


Policy Title:	Early Years Policy - Staffing requirements		
Date of Adoption:	10 April 2013		
Adoption Method	<input type="checkbox"/> Council	<input type="checkbox"/> CEO	<input checked="" type="checkbox"/> Other - Executive
Acting CEO Signature:			Date: 6 October 2020
Responsible Officer and Unit:	Coordinator Early Years Services, Early Years Unit		
Nominated Review Period:	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Other - 3 years	
Last Review Date:	October 2020		
Next Review Date:	September 2023		
Purpose/Objective:	<p>This policy provides responsibilities for engaging staff at Macedon Ranges Shire Council Early Years Services, including:</p> <ul style="list-style-type: none"> • employing sufficient numbers of 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 Checks, criminal history record checks and meeting child Safe Standards 		
Background/Reasons for Policy:	<p>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 Years Services. Eligibility for services to receive funding also includes requirements for staff to hold specific qualifications (<i>Kindergarten Funding Guide – refer to Sources</i>).</p> <p>A current list of approved qualifications are 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.</p>		

DOCUMENT HISTORY	Version	Date	Author
Initial Draft			
Second Draft	2	02/07/2020	A O’Sullivan
Final Draft	3	10/2020	J Laurent Goeman
Approval		10/2020	Executive Meeting

	<p>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 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).</p> <p>Staff are required to actively supervise children at all times when children are in attendance at the Service (refer to <i>Early Years Policy - Supervision of children</i>). 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.</p> <p>All educators and staff are required by law to have and maintain a current Working with Children Check (WWCC) or be registered with the Victorian Institute of Teaching (refer to <i>Definitions</i>). It is also recommended that the Nominated Supervisor and staff with financial responsibilities have a criminal history record check (refer to Definitions and Sources).</p> <p>Child Safe Standard 4 requires organisations to have policies and procedures in place for the recruitment and selection, supervision, training and performance management of staff (refer to <i>Early Years Policy - Child Safe environment</i>).</p>
<p>Definitions:</p>	<p>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).</p> <p>Adequate 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.</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 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.

Nominated Supervisor: a person who has been nominated by the Approved Provider of the service under Part 3 of the Act to can be the Nominated Supervisor. All services must have a nominated supervisor with the 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 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 Working with Children Check (*Regulations 146–149*). A sample staff record is available on the ACECQA website: [HTTP://ACECQA.GOV.AU](http://ACECQA.GOV.AU)

	<p>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, independent schools and funded early childhood settings are required to be registered with the VIT in order to practise in their profession.</p> <p>Kindergarten Funding Guide: sets out the Department of Education and Training (DET) operational requirements for early childhood services in receipt of state government funding for the provision of a four-year-old kindergarten program.</p> <p>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.</p> <p>Working with Children Check (WWCC): the check is a legal requirement under the <i>Working with Children Check 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 WWCC card, notice or document (valid for five years), is granted to a person under the working with children legislation if:</p> <ul style="list-style-type: none"> • 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.
<p>References:</p>	<p>The Commission for Children and Young People (2018), A Guide for Creating a Child Safe Organisation: HTTPS://CCYP.VIC.GOV.AU/ASSETS/RESOURCES/CSSGUIDEFINALV4-WEB-NEW.PDF</p> <p>Australian Children’s Education and Care Quality Authority (ACECQA): WWW.ACECQA.GOV.AU</p> <p>ELAA’s Employee Management and Development Kit: 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-KIT/</p> <p>ELAAs Early Childhood Management Manual contains additional information and attachments relating to staffing, including sample position descriptions, sample letters of employment and interview questions. Available from WWW.ELAA.ORG.AU</p> <p>The Early Years Learning Framework for Australia: Belonging, Being, Becoming: WWW.EDUCATION.GOV.AU</p> <p>Victorian Early Years Learning and Development Framework: : WWW.EDUCATION.VIC.GOV.AU Department of Education and Training, The Kindergarten Funding Guide: HTTPS://WWW.EDUCATION.VIC.GOV.AU/CHILDHOOD/PROVIDERS/FUNDING/PAGES/KINDERFUNDINGCRITERIA.ASPX</p> <p>Working with Children Check unit, Department of Justice and Regulation – provides details of how to obtain a WWC Check – WWW.WORKINGWITHCHILDREN.VIC.GOV.AU</p> <p>Victoria Police – National Police Record Check: WWW.POLICE.VIC.GOV.AU</p>

