



## Policy Area 4 – Staffing Arrangements

<b>Policy Number</b>	<b>Policy Name</b>	<b>Version</b>	<b>Review Due</b>
P-4.1	Staff Code of Conduct	4	<b>Sep 2025</b>
P-4.2	Staff to Child Ratios & Minimum Staff Numbers	4	<b>Jan 2026</b>
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P-4.6	Conditions of Employment	3	<b>Aug 2021</b>
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P-4.11	The Participation of Volunteers, Students, Visitors	4	<b>Oct 2026</b>
P-4.12	Reportable Conduct	3	<b>Aug 2023</b>
P-4.13	Grievance Procedures (Staff)	NEW	<b>Nov 2021</b>
P-4.14	Mobile Phones	NEW	<b>Nov 2021</b>
P-4.15	Determining the Responsible Person Present	3	<b>Jul 2025</b>



## P-4.1 Staff Code of Conduct

### POLICY STATEMENT

The professional attitude and behaviour of the staff is of utmost importance to the provision of a quality service. It is important that staff uphold the positive reputation DEBASCA has in the community for providing quality care. We aim to provide clear guidelines to the staff regarding the expectations for their professional behaviour at DEBASCA.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

Network's Code of Professional Practice Duty of Care

ECA Code of Ethics <http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2019/08/ECA-COE-Brochure-web-2019.pdf>

Education and Care Services National Law Act 2010	Regulation 168 (2) (i)
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National Standards	Quality Area 4.2; 7.1
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National Regulations	137-152, 168
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National Law	Section 161-163
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### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
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### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

### General Code of Conduct

- Staff professional code of conduct, duty of care and expectations will be discussed in the initial orientation and induction process of all new staff.
- All educators/staff members are to be respectful, ethical and honest with everyone - including other staff, volunteers, students, children, young people, and parents/guardians, and authorized collectors.
- All educators/staff Interactions will develop and maintain relationships with each other that are based on the principles of mutual respect, equity, fairness and recognition of each other's strengths and skills.
- Staff will use only suitable language that is not offensive or disrespectful to other staff, parents and children.
- Staff will ensure they remember to be a positive role model to the children in all their conduct with them.
- Professional standards will guide our practice, interactions and relationships.
- All educators/staff members will work collaboratively and affirm, challenge, support and learn from each other to further develop their skills and to improve practice and relationships.
- Staff will ensure there is always another adult present or in sight when conducting one to one discussions, etc.

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## P-4.1 Staff Code of Conduct

- 9 Staff will ensure they maintain open relationships with the children so there is no sign of favouritism such as offering gifts or special treatment.
- 10 Staff will ensure a child only does the things of a personal nature that a child can do for themselves, such as toileting or changing clothes.
- 11 Staff will be expected to follow all confidentiality issues and sign a confidentiality agreement.
- 12 Staff will have access to Network's 'Code of Professional Practice for OOSH Services' and be expected to follow the guidelines provided.
- 13 Staff will be given a 'Staff Code of Professional Practice', 'A Child Safe Code of Conduct' as well as 'Confidentiality Agreement' to read and sign upon employment.
- 14 Staff will have access to ECA 'Code of Ethics' and be expected to follow guidelines provided.
- 15 Staff will be made aware of their duty of care and their responsibility in relation to supervision, health and safety of the children.
- 16 Staff will be made aware of the centre's philosophy and policies and will be expected to follow these. Should staff have any concerns with the policies they are to raise this with the Director or the Committee Liaison Officer.
- 17 Staff will be expected to know, understand and perform their duties as per their job description. The maintenance of good teamwork will be an expectation outlined in all job descriptions.
- 18 Staff will be expected to know and follow the child protection policies. They will ensure they set clear boundaries about appropriate behaviour between themselves and the children in our care. Boundaries help everyone to carry out their roles well.
- 19 Professional behaviour in all areas will be reviewed as part of the ongoing employment of all staff.
- 20 The Management in conjunction with the Director will immediately address any breach in the professional expectations outlined. If the concern involves the Director, two representatives from the Management will conduct the discussion. All discussions will be recorded and standard of behaviour and expectations clearly explained.
- 21 Any further problems will be addressed as per the discipline procedure.
- 22 The quality of DEBASCA and positive working environment are dependent on good staff and parent relationships. Staff will follow proper communication procedures as outlined in the staff handbook.
- 23 Any conflict that arises must be addressed as outlined in the DEBASCA grievance procedure.
- 24 Staff will be expected to maintain and improve their skills through participation in staff training and development opportunities. The committee will ensure that monies are made available in the budget for staff training.
- 25 **Rosters & Shifts**
  - 25.1 Staff must inform DEBASCA as soon as possible, if for any reason they are unable to attend work. If paid sick leave is taken for more than one day, a doctors certificate is required. If this is due to infectious illness or injury, staff are to provide a clearance letter from the doctor before resuming duties.
  - 25.2 In the event of a staff member being unable to attend a shift in the next 24 hour period, staff should make every attempt to find a replacement. They must make contact with the Director or Assistant Director to let them know who is taking their shift to check for approval. If no contact can be made with the Director or

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## P-4.1 Staff Code of Conduct

Assistant Director, staff should continue to try to make contact with other senior staff.

25.3 In the event of a staff member being unable to attend a shift with more than 24 hours notice, staff have the option of either finding a replacement or asking a senior staff member to find a replacement for them. In any case, staff must let the Director or Assistant Director know of the situation.

25.4 Staff will be expected to start duties on time.

### 26 Dress Code

26.1 Staff will be expected to dress appropriately for their duties. Staff should refer to the Dress Code in the Staff Handbook.

26.2 Staff will be provided with a uniform upon employment and are expected to wear the uniform whenever they are on the floor with the children or representing the service.

26.3 Staff are to use good judgement and taste in matters of personal grooming and dress i.e. neat, tidy, and dressed in a manner that is compatible to their position as a childcare professional.

26.4 DEBASCA has a responsibility to ensure staff are not putting themselves and others at risk by wearing clothing and footwear that are likely to pose a risk to their health and safety whilst at work. Employees and contractors also have obligations under law to take reasonable care to protect themselves and others in the workplace. Staff are to represent the service in a reputable manner at all times.

26.5 Therefore, staff should be dressed in a manner that:

- 26.5.1 Ensures the safety, health and hygiene of children and staff
- 26.5.2 Is comfortable to wear and allows the staff member to safely perform their duties
- 26.5.3 Maintains a friendly yet professional childcare image
- 26.5.4 Provides a positive role model to the children, and
- 26.5.5 Is sensitive to and respectful of differing backgrounds, cultures and individual needs

### 27 Fitness for Work

27.1 Fitness for Work (FFW) means that an individual is in a state (physical and psychological) which enables the person to perform assigned tasks competently, and in a manner, which does not compromise or threaten their safety and/or the safety of others.

27.2 Staff must be of sound mind and physical condition when presenting for work.

27.3 If staff are appearing unwell or unfit for work they will be asked to leave until they are fit for work again.

27.4 Factors that have potential to impact fitness for work include:

- 27.4.1 Fatigue
- 27.4.2 Stress
- 27.4.3 Medical fitness for the specific job
- 27.4.4 Alcohol and other drugs
- 27.4.5 Injury rehabilitation and return to work

### 28 Staff Social Events

28.1 Staff will conduct themselves in a respectful manner during work organised social events.

28.2 DEBASCA will not provide alcohol at work functions.

28.3 Any comments or actions made during social events that may defame DEBASCA, its staff, children or families will result in disciplinary action.

28.4 Any harassment, sexual harassment, or other forms of discrimination will not be tolerated at the workplace or at any work social events. If a staff member has been subjected to any such behaviour, they should report it to the Nominated Supervisor or Staff Liaison Officer from the Management Committee

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## P-4.1 Staff Code of Conduct

immediately so the matter can be dealt with following Harassment and Bullying Guidelines (see policy).

### 29 Drugs and Alcohol

- 29.1 Staff must not attend work under the influence of drugs or alcohol.
- 29.2 DEBASCA is a smoke-free zone. Staff may not smoke in or around the building, or on school grounds or throughout anytime whilst performing their duties. Staff who smoke outside of work hours should not come to work smelling of smoke on either their hair, breath, clothes or belongings. They should not carry cigarettes, tobacco, papers or lighters on their person.

**In general, an employee is a representative of the service and must at all times preserve the reputation of the service and its stakeholders.**

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted Policy number: C-5 to P-4.1	Aug 2016
	2	Updated to revised National Quality Standard	Aug 2018
	3	Added ECA Code of Ethics as 'Associated Document' Added clause 13 Added sub-headings -General Code of Conduct, Dress Code and re-grouped clauses accordingly Added Dress Code Added 26.1 and 26.3 and 26.4 Added 27.4	Aug 2020
	4	Added 13	Sep 2022

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P-4.1	Sep 2022	4	3	Management Committee	Sep 2025



## P-4.2 Staff to Child Ratios and Minimum Staff Numbers

### POLICY STATEMENT

We believe that the child/staff ratio is an important factor in determining the quality of care that we provide. We aim to maintain positive staff, child and parent interactions and quality and safe care through ensuring that we meet the minimum requirements outlined in the National Regulations.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

National Quality Standard	4.1
Education and Care Services National Regulations	Regulation 123

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
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### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

### 1 Staff/Child Ratios

- 1.1 The following educator to child ratios will be met at all times in accordance with Regulation 123:
  - 1.1.1 The minimum number of educators required to educate and care for children at the centre will be a minimum of 1 educator to 15 children
  - 1.1.2 There will be a maximum of 8 children to 1 staff member for excursions.
- 1.2 In addition, the minimum number of educators required to educate and care for children whilst on excursions will be
  - 1.2.1 A minimum of 1 educator to 8 children for excursions
  - 1.2.2 A minimum of 1 educator to 5 children for swimming excursions
  - 1.2.3 A minimum of 1 educator to 10 children when integrating a child with additional needs (if a 1:1 carer has not been funded for)

### 2 Minimum Staff Numbers

- 2.1 There will be a minimum of 2 staff members present at all times.
- 2.2 When staff are sick or unable to attend work, appropriate relief staff will be employed to meet the regulations.
- 2.3 For an emergency, or if a staff member becomes sick whilst at work, a replacement should be obtained where possible before the staff member leaves DEBASCA.
- 2.4 Students will not be counted as part of the staff:child ratio, at any time.
- 2.5 Where possible, additional educators will be rostered to ensure provision of higher standard of care.

