

STAFFING ARRANGEMENTS POLICY

Policy Statement

Highgate School Outside School Hours Care (Highgate OSHC) aims to provide educators and staff who have the required qualifications and experience to develop warm, nurturing, and respectful relationships with children. Highgate OSHC is committed to ensuring that children's health, safety, and wellbeing is always protected through providing appropriate and effective supervision according to legislated ratios and best practice. The educators, in collaboration with the Educational Leader, design and implement programs that support children's participation and engagement, interests, learning, and development.

Highgate OSHC recognises that the service's staff are an important element to a successful program, keeping this in mind the following policies were developed to improve work conditions and performance.

Definitions

Educator: All staff employed to provide education and care for children.

Qualified Educator: An educator holding a diploma level education and care qualification as approved by ACECQA, as prescribed in the Education and Care Services National Law Act 2010 in accordance with regulation 137 (1) (b)

Student: A person who attends an educational institution to learn.

Volunteer: A person who is considered to be serving the community through their own interest, personal skills or professional learning.

Equal Employment Opportunity

Highgate OSHC is committed to equality of opportunity for existing staff and in the appointment of new staff. The service welcomes the contributions of staff from diverse backgrounds.

Highgate OSHC will include a statement that it is committed to equal employment opportunity in all advertisements for staff. The Approved Provider will ensure that selection criteria do not exclude disadvantaged groups from equitable consideration for positions. The selection panel will be sensitive to the needs of applicants from disadvantaged groups, particularly language difficulties and cultural differences. Applicants who have a disability will be assessed against the selection criteria. The panel will apply the principle of reasonable adjustment to any impact the applicant's disability may have on the operations of the service.

Staff Recruitment

Highgate OSHC will ensure that the workplace operates on the principles of fairness, equality and merit in all aspects of employment and teamwork. Staff will be employed on merit and qualifications and experience in children's services.

Highgate OSHC understands how the recruitment and retention of educators affects the health, wellbeing and safety of children, families and the community. Highgate OSHC seeks to promote diversity and equity, and, in this regard, consider it crucial to establish legal and ethical recruitment and selection practices, and retention initiatives. Highgate OSHC upholds equal employment opportunity legislation, the Fair Work Act

and the relevant industrial conditions, and the requirements for staffing contained within the Education and Care Services National Law.

Highgate OSHC is committed to:

- providing children with continuity of care; a child-safe environment; warm and caring educators; and educators with appropriate knowledge to provide educational learning programs and developmentally appropriate routines
- providing families with confidence that Highgate OSHC only appoints suitable educators, students or volunteers
- providing existing and potential educators with fair selection procedures; secure employment; fair conditions of employment; people who can work as part of a team; and that there is formal recognition of qualifications and experience
- attracting suitably qualified and experienced child-care professionals to Highgate OSHC to appoint the best applicants to the positions available; to oversee an ethical and non-discriminatory selection process; and to ensure continuity of educators to maintain quality education and care for children and families
- Ensuring that recruitment is fair and equitable, retention initiatives are implemented, and that any occurring resignation of educators can be managed without disruption, and used as an opportunity to drive continuous improvement.

Working with Children Check

All educators engaged at Highgate OSHC are to always maintain a valid Working with Children (WWC) Check throughout employment and validity will be periodically checked and documented at the service by the Director.

Procedures for Recruitment

The recruitment process is conducted by the Director in consultation with the Highgate School Principal and/or representatives of the OSHC Advisory Committee. Applications must be submitted in writing and include at least two referees. The selection panel includes the Director, Assistant Director and other members of the service's leadership team.

Advertising for jobs are as follows:

- word of mouth by current staff and community members
- OSHC networks
- job seeking websites
- education and training institutions digital noticeboards

All positions shall be advertised internally and externally concurrently for at least two weeks. All applicants shall receive a job description upon request and any other relevant information required.

Position descriptions

- Position descriptions ensure the OSHC Advisory Committee, along with current and prospective staff members, are clear about their duties, accountability and standard of expected performance allowing the service to maintain a quality standard of professional practice.
- Position descriptions will clearly specify the tasks involved in the job and qualifications, skills and experience essential or desirable for the job.
- Position descriptions shall be reviewed periodically and approved by the OSHC Advisory Committee.

- Position descriptions will be reviewed for each recruitment to ensure the document accurately details the position aim and objective, key responsibilities and duties, accountability, required qualifications, desired experience, and information on professional development and performance appraisal processes.

Completed applications are to be treated confidentially and processed by the Director. Applications received after the closing date shall be considered at the discretion of the selection panel.

