

Staffing arrangements

Introduction

The requirements of an education and care service in the area of the staffing are embedded in the Education and Care Services National Law and Regulations; local state laws and local government laws also impact on the service. Core references are given in each policy but the reader should consider the references that apply to their local situation.

The national Early Childhood Australia Code of Ethics is an important part of this work.

Before reading this section of policies, it is valuable to consider the following from the UN Convention on the Rights of the Child, Article 3 in particular:

Article 3/3. States Parties shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.¹

Critical areas of concern

These policies are a requirement of all staff in the service without exception. These policies are significantly impacted by compliance with the Education and Care Services National Law and Regulations as well as local Child Protection and Working with Children's Card laws. They also interact with local Teacher Registration requirements.

Implementation

The service philosophy guides the implementation of all its policies and the environment is no exception.

¹ <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> Retrieved 18 January 2016



Knowledge development

Staff in this service are required to have or be working toward the relevant baseline qualification and then continue their ongoing learning. In this area, it includes:

- Orientation
- Professional learning through staff meetings
- Ongoing reading, discussion, and self-reflection
- External professional development as decided with the Director
- Professional development as decided by the service as being essential for all staff in the area:
 - ✓ Code of Ethics
 - ✓ Professional role texts
 - ✓ Other:



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Policy: Code of Conduct

Policy Statement

The service Code of Conduct has been developed to provide a framework for the way we behave at work, how we meet our professional and legal obligations and live to our organisational values.

Our Code of Conduct establishes the core standard for our everyday work behaviour, actions, and choices and applies to all employees regardless of position or work area.

Our Code of Conduct is underpinned by *Early Childhood Australia's Code of Ethics* which guides practice relating to work with and for education and care professionals, families and children.

We seek to all work in an ethical and equitable manner. We reflect the things we value as an organisation in all our dealings with clients, families, colleagues, children's services operators and staff, other agencies, government departments and the general community.

Our Code of Conduct requires us to:

- Act in a manner which seeks to put the best interests of the children first
- Always act in a manner that considers the most appropriate outcomes for our children, working transparently and respectfully with families, staff and other agencies
- Comply with law and policies
- Act fairly, truthfully and honestly
- Be respectful, friendly and safe in the workplace
- Protect our assets, information and organisational reputation in an ethical manner.

As a service we will:

- Provide an environment where the service mission, vision and values and conduct expectations are clear and are facilitated
- Address any concerns in a prompt and ethical manner.

Each employee will:

- Act in a manner which seeks to put the best interests of the children in our care first
- Understand our mission, vision, and values and behave accordingly
- Perform all of our work responsibilities ethically and professionally
- Understand, implement and comply with all organisational policies and procedures
- Strive to build a safe, harmonious, respectful and non-discriminatory workplace
- Value, respect and support the abilities and knowledge of colleagues, children, and families
- Maintain confidentiality of information.

Our references are:

- Education and Care Services National Law
- Education and Care Services National Regulations
- National Quality Standard
- Early Childhood Australia (ECA) Code of Ethics
- The United Nations Convention on the Rights of the Child (1989)

Policy: Alcohol and Drugs

Policy Statement

We believe that health and safety are the responsibility of everyone in and related to our service.

All staff, parents, and visitors play a role in contributing to a healthy and safe workplace and environment for children.

The service is free from the use of tobacco, illicit drugs, and alcohol.

The service will act to create an environment that is free from the negative behaviours that can come from the abuse of alcohol and illicit drugs.

Educators and volunteers must not smoke, consume alcohol or be affected by alcohol or illicit drugs or any prescription medications that may impair capacity to provide education and care to children at the Service.

Educators or volunteers who require prescription medication must be aware of the potential effect of the medication on their capacity to work with children, and where necessary, discuss it with their manager.

Rationale

Under the National Quality Framework, Service Providers and Educators are required to implement and encourage effective health and safety practices.

The use of the use of tobacco, illicit drugs, and alcohol can be a sensitive issue and one that may result in concerns or misunderstandings. For this reason, it is especially important to ensure that educators and other staff, children, visitors, and families are supported to discuss their questions and concerns in a respectful environment.

The Education and Care National Law requires that we consider the best interests of children to be paramount.

Related policies

Code of conduct
Alcohol, drugs and smoking
Occupational health and safety
Orientation of staff
Professional development
Recruitment

Related Service publications

Staff Handbook
Orientation - General
Orientation - Health and Safety

Related education

Parent orientation session
Staff orientation session

Review schedule

2 years or at need

Legal and professional requirements

Education and Care Services
National Law - Section 167

Education and Care Services
National Regulations Regulation 82

National Quality Standard QA 2.3

Occupational Safety and Health Laws



Policy: Orientation of staff

Policy statement

The Service will offer all new staff members, and any staff members returning from extended leave, an orientation to provide the support and information needed for their role.

We will act to ensure that the existing programs are not disadvantaged during the transition that surrounds a new staff member commencing.

The Service will provide appropriate time and resources to ensure that new staff members are given the opportunity to participate fully in the orientation process and any planned follow-up mentoring or planned sessions.

Rationale

The Guide to the National Quality Standards tells us that:

All staff members respect and value the diverse contributions and perspectives of their colleagues and this is evident in their interactions with each other.

The indicators of compliance with the National Quality Standard given in the Guide include it being evident that new staff members ARE being supported by other team members during their orientation and induction.

Related policies

Code of conduct
Recruitment
Professional development
Occupational health and safety

Related Service publications

Staff Handbook
Orientation - General
Orientation - Health and Safety
Diffuze HR orientation policy

Related education

Parent orientation session
Staff orientation session

Review schedule

2 years or at need

Legal and professional requirements

National Quality Standard QA 4.1, 4.2



Policy: Dress Code

Policy statement

This Service requires staff to be dressed in a manner that ensures the health and safety of both themselves and the children.

Clothes should be comfortable to wear and allow staff members to safely perform their duties.

The Service believes that a staff member's presentation should maintain a respectful, professional Educator's image.

At all times clothing should be sensitive to and respectable of differing backgrounds and cultures in the Service.

All staff must model appropriate behaviour and *Sun Smart* practices.

All employees will be provided with a uniform and are expected to wear that uniform at all times during work hours and when representing the service.

Employees are required to maintain their uniforms in good condition and repair.

Employees should ensure that all items of clothing and jewellery are secure on their person if they are likely to be around contaminable products or when holding children.

Specific clothing precautions must be maintained according to procedures for food preparation.

Related policies

Code of conduct
Recruitment
Orientation
Professional development
Occupational health and safety

Related Service publications

Staff Handbook
Orientation - General
Orientation - Health and Safety
Diffuze HR dress code policy

Related education

Parent orientation session
Staff orientation session

Review schedule

2 years or at need

Legal and professional requirements

Education and Care Services
National Law - Section 167

Occupational Safety and Health
Laws and Regulations

Procedure: Dress Code

This code is intended to provide the basic standard of safety, cleanliness, neatness and appropriateness. Particular attention should be paid to safety, professional image and public interaction.

Clothing

Staff members will be required to dress in clean, tidy clothing that projects the professional image of the individual and the service. Clothing should be suitably loose to give freedom of movement when involved in manual handling activities and meet the following requirements:

- Tops should be the Service's polo shirt
- Mid thigh to knee shorts or skirts or long pants should be worn
- The Service's jackets should be worn as required
- The staff name badge, provided by the Service should be worn

Footwear

Footwear must be safe and comfortable, without attachments that may cause injury to staff or children, and comply with the following:

- Shoes should support the foot and have non-slip soles.
- High heels are not to be worn by staff working with children.
- Enclosed shoes must be worn by all staff members whilst on duty.

Jewellery and makeup

It is considered that the wearing of excessive jewellery or makeup by staff members may present an unprofessional image and may pose an occupational safety and health hazard to both staff and children. It is acknowledged that this is a matter of judgement, therefore, the following are a guide to be adhered to in regard to jewellery and makeup by staff at the Service :

- Small hoop earrings or studs may be worn in the ears.
- Sharp or pointy jewellery should not be worn when working with children.
- Staff working in the kitchen are to wear minimal jewellery to ensure hygiene and safety.

Hair

- In the interests of health and hygiene staff must ensure their hair is clean and tidy.
- Long hair should be tied back for hygienic purposes and to eliminate the risk of head lice.
- When serving food or working in the kitchen staff must have their hair tied back.
- Staff members who work in the kitchen may choose to wear a cap.

Hats and Sunglasses

- It is a requirement that staff members wear the hat provided by the Service whenever they are outside to ensure protection from the sun's harmful ultra violet rays and to provide appropriate role modelling for the children who must also wear their hats when outside.

Policy: Professional Development

Policy statement

We aim to provide a supportive workplace that values knowledge growth, innovation, expertise, and continuous improvement.

This service is committed to developing the professional knowledge, skills, and practices of our teams at every stage of their career.

While ultimately it is the individual's responsibility to ensure that they continue to grow as a professional, educators will work closely with the director to plan their learning needs.

The performance development process is a means for educators to reflect on their skills, knowledge, and aspirations; to review their work and identify opportunities for advancement through further learning and development.

A professional development plan will be created during orientation and during reflective practices and performance reviews thereafter. The plan will include potential topics, future career aspirations, and support staff member's growth as a professional.

The process will include:

- clarification of the role and expectations
- reflection on own practice and the practice environment
- appraisal of the previously identified objectives
- examples of ways the agreed outcomes have been met
- reflection on aspirations and pathways
- training opportunities will be identified
- two-way feedback will be given at this time.

Professional development will be considered on its merits and potential benefits, however, compliance training related to the role takes a priority.

Rationale

The Guide to the National Quality Standards tell us that 'Updating and maintaining educators' knowledge is a joint responsibility of the educators themselves, the director and the approved provider, and includes a range of professional development strategies that challenge and extend current thinking'.

Related policies

Code of conduct
Recruitment
Orientation
Staff performance development
Occupational health and safety
CHILD HR system

Related Service publications

Staff Handbook
Orientation - General
Orientation - Health and Safety

Related education

Parent orientation session
Staff orientation session

Review schedule

2 years or at need

Legal and professional requirements

Education and Care Services
National Law - Section 167

Education and Care Services
National Regulations – Regulation
84

National Quality Standard QA 2.1,
4.1, 4.2, 7.2

Policy: Students

Policy statement

This Service strives to provide high quality education and care to all children who come to our Service.

We seek to pass on this learning by providing opportunities for students in the different Universities, approved Registered Training Organisations and from other approved education and care services.

Student practicums will be at the discretion of the Director. The events and needs of the children and families will always take priority over any student placement.

Students will not be left unsupervised with children in care in the Service. Students are supplementary to staff requirements, and will not be used to replace absent staff.

All visitors to the Service are governed by the policies and procedures of the Service.

Providing student practicum experiences offer us the opportunity to act as educator and learner, developing strong professional and community partnerships. The priorities are:

- Students studying early and middle childhood or related topics
- High school students who wish to gain work experience as part of their school program, provided that the school has requested the placement.

Students who are approved for placement at the Service will be oriented to the Service and its policies, especially the policies of confidentiality and those that detail the rights of the child to a safe environment.

The parents of any child are provided with the right to request that their child is not involved with the student or subject to student observations.

Students from a University, Registered Training Organisation or High School remain **at all times** under responsibility of their organisation and the allocated supervisor.

Should any student behave in a manner that is felt to be inappropriate, the Service reserves the right to terminate the placement immediately and will inform the student's Supervisor.

Related policies

Acceptance and refusal of authorisations
Confidentiality of records
Diversity and inclusion
Enrolment
Orientation
Dealing with complaints
Visitors (and volunteers)

Related Service publications

Staff Handbook
Orientation - General
Orientation - Health and Safety

Related education

Parent orientation session
Staff orientation session

Review schedule

2 years or at need

Legal and professional requirements

Education and Care Services
National Law (WA) Act 2012 -
Sections 165, 167

Education and Care Services
National Regulations 2012
Regulations 145, 149, 150, 151,
152, 158

National Quality Standard QA 4.2,
5.1

Policy: Grievance Handling Procedure

Policy Statement

At Subiaco Children's Centre we will ensure that all employees have the opportunity to bring forth concerns, complaints and disputes to management. All grievances will be investigated in a fair and equitable manner, and be guided by the centre's values of integrity, communication and respect. SCC endeavours to establish decision making processes for employee grievances that are transparent and which clearly define accountability.

