

PERFORMANCE AND MISCONDUCT GUIDELINES

Document ID	Performance and Misconduct Policy
Related Documents	Staff Code of Conduct
Date	7 December 2016
Date of Next Review	7 December 2018
Authorised by	Director of Accreditation, Compliance and Quality Assurance
Approved by	Executive Management Team [10 January 2017]
Version	1.0
Responsible Officer	HR Manager
References and Legislation	

Contents

1. Purpose.....	2
2. Scope	2
3. Definitions	2
4. Grounds for Disciplinary Action.....	2
5. Disciplinary Procedure.....	2
6. Investigation	3
7. Disciplinary Interview	3
8. Disciplinary Action	3
9. Document Change Control	4

1. Purpose

The objectives of APIC's performance and misconduct policy are to:

- correct and/or improve the standard of conduct of an employee where appropriate or necessary; and
- provide any employee with an opportunity to correct unacceptable conduct (other than in situations where summary dismissal is appropriate);

2. Scope

This Policy may be used as guidance to deal with necessary discipline arising from conduct in any circumstances connected with work, including out-of-work conduct and conduct at work-related functions that impacts on APIC. A work-related function is any function that is connected to work. Work lunches, dinners, conferences, Christmas functions and client/customer functions are examples of work related functions. This Policy also applies when employees go to other workplaces in connection with work, for example, when visiting a supplier, client or customer.

If conduct involves a potential breach of any Australian law, APIC may notify the police or other relevant government authority

3. Definitions

Item	Definition
	NIL

4. Grounds for Disciplinary Action

Disciplinary action may be taken in response to any:

- unsatisfactory performance;
- unacceptable conduct; and
- wilful or serious misconduct.

5. Disciplinary Procedure

The procedures outlined below are intended as a guide only to the disciplinary procedures which may be implemented by APIC. In every case, the actual disciplinary procedure to be adopted will be a matter for the APIC's discretion and in consideration of the circumstances of the case as a whole. Nothing in this Policy prevents APIC from issuing a final warning at any stage of the process. Similarly, if the circumstances warrant, nothing in this Policy prevents APIC from dismissing an employee at any stage of the procedure set out in this Policy, for example in circumstances involving wilful or serious misconduct by an employee.

6. Investigation

Depending on the circumstances, it may be necessary to investigate incidents and/or allegations. This may involve collecting relevant data, interviewing the relevant employee, relevant witnesses, such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact.

An employee may be suspended from duty on ordinary pay pending completion of an investigation.

7. Disciplinary Interview

If, based on the investigation, the APIC believes that there is a case to be answered by the employee; the employee may be asked to attend a meeting to discuss the issue(s) of concern.

An example of a procedure that may be adopted by APIC in these circumstances may involve:

- the employee being given notice of the meeting and what will be discussed at the meeting.
- The employee will be given a reasonable opportunity to have a support person present at the meeting.
- putting the issue(s) of concern or allegations will be put to the employee;
- giving the employee an opportunity to respond to the concerns or allegations;
- APIC considering the employee's response and make any further enquires or investigations (if necessary);
- APIC determining whether the concern(s) or allegations have been proven.
- If it is determined that all or some of the concerns or allegations are founded, APIC will decide what, if any, disciplinary action is appropriate in the circumstances.

8. Disciplinary Action

Any disciplinary action taken will vary from case to case. It will depend on the circumstances and could include a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct.

Examples of disciplinary action which may be taken by APIC include, but are not limited to:

- redirection, retraining;
- verbal warning;
- written warning; and
- dismissal, including summary dismissal in circumstances of serious or wilful misconduct.

9. Document Change Control

Version	Change Description	Date	Author
1.0	Put in new policy format	7 December 2016	Corinne Green