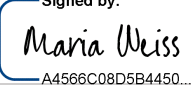


# Policy

## Early Years Policy – Staffing Requirements

<b>Date of Adoption</b>	April 2013		
<b>Adoption Method</b>	<input type="checkbox"/> Council	<input type="checkbox"/> CEO	<input checked="" type="checkbox"/> Director Community
<b>Director Signature</b>	Signed by:  <small>A4566C08D5B4450...</small>		<b>Date</b> 06-12-2024
<b>Responsible Officer and Unit</b>	Samantha Waymouth, Coordinator Early Years Services		
<b>Nominated Review Period</b>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Every 4 years	<input type="checkbox"/> Other ( <i>please specify</i> )
<b>Last Endorsement Date</b>	October 2020		
<b>Next Endorsement Date</b>	November 2025		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

## Contents

Purpose/Objective	3
Background/Reasons for Policy	3
Gender Impact Assessment	4
Definitions	4
References	8
Related Policies	9
Related Legislation	9
Responsibilities	10
Evaluation	17
Attachments	18

## Purpose/Objective

This policy outlines responsibilities for engaging staff at Council's Early Years Services, including:

- employing sufficient educators to meet legislative, policy and service standards
- employing educators with qualifications and experience which 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 (WWC) Checks, Victorian Institute of Teaching (VIT) registration, criminal history record checks and meeting child safe standards.

## Background/Reasons for Policy

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 teachers and educators working in Early Years Services. Eligibility for services to receive funding also includes requirements for staff to hold specific qualifications (Victorian Government, Kindergarten Funding Guide<sup>1</sup>).

A current list of approved qualifications is available on the Australian Children's Education and Care Quality Authority (ACECQA) website<sup>2</sup>. 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<sup>3</sup> and a fee is required for processing an application.

In addition, legislative requirements define that one educator must hold current approved first aid qualifications, anaphylaxis management training and emergency asthma management training, to be in attendance and immediately available at all times children are being educated and cared for. Certifications must be updated as required with details maintained on the staff record. As a demonstration of duty of care and best practice, it is recommended all educators have current

<sup>1</sup> <https://www.vic.gov.au/kindergarten-funding-guide>

<sup>2</sup> <https://www.acecqa.gov.au/qualifications/nqf-approved>

<sup>3</sup> <https://www.acecqa.gov.au/qualifications/assessment/apply/early-childhood>

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<sup>4</sup> and the Victorian Early Years Learning and Development Framework<sup>5</sup>.

Staff are required to actively supervise children at all times when children are in attendance at the service (refer to Early Years Policy - Supervision of Children). 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.

All educators and staff are required by law to have and maintain a current WWC Check or be registered with the VIT (refer to Definitions). It is also recommended have a criminal history check (refer to Definitions and References).

Child Safe Standard 6<sup>6</sup> requires organisations to have policies and procedures in place for the recruitment and pre-employment screening, appropriate induction training and ongoing supervision and people management focused on child safety and wellbeing (refer to Early Years Policy - Child Safe Environment and Wellbeing).

## Gender Impact Assessment

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required in relation to the subject matter of this policy.

## Definitions

Term	Definition
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

<sup>4</sup> <https://www.acecqa.gov.au/sites/default/files/2023-01/EYLF-2022-V2.0.pdf>

<sup>5</sup> <https://www.education.vic.gov.au/Documents/childhood/providers/edcare/veyldframework.pdf>

<sup>6</sup> <https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/standard-6/>

	<p>'actively working towards' an approved diploma-level qualification must also hold an approved Certificate III in Education and Care qualification or have completed the mandatory units of study in an approved Certificate III in Education and Care, as determined by the national authority (ACECQA).</p>
Adequate supervision	<p>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.</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"> <li>● number, age and abilities of children</li> <li>● number and positioning of educators</li> <li>● current activity of each child</li> <li>● areas in which the children are engaged in an activity (visibility and accessibility)</li> <li>● developmental profile of each child and of the group of children</li> <li>● experience, knowledge and skill of each educator</li> <li>● need for educators to move between areas (effective communication strategies).</li> </ul>

Approved first aid qualification	A list of approved first aid qualifications, anaphylaxis management and emergency asthma management training is published on the ACECQA website: <a href="https://www.acecqa.gov.au/qualifications/nqf-approved">https://www.acecqa.gov.au/qualifications/nqf-approved</a>
Approved provider	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
Criminal history check	A full-disclosure, Australia-wide criminal history check issued by Victoria Police (refer to References), 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 National Police Check.
Early childhood teacher	A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website: <a href="https://www.acecqa.gov.au/qualifications/nqf-approved">https://www.acecqa.gov.au/qualifications/nqf-approved</a>
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, coordinator or other individual to lead the development and implementation of educational programs at the service ( <i>Regulation 118</i> ). 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.
Nominated supervisor	A person who has been nominated by the approved provider of the service under Part 3 of the <i>Education and Care Services National Law Act 2010</i> . All services must have a nominated supervisor with the responsibility for the service, in accordance with the <i>National Education and Care Services National Regulations 2011</i> . The approved provider must take reasonable steps to ensure the

