



QUALITY AREA 4:
STAFFING ARRANGEMENTS

Staffing Arrangements Policy

Last Policy Review Date: March 2019
Next Policy Review Date: March 2021

PURPOSE

This policy will provide guidelines for engaging staff at Katoomba Leura 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 to staff and other adults at the service
- complying with legislation relating to Working with Children Checks and criminal history record checks.

POLICY STATEMENT

Katoomba Leura 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 current legislation in relation to the employment of staff

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Early Childhood Educators, staff, students on placement and volunteers at Katoomba Leura Preschool.

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 includes 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 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. As a demonstration of duty of care and best practice, Katoomba Leura Preschool 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 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 (EYLF).

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 Working with Children (WWC) 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 (Regulation 358).

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.
- Participation of Volunteers and Students Policy – this policy provides guidelines for the engagement and participation of volunteers and students at the service, while ensuring that children's health, safety and wellbeing is protected at all times.

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.

RELATED LEGISLATION

Relevant legislation and standards include but are not limited to:

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Child Protection (Working with Children) Act 2012 (NSW)
- Disability Discrimination Act 1992
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Anti Discrimination Act 1977

- Fair Work Act 2009
- Privacy & Personal Information Protection Act 1998
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011

RELATED GUIDELINES, STANDARDS, FRAMEWORKS

- National Quality Standard, Quality Area 4 – Standards 4.1, 4.2

DEFINITIONS

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.cecqa.gov.au

Child related work: Under Part 2, section 6 of the Child Protection (Working With Children) Act 2012, child-related work is defined as work in a specific, child-related role or face-to-face contact with children in a child-related sector.

Criminal history record check: A full-disclosure, Australia-wide criminal history record check issued by NSW 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.cecqa.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, be able to guide other educators in their planning and reflection, and mentor colleagues in the implementation of their practice. (Attachment 5)

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".)

Nominated Supervisor: A person who is a Certified Supervisor and has been nominated by the Approved Provider of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.

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 Certified Supervisor who has been placed in day-to-day charge of the service in accordance with the National Regulations. The name of the responsible person will be clearly displayed in the main entrance of the Service. If the responsible person needs to change (for example the current person needs to leave the Service), he or she will "hand over" responsibility for the role to another eligible person at the Service.

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 Working with Children Check (Regulations 146–149). A sample staff record is available on the ACECQA website: <http://acecqa.gov.au/storage/Staff%20record.pdf>

Service Supervisor Certificate: From 1 June 2014, the regulatory authority granted a service supervisor certificate for each approved education and care service. Service supervisor certificates are not issued to a particular person. Instead they may apply to any person working at the service who has been identified by the approved provider within the service as:

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

The service will allow a person to consent to be the Nominated Supervisor or another educator, and be placed in day-to-day charge of an approved service if the staff member is 18 years or older, is assessed as a fit-and-proper person (refer to Definitions above) and meets the minimum requirements for qualifications, experience and management capability required under the Regulations (Regulations 46–49).

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: A Working With Children Check is a prerequisite for anyone in child-related work in NSW. The new Check covers more people, is more comprehensive and provides better protection

for children than the previous model. It is also more consistent with other state and territory Checks, giving us the starting point for a national Check. A Working With Children Check includes a national police check and review of findings of misconduct involving children. The result is either a clearance or a bar. If the outcome is a clearance, the Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subject to ongoing monitoring and relevant new records could lead to a bar and the clearance being revoked. Before engaging a new, paid, child-related worker, an employer must ensure the worker has a clearance to work with children, or a completed Check application in progress. Existing workers and volunteers should be verified online as they are phased in to the new Check. The only way to accurately determine a person's clearance status is by verifying their Working With Children Check online; paper evidence of a clearance should not be accepted.

