

4.04 STAFFING

QUALITY AREA 4 | VERSION 1.23



PURPOSE

This policy will provide guidelines for engaging staff at LEVNT EC Services, 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 and support to staff and other adults at the service.
- complying with legislation relating to Working with Children (WWC) Check, Victorian Institute of Teaching (VIT) or New South Wales Education Standards Authority (NESA) registration and meeting Child Safe Standards.

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

- Child Safe Environment and Wellbeing Policy
- Code of Conduct Policy
- Determining the Responsible Person Policy
- Volunteers and Student Educators Policy

POLICY STATEMENT

VALUES

In order to fulfil our mission, LEVNT ECS Service operate to educate children in a Christian environment by providing inspiring education opportunities that enable them to reach their full potential. The foundation of Lutheran Education is the gospel of Jesus Christ which informs all learning and teaching, all human relationships and all activities of LEVNT EC Services.

Therefore, LEVNT EC Services are 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 a range of 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 relevant industrial agreements and current legislation in relation to the employment of staff, including the *Equal Opportunity Act 2010 (VIC)*, *Anti-Discrimination Act 1977 (NSW)*, *Fair Work Act 2009*, *Worker Screening Act 2020 (VIC)* and the *National Disability Insurance Scheme (Worker Checks) Act 2018 (NSW)*.
- continuity of educators at the service.
- the further development of staff.

SCOPE

This policy applies to the Approved Provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, volunteers, students and parents/guardians at LEVNT EC Services.

BACKGROUND

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

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

In addition, there are legislative requirements that there is 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. These qualifications must be updated as required, and a copy of the qualifications must be kept on an individual's staff record. As a demonstration of duty of care and best practice, LEVNT recommends **all educators** have current approved first aid qualifications, anaphylaxis management training and emergency asthma management training.

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

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

All educators and staff are required by law to have a current WWC Clearance or be registered with the VIT/NESA. It is also an LEVNT requirement that the Nominated Supervisor and staff with financial responsibilities also have a criminal history record check.

Victorian Child Safe Standard 11 and/or National Child Safe Principle 10 require organisations to have policies and procedures in place for the recruitment and selection, supervision, training and performance management of staff (refer to *Child Safe Environment Policy*).

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms refer to the Definitions file of each LEVNT EC policy folder.

The Kindergarten Funding Guide: provides detailed information from the Victorian Department of Education (DE) about the types of kindergarten funding available, eligibility criteria, how to apply for funding and how to comply with operational requirements once funding has been granted.

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

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

Working with Children (WWC) Clearance: A WWC Clearance is granted to a person under Worker Screening 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.

RESPONSIBILITIES

The Approved Provider, persons with management and control, nominated supervisor and/or persons in day-to-day charge are responsible for meeting legislated requirements of the ECEC sector are indicated with LR.

