



UNDER PERFORMANCE, MISCONDUCT AND DISCIPLINARY POLICY

Date of Approval:	February 2nd 2023
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Review Date:	February 2nd 2024
Policy Type:	Board Policy

Review History Table

A Liquid Future's Under Performance, Misconduct and Disciplinary Policy will be reviewed annually. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Chief Executive Officer. A Liquid Future retains records to document each review undertaken. Records may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

Revised on	Version	Date of Approval	Approved by	Content reviewed/ Purpose
28/01/2023	1	14/12/2020	ALF Board	Policy Revised
	2	02/02/2023	ALF Board	Policy Revised

Purpose

The purpose of this policy is to specify the principles and procedures when managing and dealing with under performance, misconduct and disciplinary matters relating to employees and volunteers of A Liquid Future.

Who it applies to

This policy applies to all employees and volunteers of A Liquid Future. This policy should be read in conjunction with the employees/volunteers contract as well as the corresponding Memorandum of Understanding (MoU) from the related agency.

While on contract

- There is an expectation that the A Liquid Future employee/volunteer provides technical skills and knowledge during their employment / deployment, acts in a manner that is consistent with A Liquid Futures Code of Conduct and values, and observes A Liquid Future's policies and procedures.
- Depending on the nature of the underperformance or allegation, in the first instance, employees/volunteers are encouraged to address the matter with the A Liquid Future representative at location or the CEO.
- Employees/volunteers are to raise any matter of disputes, allegations, and grievances relating to their deployment with their A Liquid Future representative. The A Liquid Future representative or CEO will provide advice in addressing the matter and may facilitate the process to address or clarify the matter with the host agency to genuinely resolve the matter.

Managing Under Performance or Misconduct

- Any feedback or allegations of underperformance or misconduct received relating to an employee/volunteer on deployment will be followed up by an A Liquid Future representative.
- A Liquid Future will request further information from the Host Agency and/or relevant parties.
- The employee/volunteer in question will have the opportunity to respond to any feedback or allegations.
- Where underperformance or allegation of misconduct is substantiated, A Liquid Future in conjunction with the host agency may introduce a set of agreed steps with the employee/volunteer. The employee/volunteer is expected to increase performance or standards of conduct.

Investigation

- In some circumstances, A Liquid Future may deem it appropriate to conduct an investigation of unacceptable performance or behaviour/misconduct.

- The health, safety, and security of the employee/volunteer will remain our priority during the process.

Suspension

- A Liquid Future may deem it appropriate for parties to be stood down with pay during an investigation and until such time as the alleged misconduct has been investigated.
- Withdrawal from the field will be considered on a case by case basis.
- The employee/volunteer will also have the opportunity to respond to the allegations and may be accompanied by a support person during a meeting. A support person is not to advocate on behalf of the employee/volunteer however may provide the emotional support or assist in clarifying/explaining a response if the employee/volunteer has difficulty communicating a response during meetings.
- Prior to any suspension, A Liquid Future will be providing in writing the reason(s) for the suspension and an estimated timeframe for the investigation.

Substantiating a Finding

- In substantiating a finding, A Liquid Future will consider the following:
 - Balance of probabilities and reasonable person test
 - Impact on complainant, severity and frequency of behaviour
 - The impact on the organisation in terms of its exposure to vicarious liability claims and/or damage to its reputation
 - Policy violation
- If found to have occurred, A Liquid Future may categorise as:
 - Potentially unlawful
 - Breach of policy/code
 - Unreasonable or Under performance
 - Unprofessional
 - Reasonable in all the circumstances

Disciplinary Actions

- Formal performance management and discipline procedures including summary termination or early withdrawal from the field may be initiated for continued underperformance and unacceptable behaviour.
- Disciplinary procedure:
 - Step 1 Verbal warning
 - Step 2 Written warning
 - Step 3 Notice of termination
 - Step 4 Summary Termination
- All 'warnings' issued will include a clear statement of:
 - Specific concerns about the employees/volunteers performance or conduct;
 - Expectations regarding resolution of these matters;
 - The time in which these improvements are to be achieved.

- In most circumstances A Liquid Future will commence the procedure at step 1 though in more serious cases, the procedure may commence at step 3. For cases of serious misconduct, summary dismissal (termination) and/or immediate withdrawal will apply.

Verbal Warning

- A meeting will be held to discuss the employees/volunteers performance or conduct.
- The employee/volunteer will be given the opportunity to explain their position.
- A Liquid Future will consult with the employee/volunteer and host agency (if applicable) about agreed expectations and timeline for review. Continued poor performance or unacceptable behaviour will lead to further disciplinary actions.

Written Warning

- If the performance or conduct fails to meet the required standard in the agreed timeline, or where the same or a related problem occurs within twelve months of the end of the review period, A Liquid Future shall hold a meeting with the employee/volunteer.
- The employee/volunteer will have the opportunity to respond.
- A Liquid Future shall issue a written warning outlining corrective action required, and a final timeline to meet the required standard.

Notice of Termination

- Where the unsatisfactory performance or conduct continues, or where the same or a related problem occurs within twelve months of the final review period, A Liquid Future may terminate the employment of the employee/volunteer with notice.
- A Liquid Future will hold a meeting where the employee/volunteer will be given the opportunity to explain their actions.
- The written document provided to the employee/volunteer will confirm the facts relied upon to justify the warning (s) and notice of termination.

Summary Termination

- Serious misconduct and negligence may lead to summary dismissal. If substantiated, no payment of notice is applicable.
- Situations which may warrant summary dismissal would include, but are not limited to:
 - a) Fighting or aggressive behaviour;
 - b) The inability to carry out normal duties as a result of the use of intoxicants;
 - c) Serious negligence;
 - d) Fraud, corruption, or bribery;

- e) Criminal conduct;
- f) Wilful damage to property;
- g) Deliberate breach of occupational health and safety obligations;
- h) Abuse of members of the public;
- i) Harassment or unlawful discriminatory conduct;
- j) Breach of the child protection policy and code of conduct.

Written Records

- An entry of the 'warning' given will be recorded in the employees/volunteers personal file.

Appeal / Grievance

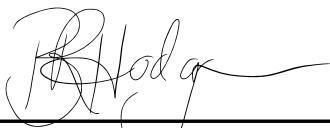
- The employee/volunteer may appeal the substantiated finding via formal documentation and request for review of the matter. In such circumstances, the matter will be reviewed by the CEO.



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