SOURCES

- Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- Katoomba Leura Preschool's Policy Handbook and Staff Handbook contains additional information and attachments relating to staffing, including sample position descriptions, an induction (staff orientation) checklist and professional development planning and performance review information.
- National Early Years Learning Framework: www.deewr.gov.au/earlychildhood/policy_agenda/quality/pages/earlyyearslearningframework.aspx
- Working with Children Check – Kids Guardian : http://www.kidsguardian.nsw.gov.au/ArticleDocuments/183/Information_for_employers_Jan2015.pdf.aspx?Embed=Y

RELATED 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
- Determining Responsible Person Policy
- Curriculum (Pedagogy) Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Participation of Volunteers and Students Policy
- Privacy and Confidentiality Policy
- Supervision of Children Policy

STRATEGIES

Our Service will endorse the appropriate number of educators to children, taking into consideration qualification requirements and experience, which meet National Regulations and Standards.

Qualifications for Centre based Services with children preschool age or under

- Our Service will comply with the National Quality Framework and ensure 50 percent of Educators meet the relevant Diploma qualification requirement, or be actively working towards an approved diploma level education and care qualification.
- All other Educators are required to have at least an approved certificate III level education and care qualification or be actively working towards their qualification.

Actively working towards:

Definition: An Educator who is enrolled in a course for an approved Early Childhood qualification.

- The Educator is required to provide documentary evidence of their course, training plan and progress towards completion of the course.
- Individuals actively working towards an approved qualification may be counted towards qualification requirements.
- Our Service will ensure we communicate with the Educator's RTO to ensure the Educator successfully completes their qualification.
- We will support the Educator in completing their qualification through mentoring and assistance.

Early Childhood Teacher

An Early Childhood Teacher is a person with an approved early childhood teaching qualification in accordance with ACECQA. A record must be kept containing the period the early childhood teacher is working directly with children.

- Our Service will comply and will engage and have access to an Early Childhood Teacher based on the number and age of children at the Service.

Educational Leader

The Educational Leader has an influential role in inspiring, motivating, affirming and challenging or extending the practice and pedagogy of Educators. It is a joint endeavour involving inquiry and reflection, which can significantly impact on the important work Educators do with children and families.

- The Approved Provider will nominate a qualified and experienced Educator to take on the Educational Leader role and responsibilities.
- The Educational Leader will keep a record about how they mentor and guide Educators of the Service to ensure continuous improvement.
- The Educational Leader will guide Educators to provide a compliant program.

Nominated Supervisor

The Nominated Supervisor is a suitable person appointed by the Approved Provider who is placed in day-to-day management of an approved Service. Nominated Supervisors have a range of responsibilities under the National Law and Regulations including programming, supervision and safety of children, entry to and exit from the premises, food and beverage, administration of medication, excursions, staffing, sleep and rest.

- The Nominated Supervisor is responsible for the day-to-day management of the Service, ensuring compliance with the National Law, Regulations and National Standards.
- The Nominated Supervisor will accept the role in writing, to ensure they have a clear understanding about their role and responsibilities.
- The Nominated Supervisor will ensure the Service program is reflective of the approved learning

framework, incorporate the children's developmental needs, interests and experiences and consider the individual differences of each child.

- The Nominated Supervisor will adhere to Service policies ensuring a safe and healthy environment is provided.

Responsible Person

A Responsible Person is required to be physically present at the Service at all times that children are being educated and cared for. The Responsible Person will be the Approved Provider, or a person with management or control placed in day-to-day charge of the Service. The Responsible Person must be at least 18 years old and have adequate knowledge and understanding of the provision of education and care to children.

- Our Service will ensure there is always a Nominated Supervisor or Responsible Person on the premises when children are being educated and cared for.
- Our Service will clearly communicate the Responsible Person on duty, which will be displayed in the foyer area for families, educators, staff and visitors.
- The Responsible Person will adhere to Service policies and procedures and maintain a safe and healthy environment for children.
- The Responsible Person will always act with professionalism when dealing with children, educators, visitors and families.

