



## Nominated Supervisor

**Law section 165 Offence to inadequately supervise children** Penalty \$10,000 or \$50,000 if not individual

(1) & (2) The approved provider and nominated supervisor ...must ensure that all children ...are adequately supervised at all times ....

**Law section 167 Offence relating to protection of children from harm and hazards** Penalty \$10,000 or \$50,000 if not individual

(1) & (2) The approved provider and nominated supervisor ...must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

**Regulation 77 Health, hygiene and safe food practices** Penalty \$2,000

(1) & (2) The approved provider and nominated supervisor ...must ensure that nominated supervisors, staff members and volunteers ...implement—

- (a) adequate health and hygiene practices; and
  - (b) safe practices for handling, preparing and storing food—
- to minimise risks to children...

**Regulation 83 Staff members not to be affected by alcohol or drugs** Penalty \$2,000

(1) The approved provider and nominated supervisor...must ensure that a nominated supervisor or a staff member of, or volunteer ...is not affected by alcohol or drugs (including prescription medication) so as to impair the person's capacity to supervise or provide education and care to children being educated and cared for by the service.

**Regulation 84 Awareness of child protection law** Penalty \$1,000

The approved provider ...must ensure that nominated supervisors and staff members ...who work with children are advised of—

- (a) the existence and application of the current child protection law; and
- (b) any obligations that they may have under that law.

**Regulation 86 Notification to parents of incident, injury, trauma and illness** Penalty \$2,000

The approved provider...must ensure that a parent of a child...is notified as soon as practicable, but not later than 24 hours after the occurrence, if the child is involved in any incident, injury, trauma or illness while the child is being educated and cared for.

**Regulation 87 Incident, injury, trauma and illness record**

(1) The approved provider...must ensure that an incident, injury, trauma and illness record is kept in accordance with this regulation.

**Regulation 103 Premises, furniture and equipment to be safe, clean and in good repair** Penalty \$2,000

(1) The approved provider...must ensure that the ... premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair

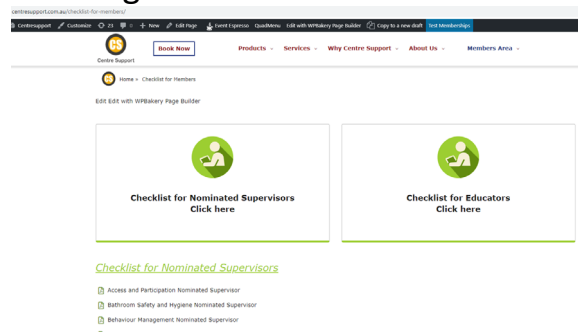
**Regulation 170 Policies and procedures to be followed** Penalty \$1,000

(1) The approved provider...must take reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.

**Week 9, 28 March – 1 April 2022- 7.1.3 Roles and responsibilities**

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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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## 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 Millie asks if there's any document that clearly says what their responsibilities are. Is there?		
Miss Melissa asks if educators are responsible for managing risk at the service. Please respond.		
Miss Simone says it's just the cook that needs to understand safe food handling. Is she correct?		
Mr Locky says it's fair enough to ban alcohol and tobacco from the service, but what about prescription medicine if someone's affected by that? Please respond.		
Miss Riana asks if they always have to complete an Incident Record for something relatively minor eg removal of a splinter. Do they?		
Miss Anna says she does a certain thing her way because it's better than the way outlined in the relevant Policy. Is this okay?		

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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 Ebanie asks if the UN Convention on the Rights of the Child is mentioned in the Law or Regs. Is it?	No, it's discussed in the Guide to the NQS under element 5.1.2. For example <i>"By agreeing to undertake the obligations of the Convention on the Rights of the Child, Australia has committed to protecting and ensuring children's rights. This includes Article 19 of the convention, which states that children have the right to be protected from being hurt and mistreated, physically or mentally."</i>	
Miss Ellia asks if there's a Reg that covers children's dignity and rights	Yes Reg 155 <b>Interactions with children</b> says Educators must— (a) encourage children to express themselves and their opinions (b) allow children to undertake experiences that develop self-reliance and self-esteem (c) always maintain the dignity and rights of each child (d) give each child positive guidance and encouragement toward acceptable behaviour (e) consider the family and cultural values, age, and physical and intellectual development and abilities of each child.	
When talking to another educator about their interactions with a child, Mr Darius says there are Reg penalties for educators not meeting element 5.1.2. Are there?	They're in Law section 166' Offence to use inappropriate discipline' which has financial penalties for staff, educators and volunteers (in addition to Approved Providers and Nominated Supervisors) of \$10,000 if they use corporal punishment OR use unreasonable discipline.	

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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 [Communication in the Workplace](#).

Good communication practices can help prevent workplace problems from occurring, and resolve issues quickly. Employers and employees are both responsible for communicating with each other at and about work. Good communication starts from the day a new employee is hired. Make sure employees are comfortable asking questions and raising issues or concerns so any issues can be identified and resolved as quickly as possible.

Most awards (including the Children's Services Award) require a copy of the award is available and easily accessible to staff. Making sure staff are aware of their award classifications can help them understand responsibilities and expectations. Fair Work has [templates](#) which help employers set out clear expectations about employees' role and workplace behaviour.

There are many ways employers can continue to communicate in the workplace, including:

- regular staff meetings
- performance reviews
- feedback sessions.

Consultation with employees about changes to their role, employment conditions, or the work environment is critical for a productive and engaging workplace and helps staff feel engaged and supported.

It's a requirement under the [Children's Services Award 2010](#) (clause 8 and 8A) and the [Education Services \(Teachers\) Award 2020](#) (clause 29 and 30) where the employer:

- intends to implement significant changes likely to have significant effects on employees (eg major changes in organisation, structure or technology), or
- proposes to change a permanent employee's regular roster or ordinary hours of work

In these cases employers must:

- discuss the changes with affected employees and their representatives (if any), and provide written information as soon as possible after a decision has been made about:
  - the nature of the changes
  - effects the changes are likely to have on employees
  - measures to prevent or reduce the adverse effects of the changes on employees
- promptly consider matters raised by the employees (and any representatives).

For more information see Fair Work's [Consultation and cooperation in the workplace guide](#).

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