

	Staffing Policy and Procedures
Version No.	Created November 2018
Authorisation	General Manager
Expiry Date	Policy to be reviewed Annually
Responsible Officer	Manager Evolve Early Learning & Kindergarten
Policy Owner	Evolve Early Learning & Kindergarten

Policy

Evolve Early Learning & Kindergarten 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 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*.

Purpose

Evolve Early Learning & Kindergarten is committed to:

- Employing sufficient numbers of staff to meet legislative, policy and service standards
- Employing staff with qualifications and experience that meet legislative, policy and service standards
- Providing appropriate supervision to staff and other adults at the service
- Complying with legislation relating to Working with Children (WWC) Checks and Criminal History Record Checks.

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

- *Code of Conduct Policy*
- *Determining Responsible Person Policy*

Scope

This policy applies to Evolve Early Learning & Kindergarten who is responsible for the direct education and care of children including offsite excursions and activities.

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, Primary Nominee, Nominees, Educators, other staff, Students on placement and Volunteers,

Parents/guardians, Children and others attending Evolve Early Learning & Kindergarten's programs and activities.

National Quality Standards (NQS)

Quality Area 4: Staffing Arrangements

4.1 Staffing arrangements - Staffing arrangements enhance children's learning and development.

4.1.1 Organisation of educators - The organisation of educators across the service supports children's learning and development.

4.1.2 Continuity of staff - Every effort is made for children to experience continuity of educators at the service.

4.2 Professionalism Management - Educators and staff are collaborative, respectful and ethical.

4.2.1 Professional collaboration Management - Educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.

4.2.2 Professional standards - Professional standards guide practice, interactions and relationships.

Background

- Research has demonstrated that the employment of appropriately qualified staff in early childhood services is a key contributor to the delivery of quality programs and better learning outcomes for children.
- "Those with higher qualification levels and standards of training are better equipped to provide improved learning environments and mentor Educators in quality practices, leading to better outcomes for children" (Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011).
- The Australian Government has acknowledged this by legislating minimum qualification requirements for all Educators working in early childhood education and care services. Eligibility for services to receive funding also include requirements for staff to hold specific qualifications.
- 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, current National legislation requires 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. Victorian government legislation requires all Educators to hold current First Aid qualifications and Anaphylaxis 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 also crucial for all Educators to ensure that their work practice remains current and relevant to the practices and principles of the National Early Years Learning Framework and the Victorian Early Years Learning and Development Framework (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, and these ratios are based on 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 and maintain a WWC Check or a Criminal History Record Check (refer to *Definitions* and *Sources*). This also applies to volunteers and students unless they are working under the direct supervision of an Educator who is over 18 years of age and holds, or is Actively Working Towards (refer to *Definitions*), an approved diploma-level education and care qualification (National Regulation 358).
- It is an offence under section 35 of the *Working with Children Act 2005* to engage a person in child-related work if the person does not have a current assessment notice.
- Parents/guardians and family members closely related to children attending the service are exempt from needing a WWC Check. However, a service may decide, as a demonstration of duty of care that all parents/guardians who volunteer at the service are required to undergo a WWC Check. Evolve Early Learning & Kindergarten has an expectation all volunteers have a WWC Check.

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

- **Code of Conduct Policy** – management, co-ordinators, Educators, staff, students on placement and volunteers are required to be respectful and ethical at all times. This policy explains the responsibilities of all parties in relation to one another, to children and families using the service, and to individuals and organisations in the wider community.
- **Determining Responsible Person Policy** – legislation requires all approved services to ensure that a Responsible Person is physically present at all times the service is educating and caring for children.
- **The Responsible Person** - is either the Approved Provider, or the Nominated Supervisor or Certified Supervisor who has been placed in day-to-day charge of the

service. This policy provides guidelines to determine the Responsible Person at the service.

