



Disciplinary Policy

Authorisation	DSCC Management Committee
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Approved Date	26/4/2022
Relevant Documents	Code of Conduct Policy, Workplace Behaviours Policy, Grievance Policy

Purpose

This policy intends to help employees achieve the desired performance or to improve their conduct to acceptable standards. This policy aims to ensure that a fair and reasonable process is undertaken to address unacceptable conduct or performance of employees in a timely and appropriate manner.

Scope

This policy applies to all employees, contractors and volunteers of DSCC at all times without exception.

Policy

Disciplinary procedures should be used when an employee is involved in unacceptable conduct, unsatisfactory work performance or when an employee is incapable of fulfilling duties to the required standard.

When reviewing an employee's performance or conduct, there are two avenues Dawson Street Children's Co-operative (DSCC) may wish to take based on the severity of the unacceptable behaviours - **informal** and **formal**.

INFORMAL – Counselling

Informal counselling and/or face-to-face feedback will normally occur when, in the Director's or Assistant Director's opinion, formal disciplinary action is not appropriate.

Where it is established during the informal discussion that the behaviour expectations have not been met, feedback given should be constructive and delivered to encourage the employee to achieve and maintain expected behaviour/performance standards.

After the informal counselling session, the Director or Assistant Director will keep a file note of the discussion and where appropriate, plan a subsequent discussion with the employee to review the behaviour or performance.

FORMAL – Counselling

When a situation is identified that requires a counselling intervention to discuss issues relating to performance or conduct, actions should be taken immediately to address the situation.

The initial action should be to ensure the Director or Assistant Director has all the relevant information and they shall maintain the employee's dignity at all times with the stated goal of attempting to change the employee's behaviour and performance that is required by DSCC.

The employee shall be given adequate time, training and guidance to alter their behaviour and performance. If the employees' behaviour or performance has not improved or changed, the Director or Assistant Director may undertake the formal disciplinary process. Prior approval is required from the DSCC Management Committee before undertaking a formal disciplinary process.

A Counselling File Note Form should be used during this conversation for both the Director or Assistant Director and employee to sign at the end of the conversation.

FORMAL – Disciplinary

Disciplinary procedures involve a formal mechanism which is consistent and generally proceeds through stages which may lead up to and/or include termination of employment.

An employee should be disciplined where preliminary counselling and early intervention has not achieved the desired result or counselling is deemed inappropriate.

Procedural Fairness

The principles of procedural fairness apply during any formal disciplinary action. The principles require DSCC to:

- Fully inform an employee of any allegation/s made against them.
- Allow the employee the opportunity to bring with them a support person.
- Give the employee an opportunity to state their case, provide an explanation or put forward a defence.
- Ensure that a proper investigation of any allegation occurs, that all parties are heard and relevant submissions considered.
- Ensure that decision makers act fairly and without bias.

Unsatisfactory Conduct and Performance Definition

All employees are expected to adhere to the Disciplinary Policy while at work, which ensures that they are conducting themselves appropriately and are being treated fairly by each other.

Disciplinary actions may occur if any employee is found to have acted in any of the following examples. This includes, but is not limited to:

- a breach of the Code of Conduct Policy.
- persistent absenteeism and/or lateness.
- unsatisfactory standards or output of work.
- unsatisfactory treatment or care of a child or children.

- failure to devote the whole of their time, attention and abilities to DSCC and/or the children during normal working hours.
- failure to carry out all reasonable instructions or follow DSCC rules and procedures.
- rudeness towards families, children, members of the public and/or colleagues, objectionable or insulting behaviour, harassment, bullying or bad language.
- unauthorised use or negligent damage or loss of our property.
- failure to report immediately any damage to property or premises caused by the employee.

Serious Misconduct Definition

Occurrences of serious misconduct are significant because the penalty may be termination without notice, even without any previous warning being issued. Examples of serious and wilful misconduct include but are not limited to:

- theft or fraud.
- physical violence or bullying.
- deliberate damage to property.
- child endangerment.
- deliberate acts of unlawful discrimination or harassment.
- possession, or being under the influence, of illegal drugs or alcohol at work.

PROCEDURE

Formal Counselling Procedure

When counselling is required, the Director must follow the below procedure. All counselling notes will remain on file for 12 months.