Statement of interest

If any member of the selection panel has more than a professional relationship with the applicant, they are to declare this to the panel as soon as possible. It may be appropriate for the selection panel member who has a close personal relationship with an applicant to step down.

Shortlisting

Applicants shall be shortlisted on the basis of their applications and how the application illustrates their ability to carry out the job and meet the essential criteria. All applicants who meet the essential criteria are interviewed. Shortlisted applicants are to be contacted by phone, if possible, to arrange an interview time and given reasonable notice.

Interviewing

- At an appropriate time prior to interviews, the selection panel will meet to plan the interview process and work out an agreed set of questions to be asked.
- For the interviews, the panel will select a Chair, who is responsible for the introduction and conclusion of each interview, including the panel members, background of the position, the interview and selection process, the notification process, etc.
- The Director is to ensure that interviews take place in a private space without interruptions, and that someone is on hand to receive applicants as they arrive.
- Questions are designed to elicit information as to how the applicant meets the job criteria.
- All applicants are to be asked the same core questions to ensure fairness.
- All members of the selection panel will have a list of the questions to be asked.
- After each interview has concluded, each panel member individually assesses the applicant on the essential and desirable criteria, based on the information gained from the interview.
- Time will be allowed for discussion of each applicant at the end of each interview.
- Comparison of Applicants will be done on completion of all interviews.
- Irrelevant information or hearsay is not to be considered.
- Before making a final decision as to the preferred Applicants, referees will be contacted. Referees will only be contacted prior to the interviews if considered necessary by the selection panel in order to reach a decision.
- Fluency in languages other than English will be considered positively when recruiting educators, particularly languages of children in the service.

Notification

- Once the selection panel selects a Applicant for the job, the successful Applicant is made a formal job offer. This can be done by phone but will always be done in writing as well.
- All applications and interview records are to be kept for three months in case of appeal. They shall remain confidential.

- Once the successful applicant has accepted the position, the Director is to ensure that all unsuccessful applicants are notified.

Confidentiality

The decision made is kept confidential until the successful applicant has formally accepted the position. All records regarding the process of hiring is to be kept confidential.

Fulfillment of Shifts

Shifts that are unable to be fulfilled by the rostered staff member will be filled utilising the following process:

- Contacting all current staff members of the service
- Highgate School leadership will be contacted and asked if any members of the school staff e.g. SSO's, student teachers etc could work
- An external agency, Randstad, will be contacted to supply an educator

Any school or agency staff will undertake an orientation with essential information including emergency procedures, children with medical conditions and allergies and will not be left alone with any children.

Outside of Service Hours Babysitting

Highgate OSHC understands that families may request staff to babysit or nanny for them outside the service's hours of operation. Highgate OSHC prides itself on employing educators who are suitably qualified, experienced, reliable, and suitable for our service. However, engaging educators in a private agreement for babysitting is not part of the service agreement between the Highgate OSHC and families.

Due to possible legal implications, maintaining professional boundaries, child protection and privacy legislation, we strongly discourage employees from babysitting children outside of work hours. However, we acknowledge that educators are not prevented from taking on paid work outside of their employment with Highgate OSHC, provided it does not conflict with the requirements of their employment.

If families approach the Director to ask for staff to babysit outside of service hours, the Director will inform them that Highgate OSHC does not provide such a service, but may forward the details to the staff team who may contact the family directly. The staff and family will also be reminded of the requirements of this policy.

OSHC Staff must ensure that before taking on babysitting or nannying work with any family that is also a client of Highgate OSHC that the family has signed and provided to OSHC a copy of the Babysitting Waiver set out at Appendix 1. It is a condition that any family who engages an OSHC staff member to undertake babysitting or nannying work adheres to the terms set out in the Babysitting Waiver.

Educators undertaking babysitting or nanny positions in their personal time must additionally ensure the following:

- The educator or staff member, must advise the Director that a request has been made by a family and inform in writing the babysitting or nannying being undertaken
- Babysitting or nannying must not interfere with the educator's usual work engagements or availability
- Confidentiality of the service, families and children must be adhered to at all times

- Educators will ensure external relationships with children and families outside of Highgate OSHC does not result in favouritism towards children or families within the OSHC service
- Highgate OSHC will not be responsible for any health and safety issues that may arise within the private arrangement being made
- Educators are not to collect/pick up children from the service as part of any private arrangement.

Exception

If an employee has a pre-existing relationship prior to the child's enrolment at the service (relative, family friend etc.) babysitting is not discouraged.

