



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 ...service is operated in a way that— (a) ensures the safety, health and wellbeing of the children ...

Regulation 77 Health, hygiene and safe food practices

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

- (a) adequate health and hygiene practices; and
- (b) safe practices for handling, preparing and storing food—
to minimise risks to children Penalty: \$2000.

Regulation 85 Incident, injury, trauma and illness policies and procedures

The incident, injury, trauma and illness policies and procedures ...required under regulation 168 must include procedures to be followed by nominated supervisors and staff members of, and volunteers at, the service in the event that a child—

- (a) is injured; or
- (b) becomes ill; or
- (c) suffers a trauma.

Regulation 86 Notification to parents of incident, injury, trauma and illness

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 forPenalty: \$2000.

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.

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(3) The incident, injury, trauma and illness record must include—

- (a) details of any incident in relation to a child or injury received by a child or trauma to which a child has been subjected ... including—
 - (i) the name and age of the child; and
 - (ii) the circumstances leading to the incident, injury or trauma; and
 - (iii) the time and date the incident occurred, the injury was received or the child was subjected to the trauma;
- (b) details of any illness which becomes apparent ... including—
 - (i) the name and age of the child; and
 - (ii) the relevant circumstances surrounding the child becoming ill and any apparent symptoms; and
 - (iii) the time and date of the apparent onset of the illness;
- (c) details of the action taken ... in relation to any incident, injury, trauma or illness which a child has suffered ..., including—
 - (i) any medication administered or first aid provided; and
 - (ii) any medical personnel contacted;
 - (d) details of any person who witnessed the incident, injury or trauma;
 - (e) the name of any person—
 - (i) whom the ...service notified or attempted to notify, of any incident, injury, trauma or illness which a child has suffered ...; and

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- (ii) the time and date of the notifications or attempted notifications;
- (f) the name and signature of the person making an entry in the record, and the time and date that the entry was made.
- (4) The information referred to in subregulation (3) must be included in the incident, injury, trauma and illness record as soon as practicable, but not later than 24 hours after the incident, injury or trauma, or the onset of the illness.

Regulation 88 Infectious diseases

- (1) If there is an occurrence of an infectious disease ..., the approved provider ... must ensure that reasonable steps are taken to prevent the spread of the infectious disease Penalty: \$2000.
- (2) If there is an occurrence of an infectious disease ..., the approved provider ... must ensure that a parent or an authorised emergency contact of each child ... is notified ...as soon as practicable. Penalty: \$2000.

Regulation 89 First aid kits

- (1) The approved provider ... must ensure that first aid kits are kept in accordance with this subregulation, ...—
 - (a) an appropriate number of first aid kits must be kept having regard to the number of children being educated and cared for by the service; and
 - (b) the first aid kits must be suitably equipped; and
 the first aid kits must be easily recognisable and readily accessible to adults, having regard to the design of the ... premises. Penalty: \$2000.

Regulation 90 Medical conditions policy

- (1) The medical conditions policy ... must set out practices in relation to the following—
 - (a) the management of medical conditions, including asthma, diabetes or a diagnosis that a child is at risk of anaphylaxis;
 - (b) informing nominated supervisors and staff members of, and volunteers ... of practices in relation to managing those medical conditions;
 - (c) the requirements arising if a child enrolled ...has a specific health care need, allergy or relevant medical condition, including—
 - (i) requiring a parent of the child to provide a medical management plan for the child; and
 - (ii) requiring the medical management plan to be followed in the event of an incident relating to the child’s specific health care need, allergy or relevant medical condition; and
 - (iii) requiring the development of a risk-minimisation plan in consultation with the parents of a child—
 - (A) to ensure that the risks relating to the child’s specific health care need, allergy or relevant medical condition are assessed and minimised; and
 - (B) if relevant, to ensure that practices and procedures in relation to the safe handling, preparation, consumption and service of food are developed and implemented; and
 - (C) if relevant, to ensure that practices and procedures to ensure that the parents are notified of any known allergens that pose a risk to a child and strategies for minimising the risk are developed and implemented; and
 - (D) to ensure that practices and procedures ensuring that all staff members and volunteers can identify the child, the child’s medical management plan and the location of the child’s medication are developed and implemented; and
 - (E) if relevant, to ensure that practices and procedures ensuring that the child does not attend the service without medication prescribed by the child’s medical practitioner in relation to the child’s specific health care need, allergy or relevant medical condition are developed and implemented; and
 - (iv) requiring the development of a communications plan to ensure that—
 - (A) relevant staff members and volunteers are informed about the medical conditions policy and the medical management plan and risk minimisation plan for the child; and
 - (B) a child’s parent can communicate any changes to the medical management plan and risk minimisation plan for the child, setting out how that communication can occur.
- (2) The medical conditions policy ... must set out practices in relation to self-administration of medication by children over preschool age if the service permits that self-administration.

