



Policy 118

Human Resources – Staff & Teachers

Applies to:	Staff, Teachers,	
Responsibility:	CEO	
Status	Approved 2014	Date for review 10/2019
	Approved 10/2020	
	Updated 2/2022	
	Updated 4/2023	Next Review 3/2026

Policy statement

Rainbow Club Australia prides itself on the professionalism and the ability of its Board, staff and teachers to meet member, participant, and other stakeholder needs. The organisation strives to be an employer of choice for:

- Staff with appropriate skills
- Qualified teachers of swimming Rainbow Club aims to provide safe, healthy and happy workplaces with adequate resources and capacity to deliver a quality service to members/participants being children and young adults with a disability and their families.

Legislation relevant to this policy:

- Age Discrimination Act, 2004
- Australian Human Rights Commission Act, 1986
- Disability Discrimination Act, 1992
- Racial Discrimination Act, 1975
- Sex Discrimination Act, 1984

- Work Health & Safety Act, 2011
- Fairwork Act, 2009

Definitions

‘Staff’ are people employed by Rainbow Club on a permanent, permanent part-time, or casual basis to provide executive and administrative services for the organisation.

‘Teachers’ are AUSTSWIM, Swim Australia or Royal Life Saving NSW qualified teachers who are employed on a casual basis in one of our registered Clubs to provide swim teaching services to members/participants

The following human resources (HR) policies are provided:

- HR policy for staff
- HR policy for teachers

HR policy for staff

The Board of Rainbow Club approves the organisation’s structure and permanent staff positions and delegates authority to the CEO to recruit employ and manage staff in accordance with the below policies and the National Employment Standards (NES). The Board acknowledges that staff are paid above any award rates and they are compensated for any extra or unsocial hours they may be required to work from time to time.

Working from home

All Rainbow Club staff work from their own home attending Rainbow Club flagship events and other meetings as required from time to time. Rainbow Club will supply a laptop and/or printer for each position on the Organisation Chart and it is expected that all Rainbow Club online collateral will be saved on this device.

It is also expected that staff members will have suitable space equipped for working efficiently from home including access to WiFi.

Flexible working arrangements

Rainbow Club offers flexible working arrangements for staff and expects that hours will be during business hours at pre-agreed times. Staff are expected to work on weekends to visit Clubs or attend events as required. The maximum number of weekends in any one year will be twenty (20).

Staff performance and training

Each member of Rainbow Club staff will be provided with a job specification at the commencement of their employment.

Performance against the job specification, any amendments to the job specification and professional development for the staff member will be reviewed annually.

Employee Assistance program

Rainbow Club retains an employee assistance company to provide support and assistance for staff and teachers to support them with challenges encountered because of the nature of their Rainbow Club work.

Screening and background checks

Rainbow Club will comply with all relevant States and NDIS staff screening requirements in force from time to time.

Complaints or grievances

In the event of a complaint or grievance staff and teachers must follow the procedures in the Appendix to this Procedure.

Travel

Drivers licence

All staff are expected to have a current driver's licence and access to a vehicle that is comprehensively insured.

Travel allowance

Rainbow Club will pay each staff member an agreed annual travel allowance and will reimburse staff for toll costs incurred while travelling on Rainbow Club business.

Leave

All leave will be paid in accordance with the National Employment Standards (NES).

The ten (10) minimum entitlements of the NES are:

- Maximum weekly hours - 38 hours per week
- Requests for flexible working arrangements
- Parental leave and related entitlements
- Annual leave
- Personal/carer's leave, compassionate leave and unpaid family and domestic violence leave

- Community service leave
- Long service leave
- Public holidays
- Notice of termination and redundancy pay
- Fair Work Information Statement

Code of Conduct

Rainbow Club Australia staff agree to abide by the Rainbow Club staff Code of Conduct. Rainbow Club's staff Code of Conduct includes the NDIS Code of Conduct.

Anyone can raise a complaint about potential breaches of the NDIS Code of Conduct.

Should a participant or other stakeholder wish to make a complaint about a Rainbow Club Staff Member with respect to the NDIS Code of Conduct, they will be directed to Rainbow Club's Complaints and Grievance Policy (refer Policy 108).

