

**TERMINATION OF EDUCATOR
AGREEMENT**

AUTHORISATION

POLICY TYPE: <i>(Council or Operational)</i>	Operational
POLICY LOCATION: <i>(eg. Corporate, Engineering, etc.)</i>	Community Services
RESPONSIBLE OFFICER: <i>(by position title)</i>	Children Services Unit Coordinator
AUTHORISED BY: <i>(GM or Director Title)</i>	Director Corporate and Community Services
DATE ADOPTED:	5 July 2021
ADOPTED BY: <i>(Manex or Council)</i>	Council
MINUTE NO: <i>(If required)</i>	
REVIEW DUE DATE: <i>(Four years unless statutorily required sooner)</i>	June 2023
REVISION NUMBER:	

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>
		Termination of FDC Carer agreement	

REVIEW OF THIS POLICY

This Policy will be reviewed within two (2) 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 by way of a Council Resolution or the approval of the General Manager.

1. Purpose:

To ensure that cessation of a Bland/Temora Family Day Care educator agreement is handled efficiently and effectively. This policy is to ensure that 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 educators registered with the Bland/Temora Family Day Care Service.

3. Outcomes:

The Bland/Temora Family Day Care Service maintains the right to terminate the services of an 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.

4. Roles and Responsibilities:

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.

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 Coordinator 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. For example in-service training, physical resources, 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 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 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.

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.
- 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 Educator Agreement may be immediately terminated by the Approved Provider 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 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, 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.
- 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 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.

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. 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

6. Relationship to Community Strategic Plan:

This Policy supports Council's Delivery Program Strategy *DP4.2 Provide quality, accredited and affordable Education and Care Services within Bland Shire and surrounds (Bland Preschool, Family Day Care, Mobile Resource Unit, Vacation Care and Toy Library services)*

7. Attachments:

N/A