

## WODEN EARLY CHILDHOOD CENTRE

### DISCIPLINARY PROCEDURES POLICY

**POLICY STATEMENT:** *At Woden Early Childhood Centre we aim to ensure a continuous and secure employment relationship between employer and employees utilising open communication channels and processes. Employees at Woden Early Childhood Centre should feel comfortable in approaching senior staff and the Director when they have concerns and should discuss them in a professional and respectful manner. This policy supports inclusive practices at Woden Early Childhood Centre. Please refer to the Inclusion Policy.*

**RATIONALE:** *Centre based children's Services Conditions August 2000 3.1 states that "there must be a procedure in place which ensures that all persons employed at or involved with, the children of the centre are fit and proper persons." this is accomplished in part by this policy.*

Woden Early Childhood Centre complies with "Commonwealth workplace relations laws set out specific rules and protection relating to the termination of an employment relationship."

**SCOPE:** This policy applies to all families with children attending the Centre and all Staff including students and volunteers.

**RELEVANT LEGISLATION:** *Centre based children's Services Conditions August 2000 3.1*

**QUALITY ASSURANCE SYSTEM:** *Quality Improvement and Accreditation System Quality Practices Guide. 2005 principle 7.1, 7.2, 7.3*

**LOCATION OF INFORMATION:** This information is made available to all families and staff during the orientation process. It is included in the CD Policy given to each family and staff member on orientation as well as being mentioned in the family handbook and staff handbook. Printed copies can be made available on request for those families without computer access.

**Linking Policies:**

Grievance Policy

**Key Resources:**

Ihmu, childrens services (ACT) Award 2005

([http://www.unitingresources.org.au/\\_data/assets/pdf\\_file/0003/17373/Childrens\\_Services\\_ACT\\_Award\\_2005.pdf](http://www.unitingresources.org.au/_data/assets/pdf_file/0003/17373/Childrens_Services_ACT_Award_2005.pdf)) 16/12/2008

Australian Government workplace Ombudsman, "**termination of employment**"

(<http://www.wo.gov.au/data/portal/00007407/content/35229001183342023475.pdf>) 18/12/08

**POLICY REVIEW**

This policy is reviewed on a biannual basis both by the centres staff and then by families. Once the Policy has been reviewed and changes are made it goes to the management committee for ratification. Please refer to the Policy development and review policy.

Date endorsed by Committee: 24.3.09

Date to be reviewed: 4.3.10

## PROCEDURE

Where a concern(s) arises regarding the work performance of a permanent employee the following procedure will apply:

- The employee will be spoken to by their immediate senior staff member e.g. their room leader, this will be in an informal way prompting the employee to change their behaviour or work performance, if there is no obvious improvement in the employee behaviour and work performance the Director will be notified.
- The Director will counsel the employee in an informal way in the presence of the room leader. Emphasis should be placed upon obtaining agreement from the employee to rectify the behaviour. Counselling should be conducted in a friendly way pointing out various positive aspects of the employee's behaviour but at the same time emphasising his/her contractual duties. During the discussion the employee should be allowed to present any mitigating circumstances. The problems caused by the employee's wrong action should be explained and the employee should be encouraged to suggest ways of improving their performance. This counselling session must be noted by the room leader.
- If again, there is no visible change in the employee's work performance and/or behaviour, the employee will be given a verbal warning regarding their performance by the Director. This will be noted in the employee personal record.
- Where the problems have not been resolved at this stage, the employee will be given a formal written warning and is informed by centre management, that repetition of the misconduct will lead to termination of employment.
- The Director and/or the staff member has the right to ask a third person to sitting on the discussion with the employee and it is at the Directors discretion who that third person will be, e.g. the employee's Room Leader.

A written warning should:

- state the problem/s that have arisen
- identify any rules broken
- note the consequences of the offence
- state corrective action required within a time frame
- warn of intended action should the employee not correct their behaviour
- refer to previous oral warnings and their dates

Each warning should contain a specific expiry date on which it ceases to apply if behaviour improves.

NOTE: The Woden Early Childhood Centre counselling form should be used for this purpose. The employee must sign the counselling form as having been informed of the warning. The form is then placed on the employee's personnel file.

## **DISMISSAL**

Dismissal ultimately depends on the seriousness of the unsatisfactory behaviour.

After careful consideration of all the facts including the explanation given by the employee dismissal is then the decision of the Director and Management.

The Director should meet with the employee (and Union representative if requested) and verbally inform him/her of termination of employment. Where the preceding counselling stages have been followed it would be appropriate for the notice period to be in line with the relevant Award.

A letter detailing terms of dismissal must then be given to the employee with termination pay (if not working out notice period).

## **INSTANT DISMISSAL**

Instant dismissal is dismissal without notice and may be implemented when the employee has acted in such a manner as to commit serious and wilful misconduct. The action must be deliberate and must be so serious that it strikes at the basis of the employer and employee relationship.

Where this action applies the Director if practicable should seek advice from the president of the centre Management Committee, Office of Child Care and/or the union and having decided to proceed with dismissal must then meet with employee immediately and informs him/her of instant termination of employment. No notice period is given. Termination pay must be provided by close of business the day of termination.

**Woden Early Childhood Centre  
Staff Counselling Form**

Venue: ..... Meeting called by: .....

Staff Member: ..... Director: .....

Issue:.....  
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History:.....  
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Points of Concern:  
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Points Raised:  
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Staff Member's Response:

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Action:

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General Comments:

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Director's Signature..... Name .....

Staff Member's Signature..... Name .....

Witness's Signature..... Name .....

Date: .....