



# Managing Unsatisfactory and Substandard Performance Policy

Employment Policy Framework

MP 0041/16



## Managing Unsatisfactory and Substandard Performance Policy

### Employment Policy Framework

#### 1. SCOPE

- 1.1 The Managing Unsatisfactory and Substandard Performance Policy (**Policy**) is part of the Employment Policy Framework issued by the Department CEO pursuant to section 26 of the *Health Services Act 2016 (HSA)*.
- 1.2 This Policy replaces policy number MP 0030/16 Managing Unsatisfactory and Substandard Performance Policy.
- 1.3 This Policy applies to employees of Employing Authorities established under the HSA which includes:
  - Child and Adolescent Health Service;
  - East Metropolitan Health Service;
  - Health Support Services;
  - North Metropolitan Health Service;
  - South Metropolitan Health Service;
  - WA Country Health Service; and
  - Quadriplegic Centre.
- 1.4 Managers should seek the advice of Human Resources (**HR**) in relation to the extent this Policy applies to trainees, casual employees, fixed term contract employees or probationary employees.
- 1.5 This Policy does not apply to employees who are employed under Part 3 of the *Public Sector Management Act 1994 (PSMA)* and therefore subject to Part 5 of the PSMA. The Public Sector Commission - Commissioner's Guide for Agencies – Managing Substandard Performance provides the procedural requirements for these employees.

#### 2. POLICY

- 2.1 Employees of Employing Authorities are expected to meet and maintain acceptable standards in the performance of their duties and responsibilities. All employees are expected to demonstrate competence, care, good faith and compliance with reasonable or lawful instructions and policies and procedures in the performance of their duties.
- 2.2 Managing Unsatisfactory Performance is to be undertaken in a constructive and supportive manner with a focus on assisting employees to attain and sustain Satisfactory Performance.
- 2.3 Unsatisfactory Performance should not be deemed Substandard Performance until the employee has been provided with an opportunity to improve their Performance Standards consistent with the Employing Authority's expectations and service requirements.

- 2.4 A finding that an employee's performance is at a Substandard Performance standard should only occur after the completion of the Performance Improvement Process and only where considerable improvement has not been made to the required Performance Standard.
- 2.5 Managers are responsible for the management of Unsatisfactory and Substandard Performance. Managers will be provided with support from HR throughout the Performance Improvement Process and will be provided with the appropriate training, resources and advice when required.
- 2.6 A fair and reasonable approach must be applied to the Performance Improvement Process by:
- applying objective and consistent measures to assess performance;
  - addressing performance issues as they arise and not delaying or suspending issues until a Performance Management Review is undertaken;
  - applying the principles of Procedural Fairness; and
  - complying with the obligations of any policy framework and legislation including the provisions relating to substandard performance under the HSA.

### **3. COMPLIANCE**

- 3.1 The Manager, in consultation with HR is responsible for identifying the appropriate Decision Maker in accordance with the Employing Authority's Authorisations Schedule.
- 3.2 The Manager and Decision Maker are responsible, with assistance and advice from HR as required, for ensuring compliance with this Policy.
- 3.3 The role of Manager and Decision Maker will usually be performed by two separate positions. In limited circumstances, the Manager may also be the Decision Maker.

### **4. PROCEDURAL FAIRNESS**

- 4.1 The process for managing Performance Standards should observe the rules of Procedural Fairness. This includes the employee being informed of the Performance Standards, given adequate information about the job requirements, the opportunity to improve and the opportunity to respond.

### **5. PERFORMANCE STANDARDS**

#### **Satisfactory Performance**

- 5.1 The minimum standard an employee is reasonably expected to perform, attain or sustain in the performance of their position.

#### **Unsatisfactory Performance**

- 5.2 Where an employee is not achieving the required Satisfactory Performance standard of the position. Specifically, where an employee's performance is below the standard required to meet the performance Objectives of the position held.

- 5.3 In determining whether or not the employee is at a standard of Unsatisfactory Performance, the Manager must consider the following:
- (a) the employee's Job Description Form including their designated responsibilities and duties;
  - (b) any written work standards or instructions relating to the manner of performance of the functions the employee is required to undertake;
  - (c) requirements of the position outlined in applicable Industrial Instruments, manuals, policies, procedures, guidelines, professional standards and codes and relevant legislation; and
  - (d) any other job functions or standards applicable to the employee.
- 5.4 Examples of Unsatisfactory Performance may include, but are not limited to:
- (a) inability to meet the Satisfactory Performance standard of the job requirements;
  - (b) inability to complete work to an expected standard;
  - (c) repeatedly failing to meet or comply with agreed timeframes;
  - (d) making continued poor or incorrect decisions;
  - (e) inability to work unsupervised where appropriate;
  - (f) failure to adhere to any policy framework and/or processes;
  - (g) failure to collaborate or consult with colleagues and other stakeholders where it is a requirement of the position; and/or
  - (h) inability to make decisions within the job requirements.
- 5.5 Where an employee is consistently failing to meet the minimum standard the employee is reasonably expected to perform, attain or sustain in the performance of their position consideration should be given to whether the employee's performance is substandard performance.

### **Substandard Performance**

- 5.6 The performance of an employee is substandard where the employee does not, in the performance of the functions that the employee is required to perform, attain or sustain a standard that a person may reasonably be expected to attain or sustain in the performance of those functions (section 158(1) of the HSA).

## **6. OTHER REQUIREMENTS**

### **Confidentiality**

- 6.1 It is in the interests of all parties for confidentiality to be observed throughout the Performance Improvement Process. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

### **Record Keeping**

- 6.2 All documentation relating to each Performance Improvement Process must be maintained in a confidential and secure location. Documentation will not be retained on an employee's personnel file, other than a record of any Sanction imposed pursuant to the HSA.

## **Discipline Policy**

6.3 This Policy does not apply to a suspected breach of discipline which is managed pursuant to the Discipline Policy.

## **7. EXPLANATORY NOTES**

7.1 The Explanatory Notes (**Notes**) form part of the Policy and are designed to provide assistance in the Performance Improvement Process.

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## 8. PERFORMANCE IMPROVEMENT PROCESS

The following sets out the steps required in the Performance Improvement Process:

### PHASE 1: IDENTIFYING UNSATISFACTORY PERFORMANCE

<b>Step 1</b>	The Manager identifies and documents Unsatisfactory Performance.
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<b>Step 2</b>	The Manager, with advice from HR, identifies the appropriate Decision Maker in accordance with the applicable Authorisations Schedule for the relevant Employing Authority.
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<b>Step 3</b>	The Manager advises the Decision Maker they are proceeding to Phase 2. <b>Go to PHASE 2.</b>

**Note:** Phase 2 will be used by the Manager as an informal means for addressing Unsatisfactory Performance before proceeding to formalise the process at Phase 3.

### PHASE 2: MANAGING UNSATISFACTORY PERFORMANCE

<b>Step 1</b>	<p>The Manager, after seeking advice from HR, initiates discussions with the employee within 14 days of identifying and documenting Unsatisfactory Performance.</p> <p>Any discussions with the employee must be professional, respectful and supportive. The Manager must ensure:</p> <ul style="list-style-type: none"><li>(a) confidentiality;</li><li>(b) the employee is provided adequate notice of the purpose of the discussions; and</li><li>(c) the nominated venue for any discussions is appropriate.</li></ul> <p>During the discussions, the Manager must clearly identify:</p> <ul style="list-style-type: none"><li>(a) the Unsatisfactory Performance and impact on the workplace;</li><li>(b) possible causes of Unsatisfactory Performance;</li><li>(c) what is Satisfactory Performance;</li><li>(d) expected improvements required to reach Satisfactory Performance including any support and resources to be provided;</li><li>(e) that failure to reach a Satisfactory Performance standard may result in a Performance Improvement Plan; and</li><li>(f) that failure to successfully complete a Performance Improvement Plan may result in a finding of Substandard Performance which may lead to a Sanction imposed.</li></ul> <p>The Manager will maintain their own records of any discussions with the employee.</p>
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**Step 2** | The Manager should ensure the employee is provided with a reasonable opportunity of not less than 4 weeks from the first discussion with the employee, before proceeding to Step 3.



**Step 3** | Following ongoing discussions with the employee, the Manager assesses the employee's performance and determines:



**(A)**

The employee meets the Satisfactory Performance standard.



Advise the employee and document the final decision.



**Process Ends**

**OR**



**(B)**

The employee does not meet the Satisfactory Performance standard.



**Go to Step 4**



**Step 4** | The Manager advises the Decision Maker they are proceeding to Phase 3.  
**Go to PHASE 3.**

### **PHASE 3: MANAGING ONGOING UNSATISFACTORY PERFORMANCE - PERFORMANCE IMPROVEMENT PLAN (PIP)**

**Step 1** | The Manager, with advice from HR, completes the PIP using the PIP Template, which includes:

- (a) the identified Unsatisfactory Performance;
- (b) expected Outcomes including identified tasks and Objectives to meet Satisfactory Performance;
- (c) the support and/or resources to be provided to the employee to meet the required Outcomes; and
- (d) duration of PIP being a minimum of 3 months, except where the following applies:
  - (i) extending the duration of the PIP;
  - (ii) repeating the PIP process;
  - (iii) finding of Substandard Performance and repeating Phase 3; or
  - (iv) where there is a recurrence of previously identified Unsatisfactory Performance within 12 months of finalising the Performance Improvement Process.

**Note:** All Objectives documented in the PIP must comply with Specific, Measureable, Achievable, Relevant and Time-bound (**SMART**) principles.



**Step 2** The Manager arranges a brief meeting with the employee, for the purpose of providing the employee with written confirmation of the PIP which includes:

- (a) identifying the Unsatisfactory Performance;
- (b) confirming this Policy will apply;
- (c) explaining the process to date i.e. Phase 1 & 2;
- (d) a copy of the PIP, Policy, JDF and any other relevant documents that support the expected Outcomes;
- (e) a proposed meeting time and venue within 14 days of receipt of the letter;
- (f) providing an opportunity to respond in writing to the proposed PIP (not less than 7 days);
- (g) confirming the right to seek advice and access to a Support Person;
- (h) duration of the PIP; and
- (i) the consequences of not meeting a Satisfactory Performance standard, which may include an extension of the PIP duration, a further PIP or a finding of Substandard Performance that may result in a Sanction imposed.

The employee is not expected to respond to the PIP at this meeting.



**Step 3** The Manager explains the PIP at the first meeting and discusses any written response received from the employee. The Manager will outline expectations, reasonable timeframes, any resources to be provided including training and frequency of subsequent meetings.

**Note:** HR, on request of the Manager will attend PIP meetings. The Manager is responsible for ensuring all meetings are recorded and copies of the updated PIP are provided to the employee as soon as possible following each meeting and prior to subsequent meetings.



**Step 4** Following the first meeting and prior to subsequent meetings, the Manager must:

- (a) ensure the employee has an updated copy of the PIP;
- (b) review the PIP Objectives and timeframes;
- (c) continue to monitor the employee's performance against the PIP;
- (d) ensure the employee is provided with ongoing support and any identified resources in a timely manner;
- (e) continue to provide the employee with ongoing constructive feedback; and
- (f) document all discussions and associated correspondence with the employee.



**Step 5** At each of the scheduled subsequent meetings, the Manager will:

- (a) assess and discuss with the employee their ongoing performance against the PIP Objectives, including any improvements and areas where there is ongoing Unsatisfactory Performance;
- (b) provide the employee with the opportunity to assess their ongoing performance against the PIP; and
- (c) remind the employee of the PIP duration and the consequences of failing to meet a Satisfactory Performance standard, which may include an extension of the PIP duration, a further PIP, or a finding of Substandard Performance that may result in a Sanction imposed.



