



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 ensures the safety, health and wellbeing of the children being educated and cared for by the service.

Regulation 97 Emergency and evacuation procedures

The emergency and evacuation procedures required under regulation 168 must set out—

- (a) instructions for what must be done in the event of an emergency; and
 - (b) an emergency and evacuation floor plan.
- (2) For the purposes of preparing the emergency and evacuation procedures, the approved provider ...must ensure that a risk assessment is conducted to identify potential emergencies that are relevant to the service.
Penalty: \$2000.
- (3) The approved provider ... must ensure that—
- (a) in the case of a centre-based service, the emergency and evacuation procedures are rehearsed every 3 months by the staff members, volunteers and children present at the service on the day of the rehearsal and the responsible person in relation to the service who is present at the time of the rehearsal; and
 - (b) the rehearsals of the emergency and evacuation procedures are documented.
Penalty: \$2000.

- (4) The approved provider ...must ensure that a copy of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit at the ... service premises.. Penalty: \$2000.

Note. A compliance direction may be issued for failure to comply...

Regulation 98 Telephone or other communication equipment

The approved provider ... must ensure that, when educating or caring for children as part of the service, nominated supervisors and staff members ...have ready access to an operating telephone or other similar means of communication to enable immediate communication to and from parents and emergency services. Penalty: \$1000.

Example Fixed-line telephone, mobile phone, satellite phone, 2-way radio, video conferencing equipment.

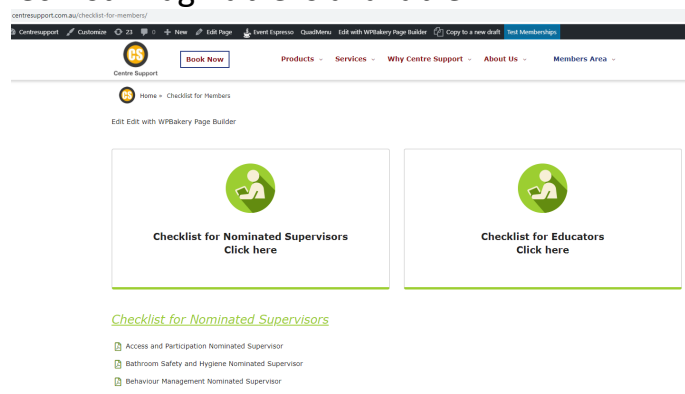
Note A compliance direction may be issued for failure to comply with this regulation.

Regulation 168 Education and care service must have policies and procedures

Policies and procedures are required in relation to the following

- (e) emergency and evacuation, including the matters set out in Regulation 97

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 33, 25-29 October 2021- 2.2.2 Incident and Emergency Management

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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 Aisha said she was giving Trent yoghurt and apple sauce for lunch instead of the stewed peaches on the menu because he didn't like peaches. Can she do this?	No. She must give him what's on the displayed menu for the day. (Reg 80 Weekly Menu)	
Miss Joanna says Jose can eat what all the other children are eating. They shouldn't have to alter the menu just because of his family's religious or cultural preferences. How do you respond?	Reg 79 says Services must take into account any specific cultural or religious food requirements for each child.	
Mr Marty asks how they're supposed to know what to feed the children. Please respond.	Reg 79 says Services must provide food that's nutritious and sufficient to meet each child's growth and development needs. The Guide to the NQF references the Australian Dietary Guidelines and Get Up and Grow: Healthy Eating and Physical Activity for Early Childhood. There are also numerous State government healthy eating resources for ECEC services.	
Miss Becky says she's been told every Service should have a water fountain outside. Is this correct?	No. Reg 78 says children should have access to safe drinking water at all times. It doesn't specify how this is provided.	
Miss Jenna asks if there's a Reg about physical activity. Is there?	No. But Section 51(1)(a) says children's health and wellbeing must be promoted, and physical activity is one aspect of this.	

