

STAFFING POLICY

Mandatory – Quality Area 4

PURPOSE

This policy will provide guidelines for engaging staff at Heathmont East Preschool, including:

- employing sufficient numbers of educators to meet legislative, policy and service standards
- employing educators with qualifications and experience that meet legislative, policy and service standards
- providing appropriate supervision and support to staff and other adults at the service
- complying with legislation relating to Working with Children (WWC) Check, Victorian Institute of Teaching (VIT) registration and meeting Child Safe Standards.

This policy should be read in conjunction with the following service policies:

- Child Safe Environment Policy
- Code of Conduct Policy
- Determining Responsible Person Policy
- Participation of Volunteers and Students Policy

POLICY STATEMENT

1. VALUES

Heathmont East Preschool is committed to:

- ensuring that the health, safety and wellbeing of children at the service is protected at all times while also promoting their learning and development
- fulfilling a duty of care to all children attending the service
- providing accountable and effective staffing and management practices
- employing educators with a range of relevant qualifications and experience to provide a quality
 educational program that meets the needs of children and families in the community
- · employing educators according to policy and funding requirements
- complying with relevant industrial agreements and current legislation in relation to the employment of staff, including the Equal Opportunity Act 2010, Fair Work Act 2009 and the Worker Screening Act 2020
- continuity of educators at the service
- the further development of staff.

2. SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, volunteers, students and parents/guardians at Heathmont East Preschool.

3. BACKGROUND AND LEGISLATION

Background

High quality services with qualified, skilled and supported educators have a long-term positive impact on the trajectory of children's lives. Minimum qualification requirements are specified in legislation for all educators working in early childhood education and care services. Eligibility for services to receive funding also

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includes requirements for staff to hold specific qualifications (*The Kindergarten Funding Guide* – refer to *Sources*).

A current list of approved qualifications is available on the <u>Australian Children's Education and Care Quality</u> <u>Authority</u> (ACECQA) website (refer to *Sources*). Applications can also be made to ACECQA to determine if other qualifications (such as those gained overseas) entitle the individual to work as an early childhood teacher, diploma-level educator or certificate III level educator. Application forms are available on the ACECQA website and a fee is required for processing an application.

In addition, there are legislative requirements that there is at least one educator who holds current approved first aid qualifications, anaphylaxis management training and emergency asthma management training to be in attendance and immediately available at all times that children are being educated and cared for by the service. These qualifications must be updated as required, and a copy of the qualifications must be kept on an individual's staff record. As a demonstration of duty of care and best practice, ELAA recommends **all educators** have current approved first aid qualifications, anaphylaxis management training and emergency asthma management training.

Opportunities for professional development are crucial for all educators to ensure that their work practice remains current and aligned to the practices and principles of the national *Early Years Learning Framework* (EYLF) and the *Victorian Early Years Learning and Development Framework* (VEYLDF) (refer to *Sources*).

Staff are required to actively supervise children at all times when children are in attendance at the service (refer to *Supervision of Children Policy*). To facilitate this, services are required to comply with legislated educator-to-child ratios at all times, which are based on the qualifications of the educators, and the ages and number of children at the service. Only those educators working directly with children (refer to *Definitions*) can be counted in the ratio.

All educators and staff are required by law to have a current WWC Clearance or be registered with the VIT (refer to *Definitions*). It is also recommended that the Nominated Supervisor and staff with financial responsibilities also have a criminal history record check (refer to *Definitions* and *Sources*).

Child Safe Standard 4 requires organisations to have policies and procedures in place for the recruitment and selection, supervision, training and performance management of staff (refer to *Child Safe Environment Policy*).

Legislation and standards

Relevant legislation and standards include but are not limited to:

- Child Safe Standards
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Education and Training Reform Act 2006 (Vic) (amended in 2014)
- Equal Opportunity Act 2010 (Vic)
- Fair Work Act 2009
- National Quality Standard, Quality Area 4: Staffing Arrangements
- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)

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4. **DEFINITIONS**

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Regulatory Authority, National Law, National Regulations etc. refer to the *General Definitions* section of this manual.

