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## **MANAGING PERFORMANCE ISSUES POLICY**

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### **Introduction**

South West Arts Inc undertakes to assist employees to maintain and if necessary improve their performance through counselling and support systems. These systems are aimed at ensuring employees are treated fairly and that they are provided every opportunity to meet the standards required in their work areas.

### **Purpose**

The purpose of this policy is to ensure that a consistent approach is followed for managing performance issues for all employees.

### **Policy**

South West Arts Inc is committed to providing all employees with prompt counselling aimed at addressing poor employee behaviour.

South West Arts Inc's Executive Officer will undertake to assess each individual case on its merits and to provide adequate opportunity for employees to respond to allegations.

Any proposed disciplinary action will be fair and reasonable, taking into consideration the severity and nature of the offence and the employee's work record.

South West Arts Inc will also maintain its integrity and service to its customers by ensuring operational requirements are met. Consistent with this, employees who fail to respond to counselling after due process has been followed, may have their employment terminated.

Staff whose performance is unsatisfactory will be given clear instruction as to the reasonable expectations of them in their job.

## Responsibility

It is the responsibility of the **Executive Officer** to ensure that:

- they are aware and understand the principles of fair counselling and due process and that they are applied in the workplace;
- all decisions relating to counselling are made taking into consideration the facts of the matter and ensuring the employee is provided with due process.

It is the responsibility of the **Employee** to ensure that:

- they respond positively to counselling and attempt to improve behaviour and performance to acceptable levels at all times.

It is the responsibility of the **Board** to ensure that:

- all decisions relating to counselling are made taking into consideration the facts of the matter and ensuring due process has been adhered to;
- all staff are aware of their obligations and responsibilities in relation to counselling and fair treatment of employees;
- ongoing support and guidance is provided to all employees in relation to counselling principles and practice.

## Definitions

*Informal Counselling* refers to a verbal discussion between the Executive Officer and an employee over a performance, work standard or other issue.

*Formal Counselling* refers to a counselling session that results in a written document to record the incident and its outcomes.

*Witness* means any person nominated by the employee to provide support during a formal counselling session.

## Procedure

This procedure is designed to ensure all employees are treated fairly and equitably, while at the same time protecting the interests of South West Arts Inc from claims of unfair treatment or unfair dismissal. It should be remembered that the primary purpose of counseling is to help employees achieve the desired performance or to improve their conduct to acceptable standards. As circumstances of individual cases will vary widely, it is mandatory to contact the Board immediately if unsure what steps to take.

Within the workplace there are a range of ways an employee will signal that he or she has a problem. Some examples may include, but are not limited to:

- increased absenteeism;
- isolation from co-workers;
- stopping to provide work-based information to Supervisors;
- decreased hours of attendance;
- poor physical appearance and/or poor presentation;
- accidents;
- insubordination;
- verbal and/or physical abuse.

It is the responsibility of the Executive Officer to recognise negative behavioural change in their staff in early stages and to intervene so that the problem may be prevented from escalating. The level of intervention will depend upon the seriousness of the problem.

Where a performance problem exists, the Executive Officer must follow the process outlined below before consideration is given to terminate employment. The process should be approached from the perspective that the optimum outcome is one in which there is a change in behaviour, not the administration of some form of punishment.

## **Investigation**

Upon finding out about a specific incident, or at the recognition of a pattern of unacceptable behaviour, the Executive Officer must undertake a full and prompt investigation to ascertain all of the relevant facts. This must be done with sensitivity. The investigation may involve and include, but not be limited to:

- witness interviews and statements;
- documentary evidence;
- electronic/system evidence;
- employee background and history;
- previous employee appraisals;
- employee's attendance (if relevant);
- employee's personal circumstances (if relevant);
- any other information considered relevant to the issue.

It is important that all relevant facts are uncovered during the investigation. Ultimately the employee may be in a position where their continued employment is under review and decisions must be based on the full facts. Rumour and innuendo will not be relied upon.

The Executive Officer should compile all available evidence as soon as practicable after the initial identification of an issue and use the material gathered to determine the next step in the process.

In cases where termination of employment may be the outcome, it may be appropriate to stand down the employee with pay. You should discuss this option with the Board.

## **Informal Counselling**

The Executive Officer should arrange to speak to the employee privately to discuss the concerns and explain any changes in behaviour. This should be done as soon as possible after the investigation.

The Executive Officer should outline the expected standards of behaviour, inform the employee that they should amend their behaviour to comply with these standards, as well as outline what the possible ramifications of not complying might be. This discussion should have a relaxed atmosphere and must convey to the employee that the Executive Officer is concerned about the employee's welfare. It should be an exploratory discussion between the Executive Officer and employee to rectify a situation before it becomes a serious problem.

If the employee indicates that he or she has a personal welfare problem the Executive Officer may refer the employee to an Employee Assistance Program.

If the employee does not wish to discuss any problem, states that there is no problem, or says that he or she is unaware of any change in behaviour, the Executive Officer should simply re-affirm the concern and invite the employee back should there be a need to talk at a later time. The Executive Officer is then responsible for reviewing the situation to ensure that the problem is resolved.

This meeting should not result in a formal document placed on an employee's file, but should be documented in the Executive Officer's diary as a future reference should it be needed.

