



Nominated Supervisor

There are many Regulations that relate to **Element 7.1.2 Management Systems**. We look at some of these below. Please refer to the NQF Guide pages 288-290 for a comprehensive list of relevant Regulations. Note that when reference is made to 'prescribed' information, it means information that can be found in the Regulations. We have an extensive Compliance Audit where we come out to your Service and make sure you're complying with all the Regulations. If you're interested email us for a quote on admin@centresupport.com.au and tell us how many classrooms you have at your centre.

National Law or Regulation	What must happen: AP = Approved Provider, NS = Nominated Supervisor, S = Staff member V = Volunteer
Section 162 Offence to operate education and care service unless responsible person is present	You must be able to prove a Responsible Person was present at all times children attended eg on sign in/out sheet. Fine AP \$5,000 for individuals else \$25,000
Section 165 Offence to inadequately supervise children	Meeting ratios does not always mean children are adequately supervised. You must also consider risk inherent in activities/environment and whether extra adults are required. Fine AP \$10,000 for individuals or else \$50,000; NS \$10,000
Section 166 Offence to use inappropriate discipline	Educators must never hit a child or use any form of discipline that's unreasonable. Fine AP \$10,000 for individuals otherwise \$50,000; NS \$10,000; S and V \$10,000
Section 169 Offence relating to staffing arrangements	Ratios and educator qualification must always be met. Fine AP \$10,000 for individuals or else \$50,000; NS \$10,000
Section 172 Offence to fail to display prescribed information	Prescribed information is in Reg 173 (see below). Information must be clearly visible from main entrance. Fine AP \$3,000 for individuals or else \$15,000;
Section 173 Offence to fail to notify certain circumstances to Regulatory Authority	You must advise Reg Authority of number of issues including: <ul style="list-style-type: none"> if NS no longer employed, withdraws consent to be NS, or is removed from role any proposed change to premises Fine AP \$4,000 for individuals or else \$20,000
Section 174 Offence to fail to notify certain information to Regulatory Authority	You must advise Reg Authority of number of issues including: <ul style="list-style-type: none"> serious incidents complaints alleging serious incident has occurred/is occurring at centre, or National Law breached Fine AP \$4,000 for individuals or else \$20,000
Regulation 160 Child enrolment records to be kept by approved provider	Enrolment records must include: <ul style="list-style-type: none"> name, DOB, address and gender of child name address and contact details of each parent AND any emergency contact AND any 'authorised nominee' (person authorised to collect child) AND any person who can consent to medical treatment AND any person who can authorise educator to leave centre with child AND any person who can authorise educator to transport child or arrange transportation details of court orders/parenting orders or plans cultural background of child AND if relevant parents, AND language spoken at home any special issues eg cultural, religious, additional needs Note under Law section 175 these records must be kept at Service if they relate to child who attended in last 12 months. Fine AP \$4,000 for individuals or else \$20,000
Regulation 161 Authorisations to be kept in enrolment record	Following must be authorised on enrolment record: <ul style="list-style-type: none"> medical treatment and ambulance transport regular outings, and/or regular transportation if relevant
Regulation 162 Health information to be kept in enrolment record	Following must be kept in enrolment record: <ul style="list-style-type: none"> name, address and phone number of child's doctor Medicare number if available

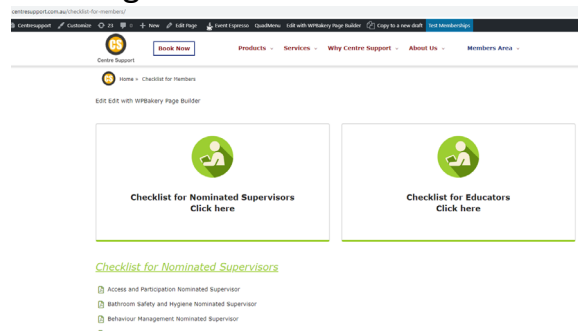
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	<ul style="list-style-type: none"> immunisation status and any required documentation to meet State immunisation laws (see Immunisation Policy) notation if sighted health record for child details of any dietary restrictions details of any health care needs including medical conditions and allergies with accompanying medical management plan, risk minimisation plan <p>Note requirements for these are discussed under Regulation 90 Medical Conditions Policy together with requirement for medical communication plan</p>
Regulation 168 Education and care service must have policies and procedures	You must have all the policies and procedures listed in this Reg. Note the NQF Guide makes it clear <i>“the policies do not have to be in any particular style or format, and do not need to be titled to reflect the exact wording of the National Regulations.”</i> p 456 Fine AP \$1,000
Regulation 170 Policies and procedures to be followed	All managers, staff and volunteers must always follow Service policies and procedures. Fine AP \$1,000
Regulation 171 Policies and procedures to be kept available	Policies and procedures must be easily to access and available for inspection either in paper copy or electronically. Fine AP \$1,000
Regulation 172 Notification of change to policies and procedures	You must notify parents at least 14 days before changing any policy or procedure required under Reg 168 if the change: <ul style="list-style-type: none"> may have significant impact on the provision of education and care, or the family’s ability to use the service will affect the fees charged or how they’re collected.
Regulation 173 Prescribed information to be displayed	You must display the following: <ul style="list-style-type: none"> AP name, approval number and any approval conditions Service name, approval number and any approval conditions hours and days of operation NS name Complaints officer name and contact details name and position of Responsible Person in charge Educational Leader name current rating for each Quality Area and overall rating details of any waivers ie elements/regs they apply to, duration and if service or temporary waiver Regulatory Authority contact details if relevant, notice child with anaphylaxis enrolled (maintain child’s privacy) if relevant, notice there’s been outbreak of infectious disease (maintain children’s privacy)
Regulation 174 Time to notify certain circumstances to Regulatory Authority	You must comply with reporting timeframes including within 7 days of the events mentioned under Section 173
Regulation 175 Prescribed information to be notified to Regulatory Authority	You must notify Reg Authority about various issues including any: <ul style="list-style-type: none"> circumstance at Service that pose a risk to the health, safety and wellbeing of children incidents or allegations of physical or sexual abuse of a child
Regulation 176 Time to notify certain information to Regulatory Authority	You must comply with reporting timeframes including within 24 hours of the events mentioned under Section 174
Regulation 181 Confidentiality of records kept by approved provider	You must not share the private information of a child, family member, staff member or volunteer with anyone who does not need it to their job unless it’s required by law or person has consented.
Regulation 183 Storage of records and other documents	Records must be kept in a safe and secure place for required timeframes including: <ul style="list-style-type: none"> incident, illness, injury, trauma records until child is 25 death of child for 7 years other prescribed child records for 3 years after child last attended prescribed AP records for 3 years from time AP last operated service prescribed NS and staff records for 3 years from time last worked at Service

