



OPERATIONS: STAFFING

PURPOSE

This policy provides clear guidelines for staffing arrangements at Essential Early Learning, ensuring that appropriate, qualified and suitable educators and staff are employed to provide high-quality education and care for children. We are committed to maintaining professional standards, meeting regulatory requirements, and creating a positive workplace culture where children's safety and wellbeing is paramount.

Our service will:

- Ensure all educators and staff meet qualification and suitability requirements
 - Maintain appropriate educator-to-child ratios at all times
 - Ensure a responsible person is present whenever children are being educated and cared for
 - Implement a comprehensive Code of Conduct for all staff members
 - Support professional development and continuous improvement
 - Provide appropriate supervision and support for volunteers and students on practicum
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SCOPE

This policy applies to:

- The approved provider
 - Nominated supervisors
 - Persons in day-to-day charge
 - All educators and staff members
 - Students on placement/practicum
 - Volunteers
 - Contractors working at the service
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LEGISLATIVE REQUIREMENTS

This policy is based on the following legislation and standards:

Education and Care Services National Law Act 2010

- Section 161: Offence to operate education and care service without nominated supervisor
- Section 161A: Offence for nominated supervisor not to meet prescribed minimum requirements
- Section 162: Offence to operate education and care service unless responsible person is present
- Section 162A: Child protection training (NSW requirement)
- Section 165: Offence to inadequately supervise children
- Section 166: Offence to use inappropriate discipline
- Section 169: Offence relating to staffing arrangements
- Section 170: Offence relating to unauthorised persons on education and care service premises

Education and Care Services National Regulations 2011

- Regulation 84: Awareness of child protection law
- Regulation 117: Nominated supervisor (centre-based services)
- Regulation 118: Responsible person (centre-based services)
- Regulation 120: Educators who are under 18
- Regulation 123: Educator-to-child ratios



- Regulation 126: Centre-based services - general educator qualifications
- Regulation 136: First aid qualifications
- Regulation 155: Interactions with children
- Regulation 168: Education and care service must have policies and procedures

National Quality Standard

- Quality Area 4: Staffing Arrangements
- Standard 4.1: Staffing arrangements enhance children's learning and development
- Standard 4.2: Management, educators and staff are collaborative, respectful and ethical

NSW and Commonwealth Legislation:

- Child Protection (Working with Children) Act 2012 (NSW)
 - Children's Guardian Act 2019 (NSW)
 - Work Health and Safety Act 2011 (NSW)
 - Fair Work Act 2009 (Commonwealth)
 - Educational Services (Teachers) Award 2020
 - Privacy Act 1988 (Commonwealth)
 - Anti-Discrimination Act 1977 (NSW)
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KEY DEFINITIONS

Approved Provider: The person or organisation holding a provider approval and service approval.

Nominated Supervisor: A person who has given written consent to accept the role and responsibilities of nominated supervisor and has been approved by the Regulatory Authority.

Responsible Person: An approved provider (if an individual), nominated supervisor, or a person in day-to-day charge of the service placed in this role by the provider or nominated supervisor.

Person in Day-to-Day Charge: A person who is at least 18 years of age, has the required qualifications/experience, and has been placed in day-to-day charge of the service.

Educator: A person with specific qualifications who provides education and care to children (includes teachers and early childhood educators).

Staff Member: Any individual employed, appointed or engaged to work in or as part of the service (excluding nominated supervisors and volunteers).

Volunteer: A person who performs work without remuneration for the service.

Student: A person undertaking a practicum placement as part of an approved early childhood education and care qualification

POLICY STATEMENT

1. Code of Conduct for Staff Members

All educators, staff, students, volunteers and contractors must comply with the Code of Conduct. This Code applies at all times when working at or representing the service.

Expected Behaviours - All staff must:

- Treat all children, families, colleagues and visitors with respect and dignity
- Act professionally at all times
- Maintain confidentiality and privacy
- Use positive guidance and interactions with children



- Actively supervise children at all times
- Follow all policies and procedures
- Report child safety concerns promptly
- Maintain professional boundaries with children and families
- Dress appropriately and maintain professional appearance
- Arrive punctually and meet work commitments
- Participate in meetings, training and professional development
- Work collaboratively as part of the team
- Communicate openly, honestly and respectfully
- Support quality improvement initiatives
- Model positive behaviour and attitudes

Prohibited Behaviours - Staff must NEVER:

- Use any form of physical, emotional or psychological punishment
- Humiliate, ridicule or belittle children or families
- Use inappropriate language or behaviour
- Discriminate against any child, family or colleague
- Be under the influence of alcohol or drugs
- Smoke or vape on service premises
- Use personal mobile phones or devices in areas where children are present
- Take photographs of children on personal devices
- Develop relationships with children or families outside of professional context
- Accept gifts or benefits that may compromise professional judgement
- Disclose confidential information inappropriately
- Ignore or fail to report child safety concerns
- Leave children unsupervised
- Behave in any way that compromises children's safety or wellbeing

Interactions with Children:

- Interactions must be warm, responsive and build trust
- Support children's agency and decision-making
- Use age-appropriate language
- Respect children's privacy and dignity during intimate care routines
- Avoid being alone with a child in an unobservable space
- Physical contact should be appropriate, open, and initiated by the child where possible
- Comfort children appropriately when distressed

Professional Boundaries:

- Maintain appropriate professional relationships with children and families
- Avoid dual relationships that could compromise professional judgement
- Do not share personal contact details with families (use service contact methods)
- Social media connections with current families are not permitted
- Friendships with families should be disclosed to the nominated supervisor

Confidentiality and Privacy:

- Protect the privacy of children, families and colleagues
- Only discuss children's information with authorised persons
- Do not gossip about children, families or colleagues
- Follow privacy procedures when handling personal information
- Secure all records and information

Consequences of Breaching the Code of Conduct:

Breaches of the Code of Conduct will be taken seriously and may result in:



- Verbal or written warning
- Performance management
- Suspension
- Termination of employment
- Reporting to the Regulatory Authority, Office of the Children's Guardian, or police as required

2. Determining the Responsible Person

Legal Requirement (Section 162):

The approved provider must ensure that a responsible person is present at all times that the service is educating and caring for children. Failure to have a responsible person present is an offence under the National Law.

Who Can Be a Responsible Person:

A responsible person must be one of the following:

- The approved provider (if an individual), or a person with management or control
- A nominated supervisor of the service
- A person in day-to-day charge of the service

Requirements for Person in Day-to-Day Charge:

To be placed in day-to-day charge, a person must:

- Be at least 18 years of age
- Have adequate knowledge and understanding of the Education and Care Services National Law and Regulations
- Have the ability to effectively supervise and manage an education and care service
- Hold one of the following: Diploma level education and care qualification OR Certificate III plus 3 years experience OR equivalent as determined by ACECQA
- Have completed approved child protection training (NSW requirement under Section 162A)
- Hold a current Working with Children Check (WWCC)

Appointment Process:

- The approved provider or nominated supervisor must formally place the person in day-to-day charge
- The appointment must be documented in writing
- The person must understand their responsibilities as a responsible person
- The person must be physically present at the service
- Only one person can be the responsible person at any given time

Display Requirements (Regulation 173):

- The name of the responsible person must be displayed prominently at the service
- A Responsible Person sign must be clearly visible to families and visitors
- The sign must be updated whenever the responsible person changes
- If the responsible person leaves the premises, a new responsible person must be appointed immediately

Responsibilities of the Responsible Person:

- Ensure compliance with the National Law and Regulations
- Ensure educator-to-child ratios are maintained
- Ensure adequate supervision of children at all times
- Make day-to-day decisions about service operations
- Respond to incidents, emergencies and complaints
- Ensure unauthorised persons do not remain on premises
- Ensure children's safety, health and wellbeing
- Coordinate educators and staff



- Communicate with families as required
- Maintain records as required
- Contact the nominated supervisor or approved provider when necessary

Record Keeping:

- A record must be kept of which person was the responsible person at any given time
- This record should note: Name of responsible person, Date, Start time, End time
- Records must be retained for 3 years

3. Participation of Volunteers and Students on Practicum

Purpose of Volunteers and Students:

Volunteers and students play a valuable role in supporting quality education and care. However, children's safety and wellbeing must remain the priority at all times.

Working with Children Check Requirements:

Under Section 170 of the National Law and the Child Protection (Working with Children) Act 2012 (NSW):

- ALL volunteers and students must have a current Working with Children Check (WWCC)
- WWCC must be verified before the volunteer/student commences
- Volunteers/students without WWCC can only be on premises under DIRECT supervision of an educator
- Direct supervision means within sight and hearing at all times
- Persons without WWCC must not be left alone with children under any circumstances

Students on Practicum Placement:

Eligibility and Requirements:

- Students must be enrolled in an approved early childhood education and care qualification
- Students must provide: current WWCC, educational institution letter/placement agreement, evidence of enrolment, immunisation records, any other requirements as per placement agreement
- Students must complete service induction before commencing placement
- Students must sign a confidentiality agreement
- Students under 18 years of age: Can participate in placement, Must have WWCC, Cannot be left alone with children, Cannot be counted in educator-to-child ratios, Must be supervised by qualified educator at all times