Education and Care National Regulations

- Premises designed to facilitate supervision (National Regulations 115)
- Educators must be working directly with children to be included in ratios (National Regulations 122)
- Educator to child ratios—centre-based services (National Regulations 123)
- Centre-based services—general educator qualifications (National Regulations 126)
- Requirement for early childhood teacher—centre-based services—more than 80 children (National Regulations 134)
- Early childhood teacher illness or absence (National Regulations 135)
- First aid qualifications (National Regulations 136)
- Staff record (National Regulations 145)
- Nominated supervisor (National Regulations 146)
- Staff members (National Regulations 147)
- Educational leader (National Regulations 148)
- Volunteers and students (National Regulations 149)
- Responsible person (National Regulations 150)
- Record of educators working directly with children (National Regulations 151)
- Record of access to early childhood teachers (National Regulations 152)
- Prescribed information to be displayed (National Regulations 173)
- Persons taken to hold an approved early childhood teaching qualification (National Regulations 241)
- Persons taken to be early childhood teachers (National Regulations 115)
- Persons taken to hold an approved diploma level education and care qualification (National Regulations 243)
- Persons taken to hold an approved certificate III level education and care qualification (National Regulations 244)
- Educator to child ratio—pre-kindergarten programme or kindergarten programme provided by a school (National Regulations 372)
- Early childhood teachers—pre-kindergarten programme or kindergarten programme provided by a school (National Regulations 373)
- Educators required to be early childhood teachers (National Regulations 379)

Responsibility/Accountability

The Approved Provider, according to Regulations is responsible for the implementation of the *Staffing Policy*. This will be achieved through the Centre manager and the staff:

- That the service does not operate without a Nominated Supervisor (refer to *Definitions*), as required under the National Law (refer to *Determining Responsible Person Policy*)
- That there is a Responsible Person (refer to *Definitions* and *Determining Responsible Person Policy*) on the premises at all times the service is in operation
- That the Nominated Supervisor, Certified Supervisors, Primary Nominee, Nominees, Educators and all staff comply with the *Code of Conduct Policy* at all times
- That children being educated and cared for by the service are adequately supervised (refer to *Definitions* and *Supervision of Children Policy*) at all times they are in the care of that service (National Law, Section 165)
- Complying with the legislated Educator-to-child ratios at all times (National Law: Sections 169, National Regulations 123, 355, 357 and 360)

- That all staffing meets the requirements of the National Law and National Regulations (refer to *Sources*) at all times the service is in operation
- Complying with 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
- Employing the relevant number of appropriately-qualified Educators (refer to *Definitions*). Qualifications must be approved by ACECQA (refer to *Background* and *Sources*) (National Regulations 126, 361)
- Employing additional staff, as required, to provide a quality early childhood education and care program
- Appointing an appropriately-qualified and experienced Educator to be the Educational Leader (refer to *Definitions*), and ensuring this is documented on the Staff Record (National Regulations 118, 148)
- 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*) including information about the Nominated Supervisor, Primary Nominee, Nominees, the Educational Leader, other staff members, volunteers, students and the Responsible Person.
- Details that must be recorded include qualifications, training and the WWC Check. A sample Staff Record is available on the ACECQA website in Resources and Templates (see *Sources*)
- Complying with the requirements of the *Working With Children Act* 2005, and ensuring that the Nominated Supervisor, Certified Supervisor, Educators, staff, volunteers and students on placement at the service have a current WWC Check (refer to *Definitions*) or a VIT certificate of registration
- That the WWC Check or VIT registration have been sighted and the details kept on each Staff Record (National Regulations 145, 146 and 147)
- Completing a Fit and Proper assessment (refer to *Definitions*) 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 (National Regulations 14, 15 and 16).
- It is noted that it is an offence under Section 35 of the *Working with Children Act* 2005 to engage a person in child-related work if the person does not have a current assessment notice.
- Educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (National Regulation 120)
- 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.
- Victorian Government legislation requires all Educators to hold current First Aid qualifications and Anaphylaxis management training. Details of qualifications and training must be kept on the Staff Record (National Regulations 136 and 145)
- 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
- That Staff Records (refer to *Definitions*) and a record of Educators Working Directly with Children (refer to *Definitions*) are updated annually, as new information is provided or when rostered hours of work are changed (National Regulations 145 and 151)
- Reviewing staff qualifications as required under current legislation and funding requirements on an annual basis

- That the Nominated Supervisor, Primary Nominee, Nominees, Educators/staff, volunteers and students on placement at the service are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (National Regulations 83)
- That all Educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current
- That the Nominated Supervisor, Primary Nominee, Nominees and Educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (National Regulation 84)
- 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
- That the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements.

