

## Staffing Arrangements Policy

### NQS

QA4	4.1.1	Organisation of educators - The organisation of educators across the service supports children's learning and development
QA7	7.1.3	Roles and Responsibilities - Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

### National Law

Section	5	Definitions (nominated supervisor consent in writing)
	56	Notice of change to nominated supervisor
	56A	Notice of change of a nominated supervisor's name or contact details
	161	Offence to operate education and care service without nominated supervisor
	161A	Offence for nominated supervisor not to meet prescribed minimum requirements
	162	Offence to operate education and care service unless responsible person is present
	162A	Persons in day-to-day charge and nominated supervisors to have child protection training
	165	Offence to inadequately supervise children
	169	Offence relating to staffing arrangements
	170	Offence relating to unauthorised persons on education and care service premises
	173	Offence to fail to notify certain circumstances to Regulatory Authority
	174	Offence to fail to notify certain information to Regulatory Authority

### National Regulations

**Regulations numbered 240 and higher are state or transitional regulations**

Reg	10	Meaning of actively working towards a qualification
	117A	Placing a person in day to day charge
	177B	Minimum Requirements for a person in day to day charge
	117C	Minimum Requirements for a Nominated Supervisor
	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	Prescribed information to be displayed
	356	Qualifications for educators – children over preschool age
	358	Working with children check to be read

## Aim

To ensure our supervision and staffing practices keep children safe at all times.

## Related Policies

Child Protection Policy

Continuity of Education and Care Policy

Educator and Management Policy

Excursion Policy

Governance Policy

## Supervision

Children's safety and wellbeing is taken very seriously at our service. 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 throughout the day when children may, for example, be changing rooms or groups, 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 or nappy change facilities.

To achieve this outcome educators will be alert, aware and in sight and sound of all children for whom they are responsible. Educators supervising outdoors must position themselves to see as much of the play area as possible, and follow any playground supervision plans if relevant. They will also actively engage with children and not stand back and watch. Educators working directly with

children must focus on the children and not other duties/activities. They will not group together in the outdoor environment except for brief, necessary discussions regarding the children.

In particular, children will be supervised:

- when resting or sleeping
- during hand washing and/or toilet times
- while undergoing toilet training (they will not be left unsupervised in the bathroom)
- at the table when eating
- in any areas where risk is increased
- during any water activity (at least one educator close at all times)

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 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 (see attached template).

To further ensure children are always adequately supervised the Approved Provider or Nominated Supervisor, and where relevant Room Leaders, will ensure:

- only educators working directly with children are included in the educator to child ratio

- students, volunteers and any educator under eighteen years is supervised at all times by an educator eighteen and over
- no child is ever left alone with a visitor/ unauthorised person
- they promote continuity of care when organising rosters and a regular pool of relief educators
- any educators on a meal-break in the Service return to duty to supply adequate supervision. In any emergency situation where adequate supervision of children is threatened. Relief staff requirements will be reviewed if educators begin to be regularly recalled

## **Supervision and Interactions with Older Children**

Older children (children aged above 13) sharing the premises with the Younger children (children 12 years and younger) will be guided on appropriate interactions. They will be instructed on child friendly and respectful relationships with the younger children.

The Responsible person will induct the Older Children on the first day of the program outlining appropriate interactions with peers and younger children. Their behaviour will be monitored and consistently supervised throughout the duration of the program. The induction will include: ensuring that children older than 13 years old are not left unsupervised near the younger children, ensuring that language and behaviour is appropriate and ensuring that the older children understand and respect that the younger children are under the direct control and supervision of the educators of the service.

### **Responsible Person**

A responsible person is:

- an approved provider
- a nominated supervisor
- a person who is in day to day charge of the service.

The Approved Provider, Nominated Supervisor and Person in Day to Day Charge will implement the following Responsible Procedure to ensure there is always a "responsible person" present at all times when caring for and educating children, and their name and position is clearly displayed in the main entrance of the Service.

