



## Nominated Supervisor

### Regulation 4 Definition of regular outing

- means a walk, drive or trip to and from a destination
- (a) that the service visits regularly as part of its educational program; and
  - (b) where the circumstances relevant to the risk assessment are **substantially** the same on each outing

### Regulation 100 Risk assessment must be conducted before excursion

- (1) and (2) The approved provider and nominated supervisor ... must ensure a risk assessment is carried out in accordance with regulation 101 before an authorisation referred to in regulation 102(4) is sought for an excursion.

**Penalty: \$2000.**

- (4) A risk assessment is not required ... if
- (a) the excursion is a regular outing; and
  - (b) a risk assessment has been conducted for the excursion; and
  - (c) that risk assessment has been conducted not more than 12 months before the excursion is to occur.

### Regulation 101 Conduct of risk assessment for excursion

- (1) A risk assessment for an excursion must—
- (a) identify and assess risks that the excursion may pose to the safety, health or wellbeing of any child being taken on the excursion; and
  - (b) specify how the identified risks will be managed and minimised.
- (2) Without limiting sub-regulation (1), a risk assessment must consider—
- (a) the proposed route and destination for the excursion
  - (b) any water hazards
  - (c) any risks associated with water-based activities
  - (d) if the excursion involves transporting children—
    - (i) the means of transport
    - (ii) any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported
    - (iii) the process for entering and exiting—
      - (A) the education and care service premises; and
      - (B) the pick-up location or destination (as required)
    - (iv) procedures for embarking and disembarking the means of transport, including how each child is

to be accounted for on embarking and disembarking

- (e) the number of adults and children involved in the excursion; and
  - (f) given the risks posed by the excursion, the number of educators or other responsible adults that is appropriate to provide supervision and whether any adults with specialised skills are required; and
- Example—
- Specialised skills could include life-saving skills.
- (g) the proposed activities; and
  - (h) the proposed duration of the excursion; and
  - (i) the items that should be taken on the excursion.

### Regulation 102 Authorisation for Excursions

- (1) and (2) The approved provider and nominated supervisor must ensure that a child being educated and cared for by the service is not taken outside the ... service premises on an excursion unless written authorisation has been provided under sub-regulation (4).
- (4) The authorisation must be given by a parent or other person named in the child's enrolment record as having authority to authorise the taking of the child outside the education and care service premises by an educator and must state—
- a) the child's name
  - (b) the reason the child is to be taken outside the premises
  - (c) if the authorisation is for a regular outing, a description of when the child is to be taken on the regular outings
    - (ca) if the authorisation is for an excursion that is not a regular outing, the date the child is to be taken on the excursion
    - (d) a description of the proposed destination for the excursion
  - (e) if the excursion involves transporting children—
    - (i) the means of transport; and
    - (ii) any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported
  - (f) the proposed activities to be undertaken by the child during the excursion
  - (g) the period the child will be away from the premises

### Week 10, 5 April - 9 April 2021- 6.2.3 Community engagement

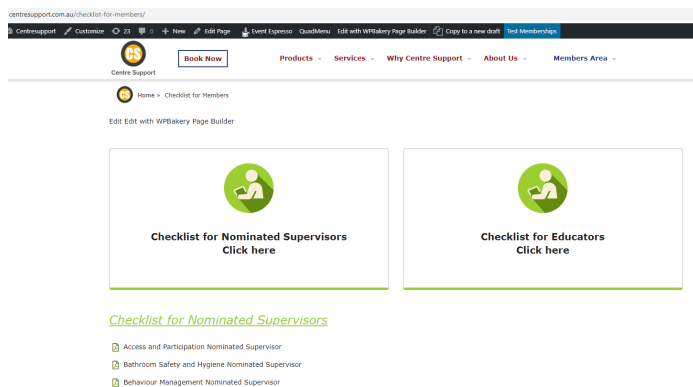
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- (h) the anticipated number of children likely to be attending the excursion
- (i) the anticipated ratio of educators attending the excursion to the anticipated number of children attending the excursion
- (j) the anticipated number of staff members and any other adults who will accompany and supervise the children on the excursion
- (k) that a risk assessment has been prepared and is available at the service.

(5) If the excursion is a regular outing, the authorisation is only required to be obtained once in a 12 month period.

