



Performance Improvement Processes

C/2.1.9

Purpose

This document provides guidance to councils and committees of the church for responding to concerns relating to neglect or abuse of children or vulnerable adults and conducting subsequent performance improvement processes. When issues arise, either with performance or behaviour, appropriate process are to be undertaken, as outlined in this procedure.

Legislation

The Working with Children (Risk Management and Screening) Act 2000 (Qld) and the Working with Children (Risk Management and Screening) Regulation 2020 (Qld) define churches as “regulated organisations” and all ministry agents and lay preachers are defined as “religious representatives”. The processes outlined in this document relate to [Safe Ministry with Children: Providing Safe Ministry Policy](#) which aligns with all ten of the National Principles for Child Safe Organisations, and with policies and procedures required by the Uniting Church in Australia, in particular:

- Code of Conduct for Lay Workers;
- Code of Ethics for Ministry Practice; and
- Guidelines for the Church when implementing the code of conduct for lay leaders.

New laws start on 5 July 2021 which target behaviour that ignores or hides the sexual abuse of children pursuant to the *Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020*. These new laws mean:

- all adults must report sexual offending against children to the police unless they have a reasonable excuse
- adults in an institutional setting (e.g. a school, church or sporting club) must protect children from the risk of a sexual offence being committed against them.

Scope

This procedure applies to concerns relating to neglect or abuse of children or vulnerable adults within the bounds of the Queensland Synod as part of the Uniting Church congregations and faith communities. This includes matters involving the abilities and performance of volunteers, helpers and leaders of children’s activities and programs. Synod and presbytery committees responsible for the oversight of ministry agents in accordance with the Regulations of the Uniting Church may refer to this procedure as appropriate.

Exclusions:

This procedure does not apply to agencies, regulated businesses, colleges and schools of the church. These entities are required to ensure they comply with their statutory obligations and to maintain policy, process and resources relating to child protection and safety which are specific to their context.

Principles

- The safety and well-being of each individual is important
- The safety and well-being of each child is always the priority
- All ministry agents, church members, volunteers and leaders are treated fairly and consistently
- Concerns and incidents are investigated thoroughly in line with policies and processes
- Decision-making processes are transparent
- Mandatory reporting obligations are met in line with the requirements for ministry agents and lay workers



Prepare

1. **Once a complaint is received, the following process is to occur**
 - 1.1. Before every meeting the supervisor, delegate or ministry agent should:
 - 1.1.1. Enquire into the circumstances of the concern
 - 1.1.2. Try to ascertain contributing factors relating to the concern.
2. **When to decide whether to suspend the person from their role or duties**
 - 2.1. When to consider suspension from role or duties
 - 2.1.1. If the reported incident represents serious misconduct to the degree that termination is being considered as a likely first step i.e. the person's action represents risk to the reputation of the church or the viability of the children's ministry e.g. theft, fraud, grooming, abuse noting the new reporting laws in place from 5 July 2021.
 - 2.1.2. While the circumstances of a complaint about behaviour or performance is being inquired into
 - 2.1.3. If the person's work performance or behaviour has not improved following a caution
 - 2.1.4. If there has been a third boundary violation
 - 2.1.5. Where the person's role means there is a risk of future incidents occurring
 - 2.1.6. When several boundary violations or an incident of harm/abuse have occurred.
3. **Immediate verbal communication**
 - 3.1. Where the decision is made to suspend the person from their role or duties, the church council chairperson should speak with the person and instruct them to stand aside from their role, pending the investigation.
 - 3.2. Where suspension from role or duties is in relation to an inquiry into the circumstances of a serious matter or police investigation, the person should be told:
 - 3.2.1. In broad terms, the nature of the incident(s) being inquired into
 - 3.2.2. That the inquiry relates to the Safe Ministry with Children Policy
 - 3.2.3. That they will be given an opportunity to participate in the inquiry at a meeting
 - 3.2.4. The date, time and location of the meeting (or that they will be advised when the meeting will occur)
 - 3.2.5. Whether the matter has been reported to an external organisation (e.g. Police), noting the requirements under the new reporting laws to report all cases of sexual abuse, or suspected sexual abuse or grooming to police.
 - 3.2.6. That they may bring an independent support person to the meeting (not a person who was present at the incident or a member of the children's ministry team)
 - 3.2.7. Who will be attending from the church (the church should have two representatives present at this meeting)
 - 3.2.8. That the process is private and confidential
 - 3.2.9. State any restriction on who the person can talk to during the investigation e.g. must not talk to people at the incident location, parents/guardians, can talk to the support person, can talk to the church council chairperson or secretary
 - 3.2.10. That they may also wish to consider whether they can meet the organisation's expected levels of performance and behaviour.
 - 3.3. Where suspension from duties is in relation to a person's work performance or behaviour, or a third boundary violation and the person has not demonstrated improvement as agreed, the person should be told:
 - 3.3.1. The nature of the incident, performance or behaviour that requires response at the meeting



