

Greater Dandenong Policy

Policy & Procedure for Performance and Behavioural Issues

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1. Purpose

OBJECTIVES

The objectives of this Policy are to:

- Assist Directors, Managers and Supervisors to manage performance/disciplinary processes fairly and within legal obligations,
- Ensure that all employees are aware they are responsible and accountable for their behaviour, conduct and performance in the workplace,
- Provide expectations that will support the employee and management to achieve the requirements of their role and / or Council's policies, procedures, and Code of Conduct,
- Identify when disciplinary action will be implemented; and
- Provide procedures which ensure that disciplinary matters are dealt with in accordance with procedural fairness and natural justice.

2. Background

POLICY STATEMENT AND PRINCIPLES

Statement:

Council is committed to supporting employees to achieve the requirements of their role and expected standards of behaviour, conduct and performance. Many of these standards are set out in Council's Staff Code of Conduct, organisational policies and procedures, other employment-related documents (e.g. position descriptions and performance review processes) and legislation. Council and employees both have responsibilities to ensure these standards are met and this Policy outlines how any concerns regarding behaviour, conduct or performance will be managed. Failure by an employee to meet the required standards may result in disciplinary action.

Guiding Principles:

- All employees are personally responsible and accountable for their behaviour, conduct and performance in the workplace.
- All employees also have a responsibility to raise any matters that they believe impact on their behaviour, conduct and performance at work.
- The Chief Executive Officer (CEO) is ultimately responsible for ensuring that required standards of behaviour, conduct and performance are maintained in the workplace and that appropriate action is taken to deal with poor performance, misconduct or serious misconduct.
- Disciplinary matters will be dealt with in accordance with a defined process that provides for procedural fairness and natural justice.
- All employees will be appropriately supported throughout the process

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3. Scope

This document sets out the procedures to be applied by Directors, Managers and Supervisors in the event of unsatisfactory performance, inappropriate behaviour and/or misconduct or serious misconduct. This Policy applies to all employees at the City of Greater Dandenong, while in the workplace (including outside of normal working hours) or at any other place while engaging in work related activities, such as conferences, work functions, work related social events, while travelling for work purposes or while interacting on social media and the internet.

4. References

- Occupational Health & Safety Act 2004 (Vic);
- WorkSafe Victoria – Workplace Bullying - Prevention & Response (October 2012);
- WorkSafe Victoria – More Information About Occupational Violence (May 2011);
- Local Government Act 1989 (Vic)
- Fair Work Act
- Crimes Act 1958 (Brodie's Law)
- Crimes Amendment (Bullying) Act 2011
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Safe Standards 2022
- Greater Dandenong Enterprise Agreement

5. Definitions

Disciplinary action means action taken by Council to discipline an employee for poor performance, inappropriate behaviour, misconduct, or serious misconduct. Disciplinary actions may include:

- Counselling,
- participation in a Performance Improvement Plan,
- a verbal warning; or
- a written warning,
- a final warning (CEO); or
- termination of employment (CEO).

Any of the above actions may be supported by clarification of future expectations verbally and/or in writing. Whether or not disciplinary action is taken will be at Council's discretion, depending on all relevant circumstances.

Manager / Supervisor refers to employees (other than Directors) who have direct responsibility for supervision of employees and may include team leaders, coordinators, etc.

Misconduct is defined as conduct which is not serious misconduct but nonetheless conduct which is inappropriate and/or breaches Council's Code of Conduct or other policies and procedures or is inconsistent with the employee's contract of employment. Examples of inappropriate conduct may include, but are not limited to, behaving unprofessionally or inappropriately, offensive language, damage to property, spreading malicious rumour or gossip and one-off incidents such as inappropriate practical jokes.

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Serious Misconduct under the Fair Work Regulations 2009 includes:

- wilful, or deliberate, behaviour by an employee that is inconsistent with the continuation of the contract of employment; and
- conduct that causes serious and imminent risk to:
 - the health or safety, of a person; or
 - the reputation, viability, or profitability of the employer's business.

Serious misconduct may result in summary dismissal (i.e., termination of employment without notice). Examples of serious misconduct may include but are not limited to; theft, fraud, assault, being intoxicated at work, refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment, repeated and/or serious breaches of any Council policy, procedure, or guideline.