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Name of educator:

Questions	Response	Pass or Fail
Miss Chloe asks if they need to evacuate the babies during emergency rehearsals. What's your response?		
Miss Tara says sometimes the owners and managers don't participate in the rehearsals. What should she do?		
Mr Ethan says he's heard emergency procedures and plans have to be signed off by 'recognised authorities.' Is this true?		
Miss Chelsea says she's confused about how often they have to practice each of their 10 emergency procedures (based on the 10 potential emergencies in their risk assessment. Please explain.		
Miss Brooke asks if emergency procedure requirements are included in the Regs. Are they?		

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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 reviewing annual leave. Fair Work have a Fact Sheet which we've attached to the weekly email. We've also copied it below, and then reviewed some additional information related to the Children's Services Award 2010 and the Educational Services (Teachers) Award 2020.

Who should get annual leave?

- All workers, except casual workers, must get paid annual leave.

When should workers get annual leave?

- Workers start getting annual leave from their first day at work, even if they are on probation. Annual leave can be taken for any amount of time, including single days or parts of days.
- A boss and a worker must agree on when the leave will be taken.
- If a worker asks for annual leave, the boss can't just say no. They need to provide a good reason.
- A boss can direct a worker to take annual leave in some cases.

How much annual leave should workers get?

- Full-time and part-time workers get 4 weeks of annual leave each year, based on their ordinary hours of work. Annual leave accumulates gradually during the year and any unused leave rolls over to the next year.
- To calculate how much annual leave a worker has accumulated, go to www.fairwork.gov.au/pact.

How much pay will workers get when on leave?

- Workers are paid their normal rate of pay. This doesn't include overtime, penalties, allowances or bonuses.
- Some workers are covered by awards and agreements that give them extra annual leave pay called annual leave loading. For more information, go to www.fairwork.gov.au/awardsandagreements.
- Sometimes workers can choose to be paid for the annual leave they have accumulated instead of taking time off work.

What if a worker is leaving a job?

- Workers must be paid for any annual leave they haven't taken in their final pay. If a worker gets annual leave loading then it has to be paid out too.

Find out more

For more information about annual leave, go to www.fairwork.gov.au/leave. You can also talk with someone from a community organisation or community legal centre, a HR officer, an Indigenous liaison or employment officer, an employer association (if you're a boss) or a union representative (if you're a worker).

Taking annual leave

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Under the [Children's Services Award 2010](#), if a service is closed during a holiday period other than Christmas employees will be paid their ordinary rate of pay. During the Christmas holiday period, employers may direct employees to take annual leave. Employees who don't have enough accrued annual leave may be required to take unpaid leave for up to 4 weeks. However, Services that operate for more than 48 weeks a year may require employees to take annual leave by giving at least 4 weeks' notice as part of a close down of operations (Clause 24.4).

Under the [Educational Services \(Teachers\) Award 2020](#) employees in a preschool or kindergarten which operates for less than 48 weeks a year must take annual leave during non-term weeks (Clause 21).

Both Awards require employers to pay a 17.5% leave loading (Clause 24.3 Children's Services Award and Clause 23 Teachers Award).

Annual Leave in advance

Under the Children's Services Award 2010, employers may agree in writing to employees taking paid annual leave before they've accrued any entitlement to the leave. The written agreement must state the amount of leave when it starts and be signed by the employee or their parent/guardian if they're under 18 (Clause 24.8).

Excessive annual leave

Employers may direct employees who've accrued more than 8 weeks' paid leave to take paid annual leave (for teachers entitlement applies if working in services operating for more than 48 weeks per year). Employers may also be required to approve annual leave requests from employees with this amount of leave. You must follow the procedural requirements outlined in the Children's Services Award Clauses 24.6 and 24.7 or the Educational Services (Teachers) Award Clauses A6.4 and B6.5.

Cashing out annual leave

You may agree in writing to the cashing out of a period of paid annual leave (for teachers entitlement applies if working in services operating for more than 48 weeks per year). The written agreement must state the amount of leave being cashed out, the payment amount, when it will be paid, and be signed by the employee or their parent/guardian if they're under 18. You must ensure you follow the procedural requirements in the Children's Services Award Clause 24.9, or the Educational Services (Teachers) Award Clause A6.2.

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