The Nominated Supervisor is responsible for:

- Holding a Supervisor Certificate (refer to *Definitions*)
- Providing written consent to accept the role of Nominated Supervisor
- Ensuring that, in their absence from the service premises, another person with a Supervisor Certificate (a Certified Supervisor – refer to *Definitions*) is placed in day-to-day charge of the service (refer to *Determining Responsible Person Policy*)
- 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.

The Primary Nominee/Nominated Supervisor is responsible for:

- Complying with the service's *Code of Conduct Policy* at all times
- Ensuring Adequate Supervision of children at all times (refer to *Supervision of Children Policy*)
- Ensuring the Educator-to-child ratios are maintained at all times, that each Educator at the service meets the qualification requirements relevant to their role, including the requirement for current Approved First Aid Qualifications, Anaphylaxis management training and emergency Asthma management training, and that details of such training is kept on the Staff Record
- Developing rosters in accordance with the availability of Responsible Persons/Nominees, 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
- 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
- Ensuring that less experienced Educators and others engaged to be working with children are adequately supervised
- Providing details of their current WWC Check or VIT registration for the Staff Record
- Sighting and recording details of current WWC Checks or VIT registrations before staff commence at the service

- 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 (National Regulation 83)
- Ensuring that they are aware of current child protection laws and any obligations that they may have under these laws
- Informing parents/guardians of the name/s of casual or relief staff where the regular Educator is absent.

Certified Supervisors are responsible for:

- Holding a Supervisor Certificate (refer to *Definitions*)
- Providing written consent to accept the role of Certified Supervisor
- Informing the Approved Provider and/or Nominated Supervisor in the event of absence from the service due to leave or illness so they can be replaced by another Responsible Person (refer to *Determining Responsible Person Policy*).

Certified Supervisors, Nominees Educators and other staff are responsible for:

- Meeting the qualifications, experience and management requirements if they wish to gain a Supervisor Certificate, as defined in the National Regulations 46–49
- Complying with the service's *Code of Conduct Policy* at all times
- 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 for the Staff Record
- Renewing their WWC Check assessment every five years
- Undertaking the required induction program following appointment to the service
- Advising the Department of Justice of any relevant change in circumstances, including change of name, address, contact details and change of
- Employer/volunteer organisation, including changes to the organisation's contact details
- Adequately supervising children at all times (refer to *Definitions and Supervision of Children Policy*)
- Supervising volunteers/students and parents/guardians at all times to protect the health, safety and wellbeing of children at the service
- 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
- Ensuring that they are aware of current child protection laws and any obligations that they may have under these laws.

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

- Complying with the requirements of the *Education and Care Services National Regulations 2011*
- Familiarising themselves with 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.

In the event that there is only 1 educator onsite (open and close times) the following steps need to be followed:

- The educator is to keep the cordless phone or Mobile Phone on their person at all times.
- The front door is not to be opened to any person not known to the educator or Service.
- Staff to child ratios must be strictly adhered to.

Definitions

The terms defined in this section relate specifically to this policy and related procedures. For commonly used terms e.g. Approved Provider, Regulatory Authority etc. refer to the *Glossary of Terms*.

Word/Term	Definition
Actively Working Towards	<p>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.</p> <p>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).</p>
Adequate Supervision	<p>(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.</p> <p>Supervision contributes to protecting children from Hazards that may emerge in play, including hazards created by the equipment used.</p> <p>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 and/or hear each child, respond to individual needs, and immediately intervene if necessary.</p> <p>Variables affecting Supervision levels include:</p> <ul style="list-style-type: none"> - 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) - sole workers responding to care needs.

