Termination of employment guidelines

**Acknowledgement**

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We acknowledge Aboriginal and Torres Strait Islander people as Australia’s first peoples and as the Traditional Owners and custodians of the lands and waters on which we rely. We pay respect to Elders past and present of the lands where we conduct our work and recognise their ongoing contributions as the first educators on the land now known as Victoria.

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1. Overview

The termination of employment guidelines (the guidelines) outline the procedures of the Victorian Curriculum and Assessment Authority (VCAA) governing the fair and legal termination of employment within the organisation’s direct workforce. The guidelines aim to ensure adherence to workplace laws such as the *Fair Work Act 2009* (Cth) (including the national employment standards)and the fair work regulations.

The guidelines apply where an employee’s employment has ended at the instigation of the employer. Clauses 7 and 8 also apply when the employment has ended at the instigation of the the employee or due to the operation of law.

The guidelines apply to all employees within the Victorian Curriculum and Assessment Authority (VCAA). For the purposes of the guidelines, the term 'employees' encompasses VCAA employees of the direct workforce, as well as any individuals or groups undertaking an activity for or on behalf of the VCAA, including:

* all employees (fixed term, casual, sessional) employed under Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023 (referred to as ‘The MO’)
* Board members
1. Objectives

The objectives of the guidelines are:

* **fair and legal termination:** ensure terminations are conducted in accordance with workplace and anti-discrimination laws while maintaining fairness and transparency
* **respect for employee rights:** provide employees with the opportunity to respond to allegations, access an appeal process, and receive fair treatment during the termination process
* **compliance and confidentiality:** ensure compliance with legal obligations while maintaining confidentiality and privacy for both the departing employee and the VCAA.
1. Principles
	1. Fairness and transparency

Uphold fairness, transparency, and accountability during termination, ensuring unbiased treatment and clear communication.

* 1. Compliance and legal adherence

Comply with legal requirements, ensuring all termination procedures adhere to relevant laws and statutes.

* 1. Respect and dignity

Conduct terminations with respect and dignity, minimising the impact on the departing employee while prioritising professionalism and empathy.

* 1. Continuous improvement

Regularly review and update the policy to align with evolving workplace and anti-discrimination laws and best practices, striving for continual improvement in termination procedures.

1. Roles and responsibilities
	1. The employer

The responsibilities of the employer include:

* reviewing and updating the guidelines to align with evolving workplace laws, anti-discrimination laws and best practice
* facilitating continual improvement in the VCAA’s termination procedures
* communicating the decision of termination of an employee
* monitoring employee performance, providing constructive feedback, and documenting any performance concerns or improvements
* conducting a fair and thorough investigation when issues arise that may lead to termination
* consulting VCAA Human Resources when considering termination
* making decisions based on workplace laws and anti-discrimination laws, VCAA policies, and the documented evidence, ensuring that the decision is justified, fair, and consistent
* communicating the decision to terminate to the employee within a private meeting
* facilitating a smooth transition for the departing employee, ensuring they receive any necessary information about final payments, benefits, and the process for clearing out of the workplace.
	1. Employees

Employees must:

* maintain satisfactory performance and adhere to the VCAA Management of grievances misconduct and unsatisfactory performance policy
* maintain professionalism, respect, and integrity throughout the termination process
* seek clarification about their rights and entitlements upon termination.
1. Expectations
	1. Grounds for termination

Pursuant to The MO, notice of termination is provided for in the national employment standards. The notice periods in this clause supplement the provision in the national employment standards which deal with termination of employment.

Termination of an employee may occur due to the following reasons, but are not limited to, including:

* if an employee, other than a casual employee or sessional employee, is absent without approval for more than 20 working days
* if an employee who has accepted an offer of work is absent or does not attend work as agreed with the employer on more than 4 consecutive occasions
* performance issues despite adequate support and feedback
* breach of VCAA policies or the code of conduct
* serious misconduct, such as harassment, fraud, or violence
* operational reasons, including reorganisation
* unsatisfactory work performance, such as resistance to feedback, poor communication, disobedience.

The guidelines do not cover the procedural steps that need to be completed and matters that need to be considered prior to any decision to terminate an employee's employment. Please refer to other applicable VCAA policies such as the VCAA management of grievances misconduct and unsatisfactory performance policy.

* 1. Termination meeting

A manager or an authorised delegate are to effectively communicate news of termination to the employee, emphasising specific instances of prior interventions, such as performance improvement plans or formal warnings, in both the verbal communication and the termination letter.

Other than in the circumstances of a summary dismissal for serious misconduct, employees are to be provided with a minimum of 24 hours' notice for the termination meeting, allowing the employee time to prepare and, if desired, arrange for a support person to attend during the termination meeting, and any prior disciplinary discussions.

* 1. Accrued leave entitlements

Upon termination of employment, an employee will paid any accrued but untaken leave entitlements as set out in The MO.

* 1. Statement of service

An employee or former employee may request a statement of service from the VCAA as evidence of their employment. VCAA Human Resources will provide a statement of service upon request from the employee.

* 1. Confidentiality

Employees undergoing termination can expect their privacy to be respected. Information about the termination, including reasons, discussions, or any related documentation, will be shared strictly on a need-to-know basis and only within the confines of those directly involved in the termination process.

Furthermore, departing employees are also encouraged to maintain confidentiality regarding the circumstances of their departure from VCAA. This is to ensure respect for the organisation’s interests and the privacy of all parties involved.

Any breach of confidentiality, such as the unauthorised disclosure of termination-related information, is considered a serious violation of the VCAA privacy policy. Disciplinary action may be taken against employees found to have compromised confidentiality.

1. Managing the guidelines
	1. Authorisation

The guidelines are issued under the authority of the Chief Executive Officer.

* 1. Accountability for the guidelines

The owner for the guidelines is VCAA Human Resources. The owner reports to the Chief Executive Officer on the management of this policy.

The owner is responsible for:

* development and regular review of these guidelines
* development of protocols and processes to support implementation
* monitoring compliance of applicable employees, organisational units, and/or locations.
	1. Important dates

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| Date of adoption:  | July 2024  |
| Date of last amendment:  | July 2024  |
| Date of next review:  | July 2026  |

1. Related documents
* Fair Work Act 2009 (Cth)
* National employee standards
* VCAA management of grievances misconduct and unsatisfactory performance policy
* VCAA privacy policy.