Should Rainbow Club or people employed or otherwise engaged by Rainbow Club, be found to have breached the NDIS Code of Conduct, Rainbow Club will comply with any education, compliance or enforcement action stipulated by the NDIS Commissioner.

NDIS Code of Conduct

The NDIS Code of Conduct requires workers and providers delivering NDIS supports and services to do the following in providing those supports and services:

1. Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
2. Respect the privacy of people with disability
3. Provide supports and services in a safe and competent manner, with care and skill
4. Act with integrity, honesty and transparency
5. Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability
6. Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability
7. Take all reasonable steps to prevent and respond to sexual misconduct

In addition, Rainbow Club staff agree to:

1. Commit to the mission, vision and goals of Rainbow Club
2. Behave professionally and ethically and accept responsibility for their actions
3. To the best of their ability, ensure the safety, health and welfare of colleagues, teachers and member/participants in Rainbow Club's network
4. Treat all Board members, Club committee members, staff members, teachers, volunteers, parents, members and other stakeholders with courtesy and respect and not discriminate against a Board member, Club committee member, staff member, teacher, volunteer,

parent, member or other stakeholders or stakeholder on the basis of sex, age, race, religion, disability, pregnancy, marital status or sexual preference

5. Agree to behave in an ethical manner that is free from any harassment or bullying
6. Abide by all Rainbow Club Australia Policy and Procedures including maintaining confidentiality of the organisation's operations in relation to service activities, confidential documentation and work practices during and post employment.

HR policy for teachers

The Board of Rainbow Club delegates authority to the CEO to recruit employ and manage teachers in accordance with the below policies and the National Employment Standards (NES).

The Rainbow Club Board will approve all pay rates for teachers and will pay above award rates to ensure that our teachers are adequately rewarded for the work they do. Teachers must provide details of their Swim Teacher licence and their Working with Children Number (WWC No) for verification, prior to commencing work and are required to provide Rainbow Club with details of renewals of licence and WWC No.

All Rainbow Club teachers are employed on a casual basis and are required to:

- Renew their CPR Certificate annually and provide evidence of the update to Rainbow Club
- Familiarise themselves with the Swim the Rainbow program and use this structure to teach Rainbow Club members at their weekly lessons
- Wear the supplied hi-vis lime green 'teacher' rashie with board shorts while teaching. A neat and tidy appearance is important to Rainbow Club Employee Assistance program

Rainbow Club will retain an employee assistance company to provide support and assistance for staff and teachers to support them with challenges encountered because of the nature of their Rainbow Club work.

Complaints or grievances In the event of a complaint or grievance staff and teachers will be referred to the Complaints and Grievances Policy (refer Policy 108) and the same procedures will apply.

Code of Conduct

Rainbow Club Australia teachers agree to abide by the Rainbow Club teacher Code of Conduct. Rainbow Club's teacher Code of Conduct includes the NDIS Code of Conduct.

Anyone can raise a complaint about potential breaches of the NDIS Code of Conduct. Should a participant or other stakeholder wish to make a complaint about Rainbow Club with respect to the NDIS Code of Conduct, they will be directed to Rainbow Club's Complaints and Grievance Policy (refer Policy 108).

Should Rainbow Club or people employed or otherwise engaged by Rainbow Club, be found to have breached the NDIS Code of Conduct, Rainbow Club will comply with any education, compliance or enforcement action stipulated by the NDIS Commissioner.

Teacher Code of Conduct

NDIS Code of Conduct

The NDIS Code of Conduct requires workers and providers delivering NDIS supports and services to do the following in providing those supports and services:

1. Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
2. Respect the privacy of people with disability
3. Provide supports and services in a safe and competent manner, with care and skill 4
- . Act with integrity, honesty and transparency
5. Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability
6. Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability
7. Take all reasonable steps to prevent and respond to sexual misconduct

In addition, Rainbow Club teachers agree to:

- Behave professionally and accept responsibility for their actions
- Commit to the mission and goals of Rainbow Club and work all agreed shifts so as to provide the best possible service to Rainbow Club members
- To the best of their ability, ensure the safety, health and welfare of all children in the Club and other teachers
- Provide a balanced program of swimming and water safety within Swim the Rainbow guidelines
- Be familiar with the goals of the child being taught (or their parent) and support them to achieve their goals
- Be familiar with the colour level of the child that is assigned to them
- Modify their teaching techniques to cater for the disability of the individual
- Treat all children and parents with courtesy and respect
- Maintain their certifications or qualifications with AUSTSWIM or Swim Australia, CPR (annual resuscitation training) and Working With Children (WWC No.)
- Agree to behave in an ethical manner that is free from any harassment or bullying • Abide by all Rainbow Club Australia's Policy and Procedures