However, to ensure the children's health and safety, families and employees will:

- Disclose the relationship to the Director upon enrolment of the child or employment and inform of any babysitting being undertaken.
- Provide written authority for the educator to collect the child from the service.
- Understand that Highgate OSHC will not be held responsible for any health, safety, or wellbeing issues that may arise from private arrangements.

Code of Conduct

Educators will be provided with the service's Code of Conduct during the induction period and required to sign that they agree to abide by the code whilst undertaking duties in their role.

Highgate OSHC Code of Conduct

Principles

- Commitment to the provision of quality education and care
- Acknowledgement and respect of Aboriginal and Torres Strait Islander people, communities and their culture
- Valuing agency, human dignity and self-determination of children
- Holding high expectation for children's wellbeing and lifelong success
- Valuing inclusion and diversity for all children, families and community members
- Honouring strong collaborative relationships with children, families and people with whom we work
- Actively contributing to and supporting an ethical and professional workplace environment
- Valuing honesty and acting with integrity
- Lead and elevate the profession through commitment to the continual development of self and others

Practice

In relation to children, I will:

- Provide a stimulating, happy, safe and inclusive environment
- Foster friendships, self-esteem and confidence
- Respect the individuality and diversity of each child
- Attend to the needs of children as a priority
- Honour each child's right to play
- Advocate for children's right to learn and be independent
- Enable children to express their views on matters that affect them

In relation to families, I will:

- Encourage all families to collaborate with the development of the OSHC program
- Be supportive and responsive to the uniqueness of all families
- Communicate with honesty and integrity
- Maintain confidentiality and respect the right to privacy
- Support the cultural identity of all families, and respect each family's choices and goals for their children

In relation to communities, I will:

- Support citizenship opportunities for children
- Promote social and environmental awareness
- Encourage community involvement
- Provide a quality and professional OSHC program

In relation to myself as a professional, I will:

- Increase and demonstrate my knowledge of middle childhood and OSHC
- Continually lead my own learning and development, being committed to maintaining and enhancing a high level of competence
- Demonstrate behaviour that enriches the provision of care and advances the OSHC profession
- Recognise the importance of Aboriginal and Torres Strait Islander people, community, culture and the traditional owners of the land on which I work

In relation to my colleagues, I will:

- Create and foster a supportive, enjoyable work environment
- Strengthen relationships to enhance the learning and development of others
- Respond ethically to the challenges of working with others
- Collaborate on ideas and opportunities to enhance the workplace
- Contribute to the culture of reflective practice

In relation to management and my service, I will:

- Actively work to positively promote the service
- Support the service to meet the legislative and accountability requirements
- Contribute to and lead quality improvement
- Respect and support the significant responsibility that management hold within the service

Professional Standards

The following Professional Standards for OSHC Educators have been created by the National Outside School Hours Services Alliance (NOSHSA).

The Professional Standards for OSHC Educators comprise seven Standards which outline what educators should know and be able to do. The Standards are interconnected, interdependent and overlapping. The Standards are grouped into three domains; Professional Knowledge, Professional Practice and Professional Engagement. In practice, the role of the educator in Outside School Hours Care settings draws on aspects of all three domains. Within each Standard focus areas provide further illustration of educator knowledge, practice and professional engagement. These are then separated into Descriptors at four professional career stages: Foundation, Developing, Proficient and Lead.

These will be reflected upon by staff at the service regularly to ensure their practice is meeting these standards. This may be through informal conversations, critical reflection at staff meetings or the review and appraisal process.

Professional Standards for OSHC Educators

Professional Knowledge

1. Understand children and how they develop
 - 1.1. Holistic development of children
 - 1.2. Understand children's preferences, learning, needs and interests
 - 1.3. Children's diverse linguistic, cultural, religious and socioeconomic backgrounds
 - 1.4. Strategies for engaging Aboriginal and Torres Strait Islander children
 - 1.5. Differentiate practice to meet the individual needs of children across the full range of abilities
 - 1.6. Strategies to support participation of children with a disability
2. Know the Framework and how it informs the program and curriculum decision making
 - 2.1. Framework content and practice
 - 2.2. Program design and organisation promoting learning opportunities
 - 2.3. Framework evaluation and communication/sharing
 - 2.4. Understand and respect Aboriginal and Torres Strait Islander people to promote reconciliation between Indigenous and non-Indigenous Australians
 - 2.5. Framework outcomes

