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## 1. Purpose

This policy provides guidelines for engaging staff at Meli Kindergarten Services (Meli), including:

- employing enough educators to meet legislative, policy and service standards
- employing educators with qualifications and experience that meet legislative, policy and service standards
- providing appropriate supervision and support to staff and other adults at the service
- complying with legislation relating to Working with Children (WWC) Check, Victorian Institute of Teaching (VIT) registration and meeting Child Safe Standards

This policy should be read in conjunction with the following service policies:

- Child Safe Environment & Wellbeing
- Code of Conduct
- Determining Responsible Person
- Participation of Volunteers and Students

## 2. Values

Meli is committed to:

- ensuring the health, safety, and wellbeing of children is always protected while also promoting their learning and development
- fulfilling a duty of care to all children attending the service
- providing accountable and effective staffing and management practices
- employing educators with relevant qualifications and experience to provide a quality educational program that meets the needs of children and families in the community
- employing educators according to legislation and funding requirements
- complying with relevant industrial agreements and current legislation in relation to the employment of staff, including the *Equal Opportunity Act 2010*, *Fair Work Act 2009* and the *Worker Screening Act 2020*
- continuity of educators at the service
- the further development of staff.

### 3. Scope

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Meli, including during offsite excursions and activities.

### 4. Background

High quality services with qualified, skilled, and supported educators have a long-term positive impact on the trajectory of children's lives. Minimum qualification requirements are specified in legislation for all educators working in early childhood education and care services. Eligibility for services to receive funding also includes requirements for staff to hold specific qualifications.

A current list of approved qualifications is available on the Australian Children's Education and Care Quality Authority (ACECQA) website. Applications can also be made to ACECQA to determine if other qualifications (such as those gained overseas) entitle the individual to work as an early childhood teacher, diploma-level educator, or certificate III level educator.

In addition, legislative requirements mandate that there is at least one educator who holds current approved first aid qualifications, anaphylaxis management training and emergency asthma management training to always be in attendance and immediately available when children are being educated and cared for by the service. Qualifications must be updated as required, and a copy of the qualifications must be kept on an individual's staff record. As a demonstration of duty of care and best practice, ELAA recommends all educators have current approved first aid qualifications, anaphylaxis management training and emergency asthma management training.

Opportunities for professional development are crucial for all educators to ensure that their work practice remains current and aligned to the practices and principles of the national *Early Years Learning Framework* (EYLF) and the *Victorian Early Years Learning and Development Framework* (VEYLDF).

Staff are required to actively supervise children when children are in attendance at the service (*refer to Supervision of Children Policy*). To facilitate this, services are required to always comply with legislated educator-to-child ratios, which are based on the qualifications of the educators, and the ages and number of children at the service. Only those educators working directly with children can be counted in the ratio.

All educators and staff are required by law to have a current WWC Clearance or be registered with the VIT. It is also recommended that the nominated supervisor and staff with financial responsibilities also have a criminal history record check.

Child Safe Standard 6 requires organisations to have policies and procedures in place for the recruitment and pre-employment screening, supervision, appropriate induction, and ongoing supervision and people management is focused on child safety and wellbeing (*refer to Child Safe Environment and Wellbeing Policy*).

### 5. Definitions

The terms defined in this section relate specifically to this policy.

**Adequate supervision:** Adequate supervision (in relation to this policy) entails all children (individuals and groups) in all areas of the service, always being in sight and/or hearing of an educator, including during toileting, sleep, rest, and transition routines. Services are required to always comply with the legislative requirements for educator-to-child ratios. 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 able to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include:

- Number, age, and abilities of children
- Number and positioning of educators
- Current activity of each child
- Areas in which the children are engaged in an activity (visibility and accessibility)
- Developmental profile of each child and of the group of children
- Experience, knowledge, and skill of each educator
- Need for educators to move between areas (effective communication strategies).

**Criminal history record check:** A full-disclosure, Australia-wide criminal history record check issued by Victoria Police (refer to Sources), 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.

**Suitably qualified person – long day-care only:** An individual who is ‘actively working towards’ (see Regulation 10 of the National Regulations) an approved early childhood teaching qualification AND has completed at least 50 per cent of the qualification or holds an approved early childhood education and care diploma OR An individual who is registered as a primary or secondary school teacher in Australia AND holds an ACECQA approved early childhood education and care diploma (or higher approved qualification)

**Approved first aid qualification:** A list of approved first aid qualifications, anaphylaxis management and emergency asthma management training is published on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

**Early childhood teacher (ECT):** A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

**Educator:** An individual who provides education and care for children as part of an education and care service.

**Educational Leader:** The Approved Provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, co-ordinator or other individual to lead the development and implementation of educational programs at the service (Regulation 118). This person must have a thorough understanding of the Early Years Learning Framework and the Victorian Early Year Learning and Developmental Framework be able to guide other educators in their planning and reflection, and mentor colleagues in the implementation of their practice.

