Factsheet

Options for managing lower‑risk behaviours

Management action may be considered where agencies have assessed an employee’s behaviour to be less serious, or to pose a lower risk to public confidence in the APS.

Agencies should empower managers to address lower-risk matters constructively, and as informally as practicable.

Agencies should ensure a clear distinction is drawn between a formal misconduct process and remedial or management action of the kinds set out below. Care should be taken to ensure the employee understands that they are not subject to a misconduct process and are not taken to have breached the APS Code of Conduct.

## Counselling

Counselling is a discussion with an employee that brings to their attention concerns about their behaviour, reminds them of their obligations, makes a plan for avoiding recurrence, and advises them of action that may be taken should the conduct continue.

## Performance management

Where a concern about an employee’s behaviour is relatively low risk, action can be taken under the agency’s performance management framework.

In some cases, a formal underperformance process will be warranted; in others, depending on the issues identified, close supervision may be sufficient, or strategies such as learning and development, or coaching or mentoring may be put in place.

Be clear about the process

Agencies should ensure a clear distinction is drawn between a formal misconduct process and remedial or management action.

## Alternative dispute resolution

Alternative dispute resolution (ADR) is a relatively informal, though structured, approach to managing interpersonal disputes. It encompasses a range of processes in which an impartial person assists those in dispute to resolve the issues between them.

ADR is generally a collaborative process between the parties, aimed at understanding one another’s point of view and building or restoring a functional, productive working relationship. ADR can range from a relatively informal conversation between the parties to a more structured intervention.

Options available include mediation, workplace conferencing and conciliation.

## Warnings and directions

A warning or direction may be used on its own, in conjunction with any of the above strategies, or after implementing one or more strategies where behaviour has not improved. If an agency is seeking to respond to an employee’s behaviour with a warning or direction, consideration should be given to counselling the employee as well, if this has not been done already. This can help the employee understand why they need to change their behaviour, as well as bringing to light any underlying issues that need specific intervention.

A warning or direction can be used where the employee appears to understand the seriousness of the matter and the consequences of repeating the behaviour, and where it is reasonably likely that they will change their behaviour as a result.

Further information can be found in **Chapter 5** of **Handling Misconduct.**

## Changing employee’s role or duties

In some cases, it may be beneficial for an employee whose conduct has not met expectations to move to a different role in the agency.

This option could be considered, for example, where interpersonal relationships have deteriorated to the extent that the employee can no longer work productively or harmoniously in their team, or where a role requiring a different skill set would enable the employee to perform more effectively.

## Recordkeeping

Where managers take any of the approaches set out above, it is advisable that the key discussions and outcomes be documented. At a minimum, a short note should be prepared recording the content of any relevant meeting, particularly where agreement is reached on the remedial action, if any, to be taken.

Notes concerning any follow-up discussions or counselling should also be prepared, agreed, and retained.