Adequate supervision: (In relation to this policy) supervision entails all children (individuals and groups) in all areas of the service, being in sight and/or hearing of an educator at all times including during toileting, sleep, rest and transition routines (National Law 165). Services are required to comply with the legislative requirements for educator-to-child ratios at all times. Supervision contributes to protecting children from hazards that may emerge in play, including hazards created by the equipment used.

Adequate supervision refers to constant, active and diligent supervision of every child at the service. Adequate supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include:

- number, age and abilities of children
- number and positioning of educators
- current activity of each child
- areas in which the children are engaged in an activity (visibility and accessibility)
- developmental profile of each child and of the group of children
- experience, knowledge and skill of each educator
- need for educators to move between areas (effective communication strategies).

Approved first aid qualification: A list of approved first aid qualifications, anaphylaxis management and emergency asthma management training is published on the ACECQA website: <u>www.acecqa.gov.au</u>

Criminal history record check: A full-disclosure, Australia-wide criminal history record check issued by Victoria Police (refer to *Sources*), or by a police force or other authority of a state or territory, or the Commonwealth. It may also be referred to as a National Police Certificate or Police Records Check.

Early childhood teacher (ECT): A person with an approved early childhood teaching qualification. Approved qualifications are listed on the ACECQA website: <u>www.acecqa.gov.au</u>

Educator: An individual who provides education and care for children as part of an education and care service.

Educational Leader: The Approved Provider of an education and care service must designate, in writing, a suitably-qualified and experienced educator, co-ordinator or other individual to lead the development and implementation of educational programs at the service (Regulation 118). This person must have a thorough understanding of the *Early Years Learning Framework* and the *Victorian Early Year Learning and Developmental Framework* be able to guide other educators in their planning and reflection, and mentor colleagues in the implementation of their practice.

The Kindergarten Funding Guide: provides detailed information from the Department of Education and Training (DET) about the types of kindergarten funding available, eligibility criteria, how to apply for funding and how to comply with operational requirements once funding has been granted.

Nominated Supervisor: A person who has been nominated by the Approved Provider of the service under Part 3 of the Act can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure the Nominated Supervisor is a fit and proper person with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes or is no longer employed at the service within 14 days.

Person with management or control: Each member of the executive committee of the association which is the Approved Provider, who has the responsibility, alone or with others, for managing the delivery of the education and care service.

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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 person in day-to-day charge of the service in accordance with the National Regulations.

Suitably qualified person – long day-care only: An individual who is 'actively working towards' (see Regulation 10 of the National Regulations) an approved early childhood teaching qualification AND has completed at least 50 per cent of the qualification or holds an approved early childhood education and care diploma OR An individual who is registered as a primary or secondary school teacher in Australia AND holds an ACECQA approved early childhood education and care diploma (or higher approved qualification).

Staff record: A record which the Approved Provider of a centre-based service must keep containing information about the Nominated Supervisor, the Educational Leader, staff, volunteers, students and the Responsible Person at a service. Details that must be recorded include qualifications, training and the WWC Check (Regulations 146–149). A sample staff record is available on the ACECQA website: www.acecqa.gov.au

Victorian Institute of Teaching (VIT): The statutory authority for the regulation and promotion of the teaching profession in Victoria, established as part of the Victorian Institute of Teaching Act 2001. All early childhood teachers are required to be registered with the Victorian Institute of Teaching.

Working directly with children: Working directly with children is defined as being physically present with children and directly engaged in providing them with education and/or care.