Professional Practice

3. Design and deliver an effective program for all children
 - 3.1. Establish challenging goals for learning
 - 3.2. Organise and structure on effective program
 - 3.3. Use appropriate pedagogies/characteristics of effective practice
 - 3.4. Select and use resources
 - 3.5. Use effective communications
 - 3.6. Evaluate and improve experiences and activities
 - 3.7. Engage families in the educative process
4. Create and maintain supportive and safe environments
 - 4.1. Support child engagement
 - 4.2. Manage experiences and activities
 - 4.3. Manage and support challenging behaviour
 - 4.4. Maintain children's safety and wellbeing
 - 4.5. Use ICT safely, responsibly and ethically
5. Evaluate, assess and provide relevant feedback on children's experiences
 - 5.1. Evaluate programs and learning
 - 5.2. Provide feedback to children and families

- 5.3. Make informed and purposeful decisions
- 5.4. Interpret and analyse information
- 5.5. Make children's learning visible

Professional Engagement

6. Engage in professional learning
 - 6.1. Identify and plan professional learning needs
 - 6.2. Engage in professional learning and improve practice
 - 6.3. Engage with colleagues and improve practice
 - 6.4. Apply professional learning and improve outcomes for children
7. Engage professionally with colleagues, families and the community
 - 7.1. Meet professional and ethical responsibilities
 - 7.2. Comply with legislative and organisational requirements
 - 7.3. Implement quality framework and standards
 - 7.4. Engage with families
 - 7.5. Engage with professional educator networks and broader communities

Staff Meetings

Staff meetings are an important function of the Highgate OSHC staff team. These meetings can be an opportunity for the staff team, including educators and management representatives, to sit together and share information on all aspects of the service.

Staff meetings at Highgate OSHC are used as a forum to discuss a range of ideas or issues that are important and relevant to the roles that individual staff members have within the service, as well as for team building, problem solving, compliance, professional development, keeping informed of regulations and law and celebration.

It is expected that all educators will make every effort to attend every meeting.

The Approved Provider has the responsibility to ensure that staff who attend meetings are paid for their attendance.

Staff members have a responsibility to ensure the following:

- Staff meetings are held at minimum once per month and are attended on a regular basis.
- Staff participate in a positive and respectful manner in discussions and matters raised in staff meetings.
- Maintain privacy and confidentiality regarding issues discussed at staff meetings.
- Educators raise concerns and ideas and collaborate in a constructive and open manner.

Professional Development and Learning

Highgate OSHC endeavours to provide adequate and relevant ongoing training and development for educators to enable them to do their job confidently and to properly comply with the service's policies and procedures and other requirements of their role.

A commitment by Highgate OSHC staff to ongoing professional development is the key to effective continuous improvement and the provision of quality childcare. Engaging in professional development helps to identify areas of strengths and area requiring improvement.

The Approved Provider will ensure:

- A budgeted amount is available to provide training and development to educators and staff. This will be at minimum 1.5% of the service's overall annual budget
- The Director undertakes professional development in accordance with National Regulations and the individual professional development plan

The Director will:

- Provide a variety of professional development for educators and staff which includes: current research and readings, team meeting discussions, in-house training, networking, conferences etc
- Hold a current first aid, CPR, asthma and anaphylaxis training at all times
- Attend a minimum of 4 professional development courses over a 12 month period
- As Educational Leader, identify training needs across the service and source appropriate training and mentoring for educators
- To record all professional development completed by educators and staff and pass on relevant material to enhance skills and knowledge
- Ensure educators are paid for any training sessions or meetings attended

Educators will:

- Seek assistance and direction from the service's Educational Leader regarding the in-services and training.

Educational Leader

The Approved Provider will designate, in writing, a suitably qualified and/or experienced educator as the Educational Leader for the service, and to note this designation on the staff record. This may be the Director, Assistant Director or be selected by the Director in discussion with the OSHC Advisory Committee.

In accordance with the Children's Services Award, the Educational Leader will have a minimum of 4 hours per week non-contact time to complete programming duties and receive the Educational Leader's Allowance to be paid hourly.

The Educational Leader is responsible to:

- Lead the development of the Highgate OSHC program, using the My Time, Our Place: Framework for School Age Care in Australia, to inform and guide children's learning and development, and ensuring that clear goals and expectations have been established;
- Ensure that curriculum decision making is informed by the context, setting and cultural diversity of the families and the community;
- Ensure that the foundation for the program is based on the children's current knowledge, ideas, culture and interests;
- Ensure that each child's learning and development is assessed as part of an ongoing cycle of planning, documenting and evaluating;
- Ensure that critical reflection and evaluation of children's learning and development is used for planning and to improve the effectiveness of the program;
- Mentor educators in the implementation of the program, provide professional support to assist with further skills and knowledge and provide opportunities for ongoing reflection and feedback on current practices.
- Ensure that families have opportunities and support to be involved in the program and service activities as well as contributing to the review of service policies and decisions.

