

Staffing Arrangements Policy



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DCC Network/All Organisation Information/DCC Policies/Quality Area 4 – Staffing Arrangements			

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1. Policy Statement

River Region Early Education is committed to ensuring the organisation of educators across services supports children’s learning and development and meets regulatory requirements in relation to staffing. This includes that professional standards guide practice, a responsible person ensures each service is effectively supervised and managed, employees have necessary training and qualifications, and suitable records are kept and regulatory notifications made.

2. Rationale

The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedures in place in relation to staffing arrangements. This policy provides guidance on the appointment of responsible persons, nominated supervisors and educational leaders, educator qualifications, the creation and communication of rosters, and required registrations and notifications.

For information on educator to child ratios that relate to qualifications, see *NQS2.24 Child Safe Supervision Policy*.

3. Scope

This policy applies to all employees, including part-time, full-time, and casual employees, volunteers, trainees and students.

4. Responsibilities

It is the responsibility of the Board as Approved Provider to ensure that:

- Policies and procedures are in place in relation to staffing arrangements,
- Each service has at least one suitable responsible person present at all times when children are being educated and cared for,
- Each service has at least one suitable nominated supervisor,
- Educators are suitably qualified,
- Employees and volunteers working directly with children have current and verified Working with Children Checks unless exempt, and
- Required notifications are completed and records kept.

It is the responsibility of the General Manager to:

- Carry out or delegate the responsibilities of the Board as listed above,
- Approve the appointment of responsible persons, nominated supervisors, and educational leaders and ensure they are suitably qualified and have completed child protection checks and training as required,
- Ensure prescribed information is displayed and visible from the main entrance of services as per regulation, and
- Notify the Regulatory Authority of any changes to nominated supervisor name or contact details and their written consent, if applicable.

It is the responsibility of the Business Services Manager to ensure that:

- The progress of educators actively working toward a qualification is monitored and documented to ensure it is satisfactory, and
- First aid, anaphylaxis management, and emergency asthma management qualifications are monitored and documented to ensure currency and compliance.

It is the responsibility of Nominated Supervisors to:

- Inform the General Manager of their compliance history using *NQS4.38A Compliance History Statement*,
- Provide written consent to undertake the role of nominated supervisor by reading and signing the *Nominated Supervisor Position Description* before commencement,

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- Ensure they have adequate knowledge and understanding of the provision of education and care to children and an ability to effectively supervise and manage an education and care service,
- Ensure they have completed child protection training before undertaking the role of nominated supervisor,
- Recommend the appointment of responsible persons and educational leaders to the General Manager for approval after ensuring they are suitably qualified and have completed child protection checks and training as required,
- Ensure the number and qualifications of educators meets regulatory requirements,
- Create rosters for staffing that comply with any employment Award requirements, regulatory requirements for educator qualifications and regulatory requirements for educator to child ratios as outlined in *NQS2.24 Supervision Policy*,
- Ensure that the progress of educators actively working toward a qualification is satisfactory,
- Display prescribed information so it is visible from the main entrance of their service as per regulation,
- Ensure a Responsible Person is always present at the service and their name is clearly displayed in the main entrance as per regulation,
- Ensure that educational leaders are suitably skilled and read and sign the Educational Leader Position Description before commencement,
- Ensure that required information for staff members, nominated supervisors, responsible persons and educational leaders is recorded in the staff record,
- Ensure that required information for educators working directly with children and responsible persons is recorded, and
- Ensure that required information for access to early childhood teachers and short-term relief for absence is recorded.

It is the responsibility of Responsible Persons to:

- Inform the Nominated Supervisor or General Manager of their compliance history using *NQS4.38A Compliance History Statement*,
- Provide written consent to undertake the role of responsible person by reading and signing the *Responsible Person Position Description* before commencement,
- Ensure they have adequate knowledge and understanding of the provision of education and care to children and an ability to effectively supervise and manage an education and care service, and
- Ensure they have completed child protection training before undertaking the role of responsible person.

It is the responsibility of Educational Leaders to:

- Provide written consent to undertake the role of educational leader by reading and signing the *Educational Leader Position Description* before commencement,
- Maintain adequate knowledge and understanding of the provision of educational program and practice, and
- Maintain and build skills and expertise required to mentor and support educators at various stages of their professional development.

