

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

Reg	10	Meaning of actively working towards qualification
	117A	Placing a person in day to day charge
	117B	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
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	152B	Record of replacement of early childhood teacher or suitably qualified person
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	239A	Centre-based services in remote and very remote areas – attendance of ECTs until 31.12.24

241	Persons taken to hold an approved early childhood teaching qualification
242	Persons taken to be early childhood teachers applies until 31.12.21 for services with less than 30 children until 31.12.23
243	Persons taken to hold an approved diploma level qualification
244	Persons taken to hold an approved certificate III level qualification
271	Educator to child ratios—children aged 36 months or more but less than 6 years Applies instead of 123 (1c)
272	ECTs—children preschool age or under for services with 30 or more children Applies instead of regs 131-135
278	Qualifications for primary contact educators for fewer than 30 children

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
Record Keeping and Retention Policy

Definitions

"Volunteer": A person who offers their time and services without payment to assist teachers, organise events, or engage with children under supervision, however, they are not counted in ratio.

"Room Leader": A qualified individual responsible for overseeing a specific room or group of children, planning educational programs, supervising children, and maintaining a safe environment.

"Nominated Supervisor": An individual designated to ensure compliance with regulations and The National Quality Standards, playing a key role in its management and administration.

"Approved provider": An organisation or individual authorised to operate an early childhood education and care service, responsible for meeting required standards, providing quality care, facilities, and qualified staff.

"Student": An individual studying early childhood education, gaining practical experience or completing a placement under the guidance of qualified educators.

"Education Leader": A professional with a leadership role, overseeing educational programs, collaborating with room leaders and educators, providing guidance, mentoring, and professional development opportunities for staff.

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 within 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 that are 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 safety or wellbeing.

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)
- while moving between levels or areas of the service

Transitions

Educators will ensure children only move between areas if they are accompanied by an educator, student or volunteer. Where the educator, student or volunteer needs to return to another group of children, they will hand over responsibility for supervising the children to the new educator by speaking with them and getting a verbal acknowledgement from them that the children are now their responsibility.

To ensure all children are accounted for during transitions between environments or rooms, Room Leaders will ensure the role is marked using the Xplor to check that all children under educators' supervision have made the transition.

Adequacy of Supervision

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.

Staff will sign in and out using the time sheets in the administration office and follow the roster displayed in the administration office and located on the staff cloud. This roster informs how our educators will meet required ratios, adequate supervision and qualification requirements at all times. The breaks columns and comments column will be completed if any staff's shift differs for any length of time from the weekly roster.

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.

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 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.

- For children birth to 24 months the ratio is 1 educator to 4 children
- For children over 24 months but less than 36 months the ratio is 1 educator to 5 children
- For children over 36 months and less than 6 years the ratio is 1 educator to 10 children

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
- Students or volunteers will never be included in ratios
- An early childhood teacher (ECT) can be included in the ratios if they are present at the service and working directly with children
- More than one educator will be present when children are in attendance where possible.

The Nominated Supervisor and staff will calculate ratios for mixed age children by first considering the total number of children and the educator to child ratio required for each age range. If the number of children actually being cared for in a particular age range is less than that allowed in the ratio, that educator has the capacity to work directly with another child in an older age bracket. For

example if the service is only caring for 3 children under 24 months, but 6 children in the next age bracket, one of the 6 children can be allocated to the educator caring for the younger children. This leaves 5 children for the educator in the older age bracket to care for, and this meets the ratio requirements. Ratio requirements must always be met for younger children before allocating educators to older age brackets.

Educational Leader

The Approved Provider will appoint in writing a qualified and experienced Educational Leader to lead the development and implementation of the educational program.

Qualifications

At least 50% of educators who work directly with children and are included in our educator to child ratios must have or be actively working towards an approved Diploma level education and care qualification.

An “approved education and care qualification” in regulations 126A, 135 and 324 mean:

- a) An approved certificate III level education and care qualification; or
- b) An approved diploma level education and care qualification; or
- c) An approved early childhood teaching qualification.

All other educators who work directly with children and are included in our educator to child ratios must hold or be actively working towards an approved Certificate III level education and care qualification.

