

BALLARAT YMCA CHILDREN'S SERVICES STAFFING POLICY

Mandatory – Quality Area 4

September 2015

PURPOSE

This policy will provide guidelines for engaging staff at YMCA of Ballarat YMCA Children's Services (YMCA), including:

- employing sufficient numbers of educators to meet legislative, policy and service standards
- employing educators with qualifications and experience that meet legislative, policy and service standards
- providing appropriate supervision to staff and other adults at the service
- complying with legislation relating to Working with Children Checks and criminal history record checks.

POLICY STATEMENT

1. VALUES

YMCA is committed to:

- ensuring that the health, safety and wellbeing of children at the service is protected at all times 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 policy and funding requirements
- complying with current legislation in relation to the employment of staff, including the *Equal Opportunity Act 2010*, *Fair Work Act 2009* and the *Working with Children Act 2005*.

2. BACKGROUND AND LEGISLATION

Background

Research has demonstrated that the employment of appropriately-qualified staff in early childhood services is a key contributor to the delivery of quality programs and better learning outcomes for children. "Those with higher qualification levels and standards of training are better equipped to provide improved learning environments and mentor educators in quality practices, leading to better outcomes for children" (*Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011*). The Australian Government has acknowledged this by legislating minimum qualification requirements 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.

Current legislation requires at least one educator who holds current approved first aid qualifications, anaphylaxis management training and emergency asthma management training to be in attendance and immediately available at all times that children are being educated and cared for by the service. It is a requirement that all Ballarat YMCA educators hold current approved first aid qualifications, anaphylaxis management training and emergency asthma management training, and details of qualifications must be kept on an individual's staff record.

It is essential that all educators and other adults engaged to work directly with children are provided with opportunities to learn and develop new skills in relation to supporting the learning and development of young children. Such opportunities can arise when more qualified and experienced educators offer guidance and feedback to other educators. Opportunities for professional development are also crucial for all educators to ensure that their work practice remains current and relevant to the practices and principles of the national *Early Years Learning Framework* (EYLF), the *Victorian Early Years Learning and Development Framework* (VEYLDF) or *My Time, Our Place*.

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

To ensure that children are protected from harm while participating in service programs, all educators and staff are required by law to have and maintain a Working with Children (WWC) Check or a current Victorian Institute of Teaching (VIT) registration. This also applies to volunteers and students unless they are working under the direct supervision of an educator who is over 18 years of age and holds, or is actively working towards, an approved diploma-level education and care qualification (Regulation 358).

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Education and Care Services National Law Act 2010*: Sections 12, 13, 14, 161, 162, 165, 169
- *Education and Care Services National Regulations 2011*: Regulations 14, 15, 16, 46, 47, 48, 49, 83, 84, 118, 120, 121–123, 125–126, 129–135, 136, 137–143, 145–152, 355, 357, 358, 360–364
- *Equal Opportunity Act 2010 (Vic)*
- *Fair Work Act 2009*
- *Information Privacy Act 2000 (Vic)*, as amended 2011
- *National Quality Standard*, Quality Area 4: Staffing Arrangements
 - Standard 4.1: Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing
 - Element 4.1.1: Educator-to-child ratios and qualification requirements are maintained at all times
- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2007*
- *Privacy Act 1998 (Cth)*, as amended 2011
- *Working with Children Act 2005 (Vic)*
- *Working with Children Regulations 2006 (Vic)*

3. DEFINITIONS

The terms defined in this section relate specifically to this policy

Actively working towards: An educator who is enrolled in a course for a qualification, and provides the YMCA with documentary evidence of their commencement in the course, their satisfactory progress towards completion of the course and ongoing evidence that they are meeting all the requirements to maintain their enrolment. Educators who are ‘actively working towards’ an approved diploma-level qualification must also hold an approved certificate III level education and care qualification or have completed the mandatory units of study in an approved certificate III level education and care qualification as determined by the national authority (ACECQA).

Adequate supervision: (In relation to this policy) **supervision** entails all children (individuals and groups) in all areas of the service, being in sight and/or hearing of an educator at all times including during toileting, sleep, rest and transition routines. Services are required to comply with the legislative requirements for educator-to-child ratios at all times. 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 in a position to observe or hear 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).

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

Certified Supervisor: An educator who has been nominated by the YMCA or the Nominated Supervisor of a service (in accordance with the National Regulations), and consents in writing to being placed in day-to-day charge of the education and care service. A certified supervisor can be any person engaged to be responsible for the day-to-day management of the service, or with supervisory and leadership responsibilities at the service. Any person placed in day-to-day charge of the service must be assessed as a fit-and-proper person (refer to *Definitions*) and have suitable skills, qualifications and experience as determined by the service. Individual supervisor certificates are also still valid. A Certified Supervisor placed in day-to-day charge of a service **does not** have the same responsibilities under the National Law as the Nominated Supervisor.

