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| HR07 | Discipline Policy |
| Approval Date: | 27 March 2024 |
| Council Decision Reference: | OCM-2024/30 |
| Policy Type: | People and Culture |
| Policy Custodian: | People and Culture Manager |
| Review Date: | 27 March 2028 |
| Version | 4.0 |

Purpose

The purpose of this Discipline Policy (**Policy**) is to establish clear guidelines and procedures for managing disciplinary matters involving employees of the West Daly Regional Council (**Council**).

It aims to promote accountability, integrity, and professionalism while ensuring fairness and adherence to standards. By outlining the expectations for conduct and providing a structured process for addressing performance issues and misconduct, this Policy seeks to foster a positive work environment conducive to productivity and mutual respect.

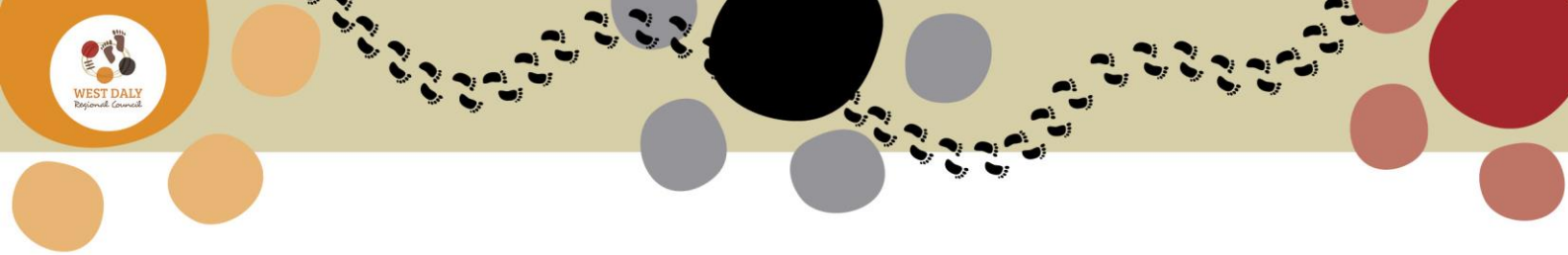
Scope

The Policy applies to all employees of the Council. It does not extend to contractors, agency employees, or those who have not completed the minimum employment period. The Policy encompasses all stages of the disciplinary process, from initial counselling to formal disciplinary actions and outcomes.

Policy Statement

1. Policy Statement

- 1.1. Employees of the Council are required to maintain the highest standards of conduct in their professional endeavours, which includes compliance with relevant laws, regulations, and policies governing their activities
- 1.2. Expectations are set for employees to adhere to conduct and performance standards aligned with the PC01 Code of Conduct Employee, Council Values, and other Council’s policies.
- 1.3. The Policy articulates key principles and procedures, emphasizing:
 - a) Demonstrating respect, courtesy, and professionalism in interactions with colleagues, supervisors, Elected Members, and the public.



- b) Upholding fundamental values of honesty, integrity, and transparency in all actions and communications.

2. Fundamentals of the Disciplinary Policy

- 2.1. The initiation of the disciplinary process is primarily the responsibility of line managers within the Council. Line managers are expected to address issues of unacceptable performance or misconduct promptly and effectively at the departmental level and notify People and Culture Manager.
- 2.2. Role of Line Managers: Line managers play a crucial role in identifying and addressing employee performance issues or misconduct or performance concerns within their respective departments. They are responsible for initiating informal discussions, providing feedback, and offering support to employees to address concerns.
- 2.3. Informal Resolution: When a line manager identifies an issue, they are encouraged to first attempt informal resolution through constructive feedback, coaching, and guidance. This may involve discussing performance expectations, providing additional training or resources, or clarifying job responsibilities.

3. Escalation to People and Culture Manager or Executive

- 3.1. If informal resolution attempts are unsuccessful, or if the misconduct or performance issue persists, the matter may be escalated to the People and Culture Manager or Senior Leadership Team Member within the Council.
- 3.2. Line managers should document their efforts in addressing the issue before escalating to ensure transparency and accountability.

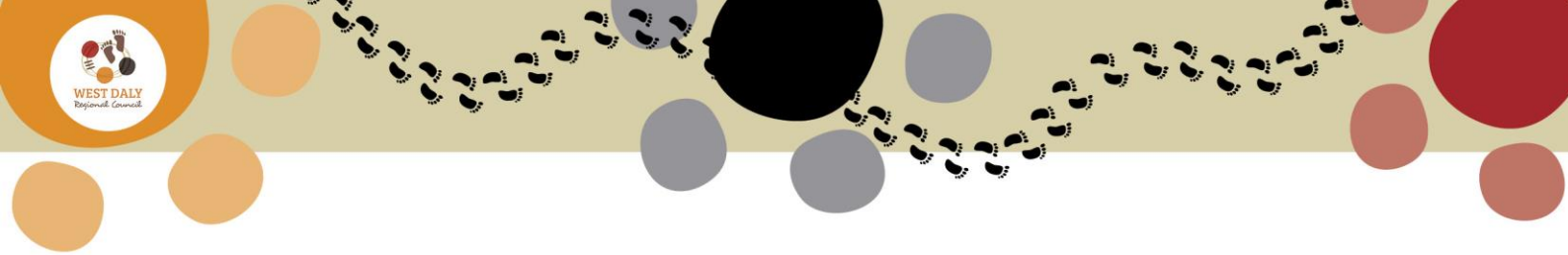
4. Involvement of People and Culture Manager or Executive

- 4.1. Upon escalation, the People and Culture Manager or Senior Leadership Team Member will conduct a thorough review of the situation. This may include gathering additional information, conducting further investigations if necessary, and consulting with relevant stakeholders.

5. Decision on Formal Disciplinary Action

- 5.1. Based on the findings of the review, the People and Culture Manager will determine whether formal disciplinary action is warranted.
- 5.2. This decision will be made in accordance with the Council's policies, relevant employment laws, and principles of fairness and natural justice.

6. Communication with Employee



- 6.1. If formal disciplinary action is deemed necessary, the People and Culture Manager will communicate the decision to the employee in writing.
- 6.2. The communication will outline the reasons for the disciplinary action, the specific allegations or concerns, and the expected outcomes or consequences.

7. Employee Rights

- 7.1. Throughout the disciplinary process, employees are entitled to procedural fairness and natural justice.
- 7.2. This includes the right to be heard, the right to respond to allegations, and the right to seek support or representation if needed.

8. Documentation and Record-Keeping

- 8.1. All stages of the disciplinary process, including informal discussions, escalations, and formal actions, should be documented thoroughly and provided to People and Culture Manager.
- 8.2. Documentation should include details of meetings, correspondence, decisions made, and any agreed-upon action plans.

9. Confidentiality and Privacy

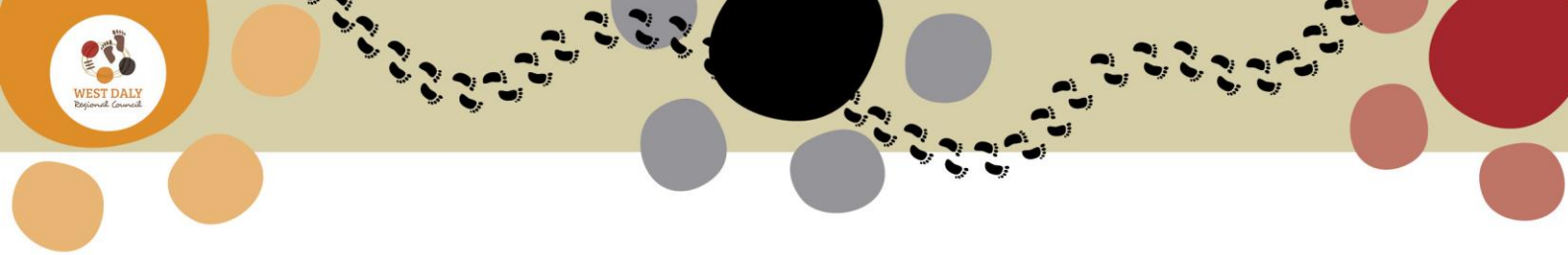
- 9.1. Confidentiality will be maintained throughout the disciplinary process to the extent possible, respecting the privacy rights of all parties involved.
- 9.2. Information will only be disclosed on a need-to-know basis and in accordance with relevant privacy laws and policies.

10. Formal Disciplinary Action

- 10.1. Should informal measures fail to rectify the issue or in cases of more serious misconduct, formal disciplinary action may be necessary. Such actions may include the issuance of written warnings, suspension, or termination of employment, depending on the severity of the offense and the employee's disciplinary history.

11. Appeals Process

- 11.1. Employees retain the right to challenge disciplinary rulings they perceive as unfair or disproportionate.
- 11.2. Appeals must be formally lodged in writing with either the People and Culture Manager or the relevant Departmental Executive.
- 11.3. These appeals will undergo impartial review to verify adherence to established policies and procedures.



11.4. Final decisions arising from the appeals process will be made by the CEO and promptly communicated to the employee, with a commitment to maintaining transparency and clarity throughout the process.

12. Confidentiality

12.1. Confidentiality is paramount throughout the disciplinary process, with all parties involved expected to respect the privacy rights of individuals and the sensitivity of the matter at hand.

12.2. Information pertaining to disciplinary proceedings will be handled discreetly and shared only with those directly involved or with a legitimate need to know, safeguarding the integrity and reputation of both the Council and its employees.

13. Compliance

13.1. Failure to adhere to the provisions outlined in this Policy may lead to disciplinary action, ranging from formal counselling to termination of employment.

13.2. It is imperative that all employees acquaint themselves with the Policy and uphold its principles. By doing so, they contribute to fostering a culture of accountability and integrity within the Council.

13.3. Additionally, any disciplinary measures taken will require approval from the CEO, ensuring consistency and fairness in decision-making processes.

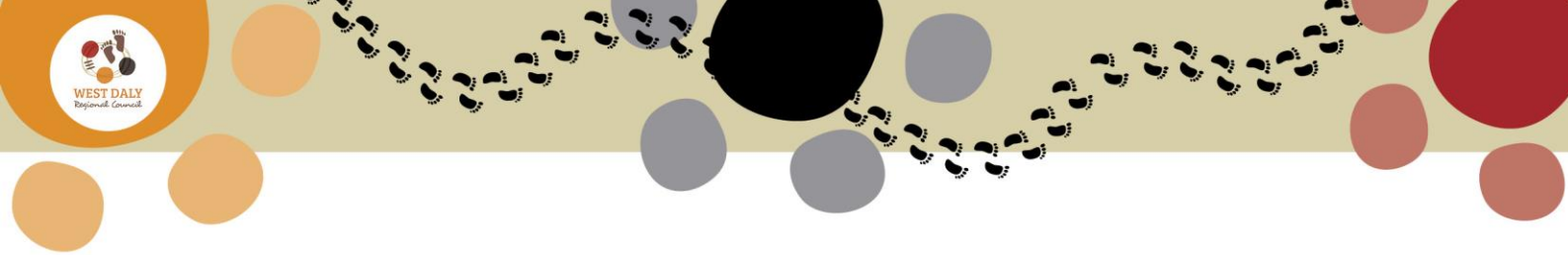
References

The People and Culture Manager is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 4 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the law.

Following approval of this policy document, the People a Culture Manager (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the Policy.

FURTHER INFORMATION:

For more information, contact the Policy Custodian.



Definitions

In the context of this policy the following definitions apply:

- **Employee** means all employees of Council, whether employed on a permanent, fixed term or casual basis;
- **Contractor** refers to a person who works for Council under an arrangement with a labour hire agency or provides services to Council on a contract basis or a person (other than a member of Council, a local authority, or a council committee member) acting under powers of Council;
- **Council's values** means the values and behaviours that Council embraces to support purpose and guide us in achieving our vision, as communicated in the Strategic and Regional Plans;
- **Counselling** is a meeting between an employee and their manager / supervisor where Council confirms its expectations of the employee, outlines how the employee may not be meeting these expectations, seeks a response from the employee and discusses what is required in order for the employee to meet the necessary standard, including the provision of appropriate training or support. This is a formal meeting that will be documented and kept on the employee's personnel file.
- **Misconduct** is a behaviour that is not serious misconduct, but is nonetheless unsatisfactory and inconsistent with PC01 Code of Conduct Employee or other policies and procedures;
- **Serious Misconduct** aligns with the *Fair Work Act 2009* and includes:
 - wilful or deliberate behaviour by an employee that is inconsistent with continuing their employment;
 - conduct that causes serious and imminent risk to the health and safety of another person or to the reputation, viability or profitability of their employer's business. Serious misconduct may result in summary dismissal (termination without notice);

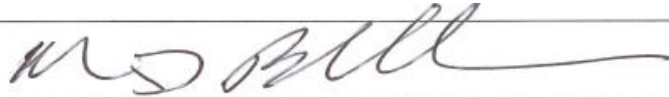
Related Documents

- *Local Government Industry Award 2010*
- *Fair Work Act 2009 (Cth)*
- *Local Government Act 2019 (NT)*
- PC01 Employee Code of Conduct
- West Daly Regional Council Enterprise Agreement

Review History

| Date | Review details | Action/Resolution/Document ID |
|----------------------|----------------------|---------------------------------------|
| January 2019 – V3 | Due in January 2022 | 30 January 2019 - 013/2019 |
| 27 March 2024 – V4.0 | Due on 27 March 2028 | 27 March 2024 - OCM-2024/30/ID: 24852 |

Signature of Endorsement:



Position:

Acting Chief Executive Officer