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



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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 Mackenzie asks how often the QIP must be reviewed? Please respond.	Reg 56 says the QIP must be reviewed at least annually. The Guide to the NQF says <i>"Quality services regularly update and maintain their Quality Improvement Plan as a dynamic document to guide progress towards improvement."</i> (p. 304)	
Mr Nate asks if the Service needs to display the QIP? Do they?	No, but the Guide to the NQF says <i>"assessors may sight the service's Quality Improvement Plan displayed so that families and staff can view the current goals and strategies for quality improvement"</i> (p 305)	
Miss Melyssa asks what happens if the Departments asks for their QIP and it hasn't been updated for ages? Please respond.	Regs 55 and 56 say the approved provider must submit the QIP to the Regulatory Authority on request. If the QIP is not 'ready to go' the Service will need to discuss with the Authority who may/may not give them additional time. What's submitted is unlikely to present the Service in the best possible light if it's been updated in a rush.	



Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Grace asks whether a child falling over and bumping their head is a serious incident. Is it?		
Mr Drew says Reg 168 lists the policies Centres have to have – and he can't find some of them. What's your response?		
An educator drags an unco-operative child by the arm to the table. What, if any, notifications need to be made under the National Law and Regs?		
Miss Scarlett says the Service needs to include the information that little Daewon has anaphylaxis to tree nuts in the information displayed in the foyer. Is she correct.		
Mr Scott tells other educators that Miss Lily can't get a COVID vaccine because she's taking medication for a serious illness. Is this information something he should be sharing?		

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Name of educator:

Questions	Response	Pass or Fail
Miss Grace asks whether a child falling over and bumping their head is a serious incident. Is it?	It depends. 'Serious incident' is defined in Reg 12. In relation to injuries, it's a 'serious incident' if "a reasonable person would consider (it) required urgent medical attention from a registered medical practitioner; or ...the child attended, or ought reasonably to have attended, a hospital."	
Mr Drew says Reg 168 lists the policies Centres have to have – and he can't find some of them. What's your response?	The policies don't have to be named how Reg 168 names them – and can be embedded in a policy that covers multiple issues. The NQF Guide says <i>"the policies do not have to be in any particular style or format, and do not need to be titled to reflect the exact wording of the National Regulations."</i> p 456	
An educator drags an unco-operative child by the arm to the table. What, if any, notifications need to be made under the National Law and Regs?	Under Regs 175 2(d) & (e) and 176, incidents of physical abuse or alleged physical abuse at the service must be notified to the Reg Authority within 7 days	
Miss Scarlett says the Service needs to include the information that little Daewon has anaphylaxis to tree nuts in the information displayed in the foyer. Is she correct.	She's partly correct. Reg 173 says information must be displayed if relevant, that a child with anaphylaxis is enrolled. This should always be done though, in a way which protects the child's privacy ie without naming the child.	
Mr Scott tells other educators that Miss Lily can't get a COVID vaccine because she's taking medication for a serious illness. Is this information something he should be sharing?	No. Apart from a potential breach of the Code of Ethics, Reg 181 says personal information kept in staff records cannot be shared with other staff if they do not need the information to do their job.	



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 [Pay Slips](#).

An electronic or hard copy pay slip must be given to an employee within 1 working day of pay day, even if they are on leave. Electronic pay slips must have the same information as paper pay slips.

Pay slips must include:

- employer's and employee's name
- employer's Australian Business Number (if applicable)
- pay period
- date of payment
- gross and net pay
- if the employee is paid an hourly rate:
 - the ordinary hourly rate
 - the number of hours worked at that rate
 - the total dollar amount of pay at that rate
- any loadings (including casual loading), allowances, bonuses, incentive-based payments, penalty rates or other paid entitlements that can be separated out from an employee's ordinary hourly rate. For example, a note could be included on a pay slip that the hourly rate incorporates the relevant casual loading
- the pay rate that applied on the last day of employment
- any deductions from the employee's pay, including:
 - the amount and details of each deduction
 - the name, or name and number of the fund / account the deduction was paid into
- any superannuation contributions paid for the employee's benefit, including:
 - the amount of contributions made during the pay period (or the amount of contributions that need to be made)
 - the name and / or number of the superannuation fund the contributions were made to.

Note while it's best practice to show an employee's leave balances on their pay slip, it's not a requirement.