

Educator Discipline policy

Introduction and Purpose

The Approved Service operates under the National Quality Framework (NQF) and failure to comply with the NQF, other relevant legislation, Approved Service policies, procedures and/or philosophy will result in disciplinary consequences.

Procedure

Warning, Breach or Noncompliance

Issues that can be quickly rectified, and when rectified, no longer pose a concern under law, regulation, policy or to the health, safety and/or wellbeing of children.

- Approved Service staff will bring to the attention of the Educator the exact issue of concern.
- Approved Service staff, under the direction of the Nominated Supervisor, will inform the Educator verbally and/or in writing of the issue/s including the rectification timeframe. This may be referred to as a warning, breach or noncompliance notice depending on the nature of the identified issue/s.
- If the identified issue/s are not rectified within the defined timeframe the Educator faces suspension or removal from the register, at the discretion of the Nominated Supervisor.
- The Nominated Supervisor will inform the Educator verbally and/or in writing of the notice of suspension or removal from the register.

Performance Plan

- As deemed appropriate, by the Nominated Supervisor, an Educator may be placed on a performance plan for a period of time.
- A performance plan will contain a description of improvement goals, timeline and potential consequences if not achieved. The Educator is responsible for providing evidence towards achieving goals.
- The performance plan will be provided to the Educator in writing.

Suspension from the Register

- Suspension from the register may occur to allow the Educator time to rectify identified issues.
- Suspension from the register may occur when the Educator or household member is subject to an investigation, Apprehended Violence Order (AVO), and/or other charges or convictions.
- Suspension timeframes are at the discretion of the Nominated Supervisor. Suspension periods end, at the discretion of the Nominated Supervisor, when the following, but not limited to, occurs:
 - Written notice for the relevant authority is provided to the Approved Service outlining that the issue/s, resulting in suspension from the register, have been rectified.
 - The issue/s identified by Approved Service Staff have been satisfactorily rectified.
 - When returning the Educator to the register no longer poses a risk to children or other stakeholders.
- Approved Service maintains the right, at any time during the suspension period at the discretion of the Nominated Supervisor, that the Educator may be removed from the register. If this occurs, the Educator will be notified in writing.

Suspension or Removal from the Register (aka Deregistration)

- The Approved Service, at the discretion of the Nominated Supervisor, maintains the right to warn, suspend or remove from the register an Educator and/or residence for, but not limited to, the following reasons:
 - The Educator or household member is charged or convicted of an offence.
 - The Educator fails to comply with Education and Care Services National Law and Regulations and/or the National Quality Standards.
 - The Educator fails to comply with policies, procedures, Educator Agreement, code of conduct and/or the philosophy of the Approved Service.
 - Any part of the residence, building/s and/or equipment/resources is deemed unsafe.
 - The Educator or household member has treated inappropriately or injured a child/ren.
 - Failure to provide the standard of care prescribed by the Approved Service.

- Fraudulent or suspected fraudulent activities.
- Stealing from the Approved Service, clients or any other stakeholder.
- Conduct unbecoming of an early childhood Educator (e.g. verbal or physical abuse toward any stakeholder).
- Conduct contra to State and/or Federal Legislation.
- Any other occasion where the Educator has put the health, safety, wellbeing or life of a child at risk.
- As directed by the Regulatory Authority.

Notifications

- Upon the warning, suspension or removal from the register the following written notifications will be made by the Nominated Supervisor, as deemed appropriate:
 - To the Educator outlining the reasons for warning, suspension or removal from the register.
 - To the parent/guardians currently using the service notifying that the Educator is suspended or removed from the register. Confidentiality to be maintained.
 - To the Regulatory Authority. And potentially to the NSW or Federal Police and/or the NSW Ombudsman.

Investigations

- Some incidents require investigation, in these circumstances the Nominated Supervisor will:
 - Consult with relevant stakeholders (if relevant) including, but not limited to, the representative of the Approved Provider, the Office for Safeguarding and professional Standards, etc.
 - Decide whether to suspend the Educator from the register until the investigation is complete.
 - Investigate to assess the seriousness of issues and whether there is a pattern of repetitive issues/behaviour.
 - Depending on the outcome of the investigation, decide whether or not to suspend or remove the Educator from the register. Where relevant, liaise with the following: Police or Community Services or Commission for Children and Young People/Ombudsman.
 - Notify Educator of the outcome/ recommendations of the investigation in writing.

Right of Appeal

- Educators may use the grievance and complaints process, as outlined in the Grievance and Complaints Policy, at any time.
(See Educator Agreement for additional information)

Definitions

- Suspension or removal from the register, previously termed deregistration, means that the Educator and/or their residence is no longer registered to provide Family Day Care services for the Approved Service.

Reference/Source

NSW Ombudsman – Child Protection

NSW Police

Australian Federal Police

Family and Community Services (FaCS)

Education and Care Services National Law 2010

Education and Care Services National Regulations 2011. Part 4.4 – 153. Part 4.7 – 169, 173-176.

National Quality Standard for Early Childhood Education and Care and School Age Care. Quality Area 4 & 7.