

Staffing Arrangement Policy and Procedure

Quality Area 4



Purpose

The service is committed to providing an environment that fosters the growth, independence and development of children while protecting their health, safety and wellbeing. This includes the implementation of policies and procedures relating to arrangements for staffing at the service.

The purpose of this policy is to provide clear guidelines for engaging staff, including employing sufficient numbers of educators to meet legislative requirements and policy standards, ensuring that those educators employed have the required qualifications and experience, providing appropriate supervision and support to staff and other adults at the service, and complying with legislation relating to Working With Children Check (WWCC), Victorian Institute of Teaching (VIT) registration and meeting the Child Safe Standards.

Scope

This policy applies to children, families, staff, volunteers and visitors at the service.

Background

High quality services with qualified, skilled and supported educators have a long-term positive impact on children's lives. Minimum qualification requirements are specified in legislation for all educators working in education and care services. Eligibility for services to receive funding also includes requirements for staff to hold specific qualifications.

All educators and staff are required by law to have a current WWCC and for teachers to be registered with the VIT. The Nominated Supervisor will be required to hold a national criminal history record check not older than six months.

Principles

The Service is committed to:

- ensuring the health, safety and wellbeing of children at the service while also promoting their learning and development
- fulfilling a duty of care to all children attending the service and complying with the National Law and Regulations.
- providing accountable and effective staffing and management practices.
- employing educators with a range of relevant qualifications and experience to deliver a quality educational program that meets the needs of children and families in the community
- employing educators in accordance with policy and funding requirements
- complying with relevant industrial agreements and current legislation in relation to the employment of staff and working conditions.

Roles and responsibilities

The Approved Provider of the Service will:

- comply with the required educator to child ratios, taking into consideration the ages of children, attendance of children, staff qualification requirements and experience
- ensure all staff understand, sign and adhere to the Code of Conduct.
- comply with the National Law and Regulations requirements for qualified educators and teachers. Ensure 50% 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 'suitably qualified persons' who are required to have at least an approved certificate III level education and care qualification or be actively working towards their qualification

- for any staff studying towards a qualification, provide guidance and support in completing their qualification and communicate regularly with their Registered Training Organisation to ensure the educator successfully completes units of competency and qualification.
- keep records of all staff qualifications and details of those actively working towards an early childhood qualification, including evidence of satisfactory progress
- Adhere to the requirements for access to an Early Childhood Teacher (ECT) with an approved early childhood teaching qualification where children are attending the service who are under school age:
 - if caring for fewer than 25 children per day, will ensure access to an ECT for at least 20% of the time the service provides education and care
 - if caring for more than 25 children per day, will ensure at least one ECT is in attendance for at least six hours on that day if the service operates for 50 or more hours a week; or for 60% of the operating hours of the service on that day if the service operates for less than 50 hours per week
 - if an ECT is absent due to a short term illness, leave or resignation, a person holding a primary teaching qualification or a person holding an approved diploma level qualification can be taken to be the ECT (up to 60 days in 12 months)
 - maintain records for when an ECT is in attendance at the service and when an ECT is replaced temporarily
 - if caring for fewer than 25 children per day, document the period an ECT is working with the service, working directly with children and not working directly with children but in attendance.
- nominate a qualified and experienced educator or teacher, in writing, to take on the role of Educational Leader
- appoint a Nominated Supervisor, in writing, who is at least 18 years of age, has completed Child Protection training, and does not have a history of non-compliance with the Education and Care National Law and other relevant laws.
- notify the Regulatory Authority of the appointment of a Nominated Supervisor and provide evidence of their suitability at least 7 days prior to them commencing in the role.
- display the name of the Nominated Supervisor, Educational Leader and Responsible Person in Day to Day Charge in a place that is visible to staff, families and visitors
- ensure that there is always a Nominated Supervisor or Responsible Person identified and on the premises when children are being educated and cared for and display this information in the reception area
- ensure that no volunteer or visitor is left alone with a child or a group of children or is included in the educator to child ratio
- conduct a proper induction for all staff including casual employees to ensure they are aware of how to manage medical conditions and to respond to a child in case of incident, injury, trauma or illness, and also aware of privacy laws and behaviour guidance
- ensure at least one staff member is in attendance and immediately available at all times who (or the Nominated Supervisor) holds current qualifications for first aid, anaphylaxis management and emergency asthma management training.
- ensure that the Nominated Supervisor, ECTs, educators, staff and volunteers are not affected by alcohol, prescribed medication or drugs that would impair their capacity to provide education and care to children
- review staff qualifications annually to ensure they continue to meet current legislation and funding requirements.
- ensure a roster of shifts is developed and provided to staff in advance of no less than 7 days.
- ensure any changes to shifts are communicated as soon as possible.
- ensure that volunteers and others undertaking work at the service (other than staff) meet any requirements for WWCCs and record and verify each person's WWCC
- verify all WWCCs before any staff, educators, or others are engaged at the service
- maintain records of WWCC for all staff, volunteers and others, including expiry dates
- ensure any notifications or concerns regarding a person's WWCC are recorded and steps taken immediately to ensure the person is not working directly with children
 - only include educators in the educator to child ratio who are working directly with the children and ensure a current roster with sign on/sign off records is available to verify this
- keep records indicating the period of time an ECT and each suitably qualified person is working directly with the children
- where possible, select casual staff from a pool of regular educators with whom the children are familiar with to provide continuity of care.