Related Policies:	<i>Early Years Policy - Child Safe environment</i> <i>Early Years Policy - Anaphylaxis</i> <i>Early Years Policy - Asthma</i> <i>Early Years Policy - Administration of First Aid</i> <i>Early Years Policy - Delivery and collection of children</i> <i>Early Years Policy - Supervision of children</i> <i>Early Years Policy - Inclusion and equity</i> <i>Early Years Policy - Interactions with children</i> <i>Early Years Policy - Participation of volunteers and students</i> <i>Early Years Policy - Determining the responsible person at the Early Years' Service</i> <i>Privacy policy</i> <i>Staff Code of Conduct</i> <i>Complaints handling policy</i>
Related Legislation:	<ul style="list-style-type: none"> • <i>Child Safe Standards</i> • <i>Education and Care Services National Law Act 2010: Sections 12, 13, 14, 161, 162, 165, 169</i> • <i>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</i> • <i>Education and Training Reform Act 2006 (Vic)(amended in 2014)</i> • <i>Equal Opportunity Act 2010 (Vic)</i> • <i>Fair Work Act 2009</i> • <i>Information Privacy Act 2000 (Vic), as amended 2011</i> • <i>National Quality Standard, Quality Area 4: Staffing Arrangements</i> <ul style="list-style-type: none"> – Standard 4.1: Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing <ul style="list-style-type: none"> – Element 4.1.1: Educator-to-child ratios and qualification requirements are maintained at all times • <i>Occupational Health and Safety Act 2004</i> • <i>Occupational Health and Safety Regulations 2007</i> • <i>Privacy and Data Protection Act 2014 (Vic)</i> • <i>Privacy Act 1998 (Cth), as amended 2011</i> • <i>Working with Children Act 2005 (Vic)</i> • <i>Working with Children Regulations 2006 (Vic)</i>

STAFFING POLICY

Mandatory – Quality Area 4

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, other staff, students on placement and volunteers at Macedon Ranges Shire Council's Early Years Services.

RESPONSIBILITIES

The Approved Provider and Persons with Management or Control are responsible for:

- Complying with the *Staff Code of Conduct* at all times
- Appointing Nominated Supervisors (refer to Definitions) who are aged 18 years or older, fit and proper and have suitable skills, as required under the Education and Care (refer to *Early Years Policy - Determining the responsible person at the Early Years' Service*) (National Law, Section 161)
- ensuring there is a Responsible Person (refer to *Definitions* and *Early Years Policy - Determining the responsible person at the Early Years' Service*) on the premises at all times the service is in operation (National Law, Section 162)
- ensuring the Nominated Supervisor, educators and all staff comply with the *Staff Code of Conduct* at all times
- ensuring 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 (National Law: Section 165(1))
- complying with the legislated educator-to-child ratios at all times (National Law: Sections 169(1) & (3), National Regulations: Regulations 123, 355, 357, 360)
- ensuring staffing meets the requirements of the National Law, National Regulations and the *Kindergarten Funding Guide* (refer to *Sources*) at all times the service is in operation
- complying with the 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 *Working with Children Act 2005*
- following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Early Years Policy - Child Safe environment*
- employing the relevant number of appropriately-qualified educators (refer to *Definitions*) Qualifications must be approved by ACECQA (refer to *Background* and *Sources*) (Regulations 126, 361)
- employing additional staff, as required, to provide a quality early childhood education and care program
- ensuring an early childhood teacher (refer to *Definitions*) is working with the Service for the required period of time specified in the National Regulations, and that, where required, a record is kept of this work (Regulations 130–134, 152, 362, 363)
- appointing an appropriately-qualified and experienced educator to be the Educational Leader (refer to *Definitions*), and ensuring this is documented on the staff record (Regulations 118, 148)
- ensuring educators and other staff are provided with a current position description that relates to their role at the service
- maintaining a staff record (refer to *Definitions*) in accordance with *Regulation 145*, including information about the Nominated Supervisor, the Educational Leader, other staff members, volunteers, students and the Responsible Person. Details that must be recorded include qualifications, training and the WWCC (Regulations 146–149)

- complying with the requirements of the *Working with Children Act 2005*, and ensuring that the Nominated Supervisor, Certified Supervisor, educators, staff, volunteers and students on placement at the service have a current WWCC (refer to *Definitions*) or a Victorian Institute of Teaching (VIT) certificate of registration
- reading the WWCC or confirming VIT registration of all staff prior to their being engaged or employed as a staff member at the service
- read the WWCC of all volunteers prior to their being permitted to volunteer at the service
- ensuring the WWCC or VIT registration have been sighted and the details kept on each staff record (*Regulations 145, 146, 147*)
- developing (and implementing, where relevant) an appropriate induction program for educators and all staff appointed to the service
- developing rosters in accordance with the availability of Responsible Persons, staff qualifications, hours of operation and the attendance pattern of children
- ensuring 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 *Early Years Policy - Participation of volunteers and students*)
- ensuring educators who are under 18 years of age are not left to work alone, and are adequately mentored at the service (*Regulation 120*)
- ensuring 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. Note: this is a minimum requirement. As a demonstration of duty of care and best practice, all educators have current approved first aid qualifications and anaphylaxis management training and emergency asthma management training.). Details of qualifications and training must be kept on the staff record (*Regulations 136, 145*)
- 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 staff records (refer to *Definitions*) and a record of educators working directly with children (refer to *Definitions*) are updated annually, as new information is provided or when rostered hours of work are changed (*Regulations 145–151*)
- ensuring annual performance reviews of educators and other staff are undertaken
- reviewing staff qualifications as required under current legislation and funding requirements on an annual basis
- ensuring that the Nominated Supervisor, educators/staff, volunteers and students on placement at the service are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (*Regulation 83*)
- ensuring that all educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current
- ensuring that the Nominated Supervisor and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (*Regulation 84*) (refer to *Early Years Policy - Child Safe environment and the Child Safe Standards*)
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent

- developing and maintaining a list of casual and relief staff to ensure consistency of service provision
- ensuring the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements

The Nominated Supervisor and Persons in Day to Day charge are responsible for:

- ensuring 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
- following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Early Years Policy - Child Safe environment*
- ensuring adequate supervision of children at all times (refer to *Early Years Policy - Supervision of Children*)
- ensuring the educator-to-child ratios are maintained at all times, that each educator at the service meets the qualification requirements relevant to their role, including the requirement for current approved first aid qualifications, anaphylaxis management training and emergency asthma management training, and that details of such training is kept on the staff record
- assist the Coordinator Early Years Services in developing rosters in accordance with the availability of Responsible Persons, staff qualifications, hours of operation and the attendance patterns of children
- ensuring educators and other staff undertake appropriate induction following their appointment to the service
- ensuring less experienced educators and others engaged to be working with children are adequately mentored
- ensuring educators who are under 18 years of age are not left to work alone and are adequately mentored at the service
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent

All staff are responsible for:

- complying with the *Staff Code of Conduct* at all times
- ensuring staff 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*)
- providing details of their current WWCC or VIT registration for the staff record
- undertaking the required induction program following appointment to the service
- advising the Department of Justice of any relevant change in circumstances, including change of name, address, contact details and change of employer/volunteer organisation, including changes to the organisation's contact details
- where the role involves working with children, providing adequately supervision at all times (refer to *Definitions* and *Early Years Policy - Supervision of children*)
- maintaining educator-to-child ratios at all times
- maintaining current approved qualifications relevant to their role, including first aid qualifications, anaphylaxis management training and emergency asthma management training
- participating in an annual performance review
- undertaking professional development relevant to their role to keep their knowledge and expertise current

- supervising educators at the service who are under 18 years of age, and ensuring that they are not left to work alone
- ensuring staff aware of current child protection laws and any obligations that they may have under these laws (refer to *Early Years Policy - Child Safe Environment*)

Parents/guardians, volunteers and students on placement are responsible for:

- complying with the law, the requirements of the *Education and Care Services National Regulations 2011*, and all service policies and procedures
- following the directions of staff at the service at all times to ensure the health, safety and wellbeing of children is protected

Evaluation

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

- regularly check staff records to ensure VIT, Working with Children Checks and qualifications are current and complete
- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures