



Resource

Guide



National Quality Standard **Quality Area 4:** **Staffing arrangements**

Strengthening your self-assessment processes to ensure compliance and promote quality improvement.

This resource guide explores:

- the objectives of Quality Area 4: Staffing arrangements
- the legal requirements of Quality Area 4
- reflective questions and tips for Approved Providers and Nominated Supervisors to strengthen self-assessment for compliance and quality improvement in Quality Area 4
- where to get further information and resources.



Education

This Resource Guide has been provided by the Department of Education as part of the Early Childhood Education and Care Sector Development Program.

Contents

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We provide specialist information and support in governance, management, compliance and quality improvement, business support and workplace relations. We also provide [bookkeeping and payroll](#) services, as well as [management training](#) for the professional development of directors, staff and management committees.

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This Resource Guide builds on training delivered through workshops and webinars from February to June 2016 to support compliance and quality improvement under the National Quality Framework and the National Quality Standard. This training focused on Quality Areas 1, 2, 4 and 7. You can access copies of these presentations and related resource guides from [CCSA's website](#). You can also download a copy of the NSW Department of Education Quality Improvement Plan template from their [website](#).

This Guide should be read in association with the companion guide: *Strengthening compliance and quality improvement under the National Quality Framework: A guide to developing your Quality Improvement Plan*.

When you are using this resource, you should also refer directly to the National Law, National Regulations and the National Quality Standard.

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1. What is Quality Area 4: Staffing arrangements?

The National Quality Framework (NQF) has six objectives which are specified in the Children (Education and Care Service) National Law (NSW).

Quality Area 4 of the National Quality Standard (NQS) links directly to the first three objectives of the NQF:

- to ensure the safety, health and wellbeing of children attending education and care services
- to improve the educational and developmental outcomes for children attending education and care services
- to promote continuous improvement in the provision of quality education and care services.¹

Quality Area 4 sets out the legal requirements and quality standards for staffing arrangements to ensure children's safety, health and wellbeing, improve their learning and developmental outcomes and promote quality improvement. Under the NQF this is being achieved through:

- better educator-to-child ratios
- increased educator qualification requirements
- improved access to early childhood teachers to oversee the development and delivery of children's educational programs.

TOP TIP:

Only element 4.1.1 for Quality Area 4 has a direct link to the legal requirements set out under the Children (Education and Care Services) National Law (NSW) and under the Education and Care Services National Regulation [NSW]. These legal requirements are extensive and form the foundations for the staffing arrangements necessary to operate your service.

The Australian Children's Education and Quality Authority (ACECQA) explains that focus for Quality Area 4: Staffing arrangements is "the provision of qualified and experienced educators, co-ordinators and nominated supervisors 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".²



1. Children (Education and Care Services) National Law (NSW) No 104a, Clause 3 Objectives and Guiding Principles, page 2.

