

Disciplinary Policy

1. Purpose

Greystanes Disability Services objectives in the Disciplinary Policy are to:

- Correct and/or improve the standard of conduct of an employee where appropriate or necessary
- Provide any particular employee with an opportunity to correct unacceptable conduct (other than in situations where dismissal is appropriate)
- Ensure that all employees are treated fairly, equally and consistently; and
- Ensure that each situation is reviewed and addressed on an individual basis and in relation to the particular circumstances

2. Scope

This policy applies to all employees of Greystanes Disability Services. The operation of this policy is not limited to the workplace or work hours. This policy extends to all functions and places that are work-related or out of work conduct of the employee that may impact Greystanes Disability Services. This policy also applies when employees go to other places in connection with work, for example, external work functions, social activities, site visits, conferences and offsite activities.

In circumstances where an employee's behaviour or conduct may involve a breach of any Australian law, Greystanes Disability Services may notify the police or other relevant government authority.

3. Grounds for disciplinary action

An employee may be the subject of disciplinary action for matters relating to their performance, capacity or conduct, including (but not limited to) the following:

- Unsatisfactory performance
- Unacceptable conduct
- Wilful or serious misconduct



Serious Misconduct

Serious misconduct includes:

- wilful, or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment.
- conduct that causes serious and imminent risk to:
 - the health or safety of a person.
 - the reputation, viability or profitability of Greystanes Disability Services business.
- Serious misconduct may result in summary dismissal. Summary dismissal means dismissal without notice.
- Examples of serious misconduct include, but are not limited to any of the following:
 - Fraud.
 - Theft.
 - Assault.
 - the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.
 - the employee being intoxicated at work.

4. Disciplinary Procedure

The procedures outlined below are intended as a GUIDE ONLY to the disciplinary procedures which may be implemented by Greystanes Disability Services. In every case, the actual disciplinary procedure to be adopted will be a matter for the individual manager or team leader's discretion and in consideration of the circumstances of the case as a whole. Nothing in this Policy prevents Greystanes Disability Services from issuing a final warning at any stage of the process. Similarly, if the circumstances warrant, nothing in this Policy prevents Greystanes Disability Services from dismissing an employee at any stage of the procedure, for example in circumstances involving wilful or serious misconduct by an employee. Team Leaders should consult with the Senior Leadership Team before commencing any disciplinary procedures.

Investigation

Depending on the circumstances it may be necessary to conduct an investigation into the incident and/or allegations. This may involve collecting relevant data and interviewing relevant witnesses, such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact. Greystanes Disability Services will endeavour to investigate all allegations of unsatisfactory performance, unacceptable conduct, or wilful or serious misconduct by an employee fairly and promptly.

Greystanes Disability Services believes that following an allegation of unacceptable behaviour it would be inappropriate for an employee to remain at work, Greystanes Disability Services



may suspend the employee from duty on ordinary pay pending completion of an investigation. In such circumstances, the employee will be informed in writing of the conditions of the suspension at the time of the suspension.

Disciplinary interview

If on the basis of the investigation, Greystanes Disability Services believes that there is a case to be answered by the employee, the employee may be asked to attend a meeting to discuss the issue(s) of concern.

The following procedure will generally be followed:

- a) The employee will be given advance notice of the meeting and what will be discussed at the meeting.
- b) The employee will be given a reasonable opportunity to have a support person present at the meeting.
- c) At the meeting the issue(s) of concern or allegations will be put to the employee, including any evidence upon which those concerns or allegations are based.
- d) The employee will be given an adequate opportunity to respond to the concerns or allegations.
- e) The manager will consider the employee's response and make any further enquires or investigations that may be necessary.
- f) After making any further enquiries or investigations which may be necessary and after consideration of the response or explanation of the employee, the manager/supervisor will determine whether the concern(s) or allegations have been proven.
- g) If it is determined that all or some of the concerns or allegations are proven and after consideration of:
 - I. the seriousness of the poor performance/misconduct;
 - II. the response or explanation given by the employee;
 - III. the employee's employment history and record; andwhether there are appropriate and reasonable alternatives to termination, the manager/team leader will make a decision on what, if any, disciplinary action is appropriate.

4.1

Disciplinary Action

This Policy outlines a number of formal and informal ways of dealing with employees whose performance, capacity or conduct is unsatisfactory or otherwise unacceptable. The disciplinary action taken will vary from case to case, depending upon all 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.



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

Informal Disciplinary Action

Examples of informal disciplinary action which may be taken by Greystanes Disability Services include, but are not limited to, the following:

- redirection, retraining;
- reorganisation/redeployment; and
- counselling.

Informal disciplinary action is not appropriate where the employee's conduct amounts to wilful or serious misconduct.

Formal Disciplinary Action

Examples of formal disciplinary action which may be taken by Greystanes Disability Services include, but are not limited to, the following:

- verbal warning/counselling;
- written warning;
- dismissal, including summary dismissal.

Nature of Warnings

When a warning is issued, the person issuing the warning may outline:

- the nature of the employee unsatisfactory conduct or performance.
- the improvement in the standard of performance or conduct required and if applicable the date the improvement must be achieved by.
- the consequences of not achieving Greystanes Disability Services expectations.

If an employee is issued with a verbal warning, a file note of the verbal warning, including a record of the issues discussed, attendees, and outcomes, should be completed by Greystanes Disability Services and placed on the employee personnel file.

If an employee is issued with a written warning, the employee will be provided with a copy and a copy will be placed on the employee personnel file.

Termination

If the decision is made to terminate the employee's contract of employment with Greystanes Disability Services, the employee will be given:



- (i) save in circumstances of serious and wilful misconduct, notice of the termination of his/her employment or payment in lieu of notice;
- (ii) payment of all accrued entitlements;
- (iii) payment of any outstanding entitlements;
- (iv) a Separation Certificate; and
- (v) a Statement of Service, if one is requested. On termination, the employee must immediately return all Greystanes Disability Services property in the employee's possession or control to Greystanes Disability Services.

DOCUMENTATION

Managers/team leaders should make notes of all discussions and actions which occur when they counsel an employee in relation to unsatisfactory performance or unacceptable conduct. In addition, managers/team leaders should make notes of all their actions and discussions with an employee before and during the disciplinary process.

If disciplinary action is taken against an employee, a file note should be placed on the employee's personnel file containing a summary of the nature of the allegations, the outcome of any investigation undertaken, and the disciplinary action taken. A file note should also be made of any conversations or meetings with the employee.

The employee should be asked to sign the file note as an acknowledgement that they understand and agree to its contents. If the employee refuses to sign the file note, this should also be recorded on the file note along with the reason for the employee's objection if this is provided.

4.2 Copies of warning letters should also be placed on the employee's personnel file.

4.3

Application of this policy

If any part of this policy is contrary to law or an industrial instrument, the law or industrial instrument will apply to the extent of the inconsistency.

This policy is subject to review by us and may be changed or revoked at any time.

If an employee has a valid reason for not complying with this policy, they should contact management so management can consider whether to grant an exception.



4.4 Contact People	1) HR Contact 2) Email: hr@greystanes.org.au
4.5 Version Number	3) 1.0
4.6 Review Details	4) This policy is effective from 29 th November 2024 5) This policy was last updated on 29 th November 2024