Support person may include a colleague, friend, relative or a Union Delegate or Official, Workplace Behaviour Contact representative or OHS representative.

Natural justice refers to a set of general principles which, for the purposes of this Policy, may require Council to take steps to ensure that all employees are treated fairly, that this Policy is applied consistently to all employees and to apply procedural fairness with respect to this Policy.

Procedural fairness refers to a specific aspect of natural justice. For the purposes of this Policy, this may require Council to take steps to ensure that this Policy is applied fairly, for example, by giving an employees the opportunity to improve their, conduct or performance, by giving an employee the right to respond before a decision is made in relation to their employment, and by ensuring that a decision maker is free from bias.

Employee Support An officer in OD will be designated to support employees throughout the process. This would include, but not limited to regular updates regarding progress of investigations/or considerations, updates to expected timelines for resolution, 'welfare checks' in particular for those stood down pending an outcome.

6. Council Policy

RESPONSIBILITIES

Chief Executive Officer

- a) Apply performance management and disciplinary procedures in accordance with procedural fairness and natural justice.
- b) Ensure all Directors, Managers and Supervisors apply the procedures consistently.
- c) Ensure required standards of behaviour, conduct or performance are maintained in the workplace.
- d) Terminate the employment of employees either directly or via delegation. Under section 94A of the Local Government Act 1989 (Vic), the CEO is the only person authorised to terminate an employee's employment, but the CEO may delegate this power under s.98 (2) of that Act.

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Directors

- a) Subject at all times to the direction of the CEO, apply performance management and disciplinary procedures in accordance with procedural fairness, natural justice and ensure that the managers reporting to them act in the same way.
- b) Ensure required standards of behaviour, conduct or performance are maintained across the organisation.
- c) Provide advice and support to line managers with regard to performance management and disciplinary matters.
- d) Provide information to and liaise with the CEO about disciplinary matters.
- e) Investigate performance management and disciplinary matters, including conducting performance management and disciplinary meetings.
- f) Issue verbal and written warnings (except final written warnings).
- g) Provide employees with clear and timely clarification of Council's expectations of their behaviour, conduct or performance.

Managers / Supervisors

- a) Apply performance management and disciplinary procedures in accordance with procedural fairness, natural justice, and the directions of Directors / the CEO.
- b) Ensure required standards of behaviour, conduct or performance are maintained by employees.
- c) Provide information and liaise with their Director about performance management and disciplinary matters.
- d) Investigate performance management and disciplinary matters, including conducting performance management and disciplinary meetings.
- e) Ensure that employees have access to Council policies/procedures and the Code of Conduct and appropriate support to meet the expectations of their behaviour, conduct or performance.
- f) Provide employees with clear and timely clarification of Council's expectations of their behaviour, conduct or performance.

All employees

- a) Become familiar with and understand Council policies/procedures and the staff Code of Conduct.
- b) Ensure behaviour conduct or performance in the workplace is in accordance with Council policies/procedures and the Code of Conduct.
- c) Recognise that failure to read and understand Council policies/procedures and the Code of Conduct is not an acceptable excuse for non-compliance. Employees with specific communication needs are invited to access the appropriate interpreter services.
- d) Perform their duties to the requisite standard reasonably required by their Managers or Supervisors and in accordance with their role.
- e) Ensure their Manager or Supervisor is aware in a timely manner of any issues or concerns that may prevent them meeting the required standards.
- f) Seek clarification of expectations from their Manager or Supervisor.

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Organisational Development

- a) Provide advice on performance management and disciplinary matters.
- b) Maintain documentation regarding performance management and disciplinary matters (e.g., written warnings) on personnel files.
- c) Ensure that performance management and disciplinary policies / procedures meet legal requirements.
- d) Attend counselling / performance management / discipline meetings as required.
- e) Employee support throughout the process
- f) .

Children, young people and their families, staff and volunteers can disclose and / or report a concern regarding suspected incidences of child abuse using the Child Safety concerns report.

All reported incidents will be relayed immediately to the relevant authority and acted upon in line with the Child Safety Complaints Procedure contained within Appendix 2 of Council's Child Safety & Wellbeing Policy.

