



Nominated Supervisor

Law Section 51(1)(a) Conditions on service approval (safety, health and wellbeing of children)

A service approval is granted subject to the condition that the education and care service is operated in a way that—
(a) ensures the safety, health and wellbeing of the children being educated and cared for by the service

Regulation 81 Sleep and rest

The approved provider and 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. Penalty: \$1000.

Note. A compliance direction may be issued (to Approved Provider) for failure to comply with subregulation (1)

Regulation 168(2)(a)(v) Education and care service must have policies and procedures in relation to sleep and rest for children

Note. A compliance direction may be issued (to Approved Provider) for failure to comply

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

The screenshot shows the Centre Support website interface. At the top, there is a navigation menu with links for 'Book Now', 'Products', 'Services', 'Why Centre Support', 'About Us', and 'Members Area'. Below the menu, there is a breadcrumb trail: 'Home > Checklist for Members'. The main content area features two large buttons with green circular icons of a person reading. The left button is labeled 'Checklist for Nominated Supervisors Click here' and the right button is labeled 'Checklist for Educators Click here'. Below these buttons, there is a link for 'Checklist for Nominated Supervisors' which leads to a list of specific checklists: 'Access and Participation Nominated Supervisor', 'Bathroom Safety and Hygiene Nominated Supervisor', and 'Behaviour Management Nominated Supervisor'.

Week 25, 16 - 20 August 2021- 2.1.1 Wellbeing and comfort

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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 Mari asks whether it talks about access and participation in the National Regs. Does it?	Yes. Reg 73 Educational program says the program must have outcomes which include each child will: <ul style="list-style-type: none"> • have a strong sense of wellbeing • be a confident and involved learner. If properly implementing the EYLF/MTOP, you will be meeting Element 6.2.2 Access and Participation.	
Miss Jess says there's a Reg about interactions, with children. Is this relevant?	Yes. Reg 155 says education and care must be provided in a way that maintains the dignity and rights of each child. We know that each child has the right to a high quality education (Articles 28 & 29 UN Convention) and the right to special education if they have a disability (Article 23). These things require educators to consider children's access and participation.	
Mr Zane asks if there's anywhere in the Regs where it specifically talks about inclusion?	This is in Section 3 of the National Law which sets out the guiding principles of the National Quality Framework and says, for example, the principles of equity, inclusion and diversity underlie the Law.	

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Miss Marley asks whether educators have to comply with families' requests about the length of time their child sleeps or rests at the Service? Do they?		
Mr Cody asks if services must have a policy and procedures relating to children's sleep and rest. What's your response?		
Miss Bec asks what type of things need to be in the Policy. Please let her know.		

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The Federal Government's [Fair Work](#) and [Business support](#) websites have 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 websites.

This week we're looking at your obligations for [supporting employees' mental health](#) and some strategies for doing this. This is especially important for those areas experiencing COVID lockdowns.

Business owners are legally required to look after workers' mental health under a variety of laws which include:

- providing a physically and mentally safe workplace and managing any risks to the mental health of workers arising from their work (WHS laws)
- preventing discrimination against workers with a mental health condition (anti-discrimination laws)
- protecting workers' personal information – eg not telling anyone about workers' mental health conditions unless they agree (privacy laws)
- not taking unfair action against someone because of their mental health condition (fair work laws).

Risks to mental health can be managed through the same process as for physical risks:

- identify the hazards
- assess the risks
- control the risks
- continually review the control measures to make sure they are working.

As with physical risks, involve and consult workers throughout this process. To identify the hazards:

- have regular conversations with workers to find out how they are
- understand [causes of stress in the workplace](#) and manage them
- look out for [signs of stress](#) in workers.

This site has links to numerous resources help support managers/owners to support their own and workers' mental health including:

- an e-learning module from Beyond Blue '[Managing Mental health Risks at Work – Training for Managers and Employees](#)'
- a free and confidential [mental health coaching program called 'New Access'](#) for small business owners
- [Mentally Healthy Workplaces during COVID-19 Guides](#) created by the Federal Government with the Mentally healthy Workplace Alliance.

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