**Step 6** Prior to the final PIP meeting the Manager undertakes a final assessment of the employee's performance against the PIP Outcomes and determines whether the employee has:

- (a) successfully met the PIP Outcomes for Satisfactory Performance; or
- (b) made considerable improvements, but has not successfully met the PIP Outcomes for Satisfactory Performance; or
- (c) not made considerable improvements and has not successfully met the PIP Outcomes for Satisfactory Performance.
- (d) The Manager must advise the Decision Maker of the final assessment. The Decision Maker must be satisfied with the process before the Manager can proceed to Step 8.



**Step 7** At the final PIP meeting the Manager:

- (a) advises the employee of the decision at Step 6;
- (b) confirms the decision in writing; and
- (c) provides the employee with an opportunity to respond in writing.



**Step 8** (a) The Manager considers any response provided by the employee, including any issues cited in mitigation and advises the employee in writing of the final decision:

**(A)**

The employee has successfully met the PIP Outcomes for Satisfactory Performance.



Document the final decision.

**Process Ends**

**OR**

**(B)**

The employee has made considerable improvements but has not successfully met the PIP Outcomes for Satisfactory Performance.



Document the Decision to repeat or extend the PIP.

**Go to PHASE 3.**

**OR**

**(C)**

The employee has not made considerable improvements and has not successfully met the PIP Outcomes for Satisfactory Performance.

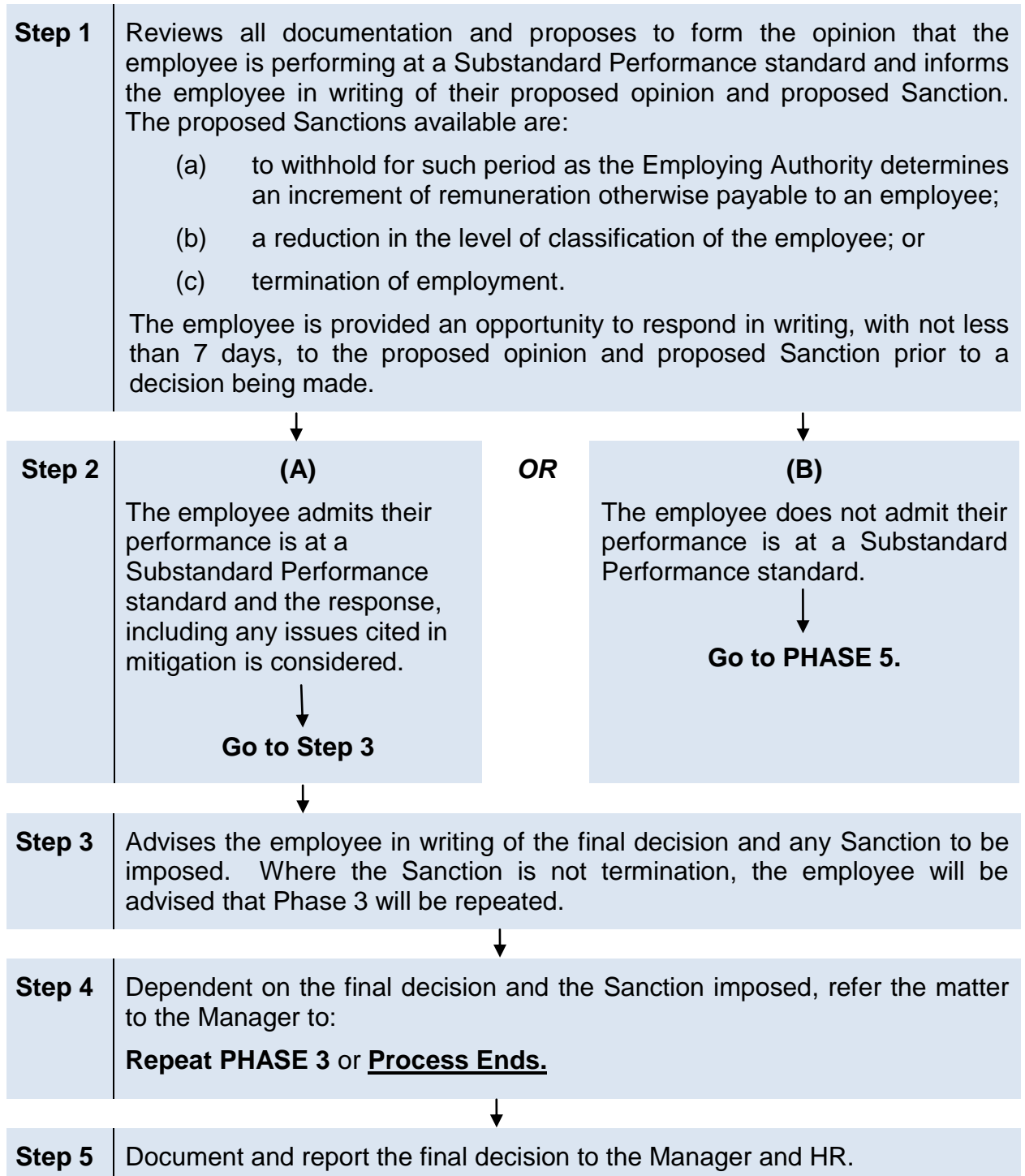
**Go to PHASE 4.**

**Note:** At Phase 3, Step 8(C), the Manager can only proceed to Phase 4, if the Manager has the authority pursuant to the Authorisations Schedule or after referring the matter to the identified Decision Maker.

**Note:** If within 12 months of a PIP process ending, there is a recurrence of Unsatisfactory Performance proceed to Phase 3. The duration of subsequent PIPs will be determined by the Manager and does not have to be a minimum of three months. If there is not a recurrence, the process ends. Any future Unsatisfactory Performance beyond 12 months must commence at Phase 1.

## PHASE 4: SUBSTANDARD PERFORMANCE

### The Decision Maker:



**Note:** The Decision Maker can only propose a Sanction within the powers authorised or delegated to them in accordance with the Employing Authority's Authorisations Schedule. If the Sanction the Decision Maker considers most appropriate exceeds the powers delegated or authorised to them they must refer the matter to a Decision Maker with sufficient authority.

## PHASE 5: SUBSTANDARD PERFORMANCE INVESTIGATION

**Note:** This Phase applies where an employee does not admit to a Substandard Performance standard and Phase 4 is continued.

### The Decision Maker:

**Step 1** Directs the commencement of a Substandard Performance Investigation; determines the scope and appoints an investigator in writing.



**Step 2** Informs the employee in writing of the decision to proceed to a Substandard Performance Investigation and identifies the appointed investigator.

### The investigator:

**Step 3** Conducts the Substandard Performance Investigation in accordance with the agreed scope.



**Step 4** Submits their findings that the employee is performing at a Substandard Performance standard as substantiated or not substantiated within the agreed investigation scope and based on the available evidence.

### The Decision Maker:

**Step 5** Receives and considers the written investigation report.



**Step 6** Advises the employee in writing of the proposed opinion and proposed Sanction to be imposed. Where the proposed Sanction is not termination, the employee will be advised that Phase 3 will be repeated.  
The employee is provided an opportunity to respond in writing, with not less than 7 days, to the proposed decision and the proposed Sanction imposed prior to a decision being made.



**Step 7** Dependent on the final decision and the Sanction imposed, refer the matter to the Manager to:  
**Repeat PHASE 3** or **Process Ends.**



**Step 8** Document and report the final decision to the Manager and HR.

## 9. APPEAL RIGHTS

The right of appeal depends on the particular terms of an employee's engagement. Depending on what is being claimed, a right of appeal may fall within the jurisdiction of the Western Australian Industrial Relations Commission or another administrative tribunal.

## 10. TERMS AND DEFINITIONS

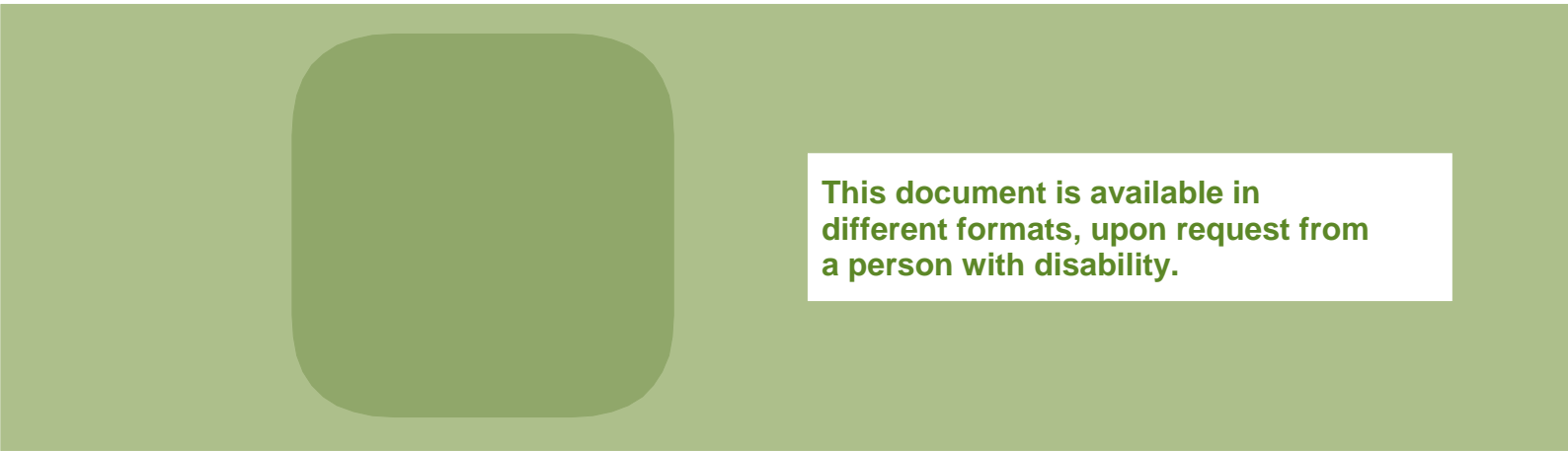
Term	Definition
<b>Decision Maker</b>	The person occupying the nominated position authorised under the relevant Employing Authority's Authorisations Schedule to make decisions in regard to commencing, progressing and imposing a Sanction.
<b>Employing Authority</b>	An Employing Authority established under the HSA which at the time publication includes: <ul style="list-style-type: none"><li>• Child and Adolescent Health Service;</li><li>• East Metropolitan Health Service;</li><li>• Health Support Services;</li><li>• North Metropolitan Health Service;</li><li>• South Metropolitan Health Service;</li><li>• WA Country Health Service; and</li><li>• Quadriplegic Centre.</li></ul>
<b>Industrial Instrument</b>	An Award or Agreement of the WA Industrial Relations Commission.
<b>Manager</b>	The person to whom an employee directly reports and/or the person that manages the resources, strategic direction and information of an employee's immediate work area.
<b>Objective</b>	A target the employee is expected to achieve in order to meet the Outcome.
<b>Outcome</b>	A responsibility, standard or requirement expected of the role, derived from, but not limited to, the JDF, work procedure, Industrial Instruments, manuals, policies, procedures, guidelines, professional standards, codes, legislation and any other job functions or standard applicable to the employee.
<b>Performance Improvement Plan (PIP)</b>	A mechanism used to identify and document Unsatisfactory Performance, set measurable Objectives and define achievable Outcomes that must be performed within a reasonable duration.
<b>Performance Management Review</b>	An evaluation of an employee's performance and behaviour which includes a plan for performance Objectives, identify development opportunities and establish behavioural expectations over a designated duration. This does not form part of the Performance Improvement Process.

<b>Sanction</b>	The proposed Sanctions available to the Decision Maker pursuant to section 159(1) of the HSA are:  (a) to withhold for such period as the Employing Authority determines an increment of remuneration otherwise payable to an employee;  (b) a reduction in the level of classification of the employee; or  (c) termination of employment.
<b>Substandard Performance Investigation</b>	The investigation pursuant to Phase 5 of the Policy.
<b>Support Person</b>	A person of the employee's choice to attend meetings with the employee. The role of a Support Person is to provide the employee with emotional support. The Support Person is not to act as the employees advocate, or to speak on their behalf.