PROCESS FOR POOR PERFORMANCE AND BEHAVIOURAL ISSUES

The disciplinary process for poor performance, inappropriate behaviour, misconduct or serious misconduct may involve the following steps:

- a) Counselling
- b) Verbal warning
- c) Written warning
- d) Final written warning (CEO)
- e) Dismissal (CEO)

The process which is implemented and the action which is taken will be proportionate to the poor performance, inappropriate behaviour, or misconduct of the employee. This could result in the process being extended or truncated in any particular circumstance.

Each case will be considered on its own particular merits and the principles of procedural fairness and natural justice will be followed.

During an employee's probationary period, the application of this Policy may be varied in accordance with relevant legislation, for example, in relation to minimum notice periods for termination of employment.

Any grievances arising out of a process followed under this Policy will be referred to the Staff Grievance Resolution Policy, except where the employee's employment is terminated in line with this Policy and authorised by the CEO.

At any stage of a process followed under this Policy, the Manager People & Procurement (or their nominee) and/or the relevant Director may become involved.

If an employee does not respond to requests from Council to participate in the performance management process or an investigation process (e.g., does not attend a scheduled meeting or fails to respond to a request to reply in writing), Council may make decisions in relation to the matter, or in relation to the employee's employment, without the benefit of the employee's input.

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Serious Misconduct

Where serious misconduct has occurred, Council may, at its discretion, follow any of the following processes, which are set out in further detail below:

- a) Final Written Warning,
- b) Termination of Employment on Notice,
- c) Termination of Employment with No Notice – Summary Dismissal.

Previous Warnings

Where a written warning is being considered for misconduct or serious misconduct, previous warnings for the same or similar misconduct or serious misconduct may be taken into account in the following ways:

- a) Misconduct for which a written warning has been issued in the previous 1-year period. For the purposes of calculating this period, the 1-year period commences from the date on which the warning was issued (as documented on the letter or other documentation).
- b) Serious misconduct for which a written warning has been issued in the previous 18-month period. For the purposes of calculating this period, the previous 18-month period commences from the date on which the warning was issued (as documented on the letter or other documentation).

Progression of an employee from one level to the next within a Band is dependent upon satisfactory service over the preceding 12 months. Managers will take into account whether the employee has demonstrated satisfactory and sustained improvement in the period post the issuing of a warning when determining whether an employee will increment in that given year.

Any documentation relating to steps taken prior to and including the issuing of a Record of Counselling will not be filed on the employee's personnel file (unless the performance or behavioural problem continues, and a written warning is issued). This documentation will be confidentially stored by Organisational Development.

Documentation in relation to warnings will be placed on an employee's Personnel file.

Preparation

Steps to be followed for all procedures and meetings in relation to this Policy:

- a) Before meeting with the employee, the Director, Manager or Supervisor should do the following:
 - i. identify and document the performance, conduct and/or behavioural issue/s (refer to paragraph **Investigation** below),
 - ii. if relevant, ensure that the employee's role statement is current,
 - iii. gather all the relevant paperwork (for example, policies, complaints, statements).
- b) Discuss the issue with a representative from Organisational Development.

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- c) When arranging the meeting, advise the employee (in writing where practical) of its purpose, who will attend and that the employee may bring a support person to the meeting. A support person may include a colleague, friend, relative or a Union Delegate or Union Official, Workplace Behaviour Contact representative or OHS representative. The employee's support person (if they elect to bring one) should be someone who is not involved in the matter to which the meeting relates (e.g., a colleague who is not involved in the same instance of alleged misconduct). If the employee declines to bring a support person to the meeting, the Director, Manager or Supervisor should keep a written note of this.
- d) Organise a management representative (from Organisational Development or the relevant Director) to be present at any meeting which may result in an employee being issued with a written warning or termination of employment.
- e) If the employment of the employee may be terminated as a result of the meeting, ensure that the CEO has authorised any termination.

