

<b>The Junction Club House Cairns Ltd</b>		
<b>Policy: Performance Management and Improvement</b>		
Policy number: JQS.P6.10. v2		Date adopted: 29/06/2018
Authorised by: The Board		
Date last reviewed: 24/03/2022	Reviewed by: Quality Review Panel	Date of next review: 24/03/2024
<b>Related documents:</b>		
<b>Related policies and procedures, How To Task Lists, forms, registers or other organisational documents of The Junction</b>		
Other standards	<ul style="list-style-type: none"> <li>• National Mental Health Standards</li> <li>• The International Standards for Clubhouse programs</li> <li>• NDIS Practice Standards</li> </ul>	
Legislation or other requirements	<ul style="list-style-type: none"> <li>• Work Health &amp; Safety Act 2011</li> <li>• Work Health and Safety Regulation 2011</li> <li>• Fair Work Act 2009</li> <li>• Fair Work Regulations 2009</li> <li>• National Employment Standards</li> <li>• Fair Work Commission</li> </ul>	

## **1. Purpose**

The purpose of this policy is to clearly outline the processes to be followed should an employee be unable or unwilling to meet the minimum standards of conduct and performance required in their role at The Junction.

## **2. Scope**

This policy applies to all employees of The Junction.

## **3. Policy statement**

The Junction requires minimum standards of conduct and performance which are made clear to employees. If an employee does not meet these standards, the Junction will take written appropriate performance management action, e.g counselling, training, or verbal or written warnings. Formal performance management action will generally only start when the performance improvement plan fails. Each employee must understand their responsibilities and be given the opportunity to reach the standards expected of them.

Should performance management processes be unsuccessful in improving an employee's conduct and/or performance, The Junction may determine to end an employee's employment.

If an employee deliberately breaches any policy or procedure, or engages in misconduct, The Junction may start performance management, or disciplinary action process or, in cases of serious misconduct or breach of policy, may dismiss an employee.

The Junction will give an employee the opportunity to understand the nature of the concern and to explain their position on the matter before any further action.

Where an employee engages in misconduct or alleged misconduct, The Director will investigate the matter themselves or seek external assistance.

Examples of behaviour amounting to misconduct include, but are not limited to, the following:

- Failing to obey lawful and reasonable instructions of The Junction
- Failing to follow defined policies and procedures, and workplace norms that are accepted in the community
- Failing to share relevant information with The Junction
- Unacceptable disruptive behaviour
- Unauthorised absence from the workplace; and
- Repeatedly being late for work without legitimate reason

When proven, misconduct may provide a valid reason for termination of an employee's employment with notice.

Whether misconduct amounts to serious misconduct depends on the circumstances of a given case. The Director considers the circumstances fully as they apply to the employee

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when determining whether the employee has engaged in conduct that could be considered serious misconduct.

Examples of behaviour amounting to serious misconduct include, but are not limited to the following:

- willful or deliberate behaviour that is inconsistent with the employee's contract of employment
- any form of abuse towards members and others
- theft
- fraud
- assault or intoxication at work
- use of derogatory, violent, or abusive language
- fighting
- failure to observe Work Health & Safety rules
- dishonesty during the employment; and
- criminal conduct including conduct that, if proven, renders the employee completely unfit for work

## **4. Procedure**

### **4.1 Performance Management**

The Director will advise the employee of any issues in their performance and give them an opportunity to respond.

Once the employee responds, The Director will consider their response and decide if performance improvement action should be taken. The Junction will provide support conduct. Regular meetings to monitor progress will be scheduled by The Director.

### **4.2 Gross or serious misconduct**

Summary (instant) dismissal for gross or very serious misconduct is possible (depending on the facts involved). The director should seek industrial advice before taking this step. If the advice indicates summary dismissal is warranted the following process will be taken:

1. The Director, or external investigator is to investigate the alleged offence thoroughly, including talking to witnesses, if any
2. The director will ask the employee for their response to the allegation (taking notes of this discussion) and allow them to have representation. The Director should also have a witness present
3. The Director will consider the employee's response and circumstances when making decisions
4. If deemed appropriate, following the investigation, The Director will terminate/dismiss the employee
5. The Junction will send the employee a letter of termination noting brief details
6. The Director will keep a file of all evidence collected and any actions taken in these circumstances

### 4.3 Disciplinary Action

This section of the Performance Management and Improvement policy may be invoked where:

- A period of performance management has been finalized and assessed as remaining unsatisfactory
- A period of repeated misconduct issues
- A serious misconduct occurs
- A staff member has failed repeatedly to respond positively to lawful and reasonable direction/s given by a person/s who is authorized to give such a direction i.e., the Director or those in senior positions (refer also to Code of Conduct policy)

Disciplinary action can range from a disciplinary interview through to dismissal. Consistent acts of inappropriate conduct, negligence, or failure to meet performance standards may ultimately warrant dismissal. An act of serious misconduct may result in instant dismissal.

The basic principles that will be considered by The Junction prior to disciplinary action are:

- Informal action should be considered first before any formal action is taken, unless in the case of gross misconduct
- Disciplinary procedures can be implemented at any stage if the behaviour or conduct warrants it – using the *Disciplinary Action* HTTP to ensure all steps are followed correctly
- All disciplinary actions will comply with anti-discrimination and work, health, and safety legislation

Please note that when this policy is invoked the employee has an obligation to participate in the disciplinary process.

Performance management and improvement issues related to the Director are to be enacted by the Board Chairperson following this policy.

## 5. Review processes

Policy review frequency: Biennial (2yrs)	Responsibility for review: Quality Review Panel
Review process: Director of Operations as Chair of the Quality Review Panel convenes the panel to conduct reviews.	
Documentation and Communication: All policy decisions will be documented and communicated through the Quality System Review Panel observing the Document control HTTL. Note: add version number after review.	