STAFFING ARRANGEMENTS POLICY – Part 1 All Employees

The Langwarrin Community Centre aims to engage educators, staff and Nominated Supervisors who have the qualifications and experience to develop warm, nurturing, and respectful relationships with children. By effectively implementing this policy, the Centre will attract and retain talented staff, and create a positive environment for all staff. Recruitment methods must be fair, efficient and effective. We are committed to ensuring that children's health, safety, and wellbeing is protected at all times, through providing appropriate and effective supervision according to legislated ratios and best practice. Our educators, in collaboration with our Educational Leader, design and implement programs that support children's participation and engagement, interests, learning, and development.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1	Staffing arrangements	Staffing arrangements enhance children's learning and development.
4.1.1	Organisation of Educators	The organisation of Educators across the Service supports children's learning and development.
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of Educators at the Service.
4.2	Professionalism	Management, Educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, Educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional Standards	Professional standards guide practice, interactions and relationships.

EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS	
S 2A	**Paramount consideration—safety, rights and best interests of children**
S 56	**Notice of addition of nominated supervisor**
S 56A	Notice of change of a nominated supervisor's name or contact details
S 87	Application for service waiver for service
S 161	Offence to operate education and care service without nominated supervisor

S 161A	Offence for nominated supervisor not to meet prescribed minimum requirements
S 162	Offence to operate education and care service unless responsible person is present
S 162A	Child protection training
S 169	Offence relating to staffing arrangements
S 172	Offence to fail to display prescribed information
S 173	Offence to fail to notify certain circumstances to Regulatory Authority
S 174	Offence to fail to notify certain information to Regulatory Authority
S 175	Offence relating to requirement to keep enrolment and other documents
Part 6A	Devices in education and care services
S 188	Offence to engage person to whom prohibition notice applies
S 188A	Offence to give false or misleading information to approved provider about prohibition notice
S 269B	National Early Childhood Worker Register
S 269E	Approved provider must give information to the National Authority for the National Early Childhood Worker Register
4 (1)	Definitions
10	Meaning of *actively working towards* a qualification
11	Meaning of *in attendance* at a centre-based service
13	Meaning of *working directly with children*
35	Notice of addition of new nominated supervisor
82	Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol
83	Staff members and family day care educators not to be affected by alcohol or drugs
84	Awareness of child protection law
117A	Placing a person in day-to-day charge
117B	Minimum requirements for a person in day-to-day charge
117C	Minimum requirements for a nominated supervisor
120	Educators who are under 18 to be supervised
122	Educators must be working directly with children to be included in ratios
123	Educator to child ratios – centre-based services
126	Centre-based services – general educator qualifications
126A	Illness or absence of a qualified educator who is required to meet the relevant educator to child ratio
130	Requirement for early childhood teachers – centre-based services –fewer than 25 approved places
131	Requirement for early childhood teacher—centre-based services—25 or more approved places but fewer than 25 children
132	Requirement for early childhood teacher—centre-based services—25 to 59 children
133	Requirement for early childhood teacher—centre-based services—60 to 80 children

134	Requirement for early childhood teacher—centre-based services—more than 80 children
135	Early childhood teacher illness or absence
136	First Aid qualifications
145	Staff Record
146	Nominated Supervisor
147	Staff Members
148	Educational Leader
149	Volunteers and Students
150	Responsible Person
151	Record of Educators working directly with children
152	Record of access to early childhood teachers
152A	Record of replacement of educator
152B	Record of replacement of early childhood teacher or suitably qualified person
168	Education and care services must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedure
173	Prescribed information to be displayed
174	Time to notify certain circumstances to Regulatory Authority
177	Prescribed enrolment and other documents to be kept by approved provider
239A	Centre-based services in remote and very remote areas—attendance of early childhood teachers
240	Centre-based services in remote and very remote areas – qualifications for educators
241	Persons taken to hold an approved early childhood teaching qualification
242	Persons taken to be early childhood teachers (exc. VIC/ QLD)
243	Persons taken to hold an approved diploma level education and care qualification
244	Persons taken to hold an approved certificate III level education and care qualification
358	Working with children check to be read (VIC)
372	Educator to child ratio—pre-kindergarten program or kindergarten program provided by a school
373	Early childhood teachers—pre-kindergarten program or kindergarten program provided by a school
379	Educators required to be early childhood teachers

