

P 18 – Performance Management

1 Objectives

This policy seeks to set out a process to be followed for the management of employees' performance, whereby:

1. Any unacceptable performance is identified, documented, and communicated to the employee.
2. The employee is afforded procedural fairness and natural justice throughout the performance management process, such that they are allowed a support person at any performance management meeting, and the right to defend themselves against any allegations of unacceptable performance and to challenge the accuracy of the documentation produced by the Shire as a record of the performance management process.
3. The employee is provided reasonable time and, if necessary, reasonable assistance or training, to address their unacceptable performance to meet the Shire's expectations.
4. The employee is made aware, in advance, of the possible consequences should they fail to remedy their unacceptable performance, to meet the Shire's expectations, within a reasonable time frame.
5. The whole process is correctly documented, and the employee is provided with copies of the documentation throughout the process.
6. The employee will be given opportunity to comment on the accuracy of the minutes of the meeting and their comments will be recorded.

2 Scope

This policy applies to all continuing contract employees and casual employees of the Shire of Bridgetown-Greenbushes, be they full time or part time, and who *do not* have performance management procedures set out in the terms and conditions of their written contracts of employment.

3 Policy

3.1 Identification and Management of Unacceptable Performance

3.1.1 Initial Investigation

Where the performance of an employee is believed to be unacceptable, the employee's immediate supervisor/manager shall perform an investigation of the employee's performance and identify those aspects of the employee's performance that are unacceptable. This investigation shall be documented showing what aspects of the employee's performance is unacceptable, how it is unacceptable and what the employee needs to do to remedy the situation. The investigation may include taking witness statements from other employees who are impacted by the employee's unacceptable performance.

3.1.2 Initial Communication to the Employee

The documentation of the investigation shall be used to formulate a letter to the employee, setting out in sufficient detail, those aspects of the employee's performance that are deemed unacceptable, giving examples where possible to clearly identify the unacceptable performance. The letter should instruct the employee of the requirement to attend a meeting on a set date and time, to discuss the alleged unacceptable performance. The employee is expected to attend, prepared to offer their argument in defense of the stated unacceptable performance. The letter should advise the employee that they may be accompanied by a support person of their choice at the meeting and advise the employee how serious the matter of their unacceptable performance is. If the employee requests an extension of time to prepare for the meeting and to arrange a support person, the supervisor/manager should give reasonable consideration and accommodate this request for an extension of time. The supervisor's/manager's investigation notes and any witness statements should be attached to the letter to the employee. The employee should be advised that they may respond to the allegations in writing prior to the meeting if they so choose. The timing of the meeting should be such as to allow the employee sufficient time to access professional advice and assistance from any person of their choosing.

3.1.3 Performance Management Meeting

The Shire should have at least two representatives (one being Human Resources Officer) at the performance management meeting. During this meeting, the employee should be given a verbal summary of the Shire's concerns about their performance not meeting the Shire's expectations and go through the details provided in the letter and in the investigation notes and any witness statements. The employee should then be asked to respond to the allegations of unacceptable performance and to explain any mitigating factors that may impact their performance and defend themselves against the allegations. Their responses should be documented in minutes of the meeting. If the employee's explanations are not acceptable then the supervisor/manager should advise the employee of the reasons why they are not acceptable. If the employee provides satisfactory explanations demonstrating that there are mitigating factors impacting their performance, then this should be acknowledged. The parties should then assess what time the employee needs to be allowed to remedy the situation and what assistance or training they may need to bring their performance back up to the Shire's expected standard. The employee should be told how serious the matter is and the possible consequences if they are unable to bring their performance up to the Shire's expected standard. The parties should agree as to how and when the employee's performance is to be monitored during the time in which the employee is expected to remedy their unacceptable performance issues. Regular monitoring meetings should be scheduled in advance at which the employee may be accompanied by a support person of their choice and the Shire be represented by at least two officers. These monitoring meetings should be minuted and the employee should receive copies of the minutes of these meetings.