Determining the Responsible Person

It is a requirement of the Education and Care Services National Law that a Responsible Person is physically present at Highgate OSHC whenever it is in operation. They are deemed to be the person in day-to-day charge of the service.

The Responsible Person on duty may be the Director, Assistant Director or another qualified educator who has accepted the role as Responsible Person in writing.

It is the responsibility of the Approved Provider and the Director to ensure that this policy is actively implemented. Responsible Persons who are placed in day-to-day charge of Highgate OSHC are not the equivalent of a Nominated Supervisor, and do not have the same responsibilities under the National Law as a Nominated Supervisor.

The Responsible Person on duty will be indicated on the family notice board with their name and position clearly displayed.

A Responsible Person must be nominated by the Director and a written acceptance of the position be kept in their staff records. The role of Responsible Persons will be determined according to the following criteria:

- Their practical knowledge of the day-to-day responsibilities of being an educator at the service, including how to work through unexpected problems.
- Must be 18 years or older.
- Must be deemed a Qualified Educator or be shown to possess equivalent knowledge and experience as determined by the Nominated Supervisor.
- A demonstrated understanding of:
 - Education and Care Services National Law Act 2010, and the Education and Care Service Services National Regulations 2011
 - Health and Safety, including Child Protection responsibilities
 - Privacy and Confidentiality
 - Our education and care service's policies and procedures.

The Responsible Person on duty will be responsible for:

- The implementation and evaluation of a developmentally appropriate program for individual children or groups.
- The supervision of untrained staff.
- Ensuring a safe environment is maintained for both staff and children.
- Implementing and evaluating daily session routines.
- Ensuring that Highgate OSHC's policies and procedures are adhered to.
- Greeting and liaising with families.
- Ensuring children are adequately supervised, not subject to inappropriate discipline and protected from harm or hazards.
- Ensuring food and beverages provided by Highgate OSHC are healthy, nutritious and are chosen with regards to the dietary needs of children attending.
- Ensuring the prescribed levels of educator to child ratios are met at all times

The Responsible Person role may be combined with other leadership positions in the service.

Educator Review and Performance Appraisal

Highgate OSHC understands that an appropriate performance management system will:

- recognise educators' skills and knowledge
- confirm they are fulfilling their duties and responsibilities
- identify their training and professional development needs, including mandatory training .

The outcomes of effective performance appraisal include:

- improved performance, communication, workplace practices and attitudes towards the job.
- improved self-esteem and team-spirit
- fewer conflicts as issues are addressed in an ongoing manner
- greater retention of staff as possible career paths within the Highgate OSHC are identified and educators are supported to work towards career development.

Highgate OSHC is committed to:

- providing children with a team of educators who have appropriate knowledge and skills to provide educational programs and developmentally appropriate routines
- providing families with a team of educators that embrace opportunities to build relationships with families
- ensuring educators have a comprehensive understanding of middle childhood theory and practice, and issues related to children's learning, health, safety and wellbeing
- providing all educators with job satisfaction, recognition and appreciation for good work performance, support to improve skills and enhance job performance, assistance in accessing relevant training and professional development
- ensuring performance issues are addressed in a supportive and professional manner
- ensuring that the School Council, through the he OSHC Management Sub-committee, continues to assist educators to perform to their optimum capability and provide opportunities for advancement; to motivate educators to provide quality education and care; and to promote a positive and professional organisational culture.
- Provide mandatory training as required

Highgate OSHC's performance review and appraisal system is designed to:

- provide opportunities for individual educators to evaluate Highgate OSHC, assess the requirements of their position, and adjust their job description
- clarify performance expectations for the position
- provide opportunities for educators to assess their own work performance and professional conduct against written performance criteria in their job description and code of ethics
- give educators feedback about their performance, skills and strengths
- recognise and appreciate specific contributions made by an educator
- be a motivating experience that encourages team members to do their best and develop their skills further
- identify specific training and development that relates to Highgate OSHC and will be of benefit to the educator
- take into account each educator's current and future career goals
- raise areas of concern and plan strategies to support educators to reach the required standards
- provide opportunity for educators to be reasonably assessed by their peers and to be involved in their work colleagues' peer reviews

- provide the Highgate OSHC with a documented approach to educator professionalism and responsible conduct and continuous improvement through professional development and appraisal systems.

Each educator meets with the Director biannually to discuss progress, training and future professional development. These appraisals are in written and verbal form and are a positive means of providing constructive feedback to the staff. These will utilise an appraisal template developed by the service's leadership team.