RELATED POLICIES

Code of Conduct Policy Child Protection Policy Child Safe Environment Policy Dealing with Complaints Policy Emergency and Evacuation Policy Excursion/Incursion Policy Governance Policy Incident, Injury, Trauma and Illness Policy	Privacy and Confidentiality Policy Record keeping and Retention Policy Responsible Person Policy Recruitment Policy Safe Use of Digital Technologies and Online Environments Policy Safe Transportation Policy Sleep and Rest Policy Supervision Policy Student and Volunteer Policy

PURPOSE

Under the Education and Care Services National Regulations, the approved provider must ensure that policies and procedures are in place in relation to staffing arrangements (regulation 168) and take reasonable steps to ensure those policies and procedures are followed. (ACECQA 2021). To ensure our Service adheres to the Education and Care Service National Regulation we employ educators and staff in compliance with any state specific qualifications and experience and adhere to regulated educator and child ratios whenever children are educated and cared for. . We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions.

SCOPE

This policy applies to staff, educators, approved provider, nominated supervisor, management, students, and volunteers at the Langwarrin Community Centre.

PROCEDURE

All recruitment and selection procedures and decisions will reflect Langwarrin Community Centre's (LCC) commitment to providing equal opportunity, by assessing all potential candidates according to their skills, knowledge, qualifications and capabilities.

The Committee will employ an appropriately qualified and experienced Manager to lead and direct the organisation in achieving operational goals, and objectives consistent with the Committee's vision and strategic direction.

The Committee delegates full responsibility to the Manager for all matters pertaining to the appointment and management of staff/volunteers, in the expectation that they will be managed

in a sound, fair and respectful manner, and in accordance with employment legislation and regulation.

Langwarrin Community Centre will:

- Meet its requirements under relevant legislation and employment acts
- Be a party to the Neighbourhood House and Adult Community Education Centre's Agreement
- Be made aware of any proposed increases in staff salaries by the Centre Manager
- Will support the right of any staff member to join a relevant professional association or union or, to have access to the services of that union, as these relate to the workplace and related conditions
- Will keep up-to-date with all relevant employment-related legislation, keep the Committee informed on such matters and ensure personnel management requirements meets such legislation
- Manger will keep the Committee fully informed about impending disputes, grievances and actions against the Committee, which may lead to termination or action against the Committee
- Provide 50% discount for all staff employed at the Centre of all LCC services

WORKING WITH CHILDREN CLEARANCE/CHECK

A Working with Children Check (WWCC) is a requirement for people who work or volunteer in child-related work. It involves a National Police Check, and a review of findings of reportable workplace misconduct. The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

- To comply with National Regulations for those undertaking paid or voluntary child-related work all employees, volunteers and students of the Langwarrin Community Centre will acquire a Working with Children Check.
- Management will keep a record of the expiry date of the Working with Children Check for all staff, volunteers and students.
- Management will ensure the Working with Children Checks are verified before educators, staff, students and volunteers are engaged at the Langwarrin Community Centre.

- Management will ensure any notifications or concerns regarding a person's Working with Children Check/Clearance are recorded, and steps taken immediately to ensure the person is not working directly with children in accordance with directions from the relevant authority.

STAFF RECORD

Approved providers must keep accurate and up to date information about the nominated supervisor, responsible person, educational leader, staff, volunteers, and students at the Service including:

- Identity and contact information (including full name, address and date of birth)
- role at the service
- place of employment
- qualifications held (including evidence of working towards qualifications)
- if applicable, evidence that the staff member/educator is actively working towards a qualification. If this is the case, the following must be recorded:
    - Proof of enrolment.
    - Documentary evidence that the staff member/educator has commenced the course, is making satisfactory progress towards the completion of the course, is meeting the requirements of maintaining the enrolment
- for educators who are working towards the completion of a Diploma level education and care qualification, proof that they hold an approved Certificate III level education and care qualification or have as completed the units of study that equate to an approved Certificate III level education and care qualification determined by ACECQA.
- approved training completed (including first aid training, current approved anaphylaxis management training, approved emergency asthma management training and approved Child Protection)
- current Working with Children Check (WWCC) or Vulnerable People identifying number, Australian National Police Check and teacher registration (if applicable)
- PRODA RA number (if applicable)
- evidence of the nominator supervisor written consent to the appointment.

