QUALITY MANAGEMENT SYSTEM – Policies and Procedures

Standard 4: Human Resources, Staff Selection, Appraisal and Development

Policy title: (HR11) Disciplinary Policy and Procedures

<table>
<thead>
<tr>
<th>First approved:</th>
<th>September 1997</th>
<th>Approving body:</th>
<th>Management Forum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current version approved:</td>
<td>March 2012</td>
<td>Responsibility:</td>
<td>Human Resources Manager</td>
</tr>
<tr>
<td>Applies from:</td>
<td>March 2012</td>
<td>First point of contact</td>
<td></td>
</tr>
<tr>
<td>Review due:</td>
<td>March 2015</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Policy overview

1. Purpose/principles

1.1 This policy sets out the Bay of Plenty Polytechnic’s procedures for managing compliance with the standards of behaviour and performance that are required of all Bay of Plenty Polytechnic employees.

1.2 This Policy should be read in conjunction with the relevant Employment Agreement and the Bay of Plenty Polytechnic Code of Conduct and the Bay of Plenty Complaint, Bullying, Harassment and Discrimination Policies. Where there is any inconsistency between the employee’s applicable Employment Agreement and this Policy, the applicable Employment Agreement will apply.

1.3 It is the Polytechnic’s intention to ensure that investigations, disciplinary matters and performance problems are dealt with fairly, promptly, consistently and in line with the procedures set out in this Policy.

2. Scope

This policy applies to all employees at the Bay of Plenty Polytechnic.

3. Definitions

*Code of Conduct* Document identifying the behaviours, ethics and conduct expected of all employees at the Bay of Plenty Polytechnic. This document aims to promote a common understanding of personal conduct and ethics in the workplace and to protect the interests of customers, employees and property.

*Misconduct* Examples of behaviour that constitute misconduct are described in the Code of Conduct. Where misconduct by an employee is found to have occurred disciplinary action may be taken.

*Serious Misconduct* Examples of behaviour that constitute serious misconduct are described in the Code of Conduct. Where serious misconduct by an employee is found to have occurred, disciplinary action up to and including dismissal may be taken.

Hardcopies of this document are considered copies of the original. Please refer to the electronic source (Hinaki) for the controlled latest version.
4. Policy

4.1 The disciplinary procedures outlined below are intended as a guide to:
   4.1.1 be applied alongside the employee’s employment agreement
   4.1.2 act as a safeguard for both management and employee, ensuring that disciplinary procedures are known to both from the outset.

4.2 It is the responsibility of the Manager to have regard to the following performance factors prior to any disciplinary action occurring in respect to any ongoing performance issues:
   4.2.1 To ensure the employee is aware of the standard of work and performance required.
   4.2.2 To promptly draw the employee’s attention to any unsatisfactory aspects of their work
   4.2.3 To provide ongoing feedback on performance.
   4.2.4 To ensure, in accordance with the principles of fairness, that the employee is given adequate opportunity to put forward his/her explanation if there is any unsatisfactory performance
   4.2.5 To ensure that the employee is given adequate counseling, advice, development, resources, and opportunities necessary to enable him/her to reach the required standard.

4.3 In most cases the need for disciplinary action will arise through continued poor performance or misconduct.

5. Procedures

5.1 It is the responsibility of the Manager to ensure that advice is sought from the Human Resources team prior to any disciplinary action being considered.

5.2 These procedures are to be followed where there is a claim of misconduct against an employee’s performance or behaviour which is so serious that the employee would face disciplinary action or termination of employment, or where a complaint against an employee under HR 10 Complaints Resolution remains unresolved following an informal attempt to resolve the complaint or when a complaint under G03 Bullying, Harassment and Discrimination Prevention remains unresolved following an informal attempt to resolve the complaint.

5.3 In any disciplinary action the following steps will be observed:

5.3.1 The employee must be advised by the employer of her/his right to have support, union assistance, and/or representation at any stage.

5.3.2 The employee must be advised in writing of the detail of the allegation and the seriousness of the allegation and be given reasonable opportunity to respond.

5.3.3 Before any substantive disciplinary action is decided upon, an appropriate investigation is to be undertaken by the employer. The investigation should normally include:
   5.3.3.1 interviewing the employee and giving him/her an opportunity to explain. The employee will be given the opportunity to have representation.
   5.3.3.2 Interviewing other people (if appropriate). If there are witnesses to an alleged breach they must be interviewed promptly.
   5.3.3.3 Checking records, or verifying facts by other means.
   5.3.3.4 The response of the employee must be considered before any decisions are made. There should be an adjournment to allow the employer time to consider the employee’s
explanation prior to deciding any action.

5.3.3.5 The employee must, if advised of any improvement required, be given reasonable opportunity and assistance to change, and be advised of the consequences if the problem continues.

5.4 If an allegation of serious misconduct has been made, during its investigation the employer may (where appropriate):
5.4.1 suspend the employee with or without pay
5.4.2 place the employee on other temporary duties

5.5 If suspension is being considered, the proposal to suspend will be outlined in writing to the employee and the employee will be given an opportunity to respond to this prior to any suspension decision being made.

5.6 Where the employee has been suspended and the allegation is subsequently found to be without substance, the employee must be entitled to resume the position from which she/he was suspended and be reimbursed for any loss of pay.

5.7 Where an allegation of serious misconduct has been upheld against the employee, the employee may be dismissed without notice.

5.8 Refer to the Code of Conduct which outlines the grounds for disciplinary action.

5.9 Warnings
5.9.1 Prior to any warning being given Human Resources must be notified.

5.9.2 Any warning shall be in writing and must have the following five elements:
5.9.2.1 The employee must be told what has been done wrong and the processes that have been followed to verify the complaint/offence.
5.9.2.2 The employee must be told how to perform or behave appropriately in the future.
5.9.2.3 The employee must be fully aware that his/her job may be in jeopardy if performance/behaviour does not improve as required.
5.9.2.4 The length of the warning (This will range from six (6) to a maximum of 12 months).
5.9.2.5 The staff member must be given the right to respond in writing to the warning.

5.10 The employee must be provided with a copy of the warning. Warnings will remain valid on a staff members file for a maximum of 12 months.

5.11 Dismissal
5.11.1 Dismissal of an employee is a serious matter and should occur only when the Chief Executive Officer has been satisfied that there is no other appropriate means of resolving the situation.

5.11.2 The authority to dismiss staff lies solely with the Chief Executive Officer (or their designate).

<table>
<thead>
<tr>
<th>Related policies</th>
<th>Related forms and procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>• HR10 Complaint Resolution</td>
<td>• BoPP Code of Conduct for Polytechnic Employees</td>
</tr>
<tr>
<td>• G04 Bullying, Harassment and Discrimination Prevention</td>
<td></td>
</tr>
</tbody>
</table>