



Staffing Policy

Mandatory – Quality Area 4

PURPOSE

This policy will provide guidelines for engaging staff at Rowen Street Kindergarten Inc., 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 Working with Children (WWC) Checks and criminal history record checks, 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 Policy*
- *Code of Conduct Policy*
- *Determining Responsible Person Policy*
- *Participation of Volunteers and Students Policy*

POLICY STATEMENT

1.Values

Rowen Street Kindergarten Inc. 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.

2. 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, other staff, students on placement, parents/guardians, children, volunteers and others attending programs and activities at Rowen Street Kindergarten Inc, including during offsite excursions and activities.

3. 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. 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 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 that 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)*.

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 can be counted in the ratio.

All educators and staff are required by law to have a current WWC Check or be registered with the Victorian Institute of Teaching. It is also recommended that the Nominated Supervisor and staff with financial responsibilities also have a criminal history record check.

Child Safe Standard 6 requires organisations to have policies and procedures in place for the recruitment and pre-employment screening, supervision, appropriate induction, and ongoing supervision and people management is focussed on child safety and wellbeing (refer to Child Safe Environment 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 (Vic)*
- *Worker Screening Regulations 2021 (Vic)*

4. Definitions

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Person with Management or Control, Responsible Person, Regulatory Authority, National Law, National Regulations etc. refer to the General Definitions.

Adequate supervision: (In relation to this policy) **supervision** entails all children (individuals and groups) in all areas of the service, being in sight and/or hearing of an educator at all times including during toileting, sleep, rest and transition routines. Services are required to comply with the legislative requirements for educator-to-child ratios at all times. Supervision contributes to protecting children from hazards that may emerge in play, including hazards created by the equipment used.

Adequate supervision refers to constant, active and diligent supervision of every child at the service. Adequate supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include:

- number, age and abilities of children
- number and positioning of educators
- current activity of each child
- areas in which the children are engaged in an activity (visibility and accessibility)
- developmental profile of each child and of the group of children
- experience, knowledge and skill of each educator
- need for educators to move between areas (effective communication strategies)
- physical environment of the service.

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, 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.

The Kindergarten Funding Guide: provides detailed information from the Department of Education and Training (DET) about the types of kindergarten funding available, eligibility criteria, how to apply for funding and how to comply with operational requirements once funding has been granted.

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 (where a WWC is required under current legislation). A sample staff record is available on the ACECQA website: www.acecqa.gov.au.

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 early childhood teachers are required to be registered with the VIT.

Working directly with children: Working directly with children is defined as being physically present with children and directly engaged in providing them with education and/or care.

Working with Children (WWC) Check: The check is a legislative requirement 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, is granted to a person under working with children legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

5. Sources and related policies

Sources

- A Guide for Creating a Child Safe Organisation (The Commission for Children and Young People) ccyp.vic.gov.au
- Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- ELAA's Employee Management and Development Kit developed to support early learning services in the ongoing management and development of their employees. Available from www.elaa.org.au

- ELAA’s 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
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011
- The Kindergarten Funding Guide (Department of Education and Training): www.education.vic.gov.au
- The Early Years Learning Framework for Australia: Belonging, Being, Becoming: www.education.gov.au
- Victorian Early Years Learning and Development Framework: www.education.vic.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
- Victoria Police – National Police Record Check: www.police.vic.gov.au

Service policies

- Administration of First Aid Policy
- Anaphylaxis Policy
- Asthma Policy
- Child Safe Environment Policy
- Code of Conduct Policy
- Complaints and Grievances Policy
- Curriculum Development Policy
- Delivery and Collection of Children Policy
- Determining Responsible Person Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Participation of Volunteers and Students Policy
- Privacy and Confidentiality Policy
- Supervision of Children Policy

PROCEDURES

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
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R indicates legislation requirement, and should not be deleted					
Ensuring that obligations under the <i>Education and Care Services National Law and National Regulations</i> are met in relation to staffing arrangements	R	R			
Ensuring that quality staffing practices are in place in line with the <i>National Quality Standard</i> , especially Quality Area 4 – Staffing arrangements	R	R			
Complying with the service’s <i>Code of Conduct Policy</i> and other policies and procedures at all times	√	√	√	√	√
Appointing nominated supervisor (<i>refer to Definitions</i>) who are aged 18 years or older, fit and proper and have suitable skills, as required under the <i>National Law, Section 161 (refer to Determining Responsible Person Policy) (Regulations 117C)</i>	R	R			
Ensuring that there is a person in day-to-day charge (<i>refer to Definitions and Determining Responsible Person Policy</i>) on the premises at all times the service is in operation (<i>National Law: Section 162, Regulation 117A, 117B</i>)	R	R			
Developing rosters in accordance with the availability of responsible persons, staff qualifications, hours of operation and the attendance patterns of children	√	√			
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 (<i>refer to Definitions and Supervision of Children Policy</i>) 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 <i>The Kindergarten Funding Guide (refer to Sources)</i> 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 <i>Equal Opportunity Act 2010, Fair Work Act 2009, Occupational Health and Safety Act 2004 and the Worker Screening Act 2020</i>	R	√			
Following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the <i>Child Safe Environment and Wellbeing Policy</i>	R	√			
Employing the relevant number of appropriately-qualified educators (<i>refer to Definitions</i>) with ACECQA approved qualifications (<i>refer to Background and Sources</i>) (<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 (<i>refer to Definitions</i>) is working	R	√			

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)					
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 (Regulations 118, 148)	R	√			
Ensuring that educators and other staff are provided with a current position 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 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 146–149 .	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 ECT only)	R	√			
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	R	√			
Confirming the WWC Clearance of all volunteers prior to their being permitted to be a volunteer at the service	R	√			
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)	R	√	√		√
Determining who will cover the costs of WWC Clearance or criminal history record 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 (refer to Participation of Volunteers and Students Policy)	R	R	√		
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	√	√		√
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 (Regulations 136, 145)	R	√			

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 (<i>refer to Definitions and Sources</i>) and a record of ECT and educators working directly with children (<i>refer to Definitions</i>) 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 <i>National Quality Framework 7.2.3</i> , and participating in annual performance reviews	R	√	√		
Reviewing staff qualifications as required under current legislation and funding requirements on an annual basis, and maintaining current approved qualifications relevant to role	√	√	√		
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 (<i>Regulation 83</i>) (<i>refer to Tobacco, Alcohol and other Drugs Policy</i>)	R	R	√		
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, and undertaking professional development relevant to role to keep knowledge and expertise current	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>) (<i>refer to the Child Safe Environment Policy</i>)	R	√	√		
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 that the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements.	√	√			
Following the directions of staff at the service at all times to ensure that 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 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 parents/guardians at least 14 days before making any significant changes to this policy or its procedures unless a lesser period is necessary because of a risk.

ATTACHMENTS

Nil

AUTHORISATION

This policy was adopted by the Committee of Management of Rowen Street Kindergarten Inc. on 15 April 2024.

REVIEW DATE: APRIL 2028