Parliamentary Committees

Managing the performance of teachers in Queensland state schools (Auditor-General's Report 15: 2016-17)

Report No. 40, 55th Parliament

Education, Tourism, Innovation and Small Business Committee

September 2017

Education, Tourism, Innovation and Small Business Committee

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Acknowledgements

The committee acknowledges the assistance provided by the Queensland Audit Office.

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Chair's foreword

This report presents a summary of the Education, Tourism, Innovation and Small Business Committee's examination of the Auditor General's report, *Managing the performance of teachers in Queensland state schools* (Report 15: 2016-17).

The committee decided to consider the Department of Education and Training's progress with implementation of the Auditor-General's recommendations.

The department, in its response to the draft report and recommendations, had advised the Auditor-General that it accepted all of the recommendations, and set out proposed timeframes for implementation. Some recommendations are not scheduled for full implementation until early in 2019, and for this reason the committee has recommended that the portfolio committee with responsibility for education further consider the department's implementation of the recommendations in late 2018 and in 2019.

I thank the Queensland Audit Office and the Department of Education and Training for their assistance with the committee's examination of the report. I also thank the committee's secretariat.

I commend this report to the House.

Scott Stewart MP
Chair

Recommendations

The committee recommends that the Legislative Assembly note the committee's report as an interim report on implementation of the Auditor-General's recommendations about the department's annual performance review process for teachers.

The committee recommends the Department of Education and Training provide a written update on its implementation of the Auditor-General's recommendations in the report *Managing teacher performance in Queensland state schools* (Report 15: 2016-17) to the portfolio committee responsible for the portfolio area of education by 28 September 2018.

The committee recommends the portfolio committee with responsibility for the portfolio area of education in the next Parliament further consider the department's implementation of the recommendations in the Auditor-General's report *Managing teacher performance in Queensland state schools* (Report 15: 2016-17).

1 Introduction

1.1 Role of the committee

The Education, Tourism, Innovation and Small Business Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.[1]

The committee's primary areas of portfolio responsibility are:

- education, tourism, major events and the Commonwealth Games
- innovation, science, the digital economy and small business.

Section 94 of the *Parliament of Queensland Act 2001* provides for portfolio committee's public accounts responsibilities:

> *(1) A portfolio committee has the following responsibilities to the extent that they relate to the committee's portfolio area –*
>
> *(a) the assessment of the integrity, economy, efficiency and effectiveness of government financial management by –*
>
> *(i) examining government financial documents; and*
>
> *(ii) considering the annual and other reports of the auditor-general;*
>
> *…*

The *Standing Rules and Orders of the Legislative Assembly* provide for the Committee of the Legislative Assembly to refer a report of the Auditor-General to the relevant portfolio committee for consideration.

1.2 Referral and consideration by the committee

The report, *Managing teacher performance in Queensland state schools,* was referred to the committee on 9 May 2017**.**

The committee was briefed on the report in private by officials from the Queensland Audit Office (QAO). Subsequently the committee decided to ask the Department of Education and Training (the department) to brief it on the department's plans to implement the recommendations in the report. The committee noted that the department, in its response to the Auditor-General's draft report, had advised that some recommendations would not be fully implemented until Semester 1 of 2019.

The committee held a public briefing with the department on 9 August 2017 (see Appendix B for a list of officials who briefed the committee). The transcript of the public briefing is available on the committee's website.

1.3 Recommendations

After considering the Auditor-General's report and the information provided by the department, the committee recommends that the Legislative Assembly note this committee's interim report.

Recommendation 1

The committee recommends that the Legislative Assembly note the committee's report as an interim report on implementation of the Auditor-General's recommendations about the department's annual performance review process for teachers.

[1] *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

2 Auditor-General's report, *Managing the performance of teachers in Queensland state schools*

2.1 Teacher annual performance review process – new version in 2015

The Department of Education and Training (the department) introduced a new version of its Annual Performance Review process in Term 1, 2015. The annual performance review involves three phases:

1. *Reflection and goal setting.*
2. *Professional practice and learning.*
3. *Feedback and review*.

The three phases are to be implemented over a 12-month cycle. Schools have flexibility to determine the timing of the commencement of the cycle.[2]

The Annual Performance Review aligns with and embeds the *Australian Professional Standards for Teachers* (Professional Standards). They consist of seven standards, and set out expectations of professional capability are defined for four career stages of: graduate teacher; proficient teacher; highly accomplished teacher; and lead teacher.[3] The template for setting annual performance development goals specifies that goal setting should be framed through strengths and areas for development within the APST.

The annual performance plan and goals are implemented during the professional practice and learning phase. Ongoing informal and informal feedback is expected during the year. When the teacher's annual assessment is considered, the teacher and their supervisor discuss whether each goal was achieved or not achieved. The annual performance development plan template also provides for recording of a teachers successes and challenges, future focus areas, career aspirations, support and professional development needed, and future action required should performance expectations not be met on a regular basis.[4] The annual performance review process is separate and distinct from procedures for management of unsatisfactory performance.[5]

2.2 Audit scope

The objective of the performance audit was to assess whether the department's performance review process for teachers, as part of its overall performance management framework, improves teaching quality in public schools. The audit also assessed how the department meets teacher development needs and whether schools effectively manage unsatisfactory performance.[6]

2.3 Audit conclusions and findings

In summary, the performance audit conclusions and findings were:

- the department's annual performance review process and its state schools strategy are effective in helping schools create a performance and development-focused culture; it has contributed to teaching effectiveness by ensuring teachers have a plan to develop their teaching practices

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2 Department of Education and Training, *Queensland State schools Annual Performance Review process for teachers*: *Overview.* http://education.qld.gov.au/staff/development/performance/pdfs/annual-review-process-overview.pdf

3 https://www.aitsl.edu.au/docs/default-source/general/australian_professional_standard_for_teachers_final.pdf?sfvrsn=399ae83c_2

4 see footnote 2

5 Queensland Audit Office, *Managing the performance of teachers in Queensland state schools* (Report 15: 2016-17, p 5, available at: https://www.qao.qld.gov.au/reports-parliament/managing-performance-teachers-queensland-state-schools-report-15-2016-17

6 ibid, p 5

- the annual performance review provides for a formal discussion about a teacher's performance but not for a teacher and supervisor to agree on an assessment of a teacher's ability to perform the requirements of their role. The QAO found that the process does not differentiate between the expectations at the four career stages of the Professional Standards
- the department had not monitored and evaluated the annual performance review process over the first two years of implementation, so reliable measurement of the impact was not possible
- in the 10 schools the QAO visited, the performance review process had commenced, but schools had not effectively adopted all three phases; school leaders were not prioritising monitoring and discussion due to competing priorities, and not all annual plans included school priorities
- improving the design of the annual performance review process and dealing with teachers' time constraints, could help teachers and supervisors to better discuss and review performance
- teachers need further guidance and examples on developing meaningful and measureable goals
- the department does not define 'unsatisfactory performance' which QAO concluded creates subjectivity about when schools should initiate the separate process for Managing Unsatisfactory Performance
- the department has a number of initiatives to help schools develop a performance-focused culture; schools visited by QAO were fostering stronger development and learning cultures focused in improving students' outcomes, however, as noted above, not all of the schools visited completed all three phases of the annual performance review process.[7]

2.4 Audit recommendations and proposed timing for implementation

The recommendations in the Auditor-General's report are directed at the department and are reproduced in Appendix 1. The recommendations concern:

- design of the annual performance review process for teachers, particularly to the reflection and goal-setting phase, exploring the potential for greater flexibility in the plan template to reflect the school context and priorities, and providing teachers with more resources to compose measurable goals with links to the type of evidence required to indicate success
- exploring, defining and communicating the department's meaning of 'unsatisfactory performance'
- evaluating the effectiveness of its programs for state schools, including testing that the department can assess the effectiveness of its change strategies and communications; and assess the scale of the issue that schools are time-constrained to effectively implement the annual performance review process.

As required by the *Auditor-General Act 2009,* the QAO requested comments on its report from the director-general of the department, which are appended to the Auditor-General's report. The department accepted all of the recommendations and advised the QAO in April 2017 that:

- it was currently developing additional support materials for teachers to develop measurable goals linked with evidence required to indicate success
- it would consult with stakeholders to explore improvements to the annual review process to reflect the recommendations, to provide greater flexibility, and to consider defining and communicating its definition of unsatisfactory performance, to be finalised by Semester 1, 2019

[7] *Managing the performance of teachers,* pp. 3 - 6

- assessment of effectiveness and the scale of time constraints to implement the annual performance review process would be part of its periodic review and evaluation activity.

3 Committee consideration of *Managing the performance of teachers in Queensland state schools*

3.1 Proposed time for implementation of recommendations

The committee decided it would consider the department's plans for implementation of the Auditor-General's recommendations, noting that full implementation was proposed by Semester 1, 2019.

The department advised:

> *Some of the recommendations may need to be dealt with via a collective agreement negotiation process. In light of this, a working group will discuss the issues and develop a formal implementation plan for all enhancements. The working group will include staff from the Human Resources Branch and State Schools Division, and will invite representatives from the Queensland Teachers' Union and principals associations.* [8]

The department's advice about its progress in implementation of the report's recommendations at August 2017 is below.

3.2 Recommendation 1 – improve the self-reflection and goal-setting phase

The Auditor-General's report recommended that the department improve the self-reflection and goal-setting phase of the annual performance review process, including aligning it to current and future planned teacher classifications levels, and requiring commend and sign-off of the teacher's performance reflection and development goals.

The department advised that currently, reflection on performance during the annual performance review process is against the Professional Standards, unless teachers and supervisors agree to reflect against the higher levels in the Professional Standards, for 'highly accomplished' and 'lead' teacher levels as an aspirational framework.

The department is considering revision of the current annual performance development plan template to incorporate the improvements suggested, and will consult with stakeholders on any proposed changes to the process and its templates.[9]

3.3 Recommendation 2 – explore potential to provide a more flexible performance plan template

The report recommended the department explore providing school principals and leaders with a more flexible annual performance development plan template. It suggested improvements should better align teacher development goals to the school context and priorities.

The department advised that the current annual performance development plan template provides for school priorities to be highlighted, however in the 10 schools visited, the QAO found this section was left blank in some plans. The department was considering how best to ensure local priorities can be incorporated into the annual performance plan.

The department noted that teachers are involved in development of school priorities, which:

> *..are discussed and formulated by the whole staff, the team. We think it is implicit in the review process that those priorities are already inherent in the conversation, and the fact that they were*

[8] Public briefing transcript, Brisbane, 9 August 2017, p 3

[9] Public briefing transcript, Brisbane, 9 August 2017, p 4

> *not documented in some of the schools … is probably an oversight …*[10]

In light of teachers' involvement in discussion of school priorities, the means of reflecting those priorities and connecting them with the teacher's goals may be simple.[11]

The department also advised that school opinion data suggests that about nine in 10 teachers say they feel very well supported between the school priorities and their own development. Teachers are working with principals to collaborate on priorities for a school in a given year, and are well connected to the priorities at the local level.[12]

3.4 Recommendation 3 – provide teachers with more resources to develop measurable goals

The Auditor-General's report identified a need for more guidance for teachers to develop measurable performance goals and recommended that more resources should be provided for teachers.

The department advised that work was underway to consider the types of resources that best meet the identified need to compose measurable development goals. Stakeholder's advice would be drawn on, and exemplars that can be used by teachers and schools in developing goals and selecting evidence would be included.[13]

3.5 Recommendation 4 – consider defining the meaning of 'unsatisfactory performance'

The report recommended that the department consider defining and communicating its meaning of 'unsatisfactory performance'. The report suggested that 'because the annual performance review process does not require school leaders to document and collate evidence of their assessment of a teacher's performance against expectations', the performance review process cannot be relied on as a key input into this process.[14]

The department advised that it would work with stakeholders to consider defining and communicating its meaning of 'unsatisfactory performance'. The department has a process, *Managing Unsatisfactory Performance* (MUP) which is separate from the annual performance review process. The MUP process begins with informal feedback and discussion about expectations, through to formal management and a Board of Review process. The annual performance review process includes ongoing formal and informal feedback and coaching throughout the 12 month cycle. [15]

The department emphasised that the annual performance review process and the MUP process were deliberately separate and distinct. The department noted that there is no definition of 'unsatisfactory performance' in the *Public Service Act 2008* or other directives that govern public servants. It provided the committee with a summary of other Australian jurisdictions approaches to definition of 'unsatisfactory performance'.

