



Staffing Policy

Background

Legislation sets out specific requirements for the staffing arrangements for approved centre-based services. These requirements cover the number of staff, their qualifications and experience.

Particularly noteworthy are the requirements for the Responsible Person. A Responsible Person must be on the premises at all times the service is educating and caring for children. The Responsible Person can be (a) the Approved Provider if this is an individual or, if the Approved Provider is an organisation or company, then someone with management and control of the service, (b) the Nominated Supervisor of the service or (c) a person in day-to-day charge of the service.

Policy statement

This Policy outlines the steps the Service takes to ensure it complies with regulatory staffing requirements at all times. In particular, it details how the Service ensures a Responsible Person is on the premises at all times, and how the identity of that person is made known to staff, parents and visitors.

Strategies and practices

- The Service recruits a wide range of staff with varying abilities and skills to contribute to the service, and who hold a current Working With Children Check. These educators are collaborative, respectful and ethical.
- The Approved Provider of the Service has appointed one or more individuals as Nominated Supervisors to ensure: the Service's operations meet the regulatory requirements at all times; consistency and continuity in practice; and, high quality care and education are provided to the children.
- The Nominated Supervisor has given written consent which, together with other evidence to demonstrate compliance with the Regulatory Authority regarding suitability to occupy the position, is kept on file. This evidence includes:
 - 18 years or older;
 - adequate knowledge and understanding of the provision of education and care to children;
 - an ability to effectively supervise and manage an education and care service; and,

- The name of each Nominated Supervisor is displayed in the Service's main entrance.
- The responsible person or person in day-to-day charge must be 18 years or older. As an approved provider either you or the nominated supervisor must take reasonable steps to ensure the person:
 - Has adequate knowledge and understanding of the provision of education and care to children
 - Has an ability to effectively supervise and manage an education and care service.

Selecting a Responsible Person

- Service supervisor certificates will not be issued to a particular person. From 1 June 2014, regulatory authorities granted a *service supervisor certificate* for each approved education and care service.
- Instead they may apply to any person working at the service who has been identified by the approved provider within the service as: responsible for the day-to-day management of the service or exercising supervisory and leadership responsibilities for part of the service.
- This person can be an approved provider, a nominated supervisor or an Educator who is in charge of the daily running of the Centre.

The Approved Provider will ensure:

- The Responsible person must have completed accredited Child Protection training.
- The Responsible person must accept the position in writing.
- The name of the Responsible Person must be displayed clearly at the Centre near the entrance to the Centre.
- The staff record has the name of the responsible person at the service for each time that children are being educated and cared for by the service.
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- Understand that a Certified Supervisor placed in day-to-day charge of the Service does not have the same responsibilities under the National Law as the Nominated Supervisor (i.e. Coordinator)
- Notify the Regulatory Authority within 7 days of any changes to their personal situation, including a change in mailing address, circumstances that affect their status as fit and proper, such as the suspension or cancellation of a Working with Children Check card or teacher registration, or if they are subject to disciplinary proceedings
- The Responsible Person must be a Fit and Proper Person.
- The Responsible Person has a minimum of 3 years working as an Educator in an Education and Care service (Recommended but not compulsory)

The approved provider or the nominated supervisor must have regard to:

- The person's history of compliance with the National Law and other relevant laws
- Any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws. A person who previously consented to be in day-to-day charge of the service will not need to provide consent again from 1 October 2017.
- Whenever possible, the Approved Provider notifies the Regulatory Authority via the NQA ITS Portal 7 days prior to the Nominated Supervisor commencing at the Service or, if that is not possible, within 14 days after the Nominated Supervisor has commenced in the role. The Regulatory Authority is also notified of any change in their name, contact details or tenure in the position.

- The Nominated Supervisor is also the Responsible Person whenever on the premises.
- The Nominated Supervisor or a representative of ,develops rosters in accordance with the availability of Responsible Persons, service operation and attendance patterns of the children.
- At any time the Nominated Supervisor is not on the premises, a Responsible Person who is physically present is placed in charge of the Service's day-to-day operations only (i.e. the Responsible Person does not assume all of the responsibilities of the Nominated Supervisor). This acceptance of the additional responsibilities by the replacement is a standing arrangement agreed to in writing by the replacement, and details are maintained in the staff file.
- Whenever leaving the premises, the Nominated Supervisor informs the substitute Responsible Person, and then alters the sign in out sheet with the responsible persons details. If the Nominated supervisor return to the sign then again they will alter the sign in /out record to make sure accuracy is kept at all times.
- The details of the Responsible Person at any given time are clearly displayed in the main entrance of the Service.
- The Approved Provider ensures that:
 - Nominated Supervisors and any person who assumes the role of Responsible Person have a clear understanding of the role
 - The Responsible Person is appropriately skilled and qualified
 - The Responsible Person is physically present at the Service. A substitute for the Responsible Person will be present where a Waiver is in place.
- The Service has an Educational Leader who oversees the development and implementation of the Service's educational program.
- The Service's Policies and Procedures are clear and delineate its practices.
- Before commencing at the Service, all educators, staff, students and volunteers are given an orientation wherein they are made purposefully aware of the Service's Policies and Procedures, and of their responsibilities under them.
- The Service is cognisant of the requirements – including transitional and saving provisions – for staffing in the Education and Care Services National Regulations 2011 and meets or exceeds these at all times it provides education and care to children. These provisions include:
 - Educator-to-child ratios
 - Educator formal qualifications
 - First Aid, anaphylaxis and Emergency Asthma Management
 - Rest periods
 - Educators' rest pauses and short absences

The Service is aware of the need for heightened supervision above and beyond the educator-to-child ratios during certain activities (e.g. water play, unknown persons in the Service), and this is accepted by Service educators as standard practice. Refer to the Service's *Supervision Policy*.

- Educators under 18 years and students and volunteers are never alone with children. Refer to the Service's *Students, Volunteers and Visitors Policy*.
- The Service maintains a relief educators list and, wherever possible, engages educators on this list to replace absentees.
- The Service conducts regular team meetings where educators become familiar with each other's strengths and weaknesses and learn how to work best as a team to achieve quality education and care outcomes for children.
- The Nominated Supervisor ensures all educators are familiar with current child protection law and its application to their work at the Service, and acutely aware of their responsibilities under this legislation. Refer to the Service's *Child Protection and Risk Management Policy*.
- All educators use the Deputy to record their arrival and departure times and sign a physical copy of the attendance sheet.

- The Service expects its educators to be diligent and attentive to the children and the children's wellbeing at all times. As team members, they are also expected to be supportive of their colleagues and of students and volunteers.

Code of Ethics:

PREAMBLE

A Code of Ethics is an aspirational framework for reflection about the ethical responsibilities of childhood professionals who work with, or on behalf, of children and their families. In this Code of Ethics the protection and wellbeing of children is paramount and therefore speaking out or taking action in the presence of unethical practice is an essential professional responsibility. Being ethical involves thinking about everyday actions and decision making, either individually or collectively, and responding with respect to all concerned. The Code of Ethics recognises that childhood professionals are in a unique position of trust and influence in their relationships with children, families, colleagues and the community, therefore professional accountability is vital.

CORE PRINCIPLES

The core principles in this Code of Ethics are based on the fundamental and prized values of the profession. They act to guide decision making in relation to ethical responsibilities. These core principles require a commitment to respect and maintain the rights and dignity of children, families, colleagues and communities.

- Each child has unique interests and strengths and the capacity to contribute to their communities.
- Children are citizens from birth with civil, cultural, linguistic, social and economic rights.
- Effective learning and teaching is characterised by professional decisions that draw on specialised knowledge and multiple perspectives.
- Partnerships with families and communities support shared responsibility for children's learning, development and wellbeing.
- Democratic, fair and inclusive practices promote equity and a strong sense of belonging.
- Respectful, responsive and reciprocal relationships are central to children's education and care.
- Play and leisure are essential for children's learning, development and wellbeing.
- Research, inquiry and practice-based evidence inform quality education and care.

ACKNOWLEDGEMENTS

The first Code of Ethics for the Australian early childhood profession was developed in 1988; it was widely cited and used for 19 years. The first review of the Code of Ethics began in 2003 with the second version launched in 2007. The second review of the Code of Ethics began in 2014 with the third (current) version approved by the ECA National Board in February 2016. ECA is grateful to everyone who has contributed to the development and ongoing review of the Code of Ethics including those who have participated in consultation surveys, forums and workshops over the years as well as those who have provided advice and oversight through their service on reference and advisory groups. We would particularly like to acknowledge those engaged in writing each version of the Code.

Staff code of conduct

The Educators Will:

- Maintain a positive attitude in all interactions with children.
- Listen carefully to children's experiences and perspectives and show interest in their ideas and perspectives.