- 3.3.2. That if their response is not accepted, the consequence may be termination of their volunteer role/placement (and in the case of suspected grooming behaviour, notification to Police, Blue Card Services and Synod Support Services)
- 3.3.3. The date, time and location of the meeting
- 3.3.4. That they will be given an opportunity to provide a response at the meeting
- 3.3.5. That they can bring an independent support person (not a person who was present at the incident or a member of the youth ministry team)
- 3.3.6. Who will be attending from the church (the church should have the church council chairperson and the person's supervisor present at this meeting),
- 3.3.7. That the process is private and confidential.

Performance discussion

The purpose of the performance discussion is to address matters involving behaviour and performance. The aim is to support the person to behave and perform their role in line with the stated expectations. The process allows the person to improve their work performance or behaviour and enhance their abilities to perform and act well. The process is to be fully documented on the [Performance Management Discussion Record](#).

4. First meeting

4.1. Before the meeting:

- 4.1.1. Contact the person whose behaviour or performance is being reported (the respondent)
- 4.1.2. Inform them about the concern to be discussed (including the date of the behaviour or performance which is of concern, and where it took place)
- 4.1.3. Make a suitable time to meet and invite them to bring a support person as an observer if they wish (the support person should not be someone who was present at the time of the behaviour or performance which is of concern).

4.2. At the meeting:

- 4.2.1. Explain why the meeting is taking place and refer to the [Statement of Personal Commitment](#) and the [Safe Ministry with Children: Providing Safe Ministry Policy](#).
- 4.2.2. Inform the respondent of the church's expectations relating to behaviour and performance and assist the respondent to access relevant policy and procedure.
- 4.2.3. Clearly outline the behaviour or performance which is of concern and seek their response.
- 4.2.4. Where the person's response acknowledges the concern, work proactively to identify solutions to the behaviour or performance which is of concern. Agree on specific outcomes including specific actions/supports required to assist the achievement of the outcomes and set a review date.
- 4.2.5. Where the person's response provides acceptable evidence that the concerning behaviour did not occur as reported, the person should be thanked for their attendance, and advised that **no further action will be taken**.
- 4.2.6. Complete and sign the performance discussion record. Give the respondent the opportunity to review and sign the record and give them a copy. In the event the respondent declines to sign the record that fact should be noted, and the respondent should be given a copy of the record and encouraged to make their own notes.

4.3. Close the loop—confirm the outcome:

- 4.3.1. Ensure any agreed actions to support improvement are set in place within agreed timeframes.
- 4.3.2. Inform the person overseeing the respondent of the outcomes of the discussion.
- 4.3.3. Inform the person making the complaint or raising the concern that a performance discussion has been completed (if there had been a complaint).
- 4.3.4. Undertake a review to confirm that the agreed outcomes, actions and supports noted in the performance discussion have occurred by the review date.