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P-4.2	Jan 2023	4	3	Management Committee	Jan 2026



## P-4.2 Staff to Child Ratios and Minimum Staff Numbers

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted Policy number: C-11 to P-4.2	Aug 2016
	2	Updated to revised National Quality Standard	Aug 2018
	3	Edited 1.1 wording Edited 1.2 wording Removed Voluntary Code of Practice, replaced with Regulation 123 Removed 2.4 Reword 2.5	Aug 2019
	4	Removed 1.1.3 as we do not offer swimming excursions	Jan 2023

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P-4.2	Jan 2023	4	3	Management Committee	Jan 2026



## P-4.3 Bullying, Discrimination and Harassment

### POLICY STATEMENT

DEBASCA is committed to creating a safe working environment for all staff members. Violence and bullying are not acceptable under any circumstances and is strictly prohibited. We aim for our staff to adhere to ethical behaviour to ensure a productive work environment free from bullying, discrimination and harassment.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

WHS Regulations 2001 (WorkCover NSW)

Violence in the Workplace 2002 WorkCover Publication No. 0070

Workplace Violence Prevention Strategies for your Business WorkCover Publication No. 4316

National Law Section	161-163
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National Regulations	137-152, 168
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National Quality Standard	4.2 Professionalism 7.1 Governance 7.2 Leadership
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### DEFINITIONS

Bullying	<b>Bullying</b> is unreasonable and inappropriate workplace behaviour, intentional or otherwise, that comprises behaviour that intimidates, offends, degrades, insults or humiliates a worker, possibly in front of co-workers, clients or customers, and which includes physical or psychological behaviour. Bullying is considered to be a subcategory of violence.
Discrimination	<b>Discrimination</b> occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people, such as age, race or gender.
Harassment	<b>Harassment</b> involves unwelcome behaviour that intimidates, offends or humiliates a person because of a particular characteristic such as race, age, gender, disability, religion, or sexuality.
DEBASCA	Denistone East Before and After School Care Association

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

### PROCEDURE

- Staff are responsible for carrying out their duties in a safe manner, and in particular must not engage in violent behaviour or behaviour that could be interpreted as bullying, discrimination or harassment.
- Staff should report all incidents of workplace violence or bullying, discrimination or harassment to either the Director or Staff Liaison Officer.
- Examples of what is considered bullying include but are not limited to:
  - Aggressive or frightening behaviour such as threats, harassment, swearing, shouting, intimidation or threatening violence
  - Spreading false accusations about a person with the result that they are ostracised
  - Rude, belittling or sarcastic comments e.g. 'you're hopeless,' 'she's on her way out'
  - Abusive, belittling or intimidating phone calls, emails, notes etc.

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P-4.3	Apr 2019	3	2	Management Committee	Apr 2022





## P-4.3 Bullying, Discrimination and Harassment

- 3.5 Baiting or unreasonable teasing e.g. singing derogatory songs and inserting the person's name, cruel nicknames
- 3.6 Nasty practical jokes
- 3.7 Publicly belittling someone's opinions, or dismissing that person's contribution without good reason, including in front of clients and work colleagues
- 3.8 Deliberate and unreasonable isolation or exclusion from work discussions, communication or other work-related activities e.g. deliberately withholding work or information that is required for a worker to properly carry out their responsibilities
- 3.9 Ignoring the person, innuendo or deliberate silence
- 3.10 Excessive and unreasonable work scrutiny
- 3.11 Abuse of management or supervisory power, such as:
  - 3.11.1 inappropriate or unreasonable criticism of, or punishment about, someone's work or behavior
  - 3.11.2 constantly and inappropriately changing and/or setting impossible deadlines, tasks or target
  - 3.11.3 inappropriate or unreasonable blocking of promotion, training, development or other work opportunities
  - 3.11.4 branding as a troublemaker a person who raises legitimate workplace grievances and taking no action to address the grievance.
- 4 Examples of situations that are not considered bullying include but are not limited to:
  - 4.1 setting reasonable workplace goals and standards including work deadlines.
  - 4.2 reasonable supervisory practices.
  - 4.3 reasonable work performance assessment, counselling and disciplinary practices.
  - 4.4 legitimate actions by management to encourage or urge staff members to give of their best.
  - 4.5 occasional, one-off incidents e.g. losing your temper, shouting or swearing.
- 5 Examples of violence include but are not limited to:
  - 5.1 bullying
  - 5.2 rape
  - 5.3 robbery
  - 5.4 wounding or battery
  - 5.5 pushing, shoving or restraining
  - 5.6 kicking, biting, punching, slapping, scratching, squeezing or pinching
  - 5.7 stalking
  - 5.8 mobbing or victimising
  - 5.9 aggressive posturing or rude gestures
- 6 Discrimination occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people, such as age, race or gender.
- 7 Harassment involves unwelcome behaviour that intimidates, offends or humiliates a person because of a particular characteristic such as race, age, gender, disability, religion, or sexuality.
- 8 Management will ensure a thorough induction process for new employees is conducted at the commencement of employment, where compliance with discrimination law will be covered, as well as DEBASCA's Code of Conduct and Grievance policies.
- 9 During this induction, staff are informed that inappropriate behaviour, including bullying and harassment will not be tolerated and that such behaviour will be addressed.
- 10 Educators are aware of appropriate interactions through professional development and training.
- 11 Staff and Educators are aware of their job roles and responsibilities, which will be clarified through job descriptions, team meetings, performance appraisals and expectations.

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P-4.3	Apr 2019	3	2	Management Committee	Apr 2022



## P-4.3 Bullying, Discrimination and Harassment

- 12 Constructive feedback is provided to staff and Educators.
- 13 Communication practices are reviewed frequently to ensure best practice.
- 14 All staff and educators are treated equally.
- 15 Staff are involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description.
- 16 Staff encouraged to embrace the uniqueness and diversity of their colleagues.
- 17 Staff respect the skills, strengths and opinions of all educators in order to create team cohesion based on professionalism.
- 18 Staff are responsible for their own actions in the workplace.
- 19 Staff are encouraged to raise matters of concern at an early stage to management.
- 20 Staff provide management with specific information regarding the perceived bullying and are prepared to have the complaint made known to the person, to allow for fair management and rectification.
- 21 Staff maintain confidentiality and not discuss or release information relating to a bullying allegations.
- 22 Any breach of this policy by staff may result in disciplinary action including, in instances of serious misconduct, dismissal.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted Policy number: D-27 to P-4.3	Aug 2016
	2	Updated to latest revised National Quality Standard; incorporated elements from the Childcare Centre Desktop policy on bullying	Apr 2018
	3	Added Discrimination and Harassment to policy Added clauses 6-22	April 2019

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P-4.3	Apr 2019	3	2	Management Committee	Apr 2022



## P-4.4 Parental Leave

### POLICY STATEMENT

We aim to provide a family friendly work/life balance to employees, hence will provide arrangements for staff who require leave associated with the birth or adoption of a child. This policy informs DEBASCA employees of their entitlements to Parental Leave and its application at DEBASCA.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

Appropriate Awards and Conditions – MA000120 Children's Services Award 2010

Equal Employment Opportunity Act

NES – National Employment Standards

Fair Work Australia

Parental Leave Request Form

National Quality Standard 7.1; 7.2

### DEFINITIONS

DEBASCA Denistone East Before and After School Care Association

Nominated Supervisor The person with responsibility for the day-to-day management of an Approved Service, i.e. Centre Director

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

### Eligibility for Parental Leave

- 1 Employees are eligible for parental leave if they:
  - 1.1 Have worked for DEBASCA continuously, on a regular and systematic basis for at least 12 months
    - 1.1.1 Before the date or expected date of birth if the employee is pregnant
    - 1.1.2 Before the date of the adoption, or
    - 1.1.3 When the leave starts (if the leave is taken after another person cares for the child or takes parental leave)
  - 1.2 Have or will have primary responsibility for the care of a child.
- 2 Employees are eligible for parental leave when a child is born or adopted. Parental leave entitlements include:
  - 2.1 Maternity leave
  - 2.2 Paternity and partner leave
  - 2.3 Adoption leave
  - 2.4 Special maternity leave
- 3 Parental leave is leave that can be taken when:
  - 3.1 An employee gives birth
  - 3.2 An employee's spouse or de facto partner gives birth
  - 3.3 An employee adopts a child under 16 years of age.
- 4 Employees are entitled to 12 months of unpaid parental leave. They can also request an additional 12 months of leave.
- 5 Pre-adoption leave: employees who are taking parental leave to care for an adopted child are also entitled to 2 days

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P-4.4	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.4 Parental Leave

unpaid pre-adoption leave to attend relevant interviews or examinations. This leave cannot be used if the staff member has been directed by Management to take another type of leave (e.g.: paid annual leave).

### Casual Employees

- 6 For casual employees to be eligible for unpaid leave they need to have:
  - 6.1 Been working at DEBASCA on a regular and systematic basis for at least 12 months
  - 6.2 A reasonable expectation of continuing work with DEBASCA on a regular & systematic basis, had it not been for the birth or adoption of a child.

### Paid Parental Leave – Australian Government Paid Parental Leave Scheme

- 7 Eligible employees who are the primary carer of a newborn or adopted child are entitled to the Australian Government Paid Parental Leave Scheme. Any employee wishing to claim this government funded paid leave must submit all due documentation to the government by the required time.
- 8 Similarly, any eligible employees wishing to claim Dad and Partner pay should submit all due documentation to the government by the required time.
- 9 Employees who get parental leave pay will be given a pay slip for each payment. The pay slip will specify that the payments are parental leave pay under the Australian Government Paid Parental Leave Scheme.
- 10 These payments do not affect or replace unpaid parental leave.
- 11 This scheme does not provide an entitlement to any additional parental leave.
- 12 An employee may apply to take accrued annual leave, long service leave or time-off-in-lieu to offset any unpaid parental leave taken in association with the birth of an infant or adoption of a child.

### Paid Parental Leave – Employer Funded

- 13 Employer funded paid parental leave may be available to permanent staff members, subject to approval by the Management Committee on a case by case basis.
- 14 Employer funded paid parental leave is only available to employees who will provide primary care for an infant or adopted child under school age.

### Notice Requirements

- 15 An employee who wants to take parental leave must give due notice by completing a Parental Leave Request form. The approval of such leave is subject to the receipt of a Parental Leave Request form and appropriate certification which the staff member is required to provide to the Nominated Supervisor normally no later than ten (10) weeks prior to the proposed commencement of parental leave.
- 16 Following receipt and approval of an application for parental leave, the Nominated Supervisor will confirm in writing the proposed leave period and types of leave to be used.
- 17 An employee has to confirm their parental leave dates with the Nominated Supervisor at least 4 weeks before they are due to start their leave. If there have been any changes to the dates the employee should tell the Nominated Supervisor as soon as possible.
- 18 If an employee is unable to provide 4 weeks' notice, they need to provide as much notice as possible.

### Special Maternity Leave

- 19 A pregnant employee who is eligible for unpaid parental leave can take unpaid special maternity leave if:
  - 19.1 She has a pregnancy-related illness or
  - 19.2 Her pregnancy ends after 12 weeks because of miscarriage, termination or stillbirth.
- 20 If an employee takes special maternity leave because of a pregnancy-related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If she takes leave because of a miscarriage, termination or still birth it can

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## P-4.4 Parental Leave

continue until she is fit for work.

- 21 Special maternity leave won't reduce the amount of unpaid parental leave that an employee can take.
- 22 An employee will need to tell her employer as soon as possible (which can be after the special maternity leave has started) that she is taking special maternity leave. The employee will also need to inform the Nominated Supervisor how long she expects to be on leave.
- 23 The employee must provide evidence from a medical practitioner to take special maternity leave.

### Safe Jobs

- 24 All pregnant employees, including casuals, are entitled to move to a safe job if it isn't safe for them to do their usual job because of their pregnancy.
- 25 An employee who moves to a safe job will still be entitled to the same pay rate, hours of work and other entitlements that she got in her usual job.
- 26 The employee will need to provide evidence:
  - 26.1 That she can work but can't do her normal job (including why her normal job isn't safe) and
  - 26.2 As to how long she shouldn't work in her normal job
  - 26.3 From a medical practitioner.