This information will be collected and maintained digitally within the National Educator Register from 2026. The approved provider will ensure the National Register is updated within 14 days of a person being employed, engaged or appointed or within 14 days of changes to information. Our Service will ensure the records are kept in accordance with Reg. 145 and our *Record Keeping and Retention Policy*.

PRIVACY

- Staff and Educators will adhere to the Langwarrin Community Centre's *Privacy and Confidentiality Policy,* and Privacy Law in relation to children and their families, or matters relating to the Centre and will at no time take part in inappropriate or unlawful conversations or discussions.
- The Nominated Supervisor will ensure that students and volunteers are made aware of the Langwarrin Community Centre's *Privacy and Confidentiality Policy* and Privacy Law during their initial induction.
- All staff, educators, volunteers and students are provided with information about the Early Childhood Australia (ECA) Code of Ethics.
- All staff and educators will be made aware of Child Information Sharing Schemes (CISS) and Family Violence Information Sharing Schemes. (FVSS)

STAFF EMPLOYED UNDER 18 YEARS OF AGE

The Langwarrin Community Centre will ensure any staff member under 18 years of age does not work at the service alone, and is actively supervised at all times by an educator over 18 yrs of age.

STAFF RECRUITMENT

The Committee of Management will be advised of the need for new staff. The discussion and the approval will be minuted at a general meeting.

Vacant positions will be advertised internally as well as externally. The method of attracting potential staff shall be the responsibility of the Centre Manager.

The Langwarrin Community Centre will ensure a rigorous recruitment process is followed to select the best staff possible based on skills, qualifications, experience and suitability for the position available.

Each role will refer to the appropriate position description during recruitment, and the probation period to ensure applicants are suitable for the role and position.

POSITION DESCRIPTIONS

- Position descriptions will be accurate, outlining in detail:
    - Position aims and objectives
    - Key responsibilities and duties
    - Qualifications and/or experience
    - Professional development
    - Accountability

- Performance measurements/appraisal
- All position descriptions must be signed, and dated by staff to indicate their acceptance of and adherence to the content of same
- Those applicants requiring regular medication may need a medical certificate confirming the applicants' ability to care for children

The recruitment process is aligned with legislative obligations, our Service's child safe culture, values and support diversity and inclusion.

- All potential staff will participate in robust interviews and have reference checks completed before an offer of employment is presented. Reference checks will take into consideration the suitability of the applicant for the role, previous experience and their commitment to child safe practices.
- All prospective applicants must declare they hold no prohibition or disciplinary notices/orders (including show cause notice, suspension notice, supervision notice)
- Staff and educators are advised it is an offence to provide false or misleading information in relation to their identity, qualifications, clearances, or any matter relevant to their suitability to work with children.
- All potential staff are subject to maintenance of a valid WWCC and appropriate qualifications. Valid first aid, asthma and anaphylaxis management training, immunisation status or food safety qualification may also be required.
- All potential staff must complete mandatory Child Safety training
- All new staff will undergo a probation period of six (6) months, during this time they will participate in an induction and orientation program and hold regular discussions regarding their performance with an appointed mentor.
- Staff induction includes provision of the Service's policies and procedures, National Principles for Child Safe Organisations Code of Conduct, child protection, electronic device requirements, Work Health and Safety guidelines, behaviour guidance, service routines, human resource documentation, physical environment, communication with families' processes, Family Assistance Law and Child Care Subsidy, Child Information Sharing Schemes and introduction to senior staff members and/or mentor.

