



## 4.2 Staffing Policy

### Contents

<b>Aims</b> .....	2
<b>Legislative Requirements</b> .....	3
<b>Who Is Affected By This Policy?</b> .....	3
<b>Relevant Early Childhood Professional Standards</b> .....	3
<b>Sources/References</b> .....	3
<b>Procedures</b> .....	3
<b>1. Recruitment of new staff</b> .....	3
<b>2. Probation Period</b> .....	5
<b>3. Duties and Responsibilities</b> .....	6
<b>4. Hours of Employment</b> .....	6
<b>5. Rostered Days Off</b> .....	6
<b>6. Alterations to hours of employment</b> .....	7
<b>7. Classification and Remuneration</b> .....	7
<b>8. Time Off Instead Of Overtime Payments</b> .....	7
<b>9. Overtime</b> .....	8
<b>10. Non-Contact Time</b> .....	8
<b>11. Superannuation</b> .....	9
<b>12. Annual Leave</b> .....	9
<b>13. Personal/ Carer's Leave</b> .....	9
<b>14. Leave without Pay</b> .....	9
<b>15. Bereavement Leave</b> .....	10
<b>16. Absence</b> .....	10
<b>17 Long Service Leave</b> .....	10
<b>18. Parental Leave</b> .....	11
<b>19. Termination of Employment</b> .....	11
<b>20. Return of Service Property</b> .....	11

## Aims

The nature, dispositions and capabilities of those who work with 3-5-year old's is extremely important during these formative stages of development and learning. Because of this the employment and induction of new staff is a critical process. To this end the Director will:

1. Ensure that the centre has the correct number of staff and that all staff are appropriately qualified as required by the Australian Education & Care Services National Regulations with regard to (1) centre size (as per the number of children attending), (2) the ages of the children attending and (3) the additional NSW Schedule within the ECSNR regarding educator to child ratios (regulations 271, 272). These specific regulations are identified in this policy under 'Relevant Early Childhood Professional Standards' below. The Director will maintain daily records of staff members working hours as per sign-on/sign-out book usage in line with ECSNR regulations 145-152.
2. Ensure all staff members follow an appropriate code of conduct in fulfilling their responsibilities. In line with this, Early Childhood Australia's Code of Ethics will be made available to all staff members by the Director as part of their induction to the centre. This code of ethics is applied in all policies this centre has developed, and those relevant to the present policy can be identified below under 'Relevant Early Childhood Professional Standards.' Ethical conduct in relation to staffing refers to:
  - Staff relationships that are mutually respectful, supportive and of a collaborative nature thereby ensuring that high quality team work results. It is a strongly held view at this centre that ethical practices such as these will positively contribute to maintaining staff stability over time
  - Parent/child relationships that are respectful, inclusive and where confidentiality is assured
3. Seek and interview new centre staff in a way that is fair to all and does not discriminate against anyone
4. Provide a thorough induction for all new staff, that comprises clear expectations about their working arrangements, and all aspects of the centre's functioning
5. Provide sound and ethically based leadership in supporting the ongoing development of staff after the induction and probationary periods
6. Ensure staff are aware of their leave entitlements
  - To ensure all staff and management are aware of their rights, responsibilities and entitlements in relation to leave from employment.
  - To ensure that staff have some flexibility in relation to LWOP and Personal Leave.

At Cootamundra Preschool we see flexibility as a great incentive for retaining high quality staff.

## Legislative Requirements

Education and Care Services National Regulations 2011  
Children (Education and Care National Law Application) Act 2010

## Who Is Affected By This Policy?

Child  
Staff  
Management

## Relevant Early Childhood Professional Standards

Children's Services Regulations 2011	122, 123,
National Quality Framework	2.2, 4.1, 5.1, 5.2, 6.1, 7.1

## Sources/References

Children's Services Regulation 2011

Early Years Learning Framework, Belonging, Being and Becoming, Australian Government Department of Education, Employment and Workplace Relations for the Council of Australian Governments, 2009.

National Quality Framework, Australians Children's Education and Care Quality Authority 2017

## Procedures

### 1. Recruitment of new staff

**1.1** In the situation where volunteer staff or students apply to work in the centre, the Director will be responsible for this process including the organisation and implementation of it. As such her/his decision will be taken in regard to:

- The suitability of the individuals concerned (including a 'Working with Children' police check)
- Whether the timing of such visits would be in the best interests of the children
- Awareness of the need to not overwhelm children with the presence of too many adults

**1.2** When it becomes necessary for the recruitment of new staff, the Director and Committee of Management or representatives thereof will ensure the centre's staffing profile will be commensurate with the appropriate regulations as per Aim 1 of this policy. They will also determine the selection criteria for each new staffing position. The position will be advertised in a local paper. All such advertisements will provide intending applicants with an appropriate period of time in which to submit an application and résumé and a clear statement of the roles and responsibilities that the position entails.

**1.3** The position advertised and required qualifications or certification will be as per the Education and Care Services National Regulations noted above

Date reviewed by staff: September 2018  
Date reviewed by committee: September 2018  
Next review date: September 2021

1.4 Equal opportunity will be given to all applicants and a core set of questions for the interview will be decided upon by the Director and Committee of Management or its chosen representative/s. Interview questions will be based around the job description as per the advertised position. This is to ensure fairness for all interviewees. However, it is also accepted industry practice that during the course of an interview, unscripted subsidiary questions may be asked by an interview panel if (1) they assist in providing further details about an interviewee's strengths, previous experience etc. that pertain to the advertised position and (2) they are not biased in relation to gender, age, culture etc. and are not in fact about these things (see the centre's Anti Bias Policy)

1.5 The Director will determine who will be selected for an interview based on information gained from the applications and their relevance to the selection criteria

1.6 Applicants will be notified by telephone of interview time and place, by the secretary of the Committee of Management

1.7 The interview committee will consist of the Director, a Committee of Management representative and another parent representative (who may or may not be on the Committee of Management) who will be invited to this committee by the Director

1.8 At the interview, applicants will be informed of wages, superannuation, leave entitlements, period of probation etc. and will be given an opportunity to ask questions of the interviewing committee

1.9 The interviewing committee will discuss all applicants following the interviews, but the Director will ultimately determine who the successful applicant is

1.10 A referee will be contacted to confirm each applicant's detail and work practices.

1.11 The successful applicant will be notified by phone of their success as soon as possible, whereupon a letter confirming the applicant's success, job description, employment details, period of probation, superannuation membership form and **Working with Children Check** will immediately be forwarded to the applicant by the director. All unsuccessful applicants will receive either a phone call or a letter of thanks and confirmation that their application was unsuccessful. The Director will undertake this latter task as soon as possible after the interviews but not before the successful candidate has accepted the position

1.12 All new staff, whether employed or a volunteer or a practicum student, will be subject to a **Working with Children Check**. Any intending staff member, volunteer or student who does not have a clear record will not be employed or allowed to visit the centre. All students from either a university or TAFE will have already had a background police check undertaken; nonetheless the Director will always request confirmation of this fact from the institution concerned.

**1.13** On induction new employees will be provided with

- A Fair Work Information Statement (casuals annually) explaining the rights and entitlements and how employees can get advice and help
- A tour of the workplace and location of amenities such as toilets, staff parking, staff room facilities, etc.
- Which award the employee is employed under, entitlements under National Employment Standards and where copies of these can be found
- Pay Rate Including penalty rates, overtime or allowances
- Whether they are full time, part time or casual
- Hours of work, tea breaks, lunch breaks
- Requirements of completion of time sheets, signing in and out
- Arrangements for staff meetings
- An introduction to staff and management
- Clarification of duties and responsibilities
- Probation period and expectations
- Procedure for evaluation of work performance
- Who to contact if any problems or issues arise
- Who and how to report absences
- Method of salary payments
- Work conditions, clothing requirements, mobile phone, social media etc.
- Grievance procedures (employee with concern)
- Service policy and procedures
- WH&S Act and requirements
- Security procedures

**1.14,** On induction employees will be provided with a contract, Code of Conduct and Confidentiality Agreement. The employer will discuss details of these and answer any questions.

## **2. Probation Period**

**2.1** For newly employed staff, a completion of a probationary period of 6 months from start of employment, the Director will evaluate the new staff member's progress and performance, with ongoing feedback as required during this time. The Director will ultimately decide on their suitability, after discussion with the Committee of Management and CCSA. 1 week's notice will be given if termination of employment.

### **3. Duties and Responsibilities**

**3.1** Staff at Cootamundra Preschool will report to immediate supervisor e.g., Room Leader, Director, Responsible Person or Management Committee if they are concerned about their duties or responsibilities.

**3.2** Duties are set out in the Clerks-Private Sector Award 2010, Children's Services Award 2010 or Educational Services (Teachers) Award 2010. Location of these awards are located in the Administrates Office.

**3.3** Employees are required to perform these duties, and any other duties the employer may assign to you, having regard to your skills, training and experience.

**3.4** In addition, employees will be required to:

- Perform all duties to the best of their ability at all times
- Use their best endeavors to protect and promote the employer's activities and reputation
- Refrain from acting in conflict with the interests of the employer
- Follow reasonable and lawful directions given to them by the employer, including complying with policies and procedures as amended from time to time.

### **4. Hours of Employment**

**4.1** The employee shall be in attendance at the service for the hours agreed upon. Full time employees are not to exceed 38 hours per week at their normal pay rate.

**4.2** Under the Children's Services and Educational (Teachers) Award an employee is not required to work more than 5 hours without being granted an unpaid meal break of between 30 minutes and an hour. If an employee works more than 5 hours but not more than 6 hours, they may choose to forgo the meal break.

**4.3** If the employee is required to remain on the premises during the meal break, the break is paid and is not less than 20 minutes or more than 30 minutes. Although required to remain on the premises (usually forming part of the ratios), the staff member should not be engaged in their usual duties for the duration of the break (generally seen as interaction with children). A staff member eating their own meal with the children is not considered their "meal" break as this is generally a time of high interaction. Even though they have eaten they are still entitled to their "meal" break away from their usual duties.

**4.4** When an employee works 4 hours or more, they are entitled to a paid rest pause of 10 minutes. If the employee is working for 7 hours or more they are entitled to 2 paid rest breaks of 10 minutes each, unless they agree to forego one of these. The rest pauses are in addition to any meal break that may apply. They may be rostered in or taken at mutually agreeable times throughout the day. Generally the rest pause is thought of as morning and afternoon tea.

**4.5** An employee under the Clerks award is entitled to a meal break of not less than 30 minutes and not more than 60 minutes, when they work for five or more hours. This break must commence not later than five hours into the shift. Employees that are required to work through the meal break must be paid double time worked for all time until the meal break is allowed or the end of the shift.

### **5. Rostered Days Off**

**5.1** Employees will not be rostered for more than 38 hours during the operation of the service, therefore rostered days off will not apply.

## **6. Alterations to hours of employment**

**6.1** The hours of work may be changed when it is mutually agreed upon by the employer and employee, an Hours of Work Agreement form will be used to update days/hours each year in line with the employee's contract.

## **7. Classification and Remuneration**

**7.1** The rate of pay is applicable to the employee's classification and level under the relevant award (Children's Services, Educational Services (Teachers) or Clerks-Private Sector) or agreement.

**7.2** Once the employee has completed their Degree/Diploma/Certificate they are entitled to an award increase which may increase their hourly rate. This will only occur once a transcript of completion is supplied, and will not be back paid if the transcript is not supplied to the director within 3 months.

## **8. Time Off Instead Of Overtime Payments**

**8.1** Part time employees on Educational Services (Teachers) Awards can accrue TOIL when they have worked over 38 hours in a week during the operational hours of the preschool and in that same week they work additional approved hours and do not wish to have this additional time paid at their ordinary rate of pay.

**8.2** Under the Children's Services and Clerical Award staff can accrue TOIL only for time outside of the Operational hours. This does not apply to any ordinary time worked in excess of their normal weekly hours (which is paid at ordinary rate of pay)

**8.3** Entitlements (Annual Leave, Sick Leave, and Long Service Leave, If applicable) are accrued when the TOIL is taken/paid. Super Guarantee is also earned when TOIL is taken/paid

**8.4** Each time TOIL earned or taken is relevant to an employee there must be a Time Off In Lieu form completed and given to the Clerk before the fortnightly staff payments are made

**8.5** There is no minimum number of hours that can be accumulated for TOIL. When teacher's TOIL is taken, it is required to be a full day (due to rostering). For other employees there is no restriction on the number of hours to be taken- subject to rostering. All TOIL must be taken within a 6-month period (Note this is an above award entitlement). If employees on the Children's Services Award do not take their TOIL accrued within this time frame the employer will pay the employee in the next pay period following those 6 months, at the overtime rate applicable to the overtime when worked.

