



STAFFING POLICY P4.0325.3

STAFFING POLICY

DIVISION: Sport, Community and Activation

BRANCH: Community Outcomes - Family Day Care

CATEGORY: 3

PART 1 – INTRODUCTION

1. BACKGROUND

- 1.1 Camden Council Family Day Care (FDC) is committed to ensuring all regulatory requirements in relation to staffing are met and that professional standards are in place to guide our practices.
- 1.2 We value FDC as a unique service type and acknowledge the complexity of the relationship between the Council service and educators as sole traders. We are committed to ensuring that educators registered with Camden FDC are fit and proper and appropriately qualified. We will provide professional support to educators and work together to ensure their services are compliant, the needs of the service are met, and quality outcomes achieved.
- 1.3 Quality area 4 of the *National Quality Standard* guides us to ensure the provision of qualified and experienced staff and educators who are able to develop warm, respectful relationships with children, create safe and predictable environments and encourage children's active engagement in the learning program.
- 1.4 Accepting students on placement is part of our professional responsibility to support our sector and provide valuable experience and learning opportunities.
- 1.5 Camden Council is aware of its obligation to appoint an appropriate responsible person to ensure effective supervision and management of its FDC service at all times.
- 1.6 The approved provider must ensure that when a FDC educator is educating and caring for a child, one of the following is available to provide support to the educator:
 - The approved provider, if the approved provider is an individual, or a person with management or control of the service.
 - A nominated supervisor of the service.
 - A person in day-to-day charge of the service.
- 1.7 The *Education and Care Services National Regulations* (the Regulations) require Approved Providers to have policies and procedures in place in relation to staffing arrangements.

2. OBJECTIVE

2.1 We are committed to meeting our regulatory requirements in relation to staffing, including that professional standards guide our practices and those of the educators. Our responsible person ensures that the service is effectively supervised and managed, and educators and students are provided with the necessary training and support.

3. SCOPE

3.1 This policy applies to:

- Camden Council FDC Service.
- Camden Council FDC staff employed by Camden Council.
- Educators (including educator assistants and relief educators) registered with the service as agents of the Approved Provider- Camden Council.
- Children enrolled in the service and their families.
- Students engaged within Camden FDC services.

4. DEFINITIONS

4.1 **Approved Provider** means a person who holds a provider approval *Children (Education and Care Services) National Law (NSW)*. A provider approval authorises a person to apply for one or more education and care service approvals and is valid in all jurisdictions.

4.2 **Australian Children's Education and Care Quality Authority (ACECQA)** means the independent national authority that assists governments in administering the National Quality Framework (NQF) for children's education and care.

4.3 **Code of Conduct** means Camden Council's principles and standards for behaviour including moral and ethical expectations, which guides Council officials to fulfill their statutory duty to act honestly and exercise a reasonable degree of care and diligence and is relevant to Council officials as defined in the Code of Conduct.

4.4 **Code of Ethics** means a set of statements about appropriate and expected behaviour of early childhood professionals set by Early Childhood Australia, a not for profit organisation that advocates for what is best for children and the early childhood education and care sector.

4.5 **Co-ordination Unit** means the Camden FDC principal office and main faculty for running the Service from which Camden FDC employees work.

4.6 **Educational Leader** means an appropriately qualified and experienced educator, FDC co-ordinator or other individual designated in writing by the approved provider under regulation 118 of the Regulations to lead the development and implementation of educational programs in the service.

- 4.7 **Educator** means an individual suitably qualified and registered by Camden FDC to provide education and care and can refer to the FDC educator as the business owner, educator assistant or relief educator.
- 4.8 **Family Day Care (FDC)** means a type of education and care service that is run from the educator's own residence or an approved venue for the purpose of educating and caring for small groups of children aged 0-12 years.
- 4.9 **FDC Service** means the FDC education and care business of each individual educator or reference to Camden Council FDC service.
- 4.10 **Nominated Supervisor** means a person appointed by the Approved Provider and who has given consent to be appointed to be in day to day charge of a service and must be contactable during the hours FDC Educators are providing education and care.
- 4.11 **Person in Day to Day Charge (PIDTDC)** means a responsible person under section 162 of the *National Education and Care Services Law* who is the point of contact for parents and staff. A service does not need to have a PIDTDC if a nominated supervisor or approved provider is the responsible person at the service.
- 4.12 **Responsible Person** means the Approved Provider or a person with management or control, a nominated supervisor, or a person in day-to-day charge of the service. In a FDC service, the responsible person must be available to provide support to FDC educators. The approved provider is responsible for assessing a person's suitability as responsible person.
- 4.13 **Staff** means employees of Camden Council FDC.
- 4.14 **Working with Children Check (WWCC)** means a notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that the person has been assessed as suitable to work with children; or there has been no information that if the person worked with children the person would pose a risk to the children; or the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.

