MANAGING CONDUCT AND PERFORMANCE POLICY
FOR THE DIOCESAN SCHOOLS SYSTEM

September 2016
INTRODUCTION AND PURPOSE

This document outlines the Trustees of the Roman Catholic Church for the Diocese of Broken Bay on behalf of its agency the Catholic Schools Office (the Employer) procedures for managing and resolving performance and conduct concerns. The objectives of this document are to ensure appropriate standards of conduct and performance are maintained within the Diocesan Schools System and that there is a transparent and fair approach to managing performance and conduct related concerns.

SCOPE

This document applies to all staff members of systemic schools and the Catholic Schools Office. It outlines how both remedial and/or disciplinary action can be used in managing performance and conduct concerns, depending on the nature and seriousness of the performance or conduct concern.

As a Catholic organisation our approach to preventing discrimination, harassment and bullying is underpinned by our Catholic understanding of the dignity of every human person who is made in the image and likeness of God and the innate dignity of their work.

The Employer will treat each case on its own merits on the facts provided. All decisions are to be made without bias or prejudice and be dealt with as soon as practicable.

Remedial and/or disciplinary action may be initiated in, but is not limited to, the following occurrences:

- Incident/s of poor performance (e.g. where work quality, work quantity or work timeliness is unsatisfactory);
- Misconduct (e.g. being consistently late for work or overusing the internet for personal purposes);
- Vexatious or false allegations; and
- Serious misconduct (e.g. threatened or actual physical assault, verbal abuse or harassment, theft and fraud).

STEPS FOR DEALING WITH PERFORMANCE OR CONDUCT CONCERNS

Identify the concern

When the Employer becomes aware of a conduct or performance concern, the Employer should satisfy itself that there is sufficient evidence to act on the concern prior to proceeding. Where the Employer is satisfied that there is sufficient reason to proceed based on the evidence available, the Employer should discuss the concern with the staff member/s involved. Where the Employer does not believe there is sufficient evidence or cause to act on the concern, the Employer should discuss this with the staff member who raised the concern.

Discussions with staff members

The Employer will initiate discussions with the relevant staff member/s in circumstances where the Employer, in line with Identify the Concern section above, believes there is sufficient evidence to do so. When doing this, the Employer should ensure the staff member is provided with sufficient detail of the conduct or performance concern so that they can properly understand it. The staff member should also be advised of the potential outcomes if the concern is not resolved, including, where relevant, that dismissal may be a consequence of continued poor performance or misconduct.

The staff member should be given a reasonable opportunity to respond to the concern raised. The Employer will consider the staff member’s response and where appropriate, consider matters raised by the staff member. Staff members will also have the opportunity to have a support person present in any formal discussions with the Employer about the
conduct or performance concern where dismissal is under consideration.

Where practicable, all discussions with staff members about performance or conduct, including outcomes, should be documented by the Employer.

**Decision on which action to initiate**
After discussions with the staff member, the Employer will decide what action, if any, should be taken. The approach taken in each circumstance will depend on the nature and seriousness of the performance or conduct concern and any other factors the Employer believes should be taken into consideration. This may mean that remedial action is initiated by the Employer in some instances and disciplinary action in others, even though the conduct may appear similar.

**Remedial Action**
Remedial action attempts to correct the behaviour through a variety of means that may include counselling, training and/or issuing a warning (verbally or in writing). It may be appropriate in circumstances such as the first instance of poor performance or an isolated instance of misconduct.

When implementing remedial action, the Employer should clearly identify the areas that require improvement; specify the expected outcomes and where possible refer to objective standards of performance; monitor the performance regularly; identify any training that may assist the staff member improve their performance to a satisfactory level and specify the consequences if the staff member’s performance does not improve within a reasonable time to a satisfactory level.

**Disciplinary Action**
Disciplinary action may include a caution (verbally or in writing), suspension, demotion, transfer and dismissal from employment. It may be appropriate where remedial action has been unsuccessful or where the performance or conduct concern warrants it.

If the Employer believes on reasonable grounds that the conduct constitutes serious misconduct, immediate dismissal may be appropriate. Where immediate dismissal occurs, the staff member is not entitled to payment in lieu of notice.

Where immediate dismissal has been initiated, the Employer will advise the staff member of the reason why they are being dismissed.

**EXTERNAL NOTIFICATION REQUIREMENTS**
In some instances, it may be appropriate for the Employer to notify external bodies about a conduct concern. For example, if the Employer reasonably believes that a staff member has committed a criminal offence, the Employer may refer the matter to the Police. Notification to an external body will not prevent the Employer from continuing its own investigation, unless requested otherwise by the external body.

**CONFIDENTIALITY**
Staff members involved in the performance or conduct process must maintain confidentiality and not discuss any information about the process or action taken with anyone else unless expressly authorised by the Employer to do so. If this responsibility to maintain confidentiality is found to have been breached, the staff member who released the information could find themselves the subject of disciplinary action for misconduct.

**FURTHER INFORMATION**
Further information about the processes outlined in this document can be sought from Head of Human Resource Services.
RELATED POLICIES AND GUIDELINES
Managing Workplace Complaints Policy
Preventing Discrimination, Harassment and Bullying Policy

SUPERCEDED POLICIES
Policy for Addressing School Employee Performance and Disciplinary Matters
Policy for Addressing Performance of Principals and Disciplinary Matters

POLICY REVIEW
This policy will be reviewed not less frequently than once every five years.

POLICY DATES
Date policy originally issued: September 2016
Date of current version: September 2016
Date of next review: September 2021

authorised by
Peter Hamill
Director of Schools