Approved First Aid Qualifications

- Educators and Management are required to have an ACECQA approved first aid qualification, anaphylaxis management, and emergency asthma management training. Approved qualifications are published on the ACECQA website.
- It is the Staff and Educators responsibilities to ensure they maintain up to date First Aid, Asthma, and Anaphylaxis Training, providing the Service with the certificate of completion.

Working with Children Check

A working with children check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct. The result of a working with children check is either a clearance to work with children for five years or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

- To comply with National Regulations for those undertaking paid, or voluntary child-related work will acquire a Working with Children Check, which will be verified by the Service to protect the safety of children.
- Management will verify all Working With Children Checks to ensure the children are protected.
- Management will keep a record of the expiry date of the Working With Children Check for all staff.

Staff Record

- Approved Services must keep information about the Nominated Supervisor, Educational Leader, Staff, Volunteers, Students and the Responsible Person at the Service.
- Details must include evidence of staff working directly with children, qualifications, training and Working with Children Check.
- All Staff, Educators, Students, Volunteers and Visitors are required to sign in and out each day.

Supervision

Definition: Supervision refers to the action of supervising someone or something.

- Educators, who are supervising children, should ensure they are positioned where they can see as much of the environment as possible. Where there are water activities or high-risk experiences, close supervision is required.
- Older children will be supervised whilst sleeping or resting.
- Children will be supervised when hand washing and during toileting/nappy change times.
- Educators are required to adhere to the Service's Supervision Policy and supervision plans to maintain effective supervision.
- Educators will interact with children where pedagogically appropriate whilst supervising.
- Supervising Educators will give their complete attention to the children and not perform other duties or tasks.

Adequate Supervision:

Adequate supervision is a consideration for any part of the Service premises where children are educated and cared for, and is part of every educator's *Duty of Care*. Educators are required to ensure that children are in sight and/or hearing at all times, demonstrating the best interest of children is being provided. This includes toileting, sleep, rest, nappy changing and transition routines.

- Our Service will comply with educator to child ratios outlined in National Legislation and National Quality Standard.
- Educators will always be able to observe each child, respond to individual needs and attend to children as necessary.
- Educators will adjust their level of supervision depending on the area of the Service and the skills, age, dynamics and size of the group of children being supervised.
- Educators will communicate with other Staff and Educators about their supervision points, offer advice and aid to ensure children's safety is upheld at all times.
- When supervising outdoors Educators will position themselves so as to be able to see as much of the play area as possible.
- Unless discussing child or Service concerns, educators will not congregate together either inside or outside.

Working directly with children

National Regulations state that an Educator cannot be included in calculating the Educator to child ratio of a Centre based Service unless the Educator is working directly with children. A record must be kept of Educators working directly with children which includes the name of each Educator and hours each Educator works directly with children being educated and cared for by the Service.

- To ensure compliance with regulations, we will only include Educators in the educator to child ratio who are working directly with the children.

Rosters

- Our Service will ensure the roster and routine provides adequate supervision of children at all times.
- Rosters will be created to ensure the children receive continuity of care.
- Where applicable, casual staff will be chosen from a team of regular Educators with whom the children are familiar.

Volunteers and Students

- At no time will volunteers and students be left alone with a child or group of children, or be included in the educator to child ratio.
- All Volunteers and Students will be inducted into the Service to ensure they adhere to the Service policies and procedures.

Privacy

- Educators will adhere to the Service's privacy and confidentiality policy and Privacy Law in relation to children or matters relating to the Service and will at no time take part in inappropriate or unlawful conversations or discussions.
- The Nominated Supervisor will ensure that students and volunteers are made aware of the Services privacy and confidentiality policy and Privacy Law during their initial induction.