POLICIES AND PROCEDURES

Our Service will ensure a copy of the policies and procedures are available to all staff at all times, either electronically or in hard copy. The approved provider will ensure steps are taken to ensure staff follow policies and procedures through the following practices:

- new staff members are to read and acknowledge key policies and procedures during the induction process
- policy review will be systematic and occur on a regular basis to support regular review and maintenance of policies and procedures
- staff are requested to provide feedback following policy reviews
- policy review will be conducted following updates to legislation or regulation amendments or following an incident or complaint
- performance reviews and improvements plans will be linked to policies and procedures
- checklists and audits will be used to identify any practices inconsistent with policies and procedures
- performance improvement plans reflect expectations of behaviours required from staff linked to policies and procedures

ONGOING SUITABILITY

Our Service will ensure staff and educators remain fit and proper to work with children at all times. Any concerns, allegations or suspicions regarding child safety will be reported and responded to in accordance with the *Child Protection Policy and Child Safe Environment Policy*. All staff or educators employed at the Service must inform the approved provider of any changes to their fit and proper status within 24 hours, including any prohibition or disciplinary notices/orders (including show cause notice, suspension notice, supervision notice or enforceable undertaking). The approved provider will conduct regular WWCC Checks and ensure any negative findings are reported and investigated.

Reports will be made to relevant authorities as required (e.g. regulatory authority, child protection agency, reportable conduct scheme or police in accordance with Child Safety policies). Our Service will comply with all directions issued by relevant authorities following any notifications of reportable conduct, including ensuring the staff member or educator does not attend the premises or engage in education and care during the investigation. Where an investigation is underway the staff member or educator will be immediately removed from duties involving working directly with children.

APPOINTMENT OF STAFF

- All staff will be provided with a contract, or a letter of appointment outlining their conditions of employment. This will be reviewed on a regular basis.
- The contract will include:
    - Staff hours and days of work
    - Clarification of contact and non-contact time

- Employment classification i.e. part-time, casual, temporary
- Award entitlements and conditions
- Hourly rate to be paid
- Superannuation and commencement date
- Staff appraisal arrangements

INDUCTION/ORIENTATION

- All new staff will undergo a probation period of six (6) months, during this time they will participate in an induction and orientation program and hold regular discussions regarding their performance with an appointed mentor.
- Uniform will be provided
- Staff induction includes provision of the Langwarrin Community Centre's policies and procedures, code of conduct, Child Safe Standards, Child Protection, Work Health and Safety guidelines, behaviour guidance, Centre routines, human resource documentation, physical environment, communication with family's processes, (Family Assistance Law, administration of Child Care Subsidy - administration staff only), Child Information Sharing Schemes and introduction to senior staff members and/or mentor.

UNIFORM

Child Care Educators will be provided with uniform tops, hats and a jacket. These are to be worn with black full or mid (calf) length pants, or jeans or knee length or longer shorts

All clothing must be clean and in good condition with no tears.

Black cardigans/jackets may be worn.

Enclosed, low heeled footwear must be worn in children's program, no thongs, backless or open toe shoes are to be worn in children's program.

Administrations staff must be neatly dressed

Leggings or the wearing of low cut neckline or mid-rift tops is not acceptable.

Jewelry must be kept to a minimum, no large hoops or long dangly earrings.

TRAINING & PROFESSIONAL DEVELOPMENT

The Centre Manager will ensure that all employees are offered training appropriate to their position, to increase work satisfaction and provide effective programs for the community.

The Committee will ensure:

- finance is available for relevant and approved training in the budget
- The Centre Manager will outline guidelines for acceptable training
- The Centre Manager/CSO will pass on all relevant training information to the staff via email
- The Centre Manager /CSO will approve training to be attended
- A register of professional development will be maintained for all staff

STAFF APPRAISALS

- Staff appraisals will take place annually and will be conducted by the Centre Manager or CSO.
- An appraisal date and time will be set for each staff member
- Staff will be provided with self-appraisal paperwork which will be required to be returned to Centre Manager/CSO prior to appraisal date
- Documentation of the meeting will be kept on file with the staff members signature and Centre Manager/CSO's signature
- Any changes will be implemented

TIME OFF

- All annual leave or Time Off In Lieu must have prior approval from the Manager
- A leave form must be completed by the employee
- All leave will be recorded on the payroll and appear on the pay-slips
- If unable to come to work, the Manager/CSO must be notified as soon as possible before 10:00 pm day before or after 7:00 am.

