



Staffing Arrangements Policy

NQS

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| 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

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

National Regulations

Regulations numbered 240 and higher are state or transitional regulations

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| Reg | 10 | Meaning of actively working towards qualification |
| | 117A | Placing a person in day to day charge |
| | 177B | Minimum Requirements for a person in day to day charge |
| | 117C | Minimum Requirements for a Nominated Supervisor |
| | 118 | Educational Leader |
| | 120 | Educators who are under 18 to be supervised |
| | 122 | Educators must be working directly with children to be included in ratios |
| | 123 | Educator to child ratios—centre-based services |
| | 126 | Centre-based services—general educator qualifications |
| | 129 | Requirements for educators who are early childhood teachers |
| | 130 | Requirement for early childhood teacher—centrebased services—fewer than 25 approved places |
| | 131 | Requirement for early childhood teacher—centrebased 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 |

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| 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 | Prescribed information to be displayed |
| 241 | Persons taken to hold an approved early childhood teaching qualification |
| 242 | Persons taken to be early childhood teachers applies until 1.1.20 |
| 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 |
| 322 | Educator to child ratios—disadvantaged preschools Applies instead of reg 123(1)(c) |
| 323 | Educator to child ratios—preschool children at service other than preschool Applies to reg 123 |
| 324 | Early childhood teachers—preschools Applies to reg 126 |
| 325A | Educator to child ratios during short absence of educators |
| 332 | Early childhood teacher—60 or more but fewer than 80 children Reg 133(1)(b) does not apply until 1.1.20 |
| 333 | Early childhood teacher in attendance—more than 80 children Reg 134(b) does not apply before 1.1.20 |

Policy Statement

Seaford District Community Children's Centre is committed to providing optimum education and care to children and a professional and safe work environment for staff. This policy and its implementation is inclusive of all Seaford District Community Children's Centre services and stakeholders that being the children, families, educators and management of Long Day Care and Out of School Hours Care and Vacation Care.

Aim

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

Related Policies

Child Protection Policy

Continuity of Education and Care Policy

Educator and Management Policy

Excursion Policy

Governance Policy

Supervision

Children's safety and wellbeing is taken very seriously at our service. All educators and staff members will ensure that children are adequately supervised at all times, and that they can respond immediately to any child that is distressed, in need of assistance or support or in a dangerous

situation. This includes during transition periods throughout the day when children may, for example, be changing rooms or groups, moving between outdoor and indoor environments, arriving or leaving the service, moving from service vehicles to the service premises, leaving or returning from excursions, moving to meal areas, washing their hands, or using the toilet or nappy change facilities.

To achieve this outcome educators will be alert, aware and in sight and sound of all children for whom they are responsible. Educators supervising outdoors must position themselves to see as much of the play area as possible, and follow any playground supervision plans if relevant. They will also actively engage with children and not stand back and watch. Educators working directly with children must focus on the children and not other duties/activities. They will not group together in the outdoor environment except for brief, necessary discussions regarding the children.

In particular, children will be supervised:

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

To ensure all children are accounted for during transitions between environments or rooms, Room Leaders will ensure a copy of the daily sign in sheet or similar record is used to check that all children under educators' supervision have made the transition.

There may also be times when minimum ratio requirements are not sufficient to ensure children are adequately supervised. On these occasions the Nominated Supervisor will assess the situation and when necessary ensure there are extra adults present to ensure children's health, safety and wellbeing.

Issues affecting the adequacy of supervision include:

- the number, ages and abilities of children
- the number and positioning of educators
- each child's current activity
- areas where children are playing, in particular the visibility and accessibility of these area
- risks in the environment and experiences provided to children
- the educators' knowledge of each child and each group of children
- the experience, knowledge and skill of each educator.

Educators will ensure team members know when they leave the room or area, or finish their shift, and are aware of any particular issues that may require additional oversight of children. They will do this verbally and there must be acknowledgement by the other educator prior to leaving the environment. The register of educators working with children will be completed if the educator is leaving for any length of time (see attached template).

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

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

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:
 - o talking directly to that person
 - o signing out of the Responsible Person record
 - o making sure the new Responsible Person signs in on the Responsible Person record
 - o 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.

