



Managing Unsatisfactory and Substandard Performance Policy Template Letters

Employment Policy Framework



TITLE: **MANAGING UNSATISFACTORY AND SUBSTANDARD PERFORMANCE POLICY – TEMPLATE LETTERS**

1. BACKGROUND

- 1.1 To support the Performance Improvement Process of the Managing Unsatisfactory and Substandard Performance Policy (**Policy**), template letters (**Templates**) have been drafted to complement the formal phases of the process.
- 1.2 The Templates are not part of the Policy and not intended to be used as a substitute for complying with the requirements of the Policy.
- 1.3 The Templates do not apply to employees who are employed under Part 3 of the *Public Sector Management Act 1994 (PSMA)* and are therefore subject to the provisions of Part 5 of the PSMA.

2. VARIATION AND USE

- 2.1 Every Template requires the inclusion of information specific to each case.
- 2.2 Each Template contains sections identified in brackets which require decisions be made to determine what information is appropriate to reflect the specific circumstances of a case. The inclusion of this information is essential to ensuring the principles of procedural fairness are observed.
- 2.3 Failure to include specific information in the Templates may render the Performance Improvement Process unfair and potentially invalidate any decision and Sanction.
- 2.4 Managers and Decision Makers, on advice from local Human Resources (**HR**) and where necessary in consultation with Industrial Relations (**IR**), are responsible for ensuring any communication is compliant with the Policy.
- 2.5 An Employing Authority may make minor amendments to the information contained in each Template providing the information remains consistent with the Policy. Such amendments should be endorsed by local HR.
- 2.6 Templates may be adapted to ensure the Performance Improvement Process is applied within the relevant organisational context. Alternative Templates must be consistent with the Policy and endorsed by HR and IR.
- 2.7 Once populated, any letter drafted from a Template may be referred for review by local HR and where appropriate to IR.

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PHASE 3 – PERFORMANCE IMPROVEMENT PLAN

1. LETTER OF PIP PROPOSAL (Phase 3, Step 2)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Performance Improvement Plan – Opportunity to Respond

In accordance with the Managing Unsatisfactory and Substandard Performance Policy (**Policy**) I write to you in reference to the identified area(s) of unsatisfactory performance in relation to your role as [POSITION] at [HEALTH SITE, HEALTH SERVICE PROVIDER] as follows:
[NUMBER EACH ISSUE]

1. [IDENTIFY UNSATISFACTORY PERFORMANCE]

[SPECIFY PARTICULARS]

2. [IDENTIFY UNSATISFACTORY PERFORMANCE]

[SPECIFY PARTICULARS]

To date, and pursuant to our discussion(s) on [DATE(S) OF INITIAL AND SUBSEQUENT DISCUSSIONS WITH EMPLOYEE], the following measures have been undertaken to assist you meet the required Satisfactory Performance standard(s) expected of you in your role as [POSITION]:

[LIST ALL MEASURES TAKEN TO DATE TO ADDRESS UNSATISFACTORY PERFORMANCE AND EXPECTED OUTCOME]

- Measure 1 and expected outcome;
- Measure 2 and expected outcome; etc.

Despite these measures, you have not met the Satisfactory Performance standard(s) expected of you in your role as [POSITION]. In accordance with the enclosed Policy, a Performance Improvement Plan (**PIP**) will be implemented to assist you to meet a Satisfactory Performance standard.

I have prepared the enclosed PIP for your review and the documents referred to in the PIP including a copy of your Job Description Form, [INCLUDE OTHER RELEVANT DOCUMENTS] and the Unsatisfactory and Substandard Performance Policy Explanatory Notes, which provides further detail regarding the Performance Improvement Process.

You have the opportunity to provide me with a response to the proposed PIP by [DATE (7 days from date of letter)]. Your response will be taken into consideration and will assist me in deciding what amendments to the PIP, if any, will be made to assist you to meet a Satisfactory Performance standard.

If you fail to respond by this date or elect not to provide me with a written response, the PIP(s) will be implemented as proposed.

If you wish to provide a written response to the proposed PIP, please mark the envelope containing your response "Private and Confidential" to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [EMAIL ADDRESS]

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

A meeting to discuss the proposed PIP with you is scheduled for [DATE (within 14 days of receipt of letter)] at [LOCATION]. You are entitled to bring a support person with you to this meeting if you wish.

It is intended the PIP will be in place for a period of [DURATION] from [DATE] until [DATE].

Failure to meet a Satisfactory Performance standard at the conclusion of the PIP could lead to the following action:

- An extension of the PIP duration;
- A further PIP; or
- A decision of Substandard Performance which may result in a sanction being imposed which may include:
 - (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
 - (ii) A reduction in your level of classification; or
 - (iii) Termination of your employment.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you require any further information or clarification please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

2. EXTENSION OF TIME TO RESPOND TO PROPOSED PIP (Phase 3, Step 3)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Performance Improvement Plan – Extension of Time to Respond

I am writing further to your telephone call/e-mail/letter [**DELETE AS APPROPRIATE**] of [DATE] requesting an extension of time to respond to my letter dated [DATE].

Your request for an extension of time to respond is approved. Please provide your written response by [DATE (up to 7 days from date of letter)].

Please mark the envelope containing your response “Private and Confidential”, to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [EMAIL ADDRESS]

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

If you fail to respond by this date or elect not to provide me with a written response, the Performance Improvement Plan (**PIP**) will be implemented as proposed in my letter dated [DATE].

A meeting to discuss the proposed PIP with you is scheduled for [DATE] at [LOCATION]. You are entitled to bring a support person with you to this meeting if you wish.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you wish to discuss this matter further, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

3. FOLLOW UP WHERE NO RESPONSE TO PIP PROPOSAL (Phase 3, Step 3)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Performance Improvement Plan – No Response

I refer to my letter of [DATE] to which I have not received a response from you.

Please provide me with your written response by [DATE (within 3 days before scheduled meeting)]. If you fail to respond by this date or elect not to provide me with a written response, the Performance Improvement Plan (**PIP**) will be implemented as proposed in my letter.

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

A meeting to discuss the proposed PIP(s) with you is scheduled for [DATE] at [LOCATION]. You are entitled to bring a support person with you to this meeting if you wish.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you wish to discuss this matter further, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

4. ASSESSMENT OF PERFORMANCE AGAINST PIP (Phase 3, Step 7)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Performance Improvement Plan – Assessment

In accordance with the Managing Unsatisfactory and Substandard Performance Policy (**Policy**) I write to you regarding the Performance Improvement Plan (**PIP**) in place since [DATE] until [DATE] to assist you to meet (a) Satisfactory Performance standard(s) in your role as [POSITION] at [HEALTH SITE, HEALTH SERVICE PROVIDER].

The PIP has now concluded and I have made an assessment of your performance against the PIP objectives. Consequently, I find:

[IF RESPONDENT HAS SUCCESSFULLY MET PIP OUTCOMES]

[You have successfully met (all) the PIP Outcome(s) for Satisfactory Performance. As such, the process will now conclude. Please be advised that should there be a recurrence of your Unsatisfactory Performance within the next 12 months, you may be required to undertake a further PIP.] **[PROCESS ENDS]**

[IF RESPONDENT HAS NOT SUCCESSFULLY MET THE PIP OUTCOMES]:

[[You have made considerable improvements, but have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance.]

[OR]

[Have not made considerable improvement and have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance].

[In accordance with the Policy, you have the opportunity to provide me with your written response to my assessment(s) by [DATE (not less than 7 days of receipt of letter)]. Your response will be taken into consideration and will assist me in my final decision and any subsequent action which may include:

- An extension of the PIP duration;
- A further PIP; or
- A referral to a Decision Maker for an assessment of whether you are performing at a Substandard Performance standard.

The Decision Maker may also propose a Sanction upon you which include:

- (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
- (ii) A reduction in your level of classification; or
- (iii) Termination of your employment.

If you wish to provide a written response to my assessment(s), please mark the envelope containing your response "Private and Confidential" to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [ADDRESS]

If you fail to respond by this date I may decide what further action is to be taken based on the information currently available to me.

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

5. CONFIRMATION OF DECISION AGAINST PIP (Phase 3, Step 8)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Performance Improvement Plan – Final Decision

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].

[OR]

Further to my letter dated [DATE], you have been given a reasonable opportunity to respond but have elected not to / failed to respond [**DELETE AS APPROPRIATE**].

After further consideration, I have determined that my final assessment of your performance against the Performance Improvement Plan (**PIP**) remains appropriate in the circumstances.

Consequently, I confirm you have

[DELETE AS APPROPRIATE]

[made considerable improvements, but have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance, therefore the PIP will be [repeated] **[OR]** [extended until [DATE]].

[OR]

[not made considerable improvement and have not successfully met (all) the PIP Outcome(s) for Satisfactory Performance. All relevant documentation with regards to the Performance Improvement Process and PIP will now be provided to [NAME] as Decision Maker who will review and form an opinion whether you are performing at a Substandard Performance standard.

The Decision Maker may also propose to impose one of the following Sanctions upon you:

- (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
- (ii) A reduction in your level of classification; or
- (iii) Termination of your employment.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

6. EMPLOYEE'S PERFORMANCE AGAINST PIP – REVISED DECISION
(Phase 3, Step 8)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Performance Improvement Plan – Revised Decision

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].

Based on your response in which you acknowledge [IDENTIFY REASONS, MITIGATIONS, ADMISSIONS], I have decided to vary my proposed finding(s) that you have [STATE PREVIOUS FINDING(S)].

Consequently I confirm you have

[DELETE AS APPROPRIATE]

[successfully met (all) the Performance Improvement Plan (**PIP**) Outcome(s) for Satisfactory Performance and the process will now conclude. Please be advised that should there be a recurrence of your Unsatisfactory Performance within the next 12 months, you may be required to undertake further PIPs]. **[PROCESS ENDS]**

[OR]

[made considerable improvements, but have not successfully met (all) the Performance Improvement Plan (**PIP**) Outcome(s) for Satisfactory Performance, therefore the PIP will be [repeated] **[OR]** [extended until [DATE]].

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

PHASE 4 – SUBSTANDARD PERFORMANCE

7. DECISION MAKER'S PROPOSED OPINION AND PROPOSED SANCTION (Phase 4, Step 1)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance - Proposed Opinion and Proposed Sanction

Further to [NAME OF MANAGER]'s letter dated [DATE], I have reviewed all available documentation regarding your recent Performance Improvement Plan (PIP) Outcomes.

Consequently, I propose to form the opinion that you are performing at a Substandard Performance standard and propose the following Sanction in accordance with section 159 of the *Health Services Act 2016*:

Seek advice from IR prior to proposing any of these Sanctions.

[DELETE AS APPROPRIATE]

[SANCTION – WITHHOLD INCREMENT]

[I propose a Sanction by way of withholding your next increment due on [DATE] for [DURATION].]

[OR]

[SANCTION – REDUCTION IN CLASSIFICATION]

[I propose a Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].]

[OR]

[SANCTION – TERMINATION OF EMPLOYMENT]

[I propose to terminate your contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT].]

My reasoning for forming this proposed opinion and proposed Sanction is **[IDENTIFY REASONS FOR REACHING PROPOSED OPINION AND PROPOSED SANCTION]**.

In accordance with the Managing Unsatisfactory and Substandard Performance Policy, you have the opportunity to provide me with your written response to my proposed opinion and

proposed Sanction by [DATE (not less than 7 days of receipt of letter)]. Your response will be taken into consideration and will assist me in my final decision and the Sanction to be imposed.

If you wish to provide a written response to my proposed opinion and proposed Sanction, please mark the envelope containing your response "Private and Confidential" to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [ADDRESS]

If you fail to respond by this date I may decide what further action is to be taken based on the information currently available to me.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

**8. WHERE RESPONDENT ADMITS TO SUBSTANDARD PERFORMANCE –
FINAL DECISION (Phase 4, Step 3)**

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Final Decision

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE] in which you admit you have been performing at a Substandard Performance standard.

[IF NO SANCTION IS TO BE IMPOSED]

[Based on the information available and your response, I have decided that you will repeat the Performance Improvement Plan (PIP). No Sanction will be imposed upon you at this time. [NAME OF MANAGER] will be in contact with you to discuss the PIP.]

[IF A SANCTION IS TO BE IMPOSED]

[Based on the information available and your response, I have decided that the following sanction will be imposed upon you in accordance with section 159 of the *Health Services Act 2016*:

Seek advice from IR prior to confirming any of these Sanctions.

[SANCTION – WITHHOLD INCREMENT]

[A Sanction by way of withholding your next increment due on [DATE] for [DURATION].

In addition to this Sanction, you are required to repeat the Performance Improvement Plan Process (PIP). [NAME OF MANAGER] will be in contact with you to discuss the PIP.]

[OR]

[SANCTION – REDUCTION IN CLASSIFICATION]

[A Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition to this Sanction, you are required to repeat the Performance Improvement Plan Process (PIP). [NAME OF MANAGER] will be in contact with you to discuss the PIP.]

[OR]

[SANCTION – TERMINATION OF EMPLOYMENT]

[Termination of your contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE], effective [DATE].]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

9. NOTIFICATION OF FINAL DECISION TO MANAGER and HR (Phase 4, Step 5)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Notice of Final Decision

I write to you in reference to your proposed finding(s) of Substandard Performance regarding [NAME OF RESPONDENT].

In response to my proposed opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard, [NAME OF RESPONDENT] has admitted their performance is at a Substandard Performance standard.

I have considered all available information in addition to [NAME OF RESPONDENT]'s response and have made the following decision:

[IF NO SANCTION IS TO BE IMPOSED]

[[NAME OF RESPONDENT] will repeat the Performance Improvement Plan (PIP). No Sanction will be imposed at this time. Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP.]

[IF SANCTION IS TO BE IMPOSED]

[The following sanction will be imposed upon [NAME OF RESPONDENT]:

[SANCTION – WITHHOLD INCREMENT]

[A Sanction by way of withholding [NAME OF RESPONDENT]'s next increment due on [DATE] for [DURATION].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan Process (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP.]

[OR]

[SANCTION – REDUCTION IN CLASSIFICATION]

[A Sanction by way of a reduction in [NAME OF RESPONDENT]'s classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan Process (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP.]

[OR]

[SANCTION – TERMINATION OF EMPLOYMENT]

[Termination of [NAME OF RESPONDENT]'s contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE].]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

PHASE 5 – INVESTIGATION PROCESS

10. APPOINTMENT OF INVESTIGATOR (Phase 5, Step 1)

Private & Confidential

[Date]

[NAME]

[ADDRESS]

[ADDRESS]

Dear [NAME]

Direction to Conduct a Substandard Performance Investigation

On [DATE], having reviewed all relevant information arising from a Performance Improvement Process, I proposed to form the opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard. I sought a response from [NAME OF RESPONDENT] in regards to my proposed opinion on [DATE], which I [have not received] **[OR]** [[received on [DATE] in which [NAME OF RESPONDENT] denies his/her performance is at a Substandard Performance standard.]

In accordance with the Unsatisfactory and Substandard Performance Policy, this matter now requires a Substandard Performance Investigation and I am appointing you as the Investigator.

The scope of the Substandard Performance Investigation is confined to the Performance Improvement Process and the Performance Improvement Plan in place for the following area(s) of unsatisfactory performance:

[IDENTIFY UNSATISFACTORY PERFORMANCE AS PER LETTER OF PIP PROPOSAL]

Please undertake a Substandard Performance Investigation within the identified scope and submit your findings by way of a written investigation report to me by [DATE]. Your investigation may only result in one of two findings being that [NAME OF RESPONDENT] is performing at a Substandard Performance standard is substantiated or not substantiated.

All matters relating to the Substandard Performance Investigation are confidential.

[NAME] [POSITION] will provide you with all the documentation relating to this matter and any other assistance or information you may require to undertake the Substandard Performance Investigation.

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]

[Position]

11. INVESTIGATION – RESPONDENT (Phase 5, Step 2)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Notification of Substandard Performance Investigation

[I refer to my letter to you of [DATE] and your subsequent response dated [DATE].]

[OR]

[You have failed to / elected not to provide a response to my letter to you dated [DATE].]

In accordance with the Unsatisfactory and Substandard Performance Policy a Substandard Performance Investigation is now required. I have appointed [NAME] from [ORGANISATION/OFFICE] to conduct the Substandard Performance Investigation.

To facilitate the Substandard Performance Investigation, you will be invited to attend an interview with the Investigator who will contact you to arrange a suitable time and date. You are entitled to attend this meeting with a support person if you wish.

Some of the steps that may be taken in conducting the Substandard Performance Investigation include, but are not limited to, interviewing you, interviewing other relevant persons and the examination of all relevant records and other documentary material.

At the conclusion of the Substandard Performance Investigation, the Investigator will provide me with a written investigation report which will contain a finding(s) in relation to whether the proposed opinion that you have been performing at a Substandard Performance standard is substantiated or not substantiated.

If it is substantiated that you have been performing at a Substandard Performance standard, I may impose one of the following available Sanctions upon you, in accordance with section 159 of the *Health Services Act 2016*:

- (i) Withholding for such period as the Employing Authority determines an increment of remuneration otherwise payable to you;
- (ii) A reduction in your level of classification; or
- (iii) Termination of your employment.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

12. INTERVIEW RESCHEDULED – RESPONDENT DID NOT ATTEND (Phase 5, Step 2)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Failure to Attend Substandard Performance Investigation Interview

It has come to my attention that you were invited to attend an interview with [NAME OF INVESTIGATOR] at [TIME] on [DATE] at [LOCATION] which you [did not attend] **[OR]** [declined to attend]. **[DELETE AS APPROPRIATE]**

The interview has been re-arranged for [TIME] on [DATE] at [LOCATION].

[OR]

[NAME] will contact you to establish a mutually convenient time to conduct the interview.

[DELETE AS APPROPRIATE].

The interview has been re-scheduled in order to provide you with a further opportunity to ensure you are aware of all the details relating to the proposed opinion that you have been performing at a Substandard Performance standard and you have the opportunity to present any substantiating information. You are entitled to attend this interview with a support person if you wish.

If you elect not to attend the re-scheduled interview, the finding(s) and the appropriate Sanction to impose, if any, will be made based on the information available.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely
[Name - NOT DECISION MAKER]
[Position]

13. PROPOSED OPINION AND PROPOSED SANCTION (Phase 5, Step 6)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Proposed Opinion and Proposed Sanction

[I write to you in reference to my letter to you dated [DATE].]

[OR]

[Further to [NAME of previous Decision Maker]'s letter to you dated [DATE], this matter has been referred to me to determine the proposed opinion and proposed sanction regarding a finding of Substandard Performance in your role.]

The investigation into this matter has now concluded and I have had the benefit of reviewing your response(s) dated [DATE(s)], the Investigation Report (**the Report**) dated [DATE], and all other available information. [[INVESTIGATOR] interviewed you on [DATE]] **[OR]** [You elected not to provide a response or participate in an interview.] **[DELETE AS APPROPRIATE]**

[PROPOSE OPINION – SUBSTANTIATED OR NOT SUBSTANTIATED – Refer to evidence relied upon in making these opinions(s) such as admission, corroboration of evidence, documents relied upon]

I propose to form the opinion, based on an assessment of the evidence gathered during the course of the Substandard Performance Investigation that your performance relating to **[COPY IDENTIFIED UNSATISFACTORY PERFORMANCE FROM PROPOSED PIP LETTER]** is of a Substandard Performance standard] is [Substantiated/Not Substantiated].

[IF SUBSTANTIATED, PROPOSED SANCTIONS AVAILABLE - DELETE AS APPROPRIATE]

Based on my proposed opinion(s), I propose to impose the following Sanction in accordance with section 159 of the *Health Services Act 2016*:

Seek advice from IR prior to proposing any of these Sanctions.

[DELETE AS APPROPRIATE]

[SANCTION – WITHHOLD INCREMENT]

[I propose a Sanction by way of withholding your next increment due on [DATE] for [DURATION].

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan.]

[OR]

[SANCTION – REDUCTION INCLASSIFICATION]

[I propose a Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].]

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan.]

[OR]

[SANCTION – TERMINATION OF EMPLOYMENT]

[I propose to terminate your contract of employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE], effective [DATE].]

[Prior to imposing this Sanction, you have the opportunity to provide me with a written response to my opinion(s) and proposed Sanction by close of business [DATE (not less than 7 days of receipt of letter)]. I will take your response into consideration before making a final decision.

Failure to respond by this date or electing not to provide me with a written response, will result in me confirming my decision(s) and the [STATE PROPOSED SANCTION] being effective close of business [DATE AS DETAILED ABOVE].

Please mark the envelope containing your response “Private and Confidential” to ensure the envelope is not opened as part of usual mail sorting and distribution. Please send your response to me at [ADDRESS]. Alternatively, you may provide your response by email to: [EMAIL ADDRESS]

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.]

[IF NOT SUBSTANTIATED]

[Whereas an opinion of Substandard Performance has not been substantiated, your performance in relation to your role remains unsatisfactory, therefore the Performance Improvement Plan (**PIP**) will be repeated. [MANAGER] will be in contact with you to discuss the PIP.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely
[Name]
[Position]

14. EXTENSION OF TIME TO RESPOND TO LETTER OF INTENT (Phase 5, Step 6)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Extension of Time to Respond

I am writing further to your telephone call/e-mail/letter [DELETE AS APPROPRIATE] of [DATE] requesting an extension of time to respond to my letter [DATE].

Your request for an extension of time to respond is approved. Please provide your written response by [DATE (up to 7 days from date of letter)].

You may wish to seek the advice of a union or other representative. Please ensure you obtain advice in sufficient time to meet the timeframe for response.

If you fail to respond by this date or elect not to provide me with a written response, I will make my decision based on the information available to me.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

If you require further clarification please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

15. CONFIRMATION OF DECISION AND SANCTION (Phase 5, Step 7)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Confirmation of Decision and Sanction

[Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].]

[OR]

[You have been given a reasonable opportunity to respond to my letter, but have elected not to / failed to respond.] **[DELETE AS APPROPRIATE]**

After further consideration, I have determined that the opinion and Sanction originally proposed remain appropriate in the circumstances.

Consequently, I confirm the Sanction to be imposed will be:

Seek advice from IR prior to confirming any of the following Sanctions.

[DELETE AS APPROPRIATE]

[SANCTION – WITHHOLD INCREMENT]

[A Sanction by way of withholding your next increment due on [DATE] for [DURATION].]

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan (**PIP**). [MANAGER] will be in contact with you to discuss the PIP.]

[OR]

[SANCTION – REDUCTION IN CLASSIFICATION]

[A Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].]

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan (**PIP**). [MANAGER] will be in contact with you to discuss the PIP.]

[OR]

[SANCTION – TERMINATION OF EMPLOYMENT]

[Termination of your contract of employment, effective [DATE] in accordance with the notice provisions in [INSERT CLAUSE OF INDUSTRIAL AGREEMENT].]

A record of the Sanction imposed will be kept on your personnel file.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

16. REVISED DECISION AND/OR REVISED SANCTION (Phase 5, Step 7, Part 1)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Revised Decision and/or Revised Sanction

Further to my letter dated [DATE], I confirm I have received and considered your response dated [DATE].

Based on your response in which you acknowledge [IDENTIFY REASONS, MITIGATION/ADMISSIONS], I have decided to vary my proposed opinion and Sanction of [STATE PROPOSED SANCTION].

[DECISION MAKER’S REVISED DECISION IS THAT SUBSTANDARD PERFORMANCE IS UNSUBSTANTIATED]

Consequently, I have determined the proposed opinion that you are performing at a Substandard Performance standard is unsubstantiated. No further action will be taken in relation to this particular Performance Improvement Process. **[PROCESS ENDS]**

[OR]

[DECISION MAKER DETERMINES REVISED SANCTION IS APPROPRIATE]

Consequently, I have determined the appropriate Sanction to impose upon you is:

Seek advice from IR prior to confirming any of the following Sanctions.

[DELETE AS APPROPRIATE]

[SANCTION – WITHHOLD INCREMENT]

[A Sanction by way of withholding your next increment due on [DATE] for [DURATION].

In addition to this Sanction, you will be required to repeat the Performance Improvement Plan Process.]

[OR]

[SANCTION – REDUCTION IN CLASSIFICATION]

[A Sanction by way of a reduction in your classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition, your substandard performance will continue to be managed using the Performance Improvement Plan process.]

A record of the Sanction will be kept on your personnel file.

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

If you feel you would benefit from counselling and support I encourage you to access the confidential service offered by the Employee Assistance Program, [INSERT CONTACT DETAILS].

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]

17. NOTIFICATION OF FINAL OUTCOME TO MANAGER & HR (Phase 5, Step 8)

Private & Confidential

[Date]

[NAME]
[ADDRESS]
[ADDRESS]

Dear [NAME]

Substandard Performance – Notice of Final Outcome

I write to you in reference to your proposed opinion(s) of Substandard Performance regarding [INSERT NAME(s)].

[IF UNSUBSTANTIATED]

[The investigation into the proposed opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard has now concluded and has been unsubstantiated.

Although Substandard Performance has been unsubstantiated, [NAME OF RESPONDENT]'s performance remains unsatisfactory, therefore will repeat the Performance Improvement Plan (PIP). Please contact [NAME OF RESPONDENT] to discuss the PIP.]

[IF SUBSTANTIATED]

[The investigation into the proposed opinion that [NAME OF RESPONDENT] is performing at a Substandard Performance standard has now concluded and has been substantiated.

Accordingly, the Sanction imposed upon [NAME OF EMPLOYEE] is: **[DELETE AS APPROPRIATE]**

[To withhold their next increment due on [DATE] for [DURATION].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP].]

[OR]

[A reduction in their classification level from [LEVEL, INCREMENT] to [LEVEL, INCREMENT], effective from [DATE].

In addition to this Sanction, [NAME OF RESPONDENT] is required to repeat the Performance Improvement Plan (PIP). Accordingly, please contact [NAME OF RESPONDENT] to discuss the PIP].]

[OR]

[Termination of the employee's employment with notice in accordance with [INSERT CLAUSE OF INDUSTRIAL AGREEMENT IF APPLICABLE], effective from [DATE].]

A copy of this Sanction should be kept on the employee's personnel file.]

[RESIGNATION OF RESPONDENT]

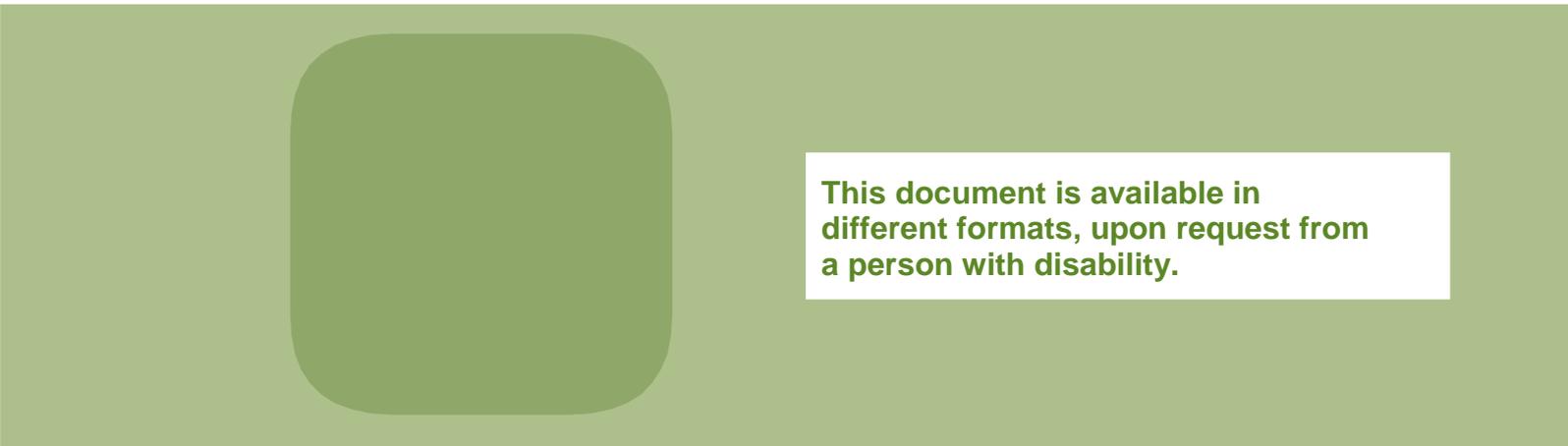
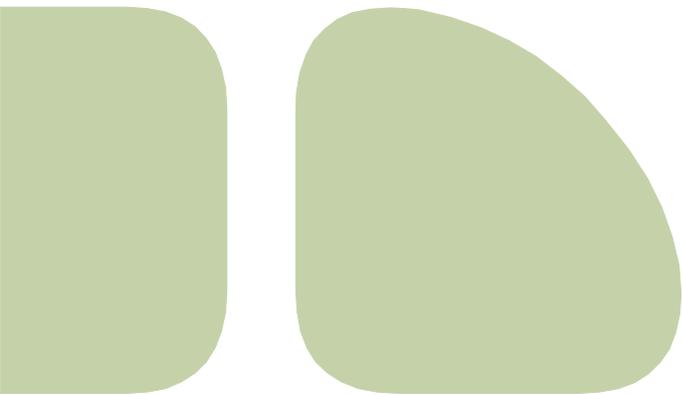
[Due to the resignation of the respondent, I am unable to determine whether [NAME OF RESPONDENT] had been performing at a Substandard Performance standard.]

I take this opportunity to remind you that to protect the interests of all parties, please treat this matter as confidential. A breach of confidentiality may result in disciplinary action in accordance with the Discipline Policy.

Should you have any queries regarding this matter, please do not hesitate to contact [NAME] on [NUMBER].

Yours sincerely

[Name]
[Position]



This document is available in different formats, upon request from a person with disability.