**Penalty: \$1000.**

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



**Week 10, 5 April - 9 April 2021- 6.2.3 Community engagement**

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## 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
Miss Meghan says the Philosophy Statement is something managers use and educators don't need to worry about it. What's your response?	Not true. The Guide to the NQF says one purpose of the Philosophy is to guide educators' pedagogy, planning and practice.	
Miss Kate says families don't care what the Philosophy says? What's your response?	Firstly, has she tried talking to families about the Philosophy? They may be interested and/or impacted by it. Secondly, practice won't meet element 7.1.1 if the Service doesn't try and involve families in the review process. Thirdly, the Guide to the NQF says one purpose of the Philosophy is to reflect a shared understanding of the role of the Service among staff, children, <i>families and the community</i> .	
Mr Harry notes the Guide to the NQF says the Philosophy reflects the guiding principles of the NQF. He asks what those are. What do you say?	The guiding principles below are in section 3 of the National Law: (a) that the rights and best interests of the child are paramount; (b) that children are successful, competent and capable learners; (c) that the principles of equity, inclusion and diversity underlie this Law; (d) that Australia's Aboriginal and Torres Strait Islander cultures are valued; (e) that the role of parents and families is respected and supported; (f) that best practice is expected in the provision of education and care services.	
Miss Oprah says there's no need to keep reviewing the Philosophy? What are some of the reasons why the Philosophy needs reviewing?	To make sure: 1. it reflects new knowledge gained by educators/educational leader 2. it's still relevant given changes to managers and/or staff 3. it reflects the current values, practices and priorities of the Service and families.	

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## Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Billie takes her children to the local park every week. Does she need to do a risk assessment before each outing?		
Miss Miley says the parents can't sign the authorisation form for the excursion before it happens, but that's okay. She knows they'll sign it when they come back. They wouldn't want Charlie to miss out. What do you say?		
Mr Adam says the risk assessment form the centre uses for excursions has too much detail on it and half the things on there aren't really necessary. What's your response?		
Miss Tones isn't sure what the educator to child ratio is for excursions? What's the answer?		

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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. This week we're covering [Changes to casual employment](#).

The Fair Work Act has been amended with effect from 27 March 2021 to include a new definition of a casual employee. This is now a person who accepts a job offer knowing there is no firm advance commitment to ongoing work with an agreed pattern of work.

There's a new entitlement to the National Employment Standards giving casual employees a pathway to become a full-time or part-time (permanent) employee. This is also known as 'casual conversion'.

Once employed as a casual, the employee continues to be a casual employee until they:

- become a permanent employee:
  - through casual conversion or
  - by accepting full-time or part-time employment or
- stop being employed by the employer.

Casuals who were employed immediately before 27 March 2021 and whose initial employment offer meets the new definition continue to be casual employees.

An employer has to offer casual employees the option to convert to full-time or part-time employment (permanent) when the employee:

- has worked for 12 months

- has worked a regular pattern of hours for at least the last 6 of those months on an ongoing basis
- could continue working those hours as a permanent employee without significant changes.

Some exceptions apply including:

- small business employers
- if an employer has 'reasonable grounds' not to make an offer to a casual employee for casual conversion.

There are rules for how employers and employees need to make and respond to offers, and for offering casual conversion to existing casual employees.

Casual employees have a right to request to convert to full-time or part-time (permanent) employment in some circumstances. This applies:

- for casual employees working for a small business – at any time if they meet the requirements
- for other casual employees – after their employer has decided not to make an offer for casual conversion.

Note the Children's Services Award already contains casual conversion provisions (Clause 10.6).

There's an updated Fair Work Information Statement which must be provided to new employees before, or as soon as possible after they start their job. **There's now also a new Casual Employment Information Statement which must be given to new casual employees before, or as soon as possible after they start their job.**

**Small business employers must give their existing casual employees a copy of the CEIS as soon as possible after 27 March 2021. Other employers have**

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**to give their existing casual employees a copy of the CEIS as soon as possible after 27 September 2021.**

We've attached the new Information Statements to this week's email.

**A small business employer** has fewer than 15 employees at a particular time. If an employer has 15 or more employees at a particular time, they are no longer a small business employer. Counting must include employees of associated entities. Casual employees are not included unless engaged on a regular and systematic basis.

More information on this topic will be provided by Fair Work in the coming weeks and we'll provide updated information in this section .

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