It is the responsibility of educators to:

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- Provide evidence of their qualifications to the Nominated Supervisor, and
- If actively working toward a qualification, provide evidence of satisfactory progress at least every six months or on request.

5. Definitions

Actively working toward – Under Education and Care Services National Regulations (10), an educator is actively working toward a qualification if they are:

- enrolled in the course for the qualification; and
- provide documentary evidence from the provider of the course that they have commenced the course; and are making satisfactory progress towards completion of the course; and are meeting the requirements for maintaining the enrolment; and
- in the case of an approved diploma level education and care qualification, they hold an approved certificate III level education and care qualification; or have completed the units of study in an approved certificate III level education and care qualification determined by the National Authority; or have completed the percentage of total units of study required for completion of an approved early childhood teaching qualification determined by the National Authority.

Approved provider – A legal entity with ultimate legal responsibility for an education and care service in NSW. A service approval authorises the approved provider to operate an education and care service under the National Law and National Regulations. The Board is the approved provider for River Region Early Education.

Responsible person - The person identified as being in day-to-day charge of a service as defined and required by Children (Education and Care Services) National Law (NSW) 2010.

Working directly with children - Under Education and Care Services National Regulations (13), a person is working directly with children at a given time if at that time the person is physically present with the children; and is directly engaged in providing education and care to the children.

6. Guidelines

a) Responsible persons in day-to-charge

Under Education and Care Services National Regulations (117A/B), each service must have at least one responsible person always present when children are being educated and cared for.

The responsible person:

- Is placed in day-to-day charge of the service by the Approved Provider or Nominated Supervisor, and
- Consents to the placement in writing.

Nominated Supervisors are automatically appointed as Responsible Persons.

The Approved Provider or Nominated Supervisor must:

- Ensure the person is 18 years or more and is appropriately skilled and qualified for the role,
- Have taken reasonable steps to ensure that the person has adequate knowledge and understanding of the provision of education and care to children and an ability to effectively supervise and manage an education and care service,

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- Have regard to the person's history of compliance with the National Law and other relevant laws, and any decision under Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification, or other authorisation granted to the person with the National Law and other relevant laws by requiring the person to complete *NQS4.38A Compliance History Statement*,
- Ensure the person has successfully completed child protection training, and
- Provide the person with a copy of the *Responsible Person Position Description* and record the signed position description in the person's staff record,
- Ensure the name of the person is on display at the service when they are in day-to-day charge where it can be clearly seen by educators and families.

The Responsible Person must:

- Ensure their name is on display when they are in day-to-day charge of the service, and
- If handing over day-to-day charge to another person, communicate with them on hand over and ensure the name on display is updated.

b) Nominated supervisors

Under Education and Care Services National Law (5), each service must have a nominated supervisor. The nominated supervisor must:

- Be nominated by the Approved Provider or their delegate,
- Consent to the nomination in writing (unless they are the approved provider),
- Be 18 years or more and appropriately skilled and qualified for the role,
- Have a history of compliance with the National Law and other relevant laws, with regard to any decision under Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification, or other authorisation granted to the person with the National Law and other relevant laws, to be evidenced by them completing *NQS4.38A Compliance History Statement*
- Have successfully completed child protection training,
- Read and sign a copy of the *Nominated Supervisor Position Description* that is recorded in the person's staff record, and
- Have their name on display at the service where it can be clearly seen by educators and families.

The Approved Provider must ensure that the Regulatory Authority is notified in writing at least 7 days in advance of the addition of or change to the nominated supervisor that includes:

- The name of the nominated supervisor (prescribed information),
- The contact details of the nominated supervisor, and
- Evidence of written consent to the nomination (unless the person is the approved provider).

c) Educational leaders

Under Education and Care Services National Regulations (118), the approved provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, coordinator or other individual as educational leader at the service to lead the development and implementation of educational programs in the service.

The roles and responsibilities of an educational leader are defined in the *Educational Leader Position Description*.

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The Approved Provider or Nominated Supervisor will ensure that any person offered a position as an educational leader:

- has adequate knowledge and understanding of the provision of educational program and practice,
- has skills and expertise required to mentor and support educators at various stages of their professional development,
- is provided with a copy of the Educational Leader Position Description,
- signs and returns the position description, and
- records the signed position description in the person's employee record.

d) Approved educator qualifications – diploma level

Approved qualifications are those published on the website of the National Authority as required under regulation 137 of the Education and Care Services National Regulations. These can be found here <https://www.acecqa.gov.au/qualifications/qualification-requirements>

Under regulation 126 of the Education and Care Services National Regulations, 50% of educators required to meet the relevant educator to child ratios in centre-based services with children preschool age and under, must have, or be actively working towards, an approved diploma level education and care qualification (or higher).

Under the NQF, a person is considered a diploma qualified educator if they:

- hold an approved diploma level qualification, OR
- hold a former approved diploma level qualification completed before 1 January 2012 OR
- hold a qualification that ACECQA has assessed as equivalent to an approved diploma level educator qualification.

If an individual is 'actively working towards' an approved diploma level qualification, they may be counted as a diploma level educator, if they meet the requirements under the 'actively working towards' provisions – see <https://www.acecqa.gov.au/qualifications/requirements/actively-working-towards-a-qualification>

e) Approved educator qualifications – certificate III level

Approved qualifications can be found here <https://www.acecqa.gov.au/qualifications/qualification-requirements>

All other educators required to meet the relevant educator to child ratios at the service must hold, or be actively working towards at least, an approved certificate III level education and care qualification.

Under the NQF, a person is considered a certificate III level educator if they:

- hold an approved certificate III qualification, OR
- hold a former approved certificate III level qualification completed before 1 January 2012, OR
- hold a qualification that ACECQA has assessed as equivalent to an approved certificate III level educator qualification.

If an individual is 'actively working towards' an approved certificate III level qualification, they may be counted as a certificate III level educator, if they meet the requirements under the 'actively working towards' provisions – see <https://www.acecqa.gov.au/qualifications/requirements/actively-working-towards-a-qualification>

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f) Access to early childhood teachers (ECT)

Approved qualifications can be found here <https://www.acecqa.gov.au/qualifications/qualification-requirements>

Services must engage or have access to an early childhood teacher (ECT) based on the number of children in attendance at the service. Please refer to the Summary of the ECT requirements for centre-based services table below.

An individual can be counted as an ECT if they:

- hold an approved early childhood teaching qualification, OR
- hold a former approved early childhood teaching qualification that commenced before 1 January 2012, OR
- hold a qualification that ACECQA has determined to be an equivalent early childhood teacher qualification, OR
- hold a qualification that ACECQA has assessed as equivalent to an approved early childhood teaching qualification.

It is to be noted that regulations 133 – 135 identify a 'suitably qualified person' as being an alternative to requirements for a second ECT which does not apply for services operating in NSW.

Regulations 130/131 and 272 of the Education and Care Services National Regulations identifies requirements for access to early childhood teachers (ECT). Note that the number of children does not include children being cared for in an emergency for no more than two consecutive operating days.

Number of children in attendance at any one time	Early childhood teacher requirement
Fewer than 25 children	The service needs to have access to an early childhood teacher for at least 20 per cent of the time the service is operating. This may be achieved through an information communication technology solution.
25 – 29 children (NSW)	The service must employ or engage a full-time or full time equivalent early childhood teacher, or have an early childhood teacher in attendance for: <ul style="list-style-type: none">• 6 hours per day, when operating for 50 hours or more per week OR• 60% of the time, when operating for less than 50 hours per week
30 – 39 children (NSW)	One early childhood teacher must be in attendance at all times.
40 – 59 children (NSW)	Two early childhood teachers must be in attendance at all times.
60 – 79 children (NSW)	Three early childhood teachers must be in attendance at all times.
80 or more children (NSW)	Four early childhood teachers must be in attendance at all times.

g) Actively working toward

Actively working towards provisions apply under regulation 126 of the National Regulations and the term is defined in regulation 10.

Educators who are 'actively working towards' an ACECQA approved qualification (certificate III, diploma or early childhood teaching (ECT)) in a centre-based service, may be counted towards qualification requirements.

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Qualification level	Requirements for actively working towards
Certificate III	<p>You can be counted towards meeting the certificate III level qualification requirements if you are:</p> <ul style="list-style-type: none"> enrolled in an ACECQA approved qualification and have started study, making satisfactory progress towards completing the course, meeting the requirements to maintain enrolment.
Diploma	<p>You can be counted towards meeting the diploma level qualification requirements if you are:</p> <ul style="list-style-type: none"> enrolled in an ACECQA approved diploma level or higher qualification and have started study, making satisfactory progress towards completing the course, meeting the requirements to maintain enrolment. <p>And you either:</p> <ul style="list-style-type: none"> hold an approved certificate III level qualification, or have completed 30% of the units in an approved ECT qualification.
<p>Early childhood teacher (in NSW only for centre-based services caring for 30 or more children)</p> <p><i>Regulation 242 is scheduled to expire in NSW on 31 December 2024</i></p>	<p>Under regulation 242, you are 'taken to be an early childhood teacher' if you:</p> <ul style="list-style-type: none"> are enrolled in an approved early childhood teaching qualification, and give the approved provider documentary evidence from the course provider that you: <ul style="list-style-type: none"> have started the course, and are making satisfactory progress towards completing the course, and are meeting the requirements for maintaining the enrolment, and hold an approved diploma level educator qualification or have completed at least 50 per cent of the course.

Educators must provide evidence of 'satisfactory progress' that includes:

- A letter of offer or confirmation of enrolment,
- Academic transcripts of units/modules completed that are not more than six months old, and
- Examination results or verified and dated letter from the course provider.

Documents should include:

- course name,
- course provider name,
- student's name,
- units or modules completed (if applicable), and
- a signature or official stamp from the course provider.

h) First Aid, Anaphylaxis Management and Emergency Asthma Management

Regulation 136 of the Education and Care Services National Regulations identifies requirements for staff who are trained in first aid, anaphylaxis management, and emergency asthma management.

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The Approved Provider or Nominated Supervisor will ensure that:

- at least one staff member or one nominated supervisor of the service holds a current approved first aid qualification, and
- at least one staff member or one nominated supervisor of the service has undertaken current approved anaphylaxis management training, and
- at least one staff member or one nominated supervisor of the service has undertaken current approved emergency asthma management training, and
- these persons are in attendance at any place where children are being educated and cared for and are immediately available in an emergency.

The same person may hold one or more of the qualifications listed above.

- A current first aid, anaphylaxis management, or emergency asthma management qualification is deemed to be one that has been completed within the previous three years except for a qualification that relates to emergency life support and cardiopulmonary resuscitation, which must be completed within the previous year. To assist with compliance, certificates should state the date when the person completed the course, as well as the expiry date or validity period of the qualification from the date of completion. Certificates may include multiple qualifications.
- Approved means training or qualifications approved by the National Authority and listed on the ACECQA website <http://www.acecqa.gov.au/qualifications/>.
- Approved first aid qualifications must:
 - Be appropriate to children, and
 - Include emergency life support and cardio-pulmonary resuscitation, convulsions, poisoning, respiratory difficulties, management of severe bleeding, injury and basic wound care, and administration of an auto-immune adrenalin device.

i) Child protection qualifications

The Approved Provider or Nominated Supervisor will ensure:

- The organisation is registered as an employer with the Office of the Children's Guardian,
- All employees, volunteers and students who are working directly with children, unless exempt, have a current Working With Children Check (WWCC) that clears them to work with children or a current application,
- All checks and applications are verified with the Office of the Children's Guardian by someone other than the person before they commence work and within five days of expiry,
- Any barred or unauthorised person does not commence working directly with children or is removed immediately, and
- Documentary evidence of each WWCC and verification is kept in the staff record.

Exemptions can be checked on the website of the Office of the Children's Guardian and include people under 18 years of age, those visiting from interstate who will be working with children for less than 30 days, and volunteers who are parents or close relatives of a child present and where their work is supervised.

j) Short-term relief for absence

Regulations 126A, 135 and 272(6) of the Education and Care Services National Regulations identify flexibility to meet ratio and qualification requirements when educators are absent for a short period of time.

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To be eligible under these regulations, the educator must be absent due to short-term illness, leave, or resignation, or, for certificate III and diploma level only, because they are attending supervised professional experience placement for an approved qualification (practicum).

- The 12-month period is considered as the 12 months immediately prior to the day the specific educator role is being replaced with a calculation as to whether the 30 or 60-day maximum has been exceeded during that period.
- Restrictions on replacement is per role, not per individual educator.

Certificate III and diploma level

An educator who holds (or is actively working towards) an approved certificate III or diploma level qualification may be replaced by a person who holds a qualification in primary teaching.

- Certificate III and diploma level roles may each be replaced for a maximum of 30 days in any 12-month period (pro rata for part-time).

Early childhood teacher (ECT) in NSW

Under Regulation 272, if an early childhood teacher is absent from a centre-based service because of short-term illness, leave or the early childhood teacher's resignation, the following persons may be taken for the purposes of this regulation to be an early childhood teacher during that absence:

- a person who holds an approved diploma level education and care qualification, or
- a person who holds a qualification in primary teaching.

An early childhood teacher required to be in attendance under this regulation may be replaced for a maximum of 60 days in any 12-month period (60 days is to be calculated on a pro rata basis).

k) Record-keeping

Under Regulation 183 of the Education and Care Services National Regulation, records must be stored in a safe and secure place and retained:

- if the record relates to the approved provider, until the end of 3 years after the last date on which the approved provider operated the education and care service,
- if the record relates to a nominated supervisor or staff member of an education and care service, until the end of 3 years after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service, or
- in case of any other record, until the end of 3 years after the date on which the record was made.

Under Child Protection (Working with Children) Act 2012 (9A), an employee must retain Working with Children Check (WWCC) records during the period, and for 7 years after the worker ceases, the worker carries out child-related work.

Information	Reg	Record-keeping requirements
Nominated supervisor	146	<p>The staff record must include the following information in relation to each nominated supervisor:</p> <ul style="list-style-type: none">• the full name, address and date of birth,• evidence of any relevant qualifications held; or if applicable, that the individual is actively working towards that qualification,• evidence of any approved training (including first aid training) completed,

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Information	Reg	Record-keeping requirements
		<ul style="list-style-type: none"> a record of the identifying number of the current working with children check conducted under the relevant law and the expiry date of that check, if applicable. <p>The approved provider to keep a record of the written consent to be nominated supervisor.</p>
Staff members	147	<p>The staff record must include the following information in relation to each person:</p> <ul style="list-style-type: none"> the full name, address and date of birth, evidence of any relevant qualifications held; or if applicable, that the individual is actively working towards that qualification, evidence of any approved training (including first aid training) completed, a record of the identifying number of the current working with children check conducted under the relevant law and the expiry date of that check, if applicable.
Educational leader	148	<p>The staff record must include the name of the person designated as the educational leader in accordance with regulation 118.</p> <p>The approved provider to keep a record of the written consent to be an educational leader.</p>
Appointment of responsible person	150	<p>The staff record must include the name of the responsible person at the centre-based service for each time that children are being educated and cared for by the service.</p> <p>The approved provider to keep a record of the written consent to be responsible person.</p>
Educators working directly with children	151	<p>The approved provider to keep a record of educators working directly with children that includes:</p> <ul style="list-style-type: none"> the name of each educator, and the hours that each educator works directly with children.
Access to early childhood teachers (ECT)	152	<p>The approved provider to keep a record of the period that any ECT is:</p> <ul style="list-style-type: none"> working with the service, including the period working directly or not working directly with children, if the service has fewer than 25 children, or in attendance at the service if the service has 25 or more children.
Short-term relief for absence	152A 152B	<p>Where an educator role has been replaced in accordance with Regulations 126A, 135 and 272(6), the approved provider to keep a record that includes:</p> <ul style="list-style-type: none"> the name of the person being replaced, the role being replaced (certificate III, diploma, ECT or SQP), the qualification of the person replacing the role, the dates the person was replaced, and the reason for absence which must state one of the following: short-term illness, leave, resignation, or attendance at a supervised professional experience placement for an approved qualification.
Replacement of ECT (NSW)	272	<p>The approved provider of a centre-based service to keep a record of an early childhood teacher who is replaced that includes the following information:</p>