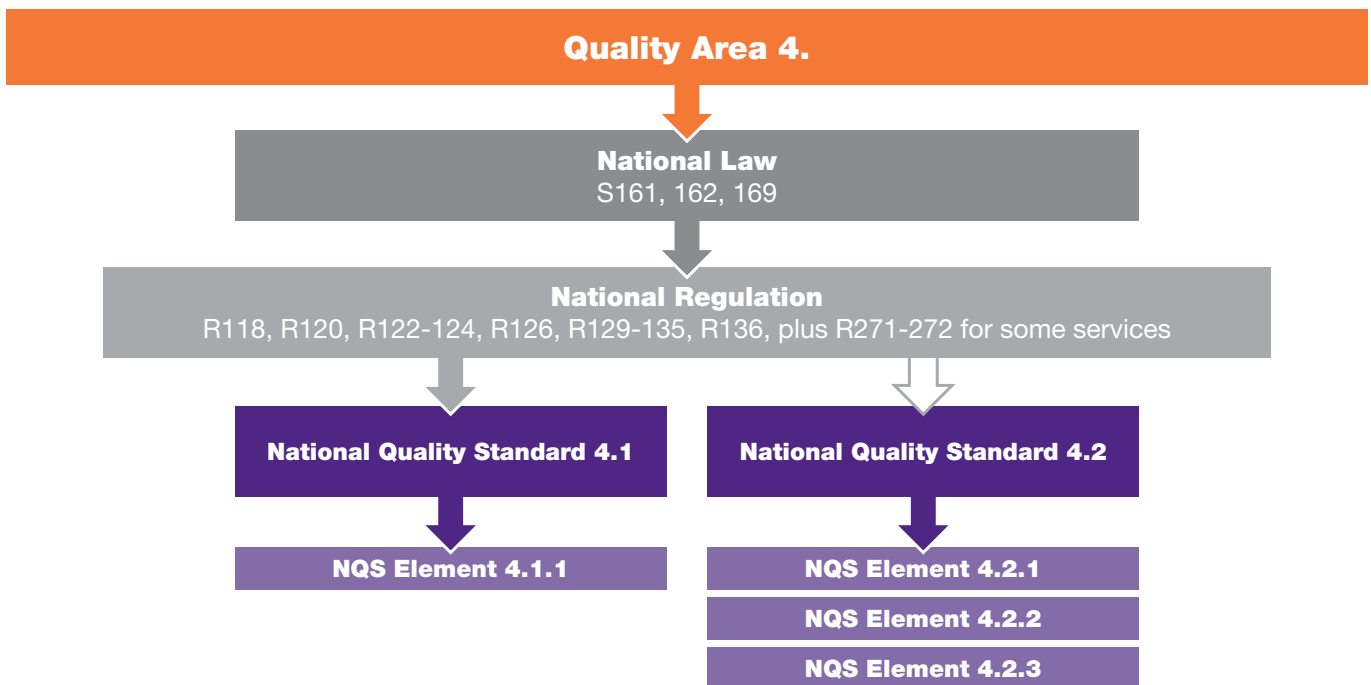
2. ACECQA, "Quality Area 4: Staffing Arrangements", Guide to the National Quality Standard, page 104.

Quality Area 4 comprises:

- **Legal requirements** set out under:
 - the Children (Education and Care Services) National Law (NSW)
 - the Education and Care Services National Regulation (NSW)

For Quality Area 4, this legislation sets out minimum staffing requirements including staff roles and qualifications required as well as numbers of educators to children attending an education and care service. Services must work directly from the regulations to ensure compliance with these legal requirements.
- **Two standards**, under the National Quality Standard, which specify the high-level outcomes that services should be seeking to achieve in Quality Area 4. These are:
 - Standard 4.1 – Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing.
 - Standard 4.2 – Educators, co-ordinators and staff members are respectful and ethical.

- **Four elements**, under the National Quality Standard, which outline the outcomes that will contribute to meeting the standard:
 - **Standard 4.1 contains one element:**
 - Element 4.1.1 – Educator-to-child ratios and qualification requirements are maintained at all times.
 - **Standard 4.2 contains three elements:**
 - Element 4.2.1 – Professional standards guide practice, interactions and relationships.
 - Element 4.2.2 – Educators, co-ordinators and staff members work collaboratively and affirm, challenge, support and learn from each other to further develop their skills, to improve practice and relationships.
 - Element 4.2.3 – Interactions convey mutual respect, equity and recognition of each other’s strengths and skills.



2. What are the legal requirements in Quality Area 4?

To develop a Quality Improvement Plan and participate effectively in the Assessment and Ratings process, your service needs to be able to demonstrate how it is complying with the legal requirements for each Quality Area.

Meeting these legal requirements forms the foundation for how your service is assessed against the National Quality Standard.