Educator to Child Ratios

Our service will meet the minimum child ratio requirements as stated below

STATE	AGE	Educator to Child Ratio
NSW	Over 36 months of age or over (not including children over pre-school age)	1 Educator to 10 children

ROLES & RESPONSIBILITIES

The Approved Provider is responsible for:

- ensuring 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)
- ensuring 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
- taking all reasonable steps to ensure children's safety and wellbeing is protected when identifying individuals to fill supervisory roles at the service (Nominated Supervisor or Responsible Person). These include:
 - obtaining a statement from the person about their compliance history (see attachment A) e.g. whether they have ever had an individual supervisor certificate suspended, cancelled or limited by a condition, or have been subject to any other compliance or disciplinary actions under a children's services law, education law, or a previous education and care services law, in any state or territory
 - ensuring the person is fit and proper (and has a satisfactory working with children clearance)
 - ensuring that the nominated supervisor and any person placed in day to day charge of the service has suitable skills, qualifications, experience and age to perform the roles
 - ensuring that all Responsible Persons are at least 18 years of age.
- ensuring that the Nominated Supervisor, Early Childhood Educators and staff comply with the Code of Conduct Policy at all times
- ensuring 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
- complying with the legislated educator-to-child ratios at all times
- ensuring that all staffing meets the requirements of the National Law, National Regulations and the Katoomba Leura Preschool policy and procedures at all times the service is in operation
- complying with current legislation relating to the employment of staff
- employing the relevant number of appropriately-qualified educators (refer to Definitions). Qualifications must be approved by ACECQA (refer to Background and Sources)
- employing additional staff, as required, to provide 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
- appointing an appropriately-qualified and experienced educator to be the Educational Leader (refer to Definitions), and ensuring this is documented on the staff record
- 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), including information about the Nominated Supervisor, the Educational Leader, other staff members, volunteers, students and the Responsible Person. Details that must be recorded include qualifications, training and the Working with Children Check
- complying with the requirements of the Child Protection (Working with Children) Act 2012 (NSW), and ensuring that the Nominated Supervisor, Certified Supervisor, educators, staff, volunteers and students on placement at the service have a current Working with Children Check (refer to Definitions)
- ensuring that the Working with Children Check have been verified and the details kept on each staff record
- completing a fit-and-proper assessment (refer to Definitions) in accordance with the Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011. A fit-and-proper assessment must be completed for each person with management or control of Katoomba Leura Preschool (Members of the Executive Committee - the Approved Provider)
- determining who will cover the costs of Working with Children Checks or criminal history record checks (refer to Definitions)

- developing (and implementing, where relevant) an appropriate induction program for educators and all staff appointed to the service
- 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 employed are 18 years of age or over
- 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. Details of qualifications and training must be kept on the staff record
- 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 updated annually, as new information is provided or when rostered hours of work are changed
- ensuring that annual appraisals and performance reviews of educators and other staff are undertaken
- reviewing staff qualifications as required under current legislation and funding requirements on an annual basis
- ensuring that the Nominated Supervisor, 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 (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 (refer to 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 is responsible for:

- providing written consent to accept the role of Nominated Supervisor
- ensuring that, in their absence from the service premises, another person who meets the requirements of a Responsible Person (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
- 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 and meet the minimum requirements as stated below. Note the numbers of children referred to in this section does not include children being cared for in an emergency for no more than two consecutive days the service operates.
 - For children aged over 36 months and less than 6 years the educator to child ratio will be 1 educator to 10 children.
 - When an early childhood teacher (ECT) is required to be in attendance at the service as per the licensed places of our service, that teacher will be counted as an educator at the service
 - At all times we will consider the needs of the children and provide adequate supervision.

Early Childhood Teacher (ECT) will be employed as per the following minimum requirements:

- One ECT must be in attendance at all times when the Preschool is educating and caring for between 30 to 39 children preschool aged.

- Two ECTs must be in attendance at all times that the service is educating and caring for 40 to 59 children preschool aged.
- Three ECTs must be in attendance at all times the service is educating and caring for 60 to 79 children preschool aged.

If an ECT is sick or absent, services can cover the absence with a person who holds:

- an approved Diploma level education and care service qualification or
- a qualification in primary teaching.

If the period is over 12 weeks, the service will engage another ECT.