Early childhood teacher: A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website: 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 YMCA must designate, in writing, a suitably-qualified and experienced educator, coordinator 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* (or other approved learning framework), be able to guide other educators in their planning and reflection, and mentor colleagues in the implementation of their practice.

Fit and proper: In determining whether an applicant is fit and proper, the Regulatory Authority must take into account the applicant's history of involvement in education and care services, their compliance with current and prior law, criminal history record check, and any bankruptcy or insolvency issues. The Regulatory Authority may reassess fitness and propriety at any time. Applicants are required to complete the Declaration of Fitness and Propriety form on the ACECQA website and have this approved by the Regulatory Authority. This form must be completed by an individual provider applicant or, in the case of an entity provider applicant, each person with management or control of a service. The form is available at: <http://acecqa.gov.au/application-forms/provider-approvals/> (Note: Under the *Education and Care Services National Law Act 2010*, Section 5, Definitions: "**person with management or control, in relation to an education and care service, means – (b) if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service**".)

Nominated Supervisor: A person who has been nominated by the YMCA under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The YMCA must take reasonable steps to ensure the Nominated Supervisor is a fit and proper person (refer to *Definitions*), 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.

Responsible Person: The YMCA (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 Certified Supervisor who has been placed in day-to-day charge of the service in accordance with the National Regulations.

Staff record: A record which the YMCA 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 Working with Children Check (Regulations 146–149).

Supervisor Certificate: A supervisor certificate is provided to each centre-based service by the Regulatory Authority. The YMCA can nominate a person or persons to be the Certified Supervisor (refer to *Definitions*) at the service without requiring Departmental approval or paying a fee. Individual supervisor certificates are still valid however most individuals no longer need to apply. Applicants must be 18 years or older, and meet the minimum requirements for qualifications, experience and management capability required under the Regulations (Regulations 46–49)

Victorian Institute of Teaching (VIT): The statutory authority for the regulation and promotion of the teaching profession in Victoria, established as part of the Victorian Institute of Teaching Act 2001. All teachers in Victorian government schools, Catholic schools and independent schools are required to be registered with the VIT in order to

practise in their profession. An amendment to the Education and Training Reform Act 2006 introduced in 2014 requires early childhood teachers to be registered with the Victorian Institute of Teaching from 30 September 2015.

Victorian kindergarten policy, procedures and funding criteria: Sets out the Department of Education and Training (DET) operational requirements for early childhood services in receipt of state government funding for the provision of a four-year-old kindergarten program.

Working directly with children: For the purposes of the National Regulations, 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: The check is a legal requirement for those undertaking paid or voluntary child-related work in Victoria and is a measure to help protect children from harm arising as a result of physical or sexual abuse. The Department of Justice 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. A WWC Check card, notice or document (valid for five years), 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.

4. SOURCES

- Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- National *Early Years Learning Framework*: www.deewr.gov.au/earlychildhood/policy_agenda/quality/pages/earlyyearslearningframework.aspx
- Victorian *Early Years Learning and Development Framework*: www.education.vic.gov.au/earlylearning/default.htm
- *Victorian kindergarten policy, procedures and funding criteria*: www.education.vic.gov.au/ecprofessionals/kindergarten/
- Working with Children Check unit, Department of Justice – provides details of how to obtain a WWC Check: www.justice.vic.gov.au/workingwithchildren/

PROCEDURES

YMCA is responsible for:

- ensuring the service has a service supervisor certificate (refer to *Definitions*)
- ensuring that the service does not operate without a Nominated Supervisor (refer to *Definitions*), as required under the National Law (refer to *Determining Responsible Person Policy*)
- ensuring that there is a Responsible Person (refer to *Definitions* and *Determining Responsible Person Policy*) on the premises at all times the service is in operation
- complying with the legislated educator-to-child ratios at all times (National Law: Sections 169(1) & (3), National Regulations: Regulations 123, 355, 357, 360)
- ensuring that all staffing meets the requirements of the National Law, National Regulations *and the Department of Education and Training as outlined in The Kindergarten Guide* at all times the service is in operation
- complying with current legislation relating to the employment of staff, including the *Equal Opportunity Act 2010*, *Fair Work Act 2009*, *Occupational Health and Safety Act 2004* and the *Working with Children Act 2005*
- employing the relevant number of appropriately-qualified educators (refer to *Definitions*). Qualifications must be approved by ACECQA (refer to *Background* and *Sources*) (Regulations 126, 361)
- employing staff, as required through the recruitment and selection criteria, to provide a quality early childhood education and care program.
- ensuring that, in the absence of the Nominated Supervisor, another person with a Supervisor Certificate (a Certified Supervisor – refer to *Definitions*) is placed in day-to-day charge of the service
- appointing an appropriately-qualified and experienced educator to be the Educational Leader (refer to *Definitions*), and ensuring this is documented on the staff record (Regulations 118, 148)
- ensuring that Educators and other staff are provided with a current position description that relates to their role at the service