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- (3) In subregulation (2), the practices must include any practices relating to recording in the medication record for a child of notifications from the child that medication has been self-administered.

Regulation 91 Medical conditions policy to be provided to parents

The approved provider ... must ensure that a copy of the medical conditions policy ... is provided to the parent of a child enrolled ... if the provider is aware that the child has a specific health care need, allergy or other relevant medical condition.

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

Regulation 92 Medication record

(1) The approved provider ... must ensure that a medication record is kept that includes the details set out in subregulation (3) for each child to whom medication is or is to be administered ...

***.

(3) The details to be recorded are—

- (a) the name of the child;
- (b) the authorisation to administer medication (including, if applicable, self-administration), signed by a parent or a person named in the child's enrolment record as authorised to consent to administration of medication;
- (c) the name of the medication to be administered;
- (d) the time and date the medication was last administered;
- (e) the time and date, or the circumstances under which, the medication should be next administered;
- (f) the dosage of the medication to be administered;
- (g) the manner in which the medication is to be administered;
- (h) if the medication is administered to the child—
 - (i) the dosage that was administered; and
 - (ii) the manner in which the medication was administered; and
 - (iii) the time and date the medication was administered; and
 - (iv) the name and signature of the person who administered the medication; and
 - (v) if another person is required under regulation 95 to check the dosage and administration, the name and signature of that person.

Regulation 93 Administration of medication

(1) & (3) The approved provider and nominated supervisor... must ensure that medication is not administered to a child ... unless—

- (a) that administration is authorised; and
- (b) the medication is administered in accordance with regulation 95 or 96. Penalty: \$2000.

(2) The approved provider ... must ensure that written notice is given to a parent or other family member of a child as soon as practicable, if medication is administered to the child under an authorisation referred to in subregulation (5)(b).

Penalty: \$1000.

(5) In this regulation the administration of medication to a child is authorised if an authorisation to administer the medication—

- (a) is recorded in the medication record for that child under regulation 92; or
- (b) in the case of an emergency, is given verbally by—
 - (i) a parent or a person named in the child's enrolment record as authorised to consent to administration of medication; or
 - (ii) if a parent or person named in the enrolment record cannot reasonably be contacted in the circumstances, a registered medical practitioner or an emergency service.

Regulation 94 Exception to authorisation requirement—anaphylaxis or asthma emergency

(1) Despite regulation 93, medication may be administered to a child without an authorisation in case of an anaphylaxis or asthma emergency.

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(2) If medication is administered under this regulation, the approved provider or a nominated supervisor ... must ensure that the following are notified as soon as practicable—

