

## Staffing Arrangements Policy

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### NQS

QA4	4.1.1	Educator-to-child ratios and qualification requirements are maintained at all times.
QA7	7.1.1	Appropriate Governance arrangements are in place to manage the service.

### National Law

Section	5	Definitions (nominated supervisor consent in writing)
	56	Notice of change to nominated supervisor
	162	Offence to operate education and care service unless responsible person is present
	173	Offence to fail to notify certain circumstances to Regulatory Authority

### National Regulations

Regulations numbered 240 and higher are state or transitional regulations

Reg	54	Process for certified supervisor to be placed in day to day charge
	118	Educational Leader
	120	Educators who are under 18 to be supervised
	122	Educators must be working directly with children to be included in ratios
	123	Educator to child ratios—centre-based services
	126	Centre based services – general educator qualifications
	136	First aid qualifications
	150	Staff record must include name of responsible person at service each time children being educated and cared for by the service.
	173(2)(c)	Offence not to clearly display name of responsible person in the main entrance
	240	Qualifications for educators—centre-based service applies until 31.12.15 Applies to reg 126
	245	Person taken to hold approved first aid qualification. Applies until 31.12.12 or qualification expires.
	355	Educator to child ratio- children over preschool age
	356	Qualifications for educators – children over preschool age

### Aim

To ensure that our education and care service is at all times compliant in relation to educator/child ratios and qualified educators.

## Related Policies

Excursion Policy

Transportation policy

Child Protection Policy

Continuity of Education and Care Policy

Educator and Management Policy

National Quality Framework Policy

## Who is affected by this policy?

Children

Families

Educators

Management

## Implementation

Our service will maintain compliance to the following:

- Our service will nominate a qualified and experienced educator, co-ordinator or other individual as the service's Educational Leader. This person is responsible to lead the development and implementation of the service's educational programs.
- Our service will ensure that any educator that is under eighteen years of age does not work alone at the service and is supervised at all times by an educator who is over eighteen.

Our service will maintain compliance to the following in relation to the everyday practicalities of service's operations:

- Educators' rostering and routines will at all times make sure enough educators are available for the adequate supervision of children.
- Supervising educators give their attention to the children and not to any other duties.
- At no time will students or volunteers be included in the ratio of adults supervising children.
- Students and volunteers will never be left alone with a child or a group of children.
- A nominated supervisor or certified supervisor will be on the premises at all times when children are being educated or cared for.
- There will be more than one educator present when children are in attendance. No child will at any time be in the care of a sole educator.

- In any situation where adequate supervision of children is threatened, any educators on a meal-break must be prepared to return to duty to supply adequate supervision.
- The Approved Provider or Nominated Supervisor will ensure that regulations in relation to the supervision of children are adhered to.
- Educators supervising outdoors, should position themselves to see as much of the play area as possible.
- Any water activity should be closely supervised by one educator at all times.
- Except for necessary discussions or concerns regarding children or matters relating to the Service, educators will not congregate together outside.
- When children are resting they will be supervised.
- No child is to be left unattended at the table when eating.
- Rosters will be designed and implemented to ensure that children receive continuity of care.
- Our service will, when possible and to the best of our ability, make use of a regular pool of relief educators.

### Supervision of Services

Our service will have at least one **“responsible person”** present at all times when caring for and educating children. A responsible person is:

- an approved provider
- a nominated supervisor
- a certified supervisor who is in charge of the daily running of the service.

The name of the responsible person will be clearly displayed in the main entrance of the Service on the display screen.

If the responsible person needs to change (for example the current person needs to leave the Service), he or she will “hand over” responsibility for the role to another eligible person at the Service. Both the old and new responsible person will communicate directly and ensure the name of the responsible person displayed at the Service correctly reflects who currently holds the position.

If more than one person at our service is a “responsible person”, we may develop a roster to rotate the role.