Supervision of Students:

- Students must be supervised by a qualified educator at all times
- Level of supervision depends on student's experience, competence and the activities being undertaken
- Students cannot be the responsible person
- Students cannot be counted in educator-to-child ratios unless they meet specific criteria (Regulation 123)
- Students may only be counted in ratios if: enrolled in final year of approved qualification AND supervised by educator with required qualification
- Even when counted in ratios, students require appropriate supervision

Student Responsibilities:

- Follow all service policies and procedures
- Comply with the Code of Conduct
- Respect confidentiality and privacy
- Follow directions from educators and nominated supervisor
- Participate professionally and enthusiastically
- Reflect on practice and seek feedback
- Complete placement requirements as outlined by educational institution
- Report any concerns to supervising educator or nominated supervisor

**Assessment and Feedback:**

- Regular feedback will be provided to students
- Formal assessment reports will be completed as required by educational institution
- Concerns about student performance will be discussed promptly
- Placement may be discontinued if student does not meet professional standards or compromises children's safety

Volunteers:**Types of Volunteers:**

- Regular volunteers (e.g., assisting with activities, maintenance)
- Occasional volunteers (e.g., parent helpers on excursions)
- Specialised volunteers (e.g., sharing cultural knowledge, special skills)

Requirements for Volunteers:

- Current Working with Children Check (WWCC)
- Complete service induction
- Sign confidentiality agreement
- Understand and agree to follow the Code of Conduct
- Provide any additional documentation as required (e.g., special skills qualifications)

Supervision of Volunteers:

- Volunteers must work under the supervision of qualified educators
- Volunteers cannot be left alone with children
- Volunteers cannot be counted in educator-to-child ratios
- Volunteers cannot perform educator duties
- Volunteers cannot administer medication or first aid (unless qualified and authorised)
- Volunteers cannot change nappies or assist with toileting

Volunteer Responsibilities:

- Follow all service policies and procedures
- Comply with the Code of Conduct
- Follow directions from educators and nominated supervisor
- Respect confidentiality and privacy
- Report any concerns to educators or nominated supervisor
- Work within assigned scope of duties

Parent Volunteers:

- Parents may volunteer to assist with activities or excursions
- Parent volunteers must have current WWCC if assisting on excursions
- Parent volunteers must not be counted in educator-to-child ratios
- Parent volunteers must remain under educator supervision
- Parents volunteering with their own child present must understand professional boundaries

Orientation and Induction:

All volunteers and students must complete an orientation/induction including:

- Tour of premises and facilities
- Emergency and evacuation procedures
- Child protection obligations
- Code of Conduct expectations
- Confidentiality and privacy requirements
- Supervision procedures
- Incident and accident reporting
- Health and safety procedures



- Introduction to children and educators

4. Staffing Arrangements and Educator-to-Child Ratios

Educator-to-Child Ratios (Regulation 123):

The service will maintain the following minimum educator-to-child ratios at all times:

- Birth to 24 months: 1 educator to 4 children (1:4)
- 24 months to 36 months: 1 educator to 5 children (1:5)
- 36 months to school age: 1 educator to 11 children (1:11)
- Mixed age groups: Ratio determined by age of majority of children, or more stringent ratio applied

Ratio Compliance:

- Ratios must be maintained at ALL times children are being educated and cared for
- Ratios must be met for the whole group, not just parts of the service
- Educators must be working directly with children (not on breaks, in office, etc.)
- Educators counted in ratios must hold required qualifications
- First aid qualified educators do not automatically count in ratios (must have education and care qualifications)

Qualification Requirements (Regulation 126):

Centre-based services must employ educators with appropriate qualifications:

- Early Childhood Teacher (ECT): Bachelor degree or higher in early childhood education, OR applicable teaching qualification
- Diploma-qualified educators: Approved Diploma in early childhood education and care
- Certificate III educators: Approved Certificate III in early childhood education and care

Staffing Arrangements:

- Nominated supervisor is appointed and approved by Regulatory Authority
- Adequate number of qualified educators rostered for each session
- Continuity of educators for children
- Educators are deployed effectively to support children's learning
- Consideration of children's ages, needs and program requirements
- Coverage arranged for breaks, training, and leave
- Relief staff are qualified and familiar with service operations

5. Qualifications, Training and Professional Development

Required Qualifications:

All educators must hold current approved qualifications relevant to their role.

