# CPP009 Apprentice or Trainee Performance Management

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Policy Overview

This policy ensures that Concept Engineering deals with poor or underperformance by an apprentice or trainee in a fair and just manner. Concept Engineering will investigate any issues and will provide appropriate supports to the apprentice or trainee to deal with the identified performance gap. Throughout this process, Concept Engineering will ensure that the safety, privacy and rights of all involved are upheld.

Performance management will be enacted by Concept Engineering when the apprentice or trainee is not meeting their specific performance standards and requirements despite having access to reasonable supports.

## Regulatory References

National Standards for Group Training Organisations 2017, Clause 2.5:

* Where there are any performance issues with an apprentice/trainee, the GTO manages these issues fairly, and records the outcome and the feedback provided to the apprentice or trainee.

Legislation:

* Fair Work Act 2009 (Cth)
* Sex Discrimination Act 1984 (Cth)
* Income Tax Assessment Act 1997 (Cth)
* Equal Opportunity Act 2010 (VIC)
* Privacy Act 1988 (Cth)
* Age Discrimination Act 2004 (Cth)
* Australian Human Rights Commission Act 1986 (Cth)
* Disability Discrimination Act 1992 (Cth)
* Racial Discrimination Act 1975 (Cth)
* Workplace Gender Equality Act 2012 (Cth)
* Racial and Religious Tolerance Act 2001 (Vic)
* Occupational Health & Safety Act 2004 (Vic)

Policy Statements

### Identifying Poor or Underperformance

Concept Engineering is responsible for identifying any performance gaps and for addressing and supporting apprentices or trainees when such gaps are present. The apprentice or trainee will be informed of performance management and termination processes as part of the procedures described in the CPP002 Induction of Apprentices and Trainees Policy and Procedure.

The identification of performance gaps will routinely occur as a part of the procedures described in CPP006 Competency-Based Progress Monitoring and Management Policy and Procedure. Performance gaps will also be identified via any correspondence received indicating a performance problem.

Concept Engineering will investigate and identify if the performance gap is due to:

* Organisational factors with Concept Engineering
* Management or host employer factors to be addressed via the CPP008 Host Employer Support and Management Policy and Procedure
* Selected RTO factors to be addressed via the CPP015 Selection of RTOs Policy and Procedure
* Academic, learning or personal factors affecting the apprentice or trainee which are suitable to be addressed via theCPP005 Placement and Ongoing Support Policy and Procedure
* Failure by the apprentice or trainee to meet their obligations and avoid unsatisfactory achievement or negative behaviour.

Performance management will occur when the performance gap is a result of unsatisfactory achievement or negative behaviour by the apprentice or trainee when all reasonable informal efforts to address the underperformance have failed.

At any point that the apprentice or trainee disagrees with decisions made they are entitled to enact the procedures described in the CPP014 Complaints and Appeals Policy and Procedure.

### Investigating Performance Issues

Concept Engineering is responsible for investigating performance issues and enacting performance management processes when:

* An allegation of misconduct against the apprentice or trainee is made
* There is a suspicion that a breach of obligations has occurred
* There has been a sustained period of non, poor or underperformance by the apprentice or trainee

Concept Engineering will ensure that the performance management process subscribes to established principles of procedural fairness including:

* That the apprentice or trainee involved receives a timely notice of the performance issue
* That the apprentice or trainee involved is provided with reasonable opportunities to explain themselves and their actions
* That the apprentice or trainee involved can be confident that their explanation will be treated with respect and without bias
* That all information gathered during the investigation will be treated in a private and confidential way
* That any necessary support required by the apprentice or trainee as identified via the CPP005 Placement and Ongoing Support Policy and Procedure will be provided

### Implementing Performance Management

Concept Engineering will provide opportunities for the underperforming apprentice or trainee to rectify and improve their future performance. To support the apprentice or trainee, Concept Engineering will consult with them and implement a FRM024 Performance Management Plan. The FRM024 Performance Management Plan will detail clear expectations and strategies to improve performance as well as how the apprentice or trainee’s performance will be tracked and assessed.

Concept Engineering will engage with the discipline and dismissal processes in line with industrial legislation in the event that the apprentice or trainee is still underperforming after performance management.

### Sustained Underperformance

In sustained periods of underperformance despite performance management, Concept Engineering will provide the apprentice or trainee with two warnings regarding disciplinary actions, except in cases when the identified behaviour leads to immediate dismissal. Concept Engineering will present the information contained in these warnings in a language which is appropriate to the expected LLN levels of apprentice or trainee.

Concept Engineering must ensure that each warning outlines:

* The problem behaviour
* The breached policy, standard or obligation
* The corrective action required
* The time frame within which the apprentice or trainee must correct their behaviour
* The consequences if the apprentice or trainee doesn’t correct their behaviour

Each warning will be recorded in the apprentice or trainee’s file for future evaluation.

