**Policy Rationale**

Echuca Community Education Group Inc., trading as Campaspe College of Adult Education recognises that there may be occasions on which an employee’s behaviour or work performance requires disciplinary action.

CCAE is committed to carrying out disciplinary processes in a fair and consistent manner and to acting in accordance with all relevant legislative, award and certified agreement provisions. CCAE seeks to emphasise the corrective and educative role of disciplinary action.

Notwithstanding the above, in cases of serious misconduct CCAE reserves the right to summarily dismiss an employee without notice. This policy, and the following procedures, clarify the process for disciplinary action.

**Policy Aims**

This discipline policy and procedures apply to all CCAE employees regardless of their level within the organisation.

**Policy – When Disciplinary Action is Appropriate**

Disciplinary action may occur when there is a concern with respect to an employee’s performance or conduct in the workplace including compromising of CCAE’s plagiarism/collusion policy. Informal counselling may take place first, where appropriate. Behaviour that may lead to disciplinary action include, but are not limited to, poor work performance, punctuality, theft, failure to adhere to CCAE’ policies and/or other reasonable directions.

**Employee’s Representation During Disciplinary Meetings**

Where an employee is requested to attend a disciplinary meeting, be it informal or formal warnings/dismissal, the employee must be given the option of having a legal/union/other representative of the employee’s choosing in attendance at that meeting.

**Procedure – Informal Counselling**

1. **Informal Counselling**

   1.1 Where there is a concern with an employee’s performance or conduct, the first step, if appropriate, will be an informal counselling session. The employee will be advised of the problem and an agreed strategy for dealing with that problem will be negotiated.

   For example, the employee may require training or other assistance to help him or her overcome the problem, or there may be underlying issues to resolve.

   1.2 The situation will be subsequently reviewed within an agreed time frame.

   1.3 The outcome of this session will be noted on the employee’s personnel file.

**Procedure – Formal Warnings**

2. **First Warning**

   2.1 Where informal counselling is not appropriate, or where the problem is of a more serious nature, or there is a further instance of the employee’s performance or conduct being of concern (whether or not it is of the same nature as the initial problematic performance or conduct), a formal disciplinary meeting will occur.

   2.2 Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request the employee attend a disciplinary meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will also indicate that disciplinary action may occur if the employee’s responses to the allegations are not satisfactory.

   2.3 The disciplinary meeting will be attended by up to two management representatives (who may include a legal or industrial representative) of CCAE, one of whom will act as note-taker to record events.
2.4 At the disciplinary meeting, the employee will be given an opportunity to respond to the allegations.

2.5 Following the disciplinary meeting, CCAE will make a decision as to whether to give the employee a first written warning, or whether other action should be taken (for example, further training), or whether no action should be taken at all.

2.6 CCAE will advise the employee of the decision. A written record of the decision will be handed to the employee and a copy placed on the employee’s file. If a first written warning is given, the employee will be informed that any further instance of the employee’s performance or conduct being of concern, may result in a second written warning.

3. **Second Warning**

3.1 Where there is a further instance of the employee’s performance or conduct being of concern (whether or not it is of the same nature as the initial performance or conduct), a second disciplinary meeting will be convened.

3.2 Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request the employee attend a disciplinary meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will also indicate that a second written warning may be given if the employee’s responses to the allegations are not satisfactory and, further, will alert the employee to the fact that one previous written warning has been issued.

3.3 The disciplinary meeting will be attended by up to two management representatives (who may include a legal or industrial representative) of CCAE, one of whom will act as note-taker to record events.

3.4 At the disciplinary meeting, the employee will be given an opportunity to respond to the allegations.

3.5 Following the disciplinary meeting, CCAE will consider the employee’s responses to the allegations and will make a decision as to whether to give the employee a second written warning, or whether other action should be taken (for example, further training), or whether no action should be taken at all.

3.6 CCAE will advise the employee of the decision. A written record of the decision will be handed to the employee and a copy placed on the employee’s file. If a second written warning is given, the warning will state that any further instance of the performance or conduct of concern may result in a third and final written warning.

4. **Third and Final Warning**

4.1 Where there is a further instance of the employee’s performance or conduct being of concern (whether or not it is of the same nature as earlier problematic performance or conduct), a third disciplinary meeting will be convened.

4.2 Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request the employee attend a disciplinary meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will also indicate that a third and final written warning may be given if the employee’s responses to the allegations are not satisfactory and, further, will alert the employee to the fact that two previous written warnings have been issued.