STAFF RIGHTS AND RESPONSIBILITIES

All staff are entitled to:

- Recruitment and selection decisions based on merit, and not affected by irrelevant personal characteristics or circumstances
- Work free from discrimination, bullying, sexual harassment and racial and religious vilification

- The right to raise issues or to make an enquiry or complaint, in a reasonable and respectful manner without being victimised
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family and carer responsibilities, disability, religion and culture

All staff must:

- Follow the standards of behavior outlined in all Centre's policies and Code Of Conduct
- Offer support to people who experience discrimination, sexual harassment or vilification, including providing information about how to make a complaint
- Avoid gossip and respect the confidentiality of complaint resolution procedures
- Treat everyone with dignity, courtesy and respect
- Work in a manner that protects the wellbeing of themselves and others
- Offer support and education to other staff members
- Role model best practice

HEALTH OF STAFF

The Committee of Management are obliged and responsible for ensuring that staff are provided with a stress free healthy work environment, and the best possible working conditions, and working arrangements in order to achieve their work goals and tasks.

- Employees shall not present to work, or perform any work, while under the influence of an illegal drug or alcohol
- Staff should inform the Centre Manager/CSO immediately if another staff member is under the influence of an illicit drug or alcohol
- Staff must not be in possession of any illicit drugs or alcohol
- Staff must inform the Centre Manager or CSO of any medical conditions that may impact their work or ability to perform their duties
- The consumption of alcohol by staff in the Centre is prohibited other than at functions authorised by the Manager or Committee of Management
- Smoking is not permitted in the Centre or within 4 metres of the building and 10 metres of the playground.

UNACCEPTABLE WORKPLACE CONDUCT

Where unsatisfactory performance is identified, action will be taken consistent with the principles of procedural fairness. Where an employee has repeatedly failed to achieve the standards set by the organization, or has acted in a manner, which is contrary to the required code of conduct a policies, they should be advised of LCC's requirements in these matters. In order to maximise the potential of all employees, it is important to provide feedback on the way they are undertaking their tasks, to support them to achieve better performance on the job, and to counsel them when problems arise.

Each staff member must understand their responsibilities, be counselled and given the opportunity to reach the standards expected of them.

If a staff member deliberately breaches a policy, procedure, code of conduct or engages in misconduct, LCC may start improvement procedures, or, in cases of serious misconduct or breach of policy, may dismiss a staff member.

Definition of Underperformance and Unsatisfactory Conduct:

Underperformance or poor performance can be described in the following ways:

- Unsatisfactory work performance, that is failure to perform duties of the position or to perform them to standard required
- Non-compliance with workplace policies, procedures, rules and code of conduct
- Unacceptable behavior in the workplace (including breach of confidentiality)
- Disruptive or negative behavior that impacts on co-workers, children or clients
- Breach of Children's Services Regulations and/or Act

DISMISSAL

It is a condition of employment that the contract may be terminated in accordance with the provisions of the Neighbourhood Houses and Adult Community Education Centre's Collective Agreement, by either the Committee or the staff member giving to the other, one calendar months' notice in writing to that effect. Provided always that in the case of willful misconduct on the part of the staff member, the Committee may immediately terminate the said contract at any time without notice or payment in lieu of notice. In such case, the staff member shall be

entitled only to the proportionate part of his/her remuneration to the time of such dismissal including any annual leave, time-in-lieu or long service leave entitlements.

The Committee of Management delegates the authorised authority to the Manager to terminate any employee with just cause for termination. The Manager must ensure that there is written evidence supporting the termination, that the warning process has been adhered to, and full compliance with current legislation. This does not apply in the case of Instant Dismissal of an employee for gross and willful misconduct. The Manager must advise the President in the first instance prior to and impending termination of an employee, and the Committee at its first meeting after the termination.

INSTANT DISMISSAL

In accordance with the National Employment Standards, and the Neighbourhood Houses and Adult Community Education Centre's Collective Agreement – LCC shall have the right to dismiss any employee without notice for conduct that justifies instant dismissal. This includes, but is not limited to: malingering, inefficiency, misconduct, dangerous behavior or neglect of duty. In such case, the staff member shall be entitled only to the proportionate part of his/her remuneration to the time of such dismissal (including any annual leave, time-in-lieu or long service leave entitlements).