First Aid, CPR, Asthma and Anaphylaxis Training:

- At least one educator with current approved first aid qualification must be in attendance and immediately available at all times
- All educators should hold current first aid, CPR, asthma and anaphylaxis management qualifications
- Qualifications must be renewed as per specified validity periods

Child Protection Training (NSW Requirement - Section 162A):

- Nominated supervisors must complete approved child protection training
- Persons in day-to-day charge must complete approved child protection training
- Approved courses: CHCPRT002, CHCPRT025, or CHCPRT026
- All staff must be advised of current child protection law and their obligations (Regulation 84)
- Refresher training recommended every 12-24 months

Induction:



All new educators and staff will complete a comprehensive induction including:

- Service philosophy, policies and procedures
- Regulatory requirements and responsibilities
- Emergency and evacuation procedures
- Child protection and mandatory reporting
- Health, safety and hygiene practices
- Supervision requirements
- Programming and documentation systems
- Communication with families
- Workplace health and safety
- Code of Conduct

Ongoing Professional Development:

- All educators participate in ongoing professional development
- Professional development is linked to Quality Improvement Plan
- Educators maintain records of professional development
- Service supports attendance at training and professional learning
- Regular staff meetings for team learning and reflection

6. Recruitment, Screening and Employment

Recruitment Process:

- Position descriptions clearly outline qualifications, skills and responsibilities
- Advertisements comply with anti-discrimination legislation
- Applications are assessed against selection criteria
- Shortlisted candidates are interviewed
- Reference checks conducted (minimum 2 professional referees)
- Qualifications verified
- Working with Children Check verified
- National Police Check conducted (if required)
- Successful candidate provided with written offer of employment

Working with Children Check (WWCC):

- ALL educators and staff must have current WWCC before commencing
- WWCC must be verified through NSW Government online verification system
- WWCC reverification conducted every 3 months
- Educators must notify service immediately if WWCC is suspended or cancelled
- Working while WWCC is suspended/cancelled is an offence

Probation Period:

- New employees will have a probation period (typically 3-6 months)
- Performance reviewed during probation
- Support and feedback provided
- Employment confirmed upon successful completion

Educator and staff responsibilities:

Approved Provider:

- Ensure service operates with at least one nominated supervisor (Section 161)
- Ensure nominated supervisor meets prescribed requirements (Section 161A)
- Ensure responsible person present at all times (Section 162)
- Ensure all staff have current WWCC
- Ensure educator-to-child ratios are maintained (Section 169)



- Ensure educators have required qualifications (Section 169)
- Provide adequate resources and support for staff
- Ensure compliance with all legislative requirements

Nominated Supervisor:

- Accept the role and responsibilities in writing
- Complete approved child protection training (Section 162A)
- Ensure responsible person is present when not at service
- Ensure educator-to-child ratios maintained
- Ensure all policies and procedures are followed
- Supervise and support educators and staff
- Ensure volunteers and students are appropriately supervised
- Maintain professional standards

Person in Day-to-Day Charge / Responsible Person:

- Ensure compliance with National Law and Regulations
- Ensure adequate supervision of children
- Maintain educator-to-child ratios
- Make operational decisions as required
- Respond to incidents and emergencies
- Ensure unauthorised persons do not remain on premises
- Complete and update Responsible Person display

All Educators and Staff:

- Comply with Code of Conduct at all times
- Maintain current WWCC
- Maintain required qualifications and training
- Actively supervise children
- Follow all policies and procedures
- Report child safety concerns
- Participate in professional development
- Work collaboratively with colleagues
- Communicate professionally with families
- Maintain confidentiality and privacy

RELATED POLICIES AND PROCEDURES

- Providing a Child Safe Environment Policy
- Code of Conduct
- Privacy and Confidentiality Policy
- Interactions with Children Policy
- Supervision of Children Policy
- Complaints and Grievances Policy
- Work Health and Safety Policy
- Professional Development Policy

REFERENCES AND RESOURCES

- ACECQA: Guide to the National Quality Framework
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard
- ACECQA website: www.acecqa.gov.au



- Office of the Children's Guardian (NSW): www.ocg.nsw.gov.au
 - Working with Children Check NSW: www.service.nsw.gov.au
 - Child Protection (Working with Children) Act 2012 (NSW)
 - Children's Guardian Act 2019 (NSW)
 - Work Health and Safety Act 2011 (NSW)
 - Fair Work Australia: www.fairwork.gov.au
 - Educational Services (Teachers) Award 2020
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POLICY REVIEW

This policy will be reviewed every two years or more frequently if required due to:

- Legislative changes
- Changes in best practice
- Changes to service operations or staffing
- Following incidents or complaints
- Feedback from educators, staff or families
- Following regulatory assessment and rating

Date policy was last reviewed: 11/01/2026

Date for next review: 11/01/2028

Reviewed by: Director and Staff