In Quality Area 4: Staffing arrangements, the Children (Education and Care Services) National Law (NSW) No 104a states that:

- **the approved provider** of an education and care service must not operate the service unless there is a nominated supervisor for that service.³
- **the approved provider** of an education and care service must ensure that one of the following [responsible] persons is present at all times that the service is educating and caring for children:
 - the **approved provider**, if the approved provider is an individual, or in any other case, a person with the management or control of education and care service operated by the approved provider
 - the **nominated supervisor** of the service
 - a **certified supervisor** who has been placed in day-to-day charge of the service in accordance with the national regulations.⁴
- **the approved provider and nominated supervisor of an education and care service must ensure:**
 - that, whenever children are being educated and cared for by the service, the relevant numbers of educators educating and caring for the children is no less than the prescribed number for this purpose
 - that each educator educating and caring for children at the service meets the qualification requirements relevant to the educator's role as prescribed by the national regulations.⁵



3. Section 161 Offence to operate education and care service without a nominated supervisor

4. Section 162 Offence to operate education and care service unless a responsible person is present

5. Section 169 Offence relating to staffing arrangements

The *Education and Care Services National Regulation (NSW)* sets out the requirements for staffing arrangements in **Chapter 4.4 Staffing arrangements**. These requirements set out obligations relating to:

- **Division 1**
 - Educational Leader (R 118)
- **Division 2**
 - Age and supervision requirements (R 119-120)
- **Division 3**
 - Minimum educators required (R 122-124)
- **Division 4**
 - Educational qualifications for educators (R 126)
- **Division 5**
 - Requirements for educators who are early childhood teachers (R 129-135)
- **Division 6**
 - First Aid qualifications (R 136)
- **Division 7**
 - Approval and determination of qualifications (R 137-143)
- **Division 9**
 - Staff and educator records – centre-based services R 145-152



Clauses 121 and 125 of the regulations also refer to specific clauses in Chapter **7 Jurisdiction-specific and transitional and saving provisions that may apply in certain states and territories**. In NSW these clauses are:

- 271 Educator to child ratios – children age 36 months or more but less than 6 years of age
- 272 Early childhood teachers – children preschool age or under.

The regulatory requirements contained within **Chapter 4.4 Staffing arrangements** and in the saving provisions for NSW in **Chapter 7** detail how the service must engage and roster staff to work with children. The regulations also require services to have clear records to demonstrate how the service is meeting its legal obligations for staffing arrangements.

TOP TIP:

Evidence of compliance and, in turn, meeting and/or exceeding the National Quality Standards, can be gathered through:

- observation of behaviours and practices at the service
- discussion with staff (educators and other staff), families and service leadership
- sighting of documentation that demonstrates how the service meets its regulatory obligations and is moving towards meeting and exceeding the National Quality Standard.

3. Undertaking self-assessment and quality improvement in Quality Area 4.

To develop your Quality Improvement Plan, your service must undertake a ‘self-assessment’ to demonstrate how you are meeting the National Quality Standards in each Quality Area.

This ‘self-assessment’ process involves three key steps:

- **assessing compliance** with the regulatory requirements under the National Law and National Regulation
- **identifying your service’s strengths** – the areas of which the service is most proud and would like to showcase
- **determining areas where your service would like to improve or extend** to improve outcomes for children.

These steps are also outlined in Section 2 of the NSW QIP Template. For further information on the NSW QIP template, see our companion guide: *Strengthening compliance and quality improvement under the National Quality Framework: A guide to developing your Quality Improvement Plan*.

When your service is self-assessing how you comply with the legal requirements, it is vital that you identify:

- how you ‘know and show’ or ‘demonstrate’ compliance.

Following are some examples of reflective questions that the Approved Provider and the Nominator Supervisor may use to guide your self-assessment process and strengthen how your service demonstrates or “knows and shows” it is complying with the range of legal requirements in Quality Area 4. This is not an exhaustive list of questions. These questions are designed to trigger your service’s review of its compliance and quality improvement processes, and in particular, to support how you work through the questions in the NSW QIP template regulatory checklist.

These questions focus on areas where the Assessment and Ratings results show services have experienced difficulties in meeting the Standards for Quality Area 4 and/or where there are specific legal and regulatory requirements which underpin the Standard and the elements.