- ensuring any staff member under 18 years of age does not work at the service alone and is adequately supervised by an educator who is over 18 years of age
- undertake a rigorous recruitment process to select the best staff possible based on skills, qualifications, experience and suitability for the position available, this includes completing reference checks before offering employment
- ensure a comprehensive induction process and information including provision of all the service's policies and procedures, and any other information deemed necessary for new staff to be aware of before commencing employment
- securely keep accurate, confidential and up to date staff records at all times.

The Nominated Supervisor of the service will:

- accept the role in writing
- be responsible for day-to-day management of the service, ensuring compliance with the National Law, National Regulations, National Quality Standards and Family Assistance Law
- ensure the service's program is reflective of the approved learning framework, incorporates the children's developmental needs, interests and experiences, and considers the individual differences of each child
- adhere to service policies ensuring a safe and healthy environment is provided
- ensure that all persons undertaking work at the service are made aware of the service's Privacy Policy and privacy law during their induction
- ensure that less experienced ECTs, educators and others engaged to be working with children are adequately supervised
- make all staff aware of the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme
- provide leadership and effective communication- to all staff and volunteers

Responsible Person will:

- accept the position of Responsible Person in writing
- always act with professionalism when dealing with children, educators, visitors and families
- understand the operational requirements of the Education and Care National Law, Child Protection and other relevant laws.
- provide leadership, effective communication and guidance in the operation of the service in the absence of the Nominated Supervisor.
- The Educational Leader will:
 - accept the position of Educational Leader in writing
 - collaborate with educators in the development of clear goals for the role of Educational Leader that supports the delivery of a high standard of education and care.
 - play an active role in the Assessment and Ratings process and providing evidence that supports high quality rating result.
 - maintain records on mentoring and guidance provided to educators on program and practice strategies.
 - guide educators to provide a compliant and rich program

Educators will:

- if actively working towards a qualification, provide documentary evidence of the course, training plan and progress towards completion of the course
- maintain their first aid, anaphylaxis management and emergency asthma management training qualifications as required, provide the service with proof of these qualifications and ensure they participate in training prior to the expiration of their certification
- obtain a WWCC before undertaking paid child-related work
- adhere to the service's Supervision Policy and directions on engagement to maintain effective supervision

Induction and ongoing training

This policy will be accessible by service staff via the intranet and by families via the website. A hard copy of the policy will be available through the Service. Nominated supervisors are responsible for ensuring staff access to the policy and any supporting documents and undertake induction training prior to the policy being implemented. All service staff

are responsible for understanding and complying with this policy and ongoing training will be provided using a range of learning platforms.

Monitoring, evaluation and review

Monitoring of compliance with this policy and the related procedure will be overseen by the policy owner. The review process for this policy will begin eight (8) weeks prior to the scheduled review date and include a consultation period with families, educators, compliance team and any other relevant stakeholders and will be facilitated by the Policy Officer.

All service staff will receive communication about any changes in or review of the policy or procedure. Training will be provided where required to ensure an understanding of the changes. Families will be notified of any changes 14 days prior to the implementation. Breaches of this policy will be dealt with in line with the MACSEYE Code of Conduct.

