



# STAFFING POLICY (INCLUDES DETERMINING RESPONSIBLE PERSON)

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## Mandatory – Quality Area 4

### PURPOSE

This policy will provide guidelines for engaging staff at Parkdale Preschool, including:

- employing sufficient numbers of educators to meet legislative, policy and service standards
- employing educators with qualifications and experience that meet legislative, policy and service standards
- providing appropriate supervision and support to staff and other adults at the service
- complying with legislation relating to Working with Children (WWC) Checks and criminal history record checks and meeting Child Safe Standards.

This policy should be read in conjunction with the following service policies:

- *Child Safe Environment Policy*
- *Staff Code of Conduct Policy*
- *Participation of Volunteers and Students Policy*

### POLICY STATEMENT

#### 1. VALUES

Parkdale Preschool is committed to:

- ensuring that the health, safety and wellbeing of children at the service is protected at all times while also promoting their learning and development
- fulfilling a duty of care to all children attending the service
- providing accountable and effective staffing and management practices
- employing educators with a range of relevant qualifications and experience to provide a quality educational program that meets the needs of children and families in the community
- employing educators according to policy and funding requirements
- complying with relevant industrial agreements and current legislation in relation to the employment of staff, including the *Equal Opportunity Act 2010*, *Fair Work Act 2009* and the *Working with Children Act 2005*
- continuity of educators at the service
- the further development of staff.

#### 2. SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in day-to-day Charge, staff, volunteers, students and parents/guardians at Parkdale Preschool.

#### 3. BACKGROUND AND LEGISLATION

##### Background

High quality services with qualified, skilled and supported educators have a long-term positive impact on the trajectory of children's lives. Minimum qualification requirements are specified in legislation for all educators working in early childhood education and care services. Eligibility for services to receive



funding also includes requirements for staff to hold specific qualifications (*The Kindergarten Funding Guide* – refer to *Sources*).

A current list of approved qualifications is available on the Australian Children's Education and Care Quality Authority (ACECQA) website (refer to *Sources*). Applications can also be made to ACECQA to determine if other qualifications (such as those gained overseas) entitle the individual to work as an early childhood teacher, diploma-level educator or certificate III level educator. Application forms are available on the ACECQA website and a fee is required for processing an application.

In addition, there are legislative requirements that there is at least one educator who holds current approved first aid qualifications, anaphylaxis management training and emergency asthma management training to be in attendance and immediately available at all times that children are being educated and cared for by the service. These qualifications must be updated as required, and details of qualifications must be kept on an individual's staff record. As a demonstration of duty of care and best practice, ELAA recommends **all educators** have current approved first aid qualifications, anaphylaxis management training and emergency asthma management training.

It is essential that all educators and other adults engaged to work directly with children are provided with opportunities to learn and develop new skills in relation to supporting the learning and development of young children. Such opportunities can arise when more qualified and experienced educators offer guidance and feedback to other educators. Opportunities for professional development are crucial for all educators to ensure that their work practice remains current and aligned to the practices and principles of the national *Early Years Learning Framework* (EYLF) and the *Victorian Early Years Learning and Development Framework* (VEYLDF) (refer to *Sources*).

Staff are required to actively supervise children at all times when children are in attendance at the service (refer to *Supervision of Children Policy*). To facilitate this, services are required to comply with legislated educator-to-child ratios at all times, which are based on the qualifications of the educators, and the ages and number of children at the service. Only those educators working directly with children (refer to *Definitions*) can be counted in the ratio.

To ensure that children are protected from harm while participating in service programs all educators and staff are required by law to have a current WWC Check or be registered with the Victorian Institute of Teaching (refer to *Definitions*). It is also recommended that the Nominated Supervisor and staff with financial responsibilities also have a criminal history record check (refer to *Definitions* and *Sources*).

Parents/guardians and family members closely related to children attending the service are exempt from needing a Working With Children Check.

Regulatory Authorities will issue a service supervisor certificate (refer to *Definitions*) for each approved education and care service and the service can decide who will be the Educators and Staff/s at the service. To be covered by the service supervisor certificate a person needs to be:

- responsible for the day-to-day management of the service; or
- exercising supervisory and leadership responsibilities for part of the service.

The staff attendance record includes the name of the responsible person at the service for each time that children are being educated and cared for by the service (Regulation 150).

Child Safe Standard 4 requires organisations to have policies and procedures in place for the recruitment and selection, supervision, training and performance management of staff (refer to *Child Safe Environment Policy*).



