

Policy Statement

We aim to provide a quality service through the professional behaviour and high standards of conduct of our staff. We will encourage staff to maintain good working relationships and have a commitment to maintaining a quality standard of work. Should staff fall below clearly identified standards then we will address this in a swift and considerate manner.

Considerations

- ✓ The Education and Care Services National Law 2010
- ✓ The Education and Care Services National Regulation 2011
- ✓ The Education and Care Services National Quality Standards 2011
- ✓ Fair work dismissal laws
- ✓ My Time Our Place

Procedures

- It is important that the staff are aware of their expectations as an employee of Activity Centres Inc and that clear guidelines are given regarding staff duties, code of conduct and professionalism during the induction and orientation process.
- The manager or coordinator will ensure that all staff are given clear statement of duties, outline expectations and clear orientation and induction into the position with the opportunity to clarify any issues.
- Staff are expected to raise any concerns and clarify any issues in the statement of duties or expectations that they are unsure of with the coordinator or manager throughout the orientation process and at appraisal meetings.
- Staff are encouraged to maintain good working relationships and have a commitment to maintaining a quality standard of work.
- Staff will be given clear notification should their standard of work or conduct fall below what is expected and outlined in their statement of duties.
- Regular staff appraisals will take place throughout staff employment. The occurrence of staff appraisals will be annually, however if deemed necessary, staff appraisal can happen on a more regular basis.
- Staff have the right to appeal against any allegation and the right to speak on their behalf or to have a union representative appear on their behalf.
- Employees may have a support person present for any meeting held throughout the disciplinary action process. If employee is under 18, then it is recommended that a parent/guardian is present or, if not available another trusted adult.
- In managing the performance or behaviour of an employee, and assessing any disciplinary action which may be appropriate, the seriousness of unacceptable performance and/or behaviour must be considered.
- Typically goal setting and mentoring will occur before disciplinary action warnings are given.
- In cases where the misconduct warrants it, ACI reserves the right to proceed to a formal written warning, without undertaking goal setting/mentoring, or if it is serious misconduct, instant dismissal may be considered to be the appropriate course of action.
- Should staff fall below clearly identified professional standards, statement of duties or fail to follow ACI policies and procedures then the employee will be provided the opportunity to undergo goal setting and/or mentoring

Stage 1 – Goal Setting/Mentoring

****Note:** If Coordinator/Assistant Manager/Bookkeeper Performance/actions are in question Manager is to take role of coordinator. Committee President to take action in regard to Managers performance or actions.

- ↪ Coordinators/supervisors should address and discuss issues with individual employees as they arise, assisting them to gain understandings about correct practice and procedures, as well as expectations for behaviour and professionalism.
- ↪ Employees should be provided with strategies for improvement and mentoring by immediate supervisors.
- ↪ In most cases making employees aware of the issue straight away, providing guidance and strategies, will ensure that they will correct the issue and no further action will need to be taken.
- ↪ Coordinators must document any concerns they may have about an individual employee's performance or action, and steps they have taken to assist employee in correcting this concern.

