

8.6 EDUCATOR DISCIPLINARY PROCEDURES

Policy Statement:

Mackay Family Day Care Scheme educators must abide by the Education and Care Services National Law Act 2010, Education and Care Services National Regulations 2018, Scheme Policies and the Mackay Family Day Care Service Agreement at all times.

Background:

The Education and Care Services Regulations require approved providers to notify certain information to the Regulatory Authority within a specified time frame.

Procedure for dealing with complaints:

1. Any complaints or issues raised by parents, members of the public or staff members should be referred to the manager.
2. In accordance with Education and Care Services National Law Act 2010 [Part 6 Section 174 (2) (b)], if a complaint alleges:
 - that the safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by an educator registered with Mackay Family Day Care Scheme or
 - the Law has been contravened,the manager will notify the Regulatory Authority within the specified time frame.
3. Any other complaints, which must be submitted in writing, will be investigated by the manager in consultation with all parties.
4. As part of the consultation process, educators will be required to submit to the manager, a written response to any complaint.
5. If a complaint is substantiated and it is deemed that a breach has occurred, the “Procedure for dealing with breaches” will be followed.

Procedure for dealing with breaches:

Upon becoming aware of any breach of the Education and Care Services National Law Act 2010, Education and Care Services National Regulations 2011, Scheme Policies or the Mackay Family Day Care Service Agreement the scheme manager will:-

1. Issue the educator with a non-compliance notice outlining:
 - reference to legislation and scheme policy,
 - compliance matters,
 - action required by the educator,
 - due date of required action.
2. Place a copy of the non-compliance notice in the educator’s file.

3. Decide on an appropriate course of action following a response from the educator. Possible courses of action may include but are not limited to:
 - formal meeting to discuss issues at hand,
 - probation period applied,
 - termination of service agreement.
4. Inform the educator in writing of the outcome.
5. In the event that an educator receives 3 non-compliance notices for breaches, the manager may terminate the service agreement.
6. In certain circumstances, the manager may terminate the service agreement immediately.

Examples of grounds for immediate termination:

- Children are left with a person who is not a registered educator or registered educator assistant with the Service.
- Children are left unattended: at home, in a vehicle, anywhere outside the home.
- Taking a child outside the education and care premises without a permission form signed by a parent, guardian or authorised nominee prior to the outing taking place.
- The educator exceeds the number of children in his/her care in accordance with Regulation 124.
- Fraudulent administration practices.
- Physical punishment or humiliation of a child in care.
- Numerous substantiated parent complaints.
- Taking a child/children swimming without adhering to the adult:child ratio or without obtaining permission from a parent/guardian prior to the swimming taking place.
- Failure to abide by the Mackay Family Day Care Scheme contract of study.
- **Any other breaches of the Education and Care Services National Law Act 2010, Education and Care Services National Regulations 2018, Scheme Policies and the Mackay Family Day Care Service Agreement.**

Date Implemented	Review Due	Date Reviewed	Date Updated	Source
2018 November	2020 May 2022 January 2023 September	2020 July	2022 March 2024 January	<ul style="list-style-type: none"> • Education and Care Services National Law Act 2010 • Education and Care Services National Regulations 2011