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## Problematic Work Performance and Disciplinary Warning Policy

### 1. Purpose

This policy outlines the procedures and expectations for addressing poor work performance among employees. Its aim is to support fair and consistent management practices while giving employees an opportunity to improve their performance to the required standard before any disciplinary action is taken.

### 2. Scope

This policy applies to all employees, including full-time, part-time, and casual staff employed at the clinic in Western Australia.

### 3. Policy Statement

Cygnnet Clinic is committed to maintaining high standards of professional conduct and performance. Where an employee's performance does not meet the required standard, management will address the issue in a fair, consistent, and constructive manner. The goal is to identify the cause of underperformance, provide guidance and support, and allow reasonable opportunity for improvement.

### 4. Definition of Poor Work Performance

Poor work performance may include, but is not limited to:

- Failure to meet reasonable performance standards or job requirements.
- Repeated errors or carelessness in administrative duties.
- Inadequate attention to client confidentiality or clinic procedures.
- Unreliable attendance or habitual lateness.
- Poor communication or client service towards clients or colleagues.
- Inability or unwillingness to follow reasonable instructions.
- Neglect of duties or failure to complete tasks in an acceptable timeframe.



## 5. Misconduct & Serious Misconduct

At Cygnnet Clinic, all employees are expected to uphold the highest standards of professional behaviour and ethical conduct consistent with a therapeutic healthcare environment. Misconduct refers to behaviour that breaches workplace policies, professional expectations but are not significant enough to warrant instant dismissal and would result in a formal written warning and/or meeting with the Clinic Director to discuss remediation.

Serious misconduct, as defined under the Fair Work Regulations 2009 (Cth), includes wilful or deliberate behaviour that is incompatible with the continuation of employment, or conduct that causes serious and imminent risk to the health and safety of others, the wellbeing of clients, or the reputation and integrity of the clinic. Examples include theft, fraud, harassment, intoxication at work, assault, or any behaviour (such as uncontrolled anger or threatening outbursts) that endangers clients or staff or undermines trust in the therapeutic environment.

Psychosocial safety means creating and maintaining a workplace environment where employees are free from psychological harm arising from work-related stressors, interpersonal conflict, bullying, harassment, discrimination, or unreasonable workloads. It focuses on the psychological and social factors that can influence a worker's mental health, job satisfaction, and overall wellbeing. Significant and/or repeated acts that compromise psychosocial safety are considered serious misconduct and can result in immediate termination of employment.

Cygnnet Clinic will manage all allegations of misconduct or serious misconduct in accordance with procedural fairness, ensuring the employee has an opportunity to respond before a decision is made. Serious misconduct may result in summary dismissal (**termination without notice**), whereas general misconduct will usually be addressed through performance management and formal warning procedures.

## 6. Principles

- Performance management must be fair, transparent, and confidential.
- Employees must be informed of specific areas requiring improvement and given a reasonable opportunity to meet expectations.
- All actions will be consistent with the Fair Work Act 2009 (Cth) and Small Business Fair



Dismissal Code (if applicable).

- Disciplinary action will only be taken after a fair process and adequate documentation.

## 7. Informal Discussion Stage

Before issuing a formal warning, the supervisor or manager should:

1. Meet privately with the employee to discuss the specific performance concerns.
2. Identify causes (e.g., workload, training needs, personal circumstances).
3. Clarify expectations by reviewing job descriptions and standards.
4. Agree on a plan for improvement, including clear goals, timeframes, and available support (e.g., supervision, training, mentoring).
5. Document the discussion with date, summary, and follow-up arrangements.

If performance does not improve within the agreed timeframe, formal disciplinary procedures may follow.

## 8. Formal Disciplinary Process

### 8.1 First Written Warning

- If the issue persists, a formal performance meeting will be held.
- The employee will receive written notice of the meeting outlining the specific performance concerns, possible consequences, and their right to have a support person present.
- Following the meeting, a First Written Warning will be issued stating the nature of the performance issue, required improvements and timeframes, and that failure to improve may result in further disciplinary action.

### 8.2 Second Written Warning

- If insufficient improvement occurs, a second warning may be issued, outlining continued deficiencies, previous warnings, and a final opportunity to improve.

### 8.3 Final Written Warning

- If performance remains unsatisfactory, a final warning will be issued, clearly stating that further failure will result in termination of employment.

## 9. Termination of Employment

If performance does not improve after the final written warning, employment may be terminated in accordance with the Fair Work Act 2009 (Cth), the Small Business Fair Dismissal Code (2023), and the employee's employment contract. In cases of Misconduct or Serious Misconduct (defined by the Fair Work Act, 2009) can result in **immediate termination** of employment without the aforementioned formal written warnings. The



termination will be confirmed in writing and include reasons and effective date. Final pay, entitlements, and certificate of service will be provided in accordance with WA and Commonwealth legislation.

## 10. Record Keeping

All discussions, meetings, and written warnings must be documented and securely stored in the employee's confidential personnel file. Records must include dates of meetings, names of those present, issues discussed, actions agreed upon, and copies of all correspondence.

## 11. Employee Rights

Employees have the right to:

- Be informed of the specific concerns and evidence.
- Respond to allegations before a decision is made.
- Have a support person present during formal meetings.
- Receive reasonable time to improve.
- Appeal disciplinary decisions through written request to the Clinic Director.

## 12. Review and Policy Maintenance

This policy will be reviewed every two years or sooner if legislative changes occur or business operations require it.

Approved by:

Dr Brendon Dellar  
Director  
Effective Date: 01/07/2025  
Review Date: 01/07/2027

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Director  
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