4.3 The disciplinary meeting will be attended by up to two management representatives (who may include a legal or industrial representative) of CCAE, one of whom will act as note-taker to record events.

4.4 At the disciplinary meeting, the employee will be given an opportunity to respond to the allegations.

4.5 Following the disciplinary meeting, CCAE will consider the employee’s responses to the allegations and will make a decision as to whether to give the employee a third and final written warning, or whether other action should be taken (such as further training), or whether no action should be taken at all.

4.6 CCAE will advise the employee of the decision. A written record of the decision will be handed to the employee and a copy placed on the employee’s file. If a third and final written warning is given, the warning will state that any further instance of the performance or conduct of concern may result in termination of the employee’s employment with CCAE.
5. **Termination of Employment**

5.1 Where there is a further instance of the employee’s performance or conduct being of concern (whether or not it is of the same nature as earlier problematic performance or conduct), a fourth disciplinary meeting will be convened.

5.2 Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request the employee attend a disciplinary meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will also indicate that termination of employment may occur if the employee’s responses to the allegations are not satisfactory and, further, will alert the employee to the fact that three previous written warnings have been issued.

5.3 The disciplinary meeting will be attended by at least two management representatives (who may include a legal or industrial representative) of CCAE, one of whom will act as note-taker to record events.

5.4 At the disciplinary meeting, the employee will be given an opportunity to respond to the allegations.

5.5 Following the disciplinary meeting, CCAE will consider the employee’s responses to the allegations and will make a decision as to whether to dismiss the employee, or whether other action should be taken (such as further training), or whether no action should be taken at all.

5.6 CCAE will advise the employee of the decision. A written record of the decision will be handed to the employee and a copy placed on the employee’s file.

5.7 If dismissal occurs, the employee will be provided with a statement of service containing details of duties performed, date of commencement and date of cessation of work. No further reference will be provided. The employee will be provided with a termination payment constituting appropriate notice and accrued entitlements.

6. **Serious Misconduct and Summary Dismissal**

6.1 Summary dismissal may occur in cases of serious misconduct. CCAE representatives will investigate and carefully consider the facts of any situation where a summary dismissal is considered, to ensure that summary dismissal is justified.

7. **What Constitutes Serious Misconduct?**

7.1 Serious misconduct will be defined in accordance with the *Fair Work Act 2009* (Commonwealth) and its regulations. The *Fair Work Regulations 2009* refer to serious misconduct as being:

- Wilful, or deliberate, behaviour by an employee is inconsistent with the continuation of the contract of employment; and

- Conduct that causes imminent, and serious, risk to the health, or safety, of a person, or to the reputation, viability or profitability of CCAE.

7.2 Depending on the facts, summary dismissal may be justified in situations such as, but not limited to:

- The employee committing theft, fraud or assault (for example, stealing the property of CCAE or another employee, or intentional abuse of a client or other employee);

- The being affected by drugs or alcohol while at work;

- The employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee’s contract of employment;

- Other situations might include a persistent failure to comply with occupational health and safety policies.
8. Procedures for Summary Dismissal

8.1 The employee will be advised as soon as possible after the behaviour occurs that CCAE is concerned that the behaviour may constitute serious misconduct. The employee will be advised that they will be required to attend a disciplinary meeting to respond to the allegations.

8.2 The employee may be stood down with full pay pending the disciplinary meeting.

8.3 Prior to the disciplinary meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request the employee attend a disciplinary meeting to respond to the allegations and indicate that the staff member may have a representative in attendance. The letter will also indicate that dismissal or other disciplinary action may occur if the employee’s responses to the allegations are not satisfactory.

8.4 The disciplinary meeting will be attended by at least two management representatives (who may include a legal or industrial representative) of CCAE), one of whom will act as note-taker to record events.

8.5 At the disciplinary meeting, the employee will be given an opportunity to respond to the allegations.

8.6 Following the disciplinary meeting, CCAE will consider the employee’s response and will make a decision as to whether to dismiss the employee, or whether other action should be taken (such as a first and final written warning or further training), or whether no action should be taken at all.

8.7 CCAE may choose to issue the employee with a first and final written warning and confirm that any further instances of misconduct will be treated as serious misconduct and lead to summary dismissal of the employee.

8.8 CCAE will advise the staff member of the decision. A written record of the decision will be handed to the employee and a copy placed on the employee’s file.

8.9 If dismissal occurs, the employee will be provided with a statement of service containing details of duties performed, date of commencement and date of cessation of work. No further reference will be provided.

**Evaluation**

This policy will be reviewed bi-annually.