POLICIES AND PROCEDURES

Our Service will ensure a copy of the Policies and Procedures are available to all staff at all times, either electronically or in hard copy. The Approved Provider will ensure steps are taken to ensure staff follow policies and procedures through the following practices:

- new staff members are to read and acknowledge key policies and procedures during the induction process
- policy review will be systematic and occur on a regular basis to support regular review and maintenance of policies and procedures
- staff are requested to provide feedback for policy reviews
- policy review will be conducted following updates to legislation or regulation amendments or following an incident or complaint
- performance reviews and improvements plans will be linked to policies and procedures

- checklists and audits will be used to identify any practices inconsistent with policies and procedures
- QA6 Termination of Employment Procedure will be followed and is available at the end of this policy.

CONTINUOUS IMPROVEMENT

Our *Staffing Arrangements Policy* will be updated and reviewed annually in consultation with families, staff, educators and management.

Source

Australian Children's Education & Care Quality Authority. (2014).
Australian Children's Education & Care Quality Authority. (2023). *Guide to the National Quality Framework.*
Australian Children's Education & Care Quality Authority. (2023). *Educators Who are 'Working Towards a Qualification'.* Information Sheet.
ACECQA. (2021). Policy and procedure guidelines. *Staffing Guidelines*.
Department of the Officer of the Privacy Commissioner: www.privacy.gov.au
Early Childhood Australia Code of Ethics. (2016).
Education and Care Services National Law Act 2010. (Amended 2023).
Education and Care Services National Regulations. (Amended 2023).
NSW Government. Office of the Children's Guardian: https://ocg.nsw.gov.au/working-children-check
QLD Government. Department of Education. Early Childhood Education and Care. Ensuring staff follow policies and procedures
Revised National Quality Standard. (2018).
Western Australian Education and Care Services National Regulations

REVIEW

POLICY REVIEWED BY:	Carol Hopkins	CSO	April 2026
POLICY REVIEWED	April 2026	NEXT REVIEW DATE	April 2028
MODIFICATIONS	• policy review • Policy part 1 – all employees • Policy part 2 – Early Childhood Education & Care Specific • Information added for changes to child safety • Sources checked for currency and updated as required		
VERSION NUMBER	V8 04.26		
APPROVED BY	Neil Kinsey		

POLICY REVIEWED BY:	Carol Hopkins	CSO	April 2025
POLICY REVIEWED	April 2025	NEXT REVIEW DATE	April 2027
MODIFICATIONS	• Annual policy review • Policy part 1 – all employees • Policy part 2 – Early Childhood Education & Care Specific		

	• Uniform added • Staff recruitment, positions descriptions, appointment added • Induction and Orientation added • Sources checked for currency and updated as required		
VERSION NUMBER	V7 04.2025		
APPROVED BY			
POLICY REVIEWED BY:	Carol Hopkins	CSO	April 2023
POLICY REVIEWED	April 2023	NEXT REVIEW DATE	April 2024
MODIFICATIONS	• minor formatting edits within text • Policy and Procedures section added • removal of mandatory COVID-19 vaccination requirement • hyperlinks checked and repaired as required • Continuous Improvement section added • Childcare Centre Desktop Resource section added		
VERSION NUMBER	V6 04.2023		
APPROVED BY			
POLICY REVIEWED BY:	Samantha Neeman	Manager	June 2022
POLICY REVIEWED	OCTOBER 2021/FEBRUARY 2022	NEXT REVIEW DATE	FEBRUARY 2023
MODIFICATIONS	• Additional law/regulations added- ACECQA Guidelines to Policy and Procedures document-(August 2021) • Additional information re: COVID-19 vaccination requirements for each state/territory. Services to delete information that is not relevant to their service. • Checked and updated links used within policy • Updated Related Policies		
APPROVED BY			