**8.6** A balance of time earned and time taken will be provided on employee's fortnightly pay slip.

## **9. Overtime**

### **Children's Services Award**

**9.1** A full-time employee is paid at overtime rates for any work performed outside their ordinary hours of work.

**9.2** A part-time employee is paid at overtime rates when they have agreed to work in excess of their normal hours for up to eight hours, provided that the additional time worked is during the ordinary hours of operation of the Preschool. No part-time employee may work in excess of eight hours in any day without the payment of overtime.

**9.3** Overtime is paid at the rate of time and a half for the first two hours and double time thereafter. In calculating overtime, each day's work will stand alone.

**9.4** Where due to a genuine and pressing emergency situation, an employee is required to remain at work after their normal finishing time such time will be paid at the ordinary rate for the employee's classification. Provided that such emergency overtime does not exceed one hour per week. An emergency situation in this instance may include a natural disaster affecting a parent, another employee or the Preschool, the death of a child or parent, or a child requiring urgent hospitalisation or medical attention.

**9.5** An employer is required to roster a part-time employee for a minimum of two consecutive hours on any shift.

### **Clerks Award**

**9.6** Clause 25: Ordinary hours under this award are an average of 38.0 hours a week. If working outside these hours an employee must be paid time and a half for the first two hours and double time thereafter calculated on a daily basis. For the purposes of this clause hours fixed for an ordinary week's work means the hours of work fixed in an establishment in accordance with clause 25 of this award or varied in accordance with the relevant clauses of this award. The minimum period for which an employee must be paid overtime is one half hour per week

### **Weekend work:**

**9.7** Overtime on a Saturday will be paid at the rate of time and a half for the first two hours and double time thereafter.

**9.8** All time worked on a Sunday will be paid at the rate of double time.

**9.9** Employees working on a Saturday or Sunday will receive a minimum payment of four hours pay.

## **10. Non-Contact Time**

**10.1** Room Leaders are responsible for the preparation, implementation and/or evaluating of a developmental program for children and are required to have 5% of time worked as non-contact time to prepare, evaluate, planning and program activities.

**10.2** It may be required that an employee is given additional time away from the children to keep WH&S requirements, website, ordering etc. up to date. This time will be allocated on a termly roster. (This is an above award entitlement).

**10.3** The Educational Leader is required to have 2 hours per week non-contact time to complete research, lead and implement the educational program within the preschool.



## **11. Superannuation**

**11.1.** The employee is entitled to superannuation in accordance with the Superannuation Act 1992. The current entitlement is 9.50% of ordinary time earnings, subject to a threshold of \$450 earned per calendar month.

**11.2** The employee will be allowed to salary sacrifice some, or all, of your fortnightly wage into a superannuation fund of your choice. Conditional on the correct paper work being received by the Administration.

## **12. Annual Leave**

**12.1** Employees are entitled to annual leave, which accrues progressively according to ordinary hours of work. The balance accumulating will be available on your fortnightly pay slip.

**12.2** All employee's annual leave is to be taken over the Close Down Period (Christmas Break). No annual leave will be able to be taken throughout the year.

**12.3** Annual Leave loading is currently 17.5% is payable when annual leave is taken.

## **13. Personal/ Carer's Leave**

**13.1** The personal and carer's leave entitlement accrues progressively according to the number of ordinary hours worked.

**13.2** If a staff member requires a day off work to see a specialist outside of Cootamundra they can choose to take this as Personal Leave (this will reduce their Personal/Sick leave). If the staff member does not have any Personal/Sick leave it will be taken as LWOP.

**13.3** Personal/carer's leave is available to the employee when they are absent due to a personal illness or injury or are required to provide care or support to a member of their immediate family/household (as classified under bereavement leave) who is ill, injured or has had an unexpected medical emergency affect them. Employees are required to fill out an application for leave requesting personal/carer's leave, this need to be given to the administrative clerk.

**13.4** The staff member will be required to present the invoice from their appointment or medical certificate to our administration clerk. This will be filed.

## **14. Leave without Pay**

**14.1** At Cootamundra Preschool we see flexibility as an incentive for retaining high quality staff. We therefore allow one LWOP day per term in consultation with the Nominated Supervisor.

If a staff member requires leave without pay they need to discuss this with the Nominated Supervisor. The Nominated Supervisor will make a decision based on the reason for LWOP, length of time asked for and availability of replacement staff. An application for leave will have to be completed and given to the director to approve, then given to the administration clerk to process.

**14.2** If a staff member requires a second LWOP during the term they can request this in a letter addressed to the Director, the Director may, if required seek consultation and advice from the Management Committee.

**14.3** If a staff member needs to take a small amount of time off during the day for personal commitments, the maximum amount of time away from the service is to be 1 hour (including travel time) or a whole day will have to be taken as Leave Without Pay.

## **15. Bereavement Leave**

**15.1** All employees (except casuals) are entitled to two days paid compassionate leave, for bereavements or life-threatening events affecting themselves and immediate family members, per occasion.

**Immediate family is an employee's:**

- Spouse
- De facto partner
- Child
- Parent
- Grandparent
- Grandchild
- Sibling, or a
- Child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner

**15.2** Cootamundra Preschool Inc. will allow an employee to use their personal leave where compassionate leave does not apply i.e. for an extended family member. Use of personal leave will be capped at two days.

**15.3** Any further leave required for these events may be taken as leave without pay, subject to discussion and approval by the director. If further leave is required with pay, a written letter needs to be made to the committee and the decision will be at the discretion of the committee.

## **16. Absence**

**16.1** Employees are required to notify the director if they will not be attending their duties 24hrs prior of their absence, or as soon as is reasonably practicable, and provide the estimated duration of the absence.

**16.2** A personal telephone call is preferable (text message and emails area unacceptable)

## **17 Long Service Leave**

**17.1** Employees are entitled to Long Service Leave as per the NSW Long Service Leave Act 1955, which provides for 2 months paid leave after 10 years of service, and 1 month for each 5 years after that. Hours/days taken as leave without pay will extend the anniversary date of any long service leave entitlement.

## 18. Parental Leave

**18.1** Employees are entitled to 12 months of unpaid parental leave after 12 months of service.

**18.2** Before an employee can take parental leave, they should provide the director with written notice at least 10 weeks prior to starting the leave, the leave application needs to have intended start and end dates for leave and medical certificate of expected date of birth/adoption. Confirmation of these dates should be submitted 4 weeks prior to taking leave.

**18.3** If an employee is requiring to work 6 weeks prior to her due date, a doctor's certificate will need to be provided to the director weekly to confirm she can continue to work and it is safe to do her job.

**18.4** During pregnancy at the preschool, employees are required to do safe work duties.

**18.5** Other requirements and conditions are provided for in the national Employment Standards

**18.6** Employees may be entitled to payments under the government funded Paid Parental Leave Scheme. Contact the Family and Assistance office if you or your partner are expecting a child or adopting a child under the age of 6.

## 19. Termination of Employment

**19.1** Employees under the Educational Services (Teachers) Award

- If an employee wishes to terminate their employment they must provide 4 weeks' notice in writing, in accordance with the award. If you do not provide sufficient notice, the employer may withhold wages equivalent to the notice not given.
- The employer may terminate your employment by providing you with 4 weeks' notice in writing, or payment in lieu of notice. You are entitled to an additional 1 weeks' notice from the employer if you are over 45 years of age and have completed at least 2 years of continuous service with the employer.

**19.2** Employees under the Children's Services Award and the Clerks Private Sector Award

- If you wish to terminate your employment you must provide the following notice in accordance with the National Employment Standards. If you do not provide sufficient notice, the employer may withhold wages equivalent to the notice not given.
- The employer may terminate your employment by providing you with the same amount of notice, or payment in lieu of notice. You are entitled to an additional 1 weeks' notice from the employer if you are over the age of 45 and have completed 2 years of continuous service with the employer.

Length of continuous service with employer period of notice

- Not more than 1 year 1 week
- More than 1 year but less than 3 years 2 weeks
- More than 3 years but less than 5 years 3 weeks
- More than 5 years 4 weeks

**19.3** The employer may terminate your employment without notice or payment in lieu of notice for serious misconduct.

## 20. Return of Service Property

**20.1** On termination, any service property in your possession is to be returned.

**The Director will ensure that this policy is always maintained and implemented.**

Date reviewed by staff: September 2018

Date reviewed by committee: September 2018

Next review date: September 2021