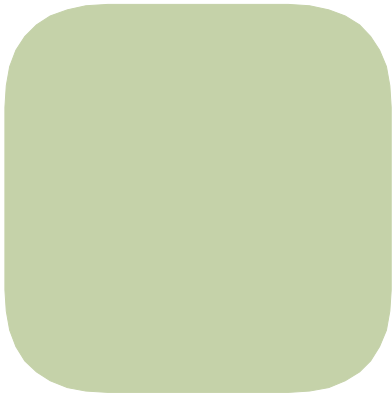
## 11. RELEVANT LEGISLATION

- *Health Services Act 2016*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Industrial Relations Act 1979*
- *Public Sector Management Act 1994* and subsidiary legislation (Regulations)
- *State Records Act 2000*

Copies of the current versions of the above (and other) legislation can be obtained online from the State Law Publisher: [www.slp.wa.gov.au](http://www.slp.wa.gov.au)



**This document is available in different formats, upon request from a person with disability.**



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# Managing Unsatisfactory and Substandard Performance Policy Explanatory Notes

## Employment Policy Framework

These Notes are a guide to support the practical application of the Managing Unsatisfactory and Substandard Performance Policy



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## **Managing Unsatisfactory and Substandard Policy – Explanatory Notes**

### **Employment Policy Framework**

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#### **1. BACKGROUND**

- 1.1 The Explanatory Notes (**Notes**) support the practical application of the Managing Unsatisfactory and Substandard Performance Policy (**Policy**) and in particular the Performance Improvement Process.
- 1.2 The Notes represent suggested practice and are not binding. They are not intended to be procedural instructions and are not a substitute for complying with the requirements of the Policy.
- 1.3 These Notes do not apply to employees who are employed under Part 3 of the *Public Sector Management Act 1994* (**PSMA**) and therefore subject to Part 5 of the PSMA. The Public Sector Commission - Commissioner's Guide for Agencies – Managing Substandard Performance provides the procedural requirements for these employees.

#### **2. PROCEDURAL FAIRNESS**

- 2.1 There are significant consequences for not providing Procedural Fairness. For example, if a Performance Improvement Process is challenged in the Western Australian Industrial Relations Commission (**Commission**), whether the principles of Procedural Fairness have been afforded to the circumstances of the case may be a fundamental consideration. If the Commission finds that Procedural Fairness was not afforded, and determines that this is a material failure, it is possible that the Performance Improvement Process may be held invalid.
- 2.2 The threshold to ensure compliance with the principles of Procedural Fairness may vary according to the circumstances of each case.

#### **3. CONFIDENTIALITY**

- 3.1 It is in the interests of all parties for confidentiality to be observed throughout the Performance Improvement Process. In correspondence, at the commencement of meetings and interviews, participants should be reminded that confidentiality is to be observed.

#### **4. INVOLVEMENT OF OTHER PARTIES**

- 4.1 Employees may request a Support Person be present at any meetings held in relation to the Performance Improvement Process.
- 4.2 Employees should be reminded that they may seek advice or support from their union or other person at any stage of the Performance Improvement Process.
- 4.3 An Employing Authority is not obliged to correspond or provide additional copies of documentation to other parties.



## 5. SUPPORTING MATERIAL

Material supporting the Performance Improvement Process is also available:

- Performance Improvement Plan Template

## 6. PERFORMANCE IMPROVEMENT PROCESS

The following sets out the steps required in the Performance Improvement Process:

### PHASE 1: IDENTIFYING UNSATISFACTORY PERFORMANCE

<b>Step 1</b>	The Manager identifies and documents Unsatisfactory Performance.
1.1.1	The Manager should identify Unsatisfactory Performance as soon as practicable after it occurs.
1.1.2	Where there is doubt about what is Unsatisfactory Performance, contact HR for advice.
<b>Step 2</b>	The Manager, with advice from HR, identifies the appropriate Decision Maker in accordance with the Authorisations Schedule for the relevant Employing Authority.
1.2.1	Only the position to which the relevant powers and responsibilities have been delegated or authorised can be the Decision Maker.
1.2.2	The authority to exercise the power and scope of decision-making powers and responsibilities are stipulated by the Employing Authority's Authorisations Schedule.
1.2.3	Any conflict of interest, perceived or real, should be identified and managed by the Decision Maker.
<b>Step 3</b>	The Manager advises the Decision Maker they are proceeding to Phase 2. <b>Go to PHASE 2.</b>
1.3.1	The Manager determines the best method of communication to advise the Decision Maker.
1.3.2	The Manager is to inform the Decision Maker at this step, the Decision Maker is not required to make any decisions or take any action.

**Note:** Phase 2 will be used by the Manager as an informal means for addressing Unsatisfactory Performance before proceeding to formalise the process at Phase 3.

## PHASE 2: MANAGING UNSATISFACTORY PERFORMANCE

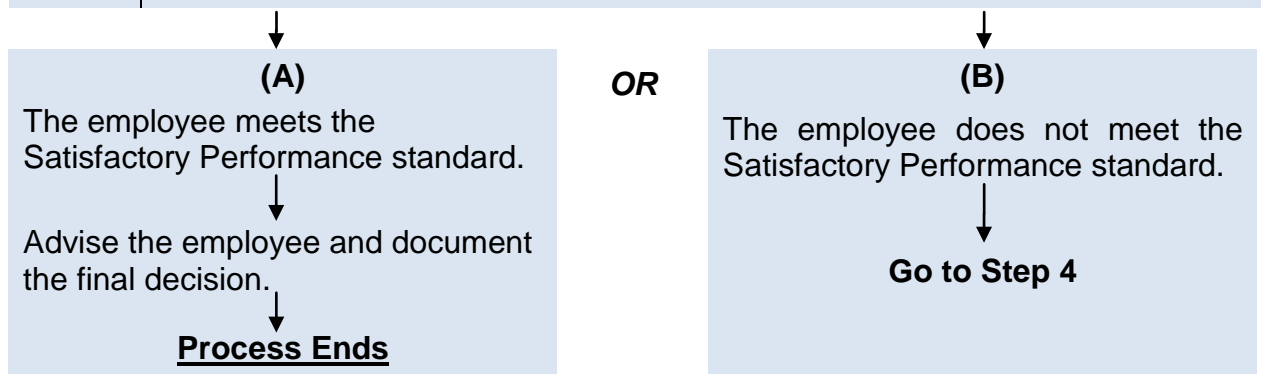
- Step 1** The Manager, after seeking advice from HR, initiates discussions with the employee within 14 days of identifying and documenting Unsatisfactory Performance.
- Any discussions with the employee must be professional, respectful and supportive. The Manager must ensure:
- (a) confidentiality;
  - (b) the employee is provided adequate notice of the purpose of the discussions; and
  - (c) the nominated venue for any discussions is appropriate.
- During the discussions, the Manager must clearly identify:
- (a) the Unsatisfactory Performance and impact on the workplace;
  - (b) possible causes of Unsatisfactory Performance;
  - (c) what is Satisfactory Performance;
  - (d) expected improvements required to reach Satisfactory Performance including any support and resources to be provided;
  - (e) that failure to reach a Satisfactory Performance standard may result in a Performance Improvement Plan; and
  - (f) that failure to successfully complete a Performance Improvement Plan may result in a finding of Substandard Performance which may lead to a Sanction being imposed.
- The Manager will maintain their own records of any discussions with the employee.
- 2.1.1 Phase 2 should be used by the Manager as an informal means of addressing Unsatisfactory Performance before proceeding to formalise the process at Phase 3.
- 2.1.2 The employee may request a Support Person be present, which should not be unreasonably refused by the Manager.
- 2.1.3 The impact of Unsatisfactory Performance on the workplace may include, but is not limited to:
- (i) a reduction in workplace efficiency and productivity;
  - (ii) a negative impact on other staff members performing at a Satisfactory Performance Standard;
  - (iii) a negative impact on workplace culture;
  - (iv) an increase in workplace incidents; and
  - (v) a negative impact on service delivery.

- 2.1.4 Possible causes of Unsatisfactory Performance may include, but are not limited to:
- (i) personal issues such as health, financial or family matters;
  - (ii) difficulty managing work/life balance;
  - (iii) inadequate skills or abilities to achieve a Satisfactory Performance standard;
  - (iv) lack of access to training and development;
  - (v) poor attitude or behaviours;
  - (vi) lack of motivation; and
  - (vii) unclear performance expectations.
- 2.1.5 Where the employee believes the expected Satisfactory Performance standard is unreasonable, the Manager should provide the employee with an opportunity to consider and discuss the expected Satisfactory Performance standard of the position.
- 2.1.6 The support and resources provided to the employee may include, but are not limited to:
- (i) an agreed mentor or buddy;
  - (ii) relevant training courses;
  - (iii) access to necessary tools and resources;
  - (iv) ongoing constructive feedback and encouragement; and
  - (v) access to the Employee Assistance Programme.

<b>Step 2</b>	The Manager should ensure the employee is provided with a reasonable opportunity of not less than 4 weeks from the first discussion with the employee, before proceeding to Step 3.
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2.2.1 A reasonable opportunity is determined by the Manager and may include a period of time of not less than 4 weeks.

<b>Step 3</b>	Following ongoing discussions with the employee, the Manager assesses the employee's performance and determines:
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2.3.1 The Manager documents their decision in writing for their own records and verbally advises the employee of the decision in **Phase 2 Step 3(A)**.

<b>Step 4</b>	The Manager advises the Decision Maker they are proceeding to Phase 3. <b>Go to PHASE 3.</b>
2.4.1	The Manager determines the best method of communication to advise the Decision Maker.
2.4.2	The Manager is to inform the Decision Maker at this step, the Decision Maker is not required to make any decisions or take any action.

### PHASE 3: MANAGING ONGOING UNSATISFACTORY PERFORMANCE - PERFORMANCE IMPROVEMENT PLAN (PIP)

<b>Step 1</b>	<p>The Manager with advice from HR, completes the PIP using the PIP Template, which includes:</p> <ul style="list-style-type: none"> <li>(a) the identified Unsatisfactory Performance;</li> <li>(b) expected Outcomes including identified tasks and Objectives to meet Satisfactory Performance;</li> <li>(c) the support and/or resources to be provided to the employee to meet the required Outcomes; and</li> <li>(d) duration of PIP being a minimum of 3 months, except where the following applies: <ul style="list-style-type: none"> <li>(i) extending the duration of the PIP;</li> <li>(ii) repeating the PIP process;</li> <li>(iii) finding of Substandard Performance and repeating Phase 3; or</li> <li>(iv) where there is a recurrence of previously identified Unsatisfactory Performance within 12 months of finalising the Performance Improvement Process.</li> </ul> </li> </ul>
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**Note:** All Objectives documented in the PIP must comply with Specific, Measureable, Achievable, Relevant and Time-bound (**SMART**) principles.

- 3.1.1 The information included in the PIP Template should follow the SMART principles. The SMART principles communicate what, how and when something will be done and how it will be measured
- 3.1.2 The SMART principles are as follows:
  - (i) **SPECIFIC** – The use of clear, concise and specific communication while focusing on factual information without ambiguity.
  - (ii) **MEASURABLE** – The Objectives expected of the employee should be measurable by quantity, quality and/or time.
  - (iii) **ACHIEVABLE** - The Objectives set are realistic and can be met consistent with the requirements of the position and the support and/or resources available.
  - (iv) **RELEVANT** –The Objectives need to be relevant so the employee understands how the Objectives relate to their position.

- (v) TIME-BOUND – Setting reasonable and clear timeframes for the employee to improve their performance to a Satisfactory Performance standard.

3.1.3 Where there is more than one identified Unsatisfactory Performance, each should be documented in the PIP template separately if they require different Objectives and Outcomes.

**Example:** The first identified Unsatisfactory Performance of an employee may be regularly missing deadlines and the second identified may be repeatedly failing to consult with relevant stakeholders. Both of these are different examples of Unsatisfactory Performance and must be managed separately in the PIP.

