

# Avant factsheet:

## Performance management

### Managing poor performance in medical practices

Performance management is one of the more challenging aspects of the medical practice environment. Rewarding good performance should always be a priority and not forgotten. The focus of this factsheet however, is on the management of poorly performing staff.

You should manage poor performance as soon as possible. If issues are left unchecked they can become increasingly difficult to address. The performance management process should be supported by specific examples and evidence of the issue. You should have a policy in place to manage all issues to ensure consistency and fairness. Here is a suggested process:

### Performance management process

#### Informal process

Managing performance issues informally is preferable. This means that you should speak with an employee as soon as possible after you become aware of an issue, explain your performance concerns and your expectations for future performance. You should make a written note of your discussions.

#### File note template

Date and time of discussion
Who was present at the discussion?
What was the issue?
What is expected of the staff member?
How did the staff member respond?
What actions were decided upon following the discussion?
Timeframe

### Formal process

If informal performance management has not worked, you should arrange a formal performance management meeting with the employee. The meeting should occur in a private location where the meeting will not be interrupted. It can be useful to have a 'note taker' in the meeting and to offer for the employee to bring a support person.

During the meeting, you should:

- let the employee know your performance concerns – be as specific as possible and provide actual examples of your concerns
- tell the employee what you expect of them – be reasonable and be as specific as possible
- give the employee a timeframe in which to improve their performance
- ask the employee if they have anything to say about the concerns you have raised and properly consider anything that they say (for example, the employee may say they have not had appropriate training or that they are experiencing some personal difficulties or a health issue)
- let the employee know the consequences if their performance does not improve (for example, they may receive a written warning or may be dismissed)
- give the employee a written warning if appropriate (see attached example); and
- confirm the content of your discussion in writing, in either a performance improvement plan or by letter.

It may be helpful to have prepared a draft performance improvement plan setting out your concerns and expectations for discussion during the meeting. This will help you to structure your thoughts about the issues and your expectations, and can make the meeting less confrontational. You can refine this after the meeting, if that is required.

Give the employee a genuine opportunity to improve their performance. This may include providing additional training or support to enable them to perform in accordance with your expectations.

Continue to manage performance issues informally as they arise. Don't just wait for the next meeting.

Arrange a further meeting if there is no improvement in their performance (following the outline above). Give the employee a further opportunity to improve. You may need to repeat this step a number of times depending on the performance issue and the content of the warning letter. You may also need to issue further warnings.

## Termination of employment

When you reach the point that you consider it appropriate to terminate the employee's employment:

- seek advice first
- ensure you have a valid reason for the termination related to the employee's capacity or conduct
- tell the employee the reason you intend to dismiss them
- give the employee an opportunity to respond to your intention to dismiss them and properly consider their response
- ensure the employee is offered a support person in any meetings about their dismissal and allow such a support person if requested by the employee
- confirm the dismissal in writing.

The Fair Work Ombudsman has some great information and templates about performance management. For example:

- [Managing underperformance – best practice guide](#)
- [Template performance improvement plan](#)

## Unfair dismissal

There is a range of claims that an employee may make if their employment is terminated. The most likely claim is an unfair dismissal claim. Other claims include discrimination, bullying and harassment and adverse action.

Under the *Fair Work Act 2009 (Cth)*, different rules apply depending on whether the employer employs more or less than 15 employees.

If your practice employs less than 15 employees:

- an employee cannot make an unfair dismissal claim during the first 12 months of their employment; and
- in dismissing an employee, the practice is required to comply with the [Small Business Fair Dismissal Code](#).

## Conduct issues

Conduct issues include serious breaches such as theft, assault, sexual harassment or bullying. Conduct issues are generally dealt with in a different way to general performance issues. These generally require a formal investigation and disciplinary process. This process should be outlined in the practice's policy and procedures.

## Example of written warning letter

Dear [insert name]

### Written warning

We refer to our meeting with you on [insert date] about your performance.

We confirm that the following concerns were raised about your performance during that meeting:

[insert]

We enclose a copy of [insert name of document] which sets out our concerns and our expectations about your performance moving forward.

We will meet with you again on [insert date] to discuss whether you are meeting our expectations. In the meantime, please speak with [insert name] if there is anything that we can do to support you to meet our expectations.

This letter is a formal written warning in relation to your performance.

We will continue to monitor your workplace performance in all areas (including but not limited to the matters set out above) and your continued suitability for employment with us. If there are any further performance concerns, you may be subject to further disciplinary action, which may include the termination of your employment.

Please sign the enclosed copy of this letter to acknowledge that you have received this letter and return it to [insert name] by [insert date].

If you have any questions about this letter, please contact [insert name].

Yours faithfully

I, [insert name], acknowledge receipt of this letter.

.....  
[insert employee name]

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