

D.1 Staffing, recruitment and employment

D.1.1 Introduction and overview

Policy Statement

LOOSH is committed to ensuring that all staffing, recruitment, and employment practices prioritise the safety, wellbeing, and best interests of all children at all times. We recognise that the quality, suitability, and integrity of our educators and staff directly influence our children's experiences, development, safety, and sense of security within the service.

LOOSH acknowledges that robust child-safe recruitment, screening, induction, and employment processes are essential to attracting and retaining skilled and suitable staff. We recognise that safeguarding children begins with employing individuals who understand, uphold, and are accountable for their responsibility to protect children from harm.

LOOSH is committed to fostering a culture of continuous improvement by investing in ongoing professional development. This supports educators and staff to strengthen their knowledge, reflect on their practice, and consistently uphold high standards of child safety, wellbeing, and quality care.

Background

LOOSH has an obligation under the Education and Care Services National Law and Regulations to ensure the staff we employ and engage have the appropriate skills, knowledge and continuous support to uphold their duty of care and protect children from harm. This is an ongoing process that must start with recruitment and continue through onboarding and beyond.

Guiding Principles

- The safety, rights, and best interests of every child are the paramount consideration in all aspects of service operation, decision-making, governance, and care delivery. In situations involving competing interests, the rights and best interests of the child will always take precedence.
- We prioritise the health, safety, and wellbeing of all children. Through effective staffing arrangements and quality practices, we ensure that educators consistently uphold their responsibility to safeguard children.
- We are committed to creating and maintaining a child-safe, inclusive, and supportive environment for all children. This includes promoting the safe and appropriate use of digital technologies and online environments.
- Our educators are guided by high professional standards. We ensure all personnel understand and comply with the National Quality Framework, including the National Law, National Regulations, the National Quality Standard, approved learning frameworks, and the Early Childhood Australia Code of Ethics, as well as the service's philosophy, policies, and procedures.
- We ensure that all staff are appointed in accordance with regulatory requirements and are supported through comprehensive induction, ongoing training, and professional development to perform their roles effectively.

Scope

This policy applies to all persons engaged (or proposed to be engaged) in work at LOOSH, including those undertaking work as defined under the WWCC Act 2025.

D.1.2. Staffing Procedures

D.1.2.1 Child Safe Recruitment

LOOSH is committed to implementing robust, transparent, and child-safe recruitment practices to ensure that all staff, volunteers, and contractors are suitable to work with children and uphold our commitment to child safety. LOOSH is also committed to equitable and inclusive employment practices, ensuring all decisions are based on merit, qualifications, skills, and service needs, while fostering a workplace free from discrimination, bullying, harassment, and victimisation.

Job Advertisements

All job advertisements clearly state LOOSH's commitment to child safety and to upholding children's rights. Any job advertisements will communicate that LOOSH adheres to Child Safe Standards and requires all staff engaged in child-related work to hold a valid Working with Children Check.

Pre-assessment of applications

LOOSH Management reviews all applications and supporting documentation to assess the following when considering each applicant:

- Qualifications, skills, and relevant experience
- Suitability to work with children
- Understanding of child safety responsibilities and relevant legislation
- Alignment with LOOSH's child-safe values, Code of Conduct and service philosophy

During this process, potential concerns are identified and explored further, both directly with applicants during interviews and when conducting reference checks.

LOOSH maintains documentation of shortlisting decisions, including the rationale for determining suitability, to support transparency, accountability, and compliance. Where candidates are engaged through an agency, LOOSH will work alongside the contracted company to ensure appropriate child-safe screening is undertaken.

Interview process

Interviews are structured to assess a candidate's suitability to work with children. All elements of the interview are guided by child-safe principles and service values.

LOOSH develops carefully considered interview questions that are used to determine the applicants' attitudes toward children, understanding of child safety responsibilities and their ability to respond to child protection concerns. The employment history, prior disciplinary matters, and any identified concerns from pre-assessment are discussed and clarified.

Where possible, interviews are conducted by more than one person to ensure a balanced and objective assessment. All notes taken during the interview and their outcome are documented and retained.

Reference checks

All preferred candidates must provide a minimum of two referees. All referees must have directly supervised the applicant and where feasible at least one must be from their most recent employer. Where professional referees are not available, character references may be accepted at the discretion of the Nominated Supervisor.