Investigation

- a) If a Director, Manager or Supervisor has reason to suspect that an employee has breached a Council policy, procedure, or guideline (including committing misconduct or serious misconduct) or, in appropriate circumstances where an employee's performance is poor, the Director, Manager or Supervisor may investigate the behaviour, conduct or performance to determine if disciplinary action is warranted.
- b) During the investigation, an employee suspected of misconduct or serious misconduct may, at the absolute discretion of the Director, Manager or Supervisor, be moved to another department within Council or (in serious cases), suspended with pay (with the approval of the relevant Director and Manager People & Procurement Services). Such an investigation may include, but is not limited to, the following:
 - i. interviewing the person making the allegation of a breach of Council policy, procedure, or guideline (including misconduct or serious misconduct) or, of poor performance by an employee, to ascertain all the relevant circumstances and obtain a statement.
 - ii. interviewing any witnesses/persons with information about the alleged inappropriate behaviour, misconduct, or poor performance (always with another management representative) and requesting that they provide a statement in writing.
 - iii. interviewing the employee against whom the allegation is made; and/or
 - iv. reviewing any relevant documentation or records.

Any person interviewed in relation to the alleged conduct should be advised that the person against whom the allegations are made will be provided with details about the allegations so that they are able to respond.

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- c) Once the Director, Manager or Supervisor has sufficient information regarding the allegations, the allegations should be put to the employee who is the subject of the investigation in sufficient detail (for example, times, dates, conduct, specific deficiencies in work performance and so on) so that the employee is able to respond meaningfully.
- d) The Director, Manager or Supervisor should consider the response (if any) provided by the employee alleged to have committed the misconduct or serious misconduct. If appropriate, the Director, Manager or Supervisor may conduct further investigations.
- e) If, at the conclusion of the investigation process the Director, Manager or Supervisor is satisfied on the balance of probabilities that the employee has committed any misconduct or serious misconduct, the Director, Manager or Supervisor, in consultation with Organisational Development, may elect to implement any of the disciplinary processes set out in this Policy.
- f) Nothing in this Policy will prevent Council, at its, absolute discretion, from requesting that a formal investigation, involving a third party external to Council, take place in relation to the alleged misconduct or serious misconduct. An external investigator (including one from an investigating firm) must be an impartial and suitably skilled person with experience in the conduct of investigations of this type.

If any person wishes to record a meeting taking place under this Policy, other than in writing, then every participant at the meeting must give prior consent to be recorded and this be captured on that recording at its commencement. Council does not intend to record meetings other than in writing.

Counselling

For less serious performance, behaviour or conduct issues, counselling may be appropriate.

When arranging the meeting advise the employee (in writing where practical) of its purpose, who will attend and that the employee may bring a support person (which may include a union representative) to the meeting.

If the employee declines to bring a support person, the Director, Manager or Supervisor should keep a written note of this.

The employee's support person (if they elect to bring one) should be someone who is not involved in the matter to which the meeting relates (e.g., a colleague who is not involved in the same instance of alleged inappropriate behaviour or misconduct).

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The following procedure should be followed by the Director, Manager or Supervisor:

- a) Explain to the employee that the aim of the meeting or counselling session is to bring the performance issue or behavioural problem to their attention and allow them to rectify the problem. This will include outlining the concerns and seeking the employee's response.
- b) Advise the standard of work or behaviour expected of the employee.
- c) Investigate the possible reasons for the employee's performance, conduct or behaviour issues. Ask the employee if there are any reasons within or outside of the workplace that may be contributing to the problem.
- d) If the issue is one of poor performance:
 - i. Review, discuss, and confirm expectations of the essential functions of their role and standards of work performance required,
 - ii. Acknowledge strengths and achievements as appropriate,
 - iii. Confirm areas needing improvement and establish agreement on improvement approaches,
 - iv. Identify areas in which education, training, coaching, support or other development opportunities may be needed,
 - v. Develop a meaningful Performance Improvement Plan with clear expectations and timeframes (see Attachment A as a sample).
- e) On some occasions during these meetings, it can become apparent that either party needs to produce documents, witnesses, or other materials relevant to the discussion. In such cases, the meeting should be adjourned to an agreed date to facilitate production of the required documents or materials.
- f) Establish a review date within a reasonable period of time. Factors such as the complexity of the job, the length of time the employee has been in their role, and the experience of the employee need to be considered when determining an appropriate time frame.
- g) Review progress against established performance objectives. Establish further review meetings on a regular basis e.g., weekly, fortnightly, or monthly. However, ensure feedback is provided on an ongoing basis and in a timely manner.
- h) Inform the employee that if the poor performance does not improve, or the misconduct is repeated, Council will continue the disciplinary process, and that the outcome of the process may, in cases of serious or repeated misconduct or ongoing poor performance, result in the termination of their employment.
- i) Complete documentation for example a 'Record of Meeting / Counselling' (see Attachment B as a sample), including a record of the comments and explanations offered by the employee and the agreed improvements. The documentation should be as comprehensive as possible.
- j) Ensure the employee understands the objectives and signs off, if they agree, on the Record of Counselling. Where the employee does not agree to sign, this will be recorded on the form, including any reasons provided. Provide the employee with a copy. (The Record of Counselling will not be filed on the employee's personnel file unless the performance or behavioural problem continues, and a written warning is issued).

