

	<h2>Staffing Policy and Procedure</h2>
Version No.	Version 3.0 12 April 2023 (approved)
Authorisation	Director City Life
Expiry Date	Policy to be reviewed by December 2025
Responsible Officer	Manager Families and Children
Policy Owner	Early Childhood Coordinator

1. Purpose

Melton City Council is committed to:

- employing sufficient numbers of staff to meet legislative, policy and service standards
- employing staff with qualifications and experience that 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 and Criminal History Record Checks, Victorian Institute of Teaching (VIT) registration and meeting Child Safe Standards.
- 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 according to policy and funding requirements

2. Scope

This policy applies to the Approved Provider, Person with Management or Control Nominated Supervisor, Persons in Day to Day Charge, Educators, other staff, students on placement and volunteers at Melton City Council children's services.

3. Background

Research has demonstrated that the employment of appropriately qualified staff in early childhood services is a key contributor to the delivery of quality programs and better learning outcomes for children.

"Those with higher qualification levels and standards of training are better equipped to provide improved learning environments and mentor Educators in quality practices, leading to better outcomes for children" (Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011).

The Australian Government has acknowledged this by legislating minimum qualification requirements for all Educators working in early childhood education and care services. Eligibility for services to receive funding also include requirements for staff to hold specific qualifications.

In addition, current National legislation requires 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 details of qualifications must be kept on an individual's Staff Record. Victorian

government legislation requires all Educators to hold current First Aid qualifications and Anaphylaxis management training.

It is an offence under section 35 of the *Worker Screening Act 2020* to engage a person in child-related work if the person does not have a current assessment notice.

Parents/guardians and family members closely related to children attending the service are exempt from needing a Working With Children Check (WWC) Check. The Service may decide, as a demonstration of duty of care that all parents/guardians who volunteer at the service are required to undergo a Working With Children Check (WWC) Check. Melton City Council has an expectation all volunteers have a Working With Children Check (WWC) Check.

Definitions

The terms defined in this section relate specifically to this policy and procedures. For commonly used terms e.g. Approved Provider, Regulatory Authority etc. refer to the *Glossary of Terms*.

Word/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 '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).
Adequate Supervision	(In relation to this policy and procedure) 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 and/or hear each child, respond to individual needs, and immediately intervene if necessary. Variables affecting Supervision levels include: <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) • sole workers responding to care needs.
Approved First Aid Qualification	A list of Approved First Aid Qualifications, Anaphylaxis management and emergency Asthma management training is published on the ACECQA website (see <i>Sources</i>).

Word/Term	Definition
Responsible Person's	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.
Criminal History Record Check	A full-disclosure, Australia-wide Criminal History Record Check issued by Victoria Police (refer to <i>Sources</i>), 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 (ECT)	A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website (see <i>Sources</i>).
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 (National 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.
Educator	An individual who provides education and care for children as part of an education and care service.
Fit and Proper	In determining whether an applicant is Fit and Proper, the Regulatory Authority must take into account the applicant's history of involvement in education and care services, their compliance with current and prior law, Criminal History Record Check, and any bankruptcy or insolvency issues. The Regulatory Authority may reassess fitness and propriety at any time. Applicants are required to complete the Declaration of Fitness and Propriety form on the ACECQA website and have this approved by the Regulatory Authority. This form must be completed by an individual provider applicant or, in the case of an entity provider applicant, each person with management or control of a service. The form is available on the ACECQA website (see <i>Sources</i>). It is an offence under Section 35 of the <i>Worker Screening Act 2020</i> to engage a person in child-related work if the person does not have a current assessment notice.
Nominated Supervisor	A person who has been nominated by the Approved Provider of the service to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.
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), a Nominated Supervisor or other suitably experienced and qualified person who has been placed in day-to-day charge of the service in accordance with the National Regulations.
Staff Record	A record which the Approved Provider of a service must keep containing information about the Nominated Supervisor, Educational

Word/Term	Definition
	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 (WWC) Check. A sample Staff Record is available on the ACECQA website in Resources and Templates (see <i>Sources</i>).
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 and independent schools are required to be registered with the VIT in order to practice in their profession.
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.
Working With Children (WWC) Check	<p>The check is a legal requirement under the <i>Worker Screening Act 2020</i> for those undertaking paid or voluntary child-related work in Victoria and is a measure to help protect children from harm arising as a result of physical or sexual abuse. 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.</p> <p>A Working With Children Check (WWC) Check card, notice or document (valid for five years), is granted to a person under 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.

