



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **LGAGOVA611B Implement disciplinary and termination procedures**

**Release 2**

## **LGAGOVA611B Implement disciplinary and termination procedures**

### **Modification History**

LGAGOVA611B Release 2: Layout adjusted.

LGAGOVA611B Release 1: Primary release.

### **Unit Descriptor**

This unit covers implementing and maintaining council policy and procedures for disciplinary, counselling and termination aspects of an employment contract. It is appropriate for senior staff, managers and human resources personnel directly responsible for implementing the disciplinary and termination procedures of the organisation.

### **Application of the Unit**

This unit supports the attainment of skills and knowledge required for competent workplace performance in councils of all sizes. Knowledge of the legislation and regulations within which councils must operate is essential. The unique nature of councils, as a tier of government directed by elected members and reflecting the needs of local communities, must be appropriately reflected.

### **Licensing/Regulatory Information**

Not applicable.

### **Pre-Requisites**

Not applicable.

### **Employability Skills Information**

This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 <b>Develop policies and procedures for disciplinary action and termination of employment</b>	1.1 <i>Research</i> is undertaken to determine legal requirements and best practice in disciplinary and termination systems. 1.2 Consultation is undertaken with stakeholders to determine the effectiveness of current <i>policies and procedures</i> . 1.3 Policies and procedures are developed and introduced in accordance with council policies and legal requirements. 1.4 Procedures are fair and equitable. 1.5 Training in new policies and procedures of managers, team leaders and staff is undertaken. 1.6 Feedback is sought to identify problems, and improvements in procedures are introduced.
2 <b>Manage requests for intervention</b>	2.1 <i>Interventions</i> are undertaken in accordance with council policies and legislative requirements. 2.2 <i>Relevant parties</i> are interviewed and information is corroborated. 2.3 Requests for intervention are considered and responded to in a fair and equitable manner and in accordance with council procedures. 2.4 Employees are advised of expected standards of performance and options are provided for achieving the required performance. 2.5 Follow up is undertaken to ensure intervention achieves the required performance. 2.6 Employees performing below standard are counselled and disciplined in accordance with council and legal requirements.
3 <b>Counsel staff</b>	3.1 <i>Counselling</i> is managed by a council officer with the requisite skills for the situation or employee is referred as appropriate. 3.2 Employee is counselled promptly and confidentiality principles are adhered to. 3.3 Counselling strategies are appropriate to the needs of the council and individual. 3.4 A record of <i>counselling outcomes</i> and required action is produced promptly. 3.5 Referrals are made to appropriate support professionals and agencies where necessary to aid employee performance and wellbeing.
4 <b>Undertake disciplinary actions</b>	4.1 Disciplinary interviews are conducted in an appropriate and constructive manner and in accordance with <i>disciplinary procedures</i> . 4.2 The interests of council and individual are protected within required and agreed procedures.

<b>ELEMENT</b>	<b>PERFORMANCE CRITERIA</b>
<b>5 Manage termination processes</b>	<p>4.3 Details of decisions and disciplinary actions taken are fully documented to protect council interests.</p> <p>4.4 All other relevant parties are involved and/or advised promptly of actions taken.</p> <p>4.5 Follow up actions are planned and implemented to ensure a resolution to the situation is found.</p> <p>4.6 Employees failing to respond to disciplinary actions are terminated in accordance with council policies and legal requirements.</p> <p>5.1 Communication systems are established that provide all necessary information about separation or termination procedures.</p> <p>5.2 <i>Dismissals</i> for incapacity to perform or misconduct are carried out in accordance with council policies and legal requirements.</p> <p>5.3 Terminating employees are invited to participate in exit interviews and feedback is used to improve council processes.</p> <p>5.4 Termination procedures are regularly reviewed and evaluated and improvements are introduced to council policies and procedures.</p>

## Required Skills and Knowledge

This describes the essential skills and knowledge and their level, required for this unit

### Required Skills

- consultation practices in accordance with confidentiality procedures
- application of human resources strategic plan
- report writing
- performance management
- interviewing skills
- counselling
- evaluating
- negotiation skills to negotiate terms and conditions of separation or termination
- communication and advocacy skills to advocate the council position in unfair dismissals
- performance measurement techniques

### Required Knowledge

- relevant industrial agreements, awards and legislation
- council policies and procedures for discipline and termination
- equal employment opportunity legislation
- counselling strategies
- conflict resolution strategies
- employee relations issues
- employment contracts
- organisational policies for work performance standards and misconduct
- dispute and grievance procedures
- concepts of dismissal, suspension and voluntary termination
- contemporary industrial relations issues
- human resources policies and practices
- personnel records systems
- information processing techniques
- information management systems
- performance management

## Evidence Guide

### Overview of assessment requirements

A person who demonstrates competency in this unit will be able to perform the outcomes described in the Elements to the required performance level detailed in the Performance Criteria. The knowledge and skill requirements described in the Range Statement must also be demonstrated. For example, knowledge of the legislative framework and safe work practices that underpin the performance of the unit are also required to be demonstrated.

### Critical aspects of evidence to be considered

The demonstrated ability to:

- establish clear and transparent policies and procedures for disciplinary action and termination
- manage disciplinary and termination procedures according to council policy and procedures and legislative requirements
- evaluate policies and procedures and use the evaluation as input to performance improvement processes throughout the organisation
- use counselling strategies appropriate to diversity of workforce.

### Context of assessment

Competency is demonstrated by performance of all stated criteria, with particular attention to the critical aspects and the knowledge and skills elaborated in the Evidence Guide, and within the scope of the Range Statement. Assessment must take account of the endorsed Assessment Guidelines in the Local Government Training Package. Assessment of performance requirements in this unit should be undertaken in an actual workplace or simulated environment. Assessment should reinforce the integration of the key competencies for the particular AQF level. Refer to the key competency levels at the end of this unit.

### Relationship to other units (prerequisite or co-requisite units)

To enable holistic assessment this unit may be assessed with other units that form part of the job role.

### Method of assessment

The following assessment methods are suggested:

- observation of the learner performing a range of workplace tasks over sufficient time to demonstrate handling of a range of contingencies
- written and/or oral questioning to assess knowledge and understanding
- completion of workplace documentation
- third-party reports from experienced practitioners

- completion of self-paced learning materials including personal reflection and feedback from trainer, coach or supervisor.

**Evidence required for demonstration of consistent performance**

Evidence should be collected over a set period of time that is sufficient to include dealings with an appropriate range and variety of situations.

**Resource implications**

The learner and trainer should have access to appropriate documentation and resources normally used in the workplace.



## Range Statement

The Range Statement relates to the Unit of Competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the Performance Criteria is detailed below.

***Research*** may include:

- database search
- library search
- use of consultants and specialists
- visits to best practice organisations

***Policies and procedures*** may include:

- human resources manual
- employee bulletin
- human resources web site
- human resources Intranet
- internal copy of forms

***Interventions*** may include:

- giving praise
- recognising good performance
- coaching
- counselling
- disciplining

***Relevant parties*** may include:

- individual employees
- supervisors
- managers
- council-elected representatives
- unions
- employee representatives
- government departments and their representatives
- legal agents

***Counselling*** may include:

- informal
- formal
- internal
- external
- multilingual

***Counselling outcomes*** may include:

- targeted training program
- referral to employee assistance schemes
- warning
- demotion
- transfer to same grade position
- dismissal

***Disciplinary procedures*** may include:

- within council
- prescribed by external parties
- industrial or other agreements

***Dismissal*** means:

- termination of employee by employer for misconduct or incapacity to perform job

## **Unit Sector(s)**

Administration Units