



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... 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 (the relevant jurisdiction)
 - (iii) the process for entering and exiting—
 - (A) the ...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

- (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...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 ...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 (the relevant jurisdiction)
 - (f) the proposed activities to be undertaken by the child during the excursion
 - (g) the period the child will be away from the premises
 - (h) the anticipated number of children likely to ...attend...
 - (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 ...
 - (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.

Note Regulations 102A to 102D cover the transportation of children other than as part of an excursion.

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 16, 30 May – 3 June 2022 – 6.2.3 Community engagement

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Checklist for Nominated Supervisors

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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 Julie asks what paperwork they need to do before taking children on an excursion. Please respond.		
Mr Tommy asks if they need to do a risk assessment and get authorisation each time go to the same place. Do they?		
Miss Billie says there are new transport regs they need to implement if they go on excursions. Is she correct?		

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Answers from last week - Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Minoli asks what the Regs say about children's learning in outdoor spaces. Please respond.	Reg 113 says outdoor spaces must include natural features that children can explore eg trees, sand and natural vegetation.	
Mr Aldo says the Regs also talk about shade. Is he correct?	Yes – Reg 114 says there must be sufficient shade outside to protect children from UV radiation. Educators are responsible for ensuring learning activities comply with sun safe practices (in Physical Environment Policy) eg use of shade when UV levels 3 or above.	
Miss Ali asks if element 3.2.1 inclusive environments is just about meeting the needs of children with additional needs. Is it?	No. The Guide for Element 3.2.1 talks about organising and adapting indoor and outdoor spaces to support <i>each child's interests, preferences, self-confidence and participation.</i>	

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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 looking at [time in lieu](#) which is an arrangement where an employee is given paid time off work instead of being paid overtime hours.

Under the [Children's Services Award](#), employees can choose to take paid time off instead of being paid overtime with the written agreement of their employer (Clause 23.3). An employee gets an hour of paid time off for each hour of overtime they've worked.

An employer can't force or pressure an employee to take time off instead of being paid overtime.

For each pay period, employers and employees need to make a separate written agreement for any overtime the employee has worked and wants to take time off for. An email exchange can count as a written agreement which has to say:

- how many hours of overtime the employee worked and when they worked them
- that the employer and employee agree for the employee to take time off instead of being paid overtime
- that at any point before the time off is taken, the employee may request to be paid the overtime instead and the employer has to pay it in the next pay period.

Employers have to keep this agreement as part of the employee's records.

The time off has to be taken within 6 months of working the overtime and at a time/times the employer and employee agree to. If the employee doesn't take the time off within 6 months of working the overtime, their employer has to pay them the overtime that would have applied in their next pay cycle. If an employee has accumulated time off instead of being paid overtime and their employment ends before they take it, the employer has to pay them the overtime that would have applied.

Similar provisions apply to teachers in Services operating for at least 48 weeks per year. See Clause A.4.2 in the [Educational Services \(Teachers\) Award](#).