**Nominated Supervisor:** A person who has been nominated by the Approved Provider of the service under the Act can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure the Nominated Supervisor is a fit and proper person with suitable skills, qualifications, and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes or is no longer employed at the service within 14 days.

**Person with management or control:** Each member of the management and executive committee of the organisation, which is the Approved Provider, who has the responsibility, alone or with others, for managing the delivery of the education and care service.

**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) or a Nominated Supervisor or person in day-to-day charge of the service in accordance with the National Regulations.

**Staff record:** A record which the Approved Provider of a centre-based service must keep containing information about the Nominated Supervisor, the Educational Leader, staff, volunteers, students, and the Responsible Person at a service. Details that must be recorded include qualifications, training and the WWC Check (Regulations 146–149). A sample staff record is available on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

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

**Working with Children (WWC) Check:** a legal requirement under the *Worker Screening Act 2020* for those undertaking paid or voluntary child-related work in Victoria. Services Victoria 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.

**Working with Children (WWC) Clearance:** A WWC Check card is granted to a person under working with children legislation if:

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

## 6. Responsibilities

RESPONSIBILITIES	Approved provider (Melj) and persons with management control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators, and all other staff	Parents/guardians	Contractors, volunteers, and students
R indicates legislation requirement, and should not be deleted					
Ensuring obligations under the <i>Education and Care Services National Law and National Regulations</i> are met through staffing arrangements	R	R			
Ensuring quality staffing practices are in place in line with the <i>National Quality Standard</i> , especially Quality Area 4 – Staffing arrangements	R	R			
Complying with the service’s <i>Code of Conduct Policy</i> at all times	√	√	√	√	√
Appointing nominated supervisor who are aged 18 years or older, fit and proper and have suitable skills, as required under the <i>National Law, Section 161 (Regulations 117C)</i>	R	R			
Ensuring that there is a person in day-to-day charge and on the premises at all times the service is in operation ( <i>National Law: Section 162, Regulation 117A, 117B</i> )	R	R			

Developing rosters in accordance with the availability of responsible persons, staff qualifications, hours of operation and the attendance patterns of children	√	√			
Ensuring that the name of each nominated supervisor of the service is displayed and easily visible from the main entrance of the service ( <i>National Law: Section 172, Regulation 173</i> )	R	√			
Ensuring that children being educated and cared for by the service are adequately supervised at all times they are in the care of that service ( <i>National Law: Section 165(1)</i> )	R	R	√		√
Complying with legislated educator-to-child ratios at all times ( <i>National Law: Sections 169, National Regulations: Regulations 122, 123, 357</i> )	R	R			
Ensuring staffing always meets the requirements of <i>The Kindergarten Funding Guide</i> when the service is in operation (if applicable??)	R	√			
Complying with relevant industrial agreement and current legislation relating to the employment of staff, including the <i>Equal Opportunity Act 2010, Fair Work Act 2009, Occupational Health and Safety Act 2004 and the Worker Screening Act 2020</i>	R	√			
Following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the <i>Child Safe Environment and Wellbeing Policy</i>	R	√			
Employing the relevant number of appropriately-qualified educators with ACECQA approved qualifications ( <i>Regulations 126</i> )	R	√			
Employing additional staff, as required, to assist in the provision of a quality early childhood education and care program	R				
Ensuring that early childhood teachers, educators and other staff undertake appropriate induction on their appointment to the service	R	√			
Ensuring an early childhood teacher is working with the service for the required period of time specified in the <i>Regulations 130 - 135</i> , and that, where required, a record is kept of this work ( <i>Regulations 152, 363</i> )	R	√			
Maintaining a record of early childhood teachers and educators working directly with children in accordance with <i>Regulation 151</i>	R	√			
Appointing an appropriately-qualified and experienced educator to be the educational leader, and ensuring this is documented on the staff record ( <i>Regulations 118, 148</i> )	R	√			
Ensuring that educators and other staff are provided with a current position description that relates to their role at the service	√	√			
Ensuring all early childhood teachers have a Victorian Institute of Teaching (VIT) certificate of registration.	R				
Maintaining a staff record in accordance with <i>Regulation 145</i> , including information about the responsible person, nominated supervisor, the educational leader, other staff members, volunteers and students. Details that must be recorded include qualifications, training, <i>Working with Children Clearance</i> as set out in <i>Regulations 146–149</i> .	R	√			
Complying with the requirements of the <i>Worker Screening Act 2020</i> , and ensuring that the nominated supervisor, educators, staff, volunteers and students the service have a current WWC Clearance or a Victorian Institute of Teaching (VIT) certificate of registration (applicable to ECT only)	R	√			
Confirming the WWC Clearance or confirming VIT registration (applicable to ECT only) of all staff prior to their being engaged or employed as a staff member at the service	R	√			
Confirming the WWC Clearance of all volunteers prior to their being permitted to be a volunteer at the service	R	√			
Ensuring that a register of the WWC Clearance or VIT registrations is maintained and the details kept on each staff record ( <i>Regulations 145, 146, 147, 149</i> )	R	√	√		√
Determining who will cover the costs of WWC Clearance or criminal history record checks	√	√			
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 ( <i>refer to Participation of Volunteers and Students Policy</i> )	R	R			

Ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service ( <i>Regulation 120</i> )	R	√	√		√
Ensuring 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. Details of qualifications and training must be kept on the staff record ( <i>Regulations 136, 145</i> )	R	√			
Developing procedures to ensure that approved first aid qualifications, anaphylaxis management training and emergency asthma management training are evaluated regularly, and that staff can update their qualifications prior to expiry	√	√			
Ensuring staff records and a record of ECT and educators working directly with children are updated annually, as new information is provided or rostered hours of work are changed ( <i>Regulations 145–151</i> )	R	√			
Ensuring that annual performance reviews of the nominated supervisor, early childhood teachers, educators and other staff are undertaken as per the <i>National Quality Framework 7.2.3</i>	R	√			
Reviewing staff qualifications as required under current legislation and funding requirements on an annual basis	√	√			
Ensuring that the nominated supervisor, early childhood teachers, educators and other staff, volunteers and students are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children ( <i>Regulation 83</i> ) ( <i>refer to Tobacco, Alcohol and other Drugs Policy</i> )	R	R			
Ensuring that all early childhood teachers, educators and staff have opportunities to undertake professional development relevant to their role as per the National Quality Framework	R	√			
Ensuring that the nominated supervisor, early childhood teachers and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws ( <i>Regulation 84</i> ) ( <i>refer to the Child Safe Environment Policy</i> )	R	√			
Informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent	√	√			
Developing and maintaining a list of casual and relief staff to ensure consistency of service provision	√	√			
Ensuring that the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements.	√	√			

## 7. Evaluation

To assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly check staff records to ensure WWC Clearance and qualifications are current and complete
- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor implementation, compliance, complaints, and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (Regulation 172 (2)).

## 8. Related Meli policies and procedures

- Administration of First Aid
- Anaphylaxis and Allergic Reactions

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

## 9. Relevant legislation and standards

Relevant legislation and standards include but are not limited to:

- Child Safe Standards
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Education and Training Reform Act 2006 (Vic) (amended in 2014)
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009
- National Quality Standard, Quality Area 4: Staffing Arrangements
- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)

## 10. Sources

- A sample staff record is available on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Australian Children's Education and Care Quality Authority (ACECQA): [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Department of Education and Training, The Kindergarten Funding Guide: <https://www.education.vic.gov.au/childhood/providers/funding/Pages/kinderfundingcriteria.aspx>
- ELAA's Early Childhood Management Manual contains additional information and attachments relating to staffing, including sample position descriptions, sample letters of employment and interview questions. Available from: [www.elaa.org.au](http://www.elaa.org.au)
- ELAA's Employee Management and Development Resource: developed to support early learning services in the ongoing management and development of their employees at: <https://elaa.org.au/resources/free-resources/employee-management-development-resource/>
- The Commission for Children and Young People (2018), A Guide for Creating a Child Safe Organisation: <https://ccyp.vic.gov.au/assets/resources/New-CSS/A-guide-for-creating-a-Child-Safe-Organisation-190422.pdf>
- The Early Years Learning Framework for Australia: Belonging, Being, Becoming: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Victoria Police – National Police Record Check: [www.police.vic.gov.au](http://www.police.vic.gov.au)
- Victorian Early Years Learning and Development Framework: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Working with Children Check unit, Department of Justice and Regulation – provides details of how to obtain a WWC Check: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