	nominated supervisor is a fit and proper person 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 within 14 days.
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 person 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 WWC Check ( <i>Regulations 146–149</i> ). A sample staff record is available on the ACECQA website: <a href="https://www.acecqa.gov.au/resources/applications/sample-forms-and-templates">https://www.acecqa.gov.au/resources/applications/sample-forms-and-templates</a>
Victorian Institute of Teaching (VIT)	The statutory authority for the regulation and promotion of the teaching profession in Victoria, established as part of the <i>Victorian Institute of Teaching Act 2001</i> . All teachers in Victorian government schools, Catholic schools, independent schools and funded early childhood settings are required to be registered with the VIT in order to practise in their profession.
Kindergarten Funding Guide	Sets out the Department of Education operational requirements for early childhood services in receipt of Victorian Government funding for the provision of a kindergarten program.
Working directly with children	Being physically present with children and directly engaged in providing them with education and/or care.

Working with Children (WWC) Check	<p>A legal requirement under the <i>Working with Children Act 2005</i> for those undertaking paid or voluntary child-related work in Victoria. 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 the WWC legislation if:</p> <ul style="list-style-type: none"> <li>• they have been assessed as suitable to work with children</li> <li>• there has been no information that, if the person worked with children, they would pose a risk to those children</li> <li>• they are not prohibited from attempting to obtain, undertake or remain in child-related employment.</li> </ul>
-----------------------------------	--

## References

- > Commission for Children and Young People (2023), A Guide for Creating a Child Safe Organisation: <https://ccyp.vic.gov.au/assets/resources/New-CSS/A-guide-for-creating-a-Child-Safe-Organisation-27.04.23.pdf>
- > Australian Children's Education and Care Quality Authority (ACECQA): <https://www.acecqa.gov.au>
- > Victorian Department of Education, Kindergarten Funding Guide: <https://www.vic.gov.au/kindergarten-funding-guide>
- > Early Learning Association Australia (ELAA), Employee Management and Development Kit: Available to ELAA members from <https://elaa.org.au/>
- > ELAA, Early Childhood Management Manual: Available to ELAA members from <https://elaa.org.au/>
- > ACECQA, The Early Years Learning Framework for Australia: Belonging, Being, Becoming: <https://www.acecqa.gov.au/sites/default/files/2023-01/EYLF-2022-V2.0.pdf>



- > Victorian Department of Education, Victorian Early Years Learning and Development Framework:  
<https://www.education.vic.gov.au/Documents/childhood/providers/edcare/veyldframework.pdf>
- > Victorian Department of Justice and Community Safety, Working with Children Check: <https://www.vic.gov.au/working-with-children-check>
- > Victoria Police, Apply for a National Police Check: <https://www.police.vic.gov.au/apply-national-police-check>

## Related Policies

- > Early Years Policy - Child Safe Environment and Wellbeing
- > Early Years Policy - Anaphylaxis and Allergic Reactions
- > Early Years Policy - Asthma
- > Early Years Policy - Administration of First Aid
- > Early Years Policy - Delivery and Collection of Children
- > Early Years Policy - Supervision of Children
- > Early Years Policy - Inclusion and Equity
- > Early Years Policy - Interactions with Children
- > Early Years Policy - Determining the Responsible Person at the Early Years Service
- > Privacy Policy (Council)
- > Employee Code of Conduct (Council)
- > Complaint and Unreasonable Behaviour Policy (Council)
- > Volunteer Policy (Council)

## Related Legislation

- > *Child Safe Standards*
- > *Education and Care Services National Law Act 2010: Sections 12, 13, 14, 161, 162, 165, 169*
- > *Education and Care Services National Regulations 2011: Regulations 14, 15, 16, 46, 47, 48, 49, 83, 84, 118, 120, 121–123, 125–126, 129–135, 136, 137–143, 145–152, 355, 357, 358, 360–364*
- > *Education and Training Reform Act 2006 (Vic)*
- > *Equal Opportunity Act 2010 (Vic)*
- > *Fair Work Act 2009*
- > *Information Privacy Act 2000 (Vic)*
- > *National Quality Standard, Quality Area 4: Staffing Arrangements*
  - *Standard 4.1: Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing*
  - *Element 4.1.1: Educator-to-child ratios and qualification requirements are maintained at all times*
- > *Occupational Health and Safety Act 2004*
- > *Occupational Health and Safety Regulations 2007*
- > *Privacy and Data Protection Act 2014 (Vic)*
- > *Privacy Act 1998 (Cth)*
- > *Worker Screening Act 2020*
- > *Worker Screening Regulations 2021 (Vic)*

