STAFFING

QUALITY AREA 4 | ELAA version 1.5

PURPOSE

This policy will provide guidelines for engaging staff at Sunnyside Kindergarten, 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 and support to staff and other adults at the service
- complying with legislation relating to Early Childhood Workforce Register, Working with Children (WWC) Check, Victorian Institute of Teaching (VIT) registration and meeting Child Safe Standards.

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

- Child Safe Environment and Wellbeing
- Code of Conduct
- Determining Responsible Person
- Participation of Volunteers and Students

POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child are the paramount consideration and must guide all decisions, actions and practices of educators within the education and care service.

VALUES

Sunnyside Kindergarten is committed to:

- ensuring that the health, safety and wellbeing of children at the service is protected at all times while also promoting their learning and development
- fulfilling a duty of care to all children attending the service
- providing accountable and effective staffing and management practices
- employing educators with a range of relevant qualifications and experience to provide a quality educational program that meets the needs of children and families in the community
- employing educators according to legislation and funding requirements
- complying with relevant industrial agreements and current legislation in relation to the employment of staff, including the *Equal Opportunity Act 2010, Fair Work Act 2009* and the *Worker Screening Act 2020*
- continuity of educators at the service
- the further development of staff.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Sunnyside Kindergarten, including during offsite excursions and activities.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
R indicates legislation requirement, and should not be deleted					
1. Ensuring that obligations under the *Education and Care Services National Law and National Regulations* are met in relation to staffing arrangements	**R**	**R**			
2. Ensuring that quality staffing practices are in place in line with the *National Quality Standard*, especially Quality Area 4 – Staffing arrangements	**R**	**R**			
3. Complying with the service's *Code of Conduct Policy* at all times *(Child Safe Standrad 2 – 2.4)*	√	√	√	√	√
4. Ensuring that all educators, staff, volunteers and students are familiar with Early Childhood Australia's Code of Ethics *(Child Safe Standrad 2 – 2.2, 2.4)*	√	√	√	√	√
5. Championing and modelling a culturally safe environment, including embedding understanding and appreciation of Aboriginal culture in staffing practices, confronting racism with consequences, and ensuring all policies/processes are culturally safe and inclusive *(Child Safe Standrad 1 – 1.2, 1.5, 2 – 2.2)*	√	√	√		√
6. Identifying, responding to and reporting inappropriate conduct *(refer to Definitions)* in accordance with the Education and Care Services National Law and the Reportable Conduct Scheme, including notifying the Social Services Regulator within required timeframes where a reportable allegation is formed *(refer to Code of Conduct Policy)*	**R**	**R**	R		R
7. Ensuring that the environment is free from the use of tobacco, vaping, illicit drugs and alcohol, and the nominated supervisor, educators, staff, volunteers and students are not affected by alcohol or drugs (including prescription medication).	**R**	√	√		√
8. Appointing nominated supervisor *(refer to Definitions)* who are aged 18 years or older, fit and proper and have suitable skills, as required under the *National Law, Section 161 (refer to Determining Responsible Person Policy) (Regulations 117C)*	**R**	**R**			
9. Ensuring the nominated person completes and signs a Compliance history statement template and a Prohibition notice declaration template *(refer to Sources) (Child Safe Standrad 6 – 6.3)*	**R**	√	√		√
10. Ensuring that there is a nominated supervisor or person in day-to-day charge *(refer to Definitions* and *Determining Responsible*	**R**	**R**			

Person Policy) on the premises at all times the service is in operation *(National Law: Section 162, Regulation 117A, 117B)*					
11. Ensuring all staff members (whether or not they work directly with children) complete prescribed child protection training within the timeframes in the National Regulations*(Child Safe Standrad 6 – 6.3, 8 – 8.1, 8.2, 8.3)*	**R**	**R**	**R**		R
12. Ensuring all staff members complete mandatory national child safety training within the timeframes prescribed in the National Regulations *(Child Safe Standard 6 – 6.3, 8 – 8.1, 8.2, 8.3)*	**R**	**R**	**R**		R
13. Developing rosters in accordance with the availability of responsible persons, staff qualifications, hours of operation and the attendance patterns of children	√	√			
14. Ensuring that the name of each nominated supervisor of the service is displayed and easily visible from the main entrance of the service *(National Law: Section 172, Regulation 173)*	**R**	√			
15. Notifying the Regulatory Authority in writing about a new nominated supervisor and if the details of the nominated supervisor change via NQA ITS	**R**	√			
16. 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))*	**R**	**R**	√		√
17. Complying with the legislated educator-to-child ratios at all times *(National Law: Sections 169, National Regulations: Regulations 122, 123, 357)*	**R**	**R**			
18. Ensuring that all staffing meets the requirements of *The Kindergarten Funding Guide (refer to Sources)* at all times the service is in operation	**R**	√			
19. Complying with relevant industrial agreement and 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 Worker Screening Act 2020*	**R**	√			
20. Following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Child Safe Environment and Wellbeing Policy (Child Safe Standard 6 – 6.1)*	**R**	√			
21. Completing and maintaining the National Educator Register *(refer to Sources)* in the National Quality Agenda IT System for all educators, volunteers and students, non-educator staff, teachers (regardless of whether or not they are registered or accredited with a teacher registration body), nominated supervisors and directors/co-ordinators *(Child Safe Standard 6 – 6.2)*	**R**	**R**			
22. Employing the relevant number of appropriately-qualified educators *(refer to Definitions)* with ACECQA approved qualifications *(refer to Background and Sources) (Regulations 126)*	**R**	√			
23. Employing additional staff, as required, to assist in the provision of a quality early childhood education and care program	**R**				

