



## **STAFFING POLICY**

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### **Mandatory – Quality Area 4**

### **PURPOSE**

This policy provides guidelines for engaging staff at Gumnuts Early Learning Centre (GELC), 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.

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

- *Code of Conduct Policy*
- *Determining Responsible Person Policy*
- *Participation of Volunteers and Students Policy*

### **POLICY STATEMENT**

#### **1. VALUES**

GELC 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*.
- continuity of educators at the service
- the further development of staff

#### **2. SCOPE**

This policy applies to the Committee of Management (COM), Nominated Supervisor, Person in day to day charge, Early Childhood Teachers, educators, other staff, students on placement and volunteers at GELC.

#### **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.

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.

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*).

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*).

### **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*
- *National Quality Standard, Quality Area 4: Staffing Arrangements*
- *Privacy Act 1988* (Cth)
- *Privacy and Data Protection Act 2014* (Vic)
- *Working with Children Act 2005* (Vic)
- *Working with Children Regulations 2006* (Vic)

## **4. DEFINITIONS**

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. COM, 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 COM 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) 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.

**The Kindergarten 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 COM of the service under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The COM must take reasonable steps to ensure the Nominated Supervisor is a fit and proper person (refer to *Definitions*), 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.

**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 COM (if that person is an individual, and in any other case the person with management or control of the service operated by the COM) 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.

**Staff record:** A record which the COM 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.

**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 teachers in Victorian government schools, Catholic schools and independent schools are required to be registered with the VIT in order to practise in their profession. An amendment to the Education and Training Reform Act 2006 introduced in 2014 requires early childhood teachers to be registered with the Victorian Institute of Teaching from 30 September 2015.

**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.

## 5. SOURCES AND RELATED POLICIES

### Sources

- Australian Children's Education and Care Quality Authority (ACECQA): [www.acecqa.gov.au](http://www.acecqa.gov.au)
- ELAA's *Early Childhood Management Manual* 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. Available from: [www.elaa.org.au](http://www.elaa.org.au)
- The Kindergarten Guide (Department of Education and Training): <http://www.education.vic.gov.au/childhood/providers/funding/Pages/kinderfundingcriteria.aspx>
- National Early Years Learning Framework : [http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging\\_being\\_and\\_becoming\\_the\\_early\\_years\\_learning\\_framework\\_for\\_australia.pdf](http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging_being_and_becoming_the_early_years_learning_framework_for_australia.pdf)
- *Victorian Early Years Learning and Development Framework:* <http://www.education.vic.gov.au/childhood/providers/edcare/pages/profresource.aspx>
- Working with Children Check unit, Department of Justice – provides details of how to obtain a WWC Check: [www.justice.vic.gov.au/workingwithchildren/](http://www.justice.vic.gov.au/workingwithchildren/)
- Victoria Police – National Police Record Check: [www.police.vic.gov.au/content.asp?Document\\_ID=274](http://www.police.vic.gov.au/content.asp?Document_ID=274)



## Service policies

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

## PROCEDURES

### The COM is responsible for:

- ensuring the service has a service supervisor certificate (refer to *Definitions*)
- 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
- ensuring that the Nominated Supervisor, Certified Supervisors, educators and all 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 (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 National Law, National Regulations and *the Department of Education and Training as outlined in The Kindergarten Guide* (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*) with qualifications endorsed by ACECQA (refer to *Background* and *Sources*) (Regulations 126, 361)
- 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* (Regulations 14, 15, 16). Where the Approved Provider is not an individual, a fit-and-proper assessment must be completed for each person with management or control of a service e.g. for the executive members of a Committee of Management
- determining who will cover the costs of Working with Children Checks or criminal history record checks (refer to *Definitions*)
- 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 annual performance reviews of educators and other staff are undertaken



- ensuring that the Nominated Supervisor, is 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 *Child Safe Environment Policy*)

**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, a trained and authorised person 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 that Educators and other staff are provided with a current position description for their role at the service
- maintaining a staff record (refer to *Definitions*) in accordance with Regulation 145, 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 (Regulations 146–149). A sample staff record is available on the ACECQA website
- complying with the requirements of the *Working with Children Act 2005*, and ensuring that all, staff, volunteers and students on placement at the service have a current Working with Children Check (refer to *Definitions*) or a Victorian Institute of Teaching (VIT) certificate of registration
- ensuring that the Working with Children Check or VIT registration have been sighted and the details kept on each staff record (Regulations 145, 146, 147)
- 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 (Regulations 145–151)
- reviewing staff qualifications as required under current legislation and funding requirements on an annual basis
- developing (and implementing, where relevant) an appropriate induction program for educators and all staff appointed to the service
- 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 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 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 (Regulations 136, 145)
- ensuring that the 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 adequate supervision of children at all times (refer to *Supervision of Children Policy*)
- 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 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)
- ensuring the educator-to-child ratios are maintained at all times
- ensuring 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, staff qualifications, hours of operation and the attendance patterns of children
- 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.
- ensuring that all educators and staff have opportunities to undertake professional development relevant to their role to maintain and expand their knowledge and expertise
- participating in annual performance reviews
- 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 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 Working with Children Check or VIT registration for the staff record
- sighting and recording details of current Working with Children 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 (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.

**Person in day to day charge is responsible for:**

- providing written consent to accept the role of Certified Supervisor
- informing the 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*).

**Person in day to day charge, Early Childhood Educators, educators and other staff are responsible for:**

- meeting the qualifications, experience and management requirements to be nominated as a Person in day to day charge in accordance with 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 or VIT registration for the staff record
- renewing their Working with Children 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 (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 annual performance reviews
- undertaking professional development relevant to their role to maintain and expand their knowledge and expertise
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent
- 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*).

**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.

## **EVALUATION**

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

- Have regularly checked to ensure the Nominated Supervisor has staff records to ensure Working with Children Checks and qualifications are current and complete
- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- 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.

## **ATTACHMENTS**

Nil

## **AUTHORISATION**

This policy was adopted by the COM of GELC on 28<sup>th</sup> August 2019.

Review date: **August 2020**