3.1.4 Ongoing Communication to the Employee

Immediately following the Performance Management Meeting, the employee should be provided with the minutes of this meeting and advised that if they do not challenge the accuracy of the minutes within a reasonable time frame, that the minutes will stand as a true and correct record of the meeting. Similarly, the follow-up meetings are to be minuted, and

copies provided to the employee immediately following those meetings, with an opportunity for the employee to comment on the accuracy of the minutes and have their comments noted, otherwise, the minutes will stand as a true and correct record of the meeting. Copies of all meeting minutes, from the initial performance management meeting and subsequent follow-up monitoring meetings, must be placed on the employee's personnel file.

3.1.5 Monitoring the Employee's Progress

After the initial performance management meeting, a performance improvement plan is to be set, stating the timeframe and the expectations/standards to be achieved. Follow-up monitoring meetings should be mutually agreed as to how and when these meetings will occur. During these follow-up meetings, if the performance is improving, the employee should be advised of this and encouraged to continue with the improvement plan. If the unacceptable performance is not being addressed and the employee is failing to improve, then the employee should be advised in writing that there is no perceivable improvement in their performance and that if there is no improvement in the agreed time frame, there are consequences which may include transfer to a lower paid position, written warning or termination of employment. The employee should be provided with copies of all minutes and documentation during this process and copies placed on the employee's personnel file. The supervisor/manager must ensure that the Shire has provided the agreed level of assistance or training to the employee within the agreed time frame during the monitoring process. If the employee does remedy their unacceptable performance within the agreed time frame, then this should be acknowledged in writing to the employee and the letter placed in their personal file. Where a relapse of behaviour occurs within twelve months of these discussions, performance management will be reinstated with the ability to expedite an outcome, utilising previous discussion notes on file.

3.1.6 Employee Fails to Remedy Unacceptable Performance

Where an employee's performance has been identified as unacceptable and the procedures described in items 3.1.1 to 3.1.6 above have been completed, and the employee has been assisted/trained as agreed and the employee's performance remains unchanged and unacceptable, and where dismissal is being considered, the employee should be advised in writing, they have failed to satisfactorily remedy their unacceptable performance and they should be invited to a meeting accompanied by a support person of their choice and be prepared to show cause as to why they should not be dismissed on the grounds of unacceptable performance. The timing of this meeting should allow the employee to access professional advice and arrange a support person of their choice, to attend the meeting. The employee should be allowed the opportunity to respond in writing instead of attending a face-to-face meeting for this purpose.

If the employee responds in writing, their response should be assessed impartially to determine if they have provided reasonable evidence that shows cause that they should not be dismissed. If the written response fails to show cause as to why the employee should not be dismissed, then a report should be prepared to the CEO with a recommendation that the employee be dismissed, detailing the procedures that have been undertaken leading to the recommendation to dismiss.

If the employee chooses to deal with the matter in a face-to-face meeting, they should be allowed a support person of their choice, and the Shire should be represented by at least two officers. At the meeting, the employee should be allowed reasonable time to put their case as

to why they should not be dismissed. The meeting should be meticulously minuted, and if a dismissal is to be recommended, a letter of termination should be prepared for the CEO, containing details of the meeting and the reasons for the dismissal. The Shire representatives conducting the performance management process should seek advice from the Shire's Industrial Relations Consultant throughout this process and at the point where the employee is likely to be dismissed, to verify that the process has been followed correctly and the reason being considered as grounds for dismissal is fair and reasonable.

4 Applicable Legislation and Documents

Statutory Power <i>(Acts, Regulations, Local Laws, TPS)</i>	<i>Local Government Act 1995</i> s.2.7(2)(b) – The council is to determine the local government's policies
Shire Policies	N/A
Related Documents	N/A
Related Procedure	N/A

5 Administration

Original Adoption Date	2 November 2023
Last Variation Date	
Last Reviewed	
Scheduled Reviewed Date	2 November 2026