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Information	Reg	Record-keeping requirements
		<ul style="list-style-type: none"> the full name of the early childhood teacher, the qualification of the person who replaced the early childhood teacher, the dates on which the early childhood teacher was replaced, the reason for the early childhood teacher's absence.
Working with Children Checks	Law 9A	<p>The Child Protection (Working with Children) Act 2012 requires the following information to be kept regarding a worker's WWCC record:</p> <ul style="list-style-type: none"> full name and date of birth, working with children number or application number, expiry date, verification date and verification outcome, and whether the worker is in paid or volunteer work.

l) Notifications and display

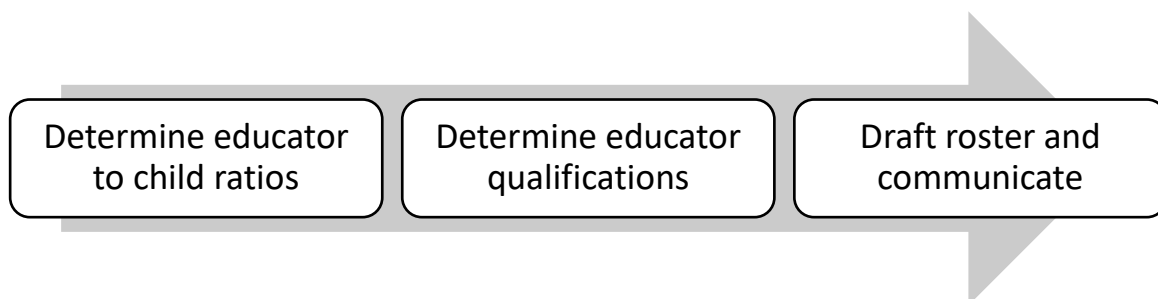
Education and Care Services National Regulation identify requirements for the display of information and notification to the Regulatory Authority.

Information	Reg	Notification or display
Notice of addition of new nominated supervisor	35 Law 56	<p>Under section 56 of the Law, the approved provider must give written notice to the Regulatory Authority to add a new nominated supervisor of the education and care service.</p> <p>Notice to be given at least 7 days before the individual commences in this role or not more than 14 days after commencement if this is not possible.</p> <p>Notice must include the following information:</p> <ul style="list-style-type: none"> the name of the education and care service, the service approval number, the name and contact details of the contact person for the purposes of the application, the full name and contact details of the new nominated supervisor, the date on which the new nominated supervisor commences or commenced work as a nominated supervisor, and a nominated supervisor's written consent to the nomination unless the nominated supervisor is the approved provider.
Notice of change to a nominated supervisor's name or contact details	Law 56A	<p>The approved provider of an education and care service must give written notice to the Regulatory Authority of any change to the name or contact details of any nominated supervisor of the education and care service.</p>
Prescribed information to be displayed	173 Law 172	<p>The approved provider must ensure that the prescribed information about the following is positioned so that it is clearly visible to anyone from the main entrance to the education and care service premises:</p> <ul style="list-style-type: none"> the provider approval (name of provider, provider approval number, conditions of approval) the service approval (name of service, service approval number, conditions of approval), each nominated supervisor of the service (name),

Information	Reg	Notification or display
		<ul style="list-style-type: none"> the rating of the service (current rating levels for each NQS, overall rating, rating certificates), any service waivers or temporary waivers held by the service (relevant NQS and regulations, duration, waiver type), and any other prescribed matters (hours and days of operation, name and telephone number for complaints, name and position of responsible person in charge at any given time, name of educational leader, contact details of the Regulatory Authority), if applicable (notice of child at risk of anaphylaxis, notice of occurrence of infectious disease).

7. Procedure

a) Rosters



Determine educator to child ratios

NQS2.24 Child Safe Supervision Policy gives information about regulations regarding the minimum number of educators required to educate and care for children at a centre-based service and is calculated in accordance with the following ratios:

- for children from birth to 24 months of age - 1 educator to 4 children,
- for children over 24 months and less than 36 months of age - 1 educator to 5 children, and
- for children aged 36 months of age or over (not including children over preschool age) - 1 educator to 10 children (NSW only).