4. Responsibility/Accountability

4.1. The Approved Provider, according to Regulations is responsible for the implementation of this policy and procedure. This will be achieved through the Leadership Group and their service staff:

- that the service does not operate without a Nominated Supervisor as required under the National Law
- that there is a Responsible Person on the premises at all times the service is in operation
- that the Nominated Supervisor, Educators and all staff comply with the *Code of Conduct Policy* at all times
- that children being educated and cared for by the service are adequately supervised 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) & (2), National Regulations 123, 123A 124)
- that all staffing meets the requirements of the National Law and National Regulations (refer to *Sources*) at all times the service is in operation
- complying with current legislation relating to the employment of staff
- employing the relevant number of appropriately qualified Educators. Qualifications must be approved by ACECQA (National Regulations 126, 361)

- employing additional staff, as required, to provide a quality early childhood education and care program
- appointing an appropriately qualified and experienced Educator to be the Educational Leader, and ensuring this is documented on the Staff Record (National Regulations 118, 148)
- that Educators and other staff are provided with a current position description that relates to their role at the service
- maintaining a Staff Record in accordance with National Regulation 145 including information about the Nominated Supervisor, Nominees, the Educational Leader, other staff members, volunteers, students and the Responsible Person. Details that must be recorded include qualifications, training and the Working with Children Check (WWC) Check. A sample Staff Record is available on the ACECQA website in Resources and Templates
- complying with the requirements of the Worker Screening Act 2020, and ensuring that the Nominated Supervisor, Educators, staff, volunteers and students on placement at the service have a current Working with Children Check (WWC) Check or a VIT certificate of registration
- that the Working with Children Check (WWC) Check or VIT registration have been sighted and the details kept on each Staff Record (National Regulations 145, 146 and 147)
- completing a Fit and Proper assessment in accordance with the *Education and Care Services National Law Act 2010* (Sections 12, 13, 14) and the *Education and Care Services National Regulations 2011* (National Regulations 14, 15, 16)
- developing (and implementing, where relevant) an appropriate induction program for Educators and all staff appointed to the service
- 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
- Educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (National Regulation 120)
- that there is at least one Educator with current Approved First Aid Qualifications, Anaphylaxis management training and emergency Asthma management training in attendance and immediately available at all times that children are being educated and cared for by the service. Victorian Government legislation requires all Educators to hold current First Aid qualifications and Anaphylaxis management training. Details of qualifications and training must be kept on the Staff Record (National Regulations 136 and 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
- that Staff Records and a record of Educators Working Directly With Children are updated annually, as new information is provided or when rostered hours of work are changed (National Regulations 145 to 151)
- reviewing staff qualifications as required under current legislation and funding requirements on an annual basis
- that the Nominated Supervisor, Person in Day to Day Charge, Nominees, 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 (National Regulations 83)
- that all Educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current

- that the Nominated Supervisor, Person in Day to Day Charge Nominees and Educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (National Regulation 84)
- 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
- that the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements.

4.2. The Nominated Supervisor is responsible for:

- providing written consent to accept the role of Nominated Supervisor
- ensuring that, in their absence from the service premises, another responsible person is placed in day-to-day charge of the service
- ensuring that 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.

4.3. The Person in Day to Day Charge/Nominated Supervisor is responsible for:

- 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
- developing rosters in accordance with the availability of Responsible Persons/Nominees, staff qualifications, hours of operation and the attendance patterns of children
- ensuring that Educators and other staff undertake appropriate induction following their appointment to the service
- 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 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
- ensuring that less experienced Educators and others engaged to be working with children are adequately supervised
- sighting and recording details of current Working with Children Check (WWC) Checks or VIT registrations before staff commence at the service
- informing parents/guardians of the name/s of casual or relief staff where the regular Educator is absent.

4.4. All staff are responsible for:

- meeting the qualifications, experience and management requirements if they wish to act as the responsible person in day to day charge of a service, as defined in the National Regulations 46–49
- complying with all policies and procedures and contractual obligations at all times
- ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children
- providing details of their current Working with Children Check (WWC) Check or VIT registration for the Staff Record
- renewing their Working with Children Check (WWC) Check assessment every five years

- 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
- supervising volunteers/students and parents/guardians at all times to protect the health, safety and wellbeing of children at the service
- 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

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

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

5. References, Sources, Links to Legislation and Other Documents

5.1. Please refer to Reference and Sources page on the council website.

5.2. Related service policies and Procedures

- *Administration of First Aid Policy and Procedures*
- *Anaphylaxis Policy and Procedures*
- *Asthma Policy and Procedures*
- *Code of Conduct Policy and Procedures*
- *Complaints and Grievances Policy and Procedures*
- *Delivery and Collection of Children Policy and Procedures*
- *Determining Responsible Person Policy and Procedures*
- *Educational Program Development Policy and Procedures*
- *Inclusion and Equity Policy and Procedures*
- *Interactions with Children Policy and Procedures*
- *Privacy and Confidentiality Policy and Procedures*
- *Supervision of Children Policy and Procedures*

Procedure

In terms of Staff Records

Family Day Care, Vacation Care are required to have a Staff Record for all staff working in the service as per National Regulations.

In terms of specific criteria around staffing entitlements

Refer to *Councils Enterprise Agreement* in force and individual contracts.