### Commencement of Parental Leave

- 27 A pregnant employee may commence leave associated with the birth of an infant up to six (6) weeks prior to the expected date of birth of the child. The employee may request to commence leave at an earlier or later date and to support their request, the employee must provide a medical certificate. The medical certificate should contain the following:
  - 27.1A statement of whether or not the employee is fit for work; or
  - 27.2 If the employee is not fit for work, whether it is advisable for the employee to continue to work in their present role.
- 28 An employee may commence parental leave up to six (6) weeks prior to the expected date of birth of a child but normally must not start the leave later than the date of birth of the child.
- 29 In the case of adoption, the employee may commence leave on the date of placement of the child.
- 30 Parental leave must be taken in a single continuous period.

### Returning to Work from Parental Leave

- 31 An employee who is absent on parental leave is required to provide a minimum of two (2) months written notice to the Nominated Supervisor, advising them of their intention or non-intention to return to work following the period of parental leave.
- 32 An employee who elects to return to work following a period of up to fifty two (52) weeks of parental leave is entitled to return to the same position which they held prior to the commencement on leave.
- 33 If an employee's job does not exist anymore or it has changed, then they have to be offered a suitable available job:
  - 33.1 That the employee is qualified and suited to work in
  - 33.2 Is nearest to their old job in pay and status
- 34 If an employee's job does not exist anymore after they come back from parental leave, this may mean a redundancy has taken place. Redundancy guidelines should then be followed.

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P-4.4	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.4 Parental Leave

- 35 If an employee requests to return to work on a part-time basis, approval of the application will be made in accordance with the provisions in the National Employment Standards and will be subject to operational requirements of the business.
- 36 Once a request is received, the employee will be given a written response within 21 days stating whether the request is granted or refused. The request can only be refused on business grounds.
- 37 If at any time legislation changes and employer obligations change, current legislation will override DEBASCA policy so that no employee is worse off than the provisions made by the law.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Newly created policy	July 2016
	1	Reformatted Policy number: New to P-4.4	Aug 2016
	2	Updated to revised National Quality Standard	Aug 2018

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P-4.4	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.5 Staff Selection

### POLICY STATEMENT

We believe that staff are the most valuable asset to the quality of DEBASCA and that high quality staff are imperative to the smooth running of the centre. We aim to employ the best possible staff for the position through fair advertising and selection processes.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

National Standards	Section 3.2 (Staff qualifications and training) Section 3.4 (Fit and proper persons) Section 2.5.2 (First aid facilities and qualifications)
Equal Opportunity Act	
Anti Discrimination Laws	
Prohibited Employment Legislation (WWCC)	
National Quality Standard	7.1

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
WWCC	Working With Children Check

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

### 1 Qualifications and Experience

#### 1.1 Director

- 1.1.1 Relevant qualifications (or near completion) according to National Standards and Regulations
- 1.1.2 Current first aid certificate or willing to complete
- 1.1.3 Minimum 3 years experience in a relevant field and demonstrated ability to work with children and staff

#### 1.2 Coordinator(s)

- 1.2.1 Relevant qualifications (or near completion) according to National Standards and Regulations
- 1.2.2 Current first aid certificate or willing to complete
- 1.2.3 Minimum 2 years experience in a relevant field and demonstrated ability to work with children and staff

#### 1.3 Permanent staff

- 1.3.1 Relevant qualifications (or willing to complete) according to National Standards and Regulations
- 1.3.2 Current first aid certificate or willing to complete
- 1.3.3 Experience in a relevant field and demonstrated ability to work with children and staff

#### 1.4 Casual staff

- 1.4.1 Current first aid certificate or willing to complete
- 1.4.2 Demonstrated ability to work with children and staff

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.5	Oct 2018	2	1	Management Committee	Oct 2021



## P-4.5 Staff Selection

### 1.5 Essential Skills and Qualities

- 1.5.1 A person of good character, who can be entrusted with providing quality care for all children
- 1.5.2 Positive communication skills
- 1.5.3 Organization and ability to work in a team
- 1.5.4 Punctual, reliable and dedicated

For detailed selection criteria and position requirements, refer to individual job descriptions.

## 2 Recruitment Selection Panel

- 2.1 When a position becomes available, management will appoint a selection panel to conduct the selection process.
- 2.2 For the selection of a Director, the panel will consist of two to three members of the Management Committee and a staff representative.
- 2.3 For the selection of a Coordinator, the panel will consist of two members of the Management Committee and the Director.
- 2.4 For the selection of permanent staff, the panel will consist of the Director and Assistant Director.
- 2.5 For the selection of casual staff, the panel will consist of the Director or Assistant Director.
- 2.6 The panel will:
  - 2.6.1 Approve the job description and select criteria for the position.
  - 2.6.2 Determine the method and placement of advertising and place the advertisement including notification of the WWCC. Ask applicants to consent to screening.
  - 2.6.3 Short-list the applicants.
  - 2.6.4 Arrange interview questions, date and time.
  - 2.6.5 Contact the applicants for interview.
  - 2.6.6 Conduct the interviews.
  - 2.6.7 Arrange the WWCC on the preferred applicant. Ensure that approval for selected staff person has been approved under WWCC.
  - 2.6.8 Make a decision on a suitable applicant.
  - 2.6.9 Offer the position to the successful applicant and contact the unsuccessful applicants after the position has been accepted.
  - 2.6.10 Set date for the commencement of employment and orientation of the new person.
  - 2.6.11 Prepare letter of employment and contract.

## 3 Advertisements

- 3.1 Advertisements shall be placed externally and internally, if appropriate.
- 3.2 Advertisements are to include:
  - 3.2.1 Job title.
  - 3.2.2 Specific employment information, including hours of work and applicable award.
  - 3.2.3 Include that WWCC is required.
  - 3.2.4 Closing date and email address for applications.
  - 3.2.5 Contact name and number where the applicant can obtain more information.
- 3.3 Applications in writing should include:
  - 3.3.1 Applicants name
  - 3.3.2 Full contact details
  - 3.3.3 Resume
  - 3.3.4 Minimum of two referees, one of which must be work related

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P-4.5	Oct 2018	2	1	Management Committee	Oct 2021





## P-4.5 Staff Selection

### 4 Interview

- 4.1 The selection panel will draw up suitable interview questions, which relate to all aspects of the position and ensure that equal opportunity guidelines are followed. The panel will decide who will ask each question.
- 4.2 If seen required, the panel shall draw up a list of essential requirements for each answer.
- 4.3 No longer than 5 days after the closing date the panel will meet to discuss the applications, develop a short list and decide on the interview date and times.
- 4.4 A nominated person on the selection panel will contact the applicants to determine the time and date of interview.
- 4.5 An appropriate time frame (approximately 30 minutes) will be allocated to each interview, with a short break in between, for discussion.
- 4.6 Each applicant will be given a copy of the job description and relevant child protection forms at the beginning of the interview.
- 4.7 Each applicant will be asked the same questions with their answers recorded.
- 4.8 The panel can use a rating scale to evaluate each applicant's answers.
- 4.9 The selection panel are to discuss each applicant and their suitability for the position based on their answers, qualifications and experience, comments from referees, and the selection criteria.
- 4.10 Should the panel have difficulty in deciding between two applicants, a second interview for these applicants will be conducted, with new questions
- 4.11 The panel will then make a decision on the applicant for the job according to the selection criteria. The centre will contact the preferred applicant's referees to confirm applicant's suitability and will await the WWCC will be submitted to the Approved Screening Agency before offering the applicant the position.
- 4.12 Should the applicant decline the position the committee will either make a second choice from the other applicants or if none are seen as suitable, re-advertise the position.

### 5 Notification

- 5.1 Applicants will be given an approximate time that they will be contacted regarding their success for the position.
- 5.2 A person on the selection panel will notify the successful applicant and negotiate a starting date.
- 5.3 Preferably offers of employment will not be made until the screening check has been completed. If this is not reasonably practical, the employment is to be offered subject to the check being completed. Applicants are to be notified of this condition.
- 5.4 A letter or email of confirmation will be sent to the successful applicant requesting acceptance in writing. After the appointment has been made and accepted, the other applicants will be notified that the position has been filled.

### 6 Equal Employment Opportunities

- 6.1 All staff positions will be advertised according to Equal Employment Opportunity Legislation.
- 6.2 No one will be discriminated against on the basis of his or her cultural background, religion, sex, ability, marital status or income.

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P-4.5	Oct 2018	2	1	Management Committee	Oct 2021



## P-4.5 Staff Selection

- 6.3 All applicants and referees will be asked the same questions (for the same position).
- 6.4 All applicants will be selected according to equal employment opportunity guidelines.
- 6.5 Selection will be based only on suitability for the position based on the selection criteria, which have been drawn up by the panel. The criteria will cover issues such as qualifications and experience, appropriate knowledge to meet the children's needs, good communication skills, demonstration in being a fit and proper person for the job, including WWCC and appropriate answers to the interview questions.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number C-1 to P-4.5	Oct 2016
	2	Updated to revised National Quality Standard	Aug 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.5	Oct 2018	2	1	Management Committee	Oct 2021



## P-4.6 Conditions of Employment

### POLICY STATEMENT

We aim to provide a flexible and harmonious working environment that ensures the rights of employees are met at all times. All staff will be employed under the appropriate awards and conditions.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

Appropriate Awards and Conditions – MA000120 Children's Services Award 2010

Income Tax Assessment Act

Work Health and Safety Act

Superannuation Act

Equal Employment Opportunity Act

NES – National Employment Standards

P-7.10 Grievance Procedure Policy

P-7.11 Disciplinary Action Policy

National Quality Standard	4.1, 4.2; 5.1, 5.2; 7.1, 7.2
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### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
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### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

### PROCEDURE

- 1 All relevant conditions detailed in the award and NES will apply to all employees. This includes sick leave, annual leave, rostered days off, overtime, jury duty, study leave, carers leave etc.
- 2 Management/Administration and the Director will ensure they are aware of the appropriate conditions and keep up to date in relation to any changes in the Award.
- 3 Staff are encouraged to remain up to date with their appropriate conditions and inform management of any changes.
- 4 Staff appraisals will take place after a period of three months in the position. Appraisals will then be conducted on an annual basis.
- 5 All staff will maintain professional behaviour at all times.
- 6 All grievance issues are to follow the appropriate procedures as outlined in the P-7.10 Grievance Procedure Policy and P-7.11 Disciplinary Action Policy.
- 7 Staff will be paid fortnightly in the form as advised by Management and Director.
- 8 Annual leave will be taken as negotiated with Management and Director. Applications for leave must consider the needs of the team as a whole.
- 9 Applications for leave must have at least 4 weeks prior notice and be approved by the management committee.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.6	Aug 2018	3	2	Management Committee	Aug 2021



## P-4.6 Conditions of Employment

Emergency leave is at the discretion of the Director.