To be actively working towards a qualification, a person must be enrolled in the course and provide written evidence that they:

- have commenced the course
- are making satisfactory progress
- meet the requirements to maintain enrolment.

If they are working towards a diploma qualification, they must also hold an approved Certification III qualification or have completed approved Certificate III units or have completed 30% of the units in an approved ECT qualification.

If an ECT is required to be in attendance at the service, the ECT (including an ECT covering the position because of illness or leave) is counted as meeting the Diploma qualification.

Approved Diploma Qualification

A person is taken to hold an approved Diploma level education and care qualification if:

- they hold an approved Diploma qualification or former qualification as published on <http://www.acecqa.gov.au/qualifications/> or

- if immediately before 1 January 2012, they were recognised under the former education and care services law of any participating jurisdiction as a Diploma level educator and employed or engaged in a declared approved service.

Approved Certificate III Qualification

A person is taken to hold an approved Certificate III level education and care qualification if:

- they hold an approved Certificate III qualification or former qualification as published on <http://www.acecqa.gov.au/qualifications/> or
- immediately before 1 January 2012, they were recognised under the former education and care services law of any participating jurisdiction as certificate III level educator and employed or engaged in a declared approved service or
- was employed in a service at any time from 1 January 2010 to 1 January 2012 and met the requirements of Regulation 52 (2) of the Children’s Services Regulation 2004 which required primary contact staff members caring for children under 2 to have a Child Care Certificate, a Certificate of Child Care Studies, an Associate Diploma of Social Science (Child Studies) from Tafe, a Diploma of Community Services (Children’s Services) from a registered training organisation or another approved qualification.

Early Childhood Teacher (ECT)

The Approved Provider and Nominated Supervisor will ensure we always meet the minimum ECT requirements below:

- One ECT in attendance at all times the service is educating and caring for between 30 to 39 children
- Two ECTs in attendance at all times the service is educating and caring for 40 to 59 children
- Three ECTs in attendance at all times the service is educating and caring for 60 to 79 children preschool aged or under
- Four ECTs in attendance at all times the service is educating and caring for 80 or more children
- For approved number of places less than 25, or 25 and over but we are only caring for less than 25 children, access to an ECT for at least 20% of the time that we provide education and care. We may use information communication technology like video conferencing, phone or Skype and may calculate the time on a quarterly basis.
- For between 25 to 29 children, an ECT in attendance for at least 6 hours on that day if the service operates for 50 or more hours a week or for 60% of the operating hours of the service on that day if the service operates for less than 50 hours per week.

Remote and very remote areas

- Until 31 December 2024, services located in remote and very remote areas with less than 30 children may meet the ECT ratio requirements if they have access to an ECT for at least 20 per cent of the time that the service provides education and care. Access may be via video conferencing information technology (i.e. Microsoft Zoom or Teams) and may be calculated quarterly.

- Please note that remote and very remote areas are classified this way in the Australian Statistical Geography Standard: Volume 5 Remoteness Structure, Australian Bureau of Statistics Cat No 1270.0.55.005.

The numbers of children do not include children being cared for in an emergency for no more than two consecutive days the service operates.

Qualified Educator Absence

If a qualified educator who is required to meet the relevant educator to child ratio is absent due to short-term illness, resignation, on a required practicum placement or on leave, a person who holds a qualification in primary teaching may be taken to hold an approved diploma level education and care qualification as the case requires.

Such an educator may be replaced for a maximum of 30 days in any 12 month period; noting this will be calculated on a pro-rata basis in instances where the qualified educator is employed part-time.

The record pertaining to the replacement of the qualified educator must include reference to the following:

- Name of the educator being replaced;
- Qualification(s) the relieving educator holds, or is actively working towards;
- Qualification(s) of the substitute educator;
- Dates of replacement;
- Reason(s) for absence.

ECT Absence

If an ECT (or suitably qualified person) is absent for a circumstance specified in sub-regulation (6) such as short term illness, on a required practicum placement, on leave or resignation, they may have their absence covered by a person who holds an approved Diploma level qualification or a qualification in primary teaching if the period of absence does not exceed 60 days in any 12 month period. The 60 day period must be calculated on a pro-rata basis if the ECT is employed part-time. Where diploma or primary teaching qualified educators replace an ECT, the Nominated Supervisor will ensure all decisions around the relieving educator, as well as the educator acting in substitute are documented.