The department advised that the Professional Standards, developed by the Australian Institute for Teaching and School Leadership, are the standards that the departments asks teachers to use as the satisfactory standards for teachers.[16] As noted previously, the Professional Standards describe the expectations for each standard for graduates, proficient teachers, highly accomplished teachers and lead teachers.

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10 Public briefing transcript, Brisbane, 9 August 2017p 5
11 Public briefing transcript, Brisbane, 9 August 2017, p 4
12 Public briefing transcript, p 5
13 Public briefing transcript, p 5
14 *Managing the performance of teachers in Queensland state schools,* p 5
15 Public briefing transcript, p 4
16 Public briefing transcript, p 6

3.6 Recommendation 5 – evaluate the effectiveness of communications and change strategies

The Auditor-General's report recommended formal evaluation of effectiveness, including the effectiveness of its communications and change strategies in achieving the intended change.

The department has scheduled periodic reviews of the annual performance review processes for 2017 and 2018. The evaluations will include assessment of the effectiveness of communications about the annual review process. The department's evaluation activity will also inform revision and improvement of support materials and templates likely to be produced in implementation of recommendations 1, 2 and 3.[17]

3.7 Recommendation 6 – assess the scale of time constraints to implementation of the performance review process in schools

The QAO assess through its formative evaluation process the scale of the issue that schools are time-constrained to effectively implement the annual performance review process.

The department advised that through its review and evaluation of the annual performance review process, it would work to ensure that information is collected to assist in refining the annual performance review process.[18]

3.8 Future monitoring of the department's annual performance review process

As the Auditor-General's recommendations are not due for full implementation until Semester 1, 2019, the committee considers there would be value in further parliamentary committee monitoring of progress in implementing the recommendations in the late 2018 or early 2019. To that end, it recommends the department report to a future portfolio committee on implementation of the Auditor-General's recommendations, and that the committee further consider and report on the department's management of teacher performance in Queensland state schools.

Recommendation 2

The committee recommends the Department of Education and Training provide a written update on its implementation of the Auditor-General's recommendations in the report *Managing teacher performance in Queensland state schools* (Report 15: 2016-17) to the portfolio committee responsible for the portfolio area of education by 28 September 2018.

Recommendation 3

The committee recommends the portfolio committee with responsibility for the portfolio area of education in the next Parliament further consider the department's implementation of the recommendations in the Auditor-General's report *Managing teacher performance in Queensland state schools* (Report 15: 2016-17).

[17] Public briefing transcript, p 4

[18] Public briefing transcript, p 5

Appendix A– Inter-jurisdictional comparison

Inter-jurisdictional comparison of unsatisfactory performance definition

The theme across all states – all teaching staff are required to adhere to the Australian Professional Standard for Principals, the Australian Professional Standard for Teachers, relevant Education Acts and departmental Code of Conducts