LOOSH conducts verbal reference checks where possible, including questions regarding the applicants:

- Suitability to work with children
- Any disciplinary action
- Any concerning or inappropriate behaviour

Reference checks are used to verify information and clarify any concerns identified during the recruitment process.

Records of reference checks are maintained, including:

- Date of contact
- Referee details and relationship to candidate
- Summary of feedback
- Any concerns and how they were addressed

All records are securely stored in accordance with privacy and record-keeping requirements.

Pre-employment screening

Prior to commencing child-related work, LOOSH ensures all individuals:

- Hold a valid Working with Children Check clearance in accordance with the WWCC Act 2025 and that it is verified through the NSW Office of the Children's Guardian.
- Provide 100 points of identification to verify identity.
- Are checked against the National Quality Agenda IT System (NQA ITS) to confirm they are not a prohibited person (Section 188)
- Hold relevant qualifications

All pre-employment checks are documented and securely stored, in the staff member's file.

Use of Agency staff

LOOSH maintains a strong team of permanent and casual educators and primarily relies on staff directly employed by the organisation to provide education and care to children attending the service. In exceptional circumstances where agency staff are required, LOOSH will:

- Seek evidence that appropriate child-safe recruitment and screening processes have been undertaken.
- Independently verify WWCC clearance and prohibited person status.
- Ensure that agency staff meet the same child safety standards as directly employed staff.

Conditions of Employment

Employment instruments and agreements

LOOSH ensures that all employment arrangements are fair, transparent, and compliant with relevant legislation, industrial requirements, and child-safe practices. All employees are engaged in accordance with:

- The Fair Work Act 2009
- Relevant modern awards and/or enterprise agreements
- National Employment Standards (NES)
- Applicable state legislation
- LOOSH policies and procedures

All employment arrangements reflect LOOSH's commitment to child safety and to ensuring that only suitable individuals are engaged to work with children.

Upon commencement, all employees are provided with:

- A written offer of employment
- A position description outlining the key responsibilities, including child safety obligations
- A formal employment agreement or contract detailing terms and conditions of employment
- Information regarding classification, pay rates, and conditions under the applicable industrial instrument
- Access to all relevant service policies and procedures

Where applicable, employment is subject to a probationary period in accordance with the terms outlined in the employment agreement.

Employees are required to review and acknowledge their employment conditions, position description, and relevant policies and procedures, confirming their understanding of their roles, responsibilities, and obligations.

LOOSH ensures that all employees are correctly classified under the relevant award or agreement, and that employment records are accurately maintained in accordance with legislative requirements. This includes contracts, position descriptions, and employee documentation, which are stored securely and managed in line with privacy and record-keeping obligations.

Job Descriptions

LOOSH ensures that all positions within the service have clear, accurate, and current job descriptions that support safe, consistent, and high-quality service delivery. Each job description will:

- Clearly outline the purpose and scope of the role
- Detail key duties and responsibilities
- Identify required qualifications, skills, and experience
- Highlight child safety responsibilities as a core component of the role
- Specify reporting lines and supervision arrangements
- Reflect relevant legislative, regulatory, and industrial requirements

Job descriptions are designed to support safe practice and ensure alignment with LOOSH's policies, procedures and service philosophy. All employees are provided with their job description upon the commencement of employment and when significant changes are made to the role. LOOSH ensures job descriptions are used as a foundation for performance expectations and reviews, recruitment, induction and professional development planning. All job descriptions are securely stored and managed in accordance with LOOSH's record management and confidentiality requirements.

Professional Conduct

LOOSH is committed to promoting the highest standards of professional conduct, ethical behaviour, and child-safe practice across all areas of service delivery. All educators, staff, volunteers, students, and agency personnel are expected to conduct themselves in a manner that upholds the safety, wellbeing, and rights of children, maintains respectful relationships, and reflects the values of the service.

All individuals engaged by LOOSH must:

- Comply with the LOOSH Staff Code of Conduct
- Uphold child-safe behaviours at all times
- Respect and promote children's rights, participation, and wellbeing
- Respond appropriately to concerns, disclosures, or indicators of harm
- Comply with mandatory reporting obligations
- Maintain professional boundaries with children, families, and colleagues.
- Use digital technologies, personal devices, and social media in a manner that maintains professional boundaries and aligns with service policies
- Present professionally at all times, including wearing the required uniform (where applicable) and maintaining appropriate standards of dress, grooming, and personal hygiene
- Refrain from smoking or vaping while on duty, on service premises, or while wearing a LOOSH uniform
- Not attend work while affected by alcohol, illicit drugs or any substance that may impair their ability to safely perform their role, including misuse of prescription medication.
- Act ethically, respectfully, and responsibly in all interactions.

All staff are expected to demonstrate the following standards of professional conduct:

- Honesty, integrity, and professionalism in all interactions
- Respectful and inclusive communication with children, families, colleagues, and stakeholders
- Commitment to equity, diversity, and inclusion
- Reliability and accountability, including attending work as rostered and fulfilling role responsibilities
- Compliance with lawful and reasonable directions and service procedures

Staff must act in the best interests of children at all times. Conduct that is unlawful, unsafe, discriminatory, intimidating, or inconsistent with child safety obligations will not be tolerated. Staff behaviour, both within and outside the workplace, must not compromise the safety of children or the reputation of the service.

All staff must act ethically and responsibly, recognising the position of trust they hold when working with children.

Staff must not:

- Misuse their position of authority
- Engage in practices that compromise a child's dignity, safety, or wellbeing
- Use corporal punishment or inappropriate discipline
- Accept gifts, benefits, or engage in relationships that may create a conflict of interest or compromise professional boundaries

Behaviour guidance must be respectful, positive, and developmentally appropriate.

Staff are required to follow the LOOSH Code of Conduct and the Early Childhood Australia Code of Ethics when making professional decisions. Where ethical concerns arise, staff must seek guidance from a supervisor or management.

All staff must maintain confidentiality and protect the privacy of children, families, and colleagues.

This includes:

- Accessing, using, and sharing information only as required for their role
- Managing personal and sensitive information in accordance with legislation and service policies
- Avoiding inappropriate discussion or disclosure of confidential information

Failure to comply with this procedure, the Code of Conduct, confidentiality or child safety obligations may result in:

- Performance management processes
- Disciplinary action
- Termination of employment or engagement

Staff have the responsibility to report concerns about the safety or wellbeing, or a child and any inappropriate or unlawful conduct displayed by a member of staff. All concerns, complaints, or breaches will be managed in a fair, transparent, and lawful manner in accordance with LOOSH policies and relevant legislation.

Working with Children Check

LOOSH recognises its legal obligations under the Working with Children Check (WWCC) legislation and the Education and Care Services National Law and Regulations to ensure that no person who poses a risk to children is engaged in child related work.

LOOSH requires all staff and volunteers, to hold a current Working with Children Check. All staff are required to notify the Nominated Supervisor of a change to their WWCC status within 24 hours of the individual becoming aware of the change.

Upon becoming aware that a staff member, volunteer, or contractor has been disqualified, issued with an interim bar, or received a negative notice, LOOSH will:

- Immediately remove the individual from all child-related duties
- Take appropriate steps to ensure the individual does not have contact with children
- Notify the relevant regulatory authority in accordance with Section 174AB of the National Law within 24 hours of becoming aware.

Remuneration and Entitlements

LOOSH ensures that all employees are remunerated fairly and receive their full entitlements in accordance with their classification under the relevant industrial award and the terms of their employment agreement.

LOOSH will:

- Pay wages in accordance with applicable awards, agreements, and legislative requirements
- Ensure employees are correctly classified under the relevant industrial instrument
- Provide all statutory entitlements, including contributions to a complying superannuation fund in accordance with legislative requirements
- Pay employees on a regular basis via electronic funds transfer, in line with the agreed pay cycle
- Issue itemised payslips in accordance with the Fair Work Act 2009 and associated regulations

Payslips will clearly outline earnings, deductions, superannuation contributions and leave balances where applicable.

Casual employees will receive a casual loading in lieu of certain paid leave entitlements, in accordance with the applicable industrial instrument.

LOOSH maintains accurate and up-to-date records of wages, entitlements, and leave balances in accordance with legislative and record-keeping requirements. Any payroll discrepancies will be investigated and rectified promptly.

LOOSH manages employee leave in accordance with legislative and industrial requirements. Where applicable, employees are provided with access to leave entitlements, including annual leave, personal/carer's leave, compassionate leave, parental leave, and community service leave. Employees are required to submit leave requests in advance where practicable. LOOSH may request supporting documentation, such as medical certificates or statutory declarations, to approve leave.