In creating rosters for each week, the Nominated Supervisor or their delegate calculates the number of educators needed for each day based on the number of children enrolled and with regard to the following:

- Ratios are calculated across the whole service (not by individual rooms),
- In a mixed age group of children, maintaining the ratio for each age range of children does not mean the educator to child ratio for the youngest age range must be applied to all children in an older age range,
- An educator who is caring for one age range of children can also be counted against another age range of children, if the ratio for each age range and adequate supervision is maintained,
- Educators must be working directly with children at the service to be included in ratios,
- Students and volunteers are not included in ratios, and
- Any educator under the age of 18 years is supervised by an educator 18 years or over.

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Determine educator qualifications

The staff roster is a key document that ensures regulatory requirements are met and provides documented evidence of compliance.

For each week of operation, the Nominated Supervisor or their delegate creates a roster that ensures that at any time of the relevant day:

- At least 50% of educators have, or are actively working towards, an approved diploma level education and care qualification (or higher) and records this in the roster,
- All other educators hold, or are actively working towards at least, an approved certificate III level education and care qualification and records this in the roster,
- There is sufficient required access to early childhood teachers (ECT) for the number of children attending and records this in the roster,
- There is at least one staff member with a current approved first aid qualification and records this in the roster,
- There is at least one staff member with a current approved anaphylaxis management training qualification, and this is recorded in the roster,
- There is at least one staff member with a current approved emergency asthma management training qualification, and this is recorded in the roster, and
- All employees and volunteers working directly with children have a current WWCC clearance to work with children.

The Nominated Supervisor ensures that the roster:

- Identifies the Nominated Supervisor and Responsible Person(s),
- Identifies who has completed child protection training, and
- Complies with any requirements of employees' employment award, which includes the limits of ordinary hours, breaks, broken shifts, non-contact time, notice needed for changes to rostered work hours or work location and required travel during shifts.

The relevant employment awards can be accessed here:

- MA000120 Childrens Services Award 2020
<https://library.fairwork.gov.au/award/?krm=MA000120>
 - 8A Consultation about changes to rosters or hours of work
 - 21 Ordinary hours of work and rostering
 - 22 Breaks
- MA000077 Educational Services (Teachers) Award 2020
<https://library.fairwork.gov.au/award/?krm=MA000077>
 - 15 Ordinary hours of work
 - 16 Breaks
 - 30 Consultation about changes to rosters or hours of work

Draft roster and communicate

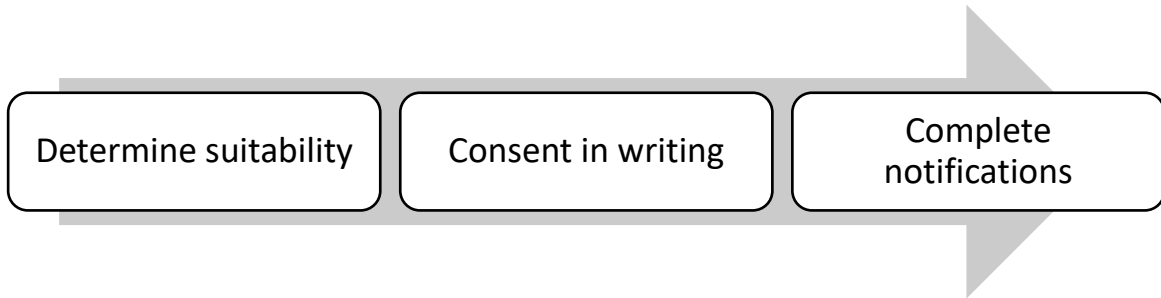
Once the roster is created, the Nominated Supervisor or their delegate:

- Ensures each employee is given access to a legible roster, either in print form or electronically,
- Discusses any potential changes to the roster with relevant employees in accordance with the *NQS7.45 Code of Conduct Policy* and considers their views about how they will be affected,