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## Legislation and standards

Relevant legislation and standards include but are not limited to:

- Child Safe Standards
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- Education and Training Reform Act 2006 (Vic) (amended in 2014)
- *Equal Opportunity Act 2010* (Vic)
- *Fair Work Act 2009*
- *Privacy Act 1988* (Cth)
- *Privacy and Data Protection Act 2014* (Vic)
- *National Quality Standard*, Quality Area 4: Staffing Arrangements
  - Standard 4.1: Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing
    - (1) Element 4.1.1: Educator-to-child ratios and qualification requirements are maintained at all times
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
  - Standard 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community
    - (1) Element 7.1.5: Adults working with children and those engaged in management of the service or residing on the premises are fit and proper
- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2007*
- *Working with Children Act 2005* (Vic)
- *Working with Children Regulations 2006* (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

## 4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Regulatory Authority, National Law, National Regulations etc. refer to the *General Definitions* section of this manual.

**Actively working towards:** An educator who is enrolled in a course for a qualification, and provides the Approved Provider with documentary evidence of their commencement in the course, their satisfactory progress towards completion of the course and ongoing evidence that they are meeting all the requirements to maintain their enrolment. Educators who are ‘actively working towards’ an approved diploma-level qualification must also hold an approved certificate III level education and care qualification or have completed the mandatory units of study in an approved certificate III level education and care qualification as determined by the national authority (ACECQA).

**Adequate supervision:** (In relation to this policy) **supervision** entails all children (individuals and groups) in all areas of the service, being in sight and/or hearing of an educator at all times including during toileting, sleep, rest and transition routines. Services are required to comply with the legislative requirements for educator-to-child ratios at all times. Supervision contributes to protecting children from hazards that may emerge in play, including hazards created by the equipment used.



Adequate supervision refers to constant, active and diligent supervision of every child at the service. Adequate supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include:

- number, age and abilities of children
- number and positioning of educators
- current activity of each child
- areas in which the children are engaged in an activity (visibility and accessibility)
- developmental profile of each child and of the group of children
- experience, knowledge and skill of each educator
- need for educators to move between areas (effective communication strategies).

**Approved first aid qualification:** A list of approved first aid qualifications, anaphylaxis management and emergency asthma management training is published on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

**Criminal history record check:** A full-disclosure, Australia-wide criminal history record check issued by Victoria Police (refer to *Sources*), or by a police force or other authority of a state or territory, or the Commonwealth. It may also be referred to as a National Police Certificate or Police Records Check.

**Early childhood teacher:** A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

**Educator:** An individual who provides education and care for children as part of an education and care service.

**Educational Leader:** The Approved Provider of an education and care service must designate, in writing, a suitably-qualified and experienced educator, co-ordinator or other individual to lead the development and implementation of educational programs at the service (Regulation 118). This person must have a thorough understanding of the *Early Years Learning Framework* (or other approved learning framework), be able to guide other educators in their planning and reflection, and mentor colleagues in the implementation of their practice.

**Fit and proper:** In determining whether an applicant is fit and proper, the Regulatory Authority must take into account the applicant's history of involvement in education and care services, their compliance with current and prior law, criminal history record check, and any bankruptcy or insolvency issues. The Regulatory Authority may reassess fitness and propriety at any time. Applicants are required to complete the Declaration of Fitness and Propriety form on the ACECQA website and have this approved by the Regulatory Authority. This form must be completed by an individual provider applicant or, in the case of an entity provider applicant, each person with management or control of a service. The form is available at: <http://acecqa.gov.au/application-forms/provider-approvals/> (Note: Under the *Education and Care Services National Law Act 2010*, Section 5, Definitions: "**person with management or control**, in relation to an education and care service, means – (b) if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service".)

**The Kindergarten Funding Guide:** provides detailed information from the Department of Education and Training (DET) about the types of kindergarten funding available, eligibility criteria, how to apply for funding and how to comply with operational requirements once funding has been granted.



**Nominated Supervisor:** A person who has been nominated by the Approved Provider of the service under Part 3 of the Act can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure the Nominated Supervisor is a fit and proper person with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes or is no longer employed at the service within 14 days.

**Person with management or control:** Each member of the executive committee of the association which is the Approved Provider, who has the responsibility, alone or with others, for managing the delivery of the education and care service.

**Responsible Person:** The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or person in day-to-day charge of the service in accordance with the National Regulations.

**Staff record:** A record which the Approved Provider of a centre-based service must keep containing information about the Nominated Supervisor, the Educational Leader, staff, volunteers, students and the Responsible Person at a service. Details that must be recorded include qualifications, training and the WWC Check (Regulations 146–149). A sample staff record is available on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

**Victorian Institute of Teaching (VIT):** The statutory authority for the regulation and promotion of the teaching profession in Victoria, established as part of the Victorian Institute of Teaching Act 2001. All early childhood teachers are required to be registered with the Victorian Institute of Teaching.