24. Ensuring that early childhood teachers, educators and other staff undertake appropriate induction following their appointment to the service *(Child Safe Standard 6 – 6.3)* Induction documents for staff include: • the Code of Conduct • The Staff Handbook • the Child Safety and Wellbeing Policy • information about the organisation's child safety practices and complaints process as well as reporting, record keeping and information sharing obligations *(Child Safe Standard 6 - 6.3 and links to 8.1*)g	**R**	√			
25. Ensuring new staff participate in an induction process that is adjusted to each role's requirements, duties, risks and responsibilities in relation to child safety and wellbeing. The induction needs to cover child safety practices and complaints process as well as reporting, record keeping and information sharing obligations *(Child Safe Standard 6 - 6.3)*	**R**	R			
26. Ensuring an early childhood teacher *(refer to Definitions)* is working with the service for the required period of time specified in the *Regulations 130 - 135*, and that, where required, a record is kept of this work *(Regulations 152, 363)*	**R**	√			
27. Maintaining a record of early childhood teachers and educators working directly with children in accordance with *Regulation 151 and Child Safe Standard 6 – 6.2*	**R**	√			
28. 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)*	**R**	√			
29. Ensuring that educators and other staff are provided with a current position description that relates to their role at the service	√	√			
30. Ensuring all early childhood teachers have a Victorian Institute of Teaching (VIT) certificate of registration *(Child Safe Standard 6 – 6.2)*	**R**				
31. Maintaining a staff record *(refer to Definitions and Sources)* in accordance with *Regulation 145*, including information about the responsible person, nominated supervisor, the educational leader, other staff members, volunteers and students. Details that must be recorded include qualifications, training, *Working with Children Clearance* as set out in *Regulations 146–152.*	**R**	√			
32. Complying with the requirements of the *Worker Screening Act 2020*, and ensuring that the nominated supervisor, educators, staff, volunteers and students the service have a current WWC Clearance *(refer to Definitions)* or a Victorian Institute of Teaching (VIT) certificate of registration (applicable to ECT only) *(Child Safe Standard 6 – 6.2)*	**R**	√			
33. Confirming the WWC Clearance or confirming VIT registration (applicable to ECT only) of all staff prior to their being engaged or employed as a staff member at the service *(Child Safe Standard 6 – 6.2)*	**R**	√			

34. Confirming the WWC Clearance of all volunteers prior to their being permitted to be a volunteer at the service *(Child Safe Standard 6 – 6.2)*	**R**	√			
35. Ensuring that a register of the WWC Clearance or VIT registrations is maintained, and the details kept on each staff record *(Regulations 145, 146, 147, 149, and Child Safe Standard 6 – 6.1)*	**R**	√	√		√
36. Determining who will cover the costs of WWC Clearance or criminal history record checks *(refer to Definitions)*	√	√			
37. Notifying the approved provider and the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status, such as the suspension or cancellation of a Working with Children Clearance or teacher registration, or if they are subject to disciplinary proceedings.	R	R	R		R
38. Notifying the Regulatory Authority of a change to a staff member's WWCC status *(Child Safe Standard 6 – 6.2)*	R	√			
39. Ensuring that ongoing supervision and people management includes regular reviews to check whether staff are following Codes of Conduct and other child safe policies *(Child Safe Standard 6 – 6.4)*	R	R			
40. 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) (Child Safe Standard 6 – 6.4)*	**R**	**R**			
41. Ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service *(Regulation 120)*	**R**	√	√		√
42. Ensuring all staff to follow child-focused complaints procedures, respond promptly and thoroughly, and report to authorities/cooperate with law enforcement as required; leaders to ensure children/families understand the processes *(Child Safe Standrds 7- 7.1, 7.4)*	**R**	√	√		√
43. Ensuring any use of the online environment is in line with the *Code of Conduct and Child Safety and Wellbeing Policy* and practices, including communication with children/families *(Child Safe Standrds 9 - 9.2)*	**R**	√	√		√
44. Ensuring that there is at least one educator with current (within the previous 3 years) 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,*	**R**	√			

145, Child Safe Standard 6 – 6.2) **Note**: this is a minimum requirement. As a demonstration of duty of care and best practice, Sunnyside Kindergarten ensures that all permanent early childhood teachers and educators have current approved first aid qualifications and anaphylaxis management training and emergency asthma management training.					
45. 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	√	√			
46. Ensuring that staff records *(refer to Definitions and Sources)* and a record of ECT and 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)*	**R**	√			
47. Ensuring that annual performance reviews of the nominated supervisor, early childhood teachers, educators and other staff are undertaken as per the *National Quality Framework 7.2.3*	**R**	√			
48. Reviewing staff qualifications as required under current legislation and funding requirements on an annual basis	√	√			
49. Ensuring that the nominated supervisor, early childhood teachers, educators and other staff, volunteers and students 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) (refer to Tobacco, Alcohol, E-cigarettes, Vaping and other Drugs Policy)*	**R**	**R**			
50. Ensuring that nominated supervisor, early childhood teachers, educators meet their responsibilities relating to educational programs; supervision and safety of children; cultural safety training , Aboriginal cultural competence, entry to and exit from premises; nutrition and food and beverages; administration of medication; sleep and rest; excursions and transportation; staffing ratios and qualifications	**R**	√	√		√
51. Ensuring that all early childhood teachers, educators and staff have opportunities to undertake professional development relevant to their role as per the National Quality Framework	**R**	√			
52. Informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent	√	√			
53. Developing and maintaining a list of casual and relief staff to ensure consistency of service provision	√	√			
54. Ensuring that the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements.	√	√			

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.

In addition, there are legislative requirements that there is at least one educator who holds current (within the previous 3 years) 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 a copy of the 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 Clearance or be registered with the VIT *(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 organisations are required to have policies and procedures in place for the recruitment and pre-employment screening, supervision, appropriate induction, and ongoing supervision and people management is focused on child safety and wellbeing *(refer to Child Safe Environment and Wellbeing 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)
- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the Definitions file of the PolicyWorks catalogue.

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.

Inappropriate conduct: Conduct that a reasonable person would consider inappropriate in an education and care service, taking into account any of the following circumstances:

- Whether the conduct aligns with generally accepted education and care practice
- The child's age and developmental stage
- Whether the conduct is likely to cause or result in harm (including emotional, psychological or physical harm) or injury to a child or children
- Whether the conduct is sexual, aggressive or violent.

In deciding if the conduct is inappropriate, it does not matter if:

- the child consented (agreed to the conduct, either by directly expressing their consent or implying consent through their actions)
- the person subjecting the child to the conduct believes the child has consented
- the person subjecting the child to the conduct is related to the child.

Subjecting a child to inappropriate conduct can occur in a number of ways including, but not limited to:

- in-person via words or behaviour, including both adult to child or between adults in the presence of a child/ren
- filming and capturing images or recordings
- as a single occasion or as part of a pattern over time
- either directly or indirectly (for example, exposure to inappropriate language or conversations, or leaving inappropriate material accessible to children)
- online
- as an omission (for example, deliberately excluding a child).

Suitably qualified person – long day-care only: An individual who is 'actively working towards' (see Regulation 10 of the National Regulations) an approved early childhood teaching qualification AND has completed at least 50 per cent of the qualification or holds an approved early childhood education and care diploma OR An individual who is registered as a primary or secondary school teacher in Australia AND holds an ACECQA approved early childhood education and care diploma (or higher approved qualification)

SOURCES AND RELATED POLICIES

SOURCES

- A sample staff record is available on the ACECQA website: www.acecqa.gov.au
- Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- ACECQA, Compliance history statement template and a Prohibition notice declaration template (acecqa.gov.au/resources/applications/sample-forms and-templates)
- ACECQA - New national educator register
- Department of Education, The Kindergarten Funding Guide: https://www.vic.gov.au/kindergarten-funding-guide
- Department of Education: Early Childhood Workforce Register

- ELAA's Employee Management and Development Resource: developed to support early learning services in the ongoing management and development of their employees at: https://elaa.org.au/resources/free-resources/employee-management-development-resource/
- The Commission for Children and Young People, A Guide for Creating a Child Safe Organisation: https://ccyp.vic.gov.au/resources/child-safe-standards/
- The Early Years Learning Framework for Australia: Belonging, Being, Becoming: www.acecqa.gov.au
- Victoria Police – National Police Record Check: www.police.vic.gov.au
- Victorian Early Years Learning and Development Framework: www.acecqa.gov.au
- Working with Children Check unit, Department of Justice and Regulation – provides details of how to obtain a WWC Check: www.workingwithchildren.vic.gov.au

RELATED POLICIES

- Administration of First Aid
- Anaphylaxis and Allergic Reactions
- Asthma Management
- Child Safe Environment and Wellbeing
- Code of Conduct
- Compliments and Complaints
- Educational Program
- Delivery and Collection of Children
- Determining Responsible Person
- Inclusion and Equity
- Interactions with Children
- Participation of Volunteers and Students
- Privacy and Confidentiality
- Supervision of Children
- Tobacco, E-Cigarettes, Vaping, Alcohol and Other Drugs

EVALUATION

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

- regularly check staff records to ensure WWC Clearance 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
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk *(Regulation 172 (2))*.

ATTACHMENTS

- Nil

AUTHORISATION

This policy was adopted by the approved provider of Sunnyside Kindergarten on [Date].

REVIEW DATE: [DAY]/[MONTH]/[YEAR]