



Nominated Supervisor

Law section 5(1) Definitions

National Quality Standard means the National Quality Standard prescribed by the national regulations

Regulation 8 National Quality Standard

For the purposes of the definition of National Quality Standard in section 5(1) of the Law, the prescribed National Quality Standard is set out in Schedule 1.

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

The screenshot shows the website interface for members. At the top, there is a navigation bar with a logo and a 'Book Now' button. Below the navigation bar, there are two main content boxes, each featuring a green circular icon with a person reading a document. The left box is titled 'Checklist for Nominated Supervisors' with a 'Click here' link. The right box is titled 'Checklist for Educators' with a 'Click here' link. Below these boxes, there is a section titled 'Checklist for Nominated Supervisors' with a list of three items: 'Access and Participation Nominated Supervisor', 'Bathroom Safety and Hygiene Nominated Supervisor', and 'Behaviour Management Nominated Supervisor'.

Week 36, 14 November - 18 November 2022 – 4.2.1 Professional collaboration

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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 Celeste says there are no regs covering element 4.2.1 professional collaboration. Is she correct?		
Mr Vishnu asks if not meeting element 4.2.1 is really that serious? Please respond.		

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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 Courtney is a new room/group leader. She suggests copying the emergency risk assessment from her previous centre. Is this a good idea?	No. Each while some potential emergencies may be the same, each centre will face its own unique potential emergencies due to location, environment, mix of children, medical requirements etc. Reg 97(2) says potential emergencies relevant for each service must be identified in the risk assessment.	
Miss Chelsea asks whether emergency evacuation plans need to be displayed, and if so where abouts? Please respond.	Yes – Reg 97 says emergency evacuation floor plans/diagrams must be clearly displayed near each exit.	
Mr Mo says the risk assessment identifies 15 potential emergency situations. Does this mean they need to rehearse 15 different emergency procedures? Please respond.	If the identified potential emergency and/or evacuation procedures are the same, emergency rehearsals of this procedure can cover all potential scenarios. Rehearsal records should note all the identified scenarios that the rehearsal covered (eg evacuation for gas leak same as for an internal fire). Other identified emergency and evacuation procedures, where the procedure is different, must be rehearsed separately.	
Approved Provider Pippa says she's familiar with all emergency responses and is too busy to participate in emergency rehearsals if they happen to occur when she's there. What would you say to her?	She may breach Reg 97 if she doesn't participate. The Reg says all staff members, volunteers, children and the responsible person present must participate. Also as a leader she should be modelling compliance with the Law and best practice, and showing she takes emergency responses seriously.	

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Fair Work

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 the difference between [underperformance and serious misconduct](#).

Underperformance occurs when an employee isn't doing their job properly, or behaves in an unacceptable way at work. It includes:

- not carrying out work to the required standard
- not following workplace policies, rules or procedures
- unacceptable behaviour at work eg telling inappropriate jokes
- disruptive or negative behaviour at work eg constantly speaking negatively about the centre.

Steps you can take to help prevent underperformance include:

- listing behavioural and outcome expectations in position descriptions
- addressing any issues as soon as possible
- having regular performance reviews to outline expectations
- encouraging employees to talk to you (or their immediate manager) if they have any questions or concerns.

In weeks 4 and 5 this year we looked at steps you should take to address underperformance, including giving employees the opportunity and support needed to change their practice. Not doing so may lead to successful claims of unfair dismissal.

Serious misconduct involves an employee deliberately behaving in a way that's inconsistent with continuing their employment. Examples include:

- causing serious and imminent risk to the health and safety of another person or to the reputation or profits of the business
- theft, fraud, assault, sexual harassment
- refusing to carry out a lawful and reasonable instruction that's part of the job.

An employer can terminate an employer for serious misconduct without having to give them any notice. You may wish to seek legal advice before dismissing an employer for serious misconduct to ensure there are no grounds for unfair dismissal.

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