If Nominated Supervisor present when service opens he or she will:

1. sign in on a Responsible Person sign in/out record
2. make sure their name and role (Nominated Supervisor) is clearly displayed in the main entrance

3. before they leave the service, handover the Responsible Person role to either the Approved Provider or Person in Day to Day Charge by:

- talking directly to the Approved Provider or Person in Day to Day Charge
- signing out of the Responsible Person record
- making sure the Approved Provider or Person in Day to Day Charge signs in on the Responsible Person record
- changing the name and position of the Responsible Person displayed in the main entrance to match that of the new Responsible Person

The Nominated Supervisor will not leave the service if the Approved Provider and Person in Day to Day Charge are both absent

4. when they return to the service, resume the Responsible Person role by:

- talking directly to the person who took on the role when they were absent ie Approved Provider or Person in Day to Day Charge
- signing in on the Responsible Person record
- making sure the Approved Provider or Person in Day to Day Charge signs out on the Responsible Person record
- changing the name and position of the Responsible Person displayed in the main entrance to their name and role

If the Approved Provider or Person in Day to Day Charge takes on the Responsible Person role while the Nominated Supervisor is absent, he or she will:

1. sign in on a Responsible Person sign in/out record
2. make sure their name and role is clearly displayed in the main entrance
3. stay at the service until the Nominated Supervisor returns and resumes the Responsible Person role, or before they leave the service, handover the Responsible Person role to another Responsible Person ie Approved Provider or Person in Day to Day Charge by:

- talking directly to that person
- signing out of the Responsible Person record
- making sure the new Responsible Person signs in on the Responsible Person record
- changing the name and position of the Responsible Person displayed in the main entrance to match that of the new Responsible Person

The Approved Provider or Person in Day to Day Charge will not leave the service if there is not another Responsible Person present to take on the role.

### **Nominated Supervisors and Persons in Day to Day Charge**

The Approved Provider will make sure people appointed as a Nominated Supervisor or Person in Day to Day Charge are at least 18 and have:

- the required skills to be a nominated supervisor or person in day to day charge eg has adequate knowledge and understanding about providing education and care including understanding of child protection obligations
- can effectively supervise and manage the service

The Approved Provider will take all reasonable steps to ensure children's safety and wellbeing is protected and ensure the person is 'fit and proper' person to fill the role by:

- considering their age, qualifications and experience
- checking their child protection clearance is current
- getting a statement from person about their compliance history. Use 'compliance history statement' template on ACECQA website
- getting declaration from person that they're not a 'prohibited person'. Use 'prohibition notice declaration' on ACECQA website

See 'Appointment of Nominated Supervisor' template attached.

Note a Nominated Supervisor will also make an informed decision based on these factors if they appoint a person in day to day charge.

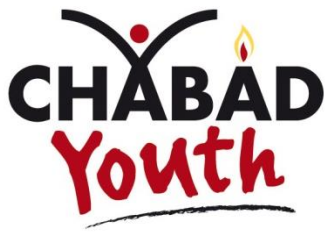
A person who accepts a Nominated Supervisor position must consent in writing using ACECQA notification form NS01 which must be scanned and uploaded when notifying the Regulatory Authority through the NQA ITS about a change of Nominated Supervisor.

A person who accepts being in day to day charge must also consent in writing (see attached template). The nominated supervisor will keep a record of all persons who may be placed in day to day charge.

The Approved Provider or Nominated Supervisor will keep a record of all information and documentation supporting a person's appointment as Nominated Supervisor or in day to day charge.

The day to day charge person will be written on the staff roster and display board.

The Approved Provider and Nominated Supervisor will comply with all the notification requirements relating to staff changes and staff details as outlined in the Governance Policy.



### **Educator to Child Ratios**

The Approved Provider and Nominated Supervisor will ensure our educator to child ratios always meet the minimum requirements below.

- 1:15 (for children over preschool age).

In relation to ratios:

- The numbers of children do not include children being cared for in an emergency for no more than two consecutive days the service operates
- More than one educator will be present when children are in attendance where possible

### **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.

Where the employee's roster is changed without seven days notice, they will be paid overtime on the changed hours until seven days have passed from the date notice of the changed roster was given.