- ensuring that each educator at the service meets the qualification requirements relevant to their role, including the requirement for current approved child protection qualifications, first aid qualifications, anaphylaxis management training and emergency asthma management training, and that details of such training is kept on the staff record
 - At least 50% of educators who work directly with children and are included in our educator to child ratios must have or be actively working towards an approved Diploma level education and care qualification.
 - All other educators who work directly with children and are included in our educator to child ratios must have or be actively working towards an approved Certificate III level education and care qualification.
 - To be actively working towards a qualification, a person must be enrolled in the course and provide written evidence that they:
 - a) have commenced the course
 - b) are making satisfactory progress
 - c) meet the requirements to maintain enrolment .
 - If they are working towards a diploma qualification, they must also hold an approved Certification III qualification or have completed approved Certificate III units or have completed 30% of the units in an approved ECT qualification.
- developing rosters in accordance with the availability of Responsible Persons, staff qualifications, hours of operation and the attendance patterns of children. Nominated Supervisor will ensure rosters comply with award requirements by:
 - posting or display a staff roster where it can be easily accessed by all employees
 - discussing any potential changes to the roster with affected staff members first, and consider their views about the impact of changes
 - only change an employee's rostered hours if:
 - the employee agrees to the change or
 - they give the employee seven days notice

This does not apply in an emergency where there is an imminent or severe risk to people at the service or the service premises need to be locked down. An emergency does not include a parent being late to collect a child.

- 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 (refer to Participation of Volunteers and Students Policy)

- ensuring that less experienced educators and others engaged to be working with children are adequately supervised
- ensuring educators employed are 18 years of age or over
- providing details of their current Working with Children Check for the staff record
- sighting, verifying and recording details of current Working with Children Checks 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 (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.

Early Childhood Educators and staff are responsible for:

- meeting the qualifications, experience and management requirements if they wish to exercise supervisory and leadership responsibilities (Responsible Person), as defined in the National Regulations
- 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 Working with Children Check for verification and the staff record
- renewing their Working with Children Check assessment every five years
- undertaking the required induction program following appointment to the service
- adequately supervising children at all times (refer to Definitions and Supervision of Children Policy)
 - Educators supervising outdoors, should position themselves to see as much of the play area as possible.
 - An educator should be positioned close to the climbing frame as often as possible.
 - If children are outside at the conclusion of the day, an educator should be positioned at the entry gate.
 - One educator at all times, should closely supervise any water activity, including the riverbed.
 - Except for necessary discussions or concerns regarding children or matters relating to the Service, educators will not congregate together outside.
 - When children are resting or sleeping they will be supervised.
 - During hand washing and/or toilet times children will be supervised in the bathroom area.
 - No child is to be left unattended at the table when eating.
 - Educators will ensure team members know when they leave the room or area, or finish their shift, and are aware of any particular issues that may require additional oversight of children. They will do this verbally and there must be acknowledgement by the other educator prior to leaving the environment. The register of educators working with children will be completed if the educator is leaving for any length of time.
- 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 child protection training, first aid qualifications, anaphylaxis management training and emergency asthma management training
- participating in an annual appraisal and 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 (refer to Child Safe Environment Policy).

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

- reading this Staffing Policy
- 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.

ATTACHMENTS

- Attachment 1: Placing a responsible in day to day charge of an education and care service in accordance with regulation 117A of the Education & Care Services National Regulations
- Attachment 2: Compliance History Statement For A Responsible Person (A Nominated Supervisor Or Person In Day-To-Day Charge (PIDTDC)
- Attachment 3: Appointment as an Educational Leader
- Attachment 4: Prohibition Notice Declaration

MONITORING, EVALUATION AND REVIEW

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 2 years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

Policy Reviewed by: Alison Staniford

Approved by: Management Committee

Date: 4th March 2019

Next Review Date: 4th March 2021

ATTACHMENT 1

Placing a responsible in day to day charge of an education and care service in accordance with regulation 117A of the Education & Care Services National Regulations

In accordance with regulation 117A of the Education and Care Services National Regulations, I <insert name>, the approved provider / nominated supervisor <delete which is not relevant> of <insert service name> designate <insert name of responsible person> to be placed in day-to-day charge of this service in the absence of the approved provider and nominated supervisor.

