

Purpose

Access4u and its associated entities (we, our, us) are committed to providing a supportive environment to employees when exiting our organisation.

The purpose of this procedure is to support us to follow a structured and legal process when offboarding an employee, in compliance with the Fair Work Act 2009 (Cth) and other relevant legislation.

In the event of inconsistencies, any legislative and regulatory requirements will override the provisions of this procedure.

Scope

Compliance with this procedure is mandatory for our employees.

This procedure applies to all employees when they end their employment by:

- resignation
- completing their contract of employment
- being transferred internally to a different role
- retirement
- redundancy
- dismissal
- abandonment of employment

When employees commence a period of extended leave, such as parental leave, the relevant aspects of this procedure will also apply. This includes confidentiality and intellectual property obligations, advice to IT, return of property and completing the exit checklist.

Responsibilities and delegations

This policy applies to	Governing Body. Staff and Volunteers
Specific responsibilities	The Board – Responsible for ensuring effective governance mechanisms are in place. The CEO and Managers – Responsible for monitoring and ensuring adherence to Policy and related procedures. Ensure due diligence and take reasonable steps to ensure Access4u are meeting their obligations. Ensure objectives of the policy are achieved. Staff – Responsible for adherence to this and related policies, procedures and forms that support this policy.
Policy approval	CEO

Policy context – this policy relates to:

Standards	• Family and Community Services Act 1972 • National Disability Insurance Scheme Quality and Safeguarding Framework • National Standards for Out-of-Home care (NOOHCS) • The Office of the Guardian for Children and Young People - Charter of Rights
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Legislation	• Fair Work Act 2009 (Cth) • National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 • National Disability Insurance Scheme Act 2013 • Privacy Act 1988 (Cth) • Work Health and Safety Act 2012 (SA)
Contractual obligations	• Government of SA, DCP Contract Management Framework • NDIS Code of Conduct
Organisation policies and procedures	• Code of conduct policy • Staff recruitment policy • Disciplinary procedure • Grievances and disputes procedure • Feedback and complaints policy
Forms, record keeping, other documents	• Resignation Letter

Definitions for the purpose of this policy the following definitions apply:

Word	Definition
<i>Resignation</i>	A resignation occurs when an employee voluntarily informs us they wish to cease employment with us. Employees can resign at any time without discussing the decision with management. A minimum notice period will be documented in the employee's contract. At the discretion of Executive Management, employees may be paid in lieu of their notice period to allow them to leave earlier than the notice period.
<i>Completing a contract of employment</i>	When an employee's contract ends, their employment with our organisation ends. An employee is not guaranteed a continued position at the end of their contract of employment unless otherwise agreed in their contract of employment.
<i>Being transferred internally to a different role</i>	When an employee accepts a transfer to a different role or department within the organisation, an updated contract of employment will be issued to confirm their new terms and conditions of employment. Employment records will be updated accordingly, and all appropriate security measures will be addressed (e.g. the employee may require different levels of access and/or different Access4u property arrangements). The employee's leave entitlements and continuity of service will be managed in accordance with industrial requirements.
<i>Retirement</i>	An employee may decide to retire from the workforce. A retirement is treated in the same way as resignation.
<i>Redundancy</i>	A job becomes redundant when we no longer need an employee's job to be done by anyone, or if we become insolvent or bankrupt. Depending on an employee's length of service and contract of employment and with reference to any applicable industrial instrument (e.g. an award), the employee may be entitled to redundancy benefits.

<i>Dismissal</i>	We will only dismiss an employee where there is a valid reason. This may be because of unsatisfactory performance or unsatisfactory conduct, or changes to operational requirements. Access4u may dismiss an employee without payment of notice (summary dismissal) in the event the employee's conduct or performance is sufficient to justify dismissal for serious misconduct. An employee who is summarily dismissed for any reason is entitled to payment for work in that pay cycle for only the time worked. When dismissing an employee we will always act fairly and lawfully.
<i>Abandonment of employment</i>	Abandonment of employment is when on prima facie evidence an employee has been absent from work for a continuous period exceeding three (3) working days or in the case of a shift worker, a continuous period exceeding three (3) shifts without our consent and without notification to us of the reason for their absence and of a likely return to work date. Prior to finalising an employee's employment for reason of abandonment of employment, we will make reasonable effort to contact the employee to facilitate their return and to advise them of the implications of their continued unauthorised absence. Abandonment of employment is treated as a resignation.

Procedure Statement

Effective offboarding procedures and processes will ensure consistent and streamlined arrangements exist for terminating employment and ensures:

- managers and employees are informed and aware of the considerations and key actions to be taken following a decision to terminate employment
- payroll receive timely and complete advice to efficiently process termination payments
- all appropriate security measures are addressed so the employee leaving the organisation no longer has access to data networks or intellectual property
- all resources held by the employee are returned
- employees are informed of their ongoing obligations with confidentiality and intellectual property
- employees ensure they collect and remove their personal property prior to departure
- employees leaving our organisation have an opportunity to provide feedback about their workplace through an exit interview

Implementation

Notification of ending employment - Voluntary (resignation or retirement)

Employees must provide timely and appropriate advice of their intent to end their employment with us, in line with the conditions of employment specified in their contract and the Fair Work Act 2009 (Cth).

The notice period starts the day after the employee gives notice they want to end their employment, and ends on the last day of employment.

The employee notifies their manager in writing of their intention to resign or retire.

On receipt of the employee's notice, the manager will notify Human Resources to enable the manager, employee, Payroll and Human Resources to work through the employment exit processes together, including completing the Exit checklist.