All educators and staff members will ensure that children are adequately supervised at all times, and that they can respond immediately to any child that is distressed, in need of assistance or support or in a dangerous situation. This includes during transition periods when children may, for example, be moving between outdoor and indoor environments, arriving or leaving the service, moving from service vehicles to the service premises, leaving or returning from excursions, moving to meal areas, washing their hands or using the toilet facilities. To achieve this outcome educators will be alert,

aware and in sight and sound of all children for whom they are responsible. They will also actively engage with children and not stand back and watch.

To ensure all children are accounted for during transitions between environments or rooms, Room Leaders will ensure a copy of the daily sign in sheet or similar record is used to check that all children under educators' supervision have made the transition.

There may also be times when minimum ratio requirements are not sufficient to ensure children are adequately supervised. On these occasions the Nominated Supervisor or certified supervisor will assess the situation and when necessary ensure there are extra adults present to ensure children's health, safety and wellbeing.

Issues affecting the adequacy of supervision include:

- the number, ages and abilities of children
- the number and positioning of educators
- each child's current activity
- areas where children are playing, in particular the visibility and accessibility of these area
- risks in the environment and experiences provided to children
- the educators' knowledge of each child and each group of children
- the experience, knowledge and skill of each educator.

Educators will ensure team members know when they leave the room or area, or finish their shift, and are aware of any particular issues that may require additional oversight of children. They will do this verbally and there must be acknowledgement by the other educator prior to leaving the environment. The register of educators working with children will be completed if the educator is leaving for any length of time.

### **Certified Supervisors and Nominated Supervisors**

Certified Supervisors appointed under a service supervisor certificate must be someone identified by the approved provider as:

- responsible for the day to day management of the service or
- exercising supervisory and leadership responsibilities for part of the service

The approved provider will take all reasonable steps to ensure children's safety and wellbeing is protected when identifying individuals to fill supervisory roles at the service. These include:

- obtaining a statement from the person about their compliance history (see attachment A) eg whether they have ever had an individual supervisor certificate suspended, cancelled or limited

by a condition, or have been subject to any other compliance or disciplinary actions under a children's services law, education law, or a previous education and care services law, in any state or territory

- ensuring the person is fit and proper (and has a satisfactory working with children clearance)
- ensuring that the nominated supervisor and any person placed in day to day charge of the service has suitable skills, qualifications, experience and age to perform the roles
- ensuring that all certified supervisors are at least 18 years of age.

Where a nominated supervisor places a certified supervisor in day to day charge of the service, they will also make an informed decision based on these factors.

A certified supervisor who wishes to accept a designation by the approved provider or nominated supervisor as the certified supervisor in day to day charge must consent to the position in writing (see attachment B).

A certified supervisor who wishes to accept a nomination by the approved provider to be the nominated supervisor must also consent in writing to their appointment using form NS01 at <http://www.acecqa.gov.au/notifications>. The approved provider will submit this form with form NS02 'Notification of Change to Nominated Supervisor' to their Regulatory Authority.

All individuals identified as certified supervisors by the approved provider will consent to the appointment in writing (see attachment A). The nominated supervisor will keep a record of all certified supervisors.

### **Educator to Child Ratios**

Our educator to child ratios will always meet the minimum requirements as stated below. Note the numbers of children referred to in this section does not include children being cared for in an emergency for no more than two consecutive days the service operates.

- For children over preschool age the educator to child ratio will be 1 educator to 15 children.

### **Rostering**

The Approved Provider and Nominated Supervisor will comply with award requirements in relation to rostering. The Nominated Supervisor will:

- post or display a staff roster where it can be easily accessed by all employees
- discuss any potential changes to the roster with affected staff members first, and consider their views about the impact of changes
- only change an employee's rostered hours if:

- the employee agrees to the change or
- they give the employee seven days notice

This does not apply in an emergency where there is an imminent or severe risk to people at the service or the service premises need to be locked down. An emergency does not include a parent being late to collect a child.

The Nominated Supervisor will adhere to the Service's Code of Conduct at all times while negotiating roster changes with staff.

The Nominated Supervisor and the employee may agree to waive or shorten the seven day notice period. This agreement must be recorded in writing and form part of the time and wages records.

An employee may be transferred from one location to another within their rostered hours, and will be paid for the time taken to travel from one location to the other. Where an employee is required to permanently transfer to another location (other than by mutual agreement), they must be given seven days notice of the change or paid at the overtime rate until seven days have passed from the date notice was given.

#### **Qualifications for Educators:**

- At least 50% of educators required to meet the educator to child ratio must hold or be enrolled in and studying for, at least a qualification that is published on the national authority's website [www.acecqa.gov.au](http://www.acecqa.gov.au) in the list of approved diploma level qualifications for educators working with children over preschool age for Victoria <http://files.acecqa.gov.au/files/Quals/2014/20140109-ACECQA-approved-qualification-list-OSHC.pdf>
- All other educators must or, or be actively working towards, at least a qualification that is published on the national authority's website [www.acecqa.gov.au](http://www.acecqa.gov.au) in the list of approved certificate III level qualifications for educators working with children over preschool age for Victoria or begin obtaining this qualification within 6 months of starting to educate and care for children.

Until 31 December 2015, educators who have been continuously employed as an educator in an education and care service or a children's service for a period of at least 15 years immediately before 1 January 2012 and continue to be employed by the same Approved Provider as they were immediately before 1 January 2012 can be included in the educator to child ratios.

#### **First Aid Qualifications**

- The approved provider must ensure that at least one educator attending the service :
  - holds a current approved first aid qualification
  - has undertaken current approved anaphylaxis management training and
  - has undertaken current approved emergency asthma management training.

- An educator is taken to hold an approved first aid qualification or training if:
  - the educator holds an approved qualification or training as published on <http://www.acecqa.gov.au/qualifications/>

### Child Protection

- The Approved Provider of an education and care service must ensure that the nominated supervisor, educators and other staff members who work with children are advised of the current child protection law and any obligations they may have under the law.

### Working With Children Check

- The Approved Provider must ensure that the nominated supervisor has read a person's working with children check before the person is engaged as an educator or permitted to volunteer. Some exemptions apply including:
  - a working with children check cannot be issued because of the person's age, or the person is a volunteer, and they will be directly supervised by someone who is at least 18 and holds or is actively working towards an approved diploma level qualification, or
  - the person is a registered teacher under the Education and Training reform Act 2006 and the approved provider or nominated supervisor has checked the register kept under the Act.
  - Further information is available at <http://www.justice.vic.gov.au/workingwithchildren/home/about+the+check/>

## Sources

**Education and Care Services National Regulations 2011**  
**National Quality Standard**  
**Department of Justice Vic**

## Review

The policy will be reviewed annually.

Review will be conducted by:

- Management



- Employees
- Families
- Interested Parties

**Reviewed: March 1st, 2017**

**Date for next review: March 1<sup>st</sup>, 2018**

**ATTACHMENT A**

**Appointment of Certified Supervisor**

I designate

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INSERT FULL NAME

to be a certified supervisor at

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Chabad Youth

and declare that that this person:

- meets the following definition for a service supervisor certificate
  - a person employed or engaged by an approved provider to be responsible for the day to day management of an approved education and care service
  - a family day care co-ordinator
  - a person employed or engaged by an approved provider to exercise supervisory and leadership responsibilities in relation to a section of an approved education and care service providing education and care to children
- has a current child protection clearance which meets the requirements of the National Law and Regulations and a copy is on their file
- has declared they have never been subject to any compliance action or disciplinary proceedings under the Education and Care Services National Law or Regulations or State or Territory specific early childhood laws
- is at least 18 years old





- has suitable skills and experience for supervising the service.

