



S^tPATRICK'S
Technical College



SACE ■ TRAINING ■ APPRENTICESHIPS

Policies & Procedures 3.11

Disciplinary Procedures

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POLICY

At St Patrick's Technical College we believe we have an improved workplace by maintaining policies and procedures which define our acceptable workplace standards, and which ensure the fair and reasonable treatment of our employees.

In St Patrick's Technical College communication about job performance and conduct occurs in several forms. In other policies we specify that informal feedback on employee performance occurs on a regular basis. We also implement a performance appraisal scheme so that a thorough and formal review of performance occurs on a periodic basis.

Aside from, or in addition to, these channels, there may be circumstances when it is necessary to embark on discussions for the purposes of correcting misconduct by an employee, or seeking improvement of an employee's job performance. The procedures in this policy are to be applied in those cases.

Termination of employment is a course St Patrick's Technical College may have to take in two different situations. The first is where an employee's serious misconduct warrants immediate termination of employment. The second is where, in conduct or performance, the employee fails to respond as necessary when the progressive or corrective measures under this policy have been used.

This policy establishes the fair, impartial and reasonable procedures to be adhered to when applying disciplinary action, and provides guidelines on misconduct or performance which may be the subject of disciplinary action.

GUIDELINES

1. This policy applies to all employees.
2. Senior managers are responsible for ensuring St Patrick's Technical College standards, policies and practices are communicated and clearly understood by all employees. They are also responsible for providing 'on the job' guidance or coaching to assist employees perform to the standard required, and to administer performance appraisals according to the guidelines established in Policy 3.13 - *Performance Management*.
3. It may be the case that an employee, by way of conduct or performance, is nonetheless not meeting the standards St Patrick's Technical College has established, and that disciplinary action is warranted. Where termination of employment is at issue under this policy, Policy 3.12 - *Employment Termination* should also be referred to.
4. Two forms of disciplinary action apply under this policy, namely, instant dismissal, and discipline applied on a progressive basis



LIST OF VIOLATIONS

5. Following is a list of violations of St Patrick's Technical College standards, policies and procedures, which will be subject to disciplinary action. The list is not conclusive, and shall not be taken as an exhaustive category of circumstances which will justify disciplinary action:
- 5.1. failure to perform to required standards;
 - 5.2. negligence;
 - 5.3. participating in or benefiting from illegal or unethical business practices;
 - 5.4. theft, or unauthorised use or possession of the College's or an employee's property of any kind;
 - 5.5. falsification of St Patrick's Technical College documents or provision of deliberately misleading information on them (including job applications or records for the purposes of obtaining salary or benefits);
 - 5.6. insubordination;
 - 5.7. coercive, threatening or intimidating behaviour towards employees, management, clients or other visitors to the College;
 - 5.8. discriminatory behaviour or conduct;
 - 5.9. sexual harassment;
 - 5.10. use or possession of weapons or illegal drugs on St Patrick's Technical College time or premises;
 - 5.11. violation or flagrant disregard of safety rules, or for the health or safety of person or property;
 - 5.12. disclosure or improper use of confidential St Patrick's Technical College information;
 - 5.13. unauthorised possession or use of alcohol on St Patrick's Technical College time or premises;
 - 5.14. deliberate destruction of any St Patrick's Technical College property;
 - 5.15. reporting to work in a condition unfit to work properly or safely;
 - 5.16. reporting to work under the influence of drugs or alcohol;
 - 5.17. excessive or impermissible absenteeism;
 - 5.18. excessive tardiness;
 - 5.19. unauthorised or improper use of paid leave;
 - 5.20. failure to report an absence on a timely basis;
 - 5.21. violation of St Patrick's Technical College's policies or procedures.

INSTANT DISMISSAL

6. There may be circumstances where an employee's serious or wilful misconduct justifies instant dismissal. The following procedure is to be followed where this occurs:
- 6.1. A meeting between the employee and the College Principal shall be convened. The employee may have a representative present at the meeting. An employee waiving this entitlement is required to do so in writing. A Board Member, or another person nominated by senior management, may also be present at the meeting.