3.1.4 The support and resources provided to the employee may include, but are not limited to:

- (i) an agreed mentor or buddy;
- (ii) relevant training courses;
- (iii) providing ongoing constructive feedback and encouragement; and
- (iv) access to the Employee Assistance Programme.

3.1.5 When considering the duration of the PIP, the Manager will take into account the following factors:

- (i) the nature of the Unsatisfactory Performance;
- (ii) the timeframes required for improvement;
- (iii) the availability of necessary support and/or resources;
- (iv) the availability of the parties;
- (v) the attitude, effort and willingness of the employee to improve their performance to a Satisfactory Performance standard; and
- (vi) repeated or recurring Unsatisfactory Performance.

**Step 2** The Manager arranges a brief meeting with the employee for the purpose of providing the employee with written confirmation of the PIP which includes:

- (a) identifying the Unsatisfactory Performance;
- (b) confirming this Policy will apply;
- (c) explaining the process to date i.e. Phase 1 & 2;
- (d) a copy of the PIP, Policy, JDF and any other relevant documents that support the expected Outcomes;
- (e) a proposed meeting time and venue within 14 days of receipt of the letter;
- (f) providing an opportunity to respond in writing to the proposed PIP (not less than 7 days);
- (g) confirming the right to seek advice and access to a Support Person;
- (h) duration of the PIP; and

(i) the consequences of not meeting a Satisfactory Performance standard, which may include an extension of the PIP duration, a further PIP or a finding of Substandard Performance that may result in a Sanction imposed.

The employee is not expected to respond to the PIP at this meeting.

- 3.2.1 The purpose of the meeting is to notify the employee that the Manager is proceeding to **Phase 3**.
- 3.2.2 The Manager is to provide written confirmation of the PIP and is not required to discuss the details of the PIP at this meeting.
- 3.2.3 This meeting does not form part of the first or subsequent meetings as part of the PIP.
- 3.2.4 The Manager will provide sufficient written detail to ensure the employee can understand the identified Unsatisfactory Performance.
- 3.2.5 The Manager should clearly specify the consequences in writing of not meeting a Satisfactory Performance standard.

**Step 3**

The Manager explains the PIP at the first meeting and discusses any written response received from the employee. The Manager will outline expectations, reasonable timeframes, any resources to be provided including training and frequency of subsequent meetings.

**Note:** HR, on request of the Manager will attend PIP meetings. The Manager is responsible for ensuring all meetings are recorded and copies of the updated PIP are provided to the employee as soon as possible following each meeting and prior to subsequent meetings.

- 3.3.1 The employee is not obliged to provide a written response to the Manager.
- 3.3.2 If the employee requests an extension to respond in writing to the proposed PIP, such a request will not be refused unreasonably by the Manager.
- 3.3.3 The Manager genuinely considers the employee's response to the PIP, including any requests to amend the PIP.
- 3.3.4 The PIP may be amended at the first meeting with the employee, taking into account any requests for training and/or support or any other matters which would assist the employee to meet a Satisfactory Performance standard.
- 3.3.5 The Manager discusses the PIP process with the employee and provides the employee with an opportunity to ask any questions regarding the PIP.

**Step 4** Following the first meeting and prior to subsequent meetings, the Manager must:

- (a) ensure the employee has an updated copy of the PIP;
- (b) review the PIP Objectives and timeframes;
- (c) continue to monitor the employee's performance against the PIP;
- (d) ensure the employee is provided with ongoing support and any identified resources in a timely manner;
- (e) continue to provide the employee with ongoing constructive feedback; and
- (f) document all discussions and associated correspondence with the employee.

- 3.4.1 The Manager will assess the employee's progress, following a review of the employee's performance against the PIP Objectives.
- 3.4.2 The timeframes may be extended depending on the circumstances.
- 3.4.3 If the identified support and/or resources cannot be provided within the PIP timeframe, the timeframe may be extended.
- 3.4.4 If the parties become unavailable during the PIP timeframe the PIP may be suspended until the parties become available.
- 3.4.5 The PIP Objectives and Outcomes cannot be amended.
- 3.4.6 Ongoing constructive feedback is not limited to scheduled PIP meetings. Constructive feedback should be provided throughout the Performance Improvement Process.
- 3.4.7 The Manager should ensure all communication throughout this process is recorded and maintained.

**Step 5** At each of the scheduled subsequent meetings, the Manager will:

- (a) assess and discuss with the employee their ongoing performance against the PIP Objectives, including any improvements and areas where there is ongoing Unsatisfactory Performance;
- (b) provide the employee with the opportunity to assess their ongoing performance against the PIP; and
- (c) remind the employee of the PIP duration and the consequences of failing to meet a Satisfactory Performance standard, which may include an extension of the PIP duration, a further PIP, or a finding of Substandard Performance that may result in a Sanction imposed.

3.5.1 The Manager should use clear and concise language in all communication with the employee.

3.5.2 The Manager should ensure the employee is given reasonable opportunity to assess their own progress against the PIP Objectives.

**Step 6** Prior to the final PIP meeting the Manager undertakes a final assessment of the employee's performance against the PIP Outcomes and determines whether the employee has:

- (a) successfully met the PIP Outcomes for Satisfactory Performance; or
- (b) made considerable improvements, but has not successfully met the PIP Outcomes for Satisfactory Performance; or
- (c) not made considerable improvements and has not successfully met the PIP Outcomes for Satisfactory Performance.
- (d) The Manager must advise the Decision Maker of the final assessment. The Decision Maker must be satisfied with the process before the Manager can proceed to Step 8.

3.6.1 When undertaking the final assessment of the employee's performance, the Manager should consider:

- (i) the ongoing performance against the PIP Objectives;
- (ii) the employee's participation in the PIP;
- (iii) any feedback, if relevant from an agreed mentor or buddy;
- (iv) any support and/or resources provided to the employee;
- (v) the JDF, Policy and any other relevant documents used as part of the PIP; and
- (vi) whether the employee has met the PIP Outcomes.

3.6.2 The Manager determines the best method of communication to advise the Decision Maker.

**Step 7** At the final PIP meeting the Manager:

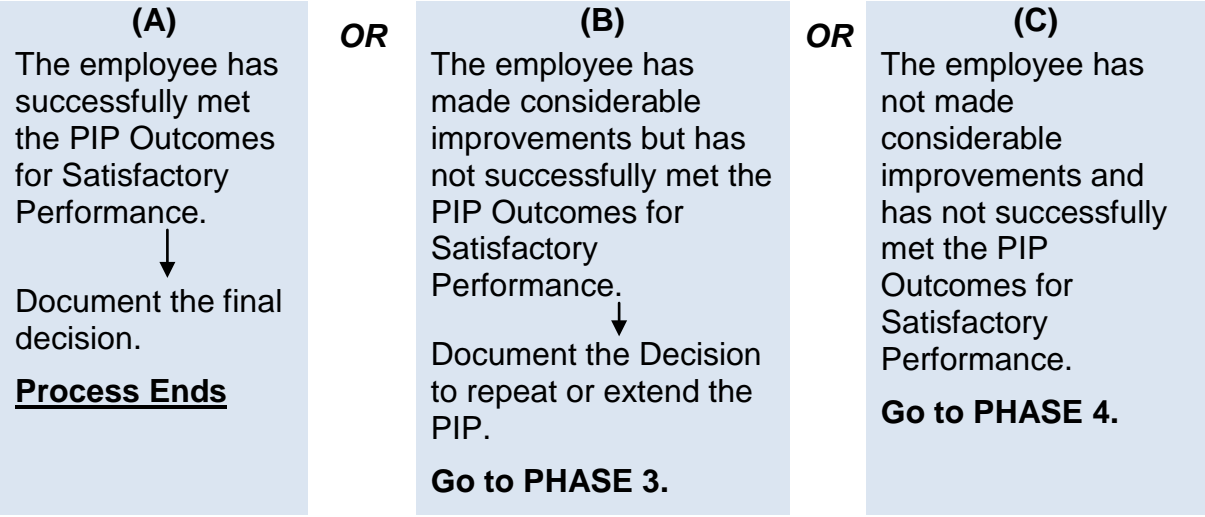
- (a) advises the employee of the decision at Step 6;
- (b) confirms the decision in writing; and
- (c) provides the employee with an opportunity to respond in writing.

3.7.1 The employee is not obliged to respond.

3.7.2 The Manager genuinely considers the employee's response, if any, before finalising their decision.



**Step 8** (a) The Manager considers any response provided by the employee, including any issues cited in mitigation and advises the employee in writing of the final decision:



**Note:** At Phase 3, Step 8(C), the Manager can only proceed to Phase 4, if the Manager has the authority pursuant to the Authorisations Schedule or after referring the matter to the identified Decision Maker.

**Note:** If within 12 months of a PIP process ending, there is a recurrence of Unsatisfactory Performance proceed to Phase 3. The duration of subsequent PIPs will be determined by the Manager and does not have to be a minimum of three months. If there is not a recurrence, the process ends. Any future Unsatisfactory Performance beyond 12 months must commence at Phase 1.

**PHASE 4: SUBSTANDARD PERFORMANCE**

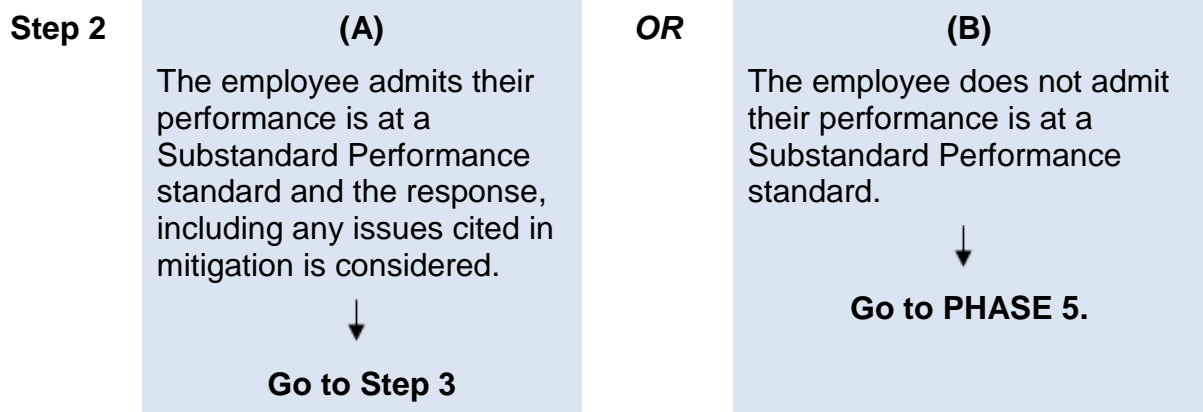
**The Decision Maker:**

**Step 1** Reviews all documentation and proposes to form the opinion that the employee is performing at a Substandard Performance standard, and informs the employee in writing of their proposed opinion and proposed Sanction. The proposed Sanctions available are:

- (a) to withhold for such period as the Employing Authority determines an increment of remuneration otherwise payable to an employee;
- (b) a reduction in the level of classification of the employee; or
- (c) termination of employment.

The employee is provided an opportunity to respond in writing, with not less than 7 days, to the proposed opinion and proposed Sanction prior to a decision being made.

- 4.1.1 Once the Decision Maker has made a proposed finding and proposed Sanction, the Decision Maker should, with the assistance of HR, advise the employee in writing within 14 days of making that decision.
- 4.1.2 The Decision Maker should identify in writing the reasons for their proposed finding and proposed Sanction.
- 4.1.3 Sufficient information should be provided to the employee to allow them to comment on the proposed finding and proposed Sanction.



