing Services of the report indicating that the casual teacher’s efficiency is determined as not satisfying requirements and recommending that the casual teacher show cause why their casual approval should not be withdrawn.

8. SUPPORT TO BE PROVIDED TO CASUAL TEACHERS WHO ARE EXPERIENCING DIFFICULTIES WITH THEIR TEACHING PERFORMANCE

Support will be provided to the casual teacher to meet the required level of performance. The support should address the individual casual teacher’s needs and could include:

- Guidance, advice and feedback from the staff member responsible for overseeing the implementation of the casual teacher’s support program; and

- Guidance and advice from school staff as to the relevant policies and procedures.

To enable this support to be implemented a statewide pool of relief days, over and above school global budget funds is available.

These relief days will be allocated by SECU.
Attachment A is to be completed by the school principal in consultation with the casual teacher. In cases where the teacher is not available for consultation, Attachment A will be completed by SECU in consultation with the school principal and the casual teacher.

**EXPRESSION OF CONCERN**

**PROCEDURES FOR MANAGING CASUAL TEACHERS WHO ARE EXPERIENCING DIFFICULTIES WITH THEIR TEACHING PERFORMANCE**

**NOTIFICATION TO STAFF EFFICIENCY & CONDUCT UNIT and CASUAL AND TEMPORARY TEACHER PROGRAMS**

………………………………., Casual Employee Number:…………………… has been advised that he/she is experiencing difficulty with his/her teaching performance.

Date casual teacher employed……………………

The following area/s of concern have been identified; e.g. classroom management, communication:


The school has provided the teacher with the following support; e.g. school organization, mentoring:


Details of the teaching duties allocated to the casual teacher:


Teacher’s Comment:


- Teacher was available to discuss identified areas  Yes  No
of concern.

- Teacher has been informed of the areas where there are difficulties with their teaching performance. Yes ☐ No ☐

- Principal has considered issues that may be impacting on the teacher’s performance. Yes ☐ No ☐

- The teacher had a support person at the meeting. Yes ☐ No ☐

- The teacher has been advised of the procedures that may be implemented. Yes ☐ No ☐

- The teacher has been advised of the possible consequences of these procedures. Yes ☐ No ☐

- The teacher has been advised that he/she may wish to contact the NSW Teachers Federation. Yes ☐ No ☐

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**Forward to:**

Staff Efficiency and Conduct Unit:
Facsimile : 02 9561 8971

Assistant Director, Casual and Temporary Teacher Programs Unit:
Facsimile 02 9836 9152
PROCEDURES FOR MANAGING CASUAL TEACHERS WHO ARE EXPERIENCING DIFFICULTIES WITH THEIR TEACHING PERFORMANCE

INDEPENDENT ASSESSOR’S REPORT AT THE COMPLETION OF THE SUPPORT PROGRAM

(Surname and given name of teacher)

1. Overview of areas where the casual teacher experienced difficulty in his/her teaching performance.

2. Summary of support provided.

3. Evaluation of teacher's performance in the areas of difficulty following the implementation of the support program.
   
   (a) Areas showing improvement:

   (b) areas showing no improvement:
4. Strengths identified.

5. Independent Assessor’s recommendation.

...........................................
(Independent Assessor’s name)

...........................................
(Independent Assessor’s signature)  (Teacher’s signature)  (Date)