

## Performance Management

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### Purpose and Scope

At New Zealand Kindergartens (NZK) we understand that the majority of staff members come to work with the intention of being successful in their roles and experiencing positive growth and development. However, there may be times when you are not fulfilling all of your performance expectations which can be unsettling and stressful. We aim to take a proactive approach to performance by identifying gaps in capabilities, managing issues through ongoing feedback and discussion, and investing in opportunities for staff members to grow.

The purpose of this procedure is to be open in communicating what constitutes a performance issue, what this process involves and the potential outcomes.

This procedure applies to the General Managers/Chief Executives (GMs/CEs) and staff members (whether permanent, fixed, casual or relieving) across the NZK network. The procedure applies at our workplace, at work events (such as offsite training) and outside our workplace (when it is related to our work).

### Legislation

NZK's Performance Management Procedure is underpinned by the *Employment Relations Act 2000*. This procedure should be read in conjunction with the *Kindergarten Teachers' Collective Agreement 2022* (Part 6).

### Key Definitions

**Performance expectations** are outlined in each Association's position descriptions, NZK policies, procedures and Values, as well as any legislation relevant to the workplace.

A **performance issue** is when a staff member fails to perform all, some, or one of the duties to the standards required or doesn't comply with work rules or work procedures.

**Performance management** is aimed at supporting a staff member to reach their potential through clear, focused discussions that highlight performance issues, reiterate performance expectations, provide reasonable time and support to grow, and outline potential outcomes.

**Good faith** requires that employers, unions, and employees must act in a way that is truthful and will not mislead each other. The elements and examples of good faith are outlined in the NZK Grievance Procedure.

### Rights and Obligations

NZK has an obligation to provide regular feedback regarding your performance and ensure any performance issues are addressed in good faith and follow the principles of a fair process. All individuals covered by this procedure have an obligation to work proactively with their manager to meet performance expectations, address any identified performance issues and act in good faith during a performance management process.

#### Principles of a Fair Process

- Fully investigate the concerns
- Properly raise concerns with employees
- Give employees an opportunity to respond
- Genuinely consider the employees explanations
- Make the decision maker as impartial as possible
- Tell the employee they may have a support person present
- Give an opportunity for the employee to seek independent advice
- Treat employees without bias
- Consider all options before making a decision

## Performance Management Procedure

Below is the process that should be undertaken when we have concerns regarding your performance. The procedure is in line with NZK's requirement to act in good faith and follow the principles of a fair process.

- ✓ **Informal feedback** will be provided to you throughout your employment with NZK, both in instances where you are performing well and where your performance may not be meeting expectations. Any performance issues raised with you should be proactively addressed in order to resolve the situation or concern. Similarly, if you are having problems doing your job you are encouraged to let your manager know as soon as possible.
- ✓ **Informal performance management** may commence if feedback provided to you is not proactively addressed. As part of the informal performance management process your manager will meet with you to address their concerns in a clear but informal manner. Together, you will explore solutions and options for improving your performance and meet regularly to check in on how things are going. Written records and expected actions will be kept of all discussions related to performance during this informal stage.
- ✓ **Formal performance management** will commence if performance does not improve to the expected standard after the informal process. The concerns will be addressed in a formal manner, in good faith, and following the principles of a fair process. During a formal process it is likely that a Performance Improvement Plan (PIP) will be put in place that clearly identifies the areas of focus, the timeframe for improvement, and the potential outcomes if performance does not improve to the expected standard. A written warning may also be provided at this stage. (Please refer to the Disciplinary Management Procedure)
- ✓ **Outcomes** of a formal performance management process are varied. Ideally, this process will see the complete rectification of performance issues. Where this does not occur, a final written warning may be provided alongside a review and reissue of your PIP. Where performance issues continue, your position or duties may be formally altered, or your employment may be terminated in line with the NZK Disciplinary Procedure.

## Dos and Don'ts

Do...

- ✓ Raise any concerns you have meeting performance expectations with your manager as soon as possible.
- ✓ Ensure you act in good faith and remain cooperative, honest, and professional throughout the process, to provide the best chance of rectifying concerns.
- ✓ Refer to our Grievance Procedure for the steps you should take should you feel any performance management process is not a fair process or being done in good faith.

Don't...

- x Keep concerns regarding your performance expectations to yourself, discuss them with your manager so you can be provided appropriate support.

- x Gossip with other staff members regarding the performance concerns or process; we understand the need to seek support from a trusted friend or colleague, but you should ensure any conversations remain in good faith.

### Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this procedure, please speak with your Head Teacher, or GM/CE.

### Procedure Reviews

This procedure may be amended from time to time at the discretion of NZK. Please ensure you regularly review all company procedures, so the content is front of mind in all you do.

### Related Procedures, Agreements and Frameworks

Teaching Council of Aotearoa New Zealand – Our Code Our Standards & Code of Professional Responsibility

Teaching Council of Aotearoa New Zealand – Mandatory Reporting

Code of Conduct

Disciplinary Procedure

Grievance Procedure

[The Statement of National Education and Learning Priorities \(NELP\)](#)

Kindergarten Teachers Collective Agreement (KTCA)