



# Disciplinary & Termination Policy and Guidelines

## Current Version

<b>Service Area</b>	Disability, Aged, Community	<b>Version</b>	1.1
<b>Process Owner</b>	Governance Lead   CEO   COO	<b>Date of Issue</b>	May 2023
<b>Approved by</b>	Chief Executive Officer	<b>Review</b>	May 2025

## Modification History

Version	Date	Author	Approved by	Description of change
1.0	5/2018	Natashia Telfer	Employsure	Broaden coverage across community
1.1	5/2020	Natashia Telfer	CEO	No-show to critic service

## In conjunction with:

- All National Policies
- Code of Conduct
- Employment Contracts

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## Discipline Policy

### **POLICY STATEMENT**

National promotes high standards of behaviour and conduct for all employees and takes appropriate corrective action where those standards are not met. National believes that to promote good employee relations it is necessary to demonstrate that employees will be treated fairly, reasonably, promptly, impartially and consistently in matters relating to discipline.

### **SCOPE**

This policy applies to all employees of National.

### **POLICY**

In managing instances of unsatisfactory work performance, misconduct or serious misconduct, the principles of natural justice will underpin all actions undertaken by National.

National will liaise appropriately with Employment Advisory: Employsure on the most appropriate action in navigating disciplinary meetings to ensure a non-bias approach from National management members.

- All parties have the right to be heard and judged without bias.
- All issues are investigated thoroughly and justly.
- The standards of conduct or job performance required will be made clear to the employee by documentation or during interviews.
- The employee will be made aware of the likely next steps in the event that satisfactory performance or conduct is not maintained.
- The employee will be afforded the right to be accompanied at discussions or interviews at any level of the discipline process.
- When a complaint about performance or conduct is brought to National's attention by a third party, the substance of the complaint will be verified before any action is taken on the matter.
- Where an employee is identified as not performing to an acceptable standard, the employee will be placed on Unsatisfactory Work Performance. This identification can occur as part of a Performance Review process or as another process.

### ***Procedural Matters***

Degrees of discipline are generally progressive and are used to ensure that employees have the opportunity to correct performance. There is no set standard of how many verbal warnings must be given prior to a written warning or how many written warnings must precede termination. Any step or steps of the disciplinary process may be skipped at the discretion of National after investigation and analysis of the total situation, past practice and circumstances.

Factors which will be considered are:

- the number of different offences involved



- the seriousness of the offence
- the time interval and response to prior disciplinary action(s)
- Previous work history.

National requires employees to carry out their roles and responsibilities in accordance with the relevant legislation, National's Code of Conduct and policies and procedures.

Where an act or omission of an employee relates to misconduct or poor performance (except in cases of serious misconduct where summary dismissal is warranted) the process by National will be as follows:

#### **Verbal Warning**

Concerns about under performance or misconduct will be raised by National with the employee at the time that the concerns arise. National will provide advice and support to the employee to overcome these concerns. A verbal warning will be given either by phone or by interview. The verbal warning is the opportunity to explore reasons for the issues identified and develop an action plan to address these issues. A written copy of the verbal warning will appear on the employee's personal file as a record of the conversation.

#### **Written Warning**

This step involves a formal meeting between National and the employee about misconduct or underperformance. A written warning is then issued. This step is appropriate for a more serious misconduct or underperformance, or repeated breaches. The written warning shall address the following:

- \*A statement identifying the issue of underperformance or misconduct
- \* Outline any consequences which may result from the underperformance or misconduct
- \* The corrective action required of the employee to rectify the issues
- \* The proposed action by National if the employee's performance or conduct does not improve
- \* A reference to the previous verbal warning(s) and the date(s) given.

#### **FINAL Warning or Dismissal**

If there is a failure to improve conduct or performance after a written warning has been issued, or if the issue is sufficiently serious to warrant only one written warning, a final written warning may be given to the employee.

