

DISCIPLINE POLICY

1. POLICY PURPOSE AND RATIONALE - What you need to know

Anglicare Victoria aims to ensure that its employees achieve and maintain appropriate standards of conduct and performance. This policy sets out the applicable procedures to be followed where there are concerns that an employee has not met those standards. The process is designed:

- to be simple, fair and timely
- to comply with the principles of natural justice, and
- to emphasise correcting the behaviour wherever possible, rather than punishment.

2. DEFINITIONS

Natural justice: procedural fairness; the notion of a 'fair go' for all.

3. PROCEDURES - What you need to do

3.1 Considerations prior to using the Disciplinary Process

A Manager must be satisfied that there is sufficient substance in a matter to warrant discipline as such. The Manager will therefore need to assess the situation, based on whatever information is at hand, including asking the employee concerned. As soon as a Manager (or other supervisor) becomes aware of any matter of concern in respect of an employee's behaviour or the quality of their work, it is a normal part of the management role to look into the matter quickly, informally and discretely, while keeping an open mind as to possible causes and solutions.

Minor matters are able to be dealt with 'on the spot', raised in regular supervision, or in a scheduled meeting, and resolved by discussion with no formal action required. However, if after an initial assessment, including talking with the employee, the manager considers there is a matter of substance, then the following procedure will need to be considered. Before any disciplinary action is taken the Human Resources Manager must be consulted.

3.2 Counselling

Informal counselling forms part of normal day to day management. Managers are asked to address issues as quickly as possible by ensuring that the following are provided as part of standard management and supervisory practice:

- Clear instructions about expectations
- Goal setting
- On the job instruction
- Recognition of work well done
- Clear and timely indications when expectations have not been met
- Prompt resolution of work grievances and complaints

Where there are concerns about an employee's conduct, counselling will involve discussing what it is the employee has done or omitted. The employee must be given the opportunity to explain the reasons for that behaviour. The standard of conduct

required of the employee must be made clear. Any behaviour deficiencies must be precisely identified and supported by clear examples. Strategies for avoiding further problems, and a follow up (usually in regular supervision) should also be discussed.

In the case of poor performance, counselling and/or training may be appropriate. An initial counselling session should attempt to discover the reasons for the employee's poor performance and whether any further instruction, coaching or training is required. Other causes, such as poor equipment, lack of clear direction, lack of time/resources or conflict with colleagues may be identified through such counselling. Counselling may also disclose issues that need referral to our Employee Assistance Program or to drug/ alcohol counselling.

3.3 Formal Disciplinary Process

Where informal counselling has been unsuccessful, or where the nature of the matter warrants it, a formal disciplinary process is used. This involves a graded series of warnings from a verbal warning, through two written warnings to final dismissal. The sequence of warnings is designed to ensure that an employee has a reasonable opportunity to modify their behaviour before sanctions are imposed. For most matters of misconduct and of poor performance, the sequence is followed from the start. In more extreme cases, a first and final written warning or dismissal may be warranted. Advice must be obtained from Human Resources as to what level of warning is appropriate.

3.4 Procedure for Formal Warnings

In all cases, a meeting will be convened prior to issuing a formal warning. The employee will be given reasonable notice of the meeting, and in the case of a written warning or dismissal meeting, that notice will be in writing. The employee will also be informed that they may bring an advocate (such as a Union Representative) or other support person of their choice to the meeting if they wish. The meeting will be conducted by the relevant manager or their delegate (who must also be a manager) and attended by the direct line supervisor or other appropriate person.

At this meeting, the manager will :

- Explain why the meeting has been called and outline the process.
- Give clear, specific examples of what the conduct or performance issue is. It is not sufficient to have a vague, general conversation.
- Give a clear statement of the standard of conduct or performance expected.
- Give the employee an opportunity to respond to the concerns and explain their conduct, and invite them to set out any mitigating circumstances.
- If the employee's explanation is reasonable, then the disciplinary action should cease.
- If the employee's explanation is not acceptable, all details of the warning should be recorded, as set out below. The employee should be given a copy of the warning.
- A time frame must be set for the matter to be reviewed.

If the employee refuses or fails to attend the meeting without reasonable cause, then the meeting will proceed in their absence, a determination may be made, and a warning issued or other action taken in the employee's absence. Managers must seek advice from Human Resources prior to proceeding.

3.4.1 Verbal Warning

The meeting procedure outlined above is followed. A record of the meeting is kept, and a copy given to the employee, but it is noted that it is a verbal warning only.

3.4.2 Written Warnings

If the employee's performance does not improve, then a first, followed by a second or final written warning, may be given to the employee. A final warning must state clearly that if the employee's performance or conduct does not improve, then employment will be terminated.

3.4.3 Content of all Written Warnings

A written warning must:

- Set out details of the meeting, date, time, place and parties present.
- Outline the conduct or performance problem.
- State clearly the corrective action (if any) required of the employee, with timelines.
- Warn of the intended action (eg. Termination) if the employee does not correct his/her performance.
- Set a date for review.
- State how long the warning will remain on the employee's record.
- Refer to previous warnings (if any) and their dates.
- Be signed and dated by or on behalf of the senior manager present at the meeting and by the employee. If the employee declines to sign the warning, the manager will note this on the warning.

The warning will be placed on the employee's personnel file and a copy given to the employee within a reasonable time of the meeting.

3.4.4 Limited life span of warnings

Warnings have a limited life span. From one to six months may be appropriate depending on the type of issue. For more serious matters, a longer period may be appropriate. Consult Human Resources prior to fixing a period for the warning.

3.4.5 Follow up and review

In all cases of a warning being issued, the Manager will review the matter within the timeframe set. Where the behaviour or performance has improved as required, there is no need for any further action. The employee will be informed that the matter is at an end. However, if the behaviour or performance problem has continued, further disciplinary action will need to be considered.

3.5 Suspension from Duty

In some situations while disciplinary action is pending, it is necessary to place temporary restrictions on an employee's duties, their access to parts of the workplace, their contact with individuals (colleagues, volunteers or clients) or even to require them not to attend work at all, pending the resolution of disciplinary concerns.

Such restrictions will be used only in exceptional circumstances, and only when necessary. For example:

- Where a serious criminal offence has been committed.
- Where summary dismissal would be justified under law.
- Where the employee poses a threat to the health or safety of another person, or themselves.
- Where the employee's presence in the workplace might jeopardise an investigation by the police or other authority such as Worksafe or DHS.
- If the employee is incapable for any reason of carrying out the reasonable requirements of their job.
- Where it would otherwise be unreasonable not to impose the restrictions.

Prior to any restrictions of this nature being put in place, advice must be obtained from Human Resources. Such restrictions will be without prejudice to the employee's other rights, and will be without any loss of pay or accrued entitlements.

3.6 Dismissal

Despite the emphasis given to identifying and addressing performance problems, it is sometimes necessary for managers to recommend that employment be terminated. Because of the seriousness of this step:

- Any recommendation to terminate employment must first be discussed with the Human Resources Manager, who will consult with the Chief Executive Officer. Only the CEO can authorise termination of employment.
- All other reasonable options must first have been considered.
- It must be demonstrated that due process has been followed and the employee has been accorded natural justice.
- The Human Resources Manager will send a letter to the employee inviting them to attend a meeting
- The Human Resources Manager or an appropriate representative must be present at the meeting.
- At the meeting, the manager will describe clearly the conduct or performance issue(s), ensuring that reasons for dismissal are clearly stated and understood.
- The terms of the termination must comply with all contractual and/or award requirements.
- Where appropriate, the employee will be offered the opportunity to de-brief with an external counsellor through the Employee Assistance Program.

RELATED DOCUMENTS

Anglicare Victoria Performance Review & Development Policy
Social, Community, Homecare and Disability Services Award 2010
Individual employment contracts

This policy becomes effective as at: May 2006

This policy was last amended: June 2012

This policy is due to be reviewed: June 2013

Queries about this policy should be directed to: Human Resources Consultant