PART 2 - POLICY STATEMENT

5. PRINCIPLES

- 5.1 Professional standards guide our practices for staffing arrangements and ensure that our staff, educators and students are provided with the necessary training and support to safeguard children.
- 5.2 We are committed to good governance and quality management systems; our responsible person is appointed in line with regulatory requirements and ensures that FDC services are effectively supervised and managed.
- 5.3 The Nominated Supervisor assumes the legal responsibilities of the day-to-day operations of the service.
- 5.4 The details of the responsible person/s will be displayed at the Co-ordination Unit and at each FDC residence or approved venue.

- 5.5 A responsible person will be available to provide support to educators, including being available to be contacted by telephone to provide advice and assistance to the educator while ever the service is operational. Educators will be aware of the responsible person in charge of the service.
- 5.6 Camden FDC values the participation of students as part of our professional responsibility to the sector and will oversee their placement with educators and provide them with the necessary induction training and support to ensure they are familiar with our policies and procedures as detailed in our *Student Placement* procedure.
- 5.7 Position descriptions are developed to outline professional roles and responsibilities for staff. Educators will also have their roles and responsibilities outlined in the educator agreement.
- 5.8 Code of conduct training is included as a part of ongoing professional development for staff.
- 5.9 Educators and staff are provided with a copy of the Early Childhood Australia Code of Ethics as a part of the registration/induction process and the principles of the Code will form part of ongoing professional reflection and development.

6. CONSIDERATIONS

- 6.1 Considerations for determining a Nominated Supervisor:
 - 6.1.1 The Approved Provider must ensure that the individual/s at the service who are considered appropriate for the role of Nominated Supervisor meet all of the requirements as outlined in the Regulations.
 - 6.1.2 The appropriate person/s must also consent to taking on the role of Nominated Supervisor.
- 6.2 Considerations for placing a person in day-to-day charge:
 - 6.2.1 When selecting a person/s to be in day to day charge of the service the Approved Provider or Nominated Supervisor must consider the person/s qualifications, experience, age and that they meet requirements as outlined in the Regulations.
 - 6.2.2 The appropriate person/s must also consent to taking on the role of person in day to day charge.
- 6.3 Considerations for students:
 - 6.3.1 All students must have a current Working With Children Check (WWCC) for child protection.
 - 6.3.2 A record of the students' details must be kept by the service including their full name, date of birth, institution through which they are studying, dates and hours of attendance.
 - 6.3.3 An initial meeting must be arranged with students to discuss Camden Council and Camden FDC policies, procedures and work health and safety (WHS) and the requirements and learning intentions of the student. At the FDC service the educator will conduct an induction and site-specific orientation with the student.

6.3.4 Students must sign in and out of the service on the visitor register and will be supervised by the FDC educator at all times whilst with the children and cannot be left alone with the children.

6.3.5 Expectations for students will be covered in induction. Students must not be asked to perform tasks that they are untrained, unqualified, or too inexperienced to undertake and that put the children or themselves in a vulnerable or potentially unsafe situation.

6.4 Considerations for the role of the educational leader:

6.4.1 The Approved Provider will designate, in writing, a suitably qualified and experienced Educational Leader to lead the development and implementation of educational programs within each FDC service. (regulation 118 of the Regulations).

6.4.2 The role of the Educational Leader has a clearly defined position description. Their primary focus is to collaborate with educators, guide, support and mentor their curriculum direction, and ensure they have the skills and resources to effectively implement an educational program that reflects curriculum frameworks for children.

6.5 Considerations for recruitment of staff:

6.5.1 Staff recruitment at Camden Council FDC will be conducted in line with Council's recruitment policy and procedures, ensuring a fair and consistent process which is ethically and legally responsible, reflects equal employment opportunity legislation and aims to appoint the best person available for the position advertised.

6.6 Considerations for registration of educators:

6.6.1 Educators are registered with the service as sole traders and are not employees. We have processes in place for the comprehensive screening and registration of prospective educators. The *Engagement and Registration of FDC Educators* policy outlines in detail the requirements and process for new educators.

7. ROLES AND RESPONSIBILITIES

7.1 Approved Provider

- Ensure that obligations under the *Education and Care Services National Law* and *National Regulations* are met.
- Ensure the *Staffing* policy and related procedures are in place.
- Ensure that quality staffing practices are in place and in line with the National Quality Standard, particularly Quality Area 4-Staffing arrangements.
- Ensure the nominated supervisor and co-ordination unit staff have access to appropriate resources for the development, implementation, training and ongoing management of this policy and its related procedures.
- Take reasonable steps to ensure that the nominated supervisor, educators, staff and students follow the policy and procedures.