- Respect children as individuals and encourage each child to voice their opinions, concerns and ideas in a supportive forum that is free from stigma.
- Support children in feeling confident in the environment by never using strategies such as shouting, threats of corporal punishment or the refusal of food or other basic needs.
- Always treat children with respect, courtesy and understanding.
- Treat children equally regardless of race, cultural background, religion, sex or ability and ensure interactions between children and educators exhibit this.
- Sensitively manage children who are having difficulty conveying their message or managing their emotions.
- Ensure that children understand what is being communicated to them during interactions and allow them time to question or respond.
- Speak to children at their level and use voice intonations, facial expressions and body language to assist in conveying messages.
- Engage in one-on-one conversations with all children and develop an understanding of their likes, dislikes and interests.
- Collaborate with children regarding the daily routines and practices within the service including programming of experiences in order to meet their individual needs, interests and abilities.
- Organise environments and spaces that promote small and large group interactions and meaningful play and leisure.
- Collaborate with children to develop a set of rules or boundaries to guide their behaviour in the service and discuss clear expectations and consequences of inappropriate behaviours;
- Keep rules simple and only have a small number of concise rules that children understand, focusing on appreciating and caring for each other and the environment.
- Ensure that all staff, families and children will be made aware of the rules and the expected consequences which will be clearly displayed.
- Ensure that all educators enforce the rules and consequences consistently at all times ensuring that consequences will be relevant to the situation and never demeaning.
- Follow up all issues that arise by discussing the situation with the child and strategising for better solutions in future issues.
- Collaborate with family members and schools regarding appropriate behaviour management practices to ensure there is a consistent approach.
- Access professional development and resources related to positive behaviour management and include this in professional development planning.
- Act as a positive role model for appropriate and expected behaviours in the service while being mindful of respectful language and tone.
- Encourage and reward acceptable behaviour by giving praise and positive feedback to children as often as possible.
- Focus on the behaviours being displayed and not the child displaying them.
- Assist children in developing self-discipline skills and regulating their own behaviours by using simple conflict resolution skills, building self-reliance and self-esteem, role modelling and positive direction.
- Provide children with opportunities to interact and develop respectful and positive relationships with each other, educators and visitors to the service.
- Ensure that appropriate physical contact is maintained in regards to comforting children, application of first aid, safety provisions such as holding hands and maintaining respectful bodily space..
- Identify when interactions with a child are not appropriate and refer to the services "Providing a Child Safe Environment" policy to address these concerns.
- Maintain defined boundaries in regards to appropriate behaviour with children and engagement with their families.

DEFINITIONS

A CODE OF ETHICS — defines the core aspirational values of the profession and provides guidance for professional decision making especially when there are conflicting obligations or responsibilities.

CORE PRINCIPLES — fundamental and prized values of the profession.

FAMILIES — the people who have significant care responsibilities for and/or kinship relationships with a child.

CHILDHOOD PROFESSIONAL — a person who works with or on behalf of children and families in education and care settings.

COMMUNITIES — a group of people living in the same place or having a particular characteristic in common.

COLLEAGUES — includes employers and those with whom you work directly or more broadly.

STUDENT — a person undertaking study at a secondary or tertiary institution.

IN RELATION TO CHILDREN, I WILL

- act in the best interests of all children
- create and maintain safe, healthy, inclusive environments that support children's agency and enhance their learning
- provide a meaningful curriculum to enrich children's learning, balancing child and educator initiated experiences
- understand and be able to explain to others how play and leisure enhance children's learning, development and wellbeing
- ensure childhood is a time for being in the here and now and not solely about preparation for the future
- collaborate with children as global citizens in learning about our shared responsibilities to the environment and humanity
- value the relationship between children and their families and enhance these relationships through my practice
- ensure that children are not discriminated against on the basis of gender, sexuality, age, ability, economic status, family structure, lifestyle, ethnicity, religion, language, culture, or national origin
- negotiate children's participation in research, by taking into account their safety, privacy, levels of fatigue and interest
- respect children as capable learners by including their perspectives in teaching, learning and assessment
- safeguard the security of information and documentation about children, particularly when shared on digital platforms.

IN RELATION TO COLLEAGUES, I WILL

- encourage others to adopt and act in accordance with this Code, and take action in the presence of unethical behaviours
- build a spirit of collegiality and professionalism through collaborative relationships based on trust, respect and honesty
- acknowledge and support the diverse strengths and experiences of colleagues in order to build shared professional knowledge, understanding and skills

- use constructive processes to address differences of opinion in order to negotiate shared perspectives and actions
- participate in a 'lively culture of professional inquiry' to support continuous improvement implement strategies that support and mentor colleagues to make positive contributions to the profession
- maintain ethical relationships in my online interactions.

IN RELATION TO FAMILIES, I WILL

- support families as children's first and most important teacher and respect their right to make decisions about their children
- listen to and learn with families and engage in shared decision making, planning and assessment practices in relation to children's learning, development and wellbeing
- develop respectful relationships based on open communication with the aim of encouraging families' engagement and to build a strong sense of belonging
- learn about, respect and respond to the uniqueness of each family, their circumstances, culture, family structure, customs, language, beliefs and kinship systems
- respect families' right to privacy and maintain confidentiality.