## **Responsibilities**

Mandatory – Quality Area 4

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					
Ensuring that obligations under the Education and Care Services National Law and National Regulations are met in relation to staffing arrangements	R	R			
Ensuring that quality staffing practices are in place in line with the National Quality Standard, especially Quality Area 4 – Staffing arrangements	R	R			
Complying with the Council Code of Conduct Policy at all times	✓	✓	✓		✓
Appointing a nominated supervisor (refer to Definitions) who is aged 18 years or older, fit and proper and has suitable skills, as required under the National Law, Section 161 (refer to Early Years Policy - Determining Responsible Person at the Early Years Service) (Regulations 117C)	R	R	✓		
Ensuring that there is a person in day-to-day charge (refer to Definitions and Early Years Policy - Determining Responsible Person at the Early Years Service) on the premises at all times the service is in operation ( <i>National Law: Section 162, Regulation 117A, 117B</i> )	R				
Developing rosters in accordance with the availability of responsible persons, staff qualifications, hours of operation and the attendance patterns of children	✓	✓			

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
Ensuring that the name of each nominated supervisor of the service is displayed and easily visible from the main entrance of the service ( <i>National Law: Section 172, Regulation 173</i> )	R	✓			
Ensuring that children being educated and cared for by the service are adequately supervised (refer to Definitions and Early Years Policy - Supervision of Children) at all times they are in the care of that service ( <i>National Law: Section 165(1)</i> )	R	R	✓		✓
Complying with the legislated educator-to-child ratios at all times ( <i>National Law: Sections 169, National Regulations: Regulations 122, 123, 357</i> )	R	R	✓		
Ensuring that all staffing meets the requirements of The Kindergarten Funding Guide (refer to References) at all times the service is in operation	R	✓			
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	✓			
Following the guidelines for the recruitment, selection and ongoing management of staff as per Council Recruitment and Selection policy	R				

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
Employing the relevant number of appropriately-qualified educators (refer to Definitions) with ACECQA approved qualifications (refer to Background and References) ( <i>Regulations 126</i> )	R				
Employing additional staff, as required, to assist in the provision of a quality early childhood education and care program	R				
Ensuring that early childhood teachers, educators and other staff undertake appropriate induction following their appointment to the service	R	✓			
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 ( <i>Regulations 152, 363</i> )	R	✓			
Maintaining a record of early childhood teachers and educators working directly with children in accordance with Regulation 151	R	✓			
Appointing an appropriately-qualified and experienced educator to be the educational leader (refer to Definitions), and ensuring this is documented on the staff record ( <i>Regulations 118, 148</i> )	R	✓			
Ensuring that educators and other staff are provided with a current position	✓				

<b>Responsibilities</b>	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
description that relates to their role at the service					
Ensuring all early childhood teachers have a Victorian Institute of Teaching (VIT) certificate of registration	R				
Maintaining a staff record (refer to Definitions and References) 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, WWC Clearance as set out in Regulations 146–149	R				
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 early childhood teachers only)	R	✓			
Confirming the WWC Clearance or confirming VIT registration (applicable to early childhood teachers only) of all staff prior to their being engaged or employed as a staff member at the service	R				
Confirming the WWC Clearance of all volunteers prior to their being	R	✓	✓		

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
permitted to be a volunteer at the service					
Ensuring that a register of the WWC Clearance or VIT registrations is maintained and the details kept on each staff record ( <i>Regulations 145, 146, 147, 149</i> )	R	✓	✓		✓
Determining who will cover the costs of WWC Clearance or criminal history checks (refer to Definitions)	✓				
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	R	R	✓		
Ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service ( <i>Regulation 120</i> )	R	✓	✓		✓
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 ( <i>Regulations 136, 145</i> )	R	✓			

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
<b>Note:</b> this is a minimum requirement. As a demonstration of duty of care and best practice, ELAA recommends that all early childhood teachers and educators have current approved first aid qualifications and anaphylaxis management training and emergency asthma management training.					
Developing procedures to ensure that approved first aid qualifications, anaphylaxis management training and emergency asthma management training are evaluated regularly, and that staff are provided with the opportunity to update their qualifications prior to expiry	✓				
Ensuring that staff records (refer to Definitions and References) and a record of early childhood teachers 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 ( <i>Regulations 145–151</i> )	R				
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	✓			
Reviewing staff qualifications as required under current legislation and funding requirements on an annual basis	✓				
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	R	R	✓		✓



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
education and care to children ( <i>Regulation 83</i> )					
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	✓			
Ensuring that the nominated supervisor, early childhood teachers and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws ( <i>Regulation 84</i> ) (refer to the Early Years Policy - Child Safe Environment and Wellbeing)	R	✓			
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	✓				

## 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 VIT, WWC 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 all stakeholders, including parents/guardians, 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