

POLICY STATEMENT

TERMINATION OF EDUCATOR AGREEMENT

AUTHORISATION

POLICY TYPE:	Operational
POLICY LOCATION:	Corporate
RESPONSIBLE OFFICER:	Children Services Coordinator
AUTHORISED BY:	Director, Corporate and Community Services
DATE ADOPTED:	4 July 2023
ADOPTED BY:	Manex
MINUTE NO:	
REVIEW DUE DATE:	June 2026
REVISION NUMBER:	2
RELATIONSHIP TO THE COMMUNITY STRATEGIC PLAN	This policy supports Council's Delivery Program Strategy 4.2: Provide quality, accredited and affordable Education and Care Services within Bland Shire and surrounds (Bland Preschool, Family Day Care, Mobile Resource Unit and Toy Library services).

DOCUMENT HISTORY

VERSION NO.	DATE	DESCRIPTION OF AMENDMENTS <i>Include names of former policies that this policy will replace if applicable</i>	AMENDED BY <i>(Where required)</i>
1	June 2023		CSU Coordinator

REVIEW OF THIS POLICY

This Policy will be reviewed within THREE (3) YEARS from the date of adoption or as required in the event of legislative changes. The Policy may also be changed as a result of other amendment that are to the advantage that Council and in the spirit of this Policy.

Any amendment to the Policy must be with the approval of the General Manager/Manex.

1. Purpose:

The purpose of this policy is to ensure the cessation of a Bland/Temora Family Day Care Educator agreement is handled efficiently and effectively.

2. Scope:

This policy document applies to all Family Day Care (FDC) Educators registered with the Bland/Temora Family Day Care Service, with Bland Shire Council (BSC) as the Approved Provider.

3. Outcomes:

The Approved Provider (BSC), along with the Coordination Unit maintains the right to terminate the services of a FDC Educator for the failure to provide a high standard of care, breach any Regulation, breach their FDC Educator Agreement, breach the Family Assistance Law and/or practices implied in that agreement.

4. Roles and Responsibilities:

Termination of any FDC Educator will be decided in consultation with the Approved Provider, Coordinator and Educator.

First Warning:

- The relevant person will raise their concern with the Educator. Concerns will be specific and show examples of how the Educators has breached the Educator Agreement, Regulations, Law or provided inadequate care to the children. Any concern will be communicated verbally and through written correspondence.
- The Coordinator will advise a time frame, both verbally and in written format (no more than two weeks), which the Educator must rectify or improve on areas causing concern. The Educator will be provided written steps and expectations taken to resolve the concern.
- The Coordination Unit will provide the Educator with the required support and resources to enable them to meet the requirements directly. Including professional development, resources or information from Family Day Care that will assist.

The objective of the first warning shall be to rectify the raised concern to meet the satisfaction of both the Coordination Unit and the FDC Educator.

Second Warning:

- At the expiration of the 'first warning' timeframe, the Educator and Coordinator will review the progress made as per the written steps previously implemented.
- In the event the Educator has made only partial progress towards improving the concern, a further timeframe for review may be agreed to, provided the concern is related to a physical issue on the Educators premises, and not a quality care issue.
- The extended timeframe will be communicated verbally and in written format to the FDC Educator by the Coordinator.

Final Warning:

- If, at the expiration of the timeframe 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 Coordinator and the Director of Corporate and Community 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 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.

Suspension of Agreement: will take place in 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.
- Where the educator is unable to meet requirements under the Education and Care Services National Regulations.
- The Educator is unavailable, for any reason, to perform the Services for a period of more than six months, except with the written approval of the Approved Provider.

Immediate Termination: The Approved Provider may immediately terminate an Educator Agreement in the event of:

- The Approved Provider being made aware that the Educator, has been the subject of any relevant charge or conviction in relation to any matter which, in the opinion of the Approved Provider, may be detrimental to the health, safety and wellbeing of children whilst in the care of the Educator.
- Any wilful failure or wilful neglect on the part of the Educator in carrying out the Services, any act of serious misconduct or any other serious or persistent breach of any of the terms of the Educator Agreement, the Code of Conduct or the Policies and Procedures.
- Any child, while in the care of the Educator being found to have been left unattended, left with a person other than the Educator (except a parent/guardian, authorised nominee or with the prior written permission of the child's parent or guardian), neglected or subjected to any form of abuse or mistreatment, whether by the Educator or any other person.
- The Educator being found to be under the influence of alcohol, illegal drugs or to be abusing prescription drugs while caring for any child.
- Any National Police Check and/or WWC Check on the Educator or household member that will be present during Family Day Care hours, is in the Approved Provider's opinion unsatisfactory or unsuccessful.
- The Educator's WWC Check is cancelled, revoked or expired.
- The Educator does not have a current Public Liability Policy.
- Stealing from the Service, FDC Staff, other Educators and users of the Service.
- Physical abuse of FDC Staff, other educators and/or users of 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.

Appeal against Termination:

An Educator who feels his or her service has been unreasonably terminated may appeal to the Bland Shire Council Director of Corporate and Community Services or the Bland Shire General Manager.

5. Definitions:

This policy refers to Educators registered or seeking registration with Bland/Temora Family Day Care. The term 'scheme' refers to Bland/Temora Family Day Care Coordination Unit with Bland Shire Council (BSC) licenced as its approved provider.

6. Legislation and Supporting Documents:

- Education and Care Services National Regulations
- Education and Care Services National Law
- Guide to the National Quality Framework 2018
- Family Assistance Law

7. Attachments:**Policy Procedure****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 process. All Family Day Care Staff involved are responsible for ensuring that this occurs. All participants in the termination process must sign written records.
- On termination of the Educator Agreement, the Educator must return all prescribed enrolment and other documents pursuant to the regulation 178 and 179 of the National Regulations.

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 Director of Corporate and Community 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.