



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 experienced educators with the required formal educational qualifications and who hold a current Working with Children Check. These educators are collaborative, respectful, and ethical.
- 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,
 - completed Compliance History Statement.
- The name of each Nominated Supervisor is displayed in the Service's main entrance.
- 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 Coordinator develops rosters in accordance with the availability of Responsible Persons, service operation and attendance patterns of the children.

Staffing

- On any occasion that 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.
- The Approved Provider of the Service has appointed one or more individuals as Responsible Persons (Certified Supervisor) to supervise and lead the Service when the Nominated Supervisor is not at the Service. These Responsible Persons have given written consent via the Approval and Consent Form – Responsible Person which, together with other evidence to demonstrate their suitability to occupy the position, is kept on file. This evidence may include:
 - Copies of qualifications held by this person
 - experience
 - supervisory and leadership capabilities
 - Child Protection training
 - Working with Children Check
 - referees' comments.
- Whenever leaving the premises, the Nominated Supervisor informs the substitute Responsible Person, and signs the Responsible Person Record Form on departure. On return, the Nominated Supervisor informs the substitute, and again signs the Responsible Person Record Form.
- 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.
- All educators, staff, students and volunteers sign the Service's Prohibition Declaration Notice for Staff Members.
- The Service is cognizant 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

- 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 timesheet to record their arrival and departure times, and their lunch breaks.
- 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.

Responsibilities of parents

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

Procedures and forms

- Approval and Consent Form – Responsible Person
- Prohibition Declaration Notice for Staff Members
- Responsible Person Record Form
- Working With Children Check

Links to other policies

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

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

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| Regs | 117A | Placing a person in day-to-day charge |
| | 117B | Minimum requirements for a person in da-to-day charge |
| | 117C | Minimum requirements for a nominated supervisor |
| | 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 |

Staffing

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| | 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 | | |
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| | 241 | Persons taken to hold an approved early childhood teaching qualification |
| | 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 |
| | 298 | Educator to child ratio—children over preschool age Applies to Reg 123 |
| | 299 | General qualification requirements for educators—children over preschool age Applies to Reg 126 |
| | 311 | Additional staff members or volunteers Applies to Reg 310 |
| | 312 | Qualifications for educators Applies to Reg 310 |

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| 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 | Management 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 |

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Sources

- Education and Care Services National Regulations 2011
- Guide to the National Quality Framework 2018 (September 2020 Update): Section 4 – Operational Requirements <https://www.acecqa.gov.au/sites/default/files/2020-09/Guide-to-the-NQF-September-2020.pdf> accessed 30 December 2020

Further reading and useful websites *(Consistent with the approach of the National Quality Framework, the following references have prioritised efficacy and appropriateness to inform best practice, and legislative compliance over state or territory preferences.)*

- ACECQA. (2017). *Responsible Person Requirements for Approved Providers*. <https://www.acecqa.gov.au/sites/default/files/2018-09/ResponsiblePersonRequirements.pdf> accessed 30 December 2020
- ACECQA. (2017). *Reporting requirements about children*. <http://www.acecqa.gov.au/reporting-requirements-about-children> accessed 30 December 2020
- Australian Children’s Education and Care Quality Authority – <http://www.acecqa.gov.au/> accessed 30 December 2020
- Community Learning Australia. (2017). *Simple Guide to Being a Nominated Supervisor of a NSW Long Day Care or Preschool*. <https://www.cela.org.au/wp-content/uploads/Resources/being-a-nominated-supervisor-cela-simple-guide.pdf> accessed 29 November 2020
- Department of Education (NSW) – <https://education.nsw.gov.au/early-childhood-education> accessed 30 December 2020

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 | 6 September 2019 | Dr Brenda Abbey (Author) | Updated references. | |
| 3 | 29 November 2020 | Dr Brenda Abbey (Author) | Updated references. | |
| 4 | 30 December 2020 | Dr Brenda Abbey (Author) | Updated references. | |
| 5 | 6 February 2021 | Kylie Showman | Updated to suit OSHC practices | February 2022 |