Working with Children (WWC) Check: The clearance is a legal requirement under the *Worker Screening Act 2020* for those undertaking paid or voluntary child-related work in Victoria. The Department of Justice assesses a person's suitability to work with children by examining relevant serious sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history. A WWC Clearance is granted to a person under Worker Screening legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

5. SOURCES AND RELATED POLICIES

Sources

- The Commission for Children and Young People (2018), A Guide for Creating a Child Safe Organisation: <u>https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf</u>
- Australian Children's Education and Care Quality Authority (ACECQA<u>www.acecqa.gov.au</u>
- ELAA's Employee Management and Development Kit: developed to support early learning services in the ongoing management and development of their employees at: https://elaa.org.au/resources/free-resources/employee-management-development-kit/
- ELAA's Early Childhood Management Manual contains additional information and attachments relating to staffing, including sample position descriptions, sample letters of employment and interview questions. Available from: <u>www.elaa.org.au</u>
- Department of Education and Training , *The Kindergarten Funding Guide*: <u>https://www.education.vic.gov.au/childhood/providers/funding/Pages/kinderfundingcriteria.aspx</u>
- The Early Years Learning Framework for Australia: Belonging, Being, Becoming: www.education.gov.au
- Victorian Early Years Learning and Development Framework: www.education.vic.gov.au
- Working with Children Check unit, Department of Justice and Regulation provides details of how to
 obtain a WWC Check: <u>www.workingwithchildren.vic.gov.au</u>
- Victoria Police National Police Record Check: <u>www.police.vic.gov.au</u>

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Service policies

- Administration of First Aid Policy
- Anaphylaxis Policy
- Asthma Policy
- Child Safe Environment Policy
- Code of Conduct Policy
- Complaints and Grievances Policy
- Curriculum Development Policy
- Delivery and Collection of Children Policy
- Determining Responsible Person Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Participation of Volunteers and Students Policy
- Privacy and Confidentiality Policy
- Supervision of Children Policy

PROCEDURES

The approved provider and persons with management or control are responsible for:

- complying with the service's Code of Conduct Policy at all times
- appointing nominated supervisors (refer to *Definitions*) who are aged 18 years or older, fit and proper and have suitable skills, as required under the Education and Care Services National Law, Section 161 (refer to *Determining Responsible Person Policy*)
- ensuring that there is a responsible person (refer to *Definitions* and *Determining Responsible Person Policy*) on the premises at all times the service is in operation (National Law: Section 162)
- ensuring that the nominated supervisor, educators and all staff comply with the Code of Conduct Policy at all times
- ensuring that children being educated and cared for by the service are adequately supervised (refer to *Definitions* and *Supervision of Children Policy*) at all times when they are in the care of that service (National Law: Section 165(1))
- complying with the legislated educator-to-child ratios at all times (National Law: Sections 169(1) & (2), National Regulations: Regulations 123, 357)
- ensuring that all staffing meets the requirements of *The Kindergarten Funding Guide* (refer to *Sources*) at all times the service is in operation
- complying with relevant *industrial* agreement and current legislation relating to the employment of staff, including the *Equal Opportunity Act 2010*, *Fair Work Act 2009*, *Occupational Health and Safety Act 2004* and the *Worker Screening Act 2020*
- following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Child Safe Environment Policy*
- employing the relevant number of appropriately-qualified educators (refer to *Definitions*) with ACECQA approved qualifications (refer to *Background* and *Sources*) (Regulations 126)
- employing additional staff, as required, to assist in the provision of a quality early childhood education and care program
- ensuring an early childhood teacher (refer to *Definitions*) is working with the service for the required period of time specified in the National Regulations, and that, where required, a record is kept of this work (Regulations 130–135, 152, 363)
- maintaining a record of educators working directly with children in accordance with Regulation 151