**Working directly with children:** For the purposes of the National Regulations, working directly with children is defined as being physically present with children and directly engaged in providing them with education and/or care.

**Working with Children (WWC) Check:** The check is a legal requirement under the *Working with Children Check 2005* for those undertaking paid or voluntary child-related work in Victoria. The Department of Justice assesses a person's suitability to work with children by examining relevant serious sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history. A WWC Check card, is granted to a person under working with children legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

## 5. SOURCES AND RELATED POLICIES

### Sources

- A Guide for Creating a Child Safe Organisation (The Commission for Children and Young People) [ccyp.vic.gov.au](http://ccyp.vic.gov.au)
- Australian Children's Education and Care Quality Authority (ACECQA): [www.acecqa.gov.au](http://www.acecqa.gov.au)
- ELAA's *Employee Management and Development Kit* developed to support early learning services in the ongoing management and development of their employees. Available from [www.elaa.org.au](http://www.elaa.org.au)



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- ELAA's *Early Childhood Management Manual* contains additional information and attachments relating to staffing, including sample position descriptions, sample letters of employment and interview questions. Available from: [www.elaa.org.au](http://www.elaa.org.au)
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011
- The Kindergarten Funding Guide (Department of Education and Training): [www.education.vic.gov.au](http://www.education.vic.gov.au)
- *The Early Years Learning Framework for Australia: Belonging, Being, Becoming*: [www.education.gov.au](http://www.education.gov.au)
- *Victorian Early Years Learning and Development Framework*: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- Working with Children Check unit, Department of Justice and Regulation – provides details of how to obtain a WWC Check: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)
- Victoria Police – National Police Record Check: [www.police.vic.gov.au](http://www.police.vic.gov.au)

### Service policies

- *Administration of First Aid Policy*
- *Anaphylaxis Policy*
- *Asthma Policy*
- *Child Safe Environment Policy*
- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Delivery and Collection of Children Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy and Confidentiality Policy*

### PROCEDURES

#### The Approved Provider and Persons with Management or Control are responsible for:

- complying with the service's *Staff Code of Conduct Policy* at all times
- ensuring that the Nominated Supervisor, educators and all staff comply with the *Staff Code of Conduct Policy* at all times
- ensuring that children being educated and cared for by the service are adequately supervised at all times they are in the care of that service (National Law: Section 165(1))
- complying with the legislated educator-to-child ratios at all times (National Law: Sections 169(1) & (3), National Regulations: Regulations 123, 355, 357, 360)
- ensuring that all staffing meets the requirements of *The Kindergarten Funding Guide* (refer to *Sources*) at all times the service is in operation
- complying with relevant industrial agreement and current legislation relating to the employment of staff, including the *Equal Opportunity Act 2010*, *Fair Work Act 2009*, *Occupational Health and Safety Act 2004* and the *Working with Children Act 2005*
- following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Child Safe Environment Policy*
- employing the relevant number of appropriately-qualified educators (refer to *Definitions*) with ACECQA approved qualifications (Regulations 126, 361)

- employing additional staff, as required, to assist in the provision of a quality early childhood education and care program
- ensuring an early childhood teacher (refer to *Definitions*) is working with the service for the required period of time specified in the National Regulations, and that, where required, a record is kept of this work (Regulations 130–134, 152, 362, 363)
- appointing an appropriately-qualified and experienced educator to be the Educational Leader (refer to *Definitions*), and ensuring this is documented on the staff record (Regulations 118, 148)
- ensuring that educators and other staff are provided with a current position description that relates to their role at the service
- maintaining a staff record (refer to *Definitions*) in accordance with Regulation 145, including information about the Responsible Person, Nominated Supervisor, the Educational Leader, other staff members. Details that must be recorded include qualifications, training, Working with Children Check (Regulations 146–148). complying with the requirements of the *Working with Children Act 2005*, and ensuring that the Nominated Supervisor, educators and staff at the service have a current WWC Check (refer to *Definitions*) or a Victorian Institute of Teaching (VIT) certificate of registration. Evidence must be sighted and the details kept on each staff record (Regulations 145, 146, 147). These details should be verified annually via the relevant online portals.
- completing a fit-and-proper assessment (refer to *Definitions*) for each person with management or control of a service (e.g. for the executive members of the Committee of Management) in accordance with the *Education and Care Services National Law Act 2010* (Sections 12, 13, 14) and the *Education and Care Services National Regulations 2011* (Regulations 14, 15, 16).
- reading the WWC Check or confirming VIT registration of all staff prior to their being engaged or employed as a staff member at the service
- read the WWC Check of all volunteers prior to their being permitted to be a volunteer at the service
- developing (and implementing, where relevant) an appropriate induction program for all staff appointed to the service
- developing rosters in accordance with the availability of Responsible Persons, staff qualifications, hours of operation and the attendance patterns of children
- ensuring that volunteers/students and parents/guardians are adequately supervised at all times when participating at the service, and that the health, safety and wellbeing of children at the service is protected (refer to *Participation of Volunteers and Students Policy*)
- ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (Regulation 120)
- ensuring that there is at least one educator with current approved first aid qualifications, anaphylaxis management training and emergency asthma management training (refer to *Definitions*) in attendance and immediately available at all times that children are being educated and cared for by the service.
- developing procedures to ensure that approved first aid qualifications, anaphylaxis management training and emergency asthma management training are evaluated regularly, and that staff are provided with the opportunity to update their qualifications prior to expiry
- ensuring that staff records (refer to *Definitions*) and a record of educators working directly with children (refer to *Definitions*) are kept up to date ensuring that annual performance reviews of the Nominated Supervisor, educators and other staff are undertaken
- ensuring that the Nominated Supervisor, educators and other staff, volunteers and students on placement are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83)



