

## **Managing a Underperformance or Misconduct Meeting Checklist**

### **Establish the allegation(s):**

- The precise nature of the allegation;
- The impact, such as alleged breaches of policies, procedures, industrial instruments, position descriptions or otherwise;
- Determine times, dates and locations where the misconduct/underperformance occurred (examples);
- Gather evidence such as emails, previous warnings, complaint letters or memos;
- The name of any persons involved or witnesses (with their approval);
- Conduct a preliminary review;
- Determine whether to proceed.

### **Before the meeting:**

- Collate all relevant information (refer above);
- Arrange to meet with the employee at a mutually convenient time and location and advise the purpose of the meeting (a minimum of 24 hours' notice for formal disciplinary action is recommended);
- Advise the employee that they are able to bring a support person;
- Advise who will be attending on behalf of the employer;
- Carefully plan what you want to say and ensure someone will take notes.

**During the meeting:**

- Thank the employee for attending the meeting and acknowledge any support people (or acknowledge that the employee has chosen not to bring a support person);
- Clearly explain the purpose of the meeting;
- Explain how you will run the meeting;
  - o You will run through the allegations
  - o Evidence will be presented that has been collated to date
  - o They will be afforded the opportunity to respond
  - o Notes will be taken
  - o The meeting will be adjourned prior to any final determinations, which may include disciplinary action.
- Encourage the employee to respond openly and honestly;
- Outline the allegations and clearly explain why you believe it to be an issue (impact);
- Present any supporting evidence;
- Where it has occurred previously, set out the steps taken to date to rectify the situation;
- Invite the employee to respond;
- Ask how they believe the situation could be resolved;
- Take detailed notes;
- Thank the employee for their input;
- Adjourn the meeting to consider all information and agree on a suitable date and time to reconvene.



**Reconvene the meeting:**

- Thank the employee for their time and contributions;
- Outline the information taken into consideration during your deliberations;
- Advise on the final determination (warning);
- Advise the employee that they will be given a copy of the warning in writing and they have the right to make comments and will be requested to sign and return a copy of the warning;
- Agree on actions to assist in performance improvement or to ensure there is no reoccurrence of the misconduct;
- Advise the employee of the consequences should performance not improve or the misconduct reoccurs;
- Agree on the support that will be made available and times / dates for review meetings;
- Close the meeting.

**After the meeting:**

- Confirm the outcome in writing with all the necessary information;
- Keep thorough and accurate notes of the meetings and copies of letters, emails and evidence;
- Give the employee reasonable time to improve their performance;
- Follow through with review meetings and provide regular feedback;
- If the employee's performance has improved sufficiently, close out the process and follow up in writing, stating that it must be maintained and the consequences if it is not;
- If there has not been the required improvement, follow the next step of the disciplinary process State Records Act 1997 (as amended).