POLICY REVIEWED	PREVIOUS MODIFICATIONS	REVIEW DATE
FEBRUARY 2021	• Minor edits • addition to reference of Child Safe Standards Probation period amended to 3 months to align with Recruitment Policy	FEBRUARY 2022
OCTOBER 2020	• adequate supervision for transportation added • additional section on recruitment and probation periods educator to child ratios amended	FEBRUARY 2021
FEBRUARY 2020	• Amendments to the National Regulations included in policy	FEBRUARY 2021

	• Amendments and additions to Regulations for NSW added • Definition of 'suitably qualified persons' added • additions to content re: Nominated Supervisor • Educator to children ratios amended • Information about supervision condensed to avoid repetition Revision of approved first aid qualifications	
FEBRUARY 2019	• Grammar, punctuation and spelling edited. • Wording 'corrected'. • Additional information added to points. • Sources checked for currency. Sources/references corrected, updated, and alphabetised	FEBRUARY 2020
FEBRUARY 2018	New Policy Created	FEBRUARY 2019

TERMINATION OF EMPLOYMENT PROCEDURE

Termination of employment occurs when an employee's employment with an employer ends. Employment can end for a variety of reasons, such as an employee resigning from their position or the employee being dismissed, including termination due to 'serious misconduct'.

It is essential to adhere to the Fair Work Ombudsman and the Fair Work Commissions who regulate Commonwealth workplace laws and guidelines about terminating employment. If an employee's performance does not improve to the required standard, termination of their employment may be an option. An employee cannot be dismissed in circumstances that are "harsh, unjust or unreasonable." It is vital to be fair to employees, giving reasons for dismissal, and an opportunity to respond to those allegations.

Working in conjunction with the *Code of Conduct Policy* and *Performance Management Policy*, this procedure ensures termination of employment is managed and in compliance with the provisions of relevant legislation and workplace agreements. The employer can only dismiss an employee if it is not considered harsh, unjust or unreasonable.

Education and Care Services National Law or Regulations *(R. 82, 84, 155 and 168) NQS QA 4 and 7: Element 4.1.1, 4.1.2, 4.2.1, 4.2.2, 7.1.1, and 7.1.3 Staffing practices and procedures*
Related Policies: *Code of Conduct Policy, Performance Management Policy*

NOTICE OF TERMINATION		
1	An employer must provide an employee with written notice of the day of termination when ending their employment. The written notice must provide details of the employees last day and a reason why the employment was terminated	
2	Following a decision to terminate employment management will make a decision if the employee is to work through the notice period or if employment is to be terminated immediately and the employee is to be paid in lieu of giving notice. This is paid at the employee's full pay rate as if they had worked the minimum period. This includes incentive-based payments and bonuses, loading, monetary allowances, overtime or penalty rates, and any other separately identifiable amounts.	
3	An employer does not need to provide notice of termination (or payment in lieu of notice) to employees who: • are casual • are employed for specific period, task or season • are terminated because of misconduct (engaging in theft, fraud or assault) • have a training arrangement and are employed for a set period or for the length of the training arrangement (other than an apprentice).	
4	Following a decision to terminate employment notice periods will be determined in accordance with the relevant NHACE Agreement	
5	National Employment Standards notice periods:	
	PERIOD OF CONTINUOUS SERVICE	MINIMUM NOTICE PERIOD
	Less than 6 months	1 week
	6 moths onwards	4 weeks
6	Employees over 45 years of age at the time of the giving of the notice with not less than two years continuous service are entitled to an additional week's notice.	

TERMINATION OF EMPLOYMENT PROCEDURE		
We aim to ensure termination of employment is managed and in compliance with the provisions of relevant legislation and workplace agreements. The employer can only dismiss an employee if it is not considered harsh, unjust or unreasonable.		
1	The employer will make every attempt to address the employee's unsatisfactory performance and/or conduct prior to terminating the employee's employment	
2	If the issue/s raised in the employee's performance improvement plan is not or cannot be resolved after the employee has had a reasonable opportunity to rectify the situation, the employer can decide to end the employment relationship. The employer may seek legal advice or advice from Fair Work for assistance prior to the termination to ensure compliance. Visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94 (Fair Work Ombudsman 2013).	