INSERT FULL NAME

I declare that that this person:

- meets the following definition for a service supervisor certificate
 - a person employed or engaged by an approved provider to be responsible for the day to day management of an approved education and care service
 - a family day care co-ordinator
 - a person employed or engaged by an approved provider to exercise supervisory and leadership responsibilities in relation to a section of an approved education and care service providing education and care to children
- has a current child protection clearance which meets the requirements of the National Law and Regulations and a copy is on their file
- has declared they have never been subject to any compliance action or disciplinary proceedings under the Education and Care Services National Law or Regulations or State or Territory specific early childhood laws (*Supervisor to complete ACECQA Compliance History Statement template attached*)
- is at least 18 years old
- has suitable skills and experience for supervising the service.

Signature _____

Print Full Name _____

Approved Provider / Nominated Supervisor

Date _____

I accept the position of Person placed in day-to-day charge of this service in the absence of the approved provider and nominated supervisor

Signature _____ Print Full Name _____

Date _____

**COMPLIANCE HISTORY STATEMENT FOR A RESPONSIBLE PERSON
(A NOMINATED SUPERVISOR OR PERSON IN DAY-TO-DAY CHARGE (PIDTDC))**

1. Please tick the relevant box:

Appointment of Nominated Supervisor

Appointment of Person in Day to Day Charge

2. Please provide information about any compliance action or disciplinary proceedings to which you have been subject under:

- a) the Education and Care Services National Law, including the Education and Care Services National Regulations, and
- b) any of the laws listed at Table 1. below, in any Australian state or territory.

.....
.....
.....
.....
.....

3. Have you ever had a supervisor certificate that was subject to any conditions or suspended or cancelled by the regulatory authority?

- No
- Yes – please provide details below

.....
.....
.....
.....
.....

4. Are you or have you ever been subject to a prohibition notice under the Education and Care Services National Law?

- No
- Yes – please provide details below

.....
.....
.....

5. Have you previously held the role of Responsible Person at a Guardian centre?

- No
- Yes – please provide details below

Centre Name:

Time Period:

Why were you removed from being a Responsible Person?

.....
.....

If you were removed due to any disciplinary action or unsuitability, please attach to this document your professional learning plan.

6. Responsibilities of the Nominated Supervisor or person in day-to-day charge (PIDTDC)

The Nominated Supervisor has a range of legal responsibilities under the Education and Care Services National Law and Regulations that govern the operation of our centres. As the Nominated Supervisor or a person in day-to-day charge (PIDTDC), you are responsible for ensuring that these things always happen.

Please indicate your understanding of these responsibilities by ticking the box against each of the following legal requirements.

Educational Program and Practice

The Nominated Supervisor or PIDTDC is responsible for ensuring:

- a program is delivered to all children being educated and cared for by the service that is
 - based on an approved learning framework
 - is delivered in accordance with that approved learning framework
 - is based on the developmental needs, interests and experiences of each child
 - is designed to take into account the individual differences of each child (see section 68 of the National Law for more information)

- an educational program is to contribute to the following outcomes for each child
 - the child will have a strong sense of identity
 - the child will be connected with and contribute to his or her world
 - the child will have a strong sense of wellbeing
 - the child will be a confident and involved learner
 - the child will be an effective communicator (see regulation 73 for more information)

Children's Safety

The Nominated Supervisor or PIDTDC is responsible for ensuring:

- all children being educated and cared for by the service are adequately supervised at all times (see section 165 of the National Law for more information)

- every reasonable precaution must be taken to protect children from harm and from hazards likely to cause injury (see section 167 of the National Law for more information)

Health, Hygiene and Safe Food Practices

The Nominated Supervisor or PIDTDC is responsible for ensuring:

- adequate health and hygiene practices and safe practices for handling, preparing and storing food must be implemented at the service (see regulations 77 and 168 for more information)