5. Second meeting

- 5.1. Before the second meeting the supervisor, delegate or ministry agent should:
 - 5.1.1. Try to ascertain progress made since the first meeting.
 - 5.1.2. Verify that the agreed future actions were implemented and that the review was conducted as agreed.
- 5.2. Before the meeting contact the person, preferably in writing e.g. letter (If contacting in person, make a written record of the discussion afterwards) outlining:
 - 5.2.1. The incident, performance or behaviour that they will respond to at the meeting
 - 5.2.2. That they will be given an opportunity to provide a response at the meeting
 - 5.2.3. The date, time and location of the meeting
 - 5.2.4. That they can bring a support person as an observer if they wish (the support person should not be someone who was present at the time of the incident)
 - 5.2.5. The names of the people who will be attending from the church (the church should have two representatives present at this meeting)
 - 5.2.6. That the process is private and confidential, with the exception of the requirement to report sexual abuse or suspected sexual abuse to police
 - 5.2.7. State any restriction on who the person can talk to about the process e.g. must not talk to people at the incident location, can talk to the support person; can talk to the church council chairperson or secretary.
- 5.3. At the meeting the church should have two representatives present and keep a written record of the discussion including the person's response.
- 5.4. Explain why the meeting is taking place and refer to:
 - 5.4.1. The [Statement of Personal Commitment](#) which outlines the code of conduct for lay leaders and the church's expectations relating to behaviour and performance
 - 5.4.2. The behaviour or performance which is of concern, the agreed specific outcomes/actions/supports as noted in the performance discussion record
 - 5.4.3. The findings of the review which suggests the agreed outcomes/actions/supports noted in the performance discussion have not occurred by the review date. Seek their response.
- 5.5. Where the person's response provides acceptable evidence that the agreed outcomes have been achieved, i.e. the concerning behaviour has not been repeated or that the performance concern has been addressed, the person should be thanked for their attendance. Inform the person that no caution letter will be issued.
- 5.6. Where the person's response provides evidence of acceptable progress toward achieving the agreed outcomes, acknowledge this progress and work proactively to identify additional actions/supports required to assist the person to reach or maintain the agreed specific outcomes, and agree on a revised review date.
 - 5.6.1. Restate the behaviour or performance standard(s) expected with reference to the [Statement of Personal Commitment](#). Express hope that the person's performance will improve.
 - 5.6.2. Warn the person of future consequences if their performance or behaviour does not improve e.g. that future performance discussion will occur which may eventually lead to termination of services and in the case of suspected grooming behaviour, notification to Blue Card Services, police and Synod Support Services.
 - 5.6.3. Inform the person that a caution letter will be issued within five days of the meeting, summarising the agreements made at the meeting and the review date.
- 5.7. Where the person's response does not provide acceptable evidence, the agreed outcomes have been achieved and the progress toward achieving the agreed outcomes is not acceptable:



- 5.7.1. Restate the behaviour or performance standard(s) expected with reference to the [Statement of Personal Commitment](#). Express hope that the person's performance will improve.
 - 5.7.2. Warn the person of future consequences if their performance or behaviour does not improve e.g. that future performance discussion will occur which may eventually lead to termination of services and, in the case of suspected grooming behaviour, notification to Blue Card Services, Police and Synod Support Services.
 - 5.7.3. Seek to reach an agreement on immediate actions to achieve the specific outcomes noted in the performance discussion and additional actions and/or supports. Set a review date.
 - 5.7.4. If an agreement cannot be reached, inform the person a caution letter will be issued within five days of the meeting and the council reconsider their suitability for the role.
- 5.8. Close the loop—confirm the outcome: After the second meeting, where the respondent's response indicates a letter will be issued (see 5.5.3 and 5.6.4) issue a caution letter within five days of the meeting, which:
- 5.8.1. Outlines the unsatisfactory behaviour/work performance raised at the meeting
 - 5.8.2. Provides a brief summary of the person's response
 - 5.8.3. Outlines organisational expectations
 - 5.8.4. Outlines agreed future actions for improvement and review dates. Depending on the issue, allow at least four weeks to pass before conducting a review
 - 5.8.5. Outlines consequences if standards are not met
 - 5.8.6. Reminds the person that the process is private and confidential
 - 5.8.7. Informs the person of who they should contact if they have any questions.

Formal warnings

6. Written caution

- 6.1. Written cautions are to be used to address instances where the performance discussion process does not positively alter the person's performance or behaviour and issued after a second meeting.
- 6.2. The church council chairperson or secretary is required to sign all caution letters. When writing the letter, refer to specific issues and do not generalise.

7. Final caution

- 7.1. Before the final caution meeting, the supervisor, delegate or ministry agent should:
 - 7.1.1. Remind the person of the previous interview date and the outcome (written caution)
 - 7.1.2. Ensure the church council chairperson and the person's supervisor are present at the interview.
- 7.2. If the person's work performance or behaviour has not improved after a caution letter, they should be issued with a written final caution letter.
- 7.3. In the case of boundary violations this should occur when the second report is received or when it is evident that the behaviour has not changed, as agreed in the written warning, whichever is sooner. The church council chairperson or secretary is required to sign all caution letters.
- 7.4. After the interview, where the response is not accepted (within 24 hours of the completion of the interview), issue a **final warning letter** which:
 - 7.4.1. Outlines the date of the interview
 - 7.4.2. Outlines the unsatisfactory behaviour or work performance
 - 7.4.3. Provides a brief summary of the person's response
 - 7.4.4. Outlines organisational expectations, refer to relevant policy



- 7.4.5. Outlines agreed future actions for improvement and review dates. Depending on the issue, allow at least two weeks to pass before reviewing performance, (see Potential outcomes of the process section for guidance on options)
- 7.4.6. Outlines consequences if standards are not met e.g. termination of volunteer role, (and in the case of suspected grooming behaviour, notification to Blue Card Services, Police and Synod Support Services)
- 7.4.7. Informs the person of who they should contact if they have any questions.