- maintaining a staff record in accordance with Regulation 145, including information about the Nominated Supervisor, the Educational Leader, other staff members, volunteers, students and the Responsible Person. Details that must be recorded include qualifications, training and the Working with Children Check (Regulations 146–149).
- complying with the requirements of the *Working with Children Act 2005*, and ensuring that the Nominated Supervisor, Certified Supervisor, educators, staff, volunteers and students on placement at the service have a current Working with Children Check (refer to *Definitions*) or a Victorian Institute of Teaching (VIT) certificate of registration
- ensuring that the Working with Children Check or VIT registration have been sighted and the details kept on each staff record (Regulations 145, 146, 147)
- developing and implementing an appropriate induction program for educators and all staff appointed to the service
- ensuring that where possible (minimum regulatory requirements are maintained) all educators hold current approved first aid qualifications, anaphylaxis management training and emergency asthma management training (refer to *Definitions*) and are 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.
- developing procedures to ensure that approved first aid qualifications, anaphylaxis management training and emergency asthma management training are evaluated regularly, and that staff are provided with the opportunity to update their qualifications prior to expiry
- ensuring that staff records and a record of educators working directly with children are updated annually, as new information is provided or when rostered hours of work are changed (Regulations 145–151)
- ensuring that annual performance reviews of educators and other staff are undertaken
- reviewing staff qualifications as required under current legislation and funding requirements on an annual basis
- ensuring that all educators and staff have opportunities to undertake professional development relevant to their role to keep their knowledge and expertise current
- ensuring that the Nominated Supervisor, educators/staff, volunteers and students on placement at the service are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83)
- ensuring that the Nominated Supervisor and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (Regulation 84)
- 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.

The Nominated Supervisor is responsible for:

- providing written consent to accept the role of Nominated Supervisor
- 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 (National Law: Section 165(1))
- 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
- ensuring that the name and position of the Responsible Person in charge of the service is displayed and easily visible from the main entrance of the service
- ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (Regulation 120)
- ensuring that the Nominated Supervisor, Certified Supervisors, educators and all staff comply with the Code of Conduct Policy at all times
- 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 (National Law: Section 165(1))
- 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
- providing details of their current Working with Children Check or VIT registration for the staff record
- renewing their Working with Children Check and VIT registrations.
- undertaking professional development relevant to their role to keep their knowledge and expertise current
- participating in an bi-annual performance review

- ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83)
- ensuring that they are aware of current child protection laws and any obligations that they may have under these laws (Regulation 84)
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent.

Supervisors are responsible for:

- providing written consent to accept the role of Supervisor
- informing the YMCA in the event of absence from the service due to leave or illness so they can be replaced by another Responsible Person

Certified Supervisors, educators and other staff are responsible for:

- complying with the service's *Code of Conduct Policy* at all times
- ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children
- providing details of their current Working with Children Check or VIT registration for the staff record
- renewing their Working with Children Check assessment every five years
- advising the Department of Justice of any relevant change in circumstances, including change of name, address, contact details and change of employer/volunteer organisation, including changes to the organisation's contact details
- adequately supervising children at all times
- supervising volunteers/students and parents/guardians at all times to protect the health, safety and wellbeing of children at the service
- maintaining educator-to-child ratios at all times
- maintaining current approved qualifications relevant to their role, including first aid qualifications, anaphylaxis management training and emergency asthma management training
- undertaking professional development relevant to their role to keep their knowledge and expertise current
- participating in an bi-annual performance review
- ensuring that they are aware of current child protection laws and any obligations that they may have under these laws.

Parents/guardians, volunteers and students on placement are responsible for:

- reading this *Staffing Policy*
- complying with the law, the requirements of the *Education and Care Services National Regulations 2011*, and all service policies and procedures
- following the directions of staff at the service at all times to ensure that the health, safety and wellbeing of children is protected.

Supporting Staffing Policies and Procedures under HR Policies on the extranet:

(also refer to the Ops Box)

Authorisation

This policy was adopted by the YMCA on 26/08/2015