First Choice Care
A Healthcare Australia company

Managing Performance and Conduct Policy

Statement and purpose of policy

Healthcare Australia (HCA) is committed to providing a supportive and safe working environment for all employees. This policy sets out how issues relating to the performance and conduct of employees may be managed to achieve a consistent approach and fair treatment of all employees. HCA requires that employees and managers adopt a fair and reasonable approach when dealing with workplace related issues.

- To set out the disciplinary processes that may apply when managing employee performance and conduct issues.
- To outline our investigation process when investigating allegations of misconduct or serious misconduct.
- To ensure that fair and reasonable disciplinary processes are utilised when investigating and managing performance and conduct issues.

Scope

This policy applies to all HCA employees. This policy may be reviewed and amended from time to time and does not form any part of any employee's contract of employment.

Responsibilities

Managers

- To ensure that disciplinary processes are documented and managed fairly and consistently.
- To demonstrate commitment and promote a high-performance culture through participation in the
- company's performance management processes.

Employees

- To always maintain professional standards of conduct and job performance.
- To demonstrate commitment and support of a performance culture through participation in the
- company's performance management processes.

HR

- To develop and implement effective performance and conduct management processes.
- To provide professional advice and guidance to managers and employees as required

HCA Disciplinary Review Process

This process may be followed where an employee's conduct or performance does not meet an acceptable standard. It is expected that when the review is initiated, it will be aimed at improving an employee's performance, so they are able to work to the standard that is required in their position.

Without limiting the below procedure to ensure that due process is followed, the manager may:

- Conduct a meeting with the employee at which the complaint or concerns will be raised.
- Provide information to the employee regarding the nature of the meeting.
- Give the employee the opportunity to be accompanied to the meeting by a support person.
- Provide the employee the opportunity to respond.
- Consider the response provided by the employee.
- Determine whether a performance improvement plan should be implemented.
- Determine an outcome of the meeting.
- Ensure that all the steps in this process are documented and filed with signatures.

Confidentiality

HCA's disciplinary process remains confidential to those involved in the disciplinary investigation and review. The review and anything discussed in the review meetings must not be disclosed to any other person. A breach of confidentiality may result in disciplinary action, including termination of your employment.

Performance Improvement Plan

If it is identified that an employee is not meeting the required expectations of the role, then a performance improvement plan may be utilised in either an informal or formal process.

The Performance Improvement plan will ordinarily include:

- Areas where the employee is not meeting the required expectations and an outline of the expectations.
- Appropriate development activities aimed at improving the employee's performance to the required standard.
- A timeframe to meet the required expectations and an outline of what other support will be provided including regular meetings and/or coaching.

Following the completion of the assessment period one of the following actions will be implemented:

a) If the employee has met the required standards, no further action will be taken;
b) If the employee has not met the required standards, written warning may be issued, and the assessment period will be extended. If the expectations are still not met then further disciplinary action may be taken, up to and including termination of employment.

Disciplinary Action

The disciplinary action taken will vary from case to case, depending upon the circumstances, including a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance, capacity or conduct.

In every case, the actual disciplinary procedure to be adopted will be a matter for Human Resources or the individual manager's discretion, and in consideration of the circumstances of the case. The timing of the meetings and issuance of any warnings, if required, will be on a case-by-case basis. Nothing in this policy prevents HCA from issuing a final warning at any stage of the process. Similarly, if the circumstances warrant, nothing in this policy prevents HCA from dismissing an employee at any stage of the procedure.

Informal Verbal Warning

If an employee's conduct or performance does not meet an acceptable standard, the employee may be given a verbal warning. The employee will be advised of the reason for the warning, and the improvement required to be made. A note of the verbal warning will be kept on the employee's file. In some circumstances, a verbal warning may not be issued, and a written warning will instead be issued in the first instance.

Written Warning

If a verbal warning has not resulted in improved conduct or performance, up to two (2) written warnings may be given to an employee. The warnings will be issued on a case-by-case basis. A copy of the written warning will be kept on the employee's file.

Regardless of whatever disciplinary action is imposed, any further unsatisfactory performance, conduct or misconduct of any kind may result in the dismissal of the employee.

Serious Misconduct

If it is determined that Serious Misconduct has taken place then an employee may be dismissed without notice.

Examples of serious misconduct may include, but is not limited to:

- Physical, psychological or emotional abuse of any client or employee of HCA. This may include but is not limited to- sexual abuse of any kind or unreasonable use of force or assault. Such abuse may or may not require notification to police.
- Professional negligence by an employee of HCA, whether during the employee's employment with HCA or while working elsewhere within a healthcare environment (including aged care).
- Theft of company property or property belonging to any client or employee of HCA.
- Fraudulent behaviour.
- Behaviour which occurs either during an employee's tenure with HCA or prior to

the personal becoming an employee of HCA that put the health, safety or welfare of any client or employee of HCA at serious risk which may include but is not limited to, bullying, harassment, sexual harassment or discrimination.

Investigation

Where an allegation of misconduct or serious misconduct is made, an investigation may be required. In these circumstances HCA will follow the following process;

1. The employee will be notified that allegations have been made and will be informed that the matter is to be investigated in accordance with this policy.
2. HCA's investigation will include a meeting with the employee, where the employee will be given an opportunity to respond to the allegations. The employee will be provided with at least 48 hours' notice and is entitled to have a support person at the meeting. The employee may be required to answer questions to assist the investigation process. If the employee refuses to answer a question or provide information, an adverse inference may be drawn from that refusal.
3. HCA may suspend the employee whilst the investigation takes place, having regard to the nature and seriousness of the allegations. If the employee is a casual employee, he or she will not be offered any further shifts pending the outcome of the investigation.
4. Upon completion of the investigation, the employee will be provided with the findings and the outcomes of the investigation.
5. Possible outcomes from investigations;
    - No action is taken.
    - Informal action is taken which may include training, mediation or policy changes.
    - Formal action is taken up which may involve a disciplinary process up to and including termination of employment.

Summary Dismissal

In the event that HCA determines that serious misconduct has occurred, HCA may take disciplinary action against the employee up to and including summary dismissal.

In the event that HCA is unable to conclude on the balance of probabilities that the employee's behaviour constitutes grounds for summary dismissal, it may conclude that the continued employment of the employee would nevertheless pose an unacceptable risk to any client or employee of HCA. In that case, HCA may take disciplinary action against the employee, including terminating the employee's employment by providing notice of termination, or payment in lieu of notice (where required).

Notification to the Police and/or other regulatory bodies

In serious matters, allegations may be referred to the police either by HCA or by a client of HCA. Where the police elect to investigate an allegation, HCA will liaise with the police to ensure that its investigation does not interfere with the investigations by the police.

Where the police are notified of an allegation, the police should authorise any internal

investigation by HCA before it commences, including authorizing HCA to notify the employee who is the subject of the allegation.

Further information

Got questions? Talk to your manager in the first instance or contact Human Resources for advice and assistance.

Related Policies

- Code of conduct
- EEO, Bullying and Harassment Policy
- Grievance Resolution Policy
- Drug and Alcohol Policy
- Performance Record of Meeting/Warning Form