- 4.2.1 The employee is not obliged to provide a response to the Decision Maker's proposed finding and proposed Sanction.
- 4.2.2 The Decision Maker considers the employee's response, to the proposed finding and proposed Sanction including any mitigation, before finalising their decision and the action to be taken.
- 4.2.3 In considering any response, the Decision Maker may reconsider all the information available including any new information provided by the employee.
- 4.2.4 A Substandard Performance Investigation must be undertaken if no response is provided by the employee or if the employee does not admit their performance is at a Substandard Performance standard.

<b>Step 3</b>	Advises the employee in writing of the final decision and any Sanction to be imposed. Where the Sanction is not termination, the employee will be advised that Phase 3 will be repeated.
---------------	--

- 4.3.1 Advises the employee in writing of the final decision and any action to be taken within 14 days of a final decision being made.

<b>Step 4</b>	Dependant on the final decision and the Sanction imposed, refer the matter to the Manager to: <b>Repeat PHASE 3 or <u>Process Ends.</u></b>
---------------	--

- 4.4.1 The Manager does not make any decisions at this step, the Decision Maker only refers the process back to the Manager if Phase 3 is to be repeated.

4.4.2 If the final decision is termination of employment, the process ends.

**Step 5** Document and report the final decision to the Manager and HR.

4.5.1 Document and report the final Outcome of the Performance Improvement Process to the Manager and HR.

**Note:** The Decision Maker can only propose a Sanction within the powers authorised or delegated to them in accordance with the Employing Authority's Authorisations Schedule. If the Sanction the Decision Maker considers most appropriate exceeds the powers delegated or authorised to them they must refer the matter to a Decision Maker with sufficient authority.

## PHASE 5: SUBSTANDARD PERFORMANCE INVESTIGATION

**Note:** This Phase applies where an employee does not admit to a Substandard Performance standard and Phase 4 is continued.

### The Decision Maker:

**Step 1** Directs the commencement of a Substandard Performance Investigation; determines the scope and appoints an investigator in writing.

5.1.1 The investigation scope sets out the parameters of the Substandard Performance Investigation into whether the performance of the employee is substandard as agreed by the Decision Maker and the investigator.

5.1.2 The investigation scope illustrates what the Substandard Performance Investigation will involve, in particular that the investigation is limited to the Performance Improvement Process and the PIP. The investigation scope may also specify the parties to be interviewed and timeframes in which the investigation is to be concluded.

Assistance may be sought from HR or any other relevant party when determining the investigation scope.

5.1.3 The investigation scope should be documented in writing and signed by the Decision Maker and investigator.

5.1.4 An investigator is appointed in writing. The Decision Maker may appoint a relevant person within, or external to the Employing Authority, or an organisation, as the investigator.

The Decision Maker may seek assistance from HR or any other relevant party when identifying and appointing an appropriate investigator.

5.1.5 A Decision Maker cannot be involved in, or undertake any part of the Substandard Performance Investigation.

5.1.6 If not conducting the Substandard Performance Investigation, HR will liaise with the investigator to facilitate the investigation. HR will provide the investigator with access to the relevant policies, any other resources required and act as the primary point of contact for the investigation.

**Step 2** | Informs the employee in writing of the decision to proceed to a Substandard Performance Investigation and identifies the appointed investigator.

5.2.1 The Decision Maker with the assistance of HR should inform the employee in writing of the decision to undertake an investigation and confirm the appointed investigator. As part of the investigation process the employee should be advised that they will be interviewed by the investigator.

5.2.2 The employee should also be advised that a substantiated finding of Substandard Performance may lead to a Sanction imposed. The available Sanctions should be listed.

#### **The investigator:**

**Step 3** | Conducts the Substandard Performance Investigation in accordance with the agreed scope.

5.3.1 An investigation should not exceed the agreed investigation scope.

5.3.2 An investigation may include matters of mitigation identified by an employee.

5.3.3 An investigator is required to observe the principles of Procedural Fairness during an investigation and address any conflicts of interest, perceived or real.

**Step 4** | Submits their findings that the employee is performing at a Substandard Performance standard as substantiated or not substantiated within the agreed investigation scope and based on the available evidence.

5.4.1 Unless specifically directed to do otherwise, an investigator should make no further findings beyond the agreed investigation scope.

#### **The Decision Maker:**

**Step 5** | Receives and considers the written investigation report.

5.5.1 The Decision Maker should receive a written investigation report from the investigator outlining the investigation process and their findings.

The investigation report should include, but is not limited to:

- (i) scope of investigation;
- (ii) summary of employee's interview;
- (iii) summary of other persons interviewed;
- (iv) overall summary of evidence;
- (v) assessment of evidence;
- (vi) findings – that the employee is performing at a Substandard Performance standard as substantiated or not substantiated within the agreed investigation scope and based on the available evidence; and
- (vii) documents relied upon during the Substandard Performance Investigation.

- 5.5.2 The investigation report should **not** include:
- (i) findings based on performance outside of the PIP or documentation not put to the employee as part of the Performance Improvement Process; or
  - (ii) recommendations in relation to a Sanction or any other matter.

5.5.3 The Decision Maker should be satisfied that the findings of the investigation report are reasonable based on the information available. HR may provide initial advice in this regard.

**Step 6** Advises the employee in writing of the proposed opinion and proposed Sanction to be imposed. Where the proposed Sanction is not termination, the employee will be advised that Phase 3 will be repeated. The employee is provided an opportunity to respond in writing, with not less than 7 days, to the proposed decision and the proposed Sanction imposed prior to a decision being made.

5.6.1 The Decision Maker considers the employee's response to the proposed opinion and proposed Sanction including any mitigation, before finalising their decision and any action to be taken.

5.6.2 In considering any response, the Decision Maker may reconsider all the information available including any new information provided by the employee.

5.6.3 The employee is not obliged to provide a response to the Decision Maker's proposed opinion and proposed Sanction.

**Step 7** Dependent on the final decision and the Sanction imposed, refer the matter to the Manager to:  
**Repeat PHASE 3 or Process Ends.**

5.7.1 Advises the employee in writing of the final decision and any action to be taken within 14 days of a final decision being made

5.7.2 The Decision Maker refers the process back to the Manager if Phase 3 is to be repeated.

5.7.3 If the final decision is termination of employment, the process ends.

**Step 8** Document and report the final decision to the Manager and HR.

5.8.1 Document and report the final Outcome of the Performance Improvement Process to the Manager and HR.

**Note:** The Decision Maker can only propose a Sanction within the powers authorised or delegated to them in accordance with the Employing Authority's Authorisations Schedule. If the Sanction the Decision Maker considers most appropriate exceeds the powers delegated or authorised to them they must refer the matter to a Decision Maker with sufficient authority.

## 7. TERMS AND DEFINITIONS

Term	Definition
<b>Decision Maker</b>	The person occupying the nominated position authorised under the relevant Employing Authority's Authorisations Schedule to make decisions in regard to commencing, progressing and imposing a Sanction.
<b>Employing Authority</b>	<p>An Employing Authority established under the HSA which the time of publication includes:</p> <ul style="list-style-type: none"> <li>• Child and Adolescent Health Service;</li> <li>• East Metropolitan Health Service;</li> <li>• Health Support Services;</li> <li>• North Metropolitan Health Service;</li> <li>• South Metropolitan Health Service;</li> <li>• WA Country Health Service; and</li> <li>• Quadriplegic Centre.</li> </ul>
<b>Industrial Instrument</b>	An Award or Agreement of the WA Industrial Relations Commission.
<b>Manager</b>	The person to whom an employee directly reports and/or the person that manages the resources, strategic direction and information of an employee's immediate work area.
<b>Objective</b>	A target the employee is expected to achieve in order to meet the Outcome.
<b>Outcome</b>	A responsibility, standard or requirement expected of the role, derived from, but not limited to the JDF, work standards or instructions, Industrial Instruments, manuals, policies, procedures, guidelines, professional standards, codes, legislation and any other job functions or standard applicable to the employee.
<b>Performance Improvement Plan (PIP)</b>	A mechanism used to identify and document Unsatisfactory Performance, set measurable Objectives and define achievable Outcomes that must be performed within a reasonable duration.
<b>Performance Management Review</b>	An evaluation of an employee's performance and behaviour which includes a plan for performance Objectives, identify development opportunities and establish behavioural expectations over a designated duration. This does not form part of the Performance Improvement Process.

<b>Sanction</b>	<p>The proposed Sanctions available to the Decision Maker pursuant to section 159(1) of the HSA are:</p> <ul style="list-style-type: none"> <li>(a) to withhold for such period as the Employing Authority determines an increment of remuneration otherwise payable to an employee;</li> <li>(b) a reduction in the level of classification of the employee; or</li> <li>(c) termination of employment.</li> </ul>
<b>Satisfactory Performance</b>	<p>The minimum standard an employee is reasonably expected to perform, attain or sustain in the performance of their position.</p>
<b>Substandard Performance Investigation</b>	<p>The investigation pursuant to Phase 5 of the Policy.</p>
<b>Substandard Performance</b>	<p>The performance of an employee is substandard where the employee does not, in the performance of the functions that the employee is required to perform, attain or sustain a standard that a person may reasonably be expected to attain or sustain in the performance of those functions (section 158(1) of the HSA).</p>
<b>Support Person</b>	<p>A person of the employee's choice to attend meetings with the employee. The role of a Support Person is to provide the employee with emotional support. The Support Person is not to act as the employees advocate, or to speak on their behalf.</p>
<b>Unsatisfactory Performance</b>	<p>Where an employee is not achieving the required Satisfactory Performance standard of the position. Specifically, where an employee's performance is below the standard required to meet the performance Objectives of the position held.</p>



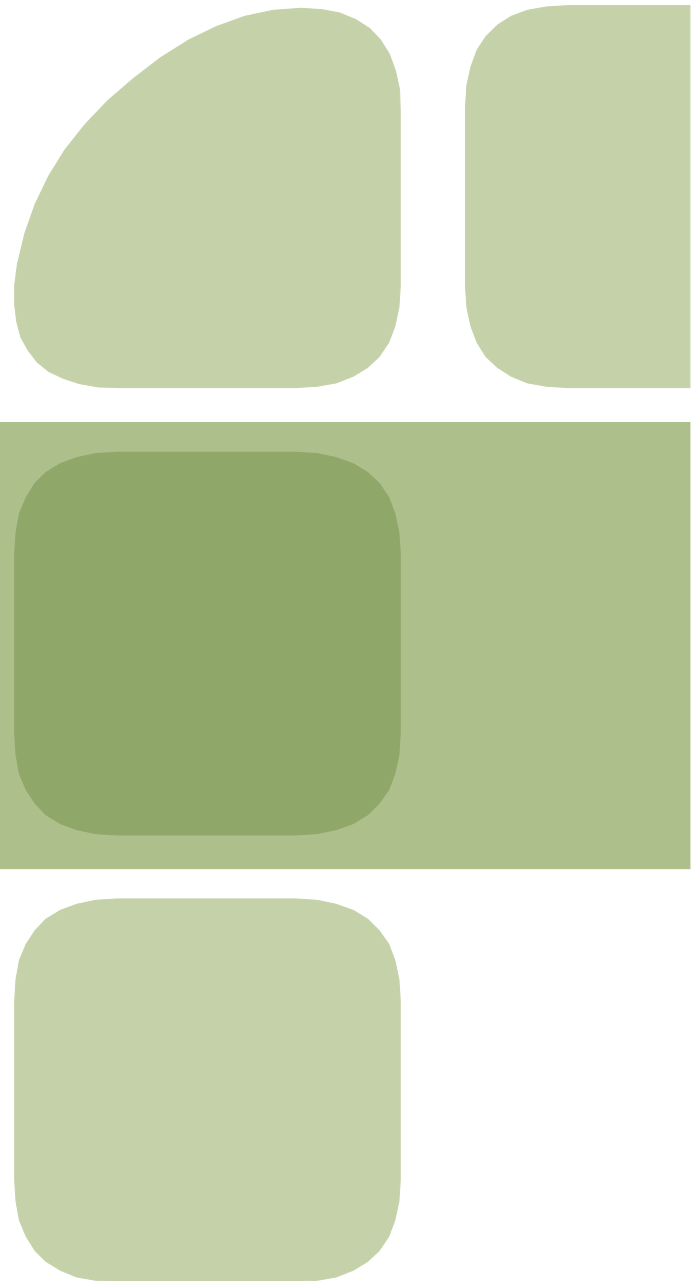
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# Performance Improvement Plan (PIP)



## Performance Improvement Plan (PIP) Template

**Note:** The PIP Template is to be used in accordance with the Managing Unsatisfactory and Substandard Performance Policy and must be populated using the SMART principles.

