



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

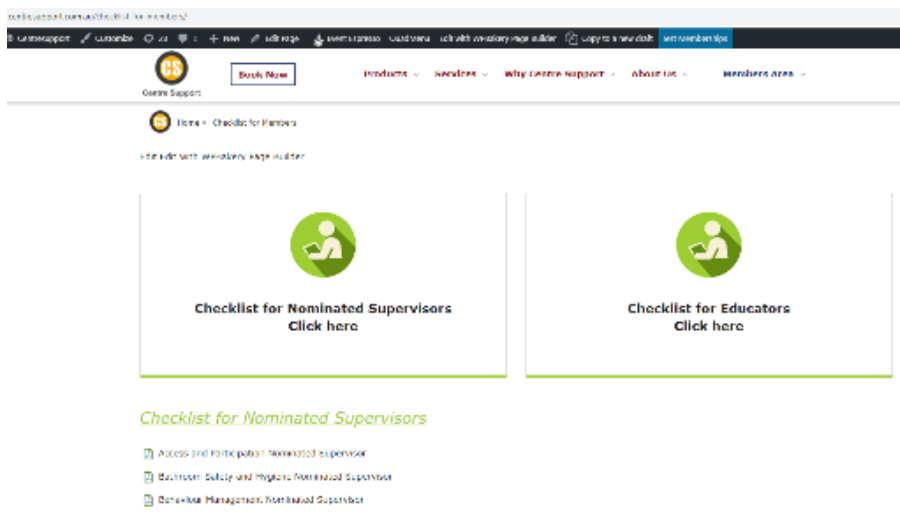
For the purposes of the definition of National Quality Standard in section 5(1) of the Law, the prescribed National Quality Standard is set out in Schedule 1.

Regulation 168 Education and care service must have policies and procedures

(2) Policies and procedures are required in relation to the following-

- (i) staffing, including
 - (i) a code of conduct for staff members

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 38, 28 November - 2 December 2022 – 4.2.2 Professional standards

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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 Jenni asks if the topic of professional standards is covered in the Regs. Is it?		
Miss Bianca asks if it's mandatory to have policies and procedures based on ECA's Code of Ethics. 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 Abigail says Educational Leaders need to have certain qualifications and experience. Is she correct?	No. Reg 118 just says an EL must be a suitably qualified and experienced person.	
Miss Hannah says the EL can be any suitably qualified and experienced person. It doesn't have to be an educator. Is she correct?	Yes, Reg 118 doesn't require the EL role to be filled by an educator. As the Guide to the NQF says, "the EL may be the approved provider, a nominated supervisor, or person with management or control (who has suitable experience and qualifications), an early childhood teacher, a suitably qualified person, or a diploma or certificate III qualified educator within the service." (p. 436)	
Mