

Accountability and Personal Conduct Policy

**ACCOUNTABILITY AND PERSONAL
CONDUCT**

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1 PURPOSE & SCOPE

The intent of the **Accountability and Personal Conduct (APC) Procedure** is to provide guidelines to achieve a consistent outcome when addressing employee's breach of obligations and failure to fulfill the minimum requirements of their role.

All available facts are to be gathered and then using the Unacceptable Conduct/Behaviour Investigation Form (*Secn 3.3*), and the APC Assessment Guideline (*Secn 3.4*) determine the appropriate level of action to be taken.

The APC Record Form (*Secn 3.5*) is then to be completed with the employee(s) concerned, ensuring that all the necessary information is entered onto the form to provide a clear account of the event, the outcome and Batchfire Resources Pty Ltd's future expectations.

All of the above-mentioned Forms form part of this Procedural document. They are not separate documents and do not have otherwise unique document numbers. This has been done to ensure that all reviews of Accountability and Personal Conduct do not occur in isolation from the intent and requirements of this Procedure.

Employees will be expected to modify their behaviour where it is deemed inappropriate to ensure that Batchfire Resources Pty Ltd can maintain a safe and productive work environment. The consequences for failing to modify behaviour must also be clearly identified as part of the process.

2 DEFINITIONS

APC	Accountability and Personal Conduct Procedure
Shall & Should	The word "Shall" is to be understood as mandatory, and the word "Should" as non-mandatory, advised or recommended.

3 PROCEDURAL TEXT

3.1 General Requirements

1. Previous disciplinary records are to be taken into account in accordance with *Secn 3.1.6* when considering necessary action as a result of a new incident.
2. Warning levels will generally proceed sequentially **but**, depending on frequency, circumstance and severity, instances of unacceptable behaviour may warrant direct movement to any level of warning up to and including summary dismissal.
3. In all discussions in respect to unacceptable behaviour or conduct the employee shall have the opportunity to provide details or mitigating circumstances to explain their actions.
4. In all discussions in respect to unacceptable behaviour or conduct the employee shall be permitted to have a third-party present who may be an Employee Representative, and a copy of the APC Record Form (*Secn 3.5*) will be given to the employee and also placed on their personal site file.
5. Provided the employee has recorded no further warnings from the most recent date on the APC Record Form (*Secn 3.5*), the employees' record will revert to a 'clean slate' status as follows:

Coaching/Warning Level	Typical nature of Action	Expiry Timeframe
Coaching	Informal process and often used for minor breaches and uncharacteristic behaviour or conduct	Not Applicable
Level 1 Warning	Formal warning and often used for more serious breaches/conduct or where coaching is unsuccessful	12 Months
Level 2 Warning	Formal warning for more serious breaches/conduct and often used for a repeated offence	18 Months
Final Warning	Formal warning for the more serious breaches/conduct (e.g. willful) and often used for a repeated offence.	24 Months

6. File copies of all discussions, coaching and warning will be kept on the employee's personal site file irrespective of whether the warning has expired or has a life in excess of the expiry timeframes mentioned above.

Coaching/Warning Level	Staff Member Accountable for Issuing Relevant Warning
Coaching/Counseling	Supervisor after consultation with Superintendent
Level 1 Warning	Superintendent after consultation with Manager
Level 2 Warning	Superintendent after consultation with Manager
Final Warning	Manager after consultation with Operations/General Manager
Termination	Operations/General Manager after consultation with Business Head

Important Note: For Terminations the employee will be advised that he/she will be terminated. This may occur due to an instance of unacceptable behaviour warranting summary dismissal or occur as a result of a series of unacceptable behaviour escalating the employee to termination from one of the other three levels in the APC process. This also includes the ongoing failure to fulfil the minimum requirements of the role.

3.2 General Steps (guide for supervisors and managers)

The extent of the investigation will depend upon the circumstances of the matter. In each case there will be a requirement to **complete the Unacceptable Conduct / Behaviour Form (Secn 3.3)**. The general steps followed as a guide in order to manage unsatisfactory performance or behaviour effectively are outlined below.

3.2.1 Step 1 Consult APC Checklist

Prior to undertaking any action, consult the APC checklist (*Secn 3.6*) to recall the necessary steps that should be followed. Ensure that it is completed at the conclusion of the investigation.

3.2.2 Step 2 Approach the Employee

ASAP after the incident comes to the attention of the Supervisor, approach the employee about the incident. The Supervisor should seek to gain an understanding of the incident which has occurred.

3.2.3 Step 3 Seek to Understand the Situation

The employee should be given the opportunity to explain their actions. If there are witnesses to the incident, the witnesses should be asked to give their account of the incident in a separate discussion. The employee’s explanation and the facts known to the Supervisor should be discussed thoroughly. The Supervisor should ensure the events are thoroughly understood.

3.2.4 Step 4 Obtain all the Facts

(Use the Unacceptable Conduct / Behaviour Investigation Form – *Secn 3.3*)

Where the Supervisor does not have all the facts, and there is a need to conduct further investigations, the employee should be put on notice that the incident is under review and that there will be a need to conduct a formal interview with the employee following such investigation. Following the information gathering, the Supervisor should then insert details into the Unacceptable Conduct / Behaviour Investigation Form.

3.2.5 Step 5 Decide on Action

(Use APC Assessment Guideline – *Secn 3.4*)

The Supervisor should after completing the Unacceptable Conduct / Behaviour Investigation Form (*Secn 3.3*) should use the APC Assessment Guideline (*Secn 3.4*) to determine the actions they propose taking and discuss with their relevant Supervisor prior to taking any action. The purpose of this discussion is to ensure objectivity and consistency of outcome.

The severity of the matter will determine which staff member is accountable for taking the appropriate action.

Before any decision to dismiss an employee is made, the Department Manager, the Operations Manager, and Business Head must be consulted.

Decisions with respect to appropriate action should not be made hastily, but rather in a sensible timeframe having considered all relevant facts. It is also important that the Supervisor reviews any previous documented discussions that may have occurred with the employee in question.

3.2.6 Step 6 Interview the Employee

When the Supervisor is satisfied that they have all the correct facts and have thoroughly investigated the employee’s explanation, the Supervisor should again interview the employee. When the Company is considering Termination, the employee shall be provided with an opportunity to respond to the allegations and intended action in writing “Show Cause Response” within seven (7) calendar days. The Show Cause Response shall be taken into

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consideration before proceeding. The employee's explanation, the result of the Supervisor's investigation and a complete set of facts including the proposed action to be initiated should be discussed with the employee. Investigations should occur as quickly as is possible and practicable. Wherever possible, avoid allowing personnel to leave on rostered days off prior to initiating action.

3.2.7 Step 7 Changes Required

The relevant Supervisor should then explain to the employee those areas of the employee's conduct that are required to change and the steps to be taken by the employee to ensure those requirements are met. The Supervisor should explain to the employee the consequences that will result from non-compliance.

The Supervisor should then discuss with the employee what assistance, if any, the employee requires from the Supervisor or Batchfire Resources Pty Ltd to assist the employee to meet the required performance.

The Supervisor should then set a date to review progress by the employee.

3.2.8 Step 8 Recording Coaching or Warning

(Use APC Record Form – *Secn 3.5*)

At this step the relevant Supervisor will complete the APC Record Form (*Secn 3.5*) using the Unacceptable Conduct / Behaviour Investigation Form as a guide. A copy of the completed APC Record Form must be provided to the employee and a copy placed on the employee's personal file.

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3.3 Unacceptable Conduct / Behaviour Investigation Form

Employee:.....Third-Party or Employee Representative (If Relevant).....
 Date of Interview/Meeting:.....Location.....Time.....
 Personnel conducting investigation:.....Position:.....
 Date of Incident or Conduct:.....Location.....Time.....

(Please complete the following investigation into the events leading up to the breach. Obtain all relevant facts & then determine relevant action by considering the APC Guideline)

<p align="center">INTENT</p> <p>Was the employee in control of his/her actions/behaviours?</p>	
<p align="center">KNOWLEDGE</p> <p>What information was available to avoid the incident occurring?</p>	
<p align="center">MITIGATING CIRCUMSTANCES</p> <p>Were there any reasons to explain why the individual committed the offence?</p>	
<p align="center">SEVERITY/POTENTIAL</p> <p>Within reason, what could have happened as a result of the breach?</p>	
<p align="center">STANDARD OF SUPERVISION</p> <p>Did a lack of supervision contribute to the breach?</p>	
<p align="center">PREVIOUS DISCIPLINARY RECORD</p> <p>Incidents and dates</p>	

RECOMMENDED ACTION..... **RESPONSIBLE PERSON**

3.4 APC Assessment Guideline



BREACH ANALYSIS			
INTENT	Unavoidable	Unintentional	Willful
KNOWLEDGE	No Procedure	Procedure deficient or not communicated effectively	Procedure Not Followed
MITIGATING CIRCUMSTANCES	Significant	Minor	None
SEVERITY/POTENTIAL	Low	Medium	Major
STANDARD OF SUPERVISION	Constant & Consistent	Not enforced or consistently demonstrated	No Evidence of Supervision

EXPLANATION OF TERMS USED			
INTENT Was the employee in control of his/her actions/behaviours?	Beyond anticipation, could not be predicted or controlled by the individual	Accidental, coincidental, no evidence that the employee contemplated committing a breach	Intentional act, evident that a conscious decision was made to commit breach
KNOWLEDGE What information was available to avoid the incident occurring?	No procedure exists for the task, outcome was not anticipated, no previous history of the event available	The procedure or instruction that existed was deficient in a way that may have prevented the incident from occurring	Procedure or instruction was ignored or not followed
MITIGATING CIRCUMSTANCES Were there any reasons to explain why the individual committed the offence?	The individual has provided credible evidence to explain the breach e.g. no evidence of training in SOP	Individual with justification from a credible party has presented a reasonable case to explain his/her actions	Individual has no explanation/evidence to explain why he/she has breached a procedure
SEVERITY/POTENTIAL What could have happened as a result of the breach?	Low impact, would only impact the individual involved but with no injury potential	Possible injury potential to a Class 2 level or medium cost exposure (< \$5-10K) to rectify damage	High injury potential/ possible Class 1. High repair costs +\$10K
STANDARD OF SUPERVISION Did a lack of supervision contribute to the breach?	Supervisor provides good instructions and visits work area regularly to check on progress, hazards etc	Instructions are lacking in detail and supervisor tolerates non-compliance on minor issues	No clear evidence that supervision was present

GUIDELINES FOR APPROPRIATE ACTION FOLLOWING ASSESSMENT

ACTION NECESSARY	Coaching	Level 1	Level 2	Final	Termination
RESPONSIBLE PERSON TO CONDUCT INTERVIEW	Supervisor	Superintendent	Superintendent	Manager	OPS/GEN Manager

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3.5 APC Record Form

(Please Circle)

COACHING	LEVEL 1	LEVEL 2	FINAL	TERMINATION
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Additional Action Taken.....
 Employee Name.....Date.....
 Classification... Location/Project

Does the Employee have any previous Accountability and Personal Conduct records? **YES / NO (Please Circle)**

Date: _____ Event: _____
 Date: _____ Event: _____

Level Coaching/Warning prior to this incident: **NIL / Coaching / Level 1 / Level 2 / Final (Please Circle)**

NB: Refer to the Accountability and Personal Conduct General Requirements to identify general timeframes for previous records.

Provide a summary of the Behaviour, Action, Breach and/or Unsatisfactory Performance (Refer to Unacceptable Conduct/Behaviour Investigation Form details)

What information has the employee presented to explain the unacceptable behaviour/conduct/action? This shall include the provision of a Show Cause Response in cases where Termination is being considered.

What Batchfire Resources Pty Ltd Standards/Procedures/Policies have been compromised as a result of the Action, Breach and/or Unsatisfactory Performance?

List what the employee will need to change to meet the required standards:

What will be the consequences of failure to improve as required?

If required, your conduct will be reviewed on ___ / ___ / ___ to assess whether the agreed change/s have occurred.

EMPLOYEE TO COMPLETE

I commit to making the following changes in my behaviour to meet the required standards:

I acknowledge that I have been advised of the relevant required standards and consequences of failure to improve as required.

	Name	Signature	Date
Employee:	_____	_____	_____
Third-Party/Emp Rep:	_____	_____	_____

Supervisor / Superintendent: _____
 Manger: _____
 Operations Manager: _____

3.6 APC Checklist

(Please Tick)

- I have undertaken an Interview with the employee concerned (N.B. Employee may request a witness or Employee Representative to be present) in order to establish the facts and consider carefully all relevant issues and matters raised (including any prior history of warnings in accordance with *Secn 3.1.6*)
- I have given the employee an opportunity to respond and considered carefully the content and nature of the response
- The Supervisor One Step Removed (e.g. Superintendent / Manager) has been consulted and has approved the action prior to issue
- I have clearly informed the employee of the type of behaviour improvement action determined necessary by the Company following careful consideration of the facts
- I have carefully explained the reasons for the decision
- I have explained the correct procedure or behaviour required in the future and the timeframe for expected behaviour improvement
- I have completed the details on the APC Record Form (*Secn 3.5*)
- I have informed the employee of the potential consequences should any further breaches occur, including potential dismissal where a final warning has been issued
- I have (if appropriate), arranged to meet the employee at an appropriate time to review the behaviour or performance concerned to check on progress or otherwise
- I have requested that the employee sign the APC Record Form (*Secn 3.5*). If the employee refuses, simply note the fact in lieu of a signature and if possible note the reason for refusal
- I have provided a photocopy of the completed APC Record Form (*Secn 3.5*) to the employee
- I have placed of the original completed APC Record Form (*Secn 3.5*), the Unacceptable Conduct/ Behaviour Investigation Form (*Secn 3.3*) and the APC Checklist (*Secn 3.6*) on the employees personal site file

Important Note: *As a Supervisor you are accountable for ensuring that you undertake each of the above steps*

Name of Employee Involved :	
Name or Personnel who conducted the investigation and issued Coaching / Warning advice:	
Date:	

4 ATTACHMENTS

4.1 Performance Auditing Protocol

Clause	Audit Protocol	Y/N	Observations & Actions Taken
3.6	Has the APC Checklist been completed and is it a true record of the steps taken?		

4.2 Procedure Assessment Paper

Trainee's:	Date:
Supervisor:	

The Trainee is required to answer all questions correctly in order to be deemed having sufficient understanding of the SOP. The trainer shall re-assess/re-train on incorrect answers.

Q1 *The purpose of this Procedure is to?*
(circle correct answers)

- a) Maintain a safe and productive work environment.
- b) Provide guidelines to achieve a consistent outcome when addressing employee's breach of obligations and failure to fulfill the minimum requirements of their role.
- c) To replace Position Description expectations.

Q2 *How many Coaching / Warning Levels exist?*

- a) Three
- b) Four
- c) One
- d) Indefinite

Q3 *The APC Guideline takes the following into account:*
(circle correct answers)

- a) Intent
- b) Knowledge
- c) Experience
- d) Mitigating Circumstances
- e) Severity /Potential
- f) Friendships
- g) Standard of Supervision

Assessment record		
_____	_____/_____/_____ Date	_____
Trainee's name		Supervisor's name