- 10 Annual leave, when necessary, will be rostered to ensure required staffing levels are maintained at all times.
- 11 The management and Director will determine applications for leave without pay based on each individual's request.
- 12 Employees will be offered a discount on child care fees if they have a child enrolled into care at DEBASCA. The following discount will apply:
  - 12.1 50% off fees (after CCB/CCR directed to the service) for permanent staff who work at least 20 hours a week
  - 12.2 25% off fees (after CCB/CCR directed to the service) for permanent staff who work less than 20 hours a week
  - 12.3 Discount will only apply to sessions where the employee is working at DEBASCA
  - 12.4 This would be subject to review, and if deemed necessary assessed case by case

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number A-12 to P-7.2	Aug 2016
	2	Reformatted policy number C-3 to P-4.6	Oct 2016
	3	Updated to revised National Quality Standard	Aug 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.6	Aug 2018	3	2	Management Committee	Aug 2021



## P-4.7 Staff Orientation and Induction

### POLICY STATEMENT

Staff orientation is an important process in ensuring staff are fully equipped to carry out their duties in the best possible way. An orientation process will be developed and carried out for all employees in DEBASCA, providing them with a clear understanding about the service and its operations and their expectations within the centre.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

Staff Awards and Conditions

National Regulations	National Regulations 137-152, 168
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National Law	National Law Section 161-163
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National Quality Standard	4.1, 4.2; 7.1, 7.2
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### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
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### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

**The Director will conduct the orientation and induction process as soon as possible, after the applicant has accepted the position.**

- 1 The orientation and induction process will include:
  - 1.1 Introductions to existing staff and management committee
  - 1.2 Guided tour of the service
  - 1.3 Being shown where all relevant records are kept
  - 1.4 Discussion about working arrangements and expectations, including professional code of conduct and duty of care
  - 1.5 Information about the review and appraisal system
  - 1.6 Opportunity to ask any questions regarding DEBASCA or expectations
- 2 The new staff member will be provided with the following information:
  - 2.1 The service philosophy & goals and policies & procedures
  - 2.2 Staff handbook
  - 2.3 Job description
  - 2.4 List of current staff and management committee and their positions
  - 2.5 Terms and conditions of employment
  - 2.6 Superannuation forms
  - 2.7 Taxation forms
  - 2.8 Letter of appointment detailing probation period and review and appraisal procedure
- 3 At the end of the orientation and induction process, the staff member will be required to sign and date an induction sheet.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.7	Oct 2018	2	1	Management Committee	Oct 2021



## P-4.7 Staff Orientation and Induction

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CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number C-4 to P-4.7	Oct 2016
	2	Updated to revised National Quality Standard	Aug 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.7	Oct 2018	2	1	Management Committee	Oct 2021



## P-4.8 In-Service Training and Development

### POLICY STATEMENT

We believe that the quality of the service is developed through continual training and development of staff skills and knowledge. We aim to provide staff with encouragement and support to further their skills in out of school hours care.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

National Law	Section 161-163
National Regulations	137-152, 168
National Quality Standard	2.2; 4.1, 4.2; 7.1, 7.2

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
OSHCQA	Out of School hours Care Quality Area

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

### PROCEDURE

- 1 Management will ensure that sufficient funds are made available in the budget for all in-service training and development.
- 2 The Director will organize any specific training and development needs of the staff.
- 3 Outcomes of staff appraisals may be used to ascertain further training needs.
- 4 The Director will access all training available and determine what will be attended and by whom.
- 5 Where possible a six month plan of training will be made, including dates, staff attending, and costs.
- 6 All staff will be given the opportunity to be involved in some form of training throughout the year and opportunities to improve their skills to implement OSHCQA.
- 7 Management will endeavour to offer all permanent staff an opportunity to upgrade their qualifications in line with the National Standards and regulations.
- 8 A variety of training methods will be used including:
  - 8.1 Internal workshops, which can be conducted by staff or outside presenters.
  - 8.2 External meetings with other centres, with exchange of ideas.
  - 8.3 Time allocation made to staff to review any new resources that may be of value.
  - 8.4 External workshops, conferences and seminars.
  - 8.5 Accredited short courses provided by registered training organizations.
- 9 Staff are encouraged to share relevant skills and knowledge they obtained from any training with the other staff in staff meetings or where more time is required in an internal workshop.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.8	Oct 2018	2	1	Management Committee	Oct 2021



## P-4.8 In-Service Training and Development

- 10 Unless otherwise notified, all permanent staff will be considered to be at work for the duration of any training activity they attend for DEBASCA.
- 11 DEBASCA will cover the costs of all authorised training.
- 12 The individual will cover tertiary study costs, however, this is under the discretion of the management committee.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number C-7 to P-4.8	Oct 2016
	2	Updated to revised National Quality Standard	Aug 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.8	Oct 2018	2	1	Management Committee	Oct 2021





## P-4.9 Staff Review and Appraisal

### POLICY STATEMENT

We aim to provide the best quality care for the children by ensuring that high standards of staff work performance and job satisfaction are maintained. An appraisal system will be conducted to provide avenues for discussion and improvement.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

National Regulations	55-56
National Quality Standard	4.2; 7.1, 7.2

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
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### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

All staff will be informed of both the appraisal and probation system on acceptance of the position, and given details in the orientation and induction process.

### 1 Staff Review

- 1.1 For permanent staff, an initial review will be undertaken after a probationary period of three months in the position, at which time continuation of employment is determined.
- 1.2 Appraisals will then be conducted on an annual basis.

### 2 Staff Appraisal

- 2.1 Staff and management will agree with the format of the appraisal system, which may be updated to more suitable systems after review, discussion and endorsement by Management.
- 2.2 All staff will be given at least two weeks notification of an upcoming appraisal and a convenient time arranged for both parties.
- 2.3 The appraisal system shall clearly state the expectations for each position and identify clear performance measures.
- 2.4 The appraisal system shall ensure two way communication is maintained and is used as a positive avenue for improving staff performance.
- 2.5 The appraisal system can be used as a tool to identify future training needs of the staff. At the completion of the appraisal, an action plan will be developed identifying areas of training, action to be taken and goals set for each staff member. This will be agreed to and signed by both parties.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.9	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.9 Staff Review and Appraisal

- 2.6 Where it is identified that the staff member is not meeting the required performance measures then the following will be undertaken:
- 2.6.1 Action plan developed to identify areas for improvement. This will include a time frame for further review.
  - 2.6.2 Training areas identified and put into place as soon as possible.
  - 2.6.3 Support and guidance given to the staff member to help them through the process and assist them in achieving the required standards.
  - 2.6.4 The support can be given through the Director or the Committee liaison officer.
  - 2.6.5 A record made of the above, dated and signed by both parties.
  - 2.6.6 Should no improvement be made by the next review then further disciplinary action procedures will take place.
  - 2.6.7 If the staff member is dissatisfied then they should put their concern in writing asking for the decision to be reviewed or that they wish to pursue the issue further through other avenues. This could include mediation.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number C-8 to P-4.9	Oct 2016
	2	Updated to revised National Quality Standard	Aug 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.9	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.10 Relief Staff

### POLICY STATEMENT

We aim to continue the quality of care in DEBASCA by the employment of fit and proper persons for relief positions. A work agreement clearly outlining their duties and expectations will be given to all relief staff employed.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### DEFINITIONS

Relevant industrial agreements

National Quality Standard 4.1; 7.1, 7.2

Prohibited Employment Legislation

### DEFINITIONS

DEBASCA Denistone East Before and After School Care Association

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

- 1 DEBASCA will employ relief staff on a casual basis to fill short-term vacancies or staff absences.
- 2 The Director will keep a register of relief staff, which will be maintained and updated regularly. A file recording experience, qualifications, Prohibited Employment Declaration and completed Working with Children Check will be kept with the register.
- 3 Unsuccessful applicants for positions vacant who seem suitable will be asked if they would like to be placed on the relief staff list.
- 4 Unless in an emergency, all relief staff will need to have been through an interview with the Director, have referees and references checked, and are deemed a fit and proper person to care for the children.
- 5 When no one from DEBASCA's list is available to fill the position, the Director may contact another Out of School Hours Centre to employ someone they recommend from their relief list.
- 6 When necessary to employ relief staff prior to the checking process being completed, work requirements will be modified to include additional supervision of relief staff or limiting their direct access to children.
- 7 A brief orientation and list of duties for the day will be provided for relief staff.
- 8 The Director will, where possible, provide a modified induction to DEBASCA which will include a tour of the centre, introductions to staff, a list of duties for the day, and run through the expectations for the session.
- 9 Relief staff must adhere to all areas of confidentiality and sign a confidentiality agreement.
- 10 All relief staff will be paid the appropriate wage and minimum hours as outlined for casual staff under the relevant award.

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P-4.10	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.10 Relief Staff

- 11** In the event that the centre is unable to find relief staff, the Director will contact committee members for alternative options, including committee members to work or contacting an employment agency.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted Policy Number C-9 to P-4.10	Oct 2016
	2	Updated to revised National Quality Standard	Aug 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.10	Aug 2018	2	1	Management Committee	Aug 2021



## P-4.11 The Participation of Volunteers/Students/Visitors

### POLICY STATEMENT

We aim to ensure the safe and proper care of the children in DEBASCA by having clear guidelines for any person who enters the service or is involved with the children in any way. Specific guidelines will be developed for all volunteers, students and visitors to DEBASCA.

Our OSHC Service values the participation of students and volunteers. Having students and voluntary workers within the Service helps to inform the community about our program and the value of the work we do. Students, voluntary workers and visitors are welcome at the Service; however, the children's care and safety are our first priority.

### BACKGROUND

The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedures in place in relation to the participation of volunteers/students/visitors.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### LEGISLATIVE REQUIREMENTS

#### Education and Care Services National Regulations and Law

Section 170	Offence relating to unauthorised persons on education and care service premises
Section 175	Offence relating to requirement to keep enrolment and other documents
Reg 83	Staff members and family day care educators not to be affected by alcohol or drugs
Reg 84	Awareness of child protection law
Reg 120	Educators who are under the age of 18 to be supervised
Reg 145	Staff Records
Reg 149	Volunteers and Students
Reg 168	Policies and Procedures
Reg 170	Policies and procedures to be followed
Reg 172	Notification of change to policies or procedures

### ASSOCIATED DOCUMENTS

National Quality Standard	7.1 Governance 7.1.1 Service philosophy and purposes 7.1.2 Management systems 7.1.3 Roles & responsibilities 7.2 Leadership 7.2.2 Educational leadership 7.2.3 Development of professionals
Related Policies: <ul style="list-style-type: none"> <li>Bullying, Discrimination and Harassment Policy</li> <li>Code of Conduct Policy</li> <li>Child Protection Policy</li> <li>Child Safe Environment Policy</li> <li>Dealing with Complaints Policy</li> <li>Family Communication Policy</li> </ul>	<ul style="list-style-type: none"> <li>Interactions with Children, Families and Staff Policy</li> <li>Privacy and Confidentiality Policy</li> <li>Respect for Children Policy</li> <li>Staffing Arrangements Policy</li> <li>Supervision Policy</li> <li>Work, Health and Safety Policy</li> </ul>

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
WWCC	Working With Children Check
WH&S	Workplace Health and Safety

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.11	Oct 2023	4	3	Management Committee	Oct 2026



## P-4.11 The Participation of Volunteers/Students/Visitors

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

### IMPLEMENTATION

1. We have a strong commitment to provide a range of opportunities for volunteers students and visitors to participate in programs and activities while adhering to clear guidelines regarding appropriate interactions and communication with staff, and other adults and children at the OSHC Service.
2. A visitor may include, but is not limited to:
  - 2.1. Families looking to enrol their child/ren and are provided with an opportunity to view the service
  - 2.2. Inclusion support workers/ Allied Health Workers
  - 2.3. Trades person (plumber, carpenter, electrician)
  - 2.4. Community members contributing to the educational program such as through story or music
  - 2.5. Authorised Officer (Department of Education, Regulatory authority, SafeWork, Police)
  - 2.6. Students or Volunteers
  - 2.7. Educators visiting from another service
  - 2.8. Tafe/Uni/RTO Teachers
  - 2.9. Performers/ Entertainers/ Presenters