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:**

The Approved Provider and Nominated Supervisor will ensure:

- At least 50% of educators required to meet the ratio hold or are 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
- 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.

#### **Child Care Subsidy and PRODA**

Any person with management or control of the Provider and persons responsible for the day to day operation of the service must be registered with the Federal Government's Provider Digital Access (PRODA) for administering Child Care Subsidy/Additional Child Care Subsidy. Any staff member nominated by a person who meets these criteria may also be registered as a service contact with PRODA. In addition to obtaining a Working with Children Check if required to hold one, the Approved Provider will ensure all registered persons meet the fitness and propriety requirements under the Family Assistance Law as follows:

For person with management or control of the Provider

- a certified copy of an Australian National Police Criminal History Check dated no more than six months before the application for approval
- an extract from the National Personal Insolvency Index Bankruptcy Search service provided by the Australian Financial Security Authority dated no more than three months before the application
- a current and historical personal name extract search of the Australian Securities and Investments Commission records dated no more than three months before the application
- evidence (computer printout) the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission dated no more than three months before the application.

For persons responsible for the day to day operation of the service

a certified copy of an Australian National Police Criminal History Check dated no more than six months before the application for approval

#### **First Aid Qualifications**

The Approved Provider or Nominated Supervisor will ensure that at least one educator, staff member or Nominated Supervisor present at 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.

If the service is situated within a school's grounds, the service will meet the first aid requirements if there is at least one school staff member in attendance and immediately available who holds a current first aid qualification and has completed current approved anaphylaxis and 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.cecqa.gov.au/qualifications/>

### **Child Protection**

The Approved Provider will ensure each Nominated Supervisor and Person in Day to Day Charge has successfully completed child protection training.

The Approved Provider and Nominated Supervisor will ensure all employees understand the current child protection law and their obligations under the law.

### **Working With Children Check**

The Approved Provider or Nominated Supervisor will ensure that educators, staff, volunteers and students have a Working With Children Check before they work or volunteer at the service unless the person is:

- under 18 and works with children at the service only under the immediate supervision of an educator who has attained the age of 18 years or
- a volunteer and works with children at the service only under the immediate supervision of an educator who has attained the age of 18 years
- registered as a teacher under the Victorian Education and Training Reform Act 2006 and the approved provider, nominated supervisor or person in day to day charge of the service has checked the relevant register to ensure the person is registered.

Further information is available at <http://www.workingwithchildren.vic.gov.au/>

## **Sources**

**Education and Care Services National Law and Regulations**

**National Quality Standard**

**Family Assistance Law**

**Workers Screening Act 2020**

**Working with Children Check Victoria**

## Review

The policy will be reviewed annually by:

- Management
- Employees
- Families
- Interested Parties
- **Last reviewed: 1<sup>st</sup> May 2022    Date for next review: 1<sup>st</sup> May 2023**

## Appointment of Nominated Supervisor

**Note you also need to complete ACECQA forms NS01 and NS02 and forward to Department**  
I appoint **<INSERT FULL NAME>**

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to be a person in day to day charge at **< INSERT NAME OF SERVICE >**

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and declare that that this person:

- has the required skills to be a person in day to day charge eg has adequate knowledge and understanding about providing education and care including understanding of child protection obligations
- can effectively supervise and manage the service
- is at least 18 years
- **has successfully completed a child protection course approved by the NSW Regulatory Authority (NSW ONLY)**
- is a fit and proper person - they have
  - a current child protection clearance
  - declared they have never been subject to any compliance action or disciplinary proceedings under the National Law or Regulations or State/ Territory early childhood



laws (Supervisor to complete ACECQA Compliance History Statement template attached)

- declared they are not a 'Prohibited Person'

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Signature

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Print Full Name  
Approved Provider  
Date

I accept being Nominated Supervisor and will always uphold the National Law and Regulations, my obligations as Nominated Supervisor under those laws and regulations, and the policies, procedures, philosophy and Code of Conduct of the service

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Signature

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Print Full Name  
Date