- 6.2. At the meeting the following will be put to the employee: the nature and procedure of the disciplinary process, the facts or circumstances of the serious or wilful misconduct, and that, subject to the employee's response, instant dismissal appears warranted.
- 6.3. The employee is to be asked for a response regarding the facts or circumstances put to him or her under 6.2. The employee must be given an appropriate opportunity to consider his or her response. If necessary, the meeting may be adjourned to allow the employee to properly consider his or her position.
- 6.4. Upon hearing the employee's response, due consideration is to be given to the reasons. The meeting may be adjourned for these purposes.
- 6.5. Depending on the time required to give due consideration, the employee may be asked to wait, or shall be suspended from employment (with or without pay, depending on the circumstances).
- 6.6. If, after consideration, it is the view that employment should not be terminated, the employee is to be informed forthwith.
- 6.7. If it is the view that termination of employment is warranted, the employee is to be informed forthwith. The Business Manager will advise of any notice requirements or payment in lieu applying in the circumstances.
- 6.8. A complete and accurate record of the meeting and the full content of discussion are to be kept.:

PROGRESSIVE DISCIPLINARY PROCEDURES

7. Aside from instant dismissal, disciplinary procedures are applied on a progressive basis, reflecting the seriousness of the situation. The procedures themselves may include one or more of formal discussions, written warnings, suspension from employment (paid or unpaid) and termination of employment. Termination of employment may be at issue when corrective action (regarding conduct or performance) by an employee has been sought and required, but has not been forthcoming.
8. Progressive disciplinary procedures are comprised of 4 possible steps:-
 - 8.1. verbal warning;
 - 8.2. first written warning;
 - 8.3. second written/ final warning;
 - 8.4. notice of termination of employment.
9. **Step One: Verbal Warning**
 - 9.1. The Principal is to convene a meeting with the employee at which the nature of the disciplinary process and the employee's misconduct or unsatisfactory performance is to be put to the employee.
 - 9.2. The employee is to be given all due opportunity to answer and respond to what is put to him or her.



- 9.3. The Principal is to give due consideration to the employee's response.
- 9.4. The Principal may then determine the administration of a verbal warning is not warranted, in which case the employee is to be informed forthwith.
- 9.5. Alternatively, if it is determined the administration of a verbal warning is warranted, the employee should be informed forthwith.
- 9.6. If a verbal warning is to be administered, the Principal is to:-
 - 9.6.1. specifically outline the conduct or performance required in order to meet St Patrick's Technical College - Northern Adelaide standards;
 - 9.6.2. termination of employment may be a consequence if the standards are not met;
 - 9.6.3. establish a plan for improvement;
 - 9.6.4. fix a forward date on which conduct or performance will be reviewed.
- 9.7. The Principal is responsible for keeping a complete and accurate record of the meeting and the full content of discussion. Appendix 1, Disciplinary Action Record, Record of Verbal Warning, can be used for this purpose.

10. Step Two: First Written Warning

- 10.1. A meeting will be scheduled to occur on the review date fixed pursuant to guideline 9.6.
- 10.2. If, during the review period, the employee's performance or conduct has reached acceptable St Patrick's Technical College - Northern Adelaide standards, the employee is to be informed, and that no further disciplinary procedures will be applied, provided the employee maintains the required standards expected by the College.
- 10.3. If the employee's conduct or performance have not reached the standards specified under step one, a formal written warning is to be administered.
- 10.4. The Principal is responsible for keeping a complete and accurate record of the meeting and the full content of discussion. The employee is required to sign an acknowledgment that the meeting occurred and a written warning administered. Appendix 2, Disciplinary Action Record, Record of Written Warning, can be used for this purpose.

11. Step Three: Second Written and Final Warning

- 11.1. The procedure in guidelines 10.1 and 10.2 is to be followed.
- 11.2. If a meeting is to proceed upon the basis that the employee's conduct or performance have not reached acceptable St Patrick's Technical College standards, the meeting shall be conducted in the presence of the Principal, and a person nominated by the employee. An employee waiving this entitlement is required to do so in writing.
- 11.3. The Principal (or other senior manager) is to:-



11.3.1. put to the employee that his/her performance is not satisfactory and the facts, circumstances or reasons supporting this assessment;

11.3.2. inform the employee that termination of employment is now warranted;

11.3.3. provide the employee with due and appropriate opportunity to respond to what is put to him or her, and reasons why employment should not be terminated.

11.4. The meeting may be adjourned to enable due consideration of the employee's response or reasons. Depending on the time required to give due consideration, the employee may be asked to wait, or shall be suspended from employment (with or without pay, depending on the circumstances).

11.5. If, after due consideration, it is the view that employment should not be terminated, a meeting is to be reconvened at which the employee is to be informed forthwith.

11.6. A complete and accurate record of the meeting and the full content of discussion is to be kept. Appendix 3, Disciplinary Action Record, Record of Final Warning, can be used for this purpose.

12. Step Four: Notice of Termination of Employment

12.1. If, after due consideration, it is the view employment should be terminated, a meeting is to be convened at which the employee is to be informed forthwith. The employee is to be given appropriate notice of termination of employment or payment in lieu. The Business Manager will advise on notice requirements.

12.2. A complete and accurate record of the meeting and the full content of discussion is to be kept. Appendix 4, Disciplinary Action Record, Notice of Dismissal, can be used for this purpose:

WITNESSES AT MEETINGS

13. Witnesses must be present at all meetings convened as a result of disciplinary actions outlined in this policy. Any records kept (refer Appendix 1, Appendix 2, Appendix 3, and Appendix 4) are to be signed by the witness.