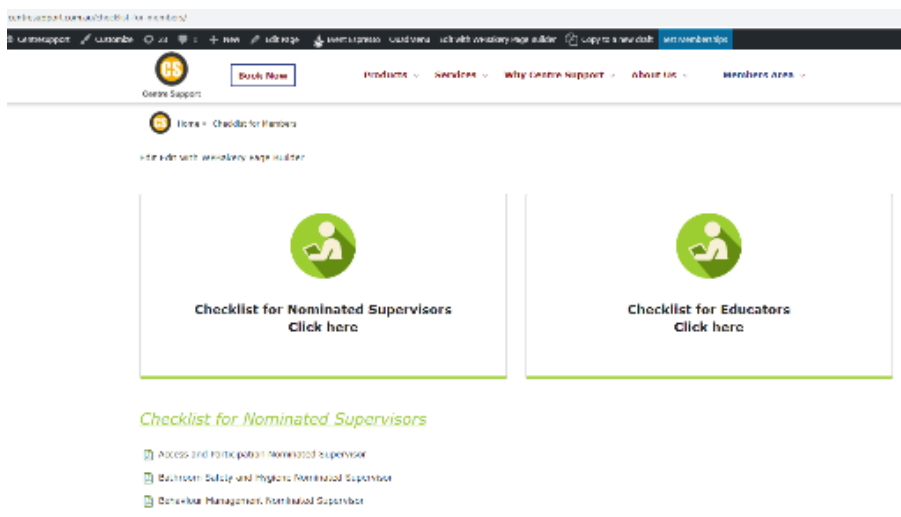
- (a) a parent of the child;
- (b) emergency services.

Regulation 95 Procedure for administration of medication

Subject to regulation 96, if medication is administered to a child ...—

- (a) the medication must be administered—
 - (i) if the medication has been prescribed by a registered medical practitioner, from its original container, bearing the original label with the name of the child to whom the medication is to be administered, and before the expiry or use by date; or
 - (ii) from its original container, bearing the original label and instructions and before the expiry or use by date; and
- (b) the medication must be administered in accordance with any instructions—
 - (i) attached to the medication; or
 - (ii) any written or verbal instructions provided by a registered medical practitioner; and
- (c) ... the following must be checked by a person other than the person administering the medication—
 - (i) the dosage of the medication to be administered;
 - (ii) the identity of the child to whom the medication is to be administered.

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 Summer asks what the cut-off time for notifying parents about incidents is? Please reply.		
Miss Natalie says it's not fair she got in trouble just because she completed an incident record 2 days after the incident occurred. Was it fair?		
Mr Calvin asks what the Regs say you need to include in First Aid Kits. Please respond.		
Miss Molly asks if the Regs require different medication records where medication is administered on an ongoing basis. Do they?		
Miss Deirdre says medication doesn't always have to be authorised before it's administered. Is she right?		



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 Ella's friend works as an educator interstate. Does she have the same child protection responsibilities? Why or why not?	Yes and no. She has the same responsibility to protect children from harm/abuse/neglect. The specific requirements, including who to report abuse and neglect to, and the reporting process, differ because each state/Territory has its own child protection laws. See your Child Protection Policy, including the sources, for more information.	
Mr Jake says educators can be reported to Child Protection authorities if they harm or abuse a child. Is this true?	Yes. In the ACT, NSW and VIC there are also requirements to comply with legislated "Reportable Conduct Schemes" which cover child-related misconduct/harm/abuse by an employee or volunteer. (See your Child Protection Policy for more information. Instances of physical or sexual abuse of a child at the Service, or allegations of this, must also be reported to the Regulatory Authority (Reg 175(2)(d & e)	
Miss Bella asks what Reg 84 means when it says staff must be aware of the child protection law. Please explain.	This means, for example, understanding how to identify when a child may be or has been harmed/abused/neglected, and their State/Territory's child protection laws and procedures about: <ul style="list-style-type: none"> • who mandated reporters are and what this means • how to make child protection reports. 	

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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 Protections at Work. The Fair Work Act gives all employees protected rights. These include protected [workplace rights](#).

A person has a workplace right if they:

- have a benefit, role or responsibility under a workplace law (eg Fair Work Act, Discrimination laws, OHS/WHS laws, workers' compensation laws), a workplace instrument (eg award or registered agreement), or a workplace Order made by an industrial body (eg Fair Work Commission)
- can start or take part in a process or proceeding under a workplace law or instrument
- can make a complaint or enquiry to a person or body to seek compliance with a workplace law or instrument eg the Australian Human Rights Commission
- can make a complaint or enquiry about their employment eg an employee asking their employer about their pay rate.to an industrial body.

See Week 28 2022 for information about what a person is protected from.