1. Arrange for a private location to hold the meeting during the employees' work hours. This meeting will include the Director and either a Management Committee Representative or the Team Leader or another person delegated by the Management Committee.
2. Advise the employee that they may be assisted or represented by a support person of the employee's choice from the workplace. This may include a colleague, employee representative or other nominated representative.
3. Gather all relevant information including the counselling file note form, relevant policies and procedures that relate to the performance or conduct issue that needs to be raised with the employee.
4. Explain clearly to the employee the details of the performance or conduct issue and the purpose of the meeting, being to address the issue with the view to improving the performance or conduct of the employee.
5. Ensure that relevant policies, procedures and expected standards of performance or conduct of the employee are clearly communicated including the possible consequences of failing to improve the performance or conduct such as possible disciplinary action, impact of continued conduct or performance issues on fellow employees.
6. During the counselling meeting, DSCC representatives and the employee should listen to, and carefully consider, the views, reasoning and explanations provided to them by the other party.

7. All parties will discuss and agree on how DSCC will assist the employee in meeting these expectations which may include (but not limited to) one or more of the following:
 - education and training
 - policy and procedure revision/acknowledgement
 - supervision/monitoring/mentoring by a more senior member of staff
 - requirement to attend staff meetings
 - regular meetings with the Director or Assistant Director to discuss their progress and work through any workplace issues affecting the employee's ability to meet the required standard.
8. Advise all parties that the matters discussed during the meeting are to remain mutually confidential.
9. The session must be accurately documented on a Counselling File Note. Employees are encouraged to sign Counselling File Note.
10. Copies of the Counselling File Note may be given to the employee and recorded on the employee's personnel file.

Formal Disciplinary Procedure

When disciplinary actions are required, the Director or Assistant Director must seek prior approval from the Management Committee before following the below procedure. All disciplinary warnings and outcomes will remain on file for 12 months.

1. Identify the issue and gather factual information of the employee's unsatisfactory performance or conduct in a timely manner.
2. Where the circumstances of the issue are so grave that there is risk to the children, families, colleagues or property, the decision may be made to suspend the employee from the service.
3. Provide a written letter to the employee to discuss the performance/conduct issue. The employee is invited to bring a support person or union representative to the meeting, should they wish to do so.
4. Conduct the meeting and obtain the employee's response. The meeting will be recorded in writing by the Director or Assistant Director and/or a Management Committee Representative and a copy should be provided to the employee.
5. During the disciplinary meeting, both DSCC representatives and the employee should listen to and carefully consider the views, reasoning and explanations provided to them by the other party.
6. The Director and Management Committee will consider the employee's response to the allegations and will determine an appropriate outcome. This may result in one of the following:
 - *Written Warning* (First Written Warning, Second Written Warning and Third Written Warning.)
 - *First and Final Warning* (Where an allegation of serious misconduct is proven and all DSCC representatives, having considered all the circumstances, do not wish to terminate the employee's employment and it is deemed appropriate that this be issued.)
 - *Termination of employment*

- *Summary Dismissal* (Termination of employment as a result of serious misconduct)
 - *Counselling File Note* (allegation was not deemed as serious as originally expected, however, there were still substantiated matters concerning the employee's conduct or performance)
 - *Withholding Salary Increment Letter* (allegation was not deemed as serious as originally expected, however, there were still substantiated matters concerning the employee's conduct or performance)
 - *No outcome* (allegation was false or was unproven. A note to that effect will be made on the employee's personal file.)
7. The Director and/or the Management Committee will deliver the outcome to the employee, set a timeframe for a review of the performance, outline the potential consequences of not meeting the require standards of conduct or performance and discuss remedial measures (if applicable) such as, but not limited to:
- education and training
 - policy and procedure revision/acknowledgement
 - supervision/ monitoring/mentoring by a more senior member of staff
 - requirement to attend regular meetings
 - regular meetings with the Director or Assistant Director to discuss progress and work through any workplace issues affecting the employee's ability to meet the required standard.
8. Monitor the employees' progress.

If a period of twelve months elapses without an employee receiving any further warnings, all reports, counselling notes or written warnings will be removed from the employee's personal file.

Policy Review

This policy will be regularly reviewed by Dawson Street Children's Co-operative and any necessary changes will be implemented by the Management Committee.