



Coowarra Out Of School Hours

Care Service Inc

Staff Discipline Policy

POLICY STATEMENT

At Coowarra OOSH, we aim to provide a quality service through the professional behaviour and high standards of conduct of our educators. We will encourage educators to maintain good working relationships and have a commitment to maintaining a quality standard of work. Should educators fall below clearly identified standards then we will address this in a swift and considerate manner.

PROCEDURE

- It is important that the educators are fully aware of their expectations as an employee in the centre and that clear guidelines are given regarding educators duties, code of conduct and professionalism.
- Management will ensure that all educators are given clear job descriptions and orientation into the position with opportunity to clarify any issues.
- Educators are responsible to address any concerns and clarify any issues in the job description or expectations that they are unsure of.
- Educators are encouraged to maintain good working relationships and have a commitment to maintaining a quality of standard of work.
- Educators will be given clear notification should their standard of work or conduct fall below what is expected and outlined in their job description.
- Educators have the right to appeal against any allegation and the right to speak on their behalf or to have a union representative appear on their behalf.
- Employees may have a support person present for any meeting held throughout the disciplinary action process. If employee is under 18, then it is recommended that a parent/guardian is present or, if not available another trusted adult.
- In managing the performance or behaviour of an employee, and assessing any disciplinary action which may be appropriate, the seriousness of unacceptable performance and/or behaviour must be considered.
- The following steps will be followed to deal with poor work performance or conduct. There may not be the need to go through all the steps when the issue is resolved however staff should be aware of the whole process.
- Typically goal setting and mentoring will occur before disciplinary action warnings are given.



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- Should educators fall below clearly identified standards then the Co-ordinator or Management will use the following steps:□

Stage 1: Verbal Warning and goal setting/mentoring

- Coordinators/supervisors should address and discuss issues with individual employees as they arise, assisting them to gain understandings about correct practice and procedures, as well as expectations for behaviour and professionalism
- Employees should be provided with strategies for improvement and mentoring by immediate supervisors.
- In most cases making employees aware of the issue straight away, providing guidance and strategies, will ensure that they will correct the issue and no further action will need to be taken.
- Coordinators must document any concerns they may have about an individual employee's performance or action, and steps they have taken to assist employee in correcting this concern.
- If no improvement is made after a reasonable time frame, then coordinators can request that employee meet with a member of management for discussion about individual performance.
- This will provide opportunity for management and employee to review their "individual development plan" and work with employee to set goals for improvement based on the specified concerns raised and outline responsibilities, of both employee and the organisation in assisting employee achieve goals. This may include but not limited to additional training or on the job mentoring.
- Management should outline specific expected level of behaviour and/or performance and discuss with staff how these are not being met. It should also be made clear to employee the consequences of failure to meet the reasonable expected standard of conduct/behaviour/performance within the organisation, that being further disciplinary action will take place.
- This meeting will provide opportunity for employee to respond to concerns raised and discuss with management any issues that may be affecting job performance and provide an opportunity to work out possible solutions to the issue. E.g.: personal, health, gaps in skills, difficulties in the workforce etc.
- A clear and agreed upon timeline for review of goals, progress and performance should be set at the conclusion of this meeting.
- While all efforts will be made to reach an agreement with employee about required actions, outcomes and timeframes, if it is not reasonably possible, Management may have to determine those matters.
- Employee should be provided with a copy of revised "individual development plan", as well as any minutes from the meeting held, within a reasonable time after the meeting.



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- Management are to ensure that organisational responsibilities outlined in the 'individual development plan' are met within the agreed timeframe.
- Progress meetings may also be set in the plan, to gauge how employee is traveling in reaching goals outlined in the 'individual development plan', to ensure employee is receiving adequate support throughout the process and prior to 'review date'.
- When goal setting and mentoring has resulted in improved behaviour or performance, then the employees efforts and achievement should be acknowledged.
- If Goal setting and mentoring has not resulted in significant improvement within the required timeframe, or employee refuses to cooperate and participate in actions outlined in 'individual development plan', then further disciplinary action (Stage 2) will take place.