IN RELATION TO THE PROFESSION, I WILL

- base my work on research, theories, content knowledge, practice evidence and my understanding of the children and families with whom I work
- take responsibility for articulating my professional values, knowledge and practice and the positive contribution our profession makes to society
- engage in critical reflection, ongoing professional learning and support research that builds my knowledge and that of the profession
- work within the scope of my professional role and avoid misrepresentation of my professional competence and qualifications
- encourage qualities and practices of ethical leadership within the profession
- model quality practice and provide constructive feedback and assessment for students as aspiring professionals .mentor new graduates by supporting their induction into the profession
- advocate for my profession and the provision of quality education and care.

IN RELATION TO THE COMMUNITY AND SOCIETY, I WILL

- learn about local community contexts and aspirations in order to create responsive programs to enhance children's learning, development and wellbeing
- collaborate with people, services and agencies to develop shared understandings and actions that support children and families
- use research and practice-based evidence to advocate for a society where all children have access to quality education and care
- promote the value of children's contribution as citizens to the development of strong communities work to promote increased appreciation of the importance of childhood including how children learn and develop, in order to inform programs and systems of assessment that benefit children
- advocate for the development and implementation of laws and policies that promote the rights and best interests of children and families.

Code of conduct for Staff

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- Support children in feeling confident in the environment by never using strategies such as shouting, threats of corporal punishment or the refusal of food or other basic needs.
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- Maintain defined boundaries in regards to appropriate behaviour with children and engagement with their families.

Responsibilities of parents

- To be aware of who is the Responsible Person at that time they are in the Service.

Procedures and forms

- Working With Children Check Register

Links to other policies

- Child Protection Policy
- Students, Volunteers and Visitors Policy
- Supervision Policy

Links Education and Care Services National Regulations 2011, National Quality Standard 2019

Regs	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
	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
	168	Educators and care services must have policies and procedures
	173	Prescribed information must be displayed

General transitions and saving provisions

	241	Persons taken to hold an approved early childhood teaching qualification
	242	Persons taken to be early childhood teachers Applies until 1 January 2018
	243A	Persons taken to hold an approved diploma level education and care qualification for regulation 128 in Queensland

	244	Persons taken to hold an approved certificate III level education and care qualification
	299	General qualification requirements for educators—children over preschool age Applies to Reg 126(2) and 137(2)
	300	Educator to child ratios—children aged 15 months to 24 months Applies to Reg 123 until 31.3.12 or unless the Regulatory Authority deems until 31.12.17
	304	Early childhood teacher—60 or more children Applies to Reg 133(1)(b) and 134(1)(b) until 1.1.20
	310	Educator to child ratios Applies until 31.12.19
	311	Additional staff members or volunteers Applies to Reg 310
	312	Qualifications for educators Applies to Reg 310

QA	2.2.1	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
	2.2.3	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect
	4.1.2	Every effort is made for children to experience continuity of educators at the service
	4.2.1	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills
	4.2.2	Professional standards guide practice, interactions and relationships
	7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service.
	7.2.1	There is an effective self-assessment and quality improvement process in place
	7.2.2	The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle

Sources

- Education and Care Services National Regulations 2011
- Guide to the National Quality Standard 2011

Further reading and useful websites

- ACECQA. (2017). *Responsible Person Requirements for Approved Providers*.
<http://files.acecqa.gov.au/files/NQF/ResponsiblePersonRequirements.pdf> accessed 26 December 2017

- ACECQA. (2017). *Reporting requirements about children*. <http://www.acecqa.gov.au/reporting-requirements-about-children> accessed 26 December 2017
- Australian Children's Education and Care Quality Authority – <http://www.acecqa.gov.au/> accessed 26 December 2017
- Community Learning Australia. (2017). *Simple Guide to Being an Approved Provider of a NSW Long Day Care Centre or Preschool*. <https://www.cela.org.au/wp-content/uploads/Resources/being-an-approved-provider-cela-simple-guide.pdf> accessed 26 December 2017
- Community Learning Australia. (2017). *Simple Guide to Being a Nominated Supervisor of s NSW Long Day Care or Preschool*. <https://www.cela.org.au/wp-content/uploads/Resources/being-a-nominated-supervisor-cela-simple-guide.pdf> accessed 26 December 2017
- Department of Education, Early Childhood Education and Care Directorate (NSW) – <https://education.nsw.gov.au/early-childhood-education> accessed 26 December 2017
- Office of NSW Guardian – <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check> accessed 26 December 2017

Policy review

The Service encourages staff and parents to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Version	Date Reviewed	Approved By	Comments/Amendments	Next Review Date
1	8 January 2018	Dr Brenda Abbey (Author)	Updated to changed NQF requirements 1 February 2018. Service to modify policies to its specific needs.	
2	5 July 2018	Elizabeth Newman	Removed areas not relevant for OOSH	5 July 2019
3	13/03/2019	Elizabeth Treadwell	Addition of the Staff code of conduct	13/03/2019
4	30/06/2020		NQS update	30/06/2021
5	19 April 2021		No changes	20 April 2022