



Nominated Supervisor

The worst thing an educator can do is ask another educator about regulations. Usually they get the wrong answer. To see this in action, read those Facebook pages that early childhood educators post on. How to do it correctly? A friend who works as a barrister taught me how to read regulations.

What is the problem?

What caused it?

The regulations should have the solution to the problem.

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.

Regulation 157 Access for Parents - Penalty \$1,000

- (1) & (2) The approved provider and nominated supervisor ... must ensure that a parent of a child being educated and cared for by the service may enter the ...service premises at any time that the child is being educated and cared for by the service.
- (4) ... the approved provider or nominated supervisor is not required to allow a parent to enter the education and care service premises if—
 - (a) permitting the parent's entry would—
 - pose a risk to the safety of the children and staff of the education and care service; or
 - conflict with any duty of the provider, supervisor or educator under the Law; or
 - (b) they reasonably believe that permitting the parent's entry would contravene a court order.

Remember: If you need to use a checklist go to the members area of Centre Support's website where every checklist imaginable is available.

centresupport.com.au/checklist-for-members/

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Checklist for Nominated Supervisors
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Checklist for Educators
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[Checklist for Nominated Supervisors](#)

- Access and Participation Nominated Supervisor
- Bathroom Safety and Hygiene Nominated Supervisor
- Behaviour Management Nominated Supervisor

Week 3, 15-22 February 2021- 6.1.1 Engagement with the Service

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7.1.3 Roles and Responsibilities

Week 2 - 8.2.2021
Monday to Friday



Answers from last week - 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
Rosalie turns up without her hat and gets upset when asked to wear one of the spare hats at the service. Is it okay to let her play outside just this once without a hat?	It's not okay if there is high UV levels (eg 3 or above) as your sun protection policy says children must wear hats to protect them from damaging UV rays. (Law 167 Offence relating to protection of children from harm and hazards. Fine \$10,000)	
Room Leader Kayla says that for a change they're walking a different way on their 'regular outing' today. Do they need to do a new risk assessment first?	Yes, regular outing is a trip where the risks are substantially the same on each outing (Reg 4 Definitions). If children are walking a different way the risks could be different.	
Nathaniel tripped over and hit his head playing outside. There is no obvious injury, and Miss Renee says there's no point completing an incident record. What would you do?	Make sure Renee completes an Incident Record as required under Reg 87, and tells the parents asap. Renee is not a doctor and doesn't know how the hit on the head has affected Nathaniel. This may only show up later.	
Miss Kat says it's okay to bring her coffee into the room because she always puts it up high out of children's reach. What would you do if you worked in the same room as Kat?	Make sure the hot coffee is immediately removed. There's still a risk to children eg the object the cup's on could be knocked upsetting the cup, or the coffee could spill when Miss Kat is drinking it. (Law 167 Offence relating to protection of children from harm and hazards. Fine \$10,000)	

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At pick-up Jayden's mum says he's allergic to eggs and can't have any at the centre. He's been happily eating eggs so far and you haven't noticed any adverse reactions. What do you do?		
Jenna's dad wants the program to focus more on reading and writing activities. What conversations do you have with Dad and what do you do?		
Your room/group wants to get a pet eg fish, chickens, axolotl, guinea pig. What do you need to do as part of this process, and how will you involve families in the decision about what to get or if any are appropriate?		
Miss Isla Room/Group Leader says she's the professional in children's education and care, and she'll run the room/group the way she thinks is best. There'll be times when parents can't come in so children don't get distracted from their learning. What's your response?		

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Systems are in place to manage risk and enable the effective management and operation of a quality service.

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.

What are the National Employment Standards (NES)?

The NES are minimum employment entitlements that have to be provided to employees. An award, employment contract, enterprise agreement etc can't exclude the NES or include conditions that are less than the NES.

The Children's Services Award 2010 and Educational Teachers (Services) Award 2010 say:

"The NES and this award contain the minimum conditions of employment for employees covered by this award." (Clause 6)

"The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible (Clause 5)."

The ten minimum entitlements for **permanent employees** are:

1. Maximum weekly hours
2. Requests for flexible working arrangements
3. Parental leave and related entitlements
4. Annual leave
5. Personal/carer's leave, compassionate leave and unpaid family and domestic violence leave
6. Community service leave
7. Long service leave
8. Public holidays
9. Notice of termination and redundancy pay
10. Fair Work Information Statement

Casual employees are only entitled to:

- unpaid carer's leave
- unpaid compassionate leave
- unpaid family and domestic violence leave
- community service leave
- the Fair Work Information Statement.

In some states and territories long serving casuals are eligible for long service leave. Where there is an expectation of ongoing work and a casual has been employed regularly and systematically for at least 12 months, they're also entitled to :

- request flexible working arrangements
- access parental leave.

Source: [National Employment Standards](#)

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