PART A – SMART PRINCIPLES	
<b>SPECIFIC</b>	The use of clear, concise and specific communication while focusing on factual information without ambiguity.
<b>MEASURABLE</b>	The Objectives expected of the employee should be measurable by quantity, quality and/or time.
<b>ACHIEVABLE</b>	The Objectives set are realistic and can be met consistent with the requirements of the position and the support and/or resources available.
<b>RELEVANT</b>	The Objectives need to be relevant so the employee understands how the Objectives relate to their position.
<b>TIME-BOUND</b>	Setting reasonable and clear timeframes for the employee to improve their performance to a Satisfactory Performance standard.

PART B – IMPORTANT INFORMATION FOR COMPLETING THE PIP TEMPLATE	
<b>Identified Unsatisfactory Performance</b>	Each identified Unsatisfactory Performance is to be documented in a separate box in the PIP.
<b>Objective</b>	A goal the employee is expected to achieve in order to meet the Outcome.
<b>Measure</b>	The quantity, quality or time used to measure whether or not the employee has met the Objective.
<b>Outcome</b>	A responsibility, standard or requirement expected of the role, derived from, but not limited to, the JDF, work procedures, Industrial Instruments, manuals, policies, guidelines, professional standards, codes, legislation and any other job functions or standard applicable to the employee.
<b>PIP Duration</b>	The period of the PIP must be a minimum of 3 months, except where the following applies: (i) extending the duration of the PIP; (ii) repeating the PIP process; (iii) finding of Substandard Performance and repeating Phase 3; or (iv) where there is a recurrence of previously identified Unsatisfactory Performance within 12 months of finalising the Performance Improvement Process.
<b>Support and Resources</b>	Identify relevant support and/or resources depending on the identified Unsatisfactory Performance, which may include a nominated mentor or buddy, relevant training courses and/or access to the Employee Assistance Provider (EAP).



PART C - PIP TEMPLATE EXAMPLE			
<b>Employee:</b> Bernadine Plum		<b>Date PIP Commences:</b> 20 August 2016	
<b>Position Title:</b> Administrative Assistant		<b>Meeting Date:</b> 20 August 2016	
<b>Manager:</b> Linda Bell		<b>PIP Duration:</b> 3 Months	
<b>Next PIP Meeting Date:</b> 3 September 2016		<b>Date of Final Assessment Meeting:</b> 20 November 2016	
Identified Unsatisfactory Performance	Objective/s	Measure/s	Outcome/s
1. Documents are not filed on allocated files within two working days of being received.	Will reach a target of 80% of documents to be filed within two working days by 20 September 2016.	Manager to review the Vault Record Management System to ascertain the percentage of documents filed within two working days.  Ongoing feedback from Sue Waters.	<b>JDF-</b> Responsible for administrative files Management.  <b>Work Procedure-</b> Files are to be updated within two working days after documents are received.
	Buddy with Sue Waters to improve workload management		
	Undertake the Time Management – Keeping Track of Time course scheduled for 15 September 2016.		
<b>Support and Resources</b>	Attending the Time Management – Keeping Track of Time Course		
	Senior Administrator, Sue Waters, to be assigned as buddy to Bernadine Plum. Sue Waters to provide Bernadine Plum with file management/workload management tips and support.		
<b>Manager Signature:</b> <b>Date:</b> 20 August 2016		<b>Employee Signature:</b> <b>Date:</b> 20 August 2016	

<b>PART D – SUBSEQUENT MEETINGS</b>		
<b>Employee:</b> Bernadine Plum		<b>Date PIP Commences:</b> 20 August 2016
<b>Position Title:</b> Administrative Assistant		<b>Meeting Date:</b> 3 September 2016
<b>Manager:</b> Linda Bell		<b>PIP Duration:</b> 3 Months
<b>Next PIP Meeting Date:</b> 15 September 2016		<b>Date of Final Assessment Meeting:</b> 20 November 2016
<b>Objective/s</b>	<b>Assessment (Objective met, partially met or not met)</b>	<b>Manager and Employee Comments/Feedback</b>
Finish any outstanding filing by 2 September 2016	Met.	Well done on catching up on the files that had not been filed to date.
Will reach a target of 80% of documents to be filed within two working days by 20 September 2016.	Partially met.	Has reached a target of 70%.
Buddy with Sue Waters to improve workload management.	Partially met.	Has participated in some buddy sessions with Sue and has implemented some of Sue's recommendations.
Undertake the Time Management – Keeping Track of Time course scheduled for 15 September 2016.	N/A.	Course not scheduled until 15 September 2016.
<b>Support and Resources</b>	Meet with Sue Waters more frequently to manage morning filing and monitor improvement	
	Senior Administrator, Sue Waters to be assigned as Buddy to Bernadine Plum. Sue Waters to provide Bernadine Plum with file management/workload management tips and support.	
<b>Manager Signature:</b> <b>Date:</b> 3 September 2016		<b>Employee Signature:</b> <b>Date:</b> 3 September 2016

<b>PART E - FINAL ASSESSMENT</b>		
<b>Employee:</b> Bernadine Plum <b>Position Title:</b> Administrative Assistant		<b>Date PIP Commences:</b> 20 August 2016
<b>Manager:</b> Linda Bell		<b>PIP Duration:</b> 3 Months
<b>Manager's Final Assessment Date:</b> 15 November 2016		<b>Date of Final Assessment Meeting:</b> 20 November 2016
<b>Outcome/s</b>	<b>Final Assessment</b>	<b>Managers Comments/Feedback</b>
	<p>The Employee has either:</p> <ol style="list-style-type: none"> <li>1. successfully met the PIP Outcomes for Satisfactory Performance; or</li> <li>2. made considerable improvements, but has not successfully met the PIP Outcomes for Satisfactory Performance; or</li> <li>3. not made considerable improvements and has not successfully met the PIP Outcomes for Satisfactory Performance.</li> </ol>	
<b>JDF-</b> Responsible for administrative files Management.	Met the PIP Outcome.	Great improvement on meeting a Satisfactory Performance standard.
<b>Work Procedure-</b> Files are to be updated within 2 working days after documents are received.	Met the PIP Outcome.	Well done on meeting the PIP Outcome.
<b>Employee's Comments at Final Assessment Meeting:</b>		
<b>Manager Signature:</b> <b>Date:</b> 20 November 2016		<b>Employee Signature:</b> <b>Date:</b> 20 November 2016



<b>PART C - PIP TEMPLATE EXAMPLE</b>			
<b>Employee:</b>		<b>Date PIP Commences:</b>	
<b>Position Title:</b>		<b>Meeting Date:</b>	
<b>Manager:</b>		<b>PIP Duration:</b>	
<b>Next PIP Meeting Date:</b>		<b>Date of Final Assessment Meeting:</b>	
<b>Identified Unsatisfactory Performance</b>	<b>Objective/s</b>	<b>Measure/s</b>	<b>Outcome/s</b>



<b>PART D – SUBSEQUENT MEETINGS</b>	
<b>Employee:</b>	<b>Date PIP Commences:</b>
<b>Position Title:</b>	<b>Meeting Date:</b>
<b>Manager:</b>	<b>PIP Duration:</b>
<b>Next PIP Meeting Date:</b>	<b>Date of Final Assessment Meeting:</b>

<b>Support and Resources</b>	
<b>Manager Signature:</b> <b>Date:</b>	<b>Employee Signature:</b> <b>Date:</b>

Objective/s	Assessment (Objective met, partially met or not met)	Manager and Employee Comments/Feedback
<b>Support and Resources</b>		
<b>Manager Signature:</b> <b>Date:</b>		<b>Employee Signature:</b> <b>Date:</b>



**PART E - FINAL ASSESSMENT**

<b>Employee Position Title:</b>		<b>Date PIP Commences:</b>
<b>Manager:</b>		<b>PIP Duration</b>
<b>Manager's Final Assessment Date:</b>		<b>Date of Final Assessment Meeting:</b>
<b>Outcome/s</b>	<b>Final Assessment</b> The Employee has either: <ol style="list-style-type: none"> <li>1. successfully met the PIP Outcomes for Satisfactory Performance; or</li> <li>2. made considerable improvements, but has not successfully met the PIP Outcomes for Satisfactory Performance; or</li> <li>3. not made considerable improvements and has not successfully met the PIP Outcomes for Satisfactory Performance.</li> </ol>	<b>Managers Comments/Feedback</b>
<b>Employee's Comments at Final Assessment Meeting:</b>		

<b>Outcome/s</b>	<b>Final Assessment</b> The Employee has either: <ol style="list-style-type: none"> <li>1. successfully met the PIP Outcomes for Satisfactory Performance; or</li> <li>2. made considerable improvements, but has not successfully met the PIP Outcomes for Satisfactory Performance; or</li> <li>3. not made considerable improvements and has not successfully met the PIP Outcomes for Satisfactory Performance.</li> </ol>	<b>Managers Comments/Feedback</b>
<b>Manager Signature:</b> <b>Date:</b>		<b>Employee Signature:</b> <b>Date:</b>



# Managing Unsatisfactory and Substandard Performance Policy Template Letters

Employment Policy Framework



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## TITLE: **MANAGING UNSATISFACTORY AND SUBSTANDARD PERFORMANCE POLICY – TEMPLATE LETTERS**

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### **1. BACKGROUND**

- 1.1 To support the Performance Improvement Process of the Managing Unsatisfactory and Substandard Performance Policy (**Policy**), template letters (**Templates**) have been drafted to complement the formal phases of the process.
- 1.2 The Templates are not part of the Policy and not intended to be used as a substitute for complying with the requirements of the Policy.
- 1.3 The Templates do not apply to employees who are employed under Part 3 of the *Public Sector Management Act 1994 (PSMA)* and are therefore subject to the provisions of Part 5 of the PSMA.

### **2. VARIATION AND USE**

- 2.1 Every Template requires the inclusion of information specific to each case.
- 2.2 Each Template contains sections identified in brackets which require decisions be made to determine what information is appropriate to reflect the specific circumstances of a case. The inclusion of this information is essential to ensuring the principles of procedural fairness are observed.
- 2.3 Failure to include specific information in the Templates may render the Performance Improvement Process unfair and potentially invalidate any decision and Sanction.
- 2.4 Managers and Decision Makers, on advice from local Human Resources (**HR**) and where necessary in consultation with Industrial Relations (**IR**), are responsible for ensuring any communication is compliant with the Policy.
- 2.5 An Employing Authority may make minor amendments to the information contained in each Template providing the information remains consistent with the Policy. Such amendments should be endorsed by local HR.
- 2.6 Templates may be adapted to ensure the Performance Improvement Process is applied within the relevant organisational context. Alternative Templates must be consistent with the Policy and endorsed by HR and IR.
- 2.7 Once populated, any letter drafted from a Template may be referred for review by local HR and where appropriate to IR.