	Approved Provider and/or persons with management and control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Parents, guardians and carers	Contractors, volunteers and those on student placement
Complying with the LEVNT <i>Code of Conduct Policy</i> at all times	✓	✓	✓	✓	✓
Ensuring that the procedures for the appointment of casual and relief staff are compliant with all regulatory and funding requirements	LR	LR			
Appointing nominated supervisors who are aged 18 years or older, fit and proper and have suitable skills, as required under the Education and Care Services National Law, Section 161 (refer to <i>Determining Responsible Person Policy</i>)	LR	LR			
Ensuring that there is a responsible person (refer to <i>Determining Responsible Person Policy</i>) on the premises at all times the service is in operation (National Law: Section 162)	LR	LR	✓		
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	LR	LR	✓		
Ensuring that children being educated and cared for by the service are adequately supervised (refer to <i>Supervision of Children Policy</i>) at all times they are in the care of that service (National Law: Section 165(1))	LR	LR	LR		
Complying with the legislated educator-to-child ratios at all times (National Law: Sections 169(1) & (2), National Regulations: Regulations 123, 357)	LR	LR	✓		
Ensuring that all staffing meets the state kindergarten/pre-school funding requirements (refer to <i>Sources</i>) at all times the service is in operation	LR	✓			
Complying with relevant industrial agreement and current legislation relating to the employment of staff, including the <i>Equal Opportunity Act 2010 (VIC)</i> , <i>Anti-Discrimination Act 1977 (NSW)</i> , <i>Fair Work Act 2009</i> , <i>Occupational Health and Safety Act 2004 (VIC)</i> or <i>2000 (NSW)</i> , <i>Worker Screening Act 2020 (VIC)</i> and the <i>National Disability Insurance Scheme (Worker Checks) Act 2018 (NSW)</i>	LR	✓			
Following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the <i>Child Safe Environment Policy</i>	✓	✓			
Employing the relevant number of appropriately-qualified educators with ACECQA approved qualifications (refer to <i>Background</i> and <i>Sources</i>) (Regulations 126)	LR	✓			
Ensuring an early childhood teacher is working with the service for the required period of time specified in the National Regulations, and that, where required, a record is kept of this work (Regulations 130–135, 152, 363)	LR	LR			
Maintaining a record of educators working directly with children in accordance with Regulation 151	LR	LR			
Appointing an appropriately-qualified and experienced educator to be the educational leader, and ensuring this is documented on the staff record (Regulations 118, 148)	LR	✓			
Ensuring that educators and other staff are provided with a current position description that relates to their role at the service	LR	✓			
Maintaining a staff record in accordance with Regulation 145, including information about the responsible person, nominated supervisor, the educational leader, other staff members, volunteers and students. Details that must be	LR	LR			

	Approved Provider and/or persons with management and control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Parents, guardians and carers	Contractors, volunteers and those on student placement
recorded include qualifications, training, Working with Children Clearance as set out in Regulations 146–149.					
Complying with the requirements of the <i>Worker Screening Act 2020 (VIC)</i> and the <i>National Disability Insurance Scheme (Worker Checks) Act 2018 (NSW)</i> , and ensuring that the Nominated Supervisor, educators and staff at the service have a current WWC Clearance or a Victorian Institute of Teaching (VIT)/New South Wales Education Standards Authority (NESA) certificate of registration (applicable to ECT only).	LR	LR			
Confirming the WWC Clearance or confirming VIT/NESA registration (applicable to ECT only) of all staff and volunteers prior to their being engaged or employed at the service	LR	LR			
Supply relevant WWC Clearance or VIT/NESA Registration information prior to beginning work at a LEVNT EC Service and as these tasks become due for renewal		✓	✓		✓
Ensuring that a register of the WWC Clearance or VIT/NESA registrations is maintained and the details kept on each staff record (Regulations 145, 146, 147, 149)	LR	LR			
Determining who will cover the costs of WWC Clearance or criminal history record checks	✓	✓			
Developing and implementing an appropriate induction program for all staff appointed to the service	✓	✓			
Developing rosters in accordance with the availability of responsible persons, staff qualifications, hours of operation and the attendance patterns of children 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 (refer to <i>Participation of Volunteers and Students Policy</i>)	✓	✓			
Wherever possible, developing rosters and routines that ensure staff, educators and volunteers do not work directly with their own child(ren) or children with whom they hold a close personal relationship	✓	✓	✓	✓	✓
Ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (Regulation 120)	LR	LR	LR		
Ensuring that there is at least one educator with current approved first aid qualifications, anaphylaxis management training and emergency asthma management training in attendance and immediately available at all times that children are being educated and cared for by the service. (Note: this is a minimum requirement. As a demonstration of duty of care and best practice, LEVNT recommends that all educators have current approved first aid qualifications and anaphylaxis management training and emergency asthma management training.) Details of qualifications and training must be kept on the staff record (Regulations 136, 145)	LR	LR	✓		
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	✓	✓			

