

EDUCATORS - DISCIPLINE / TERMINATION

POLICY

The Committee of Management may suspend or terminate the Educator's Contract on the following grounds:

PROCEDURE

The Coordination Unit will report any instance of serious breach of regulations or incident that might incur legal action to DEECD with a full incident report. The Department may then undertake further investigations and action against the Educator and/or the Coordination Unit.

Suspension/termination of an Educator's registration will occur and enacted by the Director in consultation with the Committee of Management Chairperson.

BREACHES OF LAW, GOVERNMENT REGULATIONS OR SCHEME AGREEMENT.

Suspension

- Where the Educator or any member of the Educator's household is subject to investigation by any State or Federal authority in matters relating to offences against children or any other offence which may affect the children in care or their families.
- Non-compliance with home safety requirements (ie. renovations/alterations to registered premises, moving to premises not yet registered by FDC).

Termination - following three (3) warnings (see next page)

- Failure to provide a standard of care acceptable to the Scheme.
- Breach of the FDC Educator Agreement and/or practices implied in that Agreement.
- Not co-operating with Family Day Care staff and/or Committee of Management.

Termination - immediate

- The use of corporal punishment, immobilisation or any other humiliating or frightening technique to discipline or punish a child.
- Putting a child's well-being and safety at risk through non-compliance with the Scheme's Policies and Procedures or breach of State or Federal laws (eg. failure to use approved safety restraint in a motor vehicle).
- Stealing from the Scheme, FDC staff, other Educators, or users of the Scheme.
- Physical abuse of FDC staff, other Educators, or users of the Scheme.
- The use of drugs and/or alcohol (including misuse of prescription drugs) by any person within the registered premises whilst FDC children are in care.
- Unsatisfactory medical or psychiatric report.
- Conviction of any criminal offence.
- An Educator no longer falls within the selection criteria.
- Any other grounds Committee of Management may consider renders the Educator unfit to care for FDC children.

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ISSUES ARISING FROM PARENT COMPLAINT

1. All complaints are to be directed to Director or Assistant Director. Families have the right to contact DEECD directly.
2. Director will investigate circumstances and discuss complaint with Educator.
3. Written records will be kept of all stages of discussion and/or action in the disciplinary/termination process. All FDC staff involved in the procedure are responsible for ensuring this occurs.
4. The Educator will receive both written and verbal notification at all stages of the disciplinary process, stating the reasons for the action/s.
5. Notification to Parent/Guardian:
 - The parents of all children in care will receive verbal and written notification of the suspension/termination from the Director. Alternate care arrangements if required will be organised by the Scheme subject to availability.
 - Suspension - Notice to parents will not state the reasons for suspension and will be worded in such a way as to preserve confidentiality for the Educator and their family.
 - Termination - Notice to parents will state the general reasons for termination.
6. The Educator will have the option of having a support person present at any formal meeting which is held in relation to the disciplinary process.
7. Termination will not take place (unless immediate termination is warranted) until a process of three warnings has been implemented. The purpose of warnings is to endeavour to remedy an unsatisfactory situation.

First Warning

- The Director will inform the Educator, both verbally and in writing, of the specific breach of their Agreement, regulations, expectations and/or procedures, also providing examples, and specify the steps which are to be taken to resolve the issue/s.
- The Scheme will ensure the Educator has access to appropriate resources and information to rectify the issue/s of concern (eg. in-service training, provision of equipment, referral to community services).
- No more than two (2) weeks will be given for the Educator to rectify the issue/s of concern.
- Care may need to be suspended whilst the matter is being resolved.

Second Warning

- At the expiration of the initial two-week period, the Director shall determine if the issue/s of concern has been rectified.
- If the Educator has only partially rectified the issue/s a further period of no more than two (2) weeks will be given for the Educator to fully rectify the issue/s of concern.
- If the issue/s of the concern is related to the physical premises or motor vehicle (ie. services required from external agencies which will take longer to organise and complete) a period of time of more than two (2) weeks may be granted (evidence from a tradesperson/organisation of undertaking to carry out work may be requested).

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Third and Final Warning

- At the expiration of time specified in the second warning, the Director shall determine if the issue/s of concern has been rectified.
- If the issue/s has not been rectified, the Educator will be required to meet with the Director and Committee of Management Chairperson. This meeting is to review the situation and all issues discussed in a final attempt to resolve the problem/s causing concern.
- The Educator will be given verbal and written notification allowing no more than one (1) week to comply with the requirements of the Scheme.

Note: Warnings relating to single incidents of unacceptable care practices (ie. Using inappropriate discipline or more than the approved number of children in care) are valid for the duration of the Educator's registration. For example, any period of time may pass between a first, second and third warning. Also, the individual warnings may be for unrelated offences.

NOTICE OF TERMINATION

- At the expiration of time specified in the third and final warning, the Director shall determine if the issue/s of concern has been rectified.
- If the issue/s has not been rectified, the Educator will receive verbal and written notification from the Director that their registration is terminated effective immediately. This notification will state the reason/s for the termination.

TIMELINES FOR SUSPENSION:

- Suspension from the Scheme will be until the Director is satisfied that the matter which caused the suspension has been rectified/resolved (written proof may be required) and that returning the children to the Educator will not have any adverse effects upon them or their families.
- If the matter which caused the suspension has not been rectified/resolved within eight (8) weeks the Educator's registration may be terminated unless an extension of time is granted by the Director in writing.
- The Educator is still required to attend in-services and maintain registration requirements during the period of suspension.

RIGHT TO APPEAL:

An Educator who feels they have been unreasonably disciplined/suspended/dismissed may appeal to the Committee of Management through the Committee of Management Chairperson.