### Immediate Dismissal

There are situations which may lead to the immediate dismissal of an apprentice or trainee. These are:

* Theft
* Fraud
* Assault
* Being intoxicated
* Refusing to carry out a lawful and reasonable instruction

When an apprentice or trainee carries out one of these actions, the policy to be followed is the Concept Engineering Disciplinary Policy and Procedures. Refer to that policy for further information about the immediate termination process.

Procedures

### Procedure List

The procedures associated with this policy are:

* Investigating the Performance Issue
* Performance Management Planning
* Reviewing the Performance Management Plan
* Enacting Disciplinary Action or Dismissal

### Investigating the Performance Issue

The procedure to be followed is:

1. The State Manager is responsible for investigating the apprentice or trainee performance issue and will provide supervision to the Field Officer who will conduct the investigation.
2. It is the responsibility of the State Manager to ensure:
	1. That the source of the identified performance issue is documented using the FRM020 Performance Investigation Form including:
		1. How the issue was identified
		2. Who reported the issue
		3. What type of issue was identified
		4. The severity of the issue
	2. That the Field Officer has access to the apprentice or trainee, the associated host employer and RTO representative to conduct the investigation
	3. That the investigation commences as soon as is practical after the issue is identified.
3. It is the responsibility of the Field Officer to confirm, before they commence the investigation that they:
	1. Have reviewed and are in possession of the apprentice or trainee’s FRM005 Position Description and Selection Criteria, INF001 Apprentice and Trainee Information Handbook and their National Training Contract
	2. Have reviewed any correspondence from the host employer regarding the performance of the apprentice or trainee
	3. Have reviewed any correspondence from the RTO regarding the performance of the apprentice or trainee
4. In consultation with the State Manager, the Field Officer is to determine:
	1. Which obligation or performance standard the apprentice or trainee has failed to meet, if any
	2. The suspected severity of any unsatisfactory behaviour
	3. Whether the performance issue is best addressed by enacting the procedures described in the CPP005 Placement and Ongoing Support Policy and Procedure
	4. Whether the issue reflects a consistent pattern of behaviour by the apprentice or trainee
	5. The best approach to use in contacting and engaging with the apprentice or trainee
	6. The approach to be used to contact and engage with the associated host employer and RTO
5. The Field Officer is to engage with the apprentice or trainee as follows:
	1. Ensure that the interaction allows for any special provisions identified via the CPP005 Placement and Ongoing Support Policy and Procedure
	2. Outline and provide information on the performance gap
	3. Allow an open opportunity for the apprentice or trainee to respond to the information provided, ensuring that they are:
		1. Provided with reasonable opportunity to explain themselves and their actions
		2. Aware that the information provided will be dealt with privately and confidentially
	4. Document and record a factual summary and findings of the interaction using the FRM020 Performance Investigation Form.
6. The evaluation of the findings will be conducted as follows:
	1. It is the responsibility of the State Manager in consultation with the Field Officer to determine the severity of any identified performance issue
	2. The evaluation will lead to one of the following conclusions:
		1. That the reported performance issue does not need further action
		2. That the apprentice or trainee is not entirely at fault for the identified performance issue
		3. That the apprentice or trainee requires performance management and that a FRM024 Performance Management Plan will be established
		4. That the apprentice or trainee requires disciplinary action
7. If the State Manager determines that disciplinary action outside the performance management plan or dismissal needed, then it is their responsibility to enact the appropriate procedures.
8. It is the responsibility of the Field Officer to update and notify the apprentice or trainee to indicate the results of the investigation and the subsequent steps to be taken.

### Performance Management Planning

The procedure to be followed is:

1. The State Manager is responsible for overseeing the performance management process for any apprentice or trainee performance issue and will provide supervision to the Field Officer, who will engage with the apprentice or trainee.
2. It is the responsibility of the State Manager to ensure that an investigation of the performance issue has occurred.
3. It is the responsibility of the State Manager to schedule the performance management meeting by:
	1. Organising an appropriate meeting space that:
		1. Allows for privacy
		2. Allows for any special provisions required by the apprentice or trainee
		3. Follows and complies with the CPP012 Access and Equity Policy and Procedure
	2. Gathering and preparing documentation including evidence of the performance gap in the apprentice or trainee
	3. Notifying the apprentice or trainee of:
		1. The date of the meeting
		2. The reason for the meeting
		3. That they can bring a support person
		4. The consequences of not attending
4. The performance management meeting will be conducted as follows:
	1. The Field Officer is to lead the meeting and outline:
		1. That the information gathered in this meeting will be recorded
		2. The required standard of work and the specific nature of the performance gap
		3. The appeals and complaints process per the CPP014 Complaints and Appeals Policy and Procedure
	2. The Field Officer, in consultation with the apprentice or trainee, will use the FRM024 Performance Management Plan to
		1. Identify any required skill development or training that could be provided
		2. Identify any strategies that the apprentice or trainee must undertake to improve their performance
		3. Identify a realistic timeframe for the apprentice or trainee to make the improvement
		4. Identify when the review of the performance management plan will be undertaken
		5. Identify how the apprentice or trainee’s performance will be assessed
	3. The Field Officer is to outline the consequences for the apprentice or trainee’s failure to comply with the FRM024 Performance Management Plan
5. In consultation with the State Manager, the Field Officer is to decide:
	1. How to best implement the FRM024 Performance Management Plan including:
		1. How to involve the host employer
		2. How to involve the RTO
	2. If disciplinary action is required
6. If the Field Officer and State Manager determine that disciplinary action outside the performance management plan, or dismissal, is needed it is their responsibility to enact the appropriate procedures.
7. The creation of the FRM024 Performance Management Plan will not be considered complete until a sign-off from all individuals has been received.
8. The Field Officer is to finalise the FRM024 Performance Management Plan and provide to the apprentice or trainee with:
	1. Details of the improvement required
	2. The time frame in which the performance gap must be addressed
	3. How the apprentice or trainee’s performance will be assessed
	4. The consequences if the apprentice or trainee’s performance does not improve

### Reviewing the Performance Management Plan

The procedure to be followed is:

1. The State Manager is responsible for reviewing and monitoring the success of a performance management plan and will provide supervision to the Field Officer, who will undertake the review.
2. The review will be undertaken as follows:
	1. It will occur at the documented and scheduled time
	2. It will be scheduled to happen at the host employer’s location
	3. The Field Officer is to review the agreed performance management plan to determine:
		1. Whether the apprentice or trainee has engaged with the support mechanisms provided
		2. Whether the apprentice or trainee’s performance has improved
3. The evaluation of the review will be conducted as follows:
	1. In consultation with the State Manager, the Field Officer will evaluate the apprentice or trainee’s performance
	2. The evaluation will lead to one of the following conclusions:
		1. The apprentice or trainee has achieved a satisfactory performance
		2. The apprentice or trainee is still displaying unsatisfactory performance
		3. The apprentice or trainee’s performance indicates that they require disciplinary action or dismissal
4. It is the responsibility of the Field Officer to update the apprentice or trainee file to indicate whether:
	1. The performance plan is no longer required
	2. Further advice and guidance are required, including an extension to the performance management plan
	3. The apprentice or trainee will undergo disciplinary action
	4. The apprentice or trainee will be dismissed

### Enacting Disciplinary Action or Dismissal

The procedure to be followed is:

1. The State Manager must consult the Concept Engineering Disciplinary Policy and Procedures when taking disciplinary action or dismissing an apprentice or trainee to ensure that the action complies with the overall Concept Engineering Policy
2. The State Manager is responsible for managing and undertaking disciplinary or dismissal action in line with the apprentice or trainee’s contract and Fair Work Act 2009 (Cth)
3. The State Manager is required, before enacting disciplinary or dismissal action, to ensure that:
	1. The apprentice or trainee has been counselled
	2. The apprentice or trainee has been provided with warnings
	3. The apprentice or trainee has been provided with opportunities to rectify their performance
	4. The performance issue identified is a serious offence
4. The State Manager will provide a timely written indication of the disciplinary action required for the apprentice or trainee which will outline:
	1. The problem behaviour
	2. The breach of policy, standard or obligation
	3. The disciplinary action to be enforced
	4. Information on the CPP014 Complaints and Appeals Policy and Procedure.
5. It is the responsibility of the State Manager when issuing a termination notice that they review:
	1. The required minimum notice period
	2. The termination conditions outlined in the apprentice or trainee contract
6. The State Manager will:
	1. Provide the apprentice or trainee with the termination notice
	2. Notify payroll to cancel payments
	3. Notify the host employer
	4. Notify the RTO

Forms and Templates

The forms and templates associated with these procedures are:

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| **Procedure** | **Forms and Templates** |
| Investigating the Performance Issue | * FRM020 Performance Investigation Form
 |
| Performance Management Planning | * FRM024 Performance Management Plan
 |
| Reviewing the Performance Management Plan |  |
| Enacting Disciplinary Action or Dismissal |  |

Version Management

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| **Version** | **Date** | **Notes** |
| 1 | 01/04/2019 | First release |
| 2 | 22/07/2020 | Updated to include the Immediate Dismissal policy and to link this document to the Concept Engineering Disciplinary Policy and Procedures  |
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