

## **Performance Management Policy**

### **1. Purpose**

- (a) The Skilled Health Professionals Pty Ltd T/A Advance Nursing expects all employees to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties and to conduct themselves in a manner which respects the rights and welfare of other employees of the Skilled Health Professionals Pty Ltd T/A Advance Nursing.
- (b) Where an employee's work performance does not meet a satisfactory standard, an appropriate process of investigation and corrective action must be taken. The action taken will conform to the relevant legislation and accord with the principles of natural justice and procedural fairness. Skilled Health Professionals Pty Ltd T/A Advance Nursing is committed to ensuring that fair and effective systems exist for managing unsatisfactory work performance.

### **2. Application**

This policy is applicable in the management of all employees of Skilled Health Professionals Pty Ltd T/A Advance Nursing.

### **3. Managing unsatisfactory performance**

#### **3.1. Natural justice and procedural fairness**

- (a) The management of unsatisfactory performance requires the principles of natural justice and procedural fairness to underpin all actions undertaken by supervisors.
- (b) The principles of natural justice are that:
  - (i) all parties will have the right to be heard and judged without bias; and
  - (ii) all issues will be investigated thoroughly and justly.
- (c) The principles of procedural fairness are that:
  - (i) the standards of work performance required will be made clear to the employee by documentation or during counselling;
  - (ii) the employee will be made aware of the likely next steps if that satisfactory performance is, or is not, maintained;
  - (iii) the employee will be afforded the right to be accompanied by a support person (or employee representative) at discussions or counselling interviews, at any level of the process; and
  - (iv) when a complaint about performance is brought to the supervisor's attention by a third party, the substance of the complaint will be verified before any action is taken on the matter.

#### **3.2. Responsibilities of supervisors**

- (a) These procedures do not replace the normal responsibilities of a supervisor to discuss work issues with employees, to ensure that employees have a clear understanding of the work expected of them and to provide appropriate feedback on their performance.
- (b) The emphasis should always be on early intervention and informal resolution of a problem, as opposed to a more formal intervention at a later time.
- (c) Unless the matter is of a serious nature, the formal process of
  - (i) stage 1: managing for performance; and
  - (ii) stage 2: managing unsatisfactory performance,should only be commenced when it becomes clear to the supervisor that a work performance problem has not been corrected through informal discussion between the supervisor and employee.
- (d) Nothing in this policy precludes the Skilled Health Professionals Pty Ltd T/A Advance Nursing from terminating the employment of an employee for unsatisfactory performance.

#### **4. Stage 1: managing for performance**

##### **4.1. Overview**

- (a) This stage should be followed where informal discussions between the employee and the supervisor, about the employee's performance, have not been successful, and where there are ongoing concerns regarding the employee's performance.
- (b) While it is expected that the matter will be managed at the local level, the supervisor may discuss this part of the process with a more senior manager or with the human resources department.

##### **4.2. Raising issues**

- (a) As soon as problems or concerns regarding the employee's performance appear, the supervisor should raise them with the employee.
- (b) When approaching the employee about the need to meet and discuss the employee's poor performance, the supervisor should:
  - (i) attempt to put the employee at ease;
  - (ii) approach the employee respectfully and discreetly making sure that the employee is not humiliated or embarrassed in front of work colleagues;
  - (iii) let the employee know, in advance, the purpose of the meeting; and
  - (iv) invite the employee to bring a support person to the meeting.
- (c) A manager or supervisor may also invite a witness or representative from the human resources department to be present.
- (d) The supervisor must provide the employee with clear evidence or examples to demonstrate that the employee's performance is unsatisfactory.

- (e) The supervisor will ensure the employee knows what is required of the employee in the employee's work, and that the employee has the skills, resources and tools to do the job.
- (f) The supervisor must ensure that the employee understands the supervisor's expectations with respect to work performance and try to seek agreement from the employee around those expectations. The supervisor must ensure that these expectations are reasonable. Where the employee feels that the expectations are unreasonable, the supervisor must allow for opportunity for discussion.
- (g) The supervisor must explore the possibility of any personal problems, health problems or other factors that may be impinging on the employee's ability to perform the employee's work. The supervisor may consider suggesting the Employee Assistance Program (EAP) or other resources, if appropriate.
- (h) The supervisor must attempt to provide workable solutions and identify training and support requirements, where appropriate.
- (i) The supervisor must document the discussions with the employee, detailing areas of concern, mitigating factors, a defined and agreed period of time for improvement, and an improvement plan. A copy, signed by the employee, of the notes, is to be kept by the supervisor, and a copy given to the employee.

#### **4.3. Monitoring performance**

- (a) The supervisor must monitor the employee's performance.
- (b) The supervisor must meet with the employee as regularly as appears necessary, or as agreed.

#### **4.4. Outcome of stage 1**

- (a) If, after a reasonable amount of time, it appears that the employee has reached the agreed expectations, then the process will come to an end.
- (b) If, after a reasonable amount of time, it appears that satisfactory progress is not being made, the supervisor should liaise with the supervisor's manager or human resources department. A "reasonable amount of time" will vary depending on the nature of the job and the commitment of the employee to improving the employee's performance. It may be 4 weeks or it may be up to 2 or 3 months. The supervisor, in conjunction with the manager or human resources department, will determine if it is appropriate to move to stage 2: managing unsatisfactory performance, or continue with stage 1: managing for performance.

