

# Discipline and Termination Policy



<b>Policy Relevant to:</b>	All Staff
<b>Last Reviewed:</b>	September 2023
<b>Next Review:</b>	September 2026
<b>NQF</b>	N/A
<b>NQS</b>	N/A

## Purpose

This policy contains guidance on performance and conduct management, and the discipline and termination consequences that may follow. It is for general guidance and aims to provide team members and management with an understanding of the procedures that may be followed in certain circumstances.

## Implementation

### What is poor performance?

Performance will be considered poor or unsatisfactory if the team member is repeatedly not meeting the requirements of their role (as set out in the team member's position description, contract of employment, key performance indicators, Adventure Patch policies, or as communicated to the team member otherwise). Poor performance may be observed by the team member's manager or other relevant person and may or may not be the result of a formal performance evaluation.

### What is misconduct?

Misconduct includes, but is not limited to:

- Any instances of harassment and/or bullying
- Inappropriate or dishonest behaviour in the workplace
- Non-compliance with Adventure Patch policies, procedures or practices
- Unauthorised absenteeism
- Unacceptable behaviour towards Board members/managers/supervisors/team members/children/families of Adventure Patch. This includes other members of the Adventure Patch community including but not limited to contractors and other stakeholders.
- Failure to follow lawful and reasonable direction from Adventure Patch or an authorised representative of Adventure Patch.

### Potential steps for disciplinary action

Depending on the nature of the poor performance or misconduct, a number of disciplinary steps may be taken. The action taken will depend on the nature and severity of the team member's conduct. The steps below are listed in order of seriousness of the poor performance and/or misconduct, however, they do not need to be followed in sequential order and how any matter is dealt with is always at the discretion of Adventure Patch.

#### 1. Informal counselling

Adventure Patch may informally counsel a team member in order to assist the team member to better understand workplace practices, the required level of conduct and/or performance or any other matter Adventure Patch feels it appropriate to raise with the team member for their development. If the team member continues to engage in the conduct and/or poor performance which has been

subject of informal counselling, the team member may be subject to any of the disciplinary procedures set out below up to and including termination of employment.

## **2. Formal disciplinary process**

If the team member's performance or conduct does not improve following informal counselling, Adventure Patch may decide to commence a formal disciplinary process. This process may also be followed without prior informal counselling, where the seriousness of the performance or conduct issues mean it is appropriate to move straight to this stage.

The team member will usually be given written notification to attend a meeting in relation to the team member's performance or conduct. Generally, the team member will be given at least 24 to 48 hours' notice of the meeting. The letter will set out the performance or conduct issues to be discussed and warn the team member of the potential outcomes of the disciplinary process.

Adventure Patch will offer the team member an opportunity to have a support person present during the meeting. The support person is not entitled to play an active role in the meeting and is not entitled to speak on behalf of the team member, but may provide support, guidance and advice to the team member (in private if they so wish).

Generally, the following process will be followed in the disciplinary meeting:

- Adventure Patch will explain to the team member why the team member's performance is not meeting the expected standards (by reference to the team member's job description, contract of employment, key performance indicators, etc) or elaborate on any allegations of misconduct
- The team member will be provided with an opportunity to respond to all such issues
- Adventure Patch will explain the potential outcomes of the meeting and the team member will be given an opportunity to respond to this (for example, if termination is being considered, the team member should be given an opportunity to say why they feel this is inappropriate).

Possible outcomes of the meeting include (but are not limited to) those actions further outlined below.

## **3. No action taken**

In certain circumstances Adventure Patch will decide that no action will be taken against the team member (because, for example, the allegations of misconduct are found to be unsubstantiated). In this situation Adventure Patch will generally confirm the outcome of the disciplinary meeting (and that no action is to be taken) in writing.

## **4. Further investigation**

In some circumstances Adventure Patch will need to undertake further investigation following the disciplinary meeting in order to decide on the appropriate action to take. This may occur when, for example, there are conflicting versions of events and Adventure Patch is not in a position to make a finding on the issues/allegations.

## **5. Verbal warnings**

A verbal warning will generally be appropriate where the team member's performance or conduct has

not improved following informal counselling, or in relation to an incident that is not serious enough to warrant a written warning. A verbal warning will involve warning the team member that if their performance or conduct does not improve, they may be subject to more serious disciplinary action.

## 6. Performance improvement plan (PIP)

A performance improvement plan (PIP) is generally used where issues have been identified in a team member's performance that need to be improved. A PIP will set clear goals or targets that the team member is expected to meet by certain dates. Adventure Patch will review the team member's performance during the period of the PIP and assist the team member in trying to improve their performance. If the team member's improvement does not improve, the team member may be required to attend a disciplinary meeting and may be issued a written warning. If the team member's performance does not improve after being issued one or more warnings, they may be required to attend a disciplinary meeting and (if no reasonable excuse can be given for the failure to improve) their employment may be terminated.

