

# Performance Management and Improvement

## 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.

Related documents	
Related policies and procedures, how-to task lists, forms, registers, or other organisational documents of The Junction	
Other standards	<ul style="list-style-type: none"> <li>• NDIS Practice Standards</li> <li>• National Mental Health Standards</li> <li>• The International Standards for Clubhouse Programs</li> </ul>
Legislation or other requirements	<ul style="list-style-type: none"> <li>• Work Health and 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>

## 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 of Operations will investigate the matter themselves or seek external assistance.

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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 of Operations considers the circumstances fully as they apply to the employee 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:

- Wilful 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 and Safety rules
- Dishonesty during the employment; and
- Criminal conduct including conduct that, if proven, renders the employee completely unfit for work.

## 4. Procedures

### 4.1 Performance Management

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

Once the employee responds, the Director of Operations 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 of Operations.

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### 4.2 Gross or Serious Misconduct

Summary (instant) dismissal for gross or very serious misconduct is possible (depending on the facts involved). The Director of Operations 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 of Operations, or external investigator is to investigate the alleged offence thoroughly, including talking to witnesses, if any
2. The Director of Operations will ask the employee for their response to the allegation (taking notes of this discussion) and allow them to have representation. The Director of Operations should also have a witness present
3. The Director of Operations will consider the employee's response and circumstances when making decisions
4. If deemed appropriate, following the investigation, the Director of Operations will terminate/dismiss the employee
5. The Junction will send the employee a letter of termination noting brief details
6. The Director of Operations 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 finalised and assessed as remaining unsatisfactory
- A period of repeated misconduct issues
- A serious misconduct occurs
- A staff member has failed to respond positively to lawful and reasonable direction/s given by a person/s who is authorised to give such direction i.e., the Director of Operations 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 *HTTL Disciplinary Action* (JQS.H1.20) to ensure all steps are followed correctly
- All disciplinary actions will comply with anti-discrimination and work, health, and safety legislation

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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 of Operations are to be enacted by the Board Chairperson following this policy.

<b>The Junction Clubhouse Cairns Ltd (The Junction) – Performance Management and Improvement Policy</b>		
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