The appraisal will cover a variety of aspects, such as personal appearance, attitude, job performance, communication skills, abilities, strengths and weaknesses, and areas of improvement. New goals and objectives will be set for the next six months, by mutual agreement between the educator and the Director.

Any staff member may have a support person present during the appraisal meeting.

A copy of the appraisal and professional development plan is given to the educator. The original form is kept in the educator's personal file.

Educators may appeal any outcome of the appraisal process either directly with the Director, or in writing to the OSHC Advisory Committee.

The Director's appraisal will be conducted by Highgate School Leadership in collaboration with the OSHC Advisory Committee on an annual basis.

Performance Management and Gross Misconduct

Highgate OSHC is committed to:

- providing educators with a working environment that promotes positive relationships, administers professional support and development, and determine policies and procedures which promote professionalism in the provision of a quality education and care service for children
- identifying ways to support, give advice and resources to build the capacity of individuals
- implementing a procedure for managing poor work performance and gross misconduct of educators.

Poor work performance is classified as when an educator is not performing their work at the professional standard expected by the service, with consideration of the service's policy and procedures, the Education and Care Services National Law (and any other legislative instrument applicable to their employment), as well as with respect to their position description and professional responsibilities as employees of the service.

Gross misconduct includes when an educator:

- intentionally endangers life or commits a serious breach of occupational safety and health procedures
- is found stealing money or goods from the service or Highgate School
- reports to work under the influence of drugs or alcohol
- inflicts or threatens any stakeholder to the service including children and families with violence, sexual abuse or harassment

Procedure for poor work performance

Stage 1 – Verbal Warning

- The educator will be verbally informed of any complaint concerning their work performance or conduct as soon as possible. The educator will be given the opportunity to respond to the concerns expressed and changes required.
- An informal interview will be held, attended by the educator and one or more of the following persons
 - The Director
 - Highgate School Leadership
 - OSHC Advisory Committee Chairperson
- The interview will not be minuted, however a record that the interview took place should be made.
- Complaints about the educator's work or conduct will be specific and relate to the job as summarised in the job description. The educator will be asked to respond to each concern.
- If their response is satisfactory the discussion will end.
- If their response is unsatisfactory, they will be told that their response fails to justify their conduct and an outline will be given to the educator on how they must improve their performance.
- A review period of 1-4 weeks is then set, depending on the particular circumstances.
- Any support or training deemed necessary for the educator will be identified and appropriate steps undertaken to implement them.

Stage 2 – Written Warning

- If the educator's performance has not improved, the educator will be advised with reasonable notice of the date, time and reason for the second interview, which will be a formal documented interview. This will allow for the educator to arrange attendance by their chosen representative if desired.
- A formal documented interview will be held attended by the educator and their chosen representative, and two or more of the following persons:
 - The Director
 - Highgate School Leadership
 - OSHC Advisory Committee Chairperson
- A copy of the record of the interview and written warning will be provided to the educator and one placed on the educator's file.
- The written warning will include:
 - specific details of the educator's conduct or unacceptable performance standards
 - action that will be taken if the educator's conduct does not improve or if they do not reach an acceptable standard of work-practice
 - the date of the subsequent performance review.
- If the educator disagrees with the assessment, a right of written reply will also be attached to the file.

Stage 3 – Final Written Warning

- The Director, Highgate School Leadership or OSHC Advisory Committee Chairperson, may conduct a second formal documented interview with the educator in which another written warning will be given. It will state that a continuing failure to improve after this interview will result in suspension or dismissal.
- All other procedures as set out in Stage 2 will be followed.

Stage 4 – Termination of Employment

- If the interviewing panel believe that the educator's performance has not improved after the Stage 3 interview, the educator will be invited to explain why they should not be dismissed, and to raise any issues that may warrant consideration.
- The interviewing panel will then decide whether to recommend to the OSHC Advisory Committee and Highgate School Governing Council whether:
 - alternative employment is available and should be offered, and if the educator does not accept then the Approved Provider may issue a notice of dismissal. If the educator accepts, a new contract is issued "without loss of service", or
 - employment should be terminated.
- A dismissal notice will include the effective date of dismissal, reasons for dismissal and termination payment as per award entitlement. The length of notice of dismissal, detailed in the Children's Services Award is between one and four weeks, depending on length of service. An educator may be paid out in lieu of such notice.
- Prior to giving a dismissal notice Highgate School Governing Council as the Approved Provider will conduct an unfair dismissal check to ensure the educator is not being dismissed in a manner that is harsh, unjust or unreasonable.