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Signature

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Print Full Name

Approved Provider

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Service Supervisor Certificate Number

Date

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I accept the position of Certified Supervisor

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INSERT FULL NAME

Date

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### Compliance History Statement

*This template is to help approved providers make informed decisions about a person’s suitability to be the nominated supervisor or to be placed in day to day charge of the service, if the person meets the definition at regulation 238A and may be covered by the service supervisor certificate.*

*It is not mandatory to use this form before appointing a person to one of these roles, however seeking a compliance history statement will help make an informed decision about whether a person is fit and proper to supervise an education and care service.*

*The nominated supervisor can also place a person in day to day charge of a service, under regulation 54, and should consider the fitness and propriety for a person who may be covered by the service supervisor certificate.*

Please provide information about any compliance action or disciplinary proceedings to which you have been subject under:

- the *Education and Care Services National Law*, including the *Education and Care Services National Regulations*, and
- any of the laws listed at Table 1. below, in any Australian state or territory.


Have you ever had a supervisor certificate that was suspended or cancelled by the regulatory authority?

Yes – please provide details below

No


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I, (insert full name) \_\_\_\_\_

of, (insert address) \_\_\_\_\_

and born on (insert date of birth) \_\_\_\_\_ declare that:

- the information provided in this statement is true and complete, and
- I am aware that I may be subject to penalties under a Commonwealth or State or Territory Act if I provide false or misleading information.

Signed: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

<b>Table 1</b>	
<b>Other relevant laws, including children’s services laws, education laws and former education and care services laws in any Australian state or territory</b>	
Australian Capital Territory	<i>Children and Young People Act 2008</i> <i>Education Act 2004</i>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i> <i>Education Act 1990</i> <i>Institute of Teachers Act 2004</i> <i>Teaching Service Act 1980</i>
Northern Territory	<i>Care and Protection of Children Act</i> Care and Protection of Children (Children's Services) Regulations <i>Education Act</i> <i>Teacher Registration (Northern Territory) Act and Regulations</i>
Queensland	<i>Child Care Act 2002</i>

	<p><i>Child Care Act 1991</i></p> <p><i>Education (Accreditation of Non-State Schools) Act 2001</i></p> <p><i>Education (General Provisions) Act 2006</i></p> <p><i>Education (Overseas Students) Act 1996</i></p> <p><i>Education (Queensland College of Teachers) Act 2005</i></p> <p><i>Higher Education (General Provisions) Act 2008</i></p>
South Australia	<p><i>Children's Protection Act 1993</i></p> <p><i>Children's Services Act 1985</i></p> <p><i>Education Act 1972</i></p>
Tasmania	<p><i>Child Care Act 2001</i></p> <p><i>Education Act 1994</i></p> <p><i>Teacher's Registration Act 2000</i></p> <p><i>Registration to Work with Vulnerable People Act 2013</i></p> <p><i>Children, Young Persons and their Families Act 1997</i></p>
Victoria	<p><i>Children's Services Act 1996</i></p> <p><i>Education and Training Reform Act 2006</i></p>
Western Australia	<p><i>Child Care Services Act 2007</i></p> <p><i>Child Care Services Regulations 2007</i></p> <p><i>School Education Act 1999</i></p> <p><i>Western Australian College of Teaching Act 2004</i></p>



**ATTACHMENT B**

**Certified Supervisor Placed in Day to Day Charge Nomination**

I nominate \_\_\_\_\_

to be a Certified Supervisor who can be placed in day to day charge of the Service.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Full Name

Approved Provider/Nominated Supervisor (delete one)

\_\_\_\_\_  
Dated



## Certified Supervisor Placed in Day to Day Charge Consent

I consent to be placed in day to day charge of INSERT NAME OF SERVICE when the Nominated Supervisor is absent

I declare:

- I have a current child protection clearance (eg working with children check)
- I will uphold the National law and Regulations, and the policies, procedures, philosophy and Code of Conduct of the service while acting in this role
- I will ensure there is always an educator at the service with current approved First Aid, asthma and anaphylaxis qualifications whenever children are present.

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Signature

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Print Full Name

Certified Supervisor

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Certified Supervisor Number or Service Supervisor Certificate Number

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Date