### PROCEDURE

3. **Volunteers**
  - 3.1. All volunteers will complete a 'Volunteer Information Form'.
  - 3.2. All volunteers will interviewed by the Director, undergo a referee check and must provide WWCC for unpaid work (if over 18 years of age) as part of their application.
4. **Students**
  - 4.1. Student placements may be available to:
    - 4.1.1. Those studying their Diploma in Outside School Hours Care
    - 4.1.2. Those studying their Cert III in Children's Services
    - 4.1.3. High school students who wish to gain work experience as part of a school or community program.
    - 4.1.4. Students attending other registered training organisations and studying a relevant field, such as childcare, teaching, recreation or community services.
  - 4.2. All students will interviewed by the Director and must provide WWCC for unpaid work (if over 18 years of age).
  - 4.3. The participating school, community group or training organization must initiate the work experience and identify the students suitability. The student is responsible for providing any relevant documentation from their training organisation to the Director.
5. **Volunteers and Students**
  - 5.1. All volunteers and students must meet the relevant documentation and competency requirements.
  - 5.2. All placements will be negotiated through the Director and placement be only accepted on the discretion of the Director based on issues such as staff ability to supervise and assist students.
  - 5.3. Upon acceptance of placement at the service, the Director will provide an induction to the centre, which will include a tour of DEBASCA, introductions to staff, and guidelines identifying their responsibilities, expectations and code of conduct while at DEBASCA, as well as Child Safe policies and guidelines.
  - 5.4. Volunteers and students will be given a copy of the Educator Handbook and relevant policies. They will be taken through the Child Safe Code of Conduct, Code of Professional Standard and Confidentiality Agreement.
  - 5.5. In the event of a breach of policy or code of conduct, the volunteer/student will be issued a warning. If more than one warning has been issued, their placement may be cancelled at the service.
  - 5.6. In the event of a serious breach of policy or code of conduct, the placement may be cancelled immediately. If required, any reports to legal authorities, such as the Police, Regulatory Authority or Ombudsman will also be made.
  - 5.7. Volunteers and students are required to sign in and out each day for insurance and work health and safety purposes and according to Regulatory requirements. Any other attendance records required by the school or training organisation is the responsibility of the volunteer or student.
  - 5.8. All volunteers and students will be supervised by a paid educator/employee of the service. Volunteers and students

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P-4.11	Oct 2023	4	3	Management Committee	Oct 2026



## P-4.11 The Participation of Volunteers/Students/Visitors

are not considered in maintaining the ratio in the delivery of program and will not be left alone with students for any part of the program.

- 5.9. Volunteers and students will not be responsible for children at any time that they are in attendance at the program.
- 5.10. Volunteers and students are not to discuss children's development or other serious issues with parents.
- 5.11. Volunteers and students must adhere to all areas of confidentiality and must sign a confidentiality agreement.
- 5.12. Volunteers and students may be invited to take part in social activities of the service.

### 6. Visitors

- 6.1. Visitors may be invited to DEBASCA to stimulate the children's program.
- 6.2. Visitors must sign in and out on DEBASCA's Visitor Register.
- 6.3. Visitors may include incursion providers during Vacation Care, local people or parents with a skill or ability to share with the children.
- 6.4. Visitors may also include prominent people from the community such as police, fire brigade, or ambulance officers.
- 6.5. Professional access to DEBASCA will be at the discretion of the Director or Management or when required by law to do so.
- 6.6. Professionals include, union representatives, State and Federal Government Departmental Officers, Occupational Health and Safety inspectors, building inspectors, police officers or other prescribed agency representatives.
- 6.7. Visitors are not considered in maintaining the ratio in the delivery of program and will not be left alone with students for any part of the program.

### 7. The Approved Provider/Nominated Supervisor will:

- 7.1. ensure all educators, staff, students, volunteers and visitors have knowledge of and adhere to this policy
- 7.2. ensure the student or volunteer completes a *Student and Volunteer Application Form* prior to commencement of work placement recording their full name, address, and date of birth
- 7.3. ensure a *Visitor Register* is maintained, including
  - 7.3.1. date
  - 7.3.2. reason for visit
  - 7.3.3. full name
  - 7.3.4. time of arrival and departure
  - 7.3.5. company (if applicable)
  - 7.3.6. Working With Children Check (where applicable, best practice) (state/territory equivalent)
- 7.4. ensure the *visitor register* is kept in a safe and secure location
- 7.5. ensure all visitors complete and sign the *Visitor Register*
- 7.6. ensure students, volunteers and/or visitors are under the direct supervision of the approved provider, nominated supervisor, responsible person or educator at all times whilst at the service
- 7.7. ensure students, volunteers and/or visitors are never left alone with a child whilst at the service under any circumstance
- 7.8. provide the student/volunteer with information about Child Protection Law and mandatory reporting obligations
- 7.9. ensure Work Placement Students or Volunteers are never included in the ratio of adult to children
- 7.10. ensure visitors who may come into direct contact with children submit their Working with Children Check to be verified by the Nominated Supervisor (best practice)
- 7.11. conduct an orientation for the student, volunteer or visitor including taking the student, volunteer or visitor on a tour of the OSHC Service, showing emergency exits, staff room and bathroom facilities
- 7.12. complete the *Student and Volunteer Induction Checklist* with the student or volunteer
- 7.13. negotiate with the student or volunteer the times/hours to be worked, and dates of the placement
- 7.14. ensure students or volunteers are aware that they must not discuss concerns, issues or complaints with parents, guardians and/or visitors
- 7.15. introduce the student or volunteer to educators
- 7.16. assist the student or volunteer to complete the *Student and Volunteer Induction Checklist*
- 7.17. show the student, volunteer or visitor where they can access the OSHC Service's policies
- 7.18. ensure the student or volunteer has signed a confidentiality agreement prior to commencing their placement
- 7.19. discuss any relevant important information about specific children to the student or volunteer (i.e. court orders, additional needs, dietary needs) so that the student or volunteer is aware of potential issues
- 7.20. ensure student's/volunteer's paperwork and insurances are current
- 7.21. ensure each student or volunteer holds a current Working with Children Check (if over 18 years old) prior to

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commencing their placement

7.22. record and verify each student or volunteers Working With Children Check where required

7.23. ensure that no student, volunteer or visitor is affected by or under the influence of drugs or alcohol while on the service premises when children are being educated and cared for

### 8. Educators will:

- 8.1. maintain open communication with Work Experience Students and Volunteers about their performance
- 8.2. support all student's and volunteer's practicum requirements to the best of their ability during the placement
- 8.3. work as a team sharing appropriate skills and knowledge with each student and volunteer
- 8.4. ensure all colleagues are provided with relevant information about tasks the student is required to complete in the OSHC Service as part of their practicum
- 8.5. be aware of student and volunteer expectations
- 8.6. encourage students or volunteers to seek help and advice as required
- 8.7. be a positive role model, showing appropriate behaviour and conduct themselves in a professional manner
- 8.8. guide the students or volunteers throughout the day
- 8.9. make the student or volunteer feel welcome and a valued member of the team
- 8.10. ensure the student, volunteer or visitor is not left alone with a child or children whilst at the service under any circumstance
- 8.11. ensure students, volunteers and/or visitors are under the direct supervision of the approved provider, nominated supervisor, responsible person or educator at all times whilst at the service

### 9. The Supervising Educator at the Service will:

- 9.1. discuss the progress of written work and performance with the student or volunteer
- 9.2. discuss any concerns raised by the student with the Student Supervisor
- 9.3. encourage students/volunteers to use their initiative
- 9.4. ensure the student/volunteer remains up to date with their assessments/tasks to be completed
- 9.5. discuss concerns with student/volunteer with management
- 9.6. never leave the student/volunteer alone with a child or children
- 9.7. provide honest and accurate feedback to the student's training institution supervisor as required

### 10. Work Experience students and Volunteers will:

- 10.1. complete the *Student and Volunteer Application Form* prior to the commencement of work placement
- 10.2. provide Working with Children Check details prior to placement
- 10.3. learn about the children through interaction and practical experience
- 10.4. develop the skills and knowledge needed to care for and educate children
- 10.5. learn about the importance of working as part of a team in the Early Childhood Profession
- 10.6. learn strategies for working in a team environment
- 10.7. learn and accommodate the expectations of qualified educators in the OSHC Service
- 10.8. inform the Student Supervisor in writing of what will be expected of them by their training body, University or school, or any other training organisation, and provide time sheets and evaluation forms
- 10.9. keep up to date with all written work requirements
- 10.10. work a variety of shifts to gain knowledge of different aspects of OSHC Service operations
- 10.11. discuss any problems the student may be experiencing with the Student Supervisor
- 10.12. adhere to all service policies and procedures
- 10.13. never remove a child from direct staff supervision
- 10.14. participate in the induction process and assist to complete the *Student and Volunteer Induction Checklist*

### 11. Probity Checks

- 11.1. All students, volunteers and visitors will supply identity details to the Nominated Supervisor
- 11.2. All students, volunteers and visitors will complete and provide to the service a Working with Children Check (if eligible) prior to commencing their placement (best practice for visitors)

### 12. Termination of Practicum or Volunteer Placement

12.1. Termination of student's or volunteer's placement will occur if the student/volunteer:

12.1.1. harms or is at risk of harming a child in their care

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- 12.1.2.** is under the influence of drugs or alcohol
- 12.1.3.** fails to notify the OSHC Service if they will not be attending the Service
- 12.1.4.** does not adhere to starting times or break times
- 12.1.5.** is observed using repeated inappropriate behaviour at the OSHC Service
- 12.1.6.** does not comply with all policies and procedures addressed in the student package
- 12.1.7.** does not provide the photo with an introduction on commencement
- 12.1.8.** does not keep up to date with their work placement tasks
- 12.1.9.** removes any child or children from the direct supervision of an educator.

### 13. Continuous Improvement/Reflection

- 13.1.** Our *Student and Volunteer Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	<b>1.1</b> Added 'Volunteer Information Form' <b>1.2</b> Changed wording of 1.2 <b>1.3</b> Removed 1.3-1.8 and added to section 3 <b>2.1</b> Reworded 2.1 <b>2.2</b> Added 2.2 <b>2.3</b> Reworded <b>2.4</b> Removed 2.4-2.10 and added to section 3 <b>Section 3</b> Added <b>3.5 and 3.6</b> Added <b>4.7</b> Added	June 2015
	2	Reformatted Policy Number C-10 to P-4.11	Oct 2016
	3	Updated to revised National Quality Standard	Aug 2018
	4	Re-worded Policy Statement Added Background Added Legislative Requirements Added Related Policies Added Implementation Added Child safe policies and guidelines to 5.3 Minor re-wording 5.5 Added 7-13	Oct 2023

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## P-4.12 Reportable Conduct – Identifying and Responding to Allegations Against an Employee

### POLICY STATEMENT

The safety, welfare and wellbeing of children and young people are vital and a key priority for Out of School Hours Care in NSW. It is essential that services create a child safe environment and have clear child protection procedures in place to prevent or minimise any related risks to children. This is also critical when responding to allegations against employees, should they arise. The OOSH service also has a responsibility to ensure its employees are treated fairly and the rights of the employee are respected during an investigation and any disciplinary process as a result of the investigation.

