

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

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FUNCTIONAL GROUP(S)	HR Consulting
KEY TERMS	Unsatisfactory performance, under performance, poor performance, performance management, performance development framework, performance improvement
SUMMARY	This procedure contains detailed information about the process to be followed by managers and employees when addressing concerns about an employee's performance. It also includes practical tools and resources to assist in the process for managing unsatisfactory performance.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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1. POLICY STATEMENT

The primary objective of the procedure is to assist managers to identify and immediately address concerns about an employee's performance to support the employee to reach and maintain a satisfactory standard.

The procedure also aims to promote the professional and personal values and behaviours required of all South Eastern Sydney Local Health District (SESLHD) employees as set out in the NSW Health CORE values: Collaboration, Openness, Respect and Empowerment.

Any employee whose performance is to be formally managed through this procedure is to be provided with a copy of the procedure and referred to the standards of performance that relate to them.

2. BACKGROUND

The [NSW Public Sector Performance Development Framework](#), outlines the approach for managing all aspects of employee performance in the NSW public sector, and is mandatory for all public sector agencies under the *Government Sector Employment (GSE) Act 2013*. The Framework is supported by the [NSW Health Policy Directive PD2016_040 - Managing for Performance](#).

The [NSW Public Sector Performance Development Framework](#), contains six components including *resolving unsatisfactory performance*. This is an event-driven process for addressing employee unsatisfactory performance and includes the essential element that *'managers promptly work with the employee to understand and resolve instances or patterns of unsatisfactory performance'*.

2.1 What is unsatisfactory performance?

Unsatisfactory performance occurs when an employee does not perform their duties to the standard that SESLHD requires.

Unsatisfactory performance can include:

- Unsatisfactory work, in terms of quantity, quality and timeliness, and not meeting expectations of the role as specified
- Breaches of work practices, procedures and guidelines, or refusal to follow lawful and reasonable direction
- Breaches of policies, expectations and/or codes of conduct that do not immediately warrant a misconduct investigation, such as absenteeism and lateness
- Inappropriate behaviour, such as poor interactions and communication problems with work colleagues, supervisor/managers, patients or clients
- Non-achievement of standards of professional development
- A series/pattern of minor issues that when taken together show a lack of cooperation, engagement or ability
- Other deficits in work performance.

The procedure for resolving unsatisfactory performance assists managers to identify performance issues and any possible causes; and promptly work with the employee to understand and resolve unsatisfactory performance immediately. Initially this is best done through informal processes where risk permits; and, where the informal resolution is unsuccessful, then by developing a formal plan for improvement and providing clear and measurable steps for resolving the issue(s).

The procedure for resolving unsatisfactory performance is conducted in line with the principles of:

- confidentiality
- timeliness
- procedural fairness.

Note: Misconduct is managed separately to unsatisfactory performance; refer to [NSW Health Policy Directive PD2018_031 - Managing Misconduct](#).

2.2 Who does the procedure apply to?

The procedure applies to all employees, including casual staff. It does not apply to NSW Senior Executive Service staff, Visiting Medical Practitioners, independent contractors, agency staff, students, or volunteers.

The performance management requirements for Visiting Practitioners in [NSW Health Policy Directive PD2011_010 - Visiting Medical Officer \(VMO\) Performance Review Arrangements](#); and for members of the Senior Executive Service and the Health Executive Service in [NSW Health Policy Directive PD2022_019 - Executive Performance Management](#).

2.3 Nursing and Midwifery practice issues

The [SESLHDPR/270 - Framework for Managing Nursing and Midwifery staff with identified practice issues](#) must be used for the management of nursing and midwifery staff who have an identified practice issue. The framework utilises the [Nursing and Midwifery Board of Australia National Competency Standards for the Registered Nurse, Registered Midwife or Enrolled Nurse](#) as the required standard for practice.

2.4 Allied Health practice issues

The [SESLHDPR/328 - Framework for Managing Allied Health Staff with Identified Clinical Practice Issues](#) must be used for the management of clinical practice issues identified in Allied Health Professional staff.

3. RESPONSIBILITIES

3.1 Employees will:

- Act as an appropriate and effective role model and promote a culture and supporting practices that reflect the CORE values of Collaboration, Openness, Respect, and Empowerment, through demonstrated behaviours and interactions with patients/clients/employees

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- Have respectful, open and honest conversations with managers and colleagues
- Perform their duties diligently and efficiently, and in accordance with relevant position description, standards, policies and procedures
- Comply with all lawful and reasonable directions given by their managers or other members of staff authorised to give them
- Commit to any plans for improvement, whether they are formal or informal, including actively participating, cooperating with management, attending regular meetings, providing regular updates as required, and attending training to develop individual and team knowledge and skills
- Maintain appropriate professional standards required of their professional registration (if applicable)
- Maintain responsibility for personal and professional development by participating in training/education activities, and performance reviews
- Take all reasonable action to resolve performance issues and/or impediments to performance.