Word/Term	Definition
Approved First Aid Qualification	A list of Approved First Aid Qualifications, Anaphylaxis management and emergency Asthma management training is published on the ACECQA website (see <i>Sources</i>).
Certified Supervisor	An Educator with a Supervisor Certificate (in accordance with the National Regulations) who may consent to being placed in day-to-day charge of the education and care service. The designation must be made by the Approved Provider or Nominated Supervisor and accepted in writing by the Certified Supervisor. A Certified Supervisor placed in day-to-day charge of a service does not have the same responsibilities under the National Law as the Nominated Supervisor. Applications for Supervisor Certificates are assessed by the Regulatory Authority.
Criminal History Record Check	A full-disclosure, Australia-wide Criminal History Record Check issued by Victoria Police (refer to <i>Sources</i>), 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 (see <i>Sources</i>).
Educational Leader	The Approved Provider of an education and care service must designate, in writing, a suitably-qualified and experienced Educator, coordinator or other individual to lead the development and implementation of educational programs at the service (National 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.
Educator	An individual who provides education and care for children as part of an education and care service.
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 on the ACECQA website (see <i>Sources</i>). It is an offence under Section 35 of the <i>Working with Children Act 2005</i> to engage a person in child-related work if the person does not have a current assessment notice.
Nominated Supervisor	A person who is a Certified Supervisor and has been nominated by the Approved Provider of the service to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day

Word/Term	Definition
	responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.
Nominee	The person currently present and in charge of the service (State Regulations only).
Primary Nominee	The name of the licensee, approved provider or Nominee currently present and in charge of the service (State Regulations only).
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), a Nominated Supervisor or Certified Supervisor who has been placed in day-to-day charge of the service in accordance with the National Regulations.
Staff Record	A record which the Approved Provider of a service must keep containing information about the Nominated Supervisor, Primary Nominee/Nominee 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. A sample Staff Record is available on the ACECQA website in Resources and Templates (see <i>Sources</i>).
Supervisor Certificate	Allows a person to consent to be the Nominated Supervisor or Certified Supervisor, and be placed in day-to-day charge of an approved service. Applicants must be 18 years or older, be assessed as a Fit and Proper person (refer to <i>Definitions</i>) and meet the minimum requirements for qualifications, experience and management capability required under the National Regulations 46–49. Applicants for a Supervisor Certificate are assessed by the Regulatory Authority.
Victorian Institute of Teaching (VIT)	The statutory authority for the regulation and promotion of the teaching profession in Victoria, established as part of the <i>Victorian Institute of Teaching Act 2001</i> . All teachers in Victorian government schools, Catholic schools and independent schools are required to be registered with the VIT in order to practice in their profession.
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 for those undertaking paid or voluntary child-related work in Victoria and is a measure to help protect children from harm arising as a result of physical or sexual abuse. 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, notice or document (valid for five years), 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.

STAFFING PROCEDURES

Purpose

This procedure will provide a process for engaging staff at Evolve Early Learning & Kindergarten including:

- Employing sufficient numbers of staff to meet legislative, policy and service standards
- Employing staff with qualifications and experience that meet legislative, policy and service standards
- Providing appropriate supervision to staff and other adults at the service
- Complying with legislation relating to Working with Children (WWC) Checks and Criminal History Record Checks.

The *Staffing Policy* should be read in conjunction with the following service policies:

- *Code of Conduct Policy*
- *Determining Responsible Person Policy*.

Procedure

In terms of Staff Records

Evolve Early Learning & Kindergarten are required to have a Staff Record for all staff working in the service as per National Regulations.

References, Sources, Links to Legislation and Other Documents

Please refer to Reference and Sources page.

Related service policies:

Administration of First Aid Policy
Anaphylaxis Policy
Asthma Policy
Code of Conduct Policy
Complaints and Grievances Policy
Delivery and Collection of Children Policy
Determining Responsible Person Policy
Educational Program Development Policy
Inclusion and Equity Policy
Interactions with Children Policy

Privacy and Confidentiality Policy
Supervision of Children Policy.