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- appointing an appropriately-qualified and experienced educator to be the educational leader (refer to *Definitions*), and ensuring this is documented on the staff record (Regulations 118, 148)
- ensuring that educators and other staff are provided with a current position description that relates to their role at the service
- maintaining a staff record (*refer* to *Definitions*) in accordance with Regulation 145, including information about the responsible person, nominated supervisor, the educational leader, other staff members, volunteers and students. Details that must be recorded include qualifications, training, Working with Children Clearance as set out in Regulations 146–149. A sample staff record is available on the ACECQA website: <u>www.acecqa.gov.au</u>
- complying with the requirements of the *Worker Screening Act 2020*, and ensuring that the Nominated Supervisor, educators and staff at the service have a current WWC Clearance (refer to *Definitions*) or a Victorian Institute of Teaching (VIT) certificate of registration (applicable to ECT only).
- confirming the WWC Clearance or confirming VIT registration (applicable to ECT only) of all staff prior to their being engaged or employed as a staff member at the service
- confirming the WWC Clearance of all volunteers prior to their being permitted to be a volunteer at the service
- ensuring that a register of the WWC Clearance or VIT registrations is maintained and the details kept on each staff record (Regulations 145, 146, 147, 149)
- determining who will cover the costs of WWC Clearance or criminal history record checks (refer to Definitions)
- developing (and implementing, where relevant) an appropriate induction program for all staff appointed to the service
- developing rosters in accordance with the availability of responsible persons, staff qualifications, hours
 of operation and the attendance patterns of children
- ensuring that volunteers/students and parents/guardians are adequately supervised at all times when
 participating at the service, and that the health, safety and wellbeing of children at the service is
 protected (refer to Participation of Volunteers and Students Policy)
- ensuring educators who are under 18 years of age are not left to work alone, and are adequately supervised at the service (Regulation 120)
- ensuring that there is at least one educator with current approved first aid qualifications, anaphylaxis management training and emergency asthma management training (refer to *Definitions*) in attendance and immediately available at all times that children are being educated and cared for by the service. (Note: this is a minimum requirement. As a demonstration of duty of care and best practice, ELAA recommends that all educators have current approved first aid qualifications and anaphylaxis management training and emergency asthma management training.) Details of qualifications and training must be kept on the staff record (Regulations 136, 145)
- developing procedures to ensure that approved first aid qualifications, anaphylaxis management training and emergency asthma management training are evaluated regularly, and that staff are provided with the opportunity to update their qualifications prior to expiry
- ensuring that staff records (refer to *Definitions*) and a record of educators working directly with children (refer to *Definitions*) are updated annually, as new information is provided or when rostered hours of work are changed (Regulations 145–151)
- ensuring that annual performance reviews of the nominated supervisor, early childhood teachers, educators and other staff are undertaken
- reviewing staff qualifications as required under current legislation and funding requirements on an annual basis
- ensuring that the nominated supervisor, early childhood teachers, educators and other staff, volunteers and students are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83) (refer to *Tobacco, Alcohol and other Drugs Policy*)

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- ensuring that all early childhood teachers, educators and staff have opportunities to undertake professional development relevant to their role
- ensuring that the nominated supervisor, early childhood teachers and educators/staff are advised and aware of current child protection laws and any obligations that they may have under these laws (Regulation 84) (refer to the *Child Safe Environment Policy*)
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent
- · developing and maintaining a list of casual and relief staff to ensure consistency of service provision
- ensuring that the procedures for the appointment of casual and relief staff are compliant with all
 regulatory and funding requirements.

The nominated supervisor and persons in day to day charge are responsible for:

- ensuring that the name and position of the responsible person in charge of the service is displayed and easily visible from the main entrance of the service
- following the guidelines for the recruitment, selection and ongoing management of staff as outlined in the *Child Safe Environment Policy*
- complying with the service's Code of Conduct Policy at all times
- ensuring adequate supervision of children at all times (refer to Supervision of Children Policy)
- ensuring the educator-to-child ratios are maintained at all times (Regulation 169(3)), that each educator at the service meets the qualification requirements relevant to their role, including the requirement for current approved first aid qualifications, anaphylaxis management training and emergency asthma management training, and that details of such training is kept on the staff record
- developing rosters in consultation with the approved provider in accordance with the availability of Responsible Persons, staff qualifications, hours of operation and the attendance patterns of children
- ensuring that early childhood teachers, educators and other staff undertake appropriate induction following their appointment to the service
- ensuring that all early childhood teachers, educators and staff have opportunities to undertake professional development relevant to their role
- participating in an annual performance review
- ensuring that less experienced early childhood teachers, educators and others engaged to be working with children are adequately supervised
- ensuring educators who are under 18 years of age are not left to work alone and are adequately supervised at the service
- providing details of their current WWC Clearance or VIT registration for the staff record
- confirming status of WWC Clearance or VIT registrations of staff
- ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (Regulation 83) (refer to Tobacco, Alcohol and other Drugs Policy)
- ensuring that they are aware of current child protection laws and any obligations that they may have under these laws (refer to Child Safe Environment Policy)
- informing parents/guardians of the name/s of casual or relief staff where the regular educator is absent.

Early childhood teachers, educators and all other staff are responsible for:

- complying with the service's *Code of Conduct Policy* at all times
- ensuring that they are not affected by alcohol or drugs (including prescription medication) that would impair their capacity to supervise or provide education and care to children (refer to *Tobacco, Alcohol* and other Drugs Policy)
- providing details of their current WWC Clearance or VIT registration and where relevant Criminal Records Check for the staff record
- undertaking the required induction program following appointment to the service

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- advising the WWC Check Victoria at the Department of Justice and Regulation of any relevant change in circumstances, including change of name, address, contact details and change of employer organisation, including changes to the organisation's contact details
- where the role involves working with children, providing adequate supervision at all times (refer to *Definitions* and *Supervision of Children Policy*)
- maintaining educator-to-child ratios at all times
- maintaining current approved qualifications relevant to their role, including first aid qualifications, anaphylaxis management training and emergency asthma management training
- providing the Committee (via the HR Coordinator) notice of intention to take leave as soon as
 practicable and advise of the period, or expected period, of the leave. For absences on personal/carer's
 leave exceeding 3 consecutive working days a medical certificate must be produced if required by the
 Approved Provider
- organising relief staff when absent from the service
- participating in an annual performance review
- undertaking professional development relevant to their role to keep their knowledge and expertise current
- supervising educators at the service who are under 18 years of age, and ensuring that they are not left to work alone
- ensuring that they are aware of current child protection laws and any obligations that they may have under these laws (refer to *Child Safe Environment Policy*)
- ensuring that their friends and family are not at the workplace, unless approved in advance by the President and/or Vice President, due to an emergency or for genuine business reasons, and that friends and family are not in the workplace for longer than necessary.

Parents/guardians, volunteers and students on placement are responsible for:

- reading this Staffing Policy
- complying with the Code of Conduct for Parents/Guardians (refer to the Code of Conduct Policy) at all times
- complying with the law, the requirements of the *Education and Care Services National Regulations 2011*, and all service policies and procedures
- following the directions of staff at the service at all times to ensure that the health, safety and wellbeing of children are protected
- participating in surveys distributed by the Committee of Management including, but not limited to, the Teacher Feedback Survey, Parent Satisfaction Survey and Department of Education Kindergarten Parent Opinion Survey

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly check staff records to ensure WWC Clearance and qualifications are current and complete
- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- · keep the policy up to date with current legislation, research, policy and best practice
- · revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk.

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ATTACHMENTS

Attachment 1: Procedure for responding to staff requests for leave during term (teaching) time

Attachment 2: Staff Professional Development Procedure

Attachment 3: Professional Development Request Form

AUTHORISATION

This policy was adopted by the Committee of Management of Heathmont East Preschool in June 2015, and is reviewed annually in line with the updated template available from ELAA. The policy was last updated in April 2022.

The Procedure for responding to staff requests for leave during term (teaching) time was developed and adopted by vote in April 2016 and updated in June 2022.

