**MANAGING UNDERPERFORMANCE (FORMAL STEPS) CHECKLIST**

**To be conducted after the initial steps (see checklist)**

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| **BEFORE THE MEETING** | **COMPLETED** |
| When arranging the meeting, consider having a Board member to attend as a witness and note-taker. |  |
| Explain to the employee before the meeting, the reason for the meeting and who will be at the meeting. |  |
| Allow the employee to bring a support person of their choice to the meeting if they want to.  *A support person may be a co-worker, family member, friend, or union rep. Their role is to support, not to speak or advocate for them.* |  |
| Carefully plan what you want to say at the meeting using the **Underperformance Meeting Plan Template.** |  |
| Gather relevant paperwork (employee’s performance agreement, job description, and any **Performance Review and Development Plans)** and any documents that demonstrate the underperformance (work examples, complaints or performance data). |  |
| **DURING THE MEETING** |  |
| Clearly explain why you are meeting with the employee. |  |
| Describe the underperformance issue and clearly explain why it is an issue, using specific examples / facts. |  |
| Explain any steps you have taken so far to resolve the issue (feedback / warnings) as well as the support and training you have provided. |  |
| Invite the employee to respond to the information and to explain their performance. Get the employees thoughts on what can be done to improve it. |  |
| Consider what the employee has said.  *Please note: if you need more time to consider what the employee has presented, you can close the meeting and meet again in a day or two.* |  |
| Agree on a way forward with the employee, including if additional support or training is needed to make the adjustments. Record this using the **Performance Improvement Plan Template.** |  |
| Tell the employee if you will be issuing a verbal or written warning using the **warning letter template** or the **Underperformance Meeting Plan template.** |  |
| Clearly explain what will happen next if the employee’s performance does not improve (further warning). |  |
| **AFTER THE MEETING** |  |
| Confirm the outcome of the meeting in writing and invite the employee to respond. Include:   1. What was discussed (including any issues raised by the employee). 2. What the employee needs to do to improve their performance. 3. Any support or training you agreed to provide. 4. Whether a verbal or written warning was, or will be, issued. 5. What will happen next if the employee’s performance doesn’t improve. |  |
| Keep thorough notes of the meeting and copies of any letters, emails or warnings, and sign and date these documents. The employee and any witness should also sign the documents. If the employee refuses, a record of the refusal must be kept. |  |
| Give the employee a reasonable period of time to improve their performance (usually 6-8 weeks), regularly checking in over the period to discuss progress. |  |
| Formally meet with the employee again at the end of the period to review their performance.  If the employee’s performance has improved enough, close the process, and follow up in writing to explain the improvement must be maintained. If the performance hasn’t improved, consider taking further action. |  |
| **TAKING FURTHER ACTION** |  |
| All agreements, contracts of employment, workplace policies and Awards must be considered if a formal employment process for underperformance is being applied. |  |
| Regular follow-up meetings with specific timeframes, delivered as above can be used as an opportunity to talk about process and provide help or support. Only consider this approach if it will achieve improvements. |  |
| If the employee continues to underperform, the following actions is to be considered:   * Another meeting with the employee * Issuing a first or additional warnings * Change the employee’s duties (if appropriate) or provide additional training. * If the consequences of not improving have been clearly explained, then termination of employment is possible. Termination should only be considered as a final resort and employers need to make sure it isn’t an unfair dismissal; the correct notice and final pay is given. |  |
| **WARNINGS AND DISCIPLINARY ACTION** |  |
| Disciplinary action should not be taken lightly. Employers to ensure they:   * Have a valid reason. * Follow a fair process. * Consider seeking independent advice. |  |
| There are no rules that an employer has to give an employee three warnings, or even one warning before terminating employment. |  |
| The employers must, however, give the employee a chance to fix performance issues. Different rules apply regarding serious misconduct. |  |
| A warning should be given in writing and makes sure:   * It is clear about the reason for the warning. * It contains all the details. * That clear expectations have been set about what needs to be done differently. * It is fair and reasonable in the circumstances.   See **Letter of Termination of Employment notes** for further information. |  |
| Before taking any disciplinary action, it is best to get independent advice from an employer association, Lawyer, or workplace relations professional. |  |
| **SERIOUS MISCONDUCT** |  |
| Immediate termination for serious misconduct should be considered when an employee:   * Causes serious and imminent risk to the health and safety of another person or to the reputation or funding of the agency. * Deliberately behaves in a way that is inconsistent with continuing their employment. |  |