Such a final written warning will set out details of the issue and will also warn the employee that dismissal will result if there is no satisfactory improvement. The final warning makes it very clear that no further warning shall be given; the next step is dismissal and the nature of the next infraction which could result in dismissal (e.g. any further incidents of misconduct).

A copy of any final written warning will be placed on the employee's file.

Dismissal is a step that is only taken when an employee has been through all of the above disciplinary process and no improvement has resulted, or when an employee commits an offence so serious that suspension, investigations or dismissal should result. National may withhold monies due to the Employee equal to the pay for the period of notice.



- Upon receipt of a request by the employee, National will provide a written statement specifying the period of employment and the classification or type of work performed by the employee.
- Upon termination the Employee shall immediately deliver up to National all records, equipment, any outstanding property belonging to National to the satisfaction of National.

### *Serious & Wilful Misconduct*

The following are examples of behaviours which are regarded as serious and wilful misconduct justifying the summary termination of employment – that is, immediate termination, without formal warnings and without notice or any payment in lieu of notice. Serious & Wilful misconduct is required to be reported to the appropriate agencies including ACT Policing, APRHA, Canberra Access: WWVP, NDIS Quality and Safeguard Commission, Aged Care Quality and Safety Commission, Human Rights Commission. This list is not exhaustive.

Fraud including:

- forgery of documents
- misrepresentation of information on documents; misappropriation of funds, supplies, or other assets,
- improprieties in handling or reporting of financial transactions,
- authorising/receiving payments for goods not received or services not performed, or
- Violation of Commonwealth, State, or local laws.
- Being under the influence of illegal drugs or alcohol during work hours.
- Breach of duty regarding non-disclosure of confidential information.
- Serious act of insubordination.
- Threatening physical violence.
- Serious breach of Workplace Health and Safety rules.
- Dishonesty including theft.
- Serious neglect of duty including but not limited to 'no-show'
- Misrepresentation of key facts in seeking employment.

### **Relevant Legislation**

[Fair Work Act 2009](#)



### *Termination of Employment*

Termination of employment is the permanent end of a working relationship or loss of employment from National. Termination may be initiated by the employee through resignation; may come about through the normal course of events, as with retirement or the expiration of a contract; or may be initiated by National.

It is the policy of National to retain the services of all team members who perform their roles and responsibilities efficiently and effectively. However, it may become necessary under certain conditions to terminate employment.

Involuntary separation may occur due to, but not limited to, poor quality of work, misconduct, or wilful negligence in the performance of the job duties. Nothing in policy affects National's right to dismiss an employee without notice for serious misconduct, and if so dismissed the employee shall only be entitled to be paid for the time worked up to the time of dismissal.

### *Abandonment of Employment*

If an employee is uncontactable, does not provide availability and is not in contact without prior arrangement, National will conclude that the employee has abandoned their employment and after 21 days employment will be automatically terminated with a separation letter provided to the employee.

### *Notice by the Employee*

Employees are required to give TWO weeks' notice in writing. This is to ensure adequate staffing levels in the home can be safely maintained.

Once a resignation is accepted, an employee cannot withdraw notice without the agreement of National.

National has the right to accept resignations immediately rather than wait for the expiration of the notice.

All management/Non-Service Delivery roles must undertake an exit interview process. Process includes the following requirements:

1. **Formal Handover:** Current role responsibilities – any outstanding actions required
2. **Accounts and Logins:** Handover of any single user account user names and passwords
3. **Return of National property:** Uniforms, documents, National bank cards etc
4. **Return of National devices:** Unlinking of devices, password removal of devices, charge cords and/or docks
5. **Payment Summary:** outline of outstanding entitlements to be paid out by National
6. **Deed of Resignation:** signing from employment with National

### *Voluntary Resignation/Retirement*

Most employees end their employment by advising National in writing of the intention to resign or retire. A resignation must be a voluntary decision of the employee. The notice of resignation must indicate the proposed date of resignation or retirement.

Employees may apply for a Certificate of Service which confirms the period of their employment with National.

Upon receipt of a written, signed request, National will issue a certificate which provides details of the employee's service during employment with National.