- ensuring that all educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current
- ensuring that the Nominated Supervisor and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (Regulation 84) (refer to the *Child Safe Environment Policy*)
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent
- developing and maintaining a list of casual and relief staff to ensure consistency of service provision
- ensuring that the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements.

**The Nominated Supervisor and Persons in Day to Day Charge are responsible for:**

- providing written consent to accept the role of Nominated Supervisor
- ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service
- following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Child Safe Environment Policy*
  - complying with the service's *Staff Code of Conduct Policy* at all times
  - ensuring the educator-to-child ratios are maintained at all times (Regulation 169(3)), that each educator at the service meets the qualification requirements relevant to their role
  - developing rosters in consultation with the Approved Provider in accordance with the availability of Responsible Persons, staff qualifications, hours of operation and the attendance patterns of children
  - ensuring that educators and other staff undertake appropriate induction following their appointment to the service
  - ensuring that all educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current
  - participating in an annual performance review and agreed professional development activities
  - leading annual performance reviews of educators and other staff
  - ensuring that less experienced educators and others engaged to be working with children are adequately supervised
  - ensuring educators who are under 18 years of age are not left to work alone and are adequately supervised at the service
  - providing details of their current WWC Check or VIT registration for the staff record
  - sighting and recording details of current Working with Children Checks or VIT registrations of staff
  - ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83)
  - ensuring that they are aware of current child protection laws and any obligations that they may have under these laws (refer to *Child Safe Environment Policy*)
  - informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent.
  - notifying the Approved Provider and the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings



**All educators and other staff are responsible for:**

- ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children
- providing details of their current WWC Check or VIT registration and where relevant Criminal Records Check for the staff record
- undertaking the required induction program following appointment to the service
- advising the Working With Children Check Unit at the Department of Justice and Regulation of any relevant change in circumstances, including change of name, address, contact details and change of employer organisation, including changes to the organisation's contact details
- adequately supervising children at all times supervising volunteers/students and parents/guardians at all times to protect the health, safety and wellbeing of children at the service (refer to *Participation of Volunteers and Students Policy*)
- maintaining educator-to-child ratios at all times
- maintaining current approved qualifications relevant to their role, including first aid qualifications, anaphylaxis management training and emergency asthma management training
- participating in an annual performance review
- undertaking professional development relevant to their role to keep their knowledge and expertise current
- supervising educators at the service who are under 18 years of age, and ensuring that they are not left to work alone
- ensuring that they are aware of current child protection laws and any obligations that they may have under these laws (refer to *Child Safe Environment Policy*).
- checking that the name and position of the Responsible Person (refer to *Definitions*) in charge of the service is displayed and easily visible from the main entrance of the service
- ensuring they have a sound understanding of the role of Responsible Person
- notifying the Approved Provider and the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings

**Parents/guardians, volunteers and students on placement are responsible for:**

- complying with the Code of Conduct for Volunteers and Students (refer to the *Participation of Volunteers and Students Policy*) at all times
- complying with the law, the requirements of the *Education and Care Services National Regulations 2011*, and all service policies and procedures
- following the directions of staff at the service at all times to ensure that the health, safety and wellbeing of children is protected.
- being aware of the Designated Responsible Person at the service on a daily basis.

**Volunteers and students, while at the service, are responsible for following this policy and its procedures.**

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly check staff records to ensure WWC Checks and qualifications are current and complete
- regularly seek feedback from everyone affected by the policy regarding its effectiveness



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- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures unless a lesser period is necessary because of a risk.

## **ATTACHMENTS**

Nil

## **AUTHORISATION**

This policy was adopted by the Approved Provider of Parkdale Preschool on 26<sup>th</sup> APRIL 2018.

Review date: **APRIL 2020**