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Written Warning

If the behaviour or conduct of the employee has not improved to the required standard, or for more serious incidents or poor performance, the steps below should be followed by the Director, Manager or Supervisor:

- a) Inform the employee of the misconduct, referring to Council's Code of Conduct, policies, and procedures as appropriate, and/or the poor performance,
- b) Give the employee an opportunity to respond and invite their input,
- c) On some occasions during these meetings, it can become apparent that either party needs to produce documents, witnesses, or other materials relevant to the discussion. In such cases the meeting should be adjourned to an agreed date to facilitate production of the required documents or materials,
- d) Either at the conclusion of the meeting or as soon as possible after the meeting, the Director, Manager or Supervisor will advise the employee what, if any, disciplinary action is to be taken,
- e) If the Director, Manager or Supervisor requires additional time to decide on the form of disciplinary action to be taken or to conduct any additional investigations that they, in their absolute discretion, considers appropriate, the employee will be advised as soon as possible of the Director, Manager or Supervisor's decision,
- f) If the issue is one of performance, it may be appropriate to develop a Performance Improvement Plan (if this has not already been done) (see Attachment A as a sample). Set an appropriate timeframe and review date for the required improvement,
- g) Inform the employee that if the poor performance does not improve, or the misconduct is repeated, Council will continue the disciplinary process and that the outcome of the process may, in cases of serious or repeated misconduct or ongoing poor performance, result in the termination of their employment,
- h) Establish a review date within a reasonable period of time and review progress against established performance objectives. Factors such as the complexity of the job, the length of time the employee has been in their role, and the experience of the employee need to be considered when determining an appropriate timeframe.
- i) Establish further review meetings on a regular basis e.g., weekly, fortnightly, or monthly. However, ensure feedback is provided on an ongoing basis,
- j) Take comprehensive notes (or have a note taker present) during the meeting that may be relied upon to develop a summary of the meeting. A copy of the summary of the meeting may be provided to the employee for comment to ensure it is an accurate reflection of the meeting (see Attachment C as a sample). Should an employee seek for Council to consider any notes they have taken in relation to the matters, they should provide these at this time to enable them to be kept on file with any notes made by Council,
- k) Keep a written note if the employee refuses to confirm the meeting notes including any comments provided by the employee in regard to the meeting notes.

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After the meeting:

- l) Provide Organisational Development with a copy of the meeting notes and / or summary of meeting. If a written warning is to be issued to the employee, ask Organisational Development to prepare the written warning,
- m) The relevant Director or Manager is to sign the written warning. A copy is provided to the employee and to Organisational Development for the employee's personnel file,
- n) Monitor the employee (in accordance with the Performance Improvement Plan) to keep track of their performance, behaviour or conduct,
- o) If the performance or conduct of the employee has not improved to the required standard by the agreed time, repeat Written Warning steps a) through d) above, or depending on the seriousness of the matter, go to Final Written Warning (CEO) or Termination of Employment on Notice (CEO) below.

Final Written Warning

Where the performance, behaviour or conduct of the employee has not improved to the required standard by the agreed time, or where initial incidents of poor performance, inappropriate behaviour or misconduct are serious, a Final Written Warning may be issued. The relevant manager must prepare a briefing document to their Director who will in turn brief the CEO. If the CEO determines that a final written warning will be issued, Organisational Development will prepare the final written warning letter for the CEO to sign.