APPENDIX – COMPLAINTS AND GRIEVANCE PROCEDURE FOR STAFF AND TEACHERS

This Appendix should be read in conjunction with Rainbow Club's policy 108 Complaints & Grievances Policy for Member/Participants and Volunteers

Procedures

In the event that a Rainbow Club staff member or teacher wishes to make a complaint, they should follow the following steps.

STEP 1: Direct Manager/Lead Teacher/Development Manager

In the event that a teacher or staff member has a complaint this should be made in the first instance, to their

The relevant Manager/Lead Teacher/Development Manager will endeavour to resolve issues to the best of their ability including

- Responding to the complaint within 7 days
- Seeking statements from all parties to the complaint and, if necessary, statements from witnesses
- Register the complaint on Rainbow Club's Complaint Register
- Communicate outcome of investigation to all parties within 7 days

STEP 2 : CEO

In the event that the Manager/Lead Teacher/Development Manager is unable to resolve the issue, or the complaint is about the Manager/Lead Teacher/Development Manager the complainant should or the Manager/Lead Teacher/Development Manager should escalate the complaint to Rainbow Club's CEO and advise them of the nature of the complaint with details of dates and times as appropriate.

The CEO will respond to escalated complaints within seven (7) working days. In investigating a complaint, the CEO will

- Review outcome of the investigation previously conducted
- Interview parties as deemed necessary
- Update the Rainbow Complaints Register
- Communicate outcome of CEO investigation to all parties within 7 days

STEP 4: Board of Rainbow Club Australia

Should a teacher or staff member wish to raise the matter further, they should contact the President of Rainbow Club Australia (President@myrainbowclub.org.au) or any member of the Board of Rainbow Club Australia <https://www.myrainbowclub.org.au/our-people/>

Should the President or other Board member deem it necessary to bring the matter to the full Board, they will consider the matter appropriate to the nature of the complaint. This may include

- Inviting the staff member or teacher (with appropriate support and representation) to attend a meeting of the Board for a specified period
- Inviting the person complained about (with appropriate support and representation) to attend a meeting of the Board for a specified period
- Appointing a mediator to mediate between the complainant and the person complained about
- Give due consideration to any written submission to the the Board, either at or prior to the meeting.

Where the Board confirms a resolution:

The Board Secretary shall, within seven (7) days after that confirmation, by notice in writing inform the Club volunteer or member/participant of the result of their of appeal.

A resolution confirmed by the Board does not take effect:

- Until the expiration of the period within which the Club volunteer or member/participant entitled to appeal against the resolution does not exercise their right of appeal within that period

or

- Where within that period the Club volunteer or member exercises their right of appeal

STEP 4: Appeal to a General Meeting

A Staff Member or Teacher may appeal against a resolution of the Board within 7 days after notice of the resolution.

The appeal by a Staff Member or Teacher to a General Meeting of the organisation is by lodging a notice to that effect with the Board Secretary.

Upon receipt of a notice from a Staff Member or Teacher, the Board Secretary shall notify the Board. The Board shall convene a General Meeting of the organisation to be held within 21 days after the date of which the Board Secretary received the notice.

At the General Meeting:

- No business other than the question of the appeal shall be transacted

- The Board and the Club volunteer or member/participant (or their representative/s) shall be given the opportunity to state their respective cases orally or in writing or both

and

- The present organisation members shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked

If, at the General Meeting, a special resolution is passed in favour of the confirmation of the resolution, the resolution is confirmed.

STEP 5: Right of appeal to external bodies

If a complainant is not satisfied with the outcome or process of the internal complaints procedure, a formal external complaints procedure may follow.

The complainant will be referred to the Fairwork Australia

Record keeping: Complaints Register

The CEO will maintain a Complaints Register and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

Copies of all correspondence will be kept with the Complaints Register.

The Complaints Register and files will be confidential and access is restricted to the CEO or persons delegated by the CEO and/or the Board President.