Parents and other guardians of children attending OOSH services have a right to expect that their children will be safe and looked after during their time with the service, and that all protective measures will be considered for children should an allegation arise. To ensure confidence in the service, parents and other guardians will be provided with advice about this policy, as well as an identified position whom they can report any concerns to in relation to the conduct of an employee.

This policy concerns the prevention, identification and handling of allegations of child abuse and neglect made against employees. In relation to Family and Community Services, such allegations are referred to as reports of Risk of Significant Harm (ROSH). In relation to the Office of the Children's Guardian, such allegations are referred to as allegations of **reportable conduct** and such reports are processed through the **Reportable Conduct Scheme**. If such allegations as they arise allege or indicate a criminal offence, they are to be forwarded to NSW police.

From 1 March 2020, the Reportable Conduct Scheme is operated by the Office of the Children's Guardian under the [Children's Guardian Act 2019](#). The scheme monitors how certain organisations ('relevant entities') investigate and report on types of conduct ('reportable allegations' or 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children.

From 1 March 2020, when the head of a 'relevant entity' becomes aware of a reportable allegation or a reportable conviction, the head of that entity must notify the Office of the Children's Guardian within seven business days and conduct an investigation into the allegations. If the final entity report is not ready to submit within 30 calendar days, the head must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

<b><i>Children and Young Persons (Care and Protection Act) 1998</i></b>	Concerns of risk of significant harm (ROSH) to a child or a class of children may arise in relation to an allegation notified to the Office of Children's Guardian. Such concerns require a ROSH report to be made to the Community Services Helpline. Any concerns of children at any risk of harm should be processed through the Mandatory Reporting Guide, to determine the best management of any concerns.
<b><i>Reportable Conduct Scheme</i></b>	<a href="https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme">https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme</a>
<b><i>Children's Guardian Act 2019</i></b>	<a href="https://legislation.nsw.gov.au/#/view/act/2019/25/full">https://legislation.nsw.gov.au/#/view/act/2019/25/full</a>
<b><i>Education and Care Services National Laws and Regulations 2010</i></b>	It is an offence under the National Law for failure to notify certain information to the Regulatory Authority (ECECD), including complaints alleging that the safety, health and wellbeing of a child/children was/is being compromised while at the service. Allegations against staff must be reported to the Regulatory Authority within 24 hours of the complaint,

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	allegation or incident or the time the person becomes aware of the complaint, allegation or incident.
<b>(NSW) Crimes Act 1900</b>	Allegations that constitute criminal conduct or may constitute criminal conduct in relation to children should be referred to NSW Police. This would typically be your Local Area Command, or possibly a specialist unit within the police force dealing with child related complaints.
National Quality Standard	4.2; 7.1, 7.2

DEFINITIONS	
DEBASCA	Denistone East Before and After School Care Association
Relevant entity	The relevant entity is an approved education and care service within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i> or the <i>Children (Education and Care Services) Supplementary Provisions Act 2011</i>
Head of relevant entity	The head of an entity is usually its most senior officer and the person who is primarily responsible for executive decision making in the organisation. This person may be a chief executive officer, a principal officer or someone in a similar position or fulfilling a similar role. In some instances, the head of the entity may not be clear or obvious and the entity should contact the Office of the Children's Guardian for advice. An entity head may wish to nominate a contact person for day-to-day correspondence or inquiries. The Children's Guardian has the power under the legislation to 'deem' a head of entity where it is otherwise unclear (see s.66). In the context of DEBASCA, the head of entity is the Approved Provider, who has nominated the Nominated Supervisor as its contact for day-to-day correspondence.
Approved Provider	The Approved Provider is the governing management of the service. In the context of DEBASCA, the Approved Provider is the Management Committee.
Nominated Supervisor	Person nominated by the Approved Provider to be a nominated supervisor. The Nominated Supervisor is the person responsible for the day-to-day management of an approved service. Nominated supervisors have a range of responsibilities under the National Law and National Regulations. In the context of DEBASCA, the Nominated Supervisor is the Centre Director.

RESPONSIBILITIES
Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

TRAINING REQUIREMENTS
Personnel having responsibilities under this procedure will be appropriately trained.

### PROCEDURE

#### 1 Policy Statement

As an employer, the Approved Provider has a responsibility to:

- 1.1 Ensure that all employees are aware of their obligations to report suspected risk of significant harm and reportable allegations, and of the procedure for doing this.
- 1.2 Provide support for employees to ensure they are given a copy of professional standards related to Educators relationships with children, including a Code of Conduct.
- 1.3 Make sure that all employees are aware of the indicators of child abuse and neglect of children and young people, and ensure access to relevant training to assist with this.

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- 1.4 Investigate allegations of a child protection nature specifically related to the actions of any employees, and ensure that appropriate action is taken in relation to the finding.
- 1.5 Advise employees under investigation for an allegation of a child protection nature, of support services that are available from the staff support officer, the Employee Assistance Program (EAP) and the union.
- 1.6 Ensure that procedural fairness, applies in situations where a decision is to be taken which could have a detrimental effect on an employee's professional circumstances.
- 1.7 Assist employees in implementing relevant policy and procedures related to protecting children and young people from harm.
- 1.8 Ensure that current employees and new applicants for child related work have undergone (where required) a Working with Children Check and are cleared to work with children.
- 1.9 Ensure that parents or other caregivers are provided with reasonable advice in relation to any child protection concerns regarding their children, subject to confidentiality and 'need to know' considerations.
- 1.10 Consider the support needs of children and their parents/caregivers where child protection allegations have arisen.

### 2 Reportable Conduct

Allegations of reportable conduct (including related convictions) are defined in the Children's Guardian Act as:

- 2.1 Any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- 2.2 Any assault, ill-treatment or neglect of a child, or
- 2.3 Any behavior that causes psychological harm to a child.  
This may take the form of an allegation or an identified conviction against an employee.
- 2.4 It's important to note that reportable conduct only applies to:
  - A current employee or one employed at the time the head of relevant entity became aware of the allegation/s.
  - An alleged victim who was under the age of 18 years at the time the alleged conduct occurred.
  - An agency in the jurisdiction of the Office of Children's Guardian.
  - Alleged conduct that falls within the following definitions, and is not otherwise exempted from reporting.
- 2.5 The following advice is taken from the Reportable Conduct Scheme <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/employers-faq/legal-definitions>:
- 2.5.1 **Sexual offence**  
The term 'sexual offence' encompasses all criminal offences involving a sexual element 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- Indecent assault
- Sexual assault
- Aggravated sexual assault
- Sexual intercourse and attempted sexual intercourse
- Possession/ dissemination/ production of child pornography or child abuse material
- Using children to produce pornography
- Grooming or procuring children under the age of 16 years for unlawful sexual activity
- Deemed non-consensual sexual activity on the basis of special care relationships.

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All cases involving a sexual offence would also involve sexual misconduct.

### 2.5.2 **Sexual misconduct**

The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence. For sexual misconduct to constitute reportable conduct, the alleged conduct must have been committed against, with or in the presence of a child.

There are three categories of sexual misconduct in addition to sexual offences:

- Crossing professional boundaries
- Sexually explicit comments and other overtly sexual behaviour, and
- Grooming behaviour.

#### ***Crossing professional boundaries***

Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- Relationship with;
- Conduct towards; or
- Focus on;

a child or young person, or a group of children or young persons.

In the area of 'crossing professional boundaries', particular care should be exercised before making a finding of sexual misconduct. For example, an employee who, on an isolated occasion, 'crosses professional boundaries' in a manner that involves little more than poor judgement could not be said to have engaged in sexual misconduct. Also, in cases where an employee has 'crossed boundaries' in terms of their relationship with a child, if there is evidence which clearly shows that the employee did not seek to establish an improper relationship with the involved child, then this does not constitute sexual misconduct.

However, persistent less serious breaches of professional conduct in this area, or a single serious 'crossing of the boundaries' by an employee, may constitute sexual misconduct, particularly if the employee either knew, or ought to have known, that their behaviour was unacceptable.

Codes of conduct that outline the nature of the professional boundaries which should exist between employees and children/young people can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour.

#### ***Sexually explicit comments and other overtly sexual behaviour***

Sexual misconduct includes a broad range of sexualised behaviour with or towards children. While it is not possible to provide a complete and definitive list of unacceptable sexual conduct involving children, the following types of behaviour give strong guidance:

- sexualised behaviour with or towards a child (including sexual exhibitionism)
- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching involving a child

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- personal correspondence and communications (including emails, social media and web forums) with a child or young person in relation to the adult's romantic, intimate or sexual feelings for a child or young person
- Exposure of children and young people to sexual behaviour of others including display of pornography
- Watching children undress in circumstances where supervision is not required and it is clearly inappropriate.

### **Grooming behaviour**

This means patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse. It is a separate offence from the actual sexual abuse. Please also refer to the *Network Fact Sheet on Grooming Behavior*.

Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. However, Schedule 1(2) of the *Child Protection (Working With Children) Act* also recognises grooming as a form of sexual misconduct. As grooming is a sexual offence if the alleged victim is under 16 years old, caution should be exercised before reaching a grooming finding (particularly in cases where the behaviour is directed towards a child under 16 years). As an alternative to grooming, in many cases it will be more appropriate to consider whether there has been a 'crossing of professional boundaries' (see above) and/or other more overt sexual behaviour.

Furthermore, behaviour should only be seen as 'grooming' where there is evidence of a pattern of conduct that is consistent with grooming the alleged victim for sexual activity, and that there is no other reasonable explanation for it. The types of behaviours that may lead to such a conclusion include (but are not limited to) the following:

- Persuading a child or group of children that they have a 'special' relationship, for example by:
  - Spending inappropriate special time with a child
  - Inappropriately giving gifts
  - Inappropriately showing special favours to them but not other children
  - Inappropriately allowing the child to overstep rules
  - Asking the child to keep this relationship to itself.
- Testing boundaries, for example by:
  - Undressing in front of a child
  - Encouraging inappropriate physical contact (even where it is not overtly sexual)
  - Talking about sex
  - 'Accidental' intimate touching.
- Inappropriately extending a relationship outside of work (except where it may be appropriate - for example where there was a pre-existing friendship with the child's family or as part of normal social interactions in the community).
- Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.

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An adult requesting that a child keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase the likelihood that grooming is occurring.

### 2.5.3 Physical Assault

An assault of a child includes any act by which a person intentionally inflicts unjustified use of physical force against a child. An assault can also occur if a person causes a child to reasonably fear that unjustified force will be used against them. Even if a person who inflicts, or causes the fear of, physical harm does not intend to inflict the harm or cause the fear, they may still have committed an assault if they acted recklessly (i.e. the person ought to have known that their actions would cause physical harm or the fear of such harm).

Assaults can include hitting, pushing, shoving, throwing objects, or making threats to physically harm a child.

It is important to consider the context in which physical force is used against a child to determine whether it constitutes an assault. For example, an assault has not taken place where there is use of reasonable force in the following examples:

- Exercising appropriate control over a child
- Disarming a child or young person seeking to harm themselves or others
- Separating children or young people who are fighting
- Moving a child or young person out of harm's way
- Restraining a child or young person from causing intentional damage to property
- Self defence or the defence of others.

When considering whether the physical force used was reasonable, a range of variables should be taken into account, having regard to the circumstances of the case. Variables that may be relevant include matters such as the age, maturity, health or other characteristics of the child or children involved, and professional codes of conduct or standards that the worker is required to follow.

### 2.5.4 Ill Treatment

Ill-treatment captures those circumstances where a person treats a child or young person in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner.

The focus is on the alleged conduct rather than the actual effect of the conduct on the child or young person.

Ill-treatment can include disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

In making a determination regarding ill-treatment it may be important to consider relevant codes of conduct that outline the nature of professional conduct and practice by employees/workers which should occur when working with children/young people.

### 2.5.5 Neglect

Neglect includes either an action or inaction by a person who has care responsibilities towards a child.

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The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

- **Supervisory neglect:**
  - An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
  - An intentional or reckless failure to adequately supervise a child, or a significantly careless act or failure to act, that:
    - involves a gross breach of professional standards, and
    - has the potential to result in the death of, or significant harm to, a child.
- **Carer neglect:**
  - Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.
- **Failure to protect from abuse:**
  - An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.
- **Reckless acts (or failure to act):**
  - A reckless act, or failure to act, that:
    - involves a gross breach of professional standards, and
    - has the potential to result in the death of, or significant harm to, a child.
- An incident can constitute neglect if it contains any element within this definition.
- Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where there is the potential for significant harm to a child.

### 2.5.6 Psychological harmful behavior towards a child in care

Behaviour that causes psychological harm is conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

For reportable conduct involving psychological harm, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and
- evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self harm, and
- an alleged causal link between the employee's conduct and the psychological harm to the child.

Psychological harm can include the exacerbation or aggravation of an existing psychological condition, such as anxiety or depression.

When it is alleged that an adult's behaviour has caused psychological harm to a child, it will often be necessary to obtain a psychological or medical assessment of the child to determine whether psychological harm can be established. However, a clinical diagnosis will not be required in every circumstance – particularly if the assessment itself may cause harm. In addition, in certain serious and/or ongoing domestic

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violence cases, it may be open to infer that a child has been psychologically harmed, in the absence of a clinical diagnosis of such harm.

Finally, it is important to stress that, when a report has established a child has a psychological condition, it is still necessary to show the condition was caused by the employee's conduct.

### 3 Conduct not reportable to the Office of the Children's Guardian

It is important to consider the context in which physical force is used against a child to determine whether it constitutes an assault. For example, an assault has not taken place where there is use of reasonable force in the following examples:

- exercising appropriate control over a child
- disarming a child or young person seeking to harm themselves or others
- separating children or young people who are fighting
- moving a child or young person out of harm's way
- restraining a child or young person from causing intentional damage to property
- self defence or the defence of others.

When considering whether the physical force used was reasonable, a range of variables should be taken into account, having regard to the circumstances of the case. Variables that may be relevant include matters such as the age, maturity, health or other characteristics of the child or children involved, and professional codes of conduct or standards that the worker is required to follow.

In addition the Children's Guardian Act specifically outlines certain conduct which does **not** need to be reported:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

### 4 Procedures for dealing with allegations – what actions must be taken when there is an allegation of child abuse made against an employee?

If there is an allegation against an employee including an anonymous report involving a child the following must happen: -

- The Nominated Supervisor must be informed
- If the allegation is against the NS the Approved Provider must be informed.
- If not reportable conduct, often issues can be resolved between the NS and the employee using the organisation's grievance procedure or complaints policy. The Approved Provider must be notified of any grievances made against the NS.

### 5 Reporting alleged Reportable Conduct by an employee – whose responsibility?

- 5.1 The Nominated Supervisor (Centre Director/Co-coordinator) is the Head of Relevant Entity for the purposes of the Children's Guardian Act 2019. The Supervisor must respond promptly, in accordance with legislative responsibilities, and in a sensitive manner when they become aware of an allegation of a child protection nature against an employee.
- 5.2 In situations where an allegation has been made the Nominated Supervisor (Centre Director/Co-coordinator) must notify and consult with the Approved Provider to determine what further information, if any, should be sought.

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## P-4.12 Reportable Conduct – Identifying and Responding to Allegations Against an Employee

- 5.3 The Nominated Supervisor (Centre Director/Co-coordinator) will record details of the allegation using the person's exact words to describe the allegation. In some matters written information such as incident reports may have been provided by the complainant or witnesses.
- 5.4 All necessary and reasonable steps are to be taken to ensure the identities of the persons who made the allegations, or who are the subject of the allegations, are treated confidentially. The identity of the reporter of Risk of Significant Harm to a child is protected under the *Children and Young Persons (Care and Protection) Act 1998* and disclosure of their identity constitutes a breach of that Act.
- 5.5 However, no guarantees of confidentiality should be given because the identity of those people who are involved in, or witnessed, the alleged conduct may need to be revealed to the Educator who is the subject of the allegation, to enable the effective investigation of the matter. Identifying information may also need to be provided to Family & Community Services or NSW Police if either agency is involved in an allegation.
- 5.6 Information to collect:
- The details of the allegation
  - Names of Educator/child/ren involved
  - What is alleged to have occurred
  - Date and times of the alleged incident
  - Any identified or alleged further risks/concerns to children
  - The contact details of the person reporting the allegation
  - The name and contact details of the initial complainant
  - Names and addresses of the parents or caregivers of the children involved
  - Names of witnesses and how they may be contacted
  - Whether the employee/s already knows about the allegation.

### 6 Determining if an allegation is a reportable allegation

- Clarify exactly what the allegation is – collect the facts
- When and where?
- Who was involved?
- Compare against definitions for reportable conduct
- Record details
- Record any conclusion and any further action that is required.

#### 6.1 Consider if the alleged conduct:

- Was reasonable for the purpose of caring for children
- In line with the organisation's policies and procedures
- In agreement with the Code of Professional Conduct for Educators

Does the allegation relate to any reportable conduct detailed in this policy? If yes, the Head of Relevant Entity is required to report the matter to the Office of Children's Guardian within 7 days. This is done by attaching a copy of the initial complaint and any other relevant information to a completed Part A Notification form, which can be found on the Office of Children's Guardian website at <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/notification-forms>.

#### If No:

Follow the organisation's usual policy and procedures and conduct your own analysis of the situation to hand and record findings. If the organisation finds that the alleged conduct is more serious than initially assessed and is

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reportable, then the Office of Children's Guardian must be notified as soon as possible.

If you are unsure about whether the allegation constitutes reportable conduct, or should you wish to clarify any aspect of your management of an investigation, contact the Office of the Children's Guardian for advice on (02) 8219 3800.

### 7 How will the service deal with the initial notification against an Employee?

- 7.1 Assess the immediate (known or potential) risks associated with the allegation in relation to the alleged victim; to other children/witnesses; to the employee; to other staff; to confidentiality; to the conduct of the investigation, and to the service.
- 7.2 Assess the initial support needs for all the relevant parties to the allegation. This includes the alleged victim/s; the employee/s subject to the allegation/s; other children accessing the service; the parents and other caregivers of the alleged victim and other children involved; other staff. This can range from enquiring about a person's wellbeing; ensuring a person has family support, someone to talk to; or requires more formal support. Medical or counselling requirements may be identified at this point.
- 7.3 Children or young people who are victims or witnesses in a matter that relates to an employee need sensitive, ongoing support. Every effort must be made to ensure that all children or young people in this situation are treated fairly and with respect.
- 7.4 Nominated Supervisors must ensure that children and young people are informed of:
  - their right to be treated fairly and without discrimination or intimidation
  - their right to choose not to be interviewed or give a statement
  - their entitlement to support
  - the support services available to them
  - the reporting responsibilities of agencies where reportable allegations and/or risk of significant harm concerns, or criminal complaints, are identified.
- 7.5 An employee who is the subject of the allegation is able to seek support from their employer – this may be in the form of a specialist counsellor. The employee can take a support person to an interview or meeting. Support is also available from relevant trade union representatives or other support groups.
- 7.6 Consider which individuals and other agencies/services will be party to the investigation. This would likely include the employee subject of the allegation; the alleged victim and their parents/caregivers; potential witnesses; your agency, the Department of Education and Communities Directorate; professional support groups and other industrial representatives, and the Office of Children's Guardian. It could possibly include Family and Community Services, NSW Police, health services or other contracted services.
- 7.7 By considering stakeholder involvement and what expectations they may have in a matter, investigations can be better planned and likely complaints avoided.

### 8 Further considerations

- 8.1 Unless advised not to do so by Police or Family and Community Services, when practicable inform the employee subject of an allegation of the general allegations and the immediate actions that need to be taken. Do not disclose the details of the allegations to the employee at this stage. Rather, advise them that they will be provided with a formal letter of allegation and offered an opportunity to respond.
- 8.2 Maintain confidentiality – only disclose to those who need to know
- 8.3 Remind the employee and other staff affected by the allegations to respect expectations of privacy and requirements of confidentiality.

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8.4 Keep a record of all allegations and actions.

8.5 Keep notes of relevant conversations.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	New policy	Oct 2015
	1	Reformatted policy	Oct 2016
	2	Updated to revised National Quality Standard	Aug 2018
	3	<p>Added two paragraphs starting 'From March 1, 2020...' to policy statement</p> <p>Added information on Reportable Conduct Scheme and Children's Guardian Act under Associated Documents</p> <p>Removed reference to NSW Ombudsman and replaced with Office of the Children's Guardian throughout policy</p> <p>Removed reference to Ombudsman Act and replaced with Children's Guardian Act 2019 throughout policy</p> <p>Removed terminology 'Head of Agency' and replaced with 'Head of Relevant Entity' in accordance to legislation change</p> <p>Added 'Relevant entity', 'Head of Relevant entity' 'Approved Provider' 'Nominated 'Supervisor' under Definitions section</p> <p>6.1 Changed notification period from 30 days to 7 days in accordance to legislative change</p> <p>Updated links, removing links to NSW Ombudsman and replacing with links to <a href="http://kidsguardian.nsw.gov.au">kidsguardian.nsw.gov.au</a> (Office of the Children's Guardian)</p>	Aug 2020

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P-4.12	Aug 2020	3	2	Management Committee	Aug 2023



## P-4.13 Grievance Procedures (Staff)

### POLICY STATEMENT

We aim to maintain a positive working environment for staff and for the committee. We will do this through addressing all work-related problems, complaints or concerns as quickly and effectively as possible. The procedure encourages ownership of issues and participation in the resolution process. The highest standards of confidentiality will be practiced at all times.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

Relevant industrial agreements

Privacy conventions

National Regulations	168-172
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National Quality Standard	4.1 Staffing arrangements 4.2 Professionalism
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### DEFINITIONS

Grievance	A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature.
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DEBASCA	Denistone East Before and After School Care Association
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### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

### 1 General Grievance Procedure

- 1.1 On commencement, all staff and management committee members will be given the guidelines for grievance procedures.
- 1.2 To facilitate communication between staff and management, the management committee will annually appoint one of its members as the Staff Liaison officer.
- 1.3 Regular meetings of staff and/or committee members provide regular opportunities to raise and discuss general issues or concerns about DEBASCA. All discussions will be conducted in a confidential manner and involve only relevant persons. Only when all parties agree there is a benefit should the discussion broaden to involve children and/or parents as appropriate.
- 1.4 Either party may withdraw their grievance at any time. However, where the grievance identifies other issues of concern, management may decide to investigate those other issues.