- Select and appoint a suitable Nominated Supervisor/s and person/s in day-to-day charge, taking into consideration the requirements under regulations 117A, 117B and 117C of the Regulations.
- Ensure prescribed information about the Nominated Supervisor is kept in the staff record.
- Notify the regulatory authority within the required timeframe if the nominated supervisor for the service changes.
- Ensure that a staff record is kept with the details in regulations 145–152 of the Regulations.
- Ensure that educators, staff and students have a current WWCC.
- Ensure that educators, staff and students implement adequate health and hygiene practices and safe practices for handling, preparing and storing food.
- Ensure that educators, staff and students are not affected by alcohol or drugs.
- Ensure that educators, staff and students are informed about the service's policies and procedures to manage medical conditions and if a child is injured, becomes ill, or suffers a trauma.
- Ensure that students are placed with appropriately trained and experienced educators.
- Ensure that students participate in an induction process with the service and educator and understand that they are not to be left alone with children and are required to behave appropriately toward children.
- Ensure that the service educator to co-ordinator ratios are maintained (Regulations 123A).
- Ensure that copies of the policy and procedures are readily accessible to the nominated supervisor, co-ordinator's, educators, staff and families and available for inspection.
- Notify families at least 14 days before changing the policy or procedures if the changes will affect the fees and charges and/or significantly impact the service's education and care of children or the family's ability to utilise the service.

7.2 Nominated Supervisor

- In the absence of the Approved Provider, act as the person with responsibility for the day-to-day management of the approved service.
- Ensure that regulatory obligations are met in relation to staffing arrangements.
- Complete responsibilities as delegated by the approved provider.

- Ensure that they themselves, as well as educators, staff and students, are not affected by alcohol or drugs.
- Must be aware of the existence and application of current child protection law and their obligations under the law and have completed any requirements for child protection training.
- In consultation with the educator co-ordinate requests for student placement based on the circumstances of the individual FDC service at the time.
- Develop and maintain a Register of educators, co-ordinator's and assistants including the details of FDC service locations, educator qualifications and all other requirements under regulation 153.
- Develop and maintain a record of other staff employed or engaged by the service including the educational leader, Nominated Supervisor, other staff and students.
- Ensure that a staff record is kept with the details in regulations 145–152.
- Ensure that students have a current WWCC.
- Ensure that the service has an induction package for students and that this is implemented by staff and individual educators taking on the student.
- Ensure that the service is operated in compliance with the *National Law*, the *National Regulations* and the *National Quality Standard*.
- Report to the regulatory authority as required.
- Assist with communication between the Approved Provider and the regulatory authority.
- Be available by telephone at all times there are children being educated and cared for by the service or ensure a person in day to day charge is available and contactable.

7.3 Person in day to day charge

- In the absence of the Approved Provider and the Nominated Supervisor, the person in day-to-day charge of the Education and Care Service will act as the person with responsibility for the day-to-day management of the approved service.
- Ensure that the service is operated in compliance with the National Law, the National Regulations, and the National Quality Standard.
- In the absence of the Nominated Supervisor:
 - Assist with communication between the Approved Provider and the regulatory authority.
 - Ensure support is provided to FDC educators at all times the service is educating and caring for children.
 - Be available by telephone at all times there are children being educated and cared for by the service.

7.4 Co-ordination Unit Staff

- If delegated as the person in day to day charge, ensure all responsibilities of this role are carried out.
- Conduct themselves professionally in accordance with Camden Council's Code of Conduct and the Early Childhood Australia Code of Ethics.
- Ensure they conduct themselves and the service practices in accordance with all legislative requirements and Camden FDC policy and procedures and as directed by the nominated supervisor.
- Ensure the implementation of the *Staffing* policy and procedures.
- Monitor, guide, support and mentor educators to ensure their FDC service environments and practices are at all times compliant with legislative requirements and Camden FDC policy and procedures.
- Contribute to the organisation of student placement, carry out the service induction of students, ensure educators carry out site specific inductions, follow up with the educator on the students' progress and support the educator as required with the placement.
- Ensure educators are aware of their responsibility in relation to supervising students in their FDC service and that they do not leave them alone with children.

7.5 Educators

- Ensure they conduct themselves and their FDC service practices in accordance with all legislative requirements and Camden FDC policy and procedures and as directed by the nominated supervisor.
- Educators are aware of and understand that in the case of a FDC education and care service the obligation of an Approved Provider is also the obligation of the educator.
- Ensure the implementation of the *Staffing* policy and procedures.
- Work ethically in accordance with the Early Childhood Australia Code of Ethics.
- Educators must be aware of who the responsible person in charge of the service is while they are providing education and care.
- Educators must ensure the name of the person in day to day charge is displayed in their FDC residence or approved venue.
- Carry out reporting requirements as required.
- Must meet any requirements relating to education and care qualifications, first aid qualifications, and working with children clearance, such as a WWCC.

