

Staffing Policy

1. Policy Statement

Values

NERPSA 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

This policy will provide guidelines for engaging staff with NERPSA 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.

2. Scope

This policy applies to staff, volunteers and students on placement at NERPSA cluster kindergartens.

3. Background and Legislation

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 (*The Kindergarten 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, 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, ELAA recommends **all educators** have current approved first aid qualifications, anaphylaxis management training and emergency asthma management training.

It is essential that all educators and other adults engaged to work directly with children are provided with opportunities to learn and develop new skills in relation to supporting the learning and development of young children. Such opportunities can arise when more qualified and experienced educators offer guidance and feedback to other educators. Opportunities for professional development are 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)* 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. 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 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 (Regulation 358).

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.

Relevant legislation and standards include but are not limited to:

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Equal Opportunity Act 2010 (Vic)

Fair Work Act 2009

Education and Training Reform Act 2006 (Vic) (amended in 2014)

Privacy and Data Protection Act 2014 (Vic)

Occupational Health and Safety Act 2004

Occupational Health and Safety Regulations 2007

Privacy Act 1988 (Cth)

Working with Children Act 2005 (Vic)

Working with Children Regulations 2006 (Vic)

4. 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.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

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 Early Childhood Development (DEECD) about: the types of kindergarten funding available, eligibility criteria, how to apply for funding and how to comply with operational requirements once funding has been granted.

Nominated Supervisor: A person who has been nominated by the Approved Provider of the service under Part 3 of the Act 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 Approved Provider 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..

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.

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.

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 NERPSA Policies

Australian Children's Education and Care Quality Authority (ACECQA): 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

The Kindergarten Guide (Department of Education and Early Childhood Development):

<http://www.education.vic.gov.au/childhood/providers/funding/Pages/kinderfundingcriteria.aspx>

National *Early Years Learning Framework*: <http://education.gov.au/early-years-learning-framework>

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/

Victoria Police – National Police Record Check: www.police.vic.gov.au/content.asp?Document_ID=274

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

6. Procedures

NERPSA is responsible for:

- 6.1. 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*)
- 6.2. Ensuring that there is a Responsible Person on the premises at all times the service is in operation
- 6.3. Ensuring that all staff comply with the *Code of Conduct Policy* at all times
- 6.4. Ensuring that children being educated and cared for by the service are adequately supervised at all times they are in the care of that service (National Law: Section 165(1))
- 6.5. Complying with the legislated educator-to-child ratios at all times (National Law: Sections 169(1) & (3), National Regulations: Regulations 123, 355, 357, 360)
- 6.6. Ensuring that all staffing meets the requirements of the National Law, National Regulations and *the Department of Education and Early Childhood Development* as outlined in *The Kindergarten Guide* at all times the service is in operation
- 6.7. 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
- 6.8. Employing the relevant number of appropriately-qualified educators. Qualifications must be approved by ACECQA (Regulations 126, 361)
- 6.9. Employing additional staff, as required, to provide a quality early childhood education and care program
- 6.10. Ensuring an early childhood teacher 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)
- 6.11. Appointing an appropriately-qualified and experienced educator to be the Educational Leader and ensuring this is documented on the staff record (Regulations 118, 148)

- 6.12. Ensuring that staff are provided with a current position description that relates to their role at the service
- 6.13. Maintaining a staff record 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
- 6.14. 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 or a Victorian Institute of Teaching (VIT) certificate of registration
- 6.15. 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)
- 6.16. Determining who will cover the costs of Working with Children Checks or criminal history record checks
- 6.17. Developing (and implementing, where relevant) an appropriate induction program for all staff appointed to the service
- 6.18. 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
- 6.19. Ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (Regulation 120)
- 6.20. Ensuring that there is at least one educator with current approved first aid qualifications, anaphylaxis management training and emergency asthma management training 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)
- 6.21. Developing procedures to ensure that staff are provided with the opportunity to update their qualifications prior to expiry
- 6.22. Ensuring that staff records and a record of educators working directly with children are updated annually, as new information is provided or when rostered hours of work are changed (Regulations 145–151)
- 6.23. Ensuring that annual performance reviews of staff are undertaken
- 6.24. Ensuring that 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)
- 6.25. Ensuring that all educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current
- 6.26. Ensuring that staff are advised and aware of current child protection laws and any obligations that they may have under these laws (Regulation 84)
- 6.27. Developing and maintaining a list of casual and relief staff to ensure consistency of service provision

The Nominated Supervisor is responsible for:

- 6.28. Providing written consent to accept the role of Nominated Supervisor
- 6.29. 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

Educators are responsible for:

- 6.30. Complying with the service's *Code of Conduct Policy* at all times
- 6.31. Ensuring adequate supervision of children at all times
- 6.32. 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)
- 6.33. Providing details of their current Working with Children Check or VIT registration for the staff record
- 6.34. Renewing their Working With Children Check assessment every five years or VIT registration annually
- 6.35. 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
- 6.36. Ensuring the educator-to-child ratios are maintained at all times
- 6.37. Ensuring educators who are under 18 years of age are not left to work alone and are adequately supervised at the service
- 6.38. Ensuring that they are aware of current child protection laws and any obligations that they may have under these laws

Parents/guardians are responsible for:

- 6.39. Complying with the law, the requirements of the *Education and Care Services National Regulations 2011*, and all service policies and procedures
- 6.40. Following the directions of staff at the service at all times to ensure that the health, safety and wellbeing of children are protected.

7. Evaluation

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

- Seek feedback regarding the effectiveness of the policy
- 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.

8. Authorisation

The policy was adopted by NERPSA on August 8th 2010.

9. Review Date

The policy shall be reviewed every three years from date of adoption.