Termination of Employment on Notice

The relevant Director **must** contact Organisational Development for advice if it is proposed to terminate the employee's employment.

Where an employee's performance, behaviour, or conduct has not improved to the required standard by the agreed time, following appropriate warning/s or where initial incidents of poor performance, inappropriate behaviour or misconduct are very serious, Council must determine if dismissal is the appropriate action. This decision will be made by the CEO following careful consideration of all relevant circumstances.

Upon the CEO determining termination of employment is warranted, the relevant Director or delegated Manager must:

- a) First determine if it is appropriate to suspend the employee with pay until the following process has been completed. This may be the most appropriate arrangement for the employee so that they can focus upon obtaining support to prepare and present their responses throughout the following process.
- b) Provide a formal opportunity for the employee to 'show cause', i.e., set out grounds as to why their employment should not be terminated (either by attending a meeting or by responding in writing).

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- c) If the employee is away from the workplace, notification of the requirement to 'show cause' may be by letter sent by courier, registered mail or similar to the employee's last known home address. Where appropriate this may also include a private email address of the employee. This letter must contain the following,
 - i. advice of the CEO's decision,
 - ii. reasons for that decision; and
 - iii. an offer for the employee to attend a meeting or provide a written response setting out grounds as to why their employment should not be terminated.
- d) The employee may be given up to 5 working days notification of the meeting or to provide such reasons in writing,
- e) The employee may bring a support person (which may include Union representative) to the meeting. As set out above, the employee's support person (if they elect to bring one) should be someone who is not involved in the matter to which the meeting relates (e.g., a colleague who is not involved in the same instance of alleged misconduct). If the employee declines representation, a written note should be made of this.
- f) At the meeting the employee will be given an opportunity to respond and offer any reasons why their employment should not be terminated.
- g) If the employee fails to attend the meeting or does not respond in writing, then a decision may be made without the benefit of the employee's response.
- h) If the employee provides information that is relevant to the matter, then the decision to terminate employment may be delayed whilst this information is considered.
- i) The CEO must consider any information put forward by the employee prior to making a final decision in relation to the proposed termination.
- j) If the decision of the CEO is that the employee's employment should be terminated, the decision should be communicated to the employee and confirmed in writing, including the reasons for this decision, as soon as practicable. Termination must be on the period of notice (or payment in lieu) required by law,
- k) An employees should be advised of a decision to terminate their employment in person and/or in writing, rather than by telephone (including SMS) or email, except where this is unavoidable (e.g., where an employee is otherwise uncontactable, and the employee's last known address is known to no longer be current).

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Termination of Employment with No Notice – Summary Dismissal

Acts of serious misconduct may lead directly to a first and final warning or, depending on the circumstances, in some cases to summary dismissal (i.e., termination of employment without notice or payment in lieu). In some situations, it may be appropriate to terminate the employee's employment without prior warnings or giving notice (i.e., summary dismissal).

In the event of serious misconduct, the following procedure should be followed by the Director, Manager or Supervisor:

- a) Advise the relevant Manager and / or Director about the serious misconduct.
- b) If considered appropriate, suspend the employee with pay pending investigation. Approval by the relevant Director and Manager People & Procurement is required.
- c) Undertake a thorough investigation, as set out above.
- d) Conduct an interview with the employee (always have another management representative present).
- e) Clarify the allegation of serious misconduct and take detailed notes of the employee's response.
- f) If the Director, Manager or Supervisor requires additional time to decide on the form of disciplinary action to be taken or to conduct any additional investigations that they, in their absolute discretion, considers appropriate, the employee will be advised as soon as possible of the Director, Manager or Supervisor's decision.
- g) After the interview, the Director, Manager or Supervisor will compile meeting notes. A summary of the meeting and / or the responses provided by the employee may be provided to the employee for comment to ensure they are an accurate reflection of the meeting. Should an employee seek for Council to consider any notes they have taken in relation to the matters, they should provide these at this time to enable them to be kept on file with any notes made by Council.
- h) If the allegation is found to be substantiated, the Director, Manager or Supervisor will advise the employee that all the relevant information will be submitted to the CEO for consideration. If termination is being considered, the Director, Manager or Supervisor will invite the employee to show cause why they should not be dismissed. The steps followed will be the same as those outlined above in Termination of Employment on Notice (but may not include the provision of notice or payment in lieu of notice).
- i) The CEO will then decide the appropriate action to be taken. If the employee's employment is to be terminated for serious misconduct, then the employee will not be entitled to any notice of termination.