- Must have undertaken current child protection legislation training, including for mandatory reporting requirements and obligations.
- Must not be affected by alcohol or drugs and must not consume this while at the service.
- Must implement adequate health and hygiene practices and safe practices for handling, preparing and storing food.
- Ensure quality staffing practices are implemented in line with the National Quality Standard (especially Quality Area 4 – Staffing arrangements).
- Educators must be at least 18 years old, suitably qualified, have adequate knowledge of education and care, and be 'fit and proper' persons.
- Refer student enquiries to the nominated supervisor.
- If accepting students, implement induction and orientation and discuss expectations with the student.
- If accepting students notify the families of the placement, the dates, hours, students name and institution of study and ensure the student communicates effectively with families and seeks permission to document information about their child.
- Oversee students attending their service and ensure they are not left alone with children, delegate responsibilities as appropriate taking into consideration their abilities and experience.
- Complete documentation as required for students such as a work placement agreement, third-party observations, feedback and learning outcomes.

7.6 Students

- Implement the *Staffing* policy and its related procedures as applicable.
- Provide the service with all the required information about themselves, their place of study and the requirements of their practicum.
- Familiarise themselves with the Early Childhood Australia Code of Ethics.
- Must be familiar with and adhere to the relevant Council and Camden FDC policies and procedures.
- Must adhere to confidentiality requirements and agree not to disclose information about the children, families or service other than for the use of practicum documentation for which they will seek prior family approval.
- Participate in the service and FDC educator inductions and orientation.
- Must meet NSW requirements for working with children clearance or teacher registration details.
- Must implement adequate health and hygiene practices and safe practices for handling, preparing and storing food.

- Must not be affected by alcohol or drugs and must not consume these while at the service.
- Must be familiar with the service's policies and procedures to manage medical conditions and if a child is injured, becomes ill, or suffers a trauma.
- Must not subject children to any form of corporal punishment or any discipline that is unreasonable.
- Must not be left unsupervised.
- Must follow all reasonable directions as required by the FDC educator or service staff in accordance with the service policy and procedures.
- Must be aware of the requirements of their practicum, communicate learning outcomes to their educator and seek assistance or support as needed to achieve their goals.

7.7 Families

- Families must be aware of who the responsible person/s are in charge of the service while their child is receiving education and care by the registered FDC educator.
- Decide whether or not students can observe and document their child's learning and development and use these records in their professional learning records.

8. INDUCTION AND ONGOING TRAINING

- 8.1 Induction and ongoing professional development will be implemented for all educators and staff, focusing on this policy and related procedures.
- 8.2 Induction will be implemented prior to an educator being registered with the service, focusing on this policy and related procedures.
- 8.3 Service staff will review this policy and related procedures at the time of accepting the role of responsible person and will sign the written consent to acknowledge they understand and will adhere to this policy.
- 8.4 Educators will be required to review this policy and related procedures prior to registration and agree to adhere to these as a part of their educator agreement.

9. MONITORING, EVALUATION AND REVIEW

- 9.1 This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this policy every three years.
- 9.2 Families, educators, and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

- 9.3 In accordance with regulation 172 of the Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

10. SOURCES AND RESOURCES

- [ACECQA](#)
- [ACECQA Compliance History Statements](#)
- [ACECQA FDC Compliance Guide Nominated Supervisor](#)
- [ACECQA Guide to the National Quality Framework](#)
- [ACECQA Information Sheet Nominated Supervisor](#)
- [ACECQA Responsible Person Requirements](#)
- [ACECQA The Role of The Educational Leader](#)
- [Early Childhood Australia Code of Ethics](#)
- [NSW Office of the Children's Guardian \(www.kidsguardian.nsw.gov.au\)](http://www.kidsguardian.nsw.gov.au)

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RELEVANT LEGISLATIVE INSTRUMENTS: *Children (Education and Care Services) National Law (NSW)*
Education and Care Services National Regulations
Local Government Act 1993
Local Government General Regulation 2021
National Quality Standard | Australian Children's Education and Care Quality Authority (ACECQA)

RELATED POLICIES, PLANS AND PROCEDURES: Appointing the responsible person procedure
Assessment of FDC educators and persons residing at FDC residences policy
Determining the responsible person procedure
Developing and embedding the code of conduct for staff procedure
Displaying the name and position of the Nominated Supervisor procedure
Engagement or registration of FDC educator's and educator assistants policy
Engaging and recruiting staff procedure
Governance and management policy
Maintaining ratios procedure
Maintaining staff records procedure
Student placement procedure
Where there are changes to the Nominated Supervisor procedure

RESPONSIBLE DIRECTOR: Director Sport, Community and Activation

APPROVAL: General Manager through the Executive Leadership Group

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1		New	Feb 2012	
2			May 2019	
3	ELG	Name changed from Determining the Responsible Person and merged with Volunteers and Students	14/04/2022	22/178476