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## PHASE 3 – PERFORMANCE IMPROVEMENT PLAN

### 1. LETTER OF PIP PROPOSAL (Phase 3, Step 2)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

#### **Performance Improvement Plan – Opportunity to Respond**

In accordance with the Managing Unsatisfactory and Substandard Performance Policy (**Policy**) I write to you in reference to the identified area(s) of unsatisfactory performance in relation to your role as [POSITION] at [HEALTH SITE, HEALTH SERVICE PROVIDER] as follows:  
[NUMBER EACH ISSUE]

#### **1. [IDENTIFY UNSATISFACTORY PERFORMANCE]**

**[SPECIFY PARTICULARS]**

#### **2. [IDENTIFY UNSATISFACTORY PERFORMANCE]**

**[SPECIFY PARTICULARS]**

To date, and pursuant to our discussion(s) on [DATE(S) OF INITIAL AND SUBSEQUENT DISCUSSIONS WITH EMPLOYEE], the following measures have been undertaken to assist you meet the required Satisfactory Performance standard(s) expected of you in your role as [POSITION]:

**[LIST ALL MEASURES TAKEN TO DATE TO ADDRESS UNSATISFACTORY PERFORMANCE AND EXPECTED OUTCOME]**

- Measure 1 and expected outcome;
- Measure 2 and expected outcome; etc.

Despite these measures, you have not met the Satisfactory Performance standard(s) expected of you in your role as [POSITION]. In accordance with the enclosed Policy, a Performance Improvement Plan (**PIP**) will be implemented to assist you to meet a Satisfactory Performance standard.

I have prepared the enclosed PIP for your review and the documents referred to in the PIP including a copy of your Job Description Form, [INCLUDE OTHER RELEVANT DOCUMENTS] and the Unsatisfactory and Substandard Performance Policy Explanatory Notes, which provides further detail regarding the Performance Improvement Process.

You have the opportunity to provide me with a response to the proposed PIP by [DATE (7 days from date of letter)]. Your response will be taken into consideration and will assist me in deciding what amendments to the PIP, if any, will be made to assist you to meet a Satisfactory Performance standard.

If you fail to respond by this date or elect not to provide me with a written response, the PIP(s) will be implemented as proposed.

If you wish to provide a written response to the proposed PIP, please mark the envelope containing your response "Private and Confidential" to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [EMAIL ADDRESS]

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

A meeting to discuss the proposed PIP with you is scheduled for [DATE (within 14 days of receipt of letter)] at [LOCATION]. You are entitled to bring a support person with you to this meeting if you wish.

It is intended the PIP will be in place for a period of [DURATION] from [DATE] until [DATE].

Failure to meet a Satisfactory Performance standard at the conclusion of the PIP could lead to the following action:

- An extension of the PIP duration;
- A further PIP; or
- A decision of Substandard Performance which may result in a sanction being imposed which may include:
  - (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
  - (ii) A reduction in your level of classification; or
  - (iii) Termination of your employment.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you require any further information or clarification please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 2. EXTENSION OF TIME TO RESPOND TO PROPOSED PIP (Phase 3, Step 3)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Performance Improvement Plan – Extension of Time to Respond**

I am writing further to your telephone call/e-mail/letter [**DELETE AS APPROPRIATE**] of [DATE] requesting an extension of time to respond to my letter dated [DATE].

Your request for an extension of time to respond is approved. Please provide your written response by [DATE (up to 7 days from date of letter)].

Please mark the envelope containing your response “Private and Confidential”, to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [EMAIL ADDRESS]

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

If you fail to respond by this date or elect not to provide me with a written response, the Performance Improvement Plan (**PIP**) will be implemented as proposed in my letter dated [DATE].

A meeting to discuss the proposed PIP with you is scheduled for [DATE] at [LOCATION]. You are entitled to bring a support person with you to this meeting if you wish.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you wish to discuss this matter further, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]



### 3. FOLLOW UP WHERE NO RESPONSE TO PIP PROPOSAL (Phase 3, Step 3)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

#### **Performance Improvement Plan – No Response**

I refer to my letter of [DATE] to which I have not received a response from you.

Please provide me with your written response by [DATE (within 3 days before scheduled meeting)]. If you fail to respond by this date or elect not to provide me with a written response, the Performance Improvement Plan (**PIP**) will be implemented as proposed in my letter.

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

A meeting to discuss the proposed PIP(s) with you is scheduled for [DATE] at [LOCATION]. You are entitled to bring a support person with you to this meeting if you wish.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you wish to discuss this matter further, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 4. ASSESSMENT OF PERFORMANCE AGAINST PIP (Phase 3, Step 7)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Performance Improvement Plan – Assessment**

In accordance with the Managing Unsatisfactory and Substandard Performance Policy (**Policy**) I write to you regarding the Performance Improvement Plan (**PIP**) in place since [DATE] until [DATE] to assist you to meet (a) Satisfactory Performance standard(s) in your role as [POSITION] at [HEALTH SITE, HEALTH SERVICE PROVIDER].

The PIP has now concluded and I have made an assessment of your performance against the PIP objectives. Consequently, I find:

#### **[IF RESPONDENT HAS SUCCESSFULLY MET PIP OUTCOMES]**

[You have successfully met (all) the PIP Outcome(s) for Satisfactory Performance. As such, the process will now conclude. Please be advised that should there be a recurrence of your Unsatisfactory Performance within the next 12 months, you may be required to undertake a further PIP.] **[PROCESS ENDS]**

#### **[IF RESPONDENT HAS NOT SUCCESSFULLY MET THE PIP OUTCOMES]:**

[[You have made considerable improvements, but have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance.]

#### **[OR]**

[Have not made considerable improvement and have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance].

[In accordance with the Policy, you have the opportunity to provide me with your written response to my assessment(s) by [DATE (not less than 7 days of receipt of letter)]. Your response will be taken into consideration and will assist me in my final decision and any subsequent action which may include:

- An extension of the PIP duration;
- A further PIP; or
- A referral to a Decision Maker for an assessment of whether you are performing at a Substandard Performance standard.

The Decision Maker may also propose a Sanction upon you which include:

- (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
- (ii) A reduction in your level of classification; or
- (iii) Termination of your employment.

If you wish to provide a written response to my assessment(s), please mark the envelope containing your response "Private and Confidential" to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [ADDRESS]

If you fail to respond by this date I may decide what further action is to be taken based on the information currently available to me.

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 5. CONFIRMATION OF DECISION AGAINST PIP (Phase 3, Step 8)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Performance Improvement Plan – Final Decision**

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].

**[OR]**

Further to my letter dated [DATE], you have been given a reasonable opportunity to respond but have elected not to / failed to respond [**DELETE AS APPROPRIATE**].

After further consideration, I have determined that my final assessment of your performance against the Performance Improvement Plan (**PIP**) remains appropriate in the circumstances.

Consequently, I confirm you have

**[DELETE AS APPROPRIATE]**

[made considerable improvements, but have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance, therefore the PIP will be [repeated] **[OR]** [extended until [DATE]].

**[OR]**

[not made considerable improvement and have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance. All relevant documentation with regards to the Performance Improvement Process and PIP will now be provided to [NAME] as Decision Maker who will review and form an opinion whether you are performing at a Substandard Performance standard.

The Decision Maker may also propose to impose one of the following Sanctions upon you:

- (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
- (ii) A reduction in your level of classification; or
- (iii) Termination of your employment.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

**6. EMPLOYEE'S PERFORMANCE AGAINST PIP – REVISED DECISION**  
**(Phase 3, Step 8)**

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

**Performance Improvement Plan – Revised Decision**

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].

Based on your response in which you acknowledge [IDENTIFY REASONS, MITIGATIONS, ADMISSIONS], I have decided to vary my proposed finding(s) that you have [STATE PREVIOUS FINDING(S)].

Consequently I confirm you have

**[DELETE AS APPROPRIATE]**

[successfully met (all) the Performance Improvement Plan (**PIP**) Outcome(s) for Satisfactory Performance and the process will now conclude. Please be advised that should there be a recurrence of your Unsatisfactory Performance within the next 12 months, you may be required to undertake further PIPs]. **[PROCESS ENDS]**

**[OR]**

[made considerable improvements, but have not successfully met (all) the Performance Improvement Plan (**PIP**) Outcome(s) for Satisfactory Performance, therefore the PIP will be [repeated] **[OR]** [extended until [DATE]].

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## PHASE 4 – SUBSTANDARD PERFORMANCE

### 7. DECISION MAKER'S PROPOSED OPINION AND PROPOSED SANCTION (Phase 4, Step 1)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

#### **Substandard Performance - Proposed Opinion and Proposed Sanction**

Further to [NAME OF MANAGER]'s letter dated [DATE], I have reviewed all available documentation regarding your recent Performance Improvement Plan (PIP) Outcomes.

Consequently, I propose to form the opinion that you are performing at a Substandard Performance standard and propose the following Sanction in accordance with section 159 of the *Health Services Act 2016*:

*Seek advice from IR prior to proposing any of these Sanctions.*

#### **[DELETE AS APPROPRIATE]**

##### **[SANCTION – WITHHOLD INCREMENT]**

[I propose a Sanction by way of withholding your next increment due on [DATE] for [DURATION].]

**[OR]**

##### **[SANCTION – REDUCTION IN CLASSIFICATION]**

[I propose a Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].]

**[OR]**

##### **[SANCTION – TERMINATION OF EMPLOYMENT]**

[I propose to terminate your contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT].]

My reasoning for forming this proposed opinion and proposed Sanction is **[IDENTIFY REASONS FOR REACHING PROPOSED OPINION AND PROPOSED SANCTION]**.

In accordance with the Managing Unsatisfactory and Substandard Performance Policy, you have the opportunity to provide me with your written response to my proposed opinion and

proposed Sanction by [DATE (not less than 7 days of receipt of letter)]. Your response will be taken into consideration and will assist me in my final decision and the Sanction to be imposed.

If you wish to provide a written response to my proposed opinion and proposed Sanction, please mark the envelope containing your response "Private and Confidential" to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [ADDRESS]

If you fail to respond by this date I may decide what further action is to be taken based on the information currently available to me.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]



**8. WHERE RESPONDENT ADMITS TO SUBSTANDARD PERFORMANCE –  
FINAL DECISION (Phase 4, Step 3)**

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

**Substandard Performance – Final Decision**

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE] in which you admit you have been performing at a Substandard Performance standard.

**[IF NO SANCTION IS TO BE IMPOSED]**

[Based on the information available and your response, I have decided that you will repeat the Performance Improvement Plan (PIP). No Sanction will be imposed upon you at this time. [NAME OF MANAGER] will be in contact with you to discuss the PIP.]

**[IF A SANCTION IS TO BE IMPOSED]**

[Based on the information available and your response, I have decided that the following sanction will be imposed upon you in accordance with section 159 of the *Health Services Act 2016*:

*Seek advice from IR prior to confirming any of these Sanctions.*

**[SANCTION – WITHHOLD INCREMENT]**

[A Sanction by way of withholding your next increment due on [DATE] for [DURATION].

In addition to this Sanction, you are required to repeat the Performance Improvement Plan Process (PIP). [NAME OF MANAGER] will be in contact with you to discuss the PIP.]

**[OR]**

**[SANCTION – REDUCTION IN CLASSIFICATION]**

[A Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition to this Sanction, you are required to repeat the Performance Improvement Plan Process (PIP). [NAME OF MANAGER] will be in contact with you to discuss the PIP.]

**[OR]**

**[SANCTION – TERMINATION OF EMPLOYMENT]**

[Termination of your contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE], effective [DATE].]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 9. NOTIFICATION OF FINAL DECISION TO MANAGER and HR (Phase 4, Step 5)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Substandard Performance – Notice of Final Decision**

I write to you in reference to your proposed finding(s) of Substandard Performance regarding [NAME OF RESPONDENT].

In response to my proposed opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard, [NAME OF RESPONDENT] has admitted their performance is at a Substandard Performance standard.

I have considered all available information in addition to [NAME OF RESPONDENT]'s response and have made the following decision:

#### **[IF NO SANCTION IS TO BE IMPOSED]**

[[NAME OF RESPONDENT] will repeat the Performance Improvement Plan (PIP). No Sanction will be imposed at this time. Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP.]

#### **[IF SANCTION IS TO BE IMPOSED]**

[The following sanction will be imposed upon [NAME OF RESPONDENT]:

##### **[SANCTION – WITHHOLD INCREMENT]**

[A Sanction by way of withholding [NAME OF RESPONDENT]'s next increment due on [DATE] for [DURATION].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan Process (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP.]