TOP TIP:

To improve in Quality Area 4, consider the links with other Quality Areas, particularly with Quality Areas 1 and 7. Effective staffing arrangements should assist you to improve outcomes in your educational program and practice as well as how your service defines and supports the role of the Educational Leader.

3.1 Reflective questions to support self-assessment

Quality Area 4 – Four examples of how to approach self-assessment of compliance with regulatory requirements to support the development of your Quality Improvement Plan and improve your Assessment and Rating result.			
NSW QIP template regulatory checklist question	Links to regulatory requirements	Links to National Quality Standard and Element	Questions to support how your service demonstrates or “knows and shows” it is compliant with the legal requirements underpinning the respective NQS standard and element
<p>Example 1</p> <p>Have you ensured that the educator to child ratio is maintained and that only educators working directly with children are included in ratio?</p>	<p>Regulation 122 requires that educators must be working directly with children to be included in ratios.</p> <p>Regulation 123 outlines the minimum number of educators required according to the ages of the children.</p> <p>In NSW, services with children attending aged between 36 months of age to 6 years must also refer to the requirements under Regulation 271.</p> <p>Top tip: These regulatory clauses contain specific information about what your service needs to do regarding employment and rostering of educators.</p>	<p>Standard 4.1</p> <p>Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing.</p> <p>Element 4.1.1</p> <p>Educator-to-child ratios and qualification requirements are maintained at all times.</p> <p>Top tip: The standard and element specify the broad goals and outcomes to be achieved. However, the directions about how your service achieves these goals are contained in the regulations.</p>	<ul style="list-style-type: none"> • How are your staff employed to ensure that staffing arrangements at your service meet educator-to-child ratios and qualification requirements at all times? • How are your daily rosters prepared, monitored, reviewed and stored as records to ensure and demonstrate compliance at all times? • How does your roster ensure smooth transitions between educators and to maximise continuity for children? • What activities, routines and documentation, do you have in place to demonstrate compliance, such as sign-in sheets, hand-over notes, records of sick leave and replacement of staff? • How do you provide for educators to have time for meal breaks, administration, programming, and other non-contact time to meet with parents, inclusion support professionals, working with other local services such as local schools and family support and disability organisations? • How is the organisation of your educators contributing to a high-quality learning and care environment? When did you undertake a review of your staffing arrangements to ensure they maximise learning outcomes for children? What changes did you make and how can you demonstrate the benefits to children and families of the changes? <p>Top tip: The last question is adapted from the indicator for “Exceeding the National Quality Standard” in ACECQA’s National Quality Standard Assessment and Rating Instrument.</p>
<p>Example 2</p> <p>If you are a long day care or preschool or outside school hours care service, have you ensured that educators who are under 18 years of age do not work alone and are adequately supervised?</p>	<p>Regulation 120 requires that the approved provider of a centre-based service must ensure that any educator under the age of 18 does not work alone at the service and is adequately supervised at all times by an educator over the age of 18 years.</p>	<p>Standard 4.1</p> <p>Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing.</p> <p>Element 4.1.1</p> <p>Educator-to-child ratios and qualification requirements are maintained at all times.</p>	<ul style="list-style-type: none"> • What is your service’s policy on employing educators under the age of 18 years? • How is your roster arranged to meet the regulatory requirements and provide appropriate supervision and support for any educator under the age of 18 years? • How would your educators describe the arrangements that are in place?

Quality Area 4 – Four examples of how to approach self-assessment of compliance with regulatory requirements to support the development of your Quality Improvement Plan and improve your Assessment and Rating result.

NSW QIP template regulatory checklist question	Links to regulatory requirements	Links to National Quality Standard and Element	Questions to support how your service demonstrates or “knows and shows” it is compliant with the legal requirements underpinning the respective NQS standard and element
<p>Example 3 Have you ensured that educators required to meet the ratio hold or are actively working towards the qualifications applicable in your state and territory?</p>	<p>Regulation 126 requires at least 50% of educators who are required to meet educator to child ratios must have or be actively working towards an approved Diploma level ECEC qualification.</p> <p>All other educators who are required to meet educator to child ratios must have or be actively working towards an approved Certificate III level ECEC qualification.</p> <p>Regulation 129-135 requires centre-based services to have access to or attendance of an early childhood teacher. These requirements vary according to the size of the service and the numbers of children attending the service.</p> <p>In NSW, services with 30 places or more also need to refer to the requirements under Regulation 272.</p>	<p>Standard 4.1 Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing.</p> <p>Element 4.1.1 Educator-to-child ratios and qualification requirements are maintained at all times.</p>	<ul style="list-style-type: none"> • How is your service managing its staffing and qualification requirements? • How do your staff records show the qualifications for each staff member and record the progress of staff who are ‘actively’ working towards completion of their qualification? • How are your educators being supported to work together contribute to a high-quality learning and care environment for children? How are more experienced educators being used to support new and beginning educators? • How are educators who have recently completed or completing their qualifications being supported to apply new learnings and approaches within the educational program and practice? • How is the role of your early childhood teacher being used to deliver improved program and practice in your service and, in turn, learning and developmental outcomes for children? <p>Top tip: These last questions are adapted from the indicator for “Exceeding the National Quality Standard” in ACECQA’s National Quality Standard Assessment and Rating Instrument.</p>

Quality Area 4 – Four examples of how to approach self-assessment of compliance with regulatory requirements to support the development of your Quality Improvement Plan and improve your Assessment and Rating result.

NSW QIP template regulatory checklist question	Links to regulatory requirements	Links to National Quality Standard and Element	Questions to support how your service demonstrates or “knows and shows” it is compliant with the legal requirements underpinning the respective NQS standard and element
<p>Example 4</p> <p>Have you ensured that at all times children are in attendance at the service there is at least one person with a first aid qualification available, and at least one person who has completed training in the management of asthma and anaphylaxis?</p>	<p>Regulation 136 requires that the approved provider of an education and care service has ensured that at all times that children are being educated and care for by the service that at least one educator:</p> <ul style="list-style-type: none"> • holds a current approved first aid qualification • has undertaken current approved anaphylaxis management training • has undertaken current approved emergency asthma management training. 	<p>Standard 4.1 Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing.</p> <p>Element 4.1.1 Educator-to-child ratios and qualification requirements are maintained at all times.</p>	<ul style="list-style-type: none"> • What is your service’s policy and approach to ensure that there are sufficient numbers of educators who hold approved first aid qualifications to meet the regulatory requirements at all times? How does your demonstrate that it meets these requirements at all times? Where do you keep educator records of the currency of first aid qualifications? How would your educators describe the service’s policy and approach? • Which educators have undertaken current approved anaphylaxis and emergency asthma management training? How are you ensuring this training is up to date? • How have your educators training and qualifications been used to improve the health, safety, wellbeing of children attending the service? <p>Top tip: This last question is adapted from the indicator for “Exceeding the National Quality Standard” in ACECQA’s National Quality Standard Assessment and Rating Instrument.</p>

4. Where can I get more information?

There are a range of resources available through the ACECQA website including:

- [the Guide to the National Law and National Regulations](#)
- [the Guide to the National Quality Standard](#)

Early Childhood Australia also provides information on through its extensive [Professional Learning Program](#)

You can download copies of CCSA's presentation slides from the *Legislation and the National Quality Standard* workshop and webinar series on Quality Areas 1, 2, 4 and 7, which were delivered from February to June 2016, from the [Sector Development Program Resources](#) page of CCSA's website.

CCSA also provides consultancies to support the development of your Quality Improvement Plan, including approaches to self-assessment, compliance and quality improvement, facilitation and stakeholder engagement skills and project planning. For more information, go to the [training pages](#) of CCSA's website or contact CCSA on 1800 991 602 or office@ccsa.org.au



National Quality Standard — **Quality Area 4: Staffing arrangements**