	Approved Provider and/or persons with management and control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Parents, guardians and carers	Contractors, volunteers and those on student placement
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)	LR	LR			
Ensuring that annual performance reviews of the nominated supervisor, early childhood teachers, educators and other staff are undertaken	✓	✓			
Reviewing staff qualifications as required under current legislation and funding requirements on an annual basis	✓	✓			
Ensuring that the nominated supervisor, early childhood teachers, educators and other staff, volunteers and students are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83) (refer to <i>Tobacco, Alcohol and other Drugs Policy</i>)	LR	LR	✓		✓
Ensuring that all early childhood teachers, educators and staff have opportunities to undertake professional development relevant to their role	✓	✓			
Ensuring that the nominated supervisor, early childhood teachers and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (Regulation 84) (refer to the <i>Child Safe Environment Policy</i>)	LR	LR	✓		
Informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent	✓	✓	✓		
Developing and maintaining a list of casual and relief staff to ensure consistency of service provision		✓			

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of a policy review cycle, or as required
- notify all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk

AUTHORISATION & REVIEW

This policy was adopted by Lutheran Education VIC, NSW, TAS and ACT Ltd as delegate of the Approved Provider for this service on 16 November 2023.

REVIEW DATE November 2026 or earlier as required.

REFERENCES

LEGISLATION & STANDARDS

Relevant legislation and standards include but are not limited to:

- Child Safe Standards
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- Education and Training Reform Act 2006 (Vic) (amended in 2014)
- *Equal Opportunity Act 2010* (Vic)
- *Anti-Discrimination Act 1977* (NSW)
- *Fair Work Act 2009*
- *National Quality Standard*, Quality Area 4: Staffing Arrangements
- *Privacy Act 1988* (Cth) (VIC)
- Privacy and Personal Information Protection Act 1998 (NSW)
- *Privacy and Data Protection Act 2014* (Vic)
- Personal Information Protection Act 1998 (NSW)
- *Worker Screening Act 2020*
- *Worker Screening Regulations 2021* (Vic)
- *National Disability Insurance Scheme (Worker Checks) Act 2018* (NSW)

SOURCES

- Victoria: The Commission for Children and Young People (2018), *A Guide for Creating a Child Safe Organisation*: <https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf>
- New South Wales: Office of the Children’s Guardian, *Child Safe Recruitment and the Working with Children Check*: <https://ocg.nsw.gov.au/resources>
- Australian Children’s Education and Care Quality Authority (ACECQA): www.acecqa.gov.au
- Department of Education (VIC), *The Kindergarten Funding Guide*: <https://www.education.vic.gov.au/childhood/providers/funding/Pages/kinderfundingcriteria.aspx>
- Department of Education (NSW), *Start Strong for Community Preschools Program Guidelines*: <https://education.nsw.gov.au/early-childhood-education/operating-an-early-childhood-education-service/grants-and-funded-programs/start-strong-funding/start-strong-for-community-preschools/2024-start-strong-for-community-preschools-program-guidelines>
- *The Early Years Learning Framework for Australia: Belonging, Being, Becoming*: www.education.gov.au
- *Victorian Early Years Learning and Development Framework*: www.education.vic.gov.au
- Working with Children Check unit, Department of Justice and Regulation – provides details of how to obtain a WWC Check: www.workingwithchildren.vic.gov.au
- Victoria Police – National Police Record Check: www.police.vic.gov.au
- Service NSW – National Police Check: <https://www.service.nsw.gov.au/transaction/apply-national-police-check>

RELATED POLICIES

- Curriculum Development
- Inclusion and Equity
- Administration of First Aid
- Delivery and Collection of Children
- Child Safe Environment and Wellbeing
- Supervision of Children
- Anaphylaxis and Allergic Reactions
- Asthma
- Code of Conduct
- Determining Responsible Person
- Volunteers and Student Educators
- Interactions with Children
- Privacy and Confidentiality
- Compliments and Complaints