Procedure for gross misconduct

- The OSHC Advisory Committee will suspend the educator without loss of pay pending an internal investigation, which will be completed as soon as possible.
- The investigation may need to be completed by an independent investigator and /or police – in the cases of misconduct due to abuse
- The written results of the internal investigation will be sent to the educator and an interview arranged to allow the educator to respond.
- The educator will be advised that they are welcome to have a representative at the interview if they wish.
- The interview will be attended by the Director, Highgate School Leadership, the OSHC Advisory Committee Chairperson, the educator and the educator's support person if desired.
- The educator will be advised formally of the findings of the investigation and asked to respond.
- The educator's responses to the internal investigation results will be assessed according to the following guidelines:
 - If the educator's responses are considered to be credible, the matter will either come to an end there and then, or a verbal/written warning may be issued if appropriate. If further investigation is required, then the above steps will be repeated.
 - If the educator's responses are considered not to be credible, then a decision will be made to terminate immediately, with written confirmation to follow.
- It is not necessary to give the minimum notice or compensation in lieu of notice if the educator is guilty of misconduct, which would make it unreasonable to continue employment throughout the notice period. In this case salary shall be paid up to the time of dismissal only.

Participation of Students and Volunteers

Volunteers will not be utilised in the service at any time without consideration by the OSHC Advisory Committee.

Students completing practical assessment for relevant qualifications may be considered by the Director. Prior to participation at the service, a student (aged 18 years or over) must be in possession of a Working with Children Check (WWCC), unless they are under the direct supervision of a qualified educator who is over 18 years of age.

Students under the age of 18 years will always be supervised by a qualified educator who is 18 years or older and will never work unsupervised at the service.

Students cannot be included in educator to child ratio at any time.

The Director is responsible for:

- informing the OSHC Advisory Committee of upcoming arrangements pertaining to students to ensure that all necessary paperwork (i.e. insurance, work cover) is held.
- keeping details including: the full name, address, date of birth, date and hours of participation for each student who participates at the service.
- ensuring students undertake an induction to the service and complete an induction checklist in line with new educators
- discussing and highlighting important policies and procedures including occupational health and safety; complaints procedures; supervision; child protection and ensuring a safe environment for children; confidentiality and privacy
- requiring that the new students reads and sign the service's Statement of Confidentiality
- discussing their understanding of the National Quality Framework for School Age Care
- advising the new student about Highgate OSHC's management structure and their lines of responsibility and communication with management
- meeting with the new student at the end of their first day to get feedback and address any questions they may have
- regularly following up with the new student to check that they are settling into their role at the service.
- ensuring students do not provide advice to parents and families
- ensuring students do not administer medication.

Staff Complaints and Grievances

The below procedures outline the processes for staff or educators raising complaints or grievances.

- If an educator wishes to raise a complaint against a child at Highgate OSHC, this is to be communicated with the child (where appropriate). If the complaint is about interactions, relationships, or behaviour; the educator must discuss the issue with the Director who will advise if further action is necessary.
- If an educator wishes to raise a complaint against a family member or other adult at Highgate OSHC, this is to be discussed with the Director, and where possible be provided in writing.
- If an educator wishes to raise a complaint against another educator, they are encouraged to discuss the issue with the educator and where possible deal with the matter on the spot. Where this is not possible, educators are asked to have these conversations away from children and families and with the support of the Director. The complaint may also be discussed with the Director at any time who will mediate the issue.
- If an educator wishes to raise a complaint against the Director, it is to be done so in writing to the Highgate School Governing Council through the OSHC Advisory Committee, and must outline the issue and how the educator would best like the issue rectified.
- If an educator wishes to raise a complaint against the OSHC Advisory Committee they are encouraged to discuss the matter with the Director and present the issue in writing to the Highgate School Governing Council.

Educators can raise comments, suggestions, concerns, grievances, or complaints about Highgate OSHC at any time with the Director. If appropriate these can also be raised at staff meetings for discussion.

Educators will actively monitor their own behaviour and practices in line with Highgate OSHC policies and procedures.

For all staff complaints and grievances:

- Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with it will be analysed to find out how the problem occurred and determine if Highgate OSHC should implement any changes to policy or operational procedures to avoid similar problems in the future.
- The Approved Provider will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. Families will be contacted to determine if they were satisfied with the way the issue was resolved, and educators will be consulted about the outcome from an operational viewpoint.
- Any complaints that allege that Highgate OSHC contravened the Education and Care Services National Law Act, or compromised the health, safety or wellbeing of any child at Highgate OSHC, will be reported to the regulatory authority, the Education Standards Board, as required under by National Regulations. These allegations will be taken most seriously and an immediate resolution will be sought.

