

Staffing Arrangements Policy

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 Territory or transitional regulations

Reg	10	Meaning of actively working towards qualification
	54	Process for certified supervisor to be placed in day to day charge
	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
	129	Requirements for educators who are early childhood teachers
	130	Requirement for early childhood teacher—centre-based services—fewer than 25 approved places
	131	Requirement for early childhood teacher—centre-based services—25 or more approved places but fewer than 25 children
	132	Requirement for early childhood teacher— centre-based services—25 to 59 children
	133	Requirement for early childhood teacher—centre-based services—60 to 80 children
	134	Requirement for early childhood teacher—centre-based services—more than 80 children
	135	Early childhood teacher illness or absence
	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
	241	Persons taken to hold an approved early childhood teaching qualification
	242	Persons taken to be early childhood teachers applies from 1.1.14 to 1.1.18 Applies to regs 130-134
	243	Persons taken to hold an approved diploma level education and care qualification
	244	Persons taken to hold an approved certificate III level education and care qualification.
	245	Person taken to hold approved first aid qualification. Applies until 31.12.12 or qualification expires.
	260	Educator to child ratio—children over preschool age—centre-based services Applies to reg 123
	261	General qualifications for educators—children over preschool age—centre-based services Applies to reg 126
	262	Required qualifications to be a qualified educator for children over preschool age
	267	Early childhood teacher—60 or more children Applies to reg 133-134



Aim

To ensure that our education and care service is at all times compliant in relation to staff/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 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.
- We will only include educators in the educators to child ratio who are working directly with the children.

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 as their main priority.
- At no time, will students or volunteers be included in the ratio of adults supervising 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.
- Students and volunteers will never be left alone with a child or a group of children.
- In any situation where adequate supervision of children is threatened, any educators on a paid 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 as outlined in the yard plan for supervision.



- If experiences on offer include climbing equipment, an educator should be positioned as close to the area as possible.
- Any water activity should be closely supervised by at least one educator at all times.
- Except for necessary discussions or concerns regarding children or matters relating to the Centre, educators will not congregate together outside.
- When children are resting or sleeping they will be supervised, and ratios will continue to be maintained.
- During hand washing and/or toilet times children will be supervised in the bathroom area.
- Children will not be left unsupervised in the bathroom at any time (an educator will be in close proximity to supervise, not necessarily in the bathroom, to allow each child respect and privacy in their toileting routines).
- 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 staff to maintain a high level of consistency and care for the children.

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 oversees the daily running of the service.

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

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, 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, 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. They will also actively engage with children or be observing children in their play.

To ensure all children are accounted for during transitions between environments or rooms, lead educators 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 experiences
- areas where children are playing, in particular the visibility and accessibility of these areas
- 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 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.

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 vulnerable people 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.

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 aged from birth to 24 months the educator to child ratio will be 1 educator to 4 children.
- For children aged over 24 months but less than 36 months the educator to child ratio will be 1 educator to 5 children.
- For preschool aged children aged 36 months or over the ratio will be 1 educator to 11 children.
- If children being educated and cared for at the service are of mixed ages the minimum number of educators for the children must meet the requirements above at all times.
- When an early childhood teacher (ECT) is required to be in attendance at the service as per the licensed places of our service, that teacher is counted as an educator at the service for the purposes of this regulation.
- If the service is required to have access to an ECT for a period of time as per the licensed places, the ECT must be added to the minimum number of educators required for that service for that period.
- At all times, we will consider the needs of the children and provide adequate supervision.

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 days' notice period. This agreement must be recorded in writing and form part of the time and wages records.

Educators 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.
- All other educators who work directly with children and are included in our educator to child ratios must have or be actively working towards an approved Certificate III level education and care qualification. However, the following exceptions apply:



- The Certificate III qualification requirements don't apply to an educator who has been employed on probation for up to 3 months at one or more centres operated by the Approved Provider.

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 Certificate 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 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 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.

Requirements for an Early Childhood Teacher (ECT)

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.

Services licensed for 25 or more children but fewer than 60 children on any given day must have an ECT in attendance:

- for at least 6 hours on that day if the service operates 50 or more hours a week or
- for 60% of the time that the service is open on that day if the service operates for under 50 hours per week.

If an ECT is sick or absent, services can cover the absence with a person who holds:

- an approved Diploma level education and care service qualification or
- a qualification in primary teaching.

If the period is over 12 weeks, the service will engage another ECT.

Approved ECT qualifications:

- a qualification that is published on <http://www.acecqa.gov.au/qualifications/>
- a qualification that is published in the list of former qualifications on <http://www.acecqa.gov.au/qualifications/> - the educator was recognised as an ECT under the former law of any participating jurisdiction, or for the purposes of a preschool funding program and was employed or engaged in a declared approved service as an ECT.
- The educator was registered as an ECT in accordance with the requirements of another jurisdiction. This does not apply if the educator was working towards an ECT qualification.
- If immediately before 1 January 2012, the educator was recognised as an ECT because they were enrolled in a course published on <http://www.acecqa.gov.au/qualifications/> in the list of former ECT qualifications, the educator is taken to hold an approved ECT qualification when they complete the course.
- If immediately before 1 January 2012, the recognition, registration, accreditation or qualification as an ECT was subject to any restrictions, the person is taken to be an ECT with the same restrictions.
- In some cases, educators who were registered as teachers in other States or jurisdictions hold an approved qualification. These are listed in regulation 241 and on the national regulator's website www.acecqa.gov.au/qualifications.
- From 1 January 2014 to 1 January 2018, an educator who has completed at least 50% of a relevant qualification that would enable them to be qualified as an ECT and is actively working towards the completion of the qualification or holds an approved diploma level education and care qualification can be counted as an ECT.

Other Educators Qualifications:

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 Vulnerable People Check

To comply with the *Working with Vulnerable People (Background Checking) Act 2011*, the Approved Provider/nominated supervisor must ensure that before a person is engaged as an educator or permitted to volunteer they are registered with the Office of Regulatory Services (ORS), Justice and Community Safety Directorate ACT and that there are no adverse findings on the person during registration. Further information is available online at [http://www.ors.act.gov.au/resources/attachments/Overview - Fact Sheet.pdf](http://www.ors.act.gov.au/resources/attachments/Overview_-_Fact_Sheet.pdf)



Sources

Education and Care Services National Regulations 2011
National Quality Standard
Office of Regulatory Services
Working with Vulnerable People (Background Checking) Act 2011

Review

The policy will be reviewed annually.

Review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

Reviewed: November 2016

Date for next review: November 2017