### 2 Informal Grievance Procedure

- 2.1 All persons involved in the grievance should attempt to resolve the issue through informal discussion and use of problem-solving techniques.
- 2.2 Persons directly involved in a legitimate grievance process will be expected to continue to conduct themselves in and around DEBASCA in a professional manner.

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P-4.13	Nov 2018	New	NA	Management Committee	Nov 2021



## P-4.13 Grievance Procedures (Staff)

- 2.3 Malicious or vexatious claims will not be tolerated and will be the subject of disciplinary action where appropriate (refer to Disciplinary Action Policy).
- 2.4 Any problem, complaint or concern arising between staff or between committee members should be dealt with by the persons concerned as close to the event as possible in order to avoid an escalation of the issue.

### 3 Formal Grievance Procedure

- 3.1 Where the resolution of a grievance has not been satisfactorily achieved through the informal procedure, then a more formal approach should be taken.
- 3.2 If the grievance is between staff and informal grievance procedures have not been successful, the Director, or the Staff Liaison member of the Management Committee should now be briefed about the grievance and its current status.
- 3.3 If the grievance is between staff and a parent or committee member, and informal grievance procedures have not been successful, the Director and Senior Management Committee members should now be briefed. A decision will then be made as to whether the whole committee should be informed.
- 3.4 The Director or Management Committee will firstly investigate the grievance(s) as appropriate.
- 3.5 The investigation will involve:
  - 3.5.1 Interviews with both parties and/or witnesses.
  - 3.5.2 Assessment of relevant documentation e.g. job descriptions, policies etc.
  - 3.5.3 Preparation of a clear description of the issue.
  - 3.5.4 Arranging a formal meeting between parties.
  - 3.5.5 A meeting will be conducted by a neutral third person. This person will manage the conduct of the meeting, be impartial by having no input to the content of the meeting and will prepare a written record of the outcome(s) of the meeting.
  - 3.5.6 Where DEBASCA cannot identify a suitably impartial person, the management committee will agree to invite a qualified mediator to assist.
- 3.6 The meeting will:
  - 3.6.1 Identify the issue(s) of concern and persons who are involved.
  - 3.6.2 Arrange all parties to be involved and to put forward their views.
  - 3.6.3 Identify alternative solutions.
  - 3.6.4 Attempt to reach a mutually satisfactory resolution of the issue(s).
- 3.7 At formal grievance resolution meetings all parties are entitled to invite a support person to attend. This person does not provide input to the meeting, but may offer support and advice to their party during the meeting.
- 3.8 A confidential written record of the outcome of the meeting will be given to all participants who are to acknowledge their agreement by signing the record. A signed copy will be kept with staff files.
- 3.9 The neutral party will inform the management committee of the meeting's outcome(s).
- 3.10 Management will ensure that outcomes are included in job descriptions or centre policies as appropriate.
- 3.11 If one party remains dissatisfied with the meeting's outcome(s) then this should be put in writing to the management committee asking that the process be reviewed or stating that they intend to pursue the grievance further through other suitable avenues.
- 3.12 Where the issue of grievance is between management and staff and concerns standard of work performance or work practice, then the Disciplinary Action policy will be followed.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.13	Nov 2018	New	NA	Management Committee	Nov 2021



## P-4.13 Grievance Procedures (Staff)

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CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Created this new separate policy for <i>Staff</i> Grievance Procedures to separate staff from other general grievances	Nov 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.13	Nov 2018	New	NA	Management Committee	Nov 2021



## P-4.14 Mobile Phones

### POLICY STATEMENT

This policy outlines our guidelines for using mobile phones at work. We recognise that mobile phones (and smartphones especially) have become an integral part of everyday life. They may be a great asset if used correctly (for productivity apps, calendars, emergency calls etc.) however, mobile phones may also cause problems when used during work hours, imprudently or excessively.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

National Law	Education and Care Services National Law Act 2010 Child Protection Act 1998
Education and Care Services National Regulations	181–184 Confidentiality and storage of records 727 Confidentiality of records kept by approved provider
National Quality Standard	2.2 Safety 4.2 Professionalism 7.1 Governance
DEBASCA Policy Manual	7.18 Photograph, Social Media and Use of Devices

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
Social networking sites	Web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system. The nature and nomenclature of these connections may vary from site to site. <sup>1</sup>

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

## PROCEDURE

### 1 A Nominated Supervisor / Responsible Person will:

- 1.1 Ensure that all new staff are made aware of this policy at the time of induction.
- 1.2 Be the only person to make the decision to, when necessary, approve the use of mobile phones by staff and children.
- 1.3 Ensure that all staff understand that non-compliance with the terms of the policy can result in disciplinary action, including termination of employment.

<sup>1</sup> Boyd, D. M. and Ellison, Nicole B. *Social Network Sites: Definition, History, and Scholarship*, *Journal of Computer-Mediated Communication*, 13 (2008), p211, International Communication Association. 210–230.

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.14	Nov 2018	New	NA	Management Committee	Nov 2021





## P-4.14 Mobile Phones

### 2 All staff will:

- 2.1 Not carry or use any personal device during sessions with the children, unless with the express permission by the Responsible Person (e.g. on excursion if emergency contact needs to be made and the centre mobile is not available).
- 2.2 Leave their mobile phones locked up in their locker or in the office during session time. If staff need to be contacted in a personal emergency, contact should be made through the centre landline.
- 2.3 Ensure that children do not use mobile phones while at DEBASCA, unless with the express permission of the Supervisor.
- 2.4 Ensure that children keep their mobile phones in their bags or in the centre office. Children should not use mobiles phones whilst at the service. If they need to contact their parents, children should ask educators to call their parents using the landline.
- 2.5 Not access social networking sites while at work, unless for work-related purposes. If so, permission should be sought from the Responsible Person.
- 2.6 Not post **any** information about the service, children or families on personal social media accounts, for e.g.: SnapChat, Facebook, Instagram etc. Social networking websites are not a private means of communication but can be accessed by the public, therefore, it is important not to share private information about service families or other staff on social networking websites. A staff member doing so will face an inquiry into the situation by management and any involved party and depending on the severity of the situation face possible termination of employment.
- 2.7 Not post **any** photos taken at the service or on an excursion onto any personal social networking websites. If a staff member breaches this, families affected by the photos posted will be immediately contacted and the staff member will face disciplinary action for breach of privacy.
  - 2.7.1 If possible, the social networking website will be contacted to delete the photos. The staff member will face an inquiry into their actions and possibly face termination of employment.
- 2.8 Not add DEBASCA children to their personal social media sites.
- 2.9 This policy also complies with state and national laws regarding social networking websites. Should a staff member break the law on a social networking website, such as, but not limited to, defamation, the service will contact the police and other relevant authorities.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	New policy P-4.14	Nov 2018

Ref. No.	Issued	Version No.	Supersedes	Approved by	Next Revision Due
P-4.14	Nov 2018	New	NA	Management Committee	Nov 2021



## P-4.15 Determining the Responsible Person Present

### POLICY STATEMENT

Legislation requires that a Responsible Person is physically in attendance at all times the service is educating and caring for children. The Responsible Person is either the Approved Provider (or the person in management or control of the service), the Nominated Supervisor of the service, or an educator who has been placed in day-to-day charge of the service.

As an approved service, we will ensure there is always a responsible person present at our service whilst children are in our care.

### SCOPE

This policy applies to all DEBASCA stakeholders.

### ASSOCIATED DOCUMENTS

Education and Care Services National Law Act 2010	Section 5, 44, 56, 106–109, 114, 115, 118, 161, 162, 172, 291(5)
Education and Care Services National Regulations 2011	Regulations 35, 46–49, 146, 168(2) (i)(ii), 173, 176(2)(c)
National Quality Standard	4.1, 4.2, 7.1

### DEFINITIONS

DEBASCA	Denistone East Before and After School Care Association
Approved Provider	An individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.
Nominated Supervisor	A person who has been nominated by the Approved Provider of the service under Part 3 of the Act to be the Nominated Supervisor of that service, and who has consented to that nomination. The Nominated Supervisor has day-to-day responsibility for the service in accordance with the National Regulations. All services must have a Nominated Supervisor.
Responsible Person	The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or educator who has been placed in day-to-day charge of the service in accordance with the National Regulations.

### RESPONSIBILITIES

Responsibility for implementation of this policy lies with the Director or other authorised representative approved by the Director and the Management Committee.

### TRAINING REQUIREMENTS

Personnel having responsibilities under this procedure will be appropriately trained.

### PROCEDURE

- 1 The National Law requires that the Approved Provider must have a Responsible Person present at all times the service is educating and caring for children.
- 2 The Responsible Person is in day-to-day charge of the service.
- 3 The Nominated Supervisor, who has accredited child protection training will be the responsible person present.
- 4 In the Nominated Supervisor's absence, the Nominated Supervisor will appoint a Responsible Person (sometimes referred to as RPIC – Responsible Person in Charge) who has accredited child protection training. *Note: this is different to the IC (In Charge) who is helping to run a session, but not legally in charge of a session.*

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P-4.15	Jul 2022	3	2	Management Committee	Jul 2025



## P-4.15 Determining the Responsible Person Present

- 5 The name of the responsible person (or RPIC) will be updated daily on our sign in the centre for all to see.
- 6 The staff sign in/out records will also indicate who the Responsible Person for each session is.
- 7 **Appointing a Responsible Person**
  - 7.1 When appointing a Responsible Person, the Nominated Supervisor will consider a person's qualifications, experience and age when deciding whether they are suitable to be placed in day to day charge.
  - 7.2 A person is covered, and may be placed in day to day charge of the service, when:
    - 7.2.1 the Nominated Supervisor identifies that they meet the criteria to hold the position of Responsible Person and
    - 7.2.2 they give their written consent to be placed in day to day charge of the service (required under Regulation 54).
- 8 **Criteria to be Determined a Responsible Person**
  - 8.1 Educators at the service will be considered appropriate for the role of Responsible Person, when:
    - 8.1.1 They possess the practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems
    - 8.1.2 Must be over 18 years of age
    - 8.1.3 They have a current First Aid Certificate, CPR and Asthma and Anaphylaxis training
    - 8.1.4 Accredited Child Protection training
    - 8.1.5 They have a demonstrated understanding of:
      - 8.1.5.1 Education and Care Services National Law Act 2010, and the Education and Care Service Services National Regulations 2011
      - 8.1.5.2 Equal Opportunity Employment Conditions
      - 8.1.5.3 Health and Safety, including Child Protection responsibilities
      - 8.1.5.4 Privacy, Confidentiality and Equal Opportunity/Anti-Discrimination policies and procedures; and
      - 8.1.5.5 Our education and care service's policies and procedures.
    - 8.1.6 Consideration will be also given regarding whether the individual has been subject to compliance action or disciplinary proceedings under a children's services law, education law, or a previous education and care services law, in any state or territory.

CHANGE HISTORY	Version	Amendment Details	Date Amended
	New	Reformatted DEBASCA policies	Nov 2013
	1	Reformatted policy number C-2 to P-7.12	Oct 2016
	2	Updated to revised NQS	Aug 2018
	3	<ul style="list-style-type: none"> <li>Added definitions for Approved Provider, Nominated Supervisor, Responsible Person</li> <li>Re-wording clause 4</li> <li>Added clause 7 and 8</li> </ul>	July 2019
	4	Minor re-wording clause 4	July 2022

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P-4.15	Jul 2022	3	2	Management Committee	Jul 2025