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## Policy – Performance Management

### Purpose & Scope

The Academy of Entrepreneurs is committed to providing an environment where work performance and appropriate workplace behaviour is actively managed to ensure that productivity is optimised and that the performance of all employees meets the required standards.

This policy should be read in conjunction with HR Guide – Performance Management.

### Definitions

Performance issue – where an employee consistently fails to meet performance standards or a serious performance issue arises.

Performance counselling session – these are sessions to discuss areas of required improvement and to provide feedback on improvement or the lack thereof. The intention of these sessions is to return the performance levels to those required.

Performance Improvement Plan – to document the specifics of the areas requiring improvement, the level of improvement and timeframes allotted.

Misconduct – when an employee does something that is inappropriate such as swearing at their boss or drinking too much alcohol at a work function, resulting in inappropriate behaviour.

Gross Misconduct – when an employee disobeys a reasonable instruction, sexually harasses another employee, commits fraud, an assault or theft or makes a false claim about qualifications or work experience.

Discipline – Up to and including termination of employment, with or without notice, but would also include a verbal warning, written warning, performance counselling, limiting or removing increases in salary, compulsory training, limiting or removing employee or position privileges, for example, Qantas Club membership.

### Content

It is paramount to the Academy of Entrepreneurs that employee performance levels are maintained at an appropriate level, therefore when an employee's performance level decline, the manager will intervene and look to resolve any issues to return the performance to the required level.

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## Performance Levels

A consistent drop in performance or below par performance will either be observed, picked up through records, via the annual review process or experienced by other employees and raised as a concern or grievance. (A one-off issue or instance should be addressed by the manager as part of the normal course of business).

As soon as practically possible after the drop in performance or inability to reach the required levels of performance the manager will arrange a Performance Counselling Session to discuss the issues and seek feedback from the employee. The Manager will advise the employee of the issue/s and how they can improve and what the Academy of Entrepreneurs' expectations are. If it is deemed appropriate or necessary, relevant training should be provided to the employee to reach the required performance level.

If a performance issue is to be addressed a Performance Improvement Plan should be completed, in consultation with the employee, to stipulate clearly defined performance goals that the employee can work towards. These goals should be concrete to enable accurate measurement of performance improvement.

To meet the legal requirement of being procedurally fair, the goals must be achievable and the employee should be given a reasonable amount of time to make the relevant adjustments. The manager should meet with the employee on a regular basis to provide guidance, training and feedback on performance against the goals set. The outcomes of each session should be documented and signed by both parties. These documents should be placed in the employee's personnel file.

In the event that the employee is not achieving the required performance levels and it is likely that, as a result, their employment may be terminated, this must be communicated clearly to the employee and documented accordingly.

Only the required people should be aware of the Performance Counselling Session. If the individual requests a support person to be present at the meetings, this should be allowed, however the individual is there for support only and is not able to ask questions or comment on behalf of the employee.

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## Misconduct or Gross Misconduct

In the event of Misconduct or Gross Misconduct it is essential for the Academy of Entrepreneurs to take action as quickly as possible.

Once an allegation has been made in relation to conduct, the Academy of Entrepreneurs should investigate the allegation to determine:

- whether the allegation is based on truth
- whether there is a reasonable explanation for it
- whether any remedial action is available
- whether disciplinary action is appropriate

The investigator of the allegation should be someone in authority who is able to conduct the process fairly and without bias or, alternatively, an HR practitioner can be brought in.

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The steps to conduct an investigation are as follows:

1. Complete a formal investigation ensuring procedural fairness at all times – the accused individual(s) needs to be informed of the alleged misconduct and that a formal investigation is to be conducted and what is involved in this process
  - Where it is deemed appropriate, an employee may be suspended from duty whilst the investigation is conducted. If a suspension is decided upon the employee must be advised as soon as possible. Whilst suspended the employee will remain on full pay and cannot contact other employees or clients, or obtain access to any Academy of Entrepreneurs IT systems. The employee must be available during office hours for the purposes of completing the investigation. A formal, written notification of the suspension should be sent to the employee.
  - The accused individual(s) should be given an opportunity to respond to the allegation and have this response considered prior to a determination being made. All decisions need to be unbiased and justified and the individual is to be given the opportunity to have a support person present at meetings and interviews. This support person could be an employee representative. The accused employee should be given at least 24 hours written notice of any planned investigation meetings, where appropriate, based on the nature and severity of the conduct or behaviour.
2. Interview any witnesses deemed appropriate by the investigator - individuals are interviewed separately and a full written record prepared which each interviewee signs. If an individual refuses to sign, a note on the document should be made that a signature was sought and refused
3. Interview the accused employee(s) – set a time to meet with the accused employee(s) and advise them that they are able to bring a support person to the meeting if they wish. Advise the accused employee(s) of the allegations formally and, should they wish to seek legal advice, break whilst legal advice is obtained. Formally document the interview and ensure that the employee(s) signs the document. If an employee refuses to sign, a note on the document should be made that a signature was sought and refused
4. Interview any witnesses nominated by the accused employee - individuals are interviewed separately and a full written record prepared which each interviewee signs. If an individual refuses to sign, a note on the document should be made that a signature was sought and refused

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5. Determination – the investigator will need to make a determination, having reviewed all of the evidence, and on the balance of probability. Except in the case of serious or criminal conduct, where possible, resolution between the parties should be sort through mediation

The manager may determine that:

- the incident did occur
- the incident did not occur, or
- the manager cannot form a view about whether the incident did or did not occur

If the matter is deemed to have happened on the balance of probability and is serious in nature the individual(s) may be subject to appropriate disciplinary action, which may include warnings, suspension or termination of employment.

#### Disciplinary Action

In the event that disciplinary action is decided upon, this must be agreed to by the CEO in writing. The decision should take into account the seriousness of the event, whether the employee has been involved in previous incidents and what action the company has taken in similar cases in the past. The disciplinary action must be commensurate with the unacceptable conduct. Once a decision has been made the employee should be advised of the disciplinary outcome and they need to be given the opportunity to respond.

If the outcome is termination of employment, the employee will be paid out with notice and any accrued benefits. If the termination is for gross misconduct the termination can be made without paying out the notice period.

#### False accusations, vexatious complaints and civil action

Employees should ensure that all complaints are genuine and that they are acting in good faith. An allegation of unacceptable behaviour is a serious matter and can potentially damage an individual's reputation and career aspirations. Making vexatious or frivolous complaints may lead to the relevant employee being sued in a civil action (e.g. defamation) and / or disciplinary outcomes.

#### Confidentiality

Confidentiality is of the utmost importance to protect all individuals involved, however, in some circumstances where authorities need to be advised, this

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may not be possible. Only the individuals that are formally involved in the investigation or attempted resolution of a complaint should have access to information and documentation regarding the matter. Consequently, only individuals that have a role to play in the investigation should be discussing the complaint with relevant parties. Any employee or managers found to be engaged in gossip or innuendo regarding a complaint will risk disciplinary action themselves.

#### Approvals & review

Policy review date:	30/12/2017
Policy approved by title:	Academy of Entrepreneurs Pty Ltd
Policy approved by signature:	