Potential outcomes of the process

These potential outcomes should only be considered after careful review of the performance improvement process and the nature of the behaviour, work performance or incident. The options include change of role or duties, suspension from role or duties, and termination of role or duties.

8. Change of role or duties

- 8.1. When to consider a change of role or duties for the person to a role with reduced responsibility or a change of the person's duties so that the responsibilities are more suitable to their capabilities:
 - 8.1.1. If a person has shown a commitment to the agreed actions in the performance improvement process but their performance is consistently below expectations
 - 8.1.2. If a person requests a change in role/duties in the early steps of the performance improvement process.
- 8.2. When NOT to consider change of role or duties
 - 8.2.1. Where the person's role still poses a risk of future incidents occurring
 - 8.2.2. When several boundary violations or an incident of harm/abuse have occurred.
- 8.3. Before you offer change of role or duties
 - 8.3.1. The person will have received a minimum of a written warning beforehand
 - 8.3.2. There must be objective evidence the person can fulfil their changed role responsibilities or duties after relevant training and support from their supervisor over a period no less than three months
 - 8.3.3. This process should be clearly documented and filed on the person's file. The person should be informed in writing of the conditions of their change of role or duties.
- 8.4. Confirm the outcome
 - 8.4.1. After the meeting, where it has been agreed that a change of role or duties will be offered, issue a letter of confirmation as described (above in 7.3) with an outline of the change of role of duties.

9. Termination

This involves informing the person that their services are no longer required. This process must be conducted in a respectful manner and managed ethically using the performance improvement process. All actions regarding a termination must be in writing.

- 9.1. When to consider a termination of role or duties:
 - 9.1.1. If the person's response is not accepted
 - 9.1.2. If a change in the person's role or duties is not appropriate
 - 9.1.3. Where the person's role still poses a risk of future incidents occurring
 - 9.1.4. When several boundary violations or an incident of harm/abuse have occurred.
- 9.2. When NOT to consider a termination of role or duties:
 - 9.2.1. If a person has shown a commitment to the agreed actions in the performance improvement process but their performance is consistently below expectations



- 9.2.2. If a person requests a change in role/duties in the early steps of the performance improvement process.
- 9.3. Before you proceed to terminate the person from their role or duties:
 - 9.3.1. Unless the circumstance warrants immediate dismissal, the person will have received a minimum of a written warning beforehand. Speak with the Synod Human Resource team for advice if necessary.
- 9.4. After the meeting where it has been determined that the person's involvement in their role will be terminated, issue a **letter of confirmation** which:
 - 9.4.1. Outlines the date of the interview
 - 9.4.2. Provides a brief summary of the person's response
 - 9.4.3. Outlines organisational expectations, refer to relevant policy
 - 9.4.4. States clearly that a decision has been made to terminate their role
 - 9.4.5. States that any church property must be returned within a specified date
 - 9.4.6. Reminds them that the process was private and confidential.

Storage and sharing of documents

9.5. Storage of documents

- 9.6. All records must be kept in the relevant personnel file for the period of the position.
- 9.7. All records and reports concerning suspected or known grooming behaviour, harm or abuse of children must be kept indefinitely.
- 9.8. The person should also retain a copy of the documentation given to them.
- 9.9. A copy of all records and reports concerning suspected or known grooming behaviour, harm or abuse of children must be provided to the Associate General Secretary.
- 9.10. All records must be made available upon request from Statutory Authorities.

Disagreement, grievance, resolution and appeal rights

- 9.11. If the person disagrees with any aspect of the way the process was conducted:
 - 9.11.1. The person may lodge a grievance in accordance with the [A/1.3 Complaints and Allegations Policy \(POL-0003\)](#) at complaints@ucaql.com.au or on 1800 586 591.
 - 9.11.2. Encourage the person to speak to their immediate supervisor, church council chair, minister, cultural advisor or presbytery chairperson for advice.

Definitions

Term	Meaning
All Terms	See Glossary of Terms



Revisions

Document number		C/2.1.9			
Version	Approval date	Approved by	Effective date	Policy owner	Policy contact
4.0	30.06.2021	Risk and Compliance Manager	30.06.2021	ED Strategic Resources and Assurance	Safe Church Assurance and Support Officer
Next scheduled review		30.06.2026			