Management of records

LOOSH maintains clear, accurate, and up-to-date records to demonstrate compliance with child-safe recruitment and ongoing child-safe employment obligations.

LOOSH recognises the importance of maintaining accurate and up-to-date worker records both internally and within the National Early Childhood Worker Register. The Nominated Supervisor or Approved Provider is responsible for ensuring the Worker Register is updated to reflect any changes, including when a worker commences employment, changes roles, takes leave, ceases engagement, or updates their personal or professional details.

LOOSH acknowledges that, under Sections 182 and 183 of the National Law, a prohibition notice may be issued to a person who poses a risk of harm to children. LOOSH will ensure that no prohibited person is engaged in any role within the service. Where a prohibition notice is identified, immediate action will be taken to remove the individual from the service and to manage any associated risks in accordance with legislative requirements.

LOOSH also maintains confidential and secure records relating to recruitment and employment processes, including:

- Working With Children Check (WWCC) verification details, dates, and status updates
- Evidence of reasonable enquiries conducted during recruitment, including reference checks
- Confirmation that individuals are not subject to a prohibition notice
- Records of interviews, screening, and selection decisions
- Documentation of induction and mandatory training completion

LOOSH also maintains detailed records of any concerns relating to the suitability of a person working with children, including:

- Allegations, notifications, or incidents involving staff, volunteers, or students
- Actions taken in response to concerns
- Records maintained in the service's child protection concerns register
- Outcomes and follow-up actions in accordance with regulatory requirements

All records are stored securely and confidentially, with access restricted to authorised personnel. LOOSH is committed to protecting staff privacy while ensuring compliance with legislative and regulatory obligations. All records are retained in accordance with legislative requirements and approved retention schedules.

Work Health and Safety

LOOSH is committed to providing a safe and healthy workplace for all employees, children, volunteers, students, and visitors. LOOSH complies with all relevant Work Health and Safety legislation and regulatory requirements, including the identification and assessment of workplace hazards and risks, and the implementation of appropriate control measures where hazards and risks are identified.

LOOSH will ensure that all staff receive a WHS induction upon commencement of employment and ongoing WHS information, training, and support as required throughout their employment.

All staff are required to contribute to maintaining a safe working environment by:

- Taking reasonable care of their own health and safety and that of others
- Following all WHS policies, procedures, and instructions
- Using equipment and facilities safely and as directed
- Participating in WHS training and safety practices as required
- Reporting hazards, incidents, near misses, and injuries promptly to management

Where required, incidents will be reported to relevant regulatory authorities in accordance with legislative requirements.

LOOSH will regularly review WHS practices, policies, and procedures to ensure they remain effective, compliant, and responsive to workplace needs.

Governance and regulatory roles

Appointment of Nominated Supervisor

LOOSH ensures that a suitably qualified and experienced Nominated Supervisor is appointed in accordance with the requirements of the National Law and Regulations. The Nominated Supervisor plays a critical role in the day-to-day management of the service and in ensuring the safety, wellbeing, and education of children.

LOOSH will only appoint a Nominated Supervisor who:

- Is at least 18 years of age
- Has adequate knowledge and understanding of the provision of education and care to children
- Has the ability to effectively supervise and manage an education and care service
- Holds the required qualifications, skills, and experience relevant to the role
- Holds a valid Working With Children Check (WWCC) clearance
- Is a fit and proper person, with no history that would impact their suitability to work with children
- Acts in the best interest of children at all times
- Promotes a culture of continuous improvement
- Ensures service compliance with the National Law, Regulations and the National Quality Standard.

The Approved Provider will assess each candidate's suitability through verification of qualifications, experience, references, and compliance history.

Upon appointment, LOOSH will obtain the written consent from the Nominated Supervisor confirming their acceptance of the role and will ensure that a notification is submitted to the regulatory authority at the time of appointment and whenever any changes occur. LOOSH will maintain records of the nomination, consent, and regulatory notifications.

Appointment of Educational Leader

LOOSH is committed to the continuous improvement of educational programs and practices to enhance outcomes for children. In accordance with the Children (Education and Care Services) National Regulations, LOOSH will appoint a suitably qualified and experienced Educational Leader to guide and support the development and implementation of the educational program.

LOOSH will appoint an Educational Leader who:

- Is suitably qualified and/or experienced in early childhood or school-aged education and care
- Demonstrates strong knowledge of approved learning frameworks (e.g. My Time, Our Place)
- Has the skills and capacity to mentor, guide, and support educators
- Demonstrates a commitment to child-safe practices and continuous improvement

The appointment will be made by the Approved Provider or delegated authority and will be based on merit, qualifications, experience, and leadership capability. The Educational Leader will be provided with a clear job description outlining their responsibilities, ongoing professional development opportunities and be provided with adequate time and resources to fulfil the responsibilities of the role. Upon appointment, LOOSH will obtain written consent from the Educational Leader confirming their acceptance of the role and understanding of the associated responsibilities. LOOSH will maintain a record of the Educational Leader's written consent and appointment details in accordance with record-keeping and regulatory requirements.

Appointment of Responsible Person

LOOSH ensures that a suitably qualified and responsible person is appointed and present at the service in accordance with the requirements of the National Law and Regulations. The Responsible Person has overall responsibility for the day-to-day operation of the service in the absence of the Approved Provider or Nominated Supervisor.

LOOSH will ensure that the Responsible Person:

- Is at least 18 years of age
- Holds the required qualifications, skills, and experience to oversee the service
- Has a valid Working with Children Check (WWCC) clearance
- Demonstrates appropriate knowledge and understanding of education and care services
- Is a fit and proper person to be responsible for the service

Upon appointment, LOOSH will obtain written acceptance from the Responsible Person confirming their understanding of their responsibilities and their agreement to undertake the role.

The name and role of the Responsible Person for each session of care will be clearly displayed at the entrance to the service and included in the service's daily staffing allocation.

Induction, training and professional development

Induction and Orientation

LOOSH is committed to ensuring that all educators, staff are appropriately inducted and oriented to the service prior to, or as soon as practicable after, commencing work.

LOOSH recognises that effective induction and orientation are essential to maintaining a child-safe environment, supporting staff wellbeing, ensuring regulatory compliance, and delivering high-quality outcomes for children and families.

LOOSH provides a service orientation to all new staff to support their understanding of the physical environment and operational expectations.

The orientation includes:

- An overview of the LOOSH philosophy and values
- An introduction to daily routines and service expectations
- A tour of indoor and outdoor learning environments
- An explanation of emergency and evacuation procedures

LOOSH provides structured inductions to ensure all staff understand and meet their legal, ethical, and child-safe responsibilities. Inductions are role-specific and form a condition of employment and engagement with the service.

Staff are required to complete inductions in the following areas:

- Child Safe
- Child Protection and Mandatory Reporting obligations
- Work, Health and Safety
- Active Supervision
- Behaviour Guidance
- Management of Medical Conditions
- Evacuation and Lockdown
- Safe food handling
- Safe use of digital technology
- Drafting Incident and Accident Reports
- Using OWNA
- Programming and planning
- 8 Ways Pedagogy
- Gate Greeter
- Walk to St Fiaccres – Regular Transport of Children

All inductions are service specific and regularly reviewed. Inductions are completed at the commencement of employment and refreshed annually or as required due to service or

legislative updates. The Nominated Supervisor may include additional induction content where required to meet individual role responsibilities, operational changes, or service needs.

Mandatory training

LOOSH ensures all staff complete and maintain required training, including:

- Child protection and mandatory reporting
- Child-safe practices and professional boundaries
- First aid, anaphylaxis, and asthma management (where required)

Additional mandatory training may be required based on role, legislation, or identified risks.

Completion and currency of mandatory training is a condition of ongoing employment.

Ongoing professional development

LOOSH is committed to fostering a skilled, knowledgeable, and reflective workforce through ongoing professional development and training. The service provides a range of professional learning opportunities to support staff in maintaining current knowledge, strengthening their practice, and enhancing their skills.

Professional development may include, but is not limited to:

- Child safety and wellbeing
- Behaviour guidance and positive relationships
- Inclusive practices and cultural competence
- Programming and educational practice
- Leadership and service improvement

LOOSH may also provide targeted professional development where performance processes identify specific training needs, or where staff express an interest in developing particular areas of knowledge or practice.

D.1.3 Roles and Responsibilities

Approved provider
<ul style="list-style-type: none">• Ensure that obligations under the Education and Care Services National Law and Regulations are met• Ensure that quality staffing practices are in place in line with the National Quality Standard, especially Quality Area 4 – Staffing arrangements• Take reasonable steps to ensure that nominated supervisors, educators and other staff follow the Staffing policy and procedures• Ensure that copies of the policy and procedures are readily accessible and available for inspection• Notify families at least 14 days before changing the policy or procedures if the changes will: affect the fees charged or the way they are collected, will significantly impact the service's education and care of children or will significantly impact the family's ability to utilise the service

- Ensure that the environment is free from the use of tobacco, vaping devices, vaping substances, illicit drugs and alcohol, and the nominated supervisor, educators, staff, volunteers and students are not affected by alcohol or drugs (including prescription medication).

Staff record

- Ensure that a staff record is kept with the details in regulations 145–152.

Professional standards

- Ensure that all educators are familiar with ECA's Code of Ethics
- Collaborate with educators and staff to develop a code of conduct
- Ensure that all educators, staff, volunteers and students are provided with a copy of, and are familiar with, the code of conduct
- Take appropriate action in the event that the code of conduct is not met.

Responsible person

- Ensure that a nominated supervisor or person in day-to-day charge is present at the service in the absence of the approved provider
- Ensure that the person in day-to-day charge consents to the placement in writing
- Ensure that the nominated supervisor and staff members are aware of the existence and application of current child protection law and their obligations under the law
- Ensure that the nominated supervisor and person in day-to-day charge have completed any jurisdictional requirements for child protection training
- Ensure that the nominated supervisor and person in day-to-day charge:
 - is 18 years old
 - has adequate knowledge and understanding of the provision of education and care to children
 - has the ability to effectively supervise and manage the service
 - has a history of compliance with the Education and Care Services National Law and other relevant laws. This includes any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person.
- Ensure the nominated person completes and signs a Compliance history statement template and a Prohibition notice declaration template (acecqa.gov.au/resources/applications/sample-forms-and-templates)
- Ensure that the name of the nominated supervisor is displayed so that it is visible from the main entrance of the service.
- Notify the regulatory authority in writing about a new nominated supervisor and if the details of the nominated supervisor change
- Centre-based services: ensure that the staff record includes the name of the responsible person for each time that children are being educated and cared for.

Nominated supervisor

- Ensure that obligations under the Education and Care Services National Law and Regulations are met.
- Ensure that the name and contact number of the person to whom complaints can be made is clearly displayed at the service.
- Ensure that the Regulatory Authority is notified in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law have been breached. This includes any complaints about the physical or sexual abuse of a child while being educated or cared for by a service.
- Ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours.

- Ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focussed.
- Take reasonable steps to ensure that educators follow the Management of complaints policy.
- Ensure that copies of the policy and procedures are readily accessible and available.
- Ensure educators, staff, are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.
- Implement procedures for dealing with complaints.
- Discuss the complaint with the complainant.
- Ensure the complaint is documented.
- Work cooperatively with the approved provider, educators, staff and/or the complainant during the investigation and resolution of the complaint.
- Ensure that complaints result in reviews of relevant policies, procedures and practices

Educator Responsibilities

- Ensure that regulatory obligations are met in relation to staffing arrangements
- Implement procedures for staffing arrangements
- ensure that quality staffing practices are in place in line with the National Quality Standard, especially Quality Area 4 – Staffing arrangements
- Ensure that they themselves, as well as educators, staff, volunteers and students, are not affected by alcohol or drugs and do not use vaping devices or vaping substances at the service
- Must be aware of the existence and application of current child protection law and their obligations under the law and have completed any jurisdictional requirements for child protection training
- Have completed and signed a Compliance history statement template and a Prohibition notice declaration template as required
- Ensure that the name of the nominated supervisor is displayed so that it is visible from the main entrance of the service.
- Advise the approved provider if they have changed their name or contact details (the regulatory authority is to be notified)
- Ensure that their responsibilities relating to educational programs; supervision and safety of children; entry to and exit from premises; nutrition and food and beverages; administration of medication; sleep and rest; excursions and transportation; staffing ratios and qualifications are met.
- Centre-based services: ensure the staff record includes the name of the responsible person for each time that children are being educated and cared for.

Staff record

- Ensure that details are provided to the Nominated Supervisor or Approved Provider so that they can ensure that the staff record is kept with the details in regulations 145–152.

Professional standards

- Be familiar with ECA's Code of Ethics
- Collaborate with educators and staff to develop a code of conduct
- Adhere to the service code of conduct
- Take appropriate action in the event that the code of conduct is not met.