### **Formal Counselling – First Warning**

If the behaviour continues the Executive Officer may deem formal counselling appropriate. The purpose of formal counselling is to notify the employee that there is a serious concern, and that they should endeavor to amend their behaviour to comply with expected standards or risk disciplinary action.

It would be advisable that prior to proceeding with a formal warning, the Executive Officer contact the Board, which will verify that the necessary investigations have occurred and that due process is being followed.

The Executive Officer should arrange a private interview with the employee, providing the employee with the opportunity to nominate a third party to be present to support them and to act as a witness, ensuring a fair hearing is given. Please see Appendix A for useful information on conducting counselling interviews.

The Executive Officer must clarify reasons for poor performance or unacceptable behaviour, outline to the employee the allegations or concerns, the expected standards of performance or behaviour, and include the possible ramifications of not complying with these standards.

The Executive Officer should remind the employee of any commitments made in the informal counselling, and set a review date, which will be determined by the critical work cycle, by which time the performance problem must be remedied or employment will be seriously questioned.

This meeting must be documented in a formal Performance Improvement notice, which will be signed by all parties and placed on an employee's file. The Performance Improvement notice, written by the Executive Officer, should be concise and directly relate to the text of the conversation with the employee.

### **Formal Counselling – Second Warning**

A second formal warning is to be performed by the Executive Officer when unacceptable behaviour continues and a current first warning exists. The details of the interview are to be recorded as with a first warning.

## **Final Warning**

If, after first and second warnings have been given, the performance or behaviour does not improve to an acceptable standard, a Final Warning will be appropriate. The purpose of a Final Warning is to notify the employee that the behaviour is now of such concern that if behaviour is not amended to comply with expected standards, employment will be terminated.

Prior to proceeding with a final warning, it is again advisable that the Executive Officer contact the Board, who will verify that the necessary investigations have occurred and that due process is being followed.

A final counselling will follow this process, however the employee must understand that if behaviour is not amended to comply with expected standards, employment will be terminated. It is advisable that a Board witness be present during this interview.

A Final Warning notice should be issued following this meeting. A warning note is a final directive and should not be used unless you are prepared to terminate the employee if he/she does not follow that directive.

## **Termination**

If, after all of the above steps have been taken, the performance or behaviour does not improve to an acceptable standard, termination of employment may be the final step.

Termination will not be effected without prior consultation with the Board.

Terminations will be carried out with compassion and with due consideration to the employee, their colleagues and any other affected parties. When a decision has been made to terminate an employee, all necessary documentation, payments and other issues will be fully prepared to ensure the action is taken with as little fuss as possible. A Board representative may be present at the termination discussion.

## **Severe Behaviour and/or Incidents**

There may be occasions where the employee's behaviour or the incident is so severe as to warrant either summary dismissal or proceeding immediately to steps second or final warning. These instances are rare and careful consideration and consultation with the Board will occur prior to more serious discipline being invoked. Please refer to the Separation – Dismissal Policy for further information.

## **Attachments**

'Guide to Conducting a Counselling Interview'

## GUIDE TO CONDUCTING A COUNSELLING INTERVIEW

Counselling is a form of coaching and its aim should be to try to change the behaviour of the employee.

There are different counselling styles, ranging in degree from the directive approach to the non-directive. The directive approach involves the Executive Officer identifying the problem and solving it. The non-directive approach is where the employee identifies the problem and the solution is needed with the assistance of the Executive Officer.

The non-directive approach is the most preferable style as the employee is an active participant. The role of the Executive Officer in this process is to assist the employee to work through their thoughts and generate their own solution.

The objective of the counselling or discipline interview should be to assist the employee to achieve at least the minimum standard required by the Organisation, not to penalise him/her for not achieving it. With this in mind, the following guide will assist in achieving that objective.

- (a) Before you attempt to interview, make sure you have all the facts, e.g. if the employee is often late for duty, you should check – and list – how often, what days, what times, and how this compares with other employees carrying out similar duties.
- (b) Always conduct the interview in private. However, where appropriately, ensure that you have a witness and that you allow the employee to have somebody of their choice present, e.g. union delegate.

Discuss the standards and the level of performance desired. Agree on the gap between the employee's performance and the standards required by the Company.

- Confine your discussion to the facts
- Do not argue with or threaten the employee
- Be positive.

- (c) Ask questions and listen to the answers to your questions with an open mind, but try not to 'over sympathise' with the employee.

Make sure that there is really a problem requiring discipline, and not something of a different nature, e.g. an outside problem with a short-term effect on the employee's work.

- Ask open questions
- Don't jump to conclusions
- Look for reasons for the problem.

- (d) Discuss positive and achievable ways to overcome the problem. Assure the employee that you and the Board will help wherever possible (if necessary).
- (e) Be firm but fair. Ensure that the employee knows that the standards are those required from all employees.

(f) Ensure that the employee knows what form of instruction you are giving, i.e. formal, informal, written, and that he/she understands the instruction precisely.

(g) Set a review date and make sure that you follow up.

N.B. Every time that the employee is interviewed regarding their performance (either formally or informally) you should at least make a note concerning the conversation in your diary.