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- Where an employee is employed under the Childrens Services Award, gives the employee seven days' notice of changes to their rostered hours unless it is a result of an emergency or there is written agreement with the employee to waive the notice period (where this applies see the Award for details),
- Ensures each employee on the roster is informed of any changes to the roster, and
- Keeps a record of the roster.

b) Appointing a responsible person, nominated supervisor or educational leader



Determine suitability

The Nominated Supervisor or General Manager (for nominated supervisors):

- Identifies the person,
- Ensures the person is 18 years or older,
- Ensures the person is appropriately skilled and qualified for the role,
- Gives the person *NQS4.38A Compliance History Statement* to complete and uses it to assess their fitness for the role,
- Ensures the person has successfully completed child protection training where this is required, and
- Provides the person with a copy of the relevant Position Description.

Consent in writing

The person being nominated for the role:

- Completes *NQS4.38A Compliance History Statement* and returns it to the Nominated Supervisor or General Manager, and
- Reads the relevant Position Description and if accepting the position, signs it and returns it to the Nominated Supervisor or General Manager.

Complete notifications

The Nominated Supervisor or General Manager (for nominated supervisors):

- Ensures prescribed information about nominated supervisors and responsible persons is clearly visible to anyone from the main entrance of the education and care service premises,
- The Regulatory Authority is notified of changes to the details of nominated supervisors at least 7 days before commencement of their role,
- The names of nominated supervisors and responsible persons is on display at the service when they are in day-to-day charge and where it can be clearly seen by educators and families, and
- The details of educational leaders, nominated supervisors and responsible persons is recorded in staff records, including signed position descriptions, and staff rosters.

8. Relevant Legislation, Regulations and Standards

Legislation – Education and Care Services National Law	
56	Notice of addition of 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
169	Offence related to staffing arrangements
172	Offence to display prescribed information
173	Offence to fail to notify certain circumstances to the Regulatory Authority
Legislation - Child Protection (Working with Children) Act 2012	
8	Restrictions on engaging in child-related work
9	Employers must require clearance or current application
9A	Employer must verify and record clearance details
Education and Care Services National Regulation	
4	Definition of suitably qualified person
10	Meaning of actively working toward a qualification
13	Meaning of working directly with children
35	Notice of addition of new nominated supervisor
117A	Placing a person in day-to-day charge
117B	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
126	Centre-based services – general educator qualifications
126A	Illness or absence of a qualified educator who is required to meet the relevant educator to child ratio
129-134	Requirements for educators who are early childhood teachers
135	Illness or absence of early childhood teacher or suitably qualified person
272(6)	NSW - Early childhood teachers—children preschool age or under
136	First aid qualifications
137-143	Approval and determination of qualifications
145-152B	Staff and educator records – centre-based services

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168	Policies and procedures are required in relation to staffing, including a code of conduct for staff members, and determining the responsible person present at the service, and the participation of volunteers and students on practicum placement.
173	Prescribed information to be displayed
174	Time to notify certain circumstances to the Regulatory Authority
National Quality Standards	
4.1.1	The organisation of educators across the service supports children's learning and development.
4.1.2	Every effort is made for children to experience continuity of educators at the service.
7.1.2	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.
Child Safe Standards	
5	People working with children are suitable and supported
7	Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training
10	Policies and procedures document how the organisation is child safe
Early Years Learning Framework Learning Outcomes	
Early Years Learning Framework Principles	
Early Years Learning Framework Practices	

9. Related Documents

Doc #	Attachments
NQS4.38A	Compliance History Statement

Doc #	Intersections with other key documents
	Educational Leader Position Description
	Responsible Person Position Description
	Nominated Supervisor Position Description
NQS2.24	Child Safe Supervision Policy
NQS7.45	Code of Conduct Policy

10. Document Control

Doc #	Doc Title	Version	Approved	Next Review
NQS4.38	Staffing Arrangements Policy	1	October 2018	October 2021

Staffing Arrangements Policy

NQS4.38	Staffing Arrangements Policy	2	March 2021	March 2024
NQS4.38	Staffing Arrangements Policy	3	October 2023	October 2026
NQS4.38	Staffing Arrangements Policy (Minor change due to name change)	3a	January 2024	October 2026