



**Children's Services Unit
PROCEDURE**

UNDER REVIEW

**If you would like to contribute to the review
process please contact
csuadmin@blandshire.nsw.gov.au**

**TERMINATION OF FAMILY DAY CARE
EDUCATOR AGREEMENT**

PROCEDURE ADOPTED: **February 2005**

Procedure Objective:

To ensure that cessation of a Bland/Temora Family Day Care educator agreement is handled efficiently and effectively.

Procedure Statement:

To provide guidelines for termination of agreement from Bland/Temora Family Day Care Service.

Procedure Objective:

The Bland/Temora Shire Family Day Care Service maintains the right to terminate the services of a educator for failure to provide a standard of care acceptable to the service, breach of the Regulation, breach of the Bland/Temora Family Day Care Educator Agreement, breach of the Family Assistance Law and/or practices implied in that agreement.

Related Legislation:

- * Children (Education and Care Services National Law Application) Act 2010.
- * Education and Care Services National Regulations 2011, 168.
- * National Quality Standard
- * Family Assistance Law

Definitions:

In this procedure the term 'educators' refers to registered educators working under the service approval of Bland Shire Council's Bland/Temora Family Day Care Service.

Responsibilities:

All staff and registered educators are responsible in following this procedure.

Recommended Practices:

All Bland Children's Services Nominated Supervisors will ensure that they only act in accordance with the correct authorisation as described in the Education and Care Services National Regulation.

Procedure for Termination:

- ◆ Termination will not take place (unless immediate termination is warranted – see the section on Immediate Termination) until a process of three written warnings has been implemented as follows, or three separate warnings within a two year period have been issued.
- ◆ The educator will have the option of having a support person present at any formal meeting that is held in relation to the Termination process.
- ◆ Written records will be kept of all stages of discussion in the procedure. All Family Day Care Staff involved in the procedure are responsible for ensuring that this occurs. All participants in the termination process must sign written records.

First Warning:

- ◆ The relevant staff officer/s will first raise her/his concerns with the educator. The concerns will be specific and examples of the breach of the Educator Agreement and/or practice implied in the Educator Agreement and/or acceptable care practices and/or standards will be cited both verbally and in writing to the educator.
- ◆ The educator will be informed, verbally and in writing, by the Family Day Care Co-ordinator of the period of time (not more than two weeks) within, which the educator must improve/rectify the area/s cited as causing concern. The educator will be informed, verbally and in writing, the steps, which are to be taken to resolve the issue/s.
- ◆ The relevant members of Family Day Care Staff are to be involved in ensuring that the educator has access to appropriate resources and information to enable her/him to meet the requirements of the Service. e.g. in-service training (either through external agencies or the Family Day Care Staff), physical resources (toys, nursery equipment etc), access to and information about general community services which may be of assistance, as well services provided by Family Day Care.

The objective of the first warning shall be to endeavour to remedy the unsatisfactory situation to the satisfaction of both the Family Day Care Service and the educator.

Second Warning:

- ◆ At the expiration of the period mentioned in the first warning, the educator, the staff and the Family Day Care Coordinator will meet to review the educator's situation against the standards and process previously agreed to.
- ◆ If the educator has made only partial progress towards improving the situation, a further period of review may be agreed to, provided that the concern is related to a physical issue on the educator's premises that is not a quality of care issue.
- ◆ The period of extension of timelines allowed to the educator will be specified verbally and in writing by the Family Day Care Coordinator.

Final Warning:

- ◆ If, at the expiration of the period specified in the second warning, the educator has shown no indication of improving the situation which has caused concern, the educator will be required to meet with the Family Day Care Coordinator and the Director of Corporate, Community & Development Services.

- ◆ At this meeting, the situation will be reviewed and all issues discussed in a final attempt to resolve the problem/s causing concern.
- ◆ The requirements of the resolution of the problem will be specified in writing to the educator.

Notice of termination:

- ◆ If the final notice referred to above is not complied with to the satisfaction of the Family Day Care Service, the educator will be notified, verbally and in writing, by the Family Day Care Coordinator. Notification will state that the Agreement between the educator and the Family Day Care Service will be terminated immediately. This notification will state the reasons for termination.
- ◆ The parents of all children in care will receive written notification of the termination from Family Day Care Coordinator. This notification will state the general reasons for termination. Parents will be offered alternate care through the Service if available.

Appeal Against Termination:

An educator who feels his or her service has been unreasonably terminated may appeal to the Bland Shire Councils Director of Corporate, Community & Development Services or the Bland Shire General Manager.

Immediate Termination:

Immediate Termination of the agreement will take place should any one of the following instances occur:

- ◆ the use of corporal punishment on a child in care through the Service.
- ◆ the use of any form of child abuse on a child in care through the Service.
- ◆ stealing from the Service, Family Day Care Staff, other educators and users of the Service.
- ◆ physical abuse of Family Day Care Staff, other educators and/or users of the Service.
- ◆ being under the influence of drugs (including alcohol) whilst children are in care through the Service.
- ◆ breach of either State or Federal laws as pertains to safety or well-being of a child e.g. failure to use an approved safety restraint in a motor vehicle.
- ◆ any other occasions where a child's life may be endangered.

Procedure for Immediate Termination of Agreement:

- ◆ Immediate termination of the Agreement will be carried out by the Family Day Care Coordinator and in consultation with the Bland Shire's Director of Corporate, Community & Development Services.
- ◆ The educator will receive written notification of the termination. This notification will state the reasons for termination. Parents will be offered alternate care through the Service if available.

Suspension of Agreement:

Suspension of Agreement will take place in any of the following instances:

- ◆ 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.

- ◆ where the educator or any member of the educator’s household is subject to investigation by any State or Federal Authority in matters which may affect the children in care or their families.
- ◆ where the educator or any member of the educators household is subject to investigation by any State or Federal Authority in matters relating to the Family Assistance Law.

References:

- Education and Care Services National Regulations 2011.
- Education and Care National Law Act 2010.
- Australian Children’s Education and Care Quality Authority (2011) Guide to the National Quality Framework.
- Australian Children’s Education and Care Quality Authority (2011) Guide to National Quality
- Community Child Care Co-Operative www.ccccnsw.org.au
- Child Care Services Handbook, Australian Department of Social Services ; www.dss.gov.au

Authorisation:

Status	Committee	N/A	
	Manex	N/A	
Owner	Director Corporate, Community, Development & Regulatory Services		
EDRMS Doc. ID	< .. Contact Records..>		
Superseded Procedure	Termination of FDC Carer agreement		
Date of Adoption/ Amendment	Revision Number	Minute Number	Review Date
25 October 2016			
6 November 2018			November 2020
Related Council Policy / Procedure			