## 7. Written warnings

In the event that Adventure Patch has serious concerns about a team member's performance or conduct, a written warning may be issued to the team member. This may (but will not necessarily) occur following continued or repeated behaviour raised in earlier informal counselling or in a verbal warning. There may be instances where a written warning may be issued in the first instance, based on the seriousness of the poor performance or conduct.

A written warning will generally inform the team member:

- Of the team members performance or conduct issues that have been found to be an issue
- Why Adventure Patch did not find the team members response to such issues in the disciplinary meeting to be acceptable
- Of a reasonable timeframe within which the team member must remedy their poor performance and/or conduct
- That if the team member continues to under-perform or engage in misconduct, other disciplinary action may be taken, up to and including termination of employment.

## 8. Termination of employment (with notice or payment in lieu of notice)

Poor performance or misconduct may lead to the termination of a team member's employment (either with notice or payment in lieu of notice).

The number of warnings provided to a team member prior to termination of their employment may vary depending on the circumstances. For example, it may in some circumstances be appropriate for Adventure Patch to provide the team member with a number of warnings in relation to the same poor performance or conduct where such poor performance or conduct is of a relatively minor nature, before terminating the team member's employment. Similarly, Adventure Patch may provide a team member with a number of warnings where a team member engages in misconduct or poor performance which is separate to that which was the subject of an earlier warning, or which was not reasonably close in time to an earlier warning.

In extreme cases of poor performance or misconduct it may be appropriate to terminate employment without any previous warnings having been given.

At the disciplinary meeting, the team member will be given an opportunity to explain why they

consider termination of employment is not appropriate prior to Adventure Patch taking a final decision.

## **9. Termination of employment without notice (summary dismissal) in cases of serious misconduct**

Serious misconduct is wilful and/or deliberate behaviour by a team member that is inconsistent with the continuation of employment, including but not limited to:

- a) A material breach of the team member's employment contract
- b) Serious failure in the performance of duties or improper or inappropriate use of the team member's position
- c) Wilful violation of any law or rule of a regulatory body
- d) Deliberately subverting customers or business away from Adventure Patch
- e) Accepting bribes or secret commissions
- f) Any conduct that in the reasonable opinion of Adventure Patch constitutes a serious or potentially serious conflict of interest, including working for a competitor during the term of the team member's employment
- g) Refusal to comply with a lawful and reasonable direction given by management or any other person duly allowed by Adventure Patch
- h) Dishonest behaviour and/or acting in a way that is inconsistent with the best interests of Adventure Patch
- i) Deliberately providing false or misleading information to Adventure Patch or any of Adventure Patch's customers or suppliers
- j) Being convicted of a criminal offence which, in the reasonable opinion of Adventure Patch, may have the effect of bringing Adventure Patch into serious disrepute or affecting the ability of the team member to meet obligations under the team member's employment contract
- k) Theft or misappropriation of Adventure Patch property
- l) Being under the influence of alcohol and/or illegal drugs whilst at work or on Adventure Patch property
- m) Acting in a way which in the reasonable opinion of Adventure Patch may injure or be likely to injure the business or reputation of Adventure Patch
- n) Acts of bullying, harassment or discrimination
- o) Threatening, violent, or offensive behaviour
- p) Conduct that causes imminent, and serious risk to the health, or safety, of a person or the reputation, viability or profitability of Adventure Patch.

At the disciplinary meeting, the team member will be given an opportunity to explain why they consider termination of employment without notice is not appropriate prior to Adventure Patch making a final decision.

### **Record keeping**

Records of verbal warnings and any written warnings will be placed in a team member's personnel file.

### **Related Policies**

Adventure Patch's Code of Conduct

Workplace Anti-Bullying & Anti-Harassment Policy

Equal Employment Opportunity and Anti-Discrimination Policy

Grievance Handling Policy


### About this Policy

Unless the Policy specifically states otherwise, the Policy does not form part of your employment agreement with Adventure Patch. Adventure Patch may unilaterally vary, remove or replace this Policy at any time. To the extent that this Policy imposes any obligations on Adventure Patch and/or purports to provide any right or benefit to you, those obligations are not contractual and do not give rise to any contractual rights. You are required to be familiar with the content of the Policy and comply with the terms at all times.

### Review History

Policy Reviewed By:	Tim Short	CEO	October 2023
POLICY REVIEWED	September 2023	NEXT REVIEW DATE	September 2026
Modifications	<ul style="list-style-type: none"> <li>New policy</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
	<ul style="list-style-type: none"> <li></li> </ul>		

### Signed

<b>CEO:</b>	
<b>Manager:</b>	