

Education and Care Services National Regulations

Regulation	Description
4.4; Division 1	Educational Leader
4.4; Division 2	Age and supervision requirements
4.4; Division 3	Minimum number of educators required
4.4; Division 4	Educational qualifications for educators
4.4; Division 5	Requirements for educators who are early childhood teachers
4.4; Division 6	First aid qualifications
4.4; Division 7	Approval and determination of qualifications

National Quality Standards for Children's Education and Care Services

Quality Area	Description
QA 2	Children's Health and Safety
2.3.1	Children are adequately supervised at all times
QA 4	Staffing Arrangements
4.1	Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing
4.2	Educators, coordinators and staff are respectful and ethical
QA 7	Leadership and Service Management
7.1.1	A suitably qualified and experienced educator or coordinator leads the development of the curriculum and ensures the establishment of clear goals and expectations for teaching and learning

Related Policies and Procedures

Guidelines for Professional Conduct in the Protection of Children and Young People
 Induction of Early Career Teachers Policy (CE Policy)
 ELC Excursion Procedure
 First Aid
 Child Protection

Purpose

This policy endeavours to ensure that all Students at Catholic Education (CE) Early Learning Centres (ELC) receive a quality education which focuses upon nurturing and developing the unique personalities and talents of each individual, while complying

with all applicable legislative and regulatory requirements.

CE ELCs are committed to:

- ensuring that the health, safety and wellbeing of children at the service is protected at all times while also promoting their learning and development
- fulfilling a duty of care to all children attending the service
- providing accountable and effective staffing and management practices
- employing educators with a range of relevant qualifications and experience to provide a quality educational program that meets the needs of children and families in the community
- employing educators according to policy and funding requirements
- complying with current legislation in relation to the employment of staff, including the Equal Opportunity Act 2010, Fair Work Act 2009 and the Working with Vulnerable People (Background Checking Act) 2011.

Policy

Under the Australian National Quality Framework (NQF), ELCs in the ACT are required to meet a number of requirements regarding staffing and supervision of children. This document will address these requirements, as well as any requirements for individuals employed as educators in a CE ELC.

Definitions

Nominated Supervisor:	In CE ELCs, the Nominated Supervisor who is responsible for the service is the Director or School Principal
Certified Supervisors:	ACECQA no longer requires individuals to hold Supervisor Certificates. Any person who meets the criteria is covered by the ELC's certification.
Responsible Person:	The Regulations require a responsible person in charge of the service to be present at all times the ELC is operating. A responsible person may be either the Nominated Supervisor, or any other Supervisor who meets the eligibility requirements (detailed below) and has provided written consent to be in day-to-day charge of the centre.
Educational Leaders:	the NQF requires all Early Learning Facilities to appoint an Educational Leader to manage the development and implementation of the curriculum within the service. Any Educator may be assigned this role. Directors may also choose an individual to perform this role, and assemble an Educational Leadership Team to assist this individual.
Approved Provider:	It is a legal requirement that any individual or organisation intending to operate one or more Early Learning or Child Care facility in Australia must seek approval prior to commencing operation. Catholic Education Archdiocese of Canberra and Goulburn operates CE ELCs on behalf of the Approved Provider, the Trustees of the Roman Catholic Archdiocese of Canberra and Goulburn.
Early Childhood Teacher:	Each CE ELC classroom should be staffed throughout the term with one qualified Early Childhood Teacher who holds a 4 year degree which is recognised by the Australian Children's Education and Care Quality Authority (ACECQA) and the ACT Teacher Quality Institute (TQI).
Pre School Educator:	CE ELC classes are assisted by Pre School Educators. Pre School Educators must be actively working towards Certificate 3 in a recognised qualification as a minimum qualification requirement.

Duty of Care: is a legal obligation which is imposed on an individual requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others. It is the first element that must be established to proceed with an action in negligence. Whenever a educator-student relationship exists and the individual is in the educator's care, there is an automatic duty of care.

ELC Executive Position Requirements

Under the National law governing ELCs, a Responsible Person is required to be physically present at CE ELCs at all times that the ELC operates. This responsible person may take the form of:

- A Nominated Supervisor;
- An eligible Supervisor who has consented to be placed in day-to-day charge.

Nominated Supervisors:

Within CE ELCs, the Director or School Principal acts as the nominated supervisor. As the Nominated Supervisor, the Director or School Principal is responsible for:

- ensuring that an appropriate range of educational programs is delivered to students, based upon the approved curriculum
- excursion Approval, and ensuring that risk assessments are completed which are available to parents upon request.
- supervision and safety of children (including preventing exposure to hazards or inappropriate discipline)
- ensuring that children are not able to leave the service and ensuring that parents have access to the premises at all times that their child is attending the ELC. Children must only be allowed to leave the centre on an approved excursion, to seek emergency medical assistance with an ELC Staff member, with their parents/carers, or with someone who has written authority to collect the student.
- supervision of food and beverages, including ensuring safe food handling practices, and that children's dietary requirements are met
- administration of medication in accordance with CE Policy and National Requirements
- ensuring that staff members are not under the influence of any substance (including certain prescription medications) which may affect their ability to care for children.
- that adequate opportunities are provided for children to receive the appropriate amount of rest for their developmental needs
- ensuring staff levels are maintained in accordance with industry requirements regarding student to staff ratios, and qualifications of staff present.

Supervisors placed in day-to-day charge of an ELC

As well as the Nominated Supervisor, a satisfactory number of other eligible Supervisors who have consented to be placed in day-to-day charge must be available to ensure that one is physically present between the hours of operation.

As individuals are no longer required to hold individual Supervisor Certificates, in order to be eligible to be placed in day-to-day charge they must:

- Be over 18 years of age
- Be deemed fit and proper by CE (see Attachment A)
- Hold a valid WWVP
- Have a good history of compliance with both National laws and regulations, and CE policies and procedures
- Never have had an individual Supervisor Certificate suspended for any reason
- Hold appropriate qualifications and management capabilities
(ie. The ability to manage an Education and Care Service and either at least three years of appropriate experience as an educator in an education and care service or children's service or school, an approved diploma-level education and care qualification, or an approved early childhood teacher qualification).
- Have a satisfactory history of professional conduct (eg. no serious complaint investigations etc.)

In order to place a Supervisor in day-to-day charge of the ELC, they are required to provide written consent to being placed in this position. While these individuals do not have the same legal responsibilities as the Nominated Supervisor, they are still responsible for ensuring that the centre is meeting all relevant legislative requirements, as well as complying with CE policies and procedures.

Educational Leader:

The National Regulations require each ELC to have an Educational Leader. This position is generally held within CE ELCs by the Director, however the Director may also choose to delegate the role to another Educator, or may assemble an unofficial Educational Leadership Team to assist them in this role. Educational leaders are required to maintain a strong and informed leadership regarding the development and implementation of curriculum and pedagogy of the ELC. In order to do this, Educational leaders should:

- Have a keen interest in early childhood curriculum and development, and display a willingness to research and investigate new thinking about children's learning
- Display an ongoing commitment to building trusting relationships with staff that enables open and constructive conversations about the curriculum and existing teaching practices
- Possess a leadership style which recognises the diversity of experience, background and contributions that each educator brings to their work with children.

ELC Supervision and Educator to Student Ratio Requirements

In order to fulfil their duty of care obligations staff are required to actively supervise children at all times when children are in attendance at the service. To facilitate this, CE ELCs are required to maintain a minimum ratio of one Educator for every 11 students at all times, with each pre-school class being taught by a fully qualified Early Childhood Teacher. Only those educators working directly with children can be counted in the ratio. At all times of operation, regardless of the number of students present, the centre must be staffed by two people, including a Responsible Person. In the event that an Early Childhood Teacher is unwell and an appropriately qualified replacement is unavailable, they may be replaced by a lesser qualified educator for up to 5 days.