Approved by Highgate School Governing Council 10th August 2021

DATE OF EFFECT: 18th August 2021

REVIEWED: 4th November 2022

TO BE REVIEWED: 4th November 2023

Related Documents

<http://www.acecqa.gov.au/national-quality-framework/national-law-and-regulations/national-regulations>

Education & Care Services National Regulations (2011) – Regulations 35, 70, 71, 73, 74, 75, 76, 84, 145, 146, 147, 149, 151, 155, 162, 168, 169, 181 & 183

National Quality Standard for Early Childhood Education and Care & School Age Care (2010) – Standards 1.1.1, 1.2.1, 2.2.1, 2.2.2, 2.2.3, 7.1.2, 7.1.3, 7.1.5, 7.3.1 & 7.3.5

<https://www.education.sa.gov.au/working-us/out-school-hours-care-oshc>

UNICEF (n.d). Fact sheet: A summary of the rights under the Convention on the Rights of the Child, www.unicef.org/crc/files/Rights_overview.pdf

Child Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

Ombudsman Act 2001

My Time, Our Place Framework

Legal Services Commission of South Australia - lawhandbook.sa.gov.au

Working with Children Check – screening.sa.gov.au

Appendix 1: BABYSITTING WAIVER

Due to possible legal implications, maintaining professional boundaries, child protection and privacy legislation, Highgate OSHC strongly discourages employees from babysitting children outside of work hours. However, we acknowledge that educators are not prevented from taking on paid work outside of their employment with Highgate OSHC, provided it does not conflict with the requirements of their employment.

Before taking on babysitting or nannying work with any family that is also a client of Highgate OSHC, it is a requirement that the family has signed and provided to OSHC a copy of this Babysitting Waiver.

Name of OSHC educator (**Babysitter**): _____

(print name)

I wish to retain the Babysitter to undertake babysitting or nannying duties for my family.

I am aware that the Babysitter is also employed by Highgate OSHC, of which my family is a client.

I acknowledge that Highgate OSHC does not undertake babysitting or nannying services for individual families, and that I am retaining the services of the Babysitter in their personal capacity.

I have read the Staffing Arrangements Policy of Highgate OSHC, and understand that Highgate OSHC discourages, but does not prevent, OSHC staff from undertaking such services directly for families outside of their employment with Highgate OSHC.

I acknowledge that:

- Highgate OSHC is not responsible for any private arrangements or agreements made between me or my family and the Babysitter. I also understand the risk associated with my child(ren) having an outside social relationship with an educator/staff member of the Highgate OSHC service.
- While Highgate OSHC has a duty of care to protect children whilst on Highgate premises and in its care, this duty of care does not extend to private arrangements between educators (including the Babysitter) and families outside of the service (except that educators do have a duty to report any health, safety, and/or wellbeing concerns in and outside of work as mandated reporters).
- As an Education and Care Service, Highgate OSHC cannot anticipate or control the situation that may arise as a result of the Babysitter engaging with children outside of their employment with Highgate OSHC, where they are closely supervised by OSHC management.
- Highgate OSHC provides no representation or assurance as to the suitability of the Babysitter to provide services outside of their role within Highgate OSHC.
- The Babysitter will not be covered by the Service's insurance whilst babysitting as a private arrangement.
- It is my responsibility to engage with the Babysitter in relation to any services they provide outside of Highgate OSHC, including in regard to expectations and use of personal mobile phones and devices, and photography to ensure privacy and confidentiality is maintained whilst babysitting, make my own checks as to the suitability of the Babysitter for my family's personal situation.

- If the Babysitter is injured while undertaking services for me, OSHC will not be responsible for any resulting liability or losses that I may incur.
- All staff of Highgate OSHC are bound by contract of the Highgate OSHC's *Privacy and Confidentiality Policy* which outlines that they are unable to discuss any issues regarding the service, other employees, families or children.
- The Babysitter will be permitted to disclose any information obtained while providing private services to me to the management of Highgate OSHC, to the extent that the information is relevant to the provision of services by Highgate OSHC and its associated professional duties. However, Highgate OSHC will not be responsible for any failure by the Babysitter to make such disclosures to Highgate OSHC management.

Having regard to the acknowledgements given by me above, I hereby release Highgate OSHC from any liability (including, but not limited to, any health and safety issues, conduct, grievances or any other claims) arising out of the Babysitter's private arrangements made with me outside of the Highgate OSHC service.

Executed as a Deed Poll

Signed, sealed and delivered by:

Parent/guardian name	
Signature	
Date	

In the presence of:

Witness name	
Witness signature	
Date	