3.2 Managers will:

- Act as an appropriate and effective role model and promote a culture and supporting practices that reflect the CORE values of Collaboration, Openness, Respect, and Empowerment, through demonstrated behaviours and interactions with patients/clients/employees
- Set clearly defined expectations of their direct reports based on individual and team objectives, linked to service strategic direction
- On an ongoing basis monitor the performance of their direct reports
- Provide regular, timely, and constructive feedback
- Actively encourage engagement and communication with direct reports
- Conduct regular performance development review meetings with direct reports
- Manage unsatisfactory performance as soon as practicable
- Engage with the employee to resolve unsatisfactory performance informally before moving to formal performance management where appropriate
- Engage People and Culture for advice and guidance on best practice referring the matter to Employee Relations for support where formal management is required
- Ensure support is offered to employees involved in the process
- Develop action plans and performance improvement plans where necessary
- Following consultation with your Business Partner/Employee Relations, provide the employee with an opportunity to resign where formal resolution is unsuccessful
- Refer persistent unresolved, unsatisfactory performance issues through managers (and tier 3 and tier 2 managers, if applicable) to the Chief Executive with recommendations for action
- Recommend termination of employment for breach of the NSW Code of Conduct, if appropriate, due to persistent, unresolved, unsatisfactory performance, through line management (and tier 3 and tier 2 managers, if applicable) to the Chief Executive for review and decision making.

3.3 Tier 3 General Managers/Service Directors & Tier 2 Directors will:

- Act as an appropriate and effective role model and promote a culture and supporting practices that reflect the CORE values of Collaboration, Openness, Respect, and Empowerment, through demonstrated behaviours and interactions with patients/clients/employees
- Be accountable and hold direct report line managers accountable for undertaking performance development reviews and managing unsatisfactory performance
- Assess the formal process undertaken in managing unsatisfactory performance, and the outcomes determined, and consider the recommendations made by the manager to identify if a breach of the code of conduct has occurred because of persistent, unresolved, unsatisfactory performance
- Recommend termination of employment which is warranted due to persistent, unresolved, unsatisfactory performance, to the Chief Executive for review and decision making.

3.4 Chief Executive will:

- Act as an appropriate and effective role model and promote a culture and supporting practices that reflect the CORE values of Collaboration, Openness, Respect, and Empowerment, through demonstrated behaviours and interactions with patients/clients/employees
- Review any recommendations for termination of employment due to a breach of the NSW Health Code of Conduct, as a result of persistent, unresolved, unsatisfactory performance, allowing for the employee to show 'just cause' as to why their employment should not be terminated.

3.5 HR Business Partners & Employee and Industrial Relations will:

- Act as an appropriate and effective role model and promote a culture and supporting practices that reflect the CORE values of Collaboration, Openness, Respect, and Empowerment, through demonstrated behaviours and interactions with patients/clients/employees
- Provide timely support, advice and guidance reflecting sound judgement to managers and staff on the performance development procedure, and the procedure for resolving unsatisfactory performance, both generally and specifically to individual cases
- Provide learning and development recommendations to enable the resolution of unsatisfactory performance
- Promote the use of [Employee Assistance Program](#) (EAP) and [ManagerAssist](#).

4. PROCEDURE**4.1 What is Informal resolution, and formal resolution?**

Managers provide guidance, feedback and support to employees as part of their regular day-to-day responsibility for managing staff. This informal management is essential for identifying concerns about an employee's performance in a timely and constructive manner. It is important that employees are made aware of any concerns that their

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manager may have and are given the opportunity to develop their performance with appropriate support.

For most employees, the cues will be sufficient to establish a satisfactory trend in performance. Where there is a persistent, significant trend towards unsatisfactory performance, or shortcomings are pronounced or frequent, formal performance management should commence.

To effectively and fairly address concerns about an employee's performance the standards and benchmarks against which the performance is to be compared or measured should be clearly identified. The following examples are some of the documents that can be used for this purpose: position descriptions, performance development agreements, policies and procedures, CORE values, Code of Conduct, and legislation. Expected standards may also be communicated in other ways, such as in discussions at team meetings, via team emails, and through one-on-one coaching.

For steps in the resolving unsatisfactory performance informal process, refer to: Flowchart: Informal resolution process ([Appendix A](#)).

For steps in the resolving unsatisfactory performance formal process, refer to: Flowchart: Formal resolution process ([Appendix B](#)).

4.2 Informal resolution

4.2.1 Ongoing monitoring of performance

Steps to manage unsatisfactory performance are more likely to be successful where effective supervision is already in place. Effective managers have clearly defined expectations of their employees; consistently monitor the performance of their staff; and encourage open, two-way communication and a constructive feedback culture. Ongoing monitoring will ensure that performance issues (see section 2.1) are clearly identified.

Some methods that can be used to reinforce expectations and informally manage performance include: team meetings; memos; informal discussions; email; one on one meetings; coaching; training; and other development opportunities.

Informal performance methods are usually extremely effective in keeping staff motivated, engaged and enable the resolution of unsatisfactory performance.

4.2.2 Providing constructive feedback

Managers should exercise good judgement and common sense when addressing concerns with an employee informally. Managers should ensure that feedback regarding unsatisfactory performance:

- Is provided in a timely manner following the instance/recognition of a pattern of unsatisfactory performance
- Is provided confidentially, respectfully and constructively

- Clearly identifies the standard not being met, including examples and evidence of the shortfall
- Provides context for the standard expected
- Includes support and guidance to improve/resolve the issue
- Provides opportunity for the employee to ask questions or seek clarification.

4.2.3 Identifying any possible causes of unsatisfactory performance

The manager should engage with the employee to discuss any factors that may contribute to unsatisfactory performance.

Throughout the process, if a manager becomes aware that the employee is facing personal difficulties that are impacting on their performance, the manager should remain supportive and advise of the availability of the EAP program. The manager should, with the assistance of their HR Business Partner, take these circumstances into consideration whilst proceeding with the unsatisfactory performance resolution process.

Where it appears that medical conditions are contributing to an employee's unsatisfactory performance, the manager should seek guidance from their HR Business Partner and the Health, Safety and Wellbeing Team.

4.2.4 Opportunities for improvement

The manager should engage with the employee to collaboratively develop and implement initiatives for improving any identified unsatisfactory performance. The employee's adherence to, and progress against these initiatives should be integrated within the manager's continuous monitoring of this employee.

The initiatives chosen are dependent on the performance issue being addressed, and any possible causes of the unsatisfactory performance. Some initiatives to consider include learning and development programs/courses, coaching, mentoring, on-the-job training, internet researching, work shadowing, workplace counselling, and/or facilitated conversations. HR Business Partners are available to provide advice about suitable strategies and initiatives to address unsatisfactory performance. Throughout the implementation of the initiatives, regular performance discussions/feedback between the manager and employee should continue to occur.

After a reasonable period of informal resolution measures, the manager should assess whether the employee has reached a satisfactory standard of performance. If the performance is satisfactory, ongoing monitoring and provision of feedback will continue as usual. If the unsatisfactory performance is not resolved, a formal process should commence.

4.3 Formal resolution

4.3.1 Manager assesses action/outcomes to date, undertakes a performance risk assessment and invites employee to attend a performance improvement meeting

The manager completes the *Summary of Action taken to resolve unsatisfactory performance* ([Appendix C](#)) which aims to capture the details of efforts made to date to resolve the matter informally. This includes the identified unsatisfactory performance, action taken to resolve issues informally, additional support provided and any key dates and occurrences during informal management.

The manager also completes the *Performance Risk Assessment Tool* ([Appendix D](#)) which determines the level of risk to patient safety and/or the organisation that the unsatisfactory performance poses.

Note: the Performance Risk Assessment Tool may be used at any stage during the informal or formal process.

The manager should also complete the *Letter inviting employee to performance improvement meeting Template* ([Appendix E](#)) which provides notice to the employee that they are now being formally performance managed for their unsatisfactory performance, and invites them to the first formal meeting to discuss their performance. Reasonable notice of the meeting should be provided (usually 48 hours).

4.3.2 Performance Improvement meeting

The formal performance improvement meeting is an opportunity for the manager to communicate with the employee regarding their current performance level in comparison with the expected standards of performance; explore the cause of the employee's unsatisfactory performance; and collaboratively develop a formal *Performance Improvement Plan* ([Appendix F](#)) which seeks to remediate the unsatisfactory performance.

The Performance Improvement Plan must be developed in consultation with the employee, and should provide sufficient opportunity for the employee to address their unsatisfactory performance. The Performance Improvement Plan must also include details surrounding how their performance will be monitored, the expected outcomes, the monitoring period of the plan, and dates of follow-up review meetings.

4.3.3 Support Person

The employee may be accompanied by a support person at the initial Performance Improvement meeting, and the final performance improvement plan review meeting, such as a colleague, union member or other representative. Their role is to observe the discussions and provide support to the employee. The manager is also entitled to a support person. The employee should be advised in the letter inviting them to the Performance Improvement meeting of all attendees including managerial support person if relevant.

4.3.4 Monitoring Period

The Performance Improvement Plan must state the performance monitoring period, after which the employee’s performance is expected to be remediated to an acceptable standard. As a general guideline, the monitoring period for a performance development improvement plan is determined by the nature and complexity of the position/issues, and the nature and level of risk of the unsatisfactory performance (as determined by the Performance risk assessment tool).

The employee’s adherence to, and progress against, the Performance Improvement Plan should be integrated within the manager’s continuous monitoring of this staff member, including any formal review meetings.

Review of Performance Improvement Plan template ([Appendix G](#)) should be completed at every review meeting and recorded, detailing what has been achieved and what was not achieved during the monitoring period. It should also include any mitigating circumstances that may need to be taken into account as well as the support/feedback provided.

4.3.5 Final review meeting

At the final review meeting the manager will discuss the expectations and standards that have been achieved, and identify any aspect that has not been achieved and/or any further performance concerns.

Where the manager is of the view that there has been a satisfactory improvement in performance, the manager should acknowledge the employee’s efforts and confirm in writing ([Appendix H](#)) that no further formal action is currently required. The manager will also advise that if any similar concerns about performance arise within the next 12 months, the employee may be further managed under the formal resolution process.

Where the manager is of the view that the employee has made significant improvements in performance, has not resolved all performance concerns, though a further period of formal performance management would likely resolve the remaining concerns, an extension of the Plan can be implemented with a further review date. The employee must be informed in writing ([Appendix H](#)).

Where the manager is of the view that there has not been a satisfactory improvement in performance and recommends that the employee be terminated, the manager should inform the employee in writing ([Appendix I](#)) that the employee’s unresolved performance will be referred through the employee’s management line (tier 3, if applicable), to the tier 2 Director, and the Chief Executive to consider. The employee should be provided the opportunity to resign their position and also be advised of any interim supervisory arrangements and/or changes to their work arrangements required while awaiting a determination from the Tier 2 Director/Chief Executive.

A brief ([Appendix J](#)) is required to the Chief Executive summarising the provision of the opportunities provided for improvement, and recommending termination of employment

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as the persistent, unresolved, unsatisfactory performance amounts to a breach of one or more of the following clauses of the [NSW Health Code of Conduct PD2015_049](#):

- section 4.3.5 Carry out their duties diligently and efficiently
- section 4.3.8 Comply with all lawful and reasonable directions given by their manager or other member of staff authorised to give them
- section 4.3.9 Comply with all policies and procedures
- section 4.3.10 Maintain and enhance professional standards and skills, and keep up to date with best practice.

4.3.6 Escalation to Tier 2 Director

The Tier 2 Director is to be provided all formal documentation related to the performance management process, and may request specific examples of work as relevant. Tier 2 Director is responsible for reviewing the brief and consulting with the manager and tier 3 Manager to assess the circumstances of the employee's unsatisfactory performance. This includes giving consideration to whether or not sufficient and fair opportunity has been granted for the employee to improve their performance, and whether or not that improvement has lifted their performance to an acceptable level.

Where the recommendation is for termination, the Tier 2 Director will progress the brief to the Chief Executive recommending termination of the employee's contract.

Where the Tier 2 Director does not approve the recommendation of the manager, consideration is to be given to the following:

- determine that a further Performance Improvement Plan is to be developed in order to give the employee sufficient opportunity to demonstrate improvement
- determine that the observed improvement is sufficient to meet their job requirements
- determine that demotion to an appropriate identified vacancy is suitable
- recommend to the Chief Executive that the employee's contract is terminated.

Any such processes should only be followed after engaging with the HR Business Partner.

4.3.7 Escalation to Chief Executive

The Chief Executive is to be provided all formal documentation related to the performance management process to determine if the persistent, unresolved, unsatisfactory performance amounts to a significant breach of the [NSW Health Code of Conduct PD2015_049](#) warranting termination of employment.

If the Chief Executive supports the recommendation to terminate the employment contract the employee must be advised in writing ([Appendix K](#)), and invited to comment on the proposed action. Any responses received must be taken into consideration before a final decision is made. The employee must be advised in writing ([Appendix L](#)) if the decision is to terminate employment.

4.3.8 Recordkeeping

All documentation created as part of the formal resolution process should be entered on Content Manager. This includes minutes of any formal meetings, correspondence, and evidence of performance improvements or lack thereof. After finalisation and decision making, copies of correspondence should be placed on the employees' personal file.

5. DOCUMENTATION

- Informal resolution process flowchart
- Formal resolution process flowchart
- Summary of action taken to resolve unsatisfactory performance
- Performance risk assessment tool
- Letter to invite employee to performance improvement meeting template
- Performance improvement plan template
- Performance Improvement Plan review record template
- Letter to employee confirming satisfactory improvement in performance or extension of Performance Improvement Plan
- Letter to employee advising that there has not been a satisfactory improvement in performance template – recommendation to /terminate employment
- Brief to CE recommending termination of employment template
- Letter to advise employee of proposed termination of employment template
- Letter to advise employee of final decision to terminate employment template
- [People Management - Templates for Managers intranet page](#)

6. AUDIT

Not required

7. REFERENCES

- [NSW Health Policy Directive PD2016_040 - Managing for Performance](#)
- [NSW Public Sector Performance Development Framework](#)
- [NSW Health Code of Conduct PD2015_049](#)
- [SESLHDPD/270 - Framework for Managing Nursing and Midwifery staff with identified practice issues](#)
- [SESLHDPD/328 - Framework for Managing Allied Health Staff with Identified Clinical Practice Issues](#)

8. VERSION AND APPROVAL HISTORY

Date	Version No.	Version and approval notes
December 2014	1	Approved by DET
June 2018	2	Minor amendments to position titles and addition of option to resign prior to termination in accordance with GSE Act 2013 - endorsed by Director Workforce Services
July 2018	2	Processed by Executive Services prior to publishing.

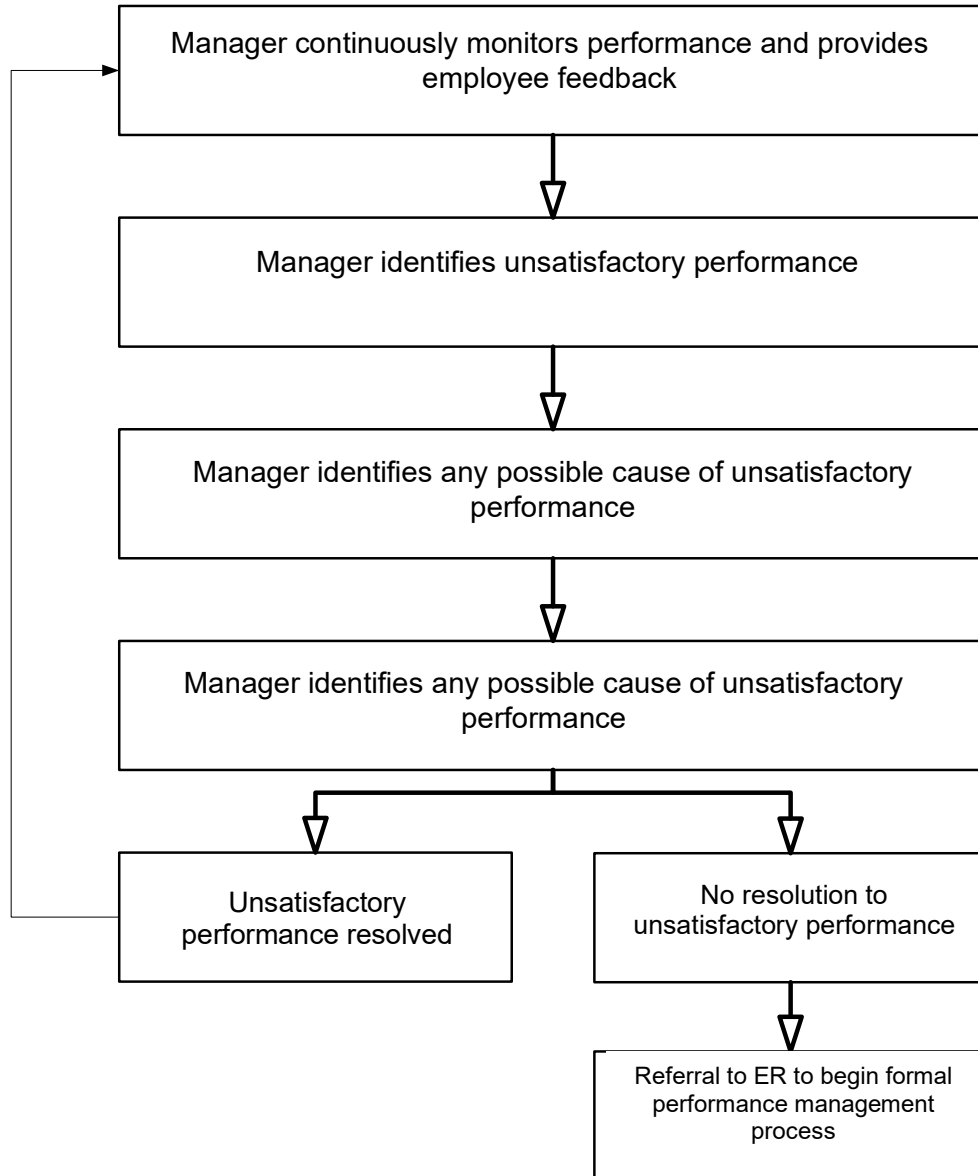
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March 2022	3	Minor changes to position titles, updated hyperlinks, updated policy and procedure references. Approved by Executive Sponsor.
1 August 2023	3.1	Minor review to remove text that indicates Staff Specialists are excluded from management under the procedure.

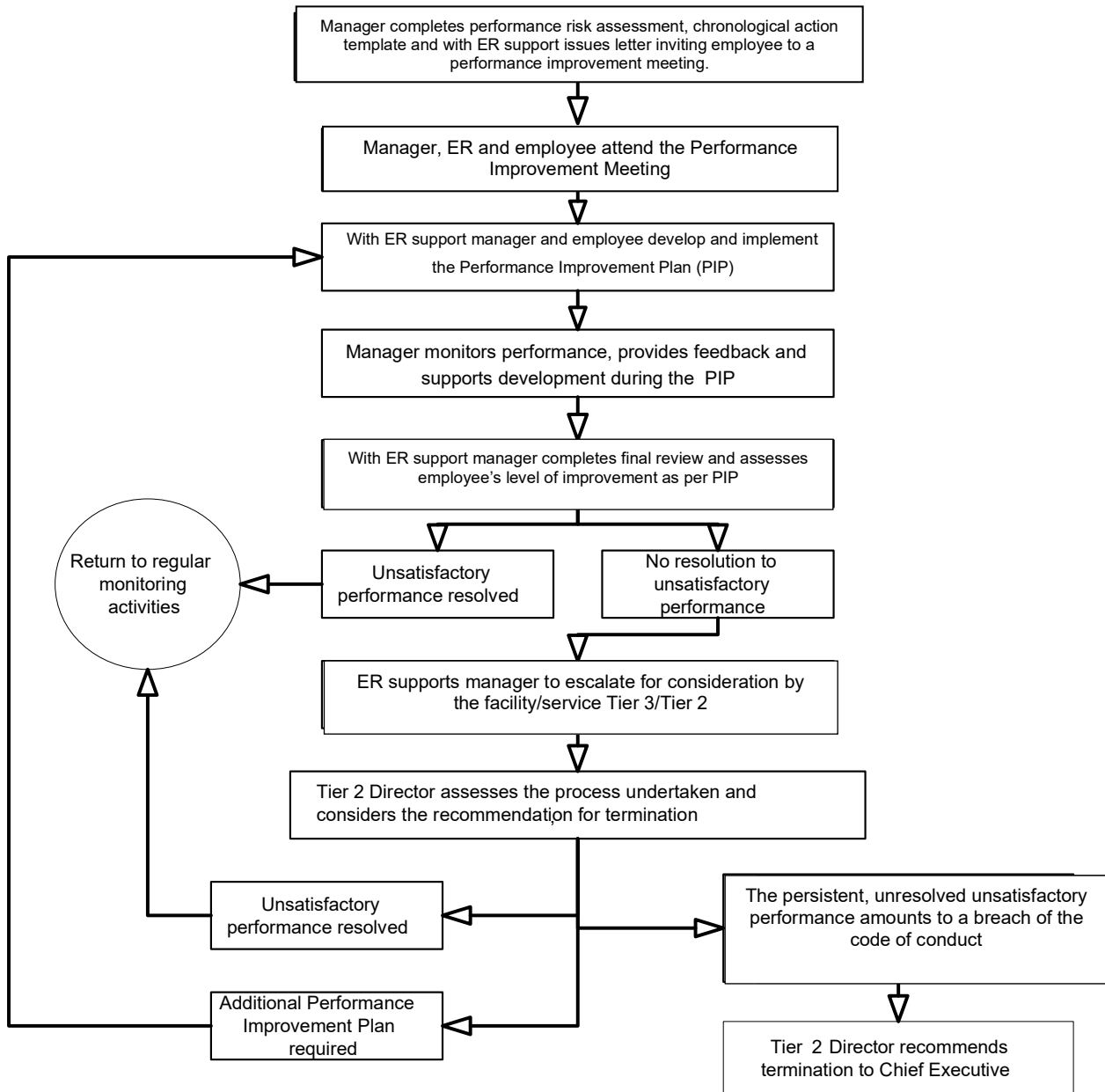
Appendix A: Informal Resolution Process Flowchart

Resolving Unsatisfactory Performance: Informal Process



Appendix B: Formal Resolution Process Flowchart

**Resolving Unsatisfactory Performance: Formal Management
Process Flowchart**



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Appendix C: Summary of Action taken to resolve Unsatisfactory Performance

SUMMARY OF ACTION TAKEN TO RESOLVE UNSATISFACTORY PERFORMANCE

NAME OF EMPLOYEE:	
POSITION:	
DEPARTMENT/UNIT:	
NAME OF MANAGER:	

Date performance issue began (first noticed or reported)	What is the performance issue?	Evidence of performance issue (e.g. increased patient complaints)	How was the performance addressed and when? (e.g. immediate feedback given)	Types of support provided to address the performance issue and when? (e.g. mentoring or coaching)	Has the performance issue improved since the informal management?	Supporting documentation (e.g. file notes, emails, minutes, letters, TRIM ref)

Appendix D: Risk Assessment Tool

(adapted from Risk Assessment Tool, [SESLHDPD/270 - Framework for Managing Nursing and Midwifery staff with identified practice issues](#))

Overview

This form can be used as a guide for managers when required to assess and identify risks associated with employees' who have performance issues. The **risk assessment should be reviewed every 30 days** and at any other time where risk needs to be managed.

The risk assessment must be used in conjunction with SESLHDPR/379 - Resolving Unsatisfactory Performance.

Resources

Policy Directive PD2009-039 Risk Management – Enterprise-Wide Policy and Framework – NSW Health
NSW Health Risk Matrix
Work, Health and Safety Risk Management Procedure SESLHDPR/212
[Policy Directive PD2013_034 Managing for Performance](#)
[Public Service Commission Performance Development Framework](#)
SESLHD Procedure Resolving Unsatisfactory Performance

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RISK ASSESSMENT FOR MANAGING STAFF WITH IDENTIFIED PERFORMANCE ISSUES						
Facility:	Assessment Date:	Assessor:				
Unit/Dept:	Review Date:	Others consulted:				
Who is being assessed?						
List performance issues identified:						
Does the staff member have any identified health issues impacting on their ability to perform in their role? If so, please refer to the SESLHD Non-Work Related Injury or Illness Management Procedure (SESLHDPR/564).						
Please rank the following risks (if any) associated with the staff members performance						
Does the staff member have insight into the identified performance issues?						
0 Full insight	1	2	3 Some insight	4	5	6 No insight
Does the staff member have previous history of performance issues?						
0 No history	1	2	3 Some history	4	5	6 Significant history
Rate the likelihood of performance improvement						

0 Full likelihood	1	2	3 Some likelihood	4	5	6 No likelihood
How many performance issues have been identified						
0 Nil	1	2			3 More than one issue	
How cooperative is the staff member with any agreed action plan?						
0 Cooperative	1	2	3 Some cooperation	4	5	6 Uncooperative

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How engaged is the staff member with any agreed action plan?

0 Full engagement	1	2	3 Some engagement	4	5	6 No engagement
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What is the staff member's state of health?

0 No relevant issues	1	2	3 Some health issues	4	5	6 Significant health issues
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Please rate any risk of harm to patients/clients/employees associated with the identified performance issue/s.

0 No risk	1	2	3 Medium risk	4	5	6 High risk
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Please rate any risk to security of systems/technology/resources/finances associated with the identified performance issue/s.

0 No impact	1	2	3 Some impact	4	5	6 Significant impact
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What level of supervision does the staff member require?

0 No supervision	1	2	3 Some supervision	4	5	6 Close direct supervision
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Total score _____ / 60

If the staff member's practice is considered high risk or has significant potential consequences immediate action must be taken and the Tier 2 Manager/Director informed.

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	CONSEQUENCE RATINGS				
LIKELIHOOD	Catastrophic	Major	Moderate	Minor	Minimal
Almost certain					
Likely					
Possible					
Unlikely					
Rare					

Risk rating	Score	Action required
Extreme	60	Employees unsatisfactory performance is extreme or has significant potential consequences to patient safety and/or the organisation, immediate action must be taken refer to <i>NSW Health Policy Managing Misconduct Document Number PD2014_042 and Health Policy PD2015_049 Code of Conduct</i>
High	21 - 59	Commence formal process as per <i>SESLHDPR/379 Resolving unsatisfactory performance</i> Higher level of supervision required
Medium	10 -20	Commence formal process as per <i>SESLHDPR/379 Resolving unsatisfactory performance</i> Direct supervision
Low	0 - 9	Manage the employee’s performance informally by continuously monitoring, providing constructive feedback, and putting initiatives in place to support improvement.

Actions taken to minimise risk while staff member is being supported and/or performance managed



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Name _____

Signature _____

Date _____

Appendix E: Letter to employee inviting them to attend a Performance Improvement meeting

PRIVATE AND CONFIDENTIAL

Dear

I am writing to you in regards to your performance in your position of *[insert position title]*. I am concerned that you are not performing the duties of your position in a satisfactory manner and I propose to discuss these issues with you in a meeting. The meeting will be held on *[insert date and time]*, at *[insert location]*. *[insert name and position title]* will also attend the meeting (if applicable eg. a supervisor).

The unsatisfactory performance issues to be discussed are:

- *[insert detail]*
- *[insert detail]*

At the meeting I would also like to address whether there are any barriers or factors that may be contributing to the situation. I would also like to discuss any possible strategies we can develop and implement so that you can achieve the performance standards expected. You will also be given an opportunity to comment on, and agree or disagree with my observations, concerns and the performance standards I consider relevant.

At the meeting it is intended that we work together to reach agreement on the contents of a Performance Improvement Plan. The final Performance Improvement plan will contain:

- The work performance issues to be addressed
- The goals and targets to be achieved
- Support services available to you
- The agreed dates for progress reviews
- The timeframes for reviewing your performance
- Details of any factors which may be contributing to the situation and the strategy to be implemented

If you wish, you may be accompanied by a support person to the meeting. The support person's role at the meeting is to observe the discussions and provide support to you.

Please confirm your attendance at the meeting, and provide the name of the support person (if applicable) to *[insert name]* by *[insert date]*.

Please note that SESLHD's confidential Employee Assistance Program (EAP) is available to you throughout this process. This is a confidential counselling service that is provided to all employees of SESLHD. The contact details are as follows:

Converge International - Ph: 1300 687 327

This is a 24 hours per day, seven days per week service facilitating enquiries and booking requests.

Yours sincerely



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Employee signature		Date:	Comments:
Manager signature		Date:	Comments:

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Details of what has not been achieved	
Satisfactory improvement in performance	YES / NO

Advice provided regarding support services available to the employee:	Yes /no
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Employees signature		Date:	Comments:
ManagerManagers signature		Date:	Comments:

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PRIVATE AND CONFIDENTIAL

Dear

I refer to our meeting on *[insert date]* during which I conducted a final review of your performance under the Performance Improvement Plan that commenced on *[insert date]*

I have determined that your performance has not improved to a satisfactory standard, despite the implementation of a Performance Improvement Plan and the monitoring of your performance over the last [insert monitoring period].

I am of the view that an extension of the current Performance Improvement Plan is to be implemented and you will be given a further <time> to improve your performance. For details of this the performance expectations, support, review and completion date please refer to the updated Performance Improvement Plan attached.

OR

I confirm that there has been a satisfactory improvement in your performance during the Performance Improvement Plan period and acknowledge your efforts over the last [insert monitoring period]

There is no current requirement for your performance to be further managed under the formal process of SESLHDPR/379 Resolving unsatisfactory performance, however if similar concerns about your performance arise in the next 12 months, your performance may again be managed formally.

I will recommence monitoring your work and providing constructive feedback as per the SESLHD Managing for Performance procedure and your participation in this procedure will recommence.

Once again I acknowledge your efforts in responding to my concerns about your performance, which has demonstrated your commitment to the CORE values.

I encourage you to consider use of the Employee Assistance Program. This is a confidential 24 hours per day, seven days per week counselling service that is provided to all employees of SESLHD. The contact details are as follows: Converge International - Ph: 1300 687 327

Please do not hesitate to contact me if you have any questions or concerns.

Yours sincerely

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PRIVATE AND CONFIDENTIAL

Dear

I refer to our meeting on *[insert date]* during which I conducted a final review of your performance under the Performance Improvement Plan that commenced on *[insert date]*

I confirm that I have determined that your performance has not improved to a satisfactory standard, despite the implementation of a Performance Improvement Plan and the monitoring of your performance over the last *[insert monitoring period]*.

I confirm that I will be referring this matter to *[insert next manager]* to determine what action should be taken, including whether this should be referred to the Chief Executive and whether further action is required under *SESLHDPR/379 Resolving unsatisfactory performance*.

Your supervision and work arrangements, until further notice, will be *[insert as appropriate]*

I encourage you to consider use of the Employee Assistance Program. This is a 24 hours per day, seven days per week confidential counselling service that is provided to all employees of SESLHD. The contact details are as follows: Converge International - Ph: 1300 687 327

Yours sincerely

Appendix J: Brief from Director to Chief Executive for further action

Analysis	To provide advice to the Chief Executive regarding <name> <position title>, <classification>, <facility/department> persistent, unresolved unsatisfactory performance, and to recommend that <his/her> employment be terminated if the employee does not take up the opportunity of resignation.
Recommendation	That the Chief Executive consider terminating the contract of employment for <name> due to persistent, unresolved, unsatisfactory performance amounting to a breach of the NSW Health Code of Conduct, and sign the attached letter if approved (TAB F: Letter to employee giving 10 days to show just cause as to why they should not be terminated)

Background and Key Issues

- <name> has been employed as <position> in <facility> since <start date> on a part-time/full time basis <as appropriate>.
- In <date> informal performance monitoring commenced for <describe performance issues> (**Attached Action Summary TAB A and Performance Risk Assessment TAB B**)
- There was no improvement over <months> and a formal Performance Improvement Plan was commenced on <date> (**Performance Improvement Plan attached at TAB C**)
- <Add any other relevant information>
- <name> has been the subject of a Performance Improvement Plan to improve unsatisfactory performance for <length of time>
- Over that period progress against the Performance Improvement Plan has been monitored (**Review of Performance Improvement plan TAB D, and Final review of performance improvement plan TAB E**)
- No satisfactory improvement in performance has been seen over that period
- The persistent, unresolved, unsatisfactory performance amounts to a breach of the following clause(s) of the NSW Health Code of Conduct <insert relevant clause(s)>
- <Add any other relevant information and copy in any other relevant documentation>

Risk:

This brief {identifies / does not identify} unmitigated risks <insert risk or possible consequences>.

Consultation:

Include name and position of persons consulted.

Contact:

Phone:

Date:

Approval:

1. Head HR, Employee and Industrial Relations
2. Tier 2 Director/General Manager
3. Submit to SESLHD-ExecutiveServices@health.nsw.gov.au , Manager, Office of the Chief Executive
4. Executive Director Operations
5. Director People & Culture
6. Chief Executive
7. Return to Author

Appendix K: Letter to employee from Chief Executive of proposed termination of employment

PRIVATE AND CONFIDENTIAL

Dear

I refer to the letter from <name of Manager> dated <date> in which you were advised that your performance has not improved to a satisfactory standard, despite the implementation of a Performance improvement plan and the monitoring of your performance over the last <insert monitoring period>

I have assessed the circumstances of the unsatisfactory performance and determined that you have been given sufficient and fair opportunity to improve your performance.

Based on these circumstances, a recommendation has been made to terminate your employment on the grounds of your ongoing breaches of the NSW Health Code of Conduct (PD2015_049) requirements which states employees: <Insert as appropriate>

- *4.3.5 carry out their duties diligently and efficiently*
- *4.3.8 comply with all lawful and reasonable directions given by their managers or other members of staff authorised to give them*
- *4.3.9 comply with all applicable NSW Health policies and procedures, and those of the NSW Health agency where they work*
- *4.3.10 Maintain and enhance professional standards and skills, and keep up to date with best practice*

I am inclined to accept this recommendation. I am providing you with an opportunity comment on the recommendation to terminate your employment. You have 14 days from the date of this letter to show cause why your employment should not be terminated. Please provide a written response <insert name and email address of Manager, Employee and Industrial Relations>.

Should you choose to submit a response, I will take it into consideration when making a final decision. You will be notified of the final decision.

I am also providing you with an opportunity to resign from your position. Should you wish to take this option, please provide resignation in writing to <insert name and email address of Manager, Employee and Industrial Relations> within 14 days from the date of this letter. You will not be required to work a period of notice, and your resignation will be effective immediately.

I encourage you to consider use of the Employee Assistance Program. This is a confidential 24 hours per day, seven days per week counselling service that is provided to all employees of SESLHD. The service can be accessed through Converge International on 1300 687 327.

Any enquiries in relation to this matter should be referred to <insert name and contact details of Lead Business Partner>.

Yours sincerely
Chief Executive

Appendix L: Letter to the employee advising of final decision from the Chief Executive terminating employment

PRIVATE AND CONFIDENTIAL

Dear

I refer to the letter of <date> advising you that a recommendation had been made to terminate your contract of employment and providing you with an opportunity to show cause as to why the recommendation should not be progressed.

The recommendation to terminate your employment was based on your breach of the NSW Health Code of Conduct as a result of persistent, unresolved, unsatisfactory performance.

<If response received> I note your correspondence of <insert date> outlining your response to the recommendations. I have taken your response into account.

OR (delete as appropriate)

<If no response received> I note that South Eastern Sydney Local Health District (SESLHD) has not received any correspondence from you outlining your response to the recommendations.

<If termination> After careful consideration of the evidence, I have decided to terminate your employment as <insert position> within SESLHD in accordance with clause <insert clause number> of the <insert Award>. The termination of employment is due to your serious breaches of the NSW Health Code of Conduct (PD2015_049) requirements which states employees: <Insert as appropriate>

- 4.3.4 carry out their duties diligently and efficiently
- 4.3.7 comply with all lawful and reasonable directions given by their managers or other members of staff authorised to give them
- 4.3.8 comply with all applicable NSW Health policies and procedures, and those of the NSW Health agency where they work
- 4.3.9 Maintain and enhance professional standards and skills, and keep up to date with best practice

<If termination> Once you have returned all SESLHD property (including your ID, uniforms, keys etc) any money owing to you will be paid into your nominated bank account.

Any enquiries in relation to this matter should be referred to <insert name of decision maker, position> on <telephone>.

Yours sincerely

Chief Executive