### **5. Stage 2: managing unsatisfactory performance**

#### **5.1. The first meeting**

- (a) The supervisor must advise the employee that the process is moving into stage 2: managing unsatisfactory performance and arrange for a meeting. Depending on the

number of issues that need to be covered, this meeting may become a number of meetings.

- (b) At the meeting or meetings:
  - (i) the employee must be told in clear and precise terms exactly what is the concern with the employee's performance (for example, too many inaccuracies in production of reports).
  - (ii) the supervisor will ask the employee to respond to each example raised, record and consider the responses, and, where responses require further investigation, investigations will be conducted and follow up on those matters will take place at a subsequent meeting.
  - (iii) the supervisor may again investigate whether there is an underlying cause of the problems (personal, health or other), and may offer EAP assistance, but at the same time reiterate the standard of work required.
  - (iv) the supervisor will consider whether the employee's responses excuse the performance issues and, if they do, consider other courses of action.
  - (v) if the supervisor considers the responses unsatisfactory, the supervisor must inform the employee that the responses do not justify the poor performance, and clearly specify the performance expectations that are required.
  - (vi) the supervisor will advise the employee that the purpose of this process is to assist the employee to meet the performance expectations that have been discussed, and that failure to improve and achieve the required standards of performance will lead to disciplinary action.
  - (vii) the supervisor will then explain that the performance will be reviewed within a specified time.
- (c) The supervisor will conclude the meeting(s) ensuring that:
  - (i) the employee clearly understands the issues that have been discussed and what is required of the employee; and
  - (ii) an improvement plan has been mutually agreed (if possible) that meets both parties' needs.
  - (iii) New matters should not be raised during this review period, unless considered of a serious nature.

## **5.2. Follow up from the first meeting**

- (a) Following the meeting, and preferably within 5 working days, the employee is provided with a letter, or record of meeting, confirming the matters discussed and a copy of the proposed improvement plan.
- (b) The improvement plan should include:
  - (i) the areas of concern;
  - (ii) the performance standards to be met and how these will be assessed;

- (iii) any agreed training and development requirements; and
  - (iv) the time frame for the process.
- (c) It is recommended that, in addition, a working review plan is used to document the feedback that will be provided to the employee at the regular review meetings. This may include the tasks set for the review period (that is, a week or a fortnight), the anticipated time required to complete the task, and feedback on the tasks.
- (d) The employee should sign a copy of the documentation to indicate receipt and that it is a true and accurate record of what was discussed between the parties. If the employee disagrees with the content of the document or wishes to make additional comments, the employee may provide a written statement in response. Any such additional documentation submitted by the employee must stay with the original record of meeting.

### **5.3. Regular review meetings**

- (a) The employee's performance is monitored on a regular basis as per the agreed timeframe in the improvement plan. Where necessary, documentation is reviewed by the supervisor with the employee present, to ensure that the employee understands the plan and the possible consequences of not meeting the supervisor's expectations.
- (b) Where the employee has met the supervisor's expectations, this will be confirmed in a letter stating that the process has been completed.
- (c) If there is no satisfactory improvement within the agreed timeframe, the employee is to be provided with a written warning outlining the areas of concern and the lack of improvement. A copy of this letter will be forwarded to the human resources department.

### **5.4. Final warning**

- (a) When the employee has been given a reasonable number of opportunities to improve performance and has not done so, a final counselling session will be conducted and a final warning issued.
- (b) This step is to take place in consultation with the supervisor's manager or human resources department.
- (c) The final warning will again provide the employee with a specified period of time to improve performance, and the warning will advise that the consequences of failing to perform satisfactorily are understood.
- (d) If sufficient improvement has occurred, the review period will continue.
- (e) If, after issuing a final warning, sufficient improvement has not occurred during the specified period, another meeting is to be held with the employee, the supervisor, and if necessary, the human resources department.

- (f) If the employee's response at the meeting is unsatisfactory as to why performance has not achieved the required standard, the supervisor will inform the employee that further disciplinary action or termination of employment, or both may follow. The supervisor will invite the employee to offer any mitigating circumstances as to why the employee's employment should not be terminated.
- (g) The supervisor must record and give consideration to matters raised by the employee, as well as factors including the employee's length of service and past record.

### **5.5. Disciplinary action**

- (a) If the decision is to recommend disciplinary action or termination of the employee, the supervisor will consult with the supervisor's manager or the human resources department.
- (b) The supervisor, in consultation with the supervisor's manager or the human resources department, may decide to:
  - (i) extend the period of time for the improvement plan;
  - (ii) reprimand or censure the employee;
  - (iii) withhold an increment of salary, where applicable, for a period not exceeding 12 months; or
  - (iv) terminate the employment.

### **5.6. Further information and advice**

For further information, refer to other related policies or contact your manager or the HR Manager ([hr@advancenursing.com.au](mailto:hr@advancenursing.com.au)).