RELATED POLICIES

- *1.4 – Staff Code of Conduct*
- *3.12 – Employment Termination*
- *3.13 – Performance Management*



APPENDIX 1

DISCIPLINARY ACTION RECORD

Record of Verbal Warning

This form records the discussion held in a meeting between:

Principal: _____ (PRINT)

Employee: _____ (PRINT)

Held on: _____ (DATE)

Others (if any) in attendance: _____

Provide a history of the performance / conduct concern:

Identify the specific incident/s relating to this concern:

This employee's performance/conduct is unacceptable for the following reasons

The employee: **DID** / **DID NOT** acknowledge the performance/conduct concern.

Record the employee's response:

In order to perform to acceptable College standards, the employee was informed that the following must be achieved:

A review will occur on: _____ (DATE)

Principal: _____ (PRINT)

Signature: _____ Date _____

Witness _____ (PRINT)

Signature: _____ Date _____



APPENDIX 2

DISCIPLINARY ACTION RECORD

Record of Written Warning

This form records the discussion held in a meeting between:

Principal: _____ (PRINT)

Employee: _____ (PRINT)

Held on: _____ (DATE)

Others (if any) in attendance: _____

This report represents a **written warning** that your performance/conduct does not meet the standard established by St Patrick's Technical College.

You were provided with a verbal warning on: _____ (DATE)

On that occasion, the following performance/conduct concern was put to you:

It was determined, on that occasion, that in order to meet acceptable College standards, the following goals were to be achieved:

The following has occurred in between the verbal warning date and this date:



Your performance/conduct does not meet the standard required by this College. **You are put on notice that your employment is liable to be terminated if your performance/conduct does not meet the standard required by St Patrick's Technical College.**

What is your response to what has been put to you?

It is reiterated that in order to perform to acceptable College standards, the following must be achieved:

Any further comments may be provided in the space below, or you may provide separate documentation to be attached to this record:

Principal: _____ (PRINT)

Signature: _____ Date _____

I acknowledge the meeting held on: _____ of which this form is a record, and receipt of this record of warning.

Employee: _____ (PRINT)

Signature: _____ Date _____

Witness _____ (PRINT)

Signature: _____ Date _____



APPENDIX 3

DISCIPLINARY ACTION RECORD

Record of Final Warning

This form records the discussion held in a meeting between:

Principal: _____ (PRINT)

Employee: _____ (PRINT)

Held on: _____ (DATE)

Others (if any) in attendance: _____

On _____ (DATE) you received a verbal warning.

On _____ (DATE) you received a written warning.

Notwithstanding these warnings that you were required to meet acceptable St Patrick's Technical College standards, which were specifically identified on these previous occasions, your performance / conduct continues not to meet the standards established by the College.

This record constitutes a final warning for you to address these concerns. Failure to satisfactorily do so will result in the termination of your employment.

Notwithstanding previous warnings, you have failed to correct the following performance/conduct concerns:

What is your response to what has been put to you?



St Patrick's Technical College has taken the steps outlined below to encourage you to correct the performance/conduct concerns:

This represents a final opportunity for you to correct the concerns. In order to accord you due opportunity to consider your position, the following will apply:

- suspended (with / without pay) until _____ (DATE)
- a meeting will be held on _____ (DATE)
- your performance/conduct will be reviewed on _____ (DATE)

In the meantime, you are urged to give serious consideration to these issues and your position with St Patrick's Technical College.

Principal: _____ (PRINT)

Signature: _____ Date _____

I acknowledge the meeting held on _____ of which this form constitutes a record, and receipt of this record of final warning.

Employee: _____ (PRINT)

Signature: _____ Date _____

Witness _____ (PRINT)

Signature: _____ Date _____



APPENDIX 4

DISCIPLINARY ACTION RECORD

Notice of Dismissal

This form records the discussion held in a meeting between:

Principal: _____ (PRINT)

Employee: _____ (PRINT)

Held on: _____ (DATE)

Others (if any) in attendance: _____

Notwithstanding previous warnings, you have failed to correct the following performance / conduct concerns:

Warnings that you have been required to correct your performance / conduct concerns have been issued on the following occasions:

Since your final warning, the following is a record of what has transpired:



This notice is to inform you that your employment is to be terminated, and therefore constitutes notice of dismissal.

Principal: _____ (PRINT)

Signature: _____ Date _____

I acknowledge the meeting held on _____ of which this form constitutes a record, and receipt of this notice of dismissal.

Employee: _____ (PRINT)

Signature: _____ Date _____

Witness _____ (PRINT)

Signature: _____ Date _____