These ratios must be observed at all times, both within the centre and with groups participating in excursions. While there is no additional prescribed educator to student ratios for external excursions, it is a requirement for excursions that a Risk Assessment is conducted prior to the excursion which should identify any additional supervision requirements. While Staff are encouraged to utilise parents and volunteers to facilitate the supervision of excursions, they may not be included in the 1:11 educator to student ratio.

Active supervision entails all children (individuals and groups) in all areas of the centre, being in sight and/or hearing of an educator at all times including during play, toileting, sleep, rest and transition routines. Supervision contributes to protecting children from hazards that may emerge in play, including hazards created by the equipment used.

Active supervision refers to constant, active and diligent supervision of every child at the service. Active supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary.

Variables affecting supervision levels include:

- number, age and abilities of children
- number and positioning of educators
- current activity of each child
- areas in which the children are engaged in an activity (visibility and accessibility)
- developmental profile of each child and of the group of children
- experience, knowledge and skill of each educator
- need for educators to move between areas (effective communication strategies).

Qualification Requirements

Research has demonstrated that the employment of appropriately-qualified staff in early childhood services is a key contributor to the delivery of quality programs and better learning outcomes for children. It is a Legislative requirement that all individuals working in Early Childhood Education and Care have obtained, or be studying towards a minimum recognised qualification of a diploma in Early Childhood once they have passed their 3 month probation. In order to hold ELC positions, CE requires staff to hold qualifications recognised by ACECQA and the Teacher Quality Institute. Qualification requirements of positions are:

POSITION	QUALIFICATION	EQUIVALENT FOR STAFF MEMBERS UNDERTAKING EARLY CHILDHOOD TEACHER STUDY AT UNIVERSITY
Early Childhood Teacher	Degree (4 year)	Post Graduate
Before/After School Co ordinator	Diploma	2 nd Year Student
Educator / Assistant	Studying towards Certificate 3	1 st Year Student

In order to ensure that all staff member qualifications are recognised and comply with industry requirements, it is suggested that they are checked at: <http://www.acecqa.gov.au/educators-and-providers1/qualifications#EduQuals>.

First Aid Qualifications

Educators are required to comply with the requirements of the CE First Aid Policy.

Child Protection Requirements

To ensure that children are protected from harm while participating in service programs, all educators and staff are required by law to have and maintain a Working with Vulnerable People Check. This also applies to volunteers and students over the age of 16, who must be supervised.

Further Information

Australian Children's Education and Care Quality Authority (<http://www.acecqa.gov.au/>).

ACT Teacher's Quality Institute (<http://www.tqi.act.edu.au/>).

Approved by:	SALT
Issuing Group	School Services
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CEO Contact Officer:	Alice Castrission
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Agreement to undertake the role of day-to-day supervisor as required

Full Name:	
Date of Birth:	
WWVP Number:	Exp ____/____
Qualification:	<input type="checkbox"/> A minimum of 3 years of experience working: as an educator in an education and care service; as an educator in a children's service, or in a service regulated under a former education and care services law <input type="checkbox"/> An approved diploma level education and care qualification <input type="checkbox"/> An approved early childhood teaching qualification

I _____ (*name of day-to-day supervisor*) agree to be placed in day-to-

day charge of _____ (*name of ELC*) as required, and to ensure that:

- All children are adequately supervised at all times (Section 165)
- No child is subjected to corporal punishment or unreasonable discipline (Section 166)
- Every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury (Section 167)
- No staff member consumes or is affected by alcohol or drugs in such a way that it impairs their capacity to effectively supervise the children within their care
- Medication is not administered to any student except in compliance with the CE ELC First Aid, Incident, Injury Trauma and Illness Policy
- A student does not leave the service unless they are released into the care of a parent or other authorised nominee listed on the student's enrolment record, a person authorised by a parent or nominee, to seek emergency medical assistance, or when taken on an approved excursion for which authorisation has been approved.
- A parent of a student being cared for by the service may enter the service whenever their child is present
- A sign is clearly presented at the entrance of the centre detailing the supervisor in day-to-day charge at any given time.

Signed: _____ Date _____