Jurisdiction	Definition	Policy/Guidelines
QLD	Work performance by an employee that is below satisfactory standard for the role in which they are engaged.	• The current definition is documented in the Managing Unsatisfactory Performance Procedure (currently under review for realignment and re-drafting). • The DET *Standard of Practice* (February 2016) is the departmental publication which supports the Code of Conduct for the Queensland Public Service (the Code) and provides further ethical guidance to departmental employees about applying the Code's principles, values and standards of conduct to our daily work. • The *Standard* is supported by the department's *Policy Framework*. • Future policy and procedures relating to managing performance in DET are currently in DRAFT and have not yet been endorsed as final for publication.
ACT	Public Sector Management Act 1994 – Section 125 – Underperformance ***Underperformance***, by an officer, includes failure by the officer to exercise the functions of an office to the standard reasonably required.	• The *ACT Public Sector Education and Training Directorate (Teaching Staff) Enterprise Agreement 2014-2018* – Section H – Workplace values and behaviours responds to managing workplace behaviours that do not meet expected standards. • The Public Sector Management Act 1994, Division 2.1 Public sector standards, includes public sector values, principles and conduct. • The 'Teachers Code of Professional Practice' provides further guidance to teachers about expected conduct (currently under review). • Teacher performance is based on the Australian Professional Standards for Teachers. Teachers who do not comply with these standards work through 'Pathways to Improvement program' (currently under review)
NSW	Guidelines for the Management of Conduct and Performance – Section 8.1 – Responding to Unsatisfactory Performance (page 35): • Generally, unsatisfactory performance means not meeting agreed tasks, or timeframes or standards of work. • The agreed standards can be in a work plan or in any other documentation. • Any standard that is applied must be relevant to the officer or permanent employee's position description, duty statement or articulated criteria	The Guidelines for the Management of Conduct and Performance are the 'Guidelines' specified in the Education Legislation Amendment (Staff) Act 2006 (the 'Act'). This Act amends the: • Teaching Service Act 1980 • Technical and Further Education Commission Act 1990, and • Education (School Administrative and Support Staff) Act 1987 Teacher performance is based on the Australian Professional Standards for Teachers. Teachers who do not comply with these standards work through a performance improvement program
NT	Public Sector Employment and Management Act – Part 7 – Section 44 – Inability or Unsatisfactory Performance (page 31): (1) There are inability or performance grounds for an employee if the employee: a. is not able to perform the duties he or she is assigned to perform (whether because of physical or mental illness or disability or any other reason); or b. is not suited to perform, or capable of efficiently performing those duties; or c. is not licenced, registered or otherwise qualified for the efficient and satisfactory performance of those duties; or d. is not performing those duties efficiently or satisfactorily.	Employee Performance and Inability – Part 7 – Public Sector Employment and Management Act
VIC	Guidelines for managing complaints, misconduct and unsatisfactory performance in the teaching service – Part 4 – What is unsatisfactory performance (page 34)? Unsatisfactory performance is the repeated failure of the employee to discharge his or her duties in the manner expected of the employee, as evidenced by one or more of the following: (a) The negligent, inefficient or incompetent discharge by the employee of his or her duties; (b) The failure by the employee – a. To exercise care and diligence in performing his or her duties; or b. To perform any or all of his or her duties (c) The employee engaging in unsatisfactory conduct that impacts on the discharge of his or her duties including, without reasonable excuse— a. contravening or failing to comply with a lawful direction given to the employee by a person with authority to give the direction; or b. being absent from his or her duties without permission. Note: In limited circumstances, it may be appropriate to address the conduct under the misconduct procedures (Part 3 of these Guidelines).	• Guidelines for managing complaints, misconduct and unsatisfactory performance in the teaching (pages 34-40) service under Division 9A of part 2.4 of the Education and Training Reform Act 2006. • Victorian Government Schools Agreement 2013 details the process for managing unsatisfactory performance for employees in the teaching service. The unsatisfactory performance procedures in these Guidelines are consistent with the Agreement. • Employee Conduct Branch should be approached for managing unsatisfactory performance

Jurisdiction	Definition	Policy/Guidelines
SA	Guideline detail – Unsatisfactory Performance – Section 4.3 (page 6): • Unsatisfactory performance occurs when an employee is not performing the duties of their role to the required standard or otherwise is not performing in a satisfactory manner. • Performance expectations include employees' technical duties and the totality of conduct in connection with their role as a public sector employee.	Managing Unsatisfactory Performance Guideline (July 2014) is part of the department's Performance and Development Policy and reflects the standards and principles set out in the: • Education Act 1972 [section 12 requires the CEO to maintain a proper standard of efficiency and competency in the teaching service] • Children's Services Act 1985 • Public Sector Act 2009 • Fair Work Act 1994 • The Code of Ethics for the South Australian Public Sector • The Commissioner for Public Sector Employment's Guideline: Management of Unsatisfactory Performance (including Misconduct) The intention of this guideline is to provide a framework for identifying, managing and documenting instances of unsatisfactory performance in a manner that is consistent with the principles of natural justice and procedural fairness.
WA	A-Z Glossary – 'U' – Unsatisfactory Performance An employee exhibits unsatisfactory performance when a principal or line manager judges that his or her job functions are being carried out inadequately. Continued unsatisfactory performance may constitute substandard performance.	Employee Performance Policy & Procedures Employee Performance Procedures & Substandard Performance Procedures

Appendix B – List of officials at public briefing

Department of Education and Training

- Dr Jim Watterson, Director-General
- Mr Jeff Hunt, Deputy Director-General, Corporate Services
- Ms Leanne, Assistant Director-General, State Schools, Performance
- Ms Leigh Pickering, Assistant Director-General, Human Resources