PARTICIPANT DISCIPLINARY PROCEDURE

APPLICATION

This procedure only applies to people enrolled in Master Builders SA courses (i.e. participants). Master Builders SA staff will follow the disciplinary processes as detailed in their induction and employment conditions.

OVERVIEW

This procedure provides a guide to the application and management of disciplinary action for unacceptable performance or misconduct. The nature of the participant's performance or behaviour will determine the stage of the disciplinary process to be applied.

Nothing in the procedure prevents Mater Builders SA from undertaking an alternative process where the matter is regarded as serious misconduct.

In matters of serious misconduct, Master Builders SA may cancel the participant's enrolment or temporarily place the participant in to another course during the conduct of any investigation. Any allegations of serious misconduct will be provided to the participant who will be given an opportunity to respond to those allegations. Mater Builders SA will consider the participant's response in deciding whether or not to terminate the participant's enrolment.

Approval to terminate enrolment will be obtained in accordance with Stage 5 of this procedure.

DEFINITIONS FOR THE PURPOSE OF THIS PROCEDURE

'Unacceptable Performance' is when the participant's performance remains unacceptable following a reasonable instruction by Master Builders SA staff or contractor that identifies the behaviour that is considered unreasonable and the behaviour expected. An example of unacceptable performance may be swearing in class.

Misconduct is when a participant breaches their obligation under the enrolment contract. Examples of misconduct include:

- Breaches of policies, codes of conduct and other reasonable instructions
- Non-attendance without notification
- Inappropriate use of Master Builders SA property and/or facilities

'Serious misconduct' is when a participant breaches their obligations under the enrolment contract/conditions to an extent that it is reasonable for Master Builders SA to discontinue the participant's enrolment. Examples of serious misconduct include but are not limited to:

- Threatened or actual assault on a staff member, member of the public or other participant

- Serious conflict of interest
- Damage, misuse or acts of dishonesty in relation to Master Builders SA property and/or facilities
- Serious and/or repeated bullying, abuse or sexual harassment of another participant, staff member or member of the public
- Serious failure to observe occupational health and welfare policies, instructions and requirements
- Refusal to carry out a lawful and reasonable instruction that is consistent with the participant's enrolment obligations

PROCEDURE

1. Establishment of facts

   Before counselling a participant the Master Builders SA staff member should establish the facts and consult with the appropriate manager for advice and support during the process. As part of the process to establish the facts Master Builders SA staff member may:
   - Assess any relevant documentation
   - Interview persons who may (or should) have knowledge of the participant's behaviour;
   - and document what has occurred

   Once sufficient information has been collected the Master Builders SA staff member should meet with the participant concerned.

2. Informal counselling

   a) Informal counselling of a participant will normally occur when, in the Master Builders SA staff member's opinion, the participant's behaviour is such that formal disciplinary action is not appropriate.
   b) At the informal counselling the Master Builders SA staff member or contractor will:
      - Provide details of the behaviour of concern;
      - Provide the participant with an opportunity to respond to the concern and raise any other matters that the participant considers relevant; and
      - If the Master Builders SA staff member or contractor is satisfied that the concern can be substantiated, identify any improvement in behaviour that may be required and assistance/support to be provided (if relevant)
   c) After the informal counselling, the Master Builders SA staff member or contractor will:
      - Ensure a note is logged on the participant's file in the participant management system
      - Where appropriate, plan a subsequent discussion with the participant to review their behaviour

3. Formal counselling
    a) Formal counselling of a participant will normally occur when:
        - The participant has previously been counselled informally, but behaviour has not improved to the standard required; or
        - The participant's behaviour is such that, in the opinion of the Master Builders SA staff member or contractor after consulting with the Manager, Training and Apprentices, formal counselling is appropriate
    b) At the formal counselling the Master Builders SA staff member or contractor will:
        - Provide details of the behaviour of concern; and
        - Provide the participant with an opportunity to respond to the concern and to raise any other matters that the participant considers relevant.
    c) After the formal counselling the Master Builders SA staff member/Manager Training and Apprentices will prepare a written record of the meeting and, if satisfied that the concern has been substantiated:
        - Confirm in writing –
            I. The behaviour of concern;
            II. Any assistance and/or support to be provided (if relevant)
            III. That failure to address the behaviour of concern may result in termination of enrolment; and
            IV. Plan a subsequent discussion with the participant to review their behaviour
4. Formal warning of cancellation of enrolment
    a) A formal warning will be given to a participant when:
        - The participant has been counselled formally, but behaviour has not improved to the standard required;
        - The participant's behaviour remains unacceptable following a reasonable period of counselling and/or support
        - The participant's behaviour is such that, in the opinion of the Master Builders SA staff member or contractor after consulting with the Manager, Training and Apprentices that a formal warning is appropriate
    b) Prior to conducting a meeting in which a formal warning may be give, the Manager, Training and Apprentices will advise the participant in writing:
        - The time and place of the meeting; and
        - The nature and detail of the matters to be discussed
    c) Where a participant fails to attend the meeting and cannot provide a legitimate excuse, they are to be informed in writing of the decision made with regard to any disciplinary action to be taken. Action may include placing the participant on suspension, referring the matter to the Director, Membership & Business Development in writing, or cancellation of enrolment.
    d) Where cancellation of enrolment has occurred, the Manager, Training and Apprentices must notify the Director, Membership & Business Development in writing.

e) The Manager, Training and Apprentices must ensure all decisions are recorded and placed on the participant's record in the participant management system and a copy is provided to the participant.

5. Cancellation of enrolment
   a) Where cancellation of enrolment is to be imposed, written correspondence to the participant must include:
      - The participant's right to appeal and the appeal process;
      - The details of external bodies that can assist the participant in their appeal
   b) All Master Builders SA Training Department staff/relevant trainers/contractors and membership team are to be notified
   c) Documents must be saved on the participant's file in the student management system
   d) The participant's enrolment must be cancelled in the student management system.