- children have access to safe drinking water at all times and are offered food and beverages on a regular basis through the day. Food and beverages must be appropriate to the needs of each child (see regulations 78 – 79, 168)

the service provides food and beverages (other than water), a weekly menu that accurately describes the food and beverages is provided by the service each day is displayed where parents can access it (see regulation 80 for more information)

the menu should include enough detail to inform parents about what food and beverages will be offered. If the menu changes, parents should be informed of the substitute menu item offered to their child. (see regulation 80 for more information)

reasonable steps to ensure children's needs for sleep and rest are met, having regard to each child's age, developmental stages and needs. (see regulations 81 and 168 for more information)

they do not consume alcohol or be affected by alcohol or drugs (including prescription medications) that may impair their capacity to provide education and care to children at the service (see section 167 of the National Law and regulations 82-83 for more information)

medication is not administered to a child at a service unless it is authorised and administered in accordance with the requirements of regulations 95 or 96

that a child being educated and cared for by the service does not leave the premises except where the child:

- is given into the care of a parent, an authorised nominee named in the child's enrolment record or a person authorised by a parent or authorised nominee, or
- leaves in accordance with the written authorisation of the child's parent or authorised nominee, or
- is taken on an excursion with written authorisation from a parent or authorised nominee, or
- is given into the care of a person or taken outside the premises because the child requires medical, hospital or ambulance care or treatment, or because of another emergency.

a risk assessment is carried out before children are taken out on an excursion. Authorisation must also be obtained from parents and authorised nominees (see regulations 99 – 100 Section 167 for more information)

Responsible Person

The Nominated Supervisor is responsible for ensuring:

where they place a person in day to day charge of a service they meet minimum requirements to be appointed to the role (see Sections 5 (1), 162, Regulation 117Am 117B for more information)

Educator Qualifications

The Nominated Supervisor or PIDTDC is responsible for ensuring:

the service is meeting the minimum qualification requirements for Early Childhood Teacher, Diploma and Certificate III (see Section 169 of the National Law for more information)

the required educator to child ratios are met at all times (see Section 169 of the National Law for more information)

Relationships with Children

The Nominated Supervisor or PIDTDC is responsible for ensuring:

no child being educated and cared for by the service is subject to any form of corporal punishment, or any discipline that is unreasonable (see Section 166 of the National Law for more information)

Collaborative Partnerships with Families and Communities

The Nominated Supervisor or PIDTDC is responsible for ensuring:

a parent whose entry would pose a risk to the safety of the children and staff of the service is not allowed to enter the service premises (see Regulation 157 for more information)

entry to the service premises by a parent is not allowed where it conflicts with any duty of the provider, supervisor, or educator under the National Law (see Regulation 157 for more information)

a parent’s entry is not allowed where they reasonably believe it would contravene a court order (see Regulation 157 for more information)

Supervising unauthorised persons

The Nominated Supervisor or PIDTDC is responsible for ensuring:

an unauthorised person does not remain on the education and care service premises while children are being educated and cared for, unless the person is under the direct supervision of an educator or other staff member (see Section 170 of the National Law)

7. Have you ever held or applied for a license, approval, registration, certification or other authorisation under the National Law which the regulatory authority refused, refused to renew, suspended, or cancelled?

No

Yes – please provide details below

.....
.....
.....
.....
.....

Katoomba Leura Preschool, (as the Approved Provider) nominate, [insert full name]

..... of [insert address]

.....

and born on [insert date of birth]/...../..... accept the nomination as (insert Nominated Supervisor or Person in day-to-day charge)

..... I

declare that:

1. the information provided in this statement is true and complete;
2. I am 18 years of age or older;
3. I am aware that I may be subject to penalties under a Commonwealth or State or Territory Act if I provide false or misleading information;
4. I believe I have the ability to effectively supervise and manage the education and care service (including the management of relationships with staff and families);
5. I as the Nominated Supervisor or person in day-to-day charge (PIDTDC) understand my

range of legal responsibilities under the Education and Care Services National Law and Regulations that govern the operation of our centres.

6. I have a current Child Protection qualification

Signature of person making the declaration:

Signed: Date/...../..... Signature of person witnessing this declaration

Name:.....

Position:

Signed:..... Date:/...../.....

Table 1	
Other relevant laws, including children’s services laws, education laws, and former education and care services laws in any Australian state or territory	
Australian Capital Territory	<i>Children and Young People Act 2008 Education Act 2004 Working with Vulnerable People (Background Checking) Act 2011</i>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998 Education Act 1990 Institute of Teachers Act 2004 Teaching Service Act 1980 Commission for Children and Young People Act 1998</i>
Northern Territory	<i>Care and Protection of Children Act Care and Protection of Children (Children’s Services) Regulations Education Act Teacher Registration (Northern Territory) Act and Regulations</i>
Queensland	<i>Child Care Act 2002 Child Care Act 1991 Education (Accreditation of Non-State Schools) Act 2001 Education (General Provisions) Act 2006 Education (Overseas Students) Act 1996 Education (Queensland College of Teachers) Act 2005 Higher Education (General Provisions) Act 2008 Commission for Children and Young People and Child Guardian Act 2000</i>
South Australia	<i>Children’s Protection Act 1993 Children’s Services Act 1985 Education Act 1972</i>
Victoria	<i>Children’s Services Act 1996 Children’s Services Regulations 2009 Education and Training Reform Act 2006</i>

**ATTACHMENT 3:
Appointment as an Educational Leader**

I am appointing you as the Educational Leader of Service Name in accordance with Regulation 118 of the Education and Care Services Regulation.

Educational Leaders have a responsibility to:

- lead and be part of reflective practice discussions about practice and implementing the learning framework
- create a shared vision for children’s learning
- motivate and mentor educators to effectively unite as a team and implement quality practice
- develop understanding in fellow educators on how each of the EYLF principles and practices contribute to high quality learning experiences
- discuss routines and how to make them more effective learning experiences
- observe child and educator interactions and make suggestions on how to improve interactions and intentional teaching
- talk to parents about the educational program
- work with other early childhood professionals and early childhood intervention specialists
- assist with documenting children’s learning and using these assessments to inform decision making

Print name

Approved Provider

Position

Signature

Date

Acceptance of Offer

I accept the position of Educational Leader and the additional duties and responsibilities of the position as outlined above.

Print Name

Signed

Date

Prohibition notice declaration for prospective staff members

- The declaration may be completed by any prospective staff member seeking employment or engagement with an education and care service
- This form is designed to support approved providers to ensure they do not engage or employ a person who is prohibited from working in an education and care service, in line with Section 188 of the Education and Care Services National Law
- Completed forms should be retained and stored by the approved provider to support compliance with Section 188 of the Education and Care Services National Law
- **Please note this form does not need to be lodged with the regulatory authority**

Part A: Personal details

1. Please complete the following:

Title: First name:
Last name: Mobile number:
Phone number: Date of birth: / /
DD/MM/YYYY
Email:
Address:
Suburb/Town:
State/Territory: Postcode:

2. Please provide details of any former names or other names you may be known by: _____

3. Are you currently subject to a prohibition notice under the Education and Care Services National Law? Yes No

Please note that under section 187 of the Education and Care Services National Law, a person who is subject to a prohibition notice is not allowed to work for or be engaged by an education and care service or carry out any other related activity.

4. Are you currently prohibited or restricted from working with children under any other law? Yes No

Part B: Declaration

I, [insert full name of person signing the declaration] declare that:

1. the information provided on this form is true, complete and correct
2. the approved provider or a representative of the approved provider is authorised to verify any information provided in this form
3. I am aware that under the Education and Care Services National Law penalties apply if false or misleading information is provided.

Signature of person making the declaration:

Signed at: on the
[place] [date]

Signature of witness: _____ Name of witness: _____