If the serious misconduct involves possible or suspected criminal activity, the matter must be referred to the Director or relevant Manager People & Procurement Services, who will seek advice from the CEO about the involvement of police or other appropriate authorities.

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CONFIDENTIALITY

Where a disciplinary process is being undertaken, all parties involved are to keep the details of any investigation into allegations of misconduct or any process undertaken under this Policy confidential. Any disclosure must only be where reasonably necessary for the purposes of further investigation or action in accordance with this Policy.

Where disclosure is necessary, the person to whom information is disclosed is to be made aware of the need to keep details of the process confidential.

A breach of confidentiality is considered serious. Any party inappropriately disclosing confidential information may be subject to disciplinary proceeding which may include termination of employment.

QUESTIONS ABOUT THIS POLICY

Any questions in relation to the application to this Policy should be directed to Organisational Development on 9239 5136.

7. Related Documents

- Staff Code of Conduct
- Child Safety & Wellbeing Policy
- Appropriate Workplace Behaviours Policy
- Workplace Complaints Resolution Policy & Procedure
- Staff Grievance Resolution Policy
- COS 0047 Prevention of Bullying & Violence in the Workplace
- COS 0001 Occupational Health & Safety Policy
- Relevant documents such as Business Unit specific procedures or manuals
- Greater Dandenong City Council Enterprise Bargaining Agreement (applying at the time)
- Victorian Local Authorities Award 2001 and other relevant Awards
- Staff Role Statements
- Summary of Expectations / Performance Improvement Plan form [Attachment A - see attached]
- Record of Meeting / Counselling form [Attachment B see attached]
- Summary of Allegations and Employee Responses [Attachment C – see attached]

SUMMARY OF EXPECTATIONS / PERFORMANCE IMPROVEMENT PLAN

Attachment A

Employee Name		Manager / Supervisor	
Other Attendees:		Date/Time of Meeting or Period of Review	

Area	Summary of Expectations	Comment / Progress to date	Due Date
	-		
	-		
	-		

SUPPORT AND ACTIONS

Item	Action	Who	Date

REVIEW

The next meeting to review progress is planned for

Date & Time:

Location :

A representative from Organisational Development will be invited to attend this meeting and you are offered the opportunity to bring a support person. A support person may include a colleague, friend, relative or a union, Workplace Behaviour Contact representative or OHS representative.

Managers Name		Signature		Date:	
Employee Name		Signature		Date:	

RECORD OF MEETING / COUNSELLING

Attachment B

Employee Name	[Name] – [Title]
Manager/Supervisor Name	[Name] – [Title]
Date, Time & Location	
Present	[Name] – Organisational Development [Name] - Support Person [or] Employee confirmed they have elected not to bring a support person.

Details of poor performance and/or misconduct or serious misconduct discussed with employee (note specific areas of weakness or incidents)		
Concern		Policy / Code of Conduct
1.		[Code of Conduct] [Policy Name] ▪ Section or Clause
2.		[Code of Conduct] [Policy Name] ▪ Section or Clause
3.		[Code of Conduct] [Policy Name] ▪ Section or Clause

The employee's response to the issue(s)	
1.	
2.	
3.	

RECORD OF MEETING / COUNSELLING

The employee acknowledges the problem(s) YES / NO

[Insert relevant details].

Comments

[Insert relevant details or delete if not appropriate].

The following outlines Council's expectations in the future

[Insert Expectations]

The following was agreed as the action to take to remedy the problem (detail specific actions, responsibilities and timeframes):

Action	Who	When

Signature of Manager		Date	
Signature of Employee		Date	

SUMMARY OF ALLEGATIONS AND EMPLOYEE RESPONSES

Attachment C

Employee Name		Manager / Supervisor	
Other Attendees:		Date of Meeting	

Allegation / Area of Concern	Your response / explanation

Managers / Supervisors Name		Signature		Date:	
Employee Name		Signature		Date:	

ADDITIONAL NOTES / COMMENTS

Date:	
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End of table