

Performance Counselling and Discipline Policy

1. Purpose

Inala Community House (ICH) is committed to providing high quality services to clients and the community. ICH also seeks to enable and empower workers to achieve their goals and address any issues through the performance management process.

Where, a worker has not met the expected standards set by the organisation or has acted in a manner which is contrary to the required code of conduct, they should be advised of the organisation's requirements in these matters.

In order to maximise the potential of workers, it is important to provide feedback on the way they are undertaking their tasks, to coach them to achieve better performance on the job, and to counsel them when problems occur.

2. Scope

This policy applies to all employees of Inala Community House. In some cases, this may also apply to volunteers, trainees and students. For the purpose of this policy, these persons shall be referred to as workers.

3. Definitions

Underperformance or unsatisfactory performance: when a worker is not performing the requirements of their role or is behaving in an unacceptable way at work. This includes:

- Not carrying out their work to the required standard or not doing their job at all
- Not following ICH policies, rules or procedures
- Unacceptable behaviour at work
- Disruptive or negative behaviour at work

Serious misconduct: is not underperformance. Serious misconduct is where a worker causes serious and imminent risk to the health and safety of another person or to the reputation or profits of ICH, or deliberately behaves in a way that is inconsistent with continuing their employment. Examples of this include, but are not limited to:

- Theft or fraud
- Assault
- Sexual harassment
- Being intoxicated at work
- Refusal to carry out lawful and reasonable instructions
- Serious breach of the Employment Agreement, ICH policies or procedures.

4. Policy

All ICH workers are required to perform their work safely, productively and efficiently in accordance with ICH policies, procedure and practices. Where a worker's work performance or conduct is not meeting the expected standards, ICH may conduct performance counselling or take disciplinary action in accordance with this policy.

ICH recognises that performance and conduct issues can be caused by or contributed to by a range of factors. Any issues shall be addressed in a collaborative and supportive manner which seeks to empower the worker to address any identified issues.

At each stage of the performance counselling or discipline processes, ICH will provide the worker with an opportunity to participate in the process by seeking their response.

The options below are different approaches to performance counselling and discipline. These are not prescriptive steps and the appropriate action should be determined with reference to the individual circumstances and severity of the conduct or unsatisfactory performance. ICH may bypass one or more sections within this policy where a worker's conduct or performance warrants such action. Nothing in this policy prevents ICH from terminating a worker summarily for serious misconduct.

4.1 Informal Approach

When an issue has been identified, a Manager or senior worker (with approval from the Manager) may seek to informally address the issue with the worker. This is generally conducted through day to day support. This involves consideration of organisational or personal factors which may affect the worker's performance or conduct and considering any alternatives to the unsatisfactory work performance process to address the problem.

Unsatisfactory work performance should be addressed as it arises in order to provide staff with support and assistance to improve their performance or conduct at the earliest opportunity. Managers and senior workers should not wait until a worker's performance review to address issues of unsatisfactory work performance or conduct.

4.2 Formal Approach

ICH may use a formal approach to address underperformance. Any actions taken to address unsatisfactory conduct or work performance will be consistent with the principles of procedural fairness.

Measures which may be used to address unsatisfactory conduct or work performance may include, but are not limited to:

- Increased supervision
- Creation of a Performance Improvement Plan
- Changes to the worker's Learning and Development plan
- Training and professional development
- Increased feedback
- Coaching or mentoring

These processes should only take place in consultation with Human Resources and the Chief Executive Officer.

The formal process generally involves three stages (dependent upon the circumstances) including:

1. Formal counselling
2. Formal written warning
3. Final written warning

Workers should be informed of the potential consequences of their underperformance if this is not improved (e.g. termination).

4.2.1 Formal Counselling

Formal counselling involves:

- Inviting the worker to attend a performance meeting at an appropriate time, informing them who will be attending and what will be discussed
- Meeting with the worker to discuss specific issues, giving the worker opportunities to respond, identifying any barriers or contributing factors to the underperformance
- Collaborating with the worker to create a Performance Improvement Plan which identifies goals, responsibilities, timeframes and outlines any professional development, coaching, adjustments or other strategies which will be implemented
- Providing ongoing monitoring and feedback. Monitoring the worker's progress in accordance with the Performance Improvement Plan.

During the formal counselling, the worker will be informed of any consequences of not improving their performance within a reasonable period of time and of engaging in any further unsatisfactory work performance.

A written record of the formal counselling meeting (including any Performance Improvement Plan) should be maintained and placed on the worker's personnel file. A copy of this should also be provided to the worker.

4.2.2 Disciplinary Action

Disciplinary action may be used where day to day support or counselling has been unsuccessful, or where a breach of an expected standard is considered serious enough to warrant immediate disciplinary action.

Before deciding to implement disciplinary measures, Managers should consider:

- If another meeting with the worker may be useful
- If changes to the worker's duties (if appropriate) or providing additional training would address the underperformance
- If there has been a clear explanation of the issues, the improvements required and the possible consequences of not improving, including if termination is a possibility
- Whether the worker has had reasonable time to improve upon the underperformance
- If the underperformance is of a serious nature requiring immediate disciplinary action

Where disciplinary action is being considered, a formal meeting should be held to address areas of concern. This involves:

- The worker being given notice of the meeting and a reasonable opportunity to have a support person present

- The issues of concern are explained, and the worker is given an opportunity to respond to them

ICH will give genuine consideration to a worker's response before reaching a decision. Any disciplinary decisions are based upon finding that the concerns or allegations are substantiated on the balance of probabilities.

Where disciplinary action is deemed appropriate, the following actions may be implemented:

Written Warning

A written warning may be issued when a worker's performance is unsatisfactory or where they have engaged in unsatisfactory conduct. A written warning should be implemented where:

- The worker has participated in counselling for the issue and has not improved their conduct or performance within a reasonable period of time,
- The worker has participated in counselling for an issue that is not directly related but is of a similar nature, or
- The nature of the worker's conduct or performance justifies the issue of an immediate written warning

Final Written Warning

A final written warning may be issued when a worker's performance is unsatisfactory or where they have engaged in unsatisfactory conduct. A final written warning should be implemented where:

- The worker has received a written warning for the issue and has not improved their conduct or performance within a reasonable period of time,
- The worker has received a written warning for an issue that is not directly related but is of a similar nature, or
- The nature of the worker's conduct or performance justifies the issue of an immediate written warning

Termination of Employment

A worker's employment may be terminated due to unsatisfactory performance or conduct where:

- The worker has received a final warning for the issue and has not improved their conduct or performance within a reasonable period of time,
- The worker has received a final warning for an issue that is not directly related but is of a similar nature, or
- The nature of the worker's conduct or performance justifies the termination of employment

The decision to terminate must be approved by the Chief Executive Officer.

In most cases, it will be appropriate to give a worker counselling, one or more written warnings and a final warning prior to proceeding with termination of employment. However, as indicated above, ICH may bypass steps where the nature of a worker's performance or conduct indicates serious misconduct. In cases of serious misconduct, summary dismissal (without providing notice) may be considered.

Alternative Disciplinary Action

Nothing in this policy prevents ICH from implementing alternative disciplinary action in addition to, or instead of, the warnings listed above. Alternative disciplinary action may include, but is not limited to, re-training, demotion, loss of supervisory responsibilities and/or withdrawal of benefits such as ICH flexible work arrangements (taking into consideration any Award or legislative requirements).

4.3 Monitoring

Throughout the performance counselling and discipline process, after the issues have been explained to the worker and strategies have been planned to help them meet the needs of the organisation, regular follow up meetings should be held. These meeting can be used as an opportunity to talk about progress and to check if there is any further help or support required, such as additional training. Where performance or conduct has improved the Manager or senior worker should recognise this.

4.4 Procedural Fairness

All performance counselling and disciplinary procedures will uphold the principles of procedural fairness except where the nature of the worker's performance or conduct warrants such a change or where otherwise required by law. The principles of procedural fairness includes:

- The worker should be fully informed of the issues (including any possible consequences), be given the opportunity to prepare and present their response at each stage of the process
- Genuine consideration of any response before a decision is made
- Providing a reasonable opportunity to have a support person present
- Acting fairly and without bias

In regard to warnings, this means that the following information should be included:

- The nature of the worker's unsatisfactory conduct or performance
- The previous actions taken to address this issue
- The improvement required
- A date on which the worker's conduct or performance will be reviewed, and
- The consequences of not meeting the determined goals

4.5 Record Keeping

Written records of all actions relating to performance counselling and disciplinary must be kept on the worker's personnel file. The worker should receive a record of any performance counselling or disciplinary meetings.

4.4 Investigation

In some circumstances, it may be appropriate for ICH to conduct an investigation into reports of unacceptable work performance or conduct.

During the investigation process, it is possible that in some circumstances a worker may be suspended (employees will be paid their ordinary pay whilst suspended unless otherwise permitted by the Award or legislation). Suspension is appropriate where there is a risk to

ICH's operation, workers or clients. In the event that a worker is suspended, they are required to be available to assist ICH with its investigations and to comply with ICH's reasonable directions.

4.4 Confidentiality

Any disciplinary discussions or actions and investigations conducted are confidential and should not be disclosed, except where authorised. Failure to maintain this confidentiality will constitute a breach of this policy and may result in disciplinary action, up to and including termination of employment.

5. Review

This policy shall be reviewed every 3 years.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

6. Related Documents

Policies

ICH Performance Management Policy
ICH Supervision Policy
ICH Code of Conduct Policy
ICH Confidentiality Policy
ICH Ending Employment Policy

Procedures

ICH Investigation Procedure

Forms

ICH Performance Improvement Plan (PIP)
ICH PIP Employee Self-Assessment
ICH PIP Interim Review Meeting Record
ICH PIP Final Review
ICH PIP Outcome Recommendation

Other Documents

Child and Youth Risk Management Framework
Managing Underperformance Checklist

References

Fair Work Act 2009
Fair Work Regulations 2009