Management Needs

To have an effective grievance policy in place in order to make informed decisions; to deal with grievances in a professional manner; to address all grievances promptly; to maintain a harmonious and ethical workplace environment.

Employee Needs

To have an opportunity to voice concerns in a positive and confidential manner; positive work environment; to be treated fairly and equitably regarding any workplace or performance issues.

Management Responsibilities

The Director will treat all grievances seriously and as a priority, whilst ensuring they remain confidential. They will discuss the issue with the educator responding to the grievance within 24 hours of receiving the verbal or written complaint. Whilst investigating the grievance in a fair and impartial manner, they will follow the grievance procedure as outlined below.

Employee Responsibilities

All employees are also required to follow the grievance procedure as outlined below, including firstly raising the grievance with the party involved if appropriate and professional. If the employee feels comfortable, they can tell the person their behaviour, decision, action/inaction etc. was unfair, offensive, discriminatory etc., and why they believe this to be so. The person may have been unaware of the effect of their behaviour or decision on their fellow employee. By telling them, this gives them a chance to redress the situation. If dispute is not resolved with initial conversation, then raise the grievance with the Director. Employees must be willing to communicate openly regarding the dispute and also maintain confidentiality and professionalism at all times.

What is a Grievance?

A grievance is a statement by an employee which expresses they have a work-related problem, concern or complaint. Grievances may include:

- Harassment or bullying within the workplace;
- Interpersonal conflict or issues regarding communication;

- Organisation changes;
- Work environment;
- Relationships in the workplace;
- Health and safety;
- Discrimination or
- Terms and conditions of employment.

Grievance Procedure

Grievances should be raised as soon as possible with the Nominated Supervisor, either verbally or in writing. The statement should include:

- What the grievance is about
- Who is involved in the grievance
- What is the desired outcome

All grievances should be lodged with the nominated supervisor unless this person is a party to the grievance or you have personal reasons for not lodging the grievance with this person. In such cases, the grievance may be lodged with the Chair of the Committee. In addition, advice may be sought from the relevant union if the matter is in relation to industrial awards/agreements and working conditions.

The following steps are to be followed when a grievance arises:

1. Employee should attempt to resolve the grievance with the concerned parties in the first instance if appropriate. See exception below.
2. Employee raises the grievance with the Director if it cannot be resolved.
3. The Director will investigate the grievance, and interview the relevant parties including witnesses, fill in a complaint form and seek clarification.
4. The Director will then interview the employee that has been complained about or any other parties referred to as part of the investigation. Any written grievances are to be provided to the employee(s) concerned.
5. Staff members are entitled to have their union representative or other support person in attendance
6. If deemed necessary, the director may interview the employee lodging the grievance and the other party concerned simultaneously in order to resolve the grievance to the satisfaction of all parties.
7. If the matter cannot be resolved at this level, the grievance will be referred to the Chief of the Committee. The parties will be advised of such action.
8. If resolved, the Director will provide the employee(s) with a clear written statement outlining the outcome of the investigation.

Employees should note that any grievances are not to be raised with parents or any other external parties. A breach of this provision could lead to disciplinary action. The exception is where the employee seeks the assistance of his/her union representative or other support person non-staff

member (to maintain confidentiality).

During the course of any grievance being raised or the subsequent investigation of the grievance, all employees concerned should adopt an approach of genuinely addressing the problem with a view to resolving the matter.

During the period of grievance resolution, all employees concerned must ensure that they continue to perform their duties in a professional and courteous manner.

Confidentiality

The confidentiality and integrity of all employees members concerned will be maintained. All employees involved have a responsibility to ensure that information regarding the grievance is treated with the utmost confidentiality and it is not to be discussed with any party not directly involved with the resolution of the grievance.

Grievance Resolution

A grievance is resolved when the employee agree on a course of action which should correct the grievance and encourage harmony in the workplace.

Should the matter still not be resolved it may be referred by the parties to *The Western Australian Industrial Relations Committee*.