3	A valid reason must exist for an employer to dismiss an employee which must be provided in a termination of employment letter. The reason or reasons must be based on the employee's poor performance, incapacity to do the work employed to do, conduct, or changes to the operational requirements of the business. The employer will ensure they have documented work history of the employee's poor performance, behaviour standards, or incapacity to do the job, to justify the action	
4	The employer will ensure the employee understands the reason/s for their termination and is given the correct amount of notice or paid in lieu of giving notice	
5	If the employee is being dismissed for misconduct, the grounds for the dismissal must be clearly documented and verified as valid reasons for dismissal due to misconduct	
6	If any conduct or performance concerns are identified and raised during the employees' probationary period, they will be addressed during the probationary meeting and documented. If a decision to end the employee's employment within the probation period is made, the employee will receive the appropriate notice as per employment contract and receive the termination of employment in writing.	
7	If requested by the employee the employer will provide the employee with a letter of employment or Separation Certificate indicating the period of their employment, job classification and the type of work involved. A separation certificate is required if the employee needs to apply for unemployment benefits. These can be found here: https://www.humanservices.gov.au/individuals/forms/su001	
8	The employer will provide a final payslip to the employee within 7 days of the payment being paid to the employee	
9	The employer must keep records of when an employee leaves the Service, including the name of the person who terminated the employment, and details of how the termination took place (notice given by employee, termination by employer, etc.)	

TERMINATION DUE TO SERIOUS MISCONDUCT		
1	Identify the employee's exact action that was unacceptable and the impact the misconduct on the Service. It is recommended you seek legal advice about the misconduct before taking any action.	
2	Serious misconduct involves an employee deliberately behaving in a way that is inconsistent with continuing their employment, it may include the following: • causing serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer's business • theft, embezzlement, tax evasion • fraud, misapplication, corruption • assault, taking of bribes • being intoxicated at work • refusing to carry out a lawful and reasonable instruction that is part of the job	

	• criminally prosecutable offences directly related to employment (child abuse or neglect)	
3	It is essential to keep a record of any meetings that you have with an employee about their conduct. Identifying the employee's misconduct and explain your intentions in relations to future employment	
4	Arrange a meeting with the employee and explain to the employee they can be represented or accompanied by a support person [When reviewing unfair dismissal claims, the Fair Work Commission may consider whether an employer unreasonably refused to allow an employee to have a support person at any discussion relating to their dismissal.]	
5	Explain the reasons for the termination to the employee verbally, providing them with the opportunity to ask questions. Explain the information in the *Termination of Employment Letter* and ensure the employee understands when the termination is effective.	
6	It is important to consider the severity of the misconduct when deciding the action to be taken 1. Dismiss the employee with notice or pay in lieu of notice 2. Summarily dismiss the person The employer may seek legal advice or advice from Fair Work for assistance prior to the termination to ensure compliance. Visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94 (Fair Work Ombudsman 2013)	
7	An employer does not need to provide notice of termination (or payment in lieu of notice) to employees who: • are casual • are employed for specific period, task or season • ***are terminated because of misconduct (engaging in theft, fraud or assault)*** • have a training arrangement and are employed for a set period or for the length of the training arrangement (other than an apprentice).	
8	If the employee's action was serious misconduct that warrants summary dismissal, it is best practice to provide the employee with a *Termination of Employment Letter* which includes notice of termination of serious misconduct	
9	The employer must keep records of when an employee leaves the Service, including the name of the person who terminated the employment, and details of how the termination took place (notice given by employee, termination by employer, etc.)	
10	The termination of employment letter must include: • the reasons for the termination of the employment • when the employment will end • that some termination payments may result in waiting periods for Centrelink payments	
11	The employer will provide the employee with a Separation Certificate indicating the period of their employment, job classification and the type of work involved. A separation certificate is required if the employee needs to apply for unemployment benefits. These can be found here: https://www.humanservices.gov.au/individuals/forms/su001	

12	The employer will provide a completed PAYG payment summary to the employee within 14 days of the ETP being paid to the employee	

REVIEW OF PROCEDURE			
Date procedure created	April.2026	To be reviewed	April 2028
Approved by	Neil Kinsey	Signature	
Procedure Reviewed Date	Modifications/Changes		