#### **[OR]**

##### **[SANCTION – REDUCTION IN CLASSIFICATION]**

[A Sanction by way of a reduction in [NAME OF RESPONDENT]'s classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan Process (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP.]

**[OR]**

**[SANCTION – TERMINATION OF EMPLOYMENT]**

[Termination of [NAME OF RESPONDENT]'s contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE].]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## PHASE 5 – INVESTIGATION PROCESS

### 10. APPOINTMENT OF INVESTIGATOR (Phase 5, Step 1)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

#### **Direction to Conduct a Substandard Performance Investigation**

On [DATE], having reviewed all relevant information arising from a Performance Improvement Process, I proposed to form the opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard. I sought a response from [NAME OF RESPONDENT] in regards to my proposed opinion on [DATE], which I [have not received] **[OR]** [[received on [DATE] in which [NAME OF RESPONDENT] denies his/her performance is at a Substandard Performance standard.]

In accordance with the Unsatisfactory and Substandard Performance Policy, this matter now requires a Substandard Performance Investigation and I am appointing you as the Investigator.

The scope of the Substandard Performance Investigation is confined to the Performance Improvement Process and the Performance Improvement Plan in place for the following area(s) of unsatisfactory performance:

#### **[IDENTIFY UNSATISFACTORY PERFORMANCE AS PER LETTER OF PIP PROPOSAL]**

Please undertake a Substandard Performance Investigation within the identified scope and submit your findings by way of a written investigation report to me by [DATE]. Your investigation may only result in one of two findings being that [NAME OF RESPONDENT] is performing at a Substandard Performance standard is substantiated or not substantiated.

All matters relating to the Substandard Performance Investigation are confidential.

[NAME] [POSITION] will provide you with all the documentation relating to this matter and any other assistance or information you may require to undertake the Substandard Performance Investigation.

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 11. INVESTIGATION – RESPONDENT (Phase 5, Step 2)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Notification of Substandard Performance Investigation**

[I refer to my letter to you of [DATE] and your subsequent response dated [DATE].]

**[OR]**

[You have failed to / elected not to provide a response to my letter to you dated [DATE].]

In accordance with the Unsatisfactory and Substandard Performance Policy a Substandard Performance Investigation is now required. I have appointed [NAME] from [ORGANISATION/OFFICE] to conduct the Substandard Performance Investigation.

To facilitate the Substandard Performance Investigation, you will be invited to attend an interview with the Investigator who will contact you to arrange a suitable time and date. You are entitled to attend this meeting with a support person if you wish.

Some of the steps that may be taken in conducting the Substandard Performance Investigation include, but are not limited to, interviewing you, interviewing other relevant persons and the examination of all relevant records and other documentary material.

At the conclusion of the Substandard Performance Investigation, the Investigator will provide me with a written investigation report which will contain a finding(s) in relation to whether the proposed opinion that you have been performing at a Substandard Performance standard is substantiated or not substantiated.

If it is substantiated that you have been performing at a Substandard Performance standard, I may impose one of the following available Sanctions upon you, in accordance with section 159 of the *Health Services Act 2016*:

- (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
- (ii) A reduction in your level of classification; or
- (iii) Termination of your employment.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 12. INTERVIEW RESCHEDULED – RESPONDENT DID NOT ATTEND (Phase 5, Step 2)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Failure to Attend Substandard Performance Investigation Interview**

It has come to my attention that you were invited to attend an interview with [NAME OF INVESTIGATOR] at [TIME] on [DATE] at [LOCATION] which you [did not attend] **[OR]** [declined to attend]. **[DELETE AS APPROPRIATE]**

The interview has been re-arranged for [TIME] on [DATE] at [LOCATION].

**[OR]**

[NAME] will contact you to establish a mutually convenient time to conduct the interview.

**[DELETE AS APPROPRIATE].**

The interview has been re-scheduled in order to provide you with a further opportunity to ensure you are aware of all the details relating to the proposed opinion that you have been performing at a Substandard Performance standard and you have the opportunity to present any substantiating information. You are entitled to attend this interview with a support person if you wish.

If you elect not to attend the re-scheduled interview, the finding(s) and the appropriate Sanction to impose, if any, will be made based on the information available.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely  
[Name - NOT DECISION MAKER]  
[Position]



### 13. PROPOSED OPINION AND PROPOSED SANCTION (Phase 5, Step 6)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

#### **Substandard Performance – Proposed Opinion and Proposed Sanction**

[I write to you in reference to my letter to you dated [DATE].]

**[OR]**

[Further to [NAME of previous Decision Maker]'s letter to you dated [DATE], this matter has been referred to me to determine the proposed opinion and proposed sanction regarding a finding of Substandard Performance in your role.]

The investigation into this matter has now concluded and I have had the benefit of reviewing your response(s) dated [DATE(s)], the Investigation Report (**the Report**) dated [DATE], and all other available information. [[INVESTIGATOR] interviewed you on [DATE]] **[OR]** [You elected not to provide a response or participate in an interview.] **[DELETE AS APPROPRIATE]**

**[PROPOSE OPINION – SUBSTANTIATED OR NOT SUBSTANTIATED – Refer to evidence relied upon in making these opinions(s) such as admission, corroboration of evidence, documents relied upon]**

I propose to form the opinion, based on an assessment of the evidence gathered during the course of the Substandard Performance Investigation that your performance relating to **[COPY IDENTIFIED UNSATISFACTORY PERFORMANCE FROM PROPOSED PIP LETTER]** is of a Substandard Performance standard] is [Substantiated/Not Substantiated].

**[IF SUBSTANTIATED, PROPOSED SANCTIONS AVAILABLE - DELETE AS APPROPRIATE]**

Based on my proposed opinion(s), I propose to impose the following Sanction in accordance with section 159 of the *Health Services Act 2016*:

*Seek advice from IR prior to proposing any of these Sanctions.*

**[DELETE AS APPROPRIATE]**

**[SANCTION – WITHHOLD INCREMENT]**

[I propose a Sanction by way of withholding your next increment due on [DATE] for [DURATION].

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan.]

**[OR]**

**[SANCTION – REDUCTION INCLASSIFICATION]**

[I propose a Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].]

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan.]

**[OR]**

**[SANCTION – TERMINATION OF EMPLOYMENT]**

[I propose to terminate your contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE], effective [DATE].]

[Prior to imposing this Sanction, you have the opportunity to provide me with a written response to my opinion(s) and proposed Sanction by close of business [DATE (not less than 7 days of receipt of letter)]. I will take your response into consideration before making a final decision.

Failure to respond by this date or electing not to provide me with a written response, will result in me confirming my decision(s) and the [STATE PROPOSED SANCTION] being effective close of business [DATE AS DETAILED ABOVE].

Please mark the envelope containing your response “Private and Confidential” to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [EMAIL ADDRESS]

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.]

**[IF NOT SUBSTANTIATED]**

[Whereas an opinion of Substandard Performance has not been substantiated, your performance in relation to your role remains unsatisfactory, therefore the Performance Improvement Plan (**PIP**) will be repeated. [MANAGER] will be in contact with you to discuss the PIP.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely  
[Name]  
[Position]

## 14. EXTENSION OF TIME TO RESPOND TO LETTER OF INTENT (Phase 5, Step 6)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Substandard Performance – Extension of Time to Respond**

I am writing further to your telephone call/e-mail/letter [DELETE AS APPROPRIATE] of [DATE] requesting an extension of time to respond to my letter [DATE].

Your request for an extension of time to respond is approved. Please provide your written response by [DATE (up to 7 days from date of letter)].

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

If you fail to respond by this date or elect not to provide me with a written response, I will make my decision based on the information available to me.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you require further clarification please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 15. CONFIRMATION OF DECISION AND SANCTION (Phase 5, Step 7)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Substandard Performance – Confirmation of Decision and Sanction**

[Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].]

**[OR]**

[You have been given a reasonable opportunity to respond to my letter, but have elected not to / failed to respond.] **[DELETE AS APPROPRIATE]**

After further consideration, I have determined that the opinion and Sanction originally proposed remain appropriate in the circumstances.

Consequently, I confirm the Sanction to be imposed will be:

*Seek advice from IR prior to confirming any of the following Sanctions.*

**[DELETE AS APPROPRIATE]**

**[SANCTION – WITHHOLD INCREMENT]**

[A Sanction by way of withholding your next increment due on [DATE] for [DURATION].]

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan (**PIP**). [MANAGER] will be in contact with you to discuss the PIP.]

**[OR]**

**[SANCTION – REDUCTION IN CLASSIFICATION]**

[A Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].]

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan (**PIP**). [MANAGER] will be in contact with you to discuss the PIP.]

**[OR]**

**[SANCTION – TERMINATION OF EMPLOYMENT]**

[Termination of your contract of employment, effective [DATE] in accordance with the notice provisions in [INSERT CLAUSE OF INDUSTRIAL AGREEMENT].]

A record of the Sanction imposed will be kept on your personnel file.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

**16. REVISED DECISION AND/OR REVISED SANCTION (Phase 5, Step 7, Part 1)**

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

**Substandard Performance – Revised Decision and/or Revised Sanction**

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].

Based on your response in which you acknowledge [IDENTIFY REASONS, MITIGATION/ADMISSIONS], I have decided to vary my proposed opinion and Sanction of [STATE PROPOSED SANCTION].

**[DECISION MAKER’S REVISED DECISION IS THAT SUBSTANDARD PERFORMANCE IS UNSUBSTANTIATED]**

Consequently, I have determined the proposed opinion that you are performing at a Substandard Performance standard is unsubstantiated. No further action will be taken in relation to this particular Performance Improvement Process. **[PROCESS ENDS]**

**[OR]**

**[DECISION MAKER DETERMINES REVISED SANCTION IS APPROPRIATE]**

Consequently, I have determined the appropriate Sanction to impose upon you is:

*Seek advice from IR prior to confirming any of the following Sanctions.*

**[DELETE AS APPROPRIATE]**

**[SANCTION – WITHHOLD INCREMENT]**

[A Sanction by way of withholding your next increment due on [DATE] for [DURATION].

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan Process.]

**[OR]**

**[SANCTION – REDUCTION IN CLASSIFICATION]**

[A Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition, your substandard performance will continue to be managed using the Performance Improvement Plan process.]

A record of the Sanction will be kept on your personnel file.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]

## 17. NOTIFICATION OF FINAL OUTCOME TO MANAGER & HR (Phase 5, Step 8)

*Private & Confidential*

[Date]

[NAME]  
[ADDRESS]  
[ADDRESS]

Dear [NAME]

### **Substandard Performance – Notice of Final Outcome**

I write to you in reference to your proposed opinion(s) of Substandard Performance regarding [INSERT NAME(s)].

#### **[IF UNSUBSTANTIATED]**

[The investigation into the proposed opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard has now concluded and has been unsubstantiated.

Although Substandard Performance has been unsubstantiated, [NAME OF RESPONDENT]'s performance remains unsatisfactory, therefore will repeat the Performance Improvement Plan (**PIP**). Please contact [NAME OF RESPONDENT] to discuss the PIP.]

#### **[IF SUBSTANTIATED]**

[The investigation into the proposed opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard has now concluded and has been substantiated.

Accordingly, the Sanction imposed upon [NAME OF EMPLOYEE] is: **[DELETE AS APPROPRIATE]**

[To withhold their next increment due on [DATE] for [DURATION].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP].]

#### **[OR]**

[A reduction in their classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP].]



**[OR]**

[Termination of the employee's employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE], effective from [DATE].]

A copy of this Sanction should be kept on the employee's personnel file.]

**[RESIGNATION OF RESPONDENT]**

[Due to the resignation of the respondent, I am unable to determine whether [NAME OF RESPONDENT] had been performing at a Substandard Performance standard.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]  
[Position]



**This document is available in  
different formats, upon request from  
a person with disability.**

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