Subject to approval from the Chief Executive Officer and the terms of an employee's contract, we may decide to end an employee's employment by providing in writing at least the minimum period of notice and specifying the day of termination. The day of termination cannot be before the day the notice is given.

Notification of ending employment - Involuntary (Dismissal, redundancy, abandonment, or end of contract)

Dismissal, redundancy, or abandonment of employment must be approved by the relevant manager.

Subject to final approval from the Chief Executive Officer and the terms of an employee's contract, we may decide to end an employee's employment by providing, in writing, at least the minimum period of notice and specifying the day of termination. The day of termination cannot be before the day the notice is given.

On receipt of this approval, the manager will notify Human Resources to enable the manager, employee, Payroll and Human Resources to work through the employment exit processes together, including completing the Exit checklist.

Not working through a notice period

On some occasions we may decide to end a notice period early. In these instances, the employee is paid out the whole period of notice or part thereof and ceases employment accordingly.

The Chief Executive Officer must be consulted to provide approval to end a notice period early.

Taking leave during a notice period

An employee can take paid annual leave during their notice period if this is agreed by their manager in consultation with the Human Resources Advisor.

Where the notice period includes public holidays, this does not extend the notice period.

An employee can take paid sick or carer's leave during a notice period if they provide reasonable evidence, such as a medical certificate.

Reconciliation of leave entitlements and associated payments and repayments

Payroll requires prompt advice of any termination or transfer of employment to provide a timely and accurate calculation and processing of wages and/or termination payments to the employee.

Payroll must check that any outstanding money owed by the employee is identified and will negotiate with the employee to either reimburse any money or provide written authorisation for the amount to be deducted from the employee's termination payment.

Managers must make sure that any outstanding claim forms (such as for overtime, travel expenses, mileage claims or other reimbursement) are approved and forwarded to Payroll for processing.

Managers must check and confirm the following with the employee:

- the timeliness and agreement for making up any debit hours or working together with the employee and Payroll to arrange written authorisation for the amount to be deducted from the employee's termination

payment (or other agreed written repayment arrangement) as part of finalising their employment.

- If, on termination of the employee's employment, the employee has not accrued an entitlement to all of a period of annual leave and/or personal leave credited and paid in advance, Access4u may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave and/or personal leave taken and paid in advance to which an entitlement has not been accrued.
- Where an employee's employment is terminated and there is insufficient money in an employee's pay for Access4u to recover an overpayment, we may request the employee to return the overpayment to us
- Where an employee's employment is terminated, and an overpayment has been made and we make a request the employee must return the overpayment within 10 business days unless otherwise agreed.

Final pay

An employee will be paid the following entitlements in their final pay, which will be the next pay run after their work day

- outstanding wages for hours they have worked, including penalty rates and allowances
- any accrued annual leave or long service leave entitlement not taken during the employee's employment, If it applies
- Payment in lieu of notice
- Redundancy pay
- Subject to our discretion, payment of accrued flexitime not taken

Sick and carer's leave is not paid out when the employment ends.

Advice to IT support and return of property

Prompt advice must be made to IT of any termination or transfer of employment to make sure access to all IT systems is revoked and the security of organisational systems is protected.

The final date for access to IT systems will usually be the employee's last day of duty. As much notice as possible, and at least 3 business days' notice should be given to revoke access.

When an urgent cancellation of access is required, the line manager should contact IT as a matter of urgency, preferably by phone, and request the immediate cancellation of all access.

Human resources will provide to the employee, a copy of the employee's Asset Register which contains a list of assets assigned or loaned to the employee. employees must ensure that all items are delivered to our Human Resources departments.

In addition to company computers and phones, this must also include the employee's swipe cards or keys.

These IT and return of property processes will also be applied when people commence a period of extended leave, such as parental leave, to ensure our systems and property are appropriately safeguarded in the event the employee decides to terminate their employment during their period of leave.

Employees must ensure they collect and remove their personal property by their last day of employment; we are not liable for any loss or damage to an employee's personal property.

Exit interview

Employees are encouraged, but are not obligated, to participate in an exit interview.

Employees may be willing to share their opinions of our processes, practices and culture when leaving the organisation. By collecting these opinions we can improve our workplace.

Human resources will email to the employee a link to the online Exit Survey. Alternatively, the employee can request an in-person exit interview with the Human Resources Advisor or direct manager.

Generally, the exit survey is intended to help us find out

- Why the employee is leaving our organisation
- How we can improve working conditions
- Aspects of the job the employee enjoyed the most and least
- Any relationships that need to be managed better
- If our recruitment, selection and training processes need improvement
- The level of moral across the organisation

Revoking resignation

An employee may ask to revoke their resignation.

The decision to grant this will be assessed on a case-by-case basis by the Senior Manager Specialist Services.

Rehire

An employee who left on good terms is eligible for rehiring.

They may apply for a suitable position in line with recruitment processes and, if re-hired will be treated a new employee unless otherwise arranged with approval from the Chief Executive Officer.

Communication of departure

The manager is responsible for advising any stakeholder (internal or external) of the departure of an employee and advise them of the date of departure, and who is the contact person for future communication or support.

Grievance resolution

If an employee considers they have been treated unreasonably or unfairly, they can lodge a complaint through our internal feedback and complaints processes.

If any employee feels they have been unfairly dismissed, they can lodge a claim for unfair dismissal with the Fair Work Commission by:

- Phone 1300 799 675 (9:00am – 5:00pm Monday to Friday)
- Email adelaide@fwc.gov.au
- Refer to the Fair Work Commission for more information.