Related policies

Responsible Person Policy

Record Keeping Policy

Child Safety and Wellbeing Policy

Confidentiality and Privacy Policy

Code of Conduct Policy

Legislative requirements

NATIONAL QUALITY STANDARDS (NQS)

Quality Area 4	Staffing Arrangements
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EDUCATION AND CARE SERVICES NATIONAL LAW REGULATIONS

Regulation 56	Notice of addition of nominated supervisor
Regulation 56A	Notice of change of a nominated supervisor's name or contact details
Regulation 161	Offence to operate education and care service without nominated supervisor
Regulation 161A	Offence for nominated supervisor not to meet prescribed minimum requirements
Regulation 162	Offence to operate education and care service unless responsible person is present
Regulation 162A	Persons in day-to-day charge and nominated supervisors to have child protection training
Regulation 169	Offence relating to staffing arrangements
Regulation 172	Offence to fail to display prescribed information
Regulation 56	Notice of addition of nominated supervisor
Regulation 56A	Notice of change of a nominated supervisor's name or contact details
Regulation 161	Offence to operate education and care service without nominated supervisor
Regulation 161A	Offence for nominated supervisor not to meet prescribed minimum requirements
Regulation 162	Offence to operate education and care service unless responsible person is present
Regulation 162A	Persons in day-to-day charge and nominated supervisors to have child protection training
Regulation 169	Offence relating to staffing arrangements
Regulation 172	Offence to fail to display prescribed information
Regulation 173	Offence to fail to notify certain circumstances to Regulatory Authority

EDUCATION AND CARE SERVICES NATIONAL LAW REGULATIONS

Regulation 174	Offence to fail to notify certain information to Regulatory Authority
Regulation 175	Offence relating to requirement to keep enrolment and other documents
Regulation 188	Offence to engage person to whom prohibition notice applies
Regulation 4 (1)	Definitions
Regulation 10	Meaning of <i>actively working towards</i> a qualification
Regulation 11	Meaning of <i>in attendance</i> at a centre-based service
Regulation 13	Meaning of working directly with children
Regulation 35	Notice of addition of new nominated supervisor
Regulation 83	Staff members and family day care educators not to be affected by alcohol or drugs
Regulation 84	Awareness of child protection law
Regulation 117A	Placing a person in day-to-day charge
Regulation 117B	Minimum requirements for a person in day-to-day charge
Regulation 117C	Minimum requirements for a nominated supervisor
Regulation 120	Educators who are under 18 to be supervised
Regulation 122	Educators must be working directly with children to be included in ratios
Regulation 123	Educator to child ratios – centre-based services
Regulation 126	Centre-based services – general educator qualifications
Regulation 126A	Illness or absence of a qualified educator who is required to meet the relevant educator to child ratio
Regulation 130	Requirement for early childhood teachers – centre-based services – fewer than 25 approved places
Regulation 131	Requirement for early childhood teacher—centre-based services—25 or more approved places but fewer than 25 children
Regulation 132	Requirement for early childhood teacher—centre-based services—25 to 59 children
Regulation 133	Requirement for early childhood teacher—centre-based services—60 to 80 children
Regulation 134	Requirement for early childhood teacher—centre-based services—more than 80 children
Regulation 135	Early childhood teacher illness or absence
Regulation 136	First Aid qualifications
Regulation 145	Staff Record
Regulation 146	Nominated Supervisor
Regulation 147	Staff Members
Regulation 148	Educational Leader
Regulation 149	Volunteers and Students
Regulation 150	Responsible Person
Regulation 151	Record of Educators working directly with children
Regulation 152	Record of access to early childhood teachers
Regulation 152A	Record of replacement of educator
Regulation 152B	Record of replacement of early childhood teacher or suitably qualified person
Regulation 168	Education and care services must have policies and procedures

RELATED LEGISLATIONS

Equal Opportunity Act 2010 (Vic)

Fair Work Act 2009 (Cth)

Occupational Health and Safety Act 2004 (Vic)

Privacy Act 1988 (Cth)

Privacy and Data Protection Act 2014 (Vic)

Worker Screening Act 2020 (Vic)