The Staff Professional Development Procedure was developed in September 2015 and updated in November 2017.

Review date: July 2023

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ATTACHMENT 1

POLICY AND PROCEDURE FOR STAFF LEAVE REQUESTS DURING TERM TIME

Optional – Quality Area 4 of the National Quality Framework

BACKGROUND AND PURPOSE

This policy was developed to provide a clear, fair and consistent procedure for requests from staff for leave during term time, following an increase in such requests.

The policy and procedure is based upon advice received from senior adviser for Human Resources at the Early Learning Association of Australia to ensure accordance with best practice, ensure accordance with the State Award governing pay and conditions, and accordance with our responsibilities as an Approved Provider of an Early Childhood Service as per the national regulations and the National Quality Framework. It was then discussed by the Committee of Management at a regular meeting for and in accordance with the values of Heathmont East Preschool, prior to a vote.

PROCEDURE FOR LEAVE REQUESTS

- Requests should be made in writing to the HR Coordinator (or any other person as directed by the Committee of Management from time to time) with maximum possible advance notice.
- The HR Coordinator (or in their absence, the President) will consider each request within a fortnight of receipt of written request, with staff to be notified of the outcome in writing as soon as possible.
- Requests are considered and decided on a case-by-case basis and *only approved in exceptional personal circumstances.*
- Requests should draw upon accrued Long Service Leave wherever possible.
- Wherever possible, staff should attempt to arrange for another regular or casual relief staff member from Heathmont East Preschool to cover their leave period, and notify the Committee of Management as soon as possible once this is arranged.

AUTHORISATION

This policy was approved by a vote of the Committee of Management of Heathmont East Preschool on 13 April 2016 and became effective immediately.

This Policy was amended and approved by a vote of the Committee of Management of Heathmont East Preschool in July 2022 and became effective immediately.

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ATTACHMENT 2

STAFF PROFESSIONAL DEVELOPMENT PROCEDURE

Professional Development is to occur outside of staff contact hours with children, unless in exceptional circumstances to be approved by the Committee of Management prior to enrolment in professional development event.

Staff requests to attend Professional Development events should be made in writing via email to the HR Coordinator with a minimum of 2 weeks notice. This request will be reviewed and the staff member will be notified of the outcome in writing as soon as possible after vote has taken place. At this time staff may book into the event.

If staff book into an event prior to obtaining approval they do so at their own risk. The Committee of Management may not approve the reimbursement of funds.

A budget is set by the Committee of Management each year for staff members to attend council professional development opportunities. This professional development budget is capped for each staff member. Mandatory professional development (e.g. first aid etc) and priority access topics (e.g. additional needs including Autism, anxiety etc) are allocated in a separate budget at the discretion of the Committee of Management.

Staff are to save any notes or handouts electronically in the professional development folder at the Preschool and to update their Professional Development Tracker document in their own staff file. It is expected that the staff member who attends a professional development event will disseminate their knowledge to other team members at the next staff meeting.

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ATTACHMENT 3

PROFESSIONAL DEVELOPMENT REQUEST FORM		
Employee's name and position:		
Event:		
Date:		
Time required for professional development activity	Employer app	roval
Contact time:	Registration:	\$
Non-contact time:	Salary:	\$
Own time:	Relief staff:	\$
Contact time to be covered by:		
Registration/course cost requested:	Total:	\$
Overview of content:		
Benefit to service:		
Benefit to self:		
Signature:	Date:	
PROFESSIONAL DEVELOPMENT EMPLOYEE ADVICE FORM The employer has/has not (<i>select whichever is applicable</i>) authorised you has agreed to pay the following amounts provided the professional develo completed:	r request to attend	. The employer
Registration: \$ Salary: \$		
The staff member is expected, after completing the professional developm evaluation for the next committee meeting.	nent, to provide a w	vritten
Signature:	Date:	
Name and position of committee member:		

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