



## Nominated Supervisor

The Education and Care Services National Law has 87 penalties ranging from \$1000 to \$100,000 and the Education and Care Services National Regulations has 87 Penalties ranging from \$1000 to \$2000.

The unprofessional actions of educators will result in us getting fined, not them. That is how the law and regulations are written. Educators can put you at great financial risk. That is why you need to know what they put into practice by constantly testing your educators' knowledge and practice to ensure you don't end up with a fine.

Please read the educator and educational leader professional development activities.

Let's have a look at routines and see how they could cause us a compliance issue, or worse a fine.

**77 Health, hygiene and safe food practices** - Penalty: \$2000.

(2) A nominated supervisor of an education and care service must implement, and ensure that all staff members of, and volunteers at, the service implement—

- (a) adequate health and hygiene practices; and
- (b) safe practices for handling, preparing and storing food—to minimise risks to children being educated and cared for by the service.

**79 Service providing food and beverages** - Penalty: \$2000.

(2) A nominated supervisor of an education and care service that provides food or a beverage to children being educated and cared for by the service must ensure that—

- (b)(ii) the food or beverage provided is chosen having regard to the dietary requirements of individual children taking into account any specific cultural, religious or health requirements.*

**81 Sleep and rest** - Penalty: \$1000.

- (2) A nominated supervisor of an education and care service must take reasonable steps to ensure that the needs for sleep and rest of children being educated and cared for by the service are met, having regard to the ages, development stages and individual needs of the children.

# 1.1.3 Program learning opportunities

Week 1 - 1.2.2021  
Monday to Friday



## Compliance test for educators

**Instructions: Nominated Supervisor is to** conduct the test. Ask one educator at a time in a location that other educators cannot hear or provide support to the educators being asked the question. Record the responses then analyse to see if the educators responses would place you at risk of a fine. Finally, train the educators that fail to meet the regulations.

Name of educator:

Questions	Response	Pass or Fail
Billy is a child with autism. He doesn't like washing his hands. Is it okay for Billy not to wash his hands before lunch if they look clean?		
Danielle is a room leader and doesn't always make sure Mohamed has food with no pork. She says, "whoops, his dad won't know." What would you do if you worked in the same room as Danielle?		
What hygiene practices would you need to do to allow the children to eat their lunch outside?		
A mother has requested that her child sleep no more than an hour. Is it okay to wake her up after an hour?		

Name of educator:

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Danielle is a room leader and doesn't always make sure Mohamed has food with no pork. She says, "whoops, his dad won't know." What would you do if you worked in the same room as Danielle?		
What hygiene practices would you need to do to allow the children to eat their lunch outside?		
A mother has requested that her child sleep no more than an hour, is it okay to wake her up after an hour?		

### Week 1, 1-5 February 2021- 1.1.3 Program learning opportunities

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### Fair Work

Professional standards guide practice, interactions and relationships.

The Federal Government's Fair Work website <https://www.fairwork.gov.au/> has a lot of simple, easy to understand information about employee entitlements as well as some useful templates. Each week we'll share information from the website.

#### Public Holidays

Public holidays are part of the National Employment Standards (NES) which cover all employees. The NES entitles employees to be absent from work on a day/part-day that is a public holiday, and protects an employee's right to reasonably refuse to work on a public holiday.

The following must be considered when deciding whether or not a request to work or refusal to work on a public holiday is reasonable:

- the employer's operational requirements and the type of work performed
- the employee's personal circumstances
- whether the employee could reasonably expect to be asked to work on the public holiday
- whether the employee is entitled to receive overtime payments, penalty rates, additional remuneration for work on the public holiday
- the type of employment eg full-time, part-time, casual
- the amount of advance notice given by the employer
- the amount of advance notice given by the employee if refusing to work.

Public holidays can be different in different States or Territories. The following are public holidays under the NES:

- 1 January (New Year's Day)
- 26 January (Australia Day)
- Good Friday
- Easter Monday
- 25 April (Anzac Day)

- Queen's birthday holiday (the day on which it is celebrated in a State or Territory or a region of a State or Territory)
- 25 December (Christmas Day)
- 26 December (Boxing Day)
- any other day or part-day declared by a State or Territory to be a public holiday.

There is a full list of public holidays for each State/Territory at <https://www.fairwork.gov.au/leave/public-holidays/list-of-public-holidays>

Note an employee is entitled to public holidays depending on where they are based for work not where they are working on the day of the public holiday.

Under the [Children's Services Award 2010](#) employers and employees may agree to substitute another day for a day or part-day that would otherwise be a public holiday or part public holiday (Clause 27. See Schedule E for provisions covering Part-day public holidays.) This also applies under the [Educational Services \(Teachers\) Award 2010](#) (Clause 26 and Schedule C for provisions covering Part-day public holidays.)

Under the Children's Services Award 2010 full-time employees whose rostered day falls on a public holiday must be paid an extra day's pay, or be given an alternative day off, or get an extra day's annual leave (unless a substitute day is agreed).

Employees (except casuals) who normally work on the day a public holiday falls must be paid their base pay rate for the ordinary hours they would have worked.

<https://www.fairwork.gov.au/leave/public-holidays>

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