

# Mawson Lakes School - OSHC

## Policy Statement on Staff Discipline

*(Includes Procedure for Managing Poor Work Performance and Misconduct)*

*The Mawson Lakes School OSHC Service aims to achieve high standards of conduct and professional behaviour. We encourage and support staff to maintain these standards by fostering self discipline and commitment to high quality care and good working relationships.*

### **HOW POLICY WILL BE IMPLEMENTED (specific policies and procedures)**

- Definition - staff discipline refers to the personal behaviour and conduct of educators.
- Educators need to understand the conduct expected of them. *The Policy Statement on Code of Conduct* is provided to each new educator, discussed with her/him by the Director/Nominated Supervisor, and a copy kept in an accessible place for all staff.
- Where it appears that educators are unsure about the conduct expected of them, the Director/Nominated Supervisor will clarify this either personally or at a staff meeting.
- Where a breach is reported or observed the disciplinary procedures should be used according to the following principles:
  - In general, minor breaches of conduct should be handled informally by the Director/Nominated Supervisor, before formal procedures are used.
  - The incident should be investigated to establish if a breach actually did occur.
  - If so, the expectations of the Service should be clarified to make sure that the educator understands her/his responsibilities.
  - The educator should be given guidance and the chance to improve.
  - Where her/his behaviour improves to the required level no further action should be taken.
- Where the disciplinary procedures fail to achieve the standard of behaviour expected of an educator (as per the *The Policy Statement on Code of Conduct*), that employee may, as a last resort, be given a written warning or dismissal.
- Where after investigation and interview a staff member is found guilty of gross misconduct, being serious and wilful misconduct, s/he may be summarily dismissed.
- A decision to dismiss an employee will be made by the management body, based on full information from those involved in the disciplinary procedure.
- A staff member undergoing disciplinary procedures will be informed from the beginning of her/his rights which will include

- a right of appeal to the management body
- a right to assistance from another person of her/his choice.
- Formal procedures must be clearly documented, with the documentation being kept securely and confidentially.
- All members of staff or the management body involved in a disciplinary process shall keep all information about the process confidential.

## **Procedure for Managing Poor Work Performance and Misconduct**

### **1- Verbal Warning**

- An employee will be verbally informed as soon as possible of any complaint concerning their work performance or conduct and given the opportunity to respond to the concerns expressed and changes required.
- An informal, un-minuted interview will be held, attended by the employee and one or more of the following persons- nominated supervisor/coordinator; approved provider/employee representative. (Although un-minuted, a record should be made that the meeting took place).
- Complaints about the employee's work or conduct will be specific and relate to the job as summarised in the job description. The employee will be asked to respond to each concern. If their response is satisfactory the discussion will end. If their response is unsatisfactory, they will be told that their response fails to justify their conduct and an outline will be given to the employee on how they must improve their performance and a review period set for 1-4 weeks depending on the particular circumstances.
- Any support or training that the employee requires to make the required changes will be identified and appropriate steps made to implement.

### **2- Written Warning**

- If the employee's performance has not improved the employee will be advised with reasonable notice of the date, time and reason of the second interview, which will be a formal documented interview. This will allow for the employee to arrange attendance by their chosen representative if desired.
- A formal documented interview will be attended by the employee and their chosen representative, and one or more of the following persons - nominated supervisor/coordinator; approved provider/employee representative. A copy of the

record of the interview and written warning will be provided to the employee and one placed in the employee's file.

- The written warning will include:
  - Specific details of the employee's conduct or unacceptable performance standards
  - Action that will be taken if the conduct is not improved and acceptable standards not achieved.
  - The date at which the performance will be reviewed
- If the employee disagrees with the assessment then there will be a right of written reply which will also be attached to the file.

### **3- Final Written Warning**

- The nominated supervisor/coordinator; approved provider/employee representative may conduct a second formal documented interview with the employee in which another written warning will be given that continuing failure to improve after this interview will result in suspension and dismissal.
- All other procedures as set out in Stage 2 will be followed.

### **4- Termination of Employment**

- If the interviewing panel believe that the employee's performance has not improved after the Stage 3 interview, the employee will be invited to explain why they should not be dismissed, and to raise any issues that may warrant consideration. The interviewing panel will then decide whether to recommend to the approved provider that:
  - Alternative employment is available and should be offered. If the employee does not accept then the approved provider may issue a notice of dismissal. If the employee accepts, a new contract is issued "without loss of service"; or
  - Employment should be terminated.
- A dismissal notice will include the effective date of dismissal, reason for dismissal and termination of payment as per award entitlement. The length of notice of dismissal, detailed in the relevant award, is usually two weeks. An employee may be paid out in lieu of such notice.
- Prior to giving a dismissal notice the approved provider will conduct an unfair dismissal check to ensure the employee is not being dismissed in a manner that is harsh, unjust or unreasonable.