Parent/carer Responsibilities

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| <ul style="list-style-type: none">• Be familiar with the code of conduct and report any concerns to the approved provider or nominated supervisor/ responsible person. |
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D.1.4 Legislation and Related Service Documentation

Legislative requirements:

- Education and Care Services National Law – sections 56, 56A, 161A, 162, 162A, 165, 166, 167, 168, 169, 170, 172, 173 & 175
- Education and Care Services National Regulations – R35, 77, 78, 79, 80, 82, 83, 84, 84A, 119, 127, 128, 136, 143A, 145, 146, 147, 148, 149, 150, 155, 156, 168, 169, 170, 171, 172, 173, 173A, 174
- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Children’s Guardian Act 2019 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulations 2013
- The Child Paramountcy Principle in the Family Law Act 1975
- Children (Education and Care Services National Law Application) Amendment Bill 2025

Related Service Documentation and Policies:

- Behaviour management policy
- Child Protection policy
- Dealing with complaints
- Delivery of children to, and collection from, education and care service premises
- Emergency and evacuation
- Enrolment and orientation
- Excursions
- Expectations for communication policy
- Governance and management
- Interactions with children
- Management of Incident, Injury and Trauma policy
- Management of medical conditions in children
- Nutrition, food and beverages, dietary requirements
- Performance management policy
- Protected disclosures policy
- Providing a Child Safe Environment policy
- Safe transportation of children
- Safe use of digital technologies and online environments policy
- Sleep and rest for children
- Volunteers, students and visitors’ policy

D.1.5 Key Terminology

Term	Meaning	Source
ACECQA	The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.	Australian Children's Education and Care Quality Authority
Australian Professional Standards for Teachers	The Standards are a public statement of what constitutes teacher quality. They provide a framework which makes clear the knowledge, practice and professional engagement required across teachers' careers. They also inform the development of professional learning goals, provide a framework by which teachers can judge the success of their learning and assist self-reflection and self-assessment.	Australian Institute for Teaching and School Leadership
Code of Conduct	Together with a code of ethics, the code of conduct helps guide interactions between management, educators and staff, as well as informing the service decision-making processes relating to professional standards.	Guide to the NQF
Code of Ethics	Together with a code of conduct, a code of ethics helps guide interactions between management, educators and staff, as well as informing the service decision-making processes relating to professional standards, especially when there are conflicting obligations or responsibilities. The Guide to the NQF references ECA's Code of Ethics, although compliance with the Code is not mandatory under the National Law and Regulations.	Guide to the NQF
Nominated Supervisor	<p>Must be nominated by the approved provider of the service and the nominated person must give their written consent. They are responsible for day-to-day management of a service and have responsibilities relating to and including:</p> <ul style="list-style-type: none"> • educational programs (section 168) • supervision and safety of children (sections 165–167) • entry to and exit from the premises (section 170; regulation 99) • nutrition and food and beverages (regulations 77–80) • administration of medication (regulations 93–96) • drugs and alcohol (regulations 82–83) 	Australian Children's Education and Care Quality Authority

	<ul style="list-style-type: none"> • sleep and rest (regulations 84A) • excursions (regulations 100–102) transportation (regulations 102B–102D) • staffing ratios and qualifications (regulations 123–128). 	
Paramourncy Principle	<p>The paramount principle under which the Act is to be administered is that in any action or decision concerning a particular child, their safety, welfare and well-being is paramount: s 9(1).</p> <p>This principle prevails over all other considerations, even where it conflicts with the rights or interests of the parents: <i>Re Tanya</i> [2016] NSWSC 794 at [69].</p>	Judicial Commission of New South Wales
Professional Standards	Professional standards guide practice, interactions and relationships. The standards inform educators and staff of their responsibilities in relation to one another and to the children and their families.	Guide to the NQF
Responsible Personal	<p>A responsible person is:</p> <ul style="list-style-type: none"> • the approved provider or a person with management or control • a nominated supervisor • a person in day-to-day charge of the service. <p>The approved provider is responsible for assessing a person’s suitability as responsible person.</p>	National Law and Guide to the NQF
Working with children check (WWCC)	<p>A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that:</p> <ol style="list-style-type: none"> a) the person has been assessed as suitable to work with children; or b) there has been no information that if the person worked with children the person would pose a risk to the children; or c. the person is not prohibited from attempting to obtain, undertake or remain in child-related employment. 	National Law

Date Endorsed	24.04.2026
Date for review and evaluation	24.04.2027