The record regarding replacement of ECT or suitably qualified person must include reference to:

- Name of the ECT/suitably qualified person being replaced;
- Role;
- Qualifications(s) of the substitute educator;
- Dates of replacement;
- Reason(s) for absence.

The Nominated Supervisor will ensure a record is maintained of the hours each ECT is in attendance (or service has access to ECT).

Child Protection

The Approved Provider will ensure each Nominated Supervisor and Person in Day to Day Charge has successfully completed the child protection training or protocols required by the NSW government. Information about the approved courses is at <https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements#Approved0>.

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

Please note, if a Nominated Supervisor or person in day-to-day charge of a service and have previously undertaken and completed the approved child protection training course "CHCPRT001" (re: identifying and responding to young children at risk), you will continue to be accepted as holding the appropriate qualification required to meet the relevant National Law.

Fitness and Propriety

Working with Children Check

The Approved Provider or Nominated Supervisor will ensure:

- a Working With Children Check (WWCC) is completed for all educators, staff, volunteers and students whose duties will involve direct contact with children. Some exemptions apply eg WWCC are not required for children under 18 or in most circumstances where the volunteer is a parent or close relative. See www.kidsguardian.nsw.gov.au for more information
- WWCC clearances or applications are verified on-line before a person commences work
- WWCC clearances or applications that replace expired WWCC are verified on-line within five working days of the old WWCC's expiry date
- any barred or unauthorised person does not commence work or is removed immediately if a current worker
- their own WWCC is verified on-line by another appropriate person
- employees are aware they must notify the Children's Guardian of any changes to their personal details, including their name, address and contact details, within 3 months of the change
- they re-verify any updated WWCC.

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.

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 the ACECQA website.

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

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.

Sources

Education and Care Services National Law and Regulations
National Quality Standard
NSW Office of the Children's Guardian
Family Assistance Law

Review

The Management, Employees, Families and interested parties will monitor and review the effectiveness of this Policy regularly. Updated information will be incorporated as needed.

- Reviewed by: Elizabeth Price
Date: 20/07/2023
Position: Nominated Supervisor
Signature: *Elizabeth Price*
- Accepted by Committee Member:
Position: *treasurer*
Date: *23/7/23*
Name: *Clare MacGregor*
Signature: *Clare MacGregor*
- Previously reviewed: 08/06/2022
Date for next review: 20/07/2024

Appointment of Person in Day to Day Charge

I appoint <INSERT FULL NAME>

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

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
 - has successfully completed a child protection course approved by the NSW Regulatory Authority
 - 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)
 - declared they are not a 'Prohibited Person'
-

Signature

Print Full Name

Approved Provider /Nominated Supervisor (Delete title which does not apply)

Date

I accept being placed in day to day charge and will always uphold the National Law and Regulations, and the policies, procedures, philosophy and Code of Conduct of the service

Signature

Print Full Name

Date

Appointment of Nominated Supervisor

Note you also need to complete ACECQA form NS01

I appoint <INSERT FULL NAME>

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

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
- has successfully completed a child protection course approved by the NSW Regulatory Authority
- 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'

Signature

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

Signature

Print Full Name
Date

Educators Working Directly with Children Register

National Regulations

Regs	13	Meaning of working directly with children.
	145	Staff records.
	151	Record of educators working directly with children.
	152	Record of access to early childhood teachers.
	177	Prescribed enrolment and other documents to be kept by approved provider.

A person is working directly with children at a given time if at that time the person—

- (a) is physically present with the children; and
- (b) is directly engaged in providing education and care to the children.

Instructions

- Our service will follow our Staffing Arrangements Policy regarding ratios, adequate supervision and qualification requirements at all times.
The Nominated Supervisor will display a roster that clearly displays the hours, location, breaks, study times & programming times. Who will cover these breaks and how the roster will meet the staffing requirements under the current National Law & Regulations.
- The Roster of Educators on Duty will record how we meet these requirements.
- We will follow our Record Keeping and Retention Policy. Completed Register storage location: Administration files
- All staff working on the premises will use the service's sign in/out records that show when staff shifts start and finish and any breaks or changes to their rostered shift.