Definitions

Term	Meaning
Adequate supervision	<p>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 (National Law 165). 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.</p> <p>Adequate supervision refers to constant, active and diligent supervision of every child at the service. Adequate supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include:</p> <ul style="list-style-type: none"> • number, age and abilities of children • number and positioning of educators • current activity of each child • areas in which the children are engaged in an activity (visibility and accessibility) • developmental profile of each child and of the group of children • experience, knowledge and skill of each educator • need for educators to move between areas (effective communication strategies).
Approved first aid qualifications	<p>A qualification that includes training in the matters set out below, that relates to and is appropriate to children, and has been approved by ACECQA and published on the list of ACECQA's approved first aid qualifications and training.</p> <p>Matters are likely to include: emergency life support and cardiopulmonary resuscitation; convulsions; poisoning; respiratory difficulties; management of severe bleeding; injury and basic wound care; and administration of an auto-immune adrenalin device.</p>
Approved provider	<p>A person who holds a provider approval (National Law). A provider approval authorises a person to apply for one or more service approvals and is valid in all jurisdictions.</p>
Code of Conduct	<p>Together with a code of ethics, the code of conduct helps guide interactions between management, educators and staff, as well as informing the service decision-making processes relating to professional standards.</p>
Criminal history check	<p>A full-disclosure, Australia-wide criminal history record check issued by Victoria Police, 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.</p>
Early childhood teacher (ECT)	<p>A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website: www.acecqa.gov.au</p>
Education and care service premises	<p>In relation to a centre-based service, means each place at which an education and care service operates or is to operate.</p>
Educational program	<p>A program that:</p> <ul style="list-style-type: none"> • is based on an approved learning framework; and • is delivered in a manner that accords with the approved learning framework; and • is based on the developmental needs, interests and experiences of each child; and • is designed to take into account the individual differences of each child (National Law).
Educator	<p>An individual who provides education and care for children as part of an education and care service.</p>
Educational Leader	<p>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. This person must have a thorough</p>

Term	Meaning
	understanding of the <i>Early Years Learning Framework</i> and the <i>Victorian Early Year Learning and Developmental Framework</i> be able to guide other educators in their planning and reflection, and mentor colleagues in the implementation of their practice.
MACSEYE	Melbourne Archdiocese Catholic Early Years Education Ltd, a subsidiary of Melbourne Archdiocese Catholic Schools Ltd established to conduct early childhood education and care services.
National Law	Unless otherwise specified, the Education and Care Services National Law Act 2010 or, in Western Australia, the Education and Care Services National Law (WA) Act 2012. This applied law system sets a national standard for children’s education and care across Australia. See the ACECQA website for the Application Act or legislation that applies in each jurisdiction.
National Regulations	The Education and Care National Regulations. The National Regulations support the National Law by providing detail on a range of operational requirements for an education and care service.
Nominated supervisor	In relation to an education and care service, means a person who: <ul style="list-style-type: none"> • is nominated by the approved provider of the service under Part 3 to be a nominated supervisor of that service; and • unless the individual is the approved provider, has provided written consent to that nomination (National Law).
Person in day-to-day charge	A person is in day-to-day charge of an education and care service if: <ul style="list-style-type: none"> • the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the service; and • the person consents to the placement in writing (National Regulations). There are minimum requirements for the person in day-to-day charge.
Person with management or control	In relation to an education and care service, means: <ul style="list-style-type: none"> • if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service; or • 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; or • if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or • in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service (National Law).
Responsible Person	A responsible person is: <ul style="list-style-type: none"> • the approved provider or a person with management or control • a nominated supervisor • a person in day-to-day charge of the service. • In a family day care (FDC) service, the responsible person must be available to provide support to FDC educators. The approved provider is responsible for assessing a person’s suitability as responsible person.
Staff record	A record which the Approved Provider of a centre-based service must keep containing information about the Nominated Supervisor, the Educational Leader, staff, volunteers, students and the Responsible Person at a service. Details that must be recorded include qualifications, training and the WWC Check. A sample staff record is available on the ACECQA website: www.acecqa.gov.au
Working with Children Check (WWCC)	A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that: <ol style="list-style-type: none"> a. the person has been assessed as suitable to work with children; or b. there has been no information that if the person worked with children the person would pose a risk to the children; or c. the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.

Policy information

Policy information			
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Version control

Version	Date	Changes
1.0	6/9/2024	Policy developed