Employee's Rights

Under the Fair Work Act 2009, employees under the national workplace relations system have defined rights. General protections within the Act aim to protect employees from adverse actions in breach of the following rights:

- **Workplace rights:** such as the entitlement to benefit under workplace law (i.e. award or enterprise agreement) or the entitlement to make a complaint or inquiry in relation to their employment;
- **Industrial Activities** - such as the entitlement to take industrial action or to belong or not belong to a union or employer association;
- **Other Protections** - such as freedom from discrimination (on the grounds of a person's race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin) or the entitlement to take a temporary absence from work due to illness or injury;

The employer will not take action against an employee that will compromise the employee's rights under the Fair work Act 2009.

If an employee believes that their termination of employment or treatment as an employee is a breach of their general protections under the Fair Work Act, they may seek assistance from Fair Work Australia. Applications relating to general protections where the employee has been dismissed must be lodged with Fair Work Australia within 60 days of being dismissed.

Unfair Dismissal

SCC will ensure the employee is not dismissed in a manner that is 'harsh, unjust or unreasonable' by conducting an unfair dismissal check prior to termination. This check will include and ensure:

- There was a valid reason for the dismissal related to the employee's unsatisfactory conduct, performance or capacity to do the job
- The employee was clearly warned that they were not doing the job properly and would have to improve their conduct or performance, or otherwise be dismissed;
- The employee was provided a reasonable amount of time to improve their performance or conduct
- The employer offered to provide the employee with training or another opportunity to develop his or her skills;
- The employee did not improve their performance or conduct to the required standard;
- The employee was notified of the reason for dismissal and given an opportunity to respond;
- The employee was given the opportunity to have a support person present to assist in discussions relating to the dismissal;
- A record of all warnings made to the employee or discussions on how his/her conduct or performance could be improved;
- The employer used the full expertise that the enterprise was able to provide to ensure a fair dismissal process.

If an employee believes that their employment has been terminated unfairly, they may apply to Fair Work Australia for assistance to resolve the matter through conciliation. Applications relating to a dispute over unfair dismissal must be lodged with Fair Work Australia within 21 days of dismissal.

Evaluation

Whenever a grievance is addressed the process will be analysed to determine whether policy revision or development is required.

The grievance policy for employees is reviewed and evaluated annually or whenever an incident occurs, to ensure the processes are clear and non-discriminatory.

National Quality Framework

Elements:

- 4.2
- 7.1
- 7.3
- 7.4
- 7.5

Legislation and Professional Requirements

- Federal and State Equal Opportunity Legislation (Western Australia Equal Opportunity Act 1984)
- Fair Work Act 2009
- Human Rights and Equal Opportunities Commission
- Education and Care Services National Law (WA) Act 2012

References

Guide to the National Quality Standard (ACECQA) <http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/NQF03-Guide-to-NQS-130902.pdf>

Guide to the National Law and National Regulations (ACECQA)
http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/2014/NQF02%20Guide%20to%20ECS%20Law%20and%20Regs_web.pdf

ACECQA Occasional Paper – Educational Program and Practice
<http://files.acecqa.gov.au/files/Reports/2015/Occasional%20Paper%201%20-%20Educational%20Program%20and%20Practice.pdf>

In our reading, we used and recommend the resources in the Early Childhood Resource Hub (Australian and state governments) <http://www.ecrh.edu.au/#/>

Child Australia
<http://www.childaustralia.org.au>

Fair Work Australia – Best Practice Guides: Effective Dispute Resolution.
<https://www.fairwork.gov.au/tools-and-resources/best-practice-guides/effective-dispute-resolution>

Fair Work Australia – Unfair Dismissal. <https://www.fairwork.gov.au/ending-employment/unfair-dismissal>

Early Childhood Australia – Code of Ethics.
<http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/>

Guide to the National Quality Framework

Disclaimer

This resource is based on the most current information available in April 2016.

In developing this resource, we have referred to legislation and regulations, sought advice from professional organisations and reviewed contemporary research. This document should be used as a guide to compliment and develop a service's existing practices. Services should always check the currency of information at the time of use and consider the information in this resource in the context of their particular service.