Stage 2: Written Notice

- Where the problem continues to occur, there is little or no improvement or the educator continues to breach the centres policies the staff member will be given written notice of the complaints against them.
- Written notice can be given without stage one in the case of misconduct
- Written Warnings must be clear and concise – they must clearly outline the behaviour, actions, and/or performance of employee that is of concern, and clearly list/state the actions that have been put in place to assist the employee to achieve agreed goals and why disciplinary action is taking place
- A formal documented interview with the management committee will take place if requested by the management committee or staff member, depending on the nature of the warning. The worker should attend and has the right to reply and discuss any complaints against them, or to be represented by a union member or other representative of their choice.
- The staff member will be given at least 48 hours notice of the meeting.
- Minutes will be taken of the meeting and copy put on the staff members file and given to the staff member. The educator may attach a written reply to the minutes.
- The aim of the meeting is to negotiate how the situation may be improved
- The meeting will ensure that the following is discussed: The expected level of performance and/or behaviour for their role (in line with statement of duties, professional code of conduct etc.) Specific details of how this standard is not being met by the employee. What, if any, steps have been taken by the organisation to assist employee to improve performance and behaviour.
- The staff member will again be given specific indication of where their performance standards are not being met, indicate where changes are



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required and ways of achieving these, and told the method and date of review of their performance

- Management are to ensure that organisational responsibilities outlined in the 'individual development plan' are met within the agreed timeframe
- Formal Warning and Disciplinary Action has resulted in improved behaviour or performance, then the employee's efforts and achievement should be acknowledged. Employee should be informed that probationary period has been lifted, 'individual development plan' updated date of next regular employment appraisal and review will be set.
- The educator will be informed at this stage that termination will be considered if no changes occur or if further breaches of policies occur.
- In situations of serious concern, we may issue an immediate final warning (Stage 3).

If this resolves the issue, then there is no need to go any further.

Stage 3: Final Written Warning

- When an employee has failed to meet goals, and follow 'individual development plan', deadlines and review and not displayed improvement in behaviour, attitude or performance then a final written warnings, notifying of termination if no improvement is made within a specified period
- The notice must be unambiguous – they must clearly outline the behaviour, actions, and/or performance of employee that is of concern, and clearly list/state the actions that have been put in place to assist the employee to achieve agreed goals and why further disciplinary action is taking place.
- The matter should be discussed as per the first meeting and further action considered.
- At this stage the educator will be given a "final written warning".
- Again, the educator has the right of reply and can discuss the situation. They also have the right to have a union representative or person of their choice attend the meeting.
- All members of the executive management committee will be informed of the disciplinary meeting, why it is being held and will be informed of the outcome of the meeting. Throughout the process the management committee should be provided with updates and reports on employee's progress.
- Individual development plan to be reviewed and final review date for improvement to be set.
- Formal Warning and Disciplinary Action has resulted in improved behaviour or performance, then the employee's efforts and achievement should be acknowledged. Employee should be informed that probationary period has been lifted, 'individual development plan'



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updated and regular employment appraisal and review month will be set.

- If this process has not resulted in significant improvement within the required timeframe, or employee refuses to participate in actions outlined in 'individual development plan', then termination of employment will occur.

Step 4: Termination Of Employment

- If the problem still continues after the 3 warnings, another special meeting of the management committee will be called, and a decision made as to the employment of the staff member.
- The management committee will review progress notes, management reports and the employee's Individual development plan and will make the decision to terminate employment if the management believe that the educator's performance is unlikely to improve then the educator will be dismissed.
- A termination of employment letter will be created at the special committee meeting and will be signed by the executive committee. The termination of employment letter will detail:
 - Reason for dismissal
 - Date of dismissal – when it applies from.
 - Will outline final pay date
- Employee will be provided with letter of termination.

Procedure For Dealing With Serious Unacceptable Behaviour and Instant dismissal

Where an educator in the workplace:

- Intentionally endangers life.
 - Criminal activity
 - Is found stealing.
 - Reports to work under the influence of drugs or alcohol.
 - Inflicts or threatens physical or sexual abuse or harassment.
 - Loses 'working with children' clearance status
 - Child protection issues
- The Co-ordinator or Management Committee will suspend the employee without loss of pay pending an investigation.
 - The investigation is to be completed within 72 hours and an interview date determined.
 - If the employee is a union member the union representative will be informed.



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- The interview is to be attended by the Co-ordinator, a nominated representative of Management, the person reporting the unacceptable behaviour and the union representative if desired.
- The employee is to be advised formally of the findings of the investigation and the action being taken.
- When immediate termination is required, a dismissal notice is prepared at the interview. When continued employment is recommended a warning letter will be issued.
- All the relevant records will be recorded on the employees file.
- If the employee is vindicated of the accusation, all relevant formal documentation is to be removed from their file.

CONSIDERATIONS

Education and Care Services National Regulations	National Quality Standard	Other Service policies/documentation
	National Standards Section 3.4 (Fit and proper persons)	Relevant industrial agreements. Network of Community Activities. Fair work dismissal laws

UPDATED AND ENDORSED: July 2021

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