Notifications

The Approved Provider will notify the Regulatory Authority:

Approved Provider

- within 14 days a change of name
- within 7 days of a change of address or contact details
- within 7 days of any adverse change in fitness and propriety
- within 14 days of the appointment or removal of a person with management or control of the service
- within 7 days of the appointment of receivers or liquidators or other matters that affect the financial viability of service.

Nominated Supervisor

- within 7 days that a Nominated Supervisor is no longer employed at the service, is removed from position or withdraws consent
- at least 7 days before person commences work as a Nominated Supervisor or if this is not practical not more than 14 days after the person starts work as the Nominated Supervisor
- of any Nominated Supervisor's change of name or contact details

The Nominated Supervisor or Person in Day to Day Charge will notify the Regulatory Authority through the NQA ITS:

- within 7 days of the death of the Approved Provider.

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 aged from birth to 24, 1 educator to 4 children.
- For children aged over 24 months but less than 36 months, 1 educator to 5 children.
- For all preschool aged children over 36 months, 1 educator to 10 children.
- For all school aged children 1 educator to 15 children

For a preschool

Children over 36 months

- For disadvantaged preschools 1 educator to 10 children.
- For preschools that are not disadvantaged 1 educator to 11 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.

Educator to child ratios during short absences

Services will not be in breach of ratio requirements while an educator is on a short absence if the educator:

- is absent for 30 minutes or less in total per day and
- is immediately available to attend to children during each absence

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.

Educator 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.

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 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.

Early Childhood Teachers (ECT)

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

For services licensed for **more than 80 children** on any given day the service 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
- **By 1 January 2020**, the service must have a second 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.

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

If an ECT is absent because of short term illness or leave, we may cover their absence with 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.

Approved ECT qualifications:

The following are approved ECT qualifications:

- an approved ECT qualification or former qualification as published on <http://www.acecqa.gov.au/qualifications/>. Any restrictions applying to qualifications as an ECT still apply

- the educator was recognised as an ECT under the former law of any participating jurisdiction (does not apply if the educator was working towards an ECT qualification), or for the purposes of a preschool funding program and was employed or engaged in a declared approved service as an ECT
- some teaching qualifications as per regulation 241. See www.acecqa.gov.au/qualifications The educator was registered as a teacher under the Teachers Registration and Standards Act 2004 of South Australian and was employed to deliver a preschool program
- 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 2020, 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.

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 <http://www.acecqa.gov.au/qualifications/>

Child Protection

The Approved Provider will ensure each Director and Person in Day to Day Charge has successfully completed the child protection training (if any) or protocols required by the SA government.

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

Fitness and Propriety

Working With Children Check

To comply with the Children's Protection Act 1993, the Approved Provider or Nominated Supervisor must ensure educators, staff, volunteers and students have a satisfactory police clearance before the person is permitted to work with children. Some exemptions apply, including volunteer parents in most circumstances, and people who are engaged in an activity for less than 10 consecutive days or not more than 1 day in any month. Further information is available at

http://www.police.sa.gov.au/sapol/services/information_requests/police_checks.jsp

Child Care Subsidy and PRODA

Any person with management or control of the Provider and persons responsible for the day to day operation of the service must be registered with the Federal Government's Provider Digital Access

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

For person with management or control of the Provider

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

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

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

First Aid Qualifications

The Director and Assistant Director will ensure that at least one educator, staff member or Responsible Person is 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 <http://www.acecqa.gov.au/qualifications/>

Rostering

This section is based on the Children's Services Award. Services subject to enterprise agreements should check the rostering requirements in the agreement.

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
Children's Protection Act 1993
Children's Protection Regulations 2010
SA Police Department
Family Assistance Law

Appointment of Person in Day to Day Charge

I appoint

to be a person in day to day charge at **Seaford District Community Children's Centre**

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
 - 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

Jodie Berkinshaw Nominated Supervisor (Director)

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

to be a person in day to day charge at **Seaford District Community Children's Centre**

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
 - 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 Management Committee

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

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|------|-----|---|
| 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 Register of Educators on Duty will record how we meet these requirements.
- We will follow our Record Keeping and Retention Policy.
Completed Register storage location: Staffing Files Administration Seaford District Community Children's Centre
- We will complete a separate Educators Working Directly with Children Register each day.