- ✎ If no improvement is made after a reasonable time frame, then coordinators can request that employee meet with a member of management for discussion about individual performance.
- ✎ This will provide opportunity for management and employee to review their “individual development plan” and work with employee to set goals for improvement based on the specified concerns raised and outline responsibilities, of both employee and the organisation in assisting employee achieve goals. This may include but not limited to additional training or on the job mentoring.
- ✎ The coordinator may be required to attend the goal setting meeting, if requested or deemed necessary by management.
- ✎ Management should outline specific expected level of behaviour and/or performance and discuss with staff how these are not being met. It should also be made clear to employee the consequences of failure to meet the reasonable expected standard of conduct/bahaviour/performance within the organisation, that being further disciplinary action will take place.
- ✎ This meeting will provide opportunity for employee to respond to concerns raised and discuss with management any issues that may be affecting job performance and provide an opportunity to work out possible solutions to the issue. E.g.: personal, health, gaps in skills, difficulties in the workforce etc.
- ✎ A clear and agreed upon timeline for review of goals, progress and performance should be set at the conclusion of this meeting.
- ✎ While all efforts will be made to reach an agreement with employee about required actions, outcomes and timeframes, if it is not reasonably possible, Management may have to determine those matters.
- ✎ Employee should be provided with a copy of revised “individual development plan”, as well as any minutes from the meeting held, within a reasonable time after the meeting.
- ✎ Management are to ensure that organisational responsibilities outlined in the ‘individual development plan’ are met within the agreed timeframe.
- ✎ Progress meetings may also be set in the plan, to gauge how employee is traveling in reaching goals outlined in the ‘individual development plan’, to ensure employee is receiving adequate support throughout the process and prior to ‘review date’.
- ✎ When goal setting and mentoring has resulted in improved behaviour or performance, then the employees efforts and achievement should be acknowledged.
- ✎ If Goal setting and mentoring has not resulted in significant improvement within the required timeframe, or employee refuses to cooperate and participate in actions outlined in ‘individual development plan’, then further disciplinary action (Stage 2) will take place.

Stage 2 Formal Written Warning/Disciplinary meeting

- ✎ A formal written warning can be issued if:
 1. There is no or little improvement after goal setting and mentoring has taken place.
 2. In the case of misconduct where disciplinary action is being commenced without goal setting or mentoring.
- ✎ Written Warnings must be unambiguous – they must clearly outline the behaviour, actions, and/or performance of employee that is of concern, and clearly list/state the actions that have been put in place to assist the employee to achieve agreed goals and why disciplinary action is taking place.
- ✎ Written warning will inform employee of a disciplinary meeting to be held in, no less than 48 hour notice, with management and representative of the management committee.
- ✎ All members of the executive management committee will be informed of the disciplinary meeting, why it is being held and will be informed of the outcome of the meeting.
- ✎ A formal documented interview with the manager and a representative from the management committee will take place. The employee shall attend and has the right to reply and discuss any issues relating to behaviour, performance or professionalism brought forward against them, or to be represented by a union member or another appropriate representative of their choice.
- ✎ The meeting will ensure that the following is discussed:
 - The expected level of performance and/or behaviour for their role (in line with statement of duties, professional code of conduct etc.).
 - Specific details of how this standard is not being met by the employee.
 - What, if any, steps have been taken by the organisation to assist employee to improve performance and behaviour.

- Employee should be provided with an opportunity to respond to any question on their behaviour or performance within the organisation and communicate any issues that they are having which may be affecting their individual performance. (E.g.: personal, health, gaps in skills, difficulties in the workforce etc.).
 - Work out a revised 'individual development plan' with the employee. This should clearly identify the goals that employee is working toward, specific steps that employee must implement to reach required goal and what role/assistance that the organisation can provide to assist employee to reach the goal.
 - A time frame for improvement should be set, including progress meetings and final review dates.
 - It should be made clear that employee is now on a probationary period, until improvement in behaviour and/or performance, as decided on their 'individual development plan'.
 - Consequences for failing to make significant improvement in performance and/or behaviour in the required time frame, which can include the possibility of termination of employment, with or without notice.
- ↪ While all efforts will be made to reach an agreement with employee about required actions, outcomes and timeframes, if it is not reasonably possible, Management may have to determine those matters.
- ↪ Employee must be provided with a copy of the meeting minutes, and revised 'individual development plan', as soon as possible. Both should be signed by both management and employee to state that it is an accurate record of the meeting and plan in place.
- **Note:** personal notes taken by management during meetings will not be provided to employees. Employees are not required to provide management with any personal notes taken during the meeting.
- ↪ Management are to ensure that organisational responsibilities outlined in the 'individual development plan' are met within the agreed timeframe.
- ↪ Management to ensure that throughout the process, employee progress is monitored and reviewed.
- ↪ A further written warning may be appropriate, if the employee is not achieving the required standards of conduct or performance within a reasonable time, as outlined in 'individual development plan' progress.
- ↪ In situations of serious concern, we may issue an immediate final warning (Stage 3).
- ↪ Throughout the process the management committee should be provided with updates and reports on employee's progress.
- ↪ Formal Warning and Disciplinary Action has resulted in improved behaviour or performance, then the employee's efforts and achievement should be acknowledged. Employee should be informed that probationary period has been lifted, 'individual development plan' updated date of next regular employment appraisal and review will be set.
- ↪ If this process has not resulted in significant improvement within the required timeframe, or employee refuses to participate in actions outlined in 'individual development plan', then probationary period will remain and further disciplinary action (Stage 3) will take place.

Stage 3 - Final Written Warning – Termination Notice/Final Disciplinary Meeting

- ↪ When an employee has failed to meet goals, and follow 'individual development plan', deadlines and review and not displayed improvement in behaviour, attitude or performance then a final written warnings, notifying of termination if no improvement is made within a specified period.
- ↪ The notice must be unambiguous – they must clearly outline the behaviour, actions, and/or performance of employee that is of concern, and clearly list/state the actions that have been put in place to assist the employee to achieve agreed goals and why further disciplinary action is taking place.
- ↪ The matter shall be discussed at a final disciplinary meeting as per the stage 2 meeting requirements and further action considered. With Management and Committee Member present and providing employee with 48 hours' notice of meeting.
- ↪ All members of the executive management committee will be informed of the disciplinary meeting, why it is being held and will be informed of the outcome of the meeting. Throughout the process the management committee should be provided with updates and reports on employee's progress.
- ↪ Individual development plan to be reviewed and final review date for improvement to be set.
- ↪ Formal Warning and Disciplinary Action has resulted in improved behaviour or performance, then the employee's efforts and achievement should be acknowledged. Employee should be informed that probationary period has been lifted, 'individual development plan' updated and regular employment appraisal and review month will be set.
- ↪ If this process has not resulted in significant improvement within the required timeframe, or employee refuses to participate in actions outlined in 'individual development plan', then termination of employment will occur.

Stage 4 Termination of Employment

- ↪ Termination of employment can occur if:
 1. All the stages and steps outlined in this policy have been followed and the employee still has not achieved the required level of performance and/or behaviours.
 2. Instant dismissal or dismissal without notice can occur in the cases of serious or willful misconduct.
- ↪ A special management committee meeting will be called to discuss the employee's employment at Activity Centres Inc.
- ↪ The management committee will review progress notes, management reports and the employee's Individual development plan and will make the decision to terminate employment.
- ↪ A termination of employment letter will be created at the special committee meeting and will be signed by the executive committee. The termination of employment letter will detail:
 - Reason for dismissal
 - Date of dismissal – when it applies from.
 - Will outline final pay date
- ↪ Employee will be provided with letter of termination.

Instant Dismissal - Procedure for Dealing with Serious Unacceptable Behaviour

- ↪ Where a staff member in the workplace:
 - Intentionally endangers life.
 - Criminal Activity
 - Reports to work under the influence of drugs or alcohol.
 - Inflicts or threatens physical or sexual abuse or harassment.
 - Loses 'working with children' clearance status.
 - Child protection issues
- The manager or member of the management committee will suspend the employee with loss of pay pending an investigation. The investigation is to be completed within 72 hours and an interview date determined.
- If the employee is a union member the union representative will be informed.
- Management committee will be informed of the incident as soon as possible. Results of investigation made available to committee and special meeting to be held to discuss course of action in relation to the employment of the employee.
- The interview is to be attended by the manager and a nominated representative of the management committee, the union representative if desired. The employee is to be advised formally of the findings of the investigation and the action being taken.
- When immediate termination is required, a dismissal notice is prepared at the interview. When continued employment is recommended a warning letter will be issued.
- All the relevant records will be recorded on the employee's file.
- If the employee is vindicated of the accusation, all relevant formal documentation will be removed from their file, and they are to be paid for loss of wages.

_____ end of policy _____

Policy is only endorsed if initialled by 2 members of the management committee

Endorsed by the Management Committee on the 15th May 2019

Disciplinary Action Policy is to be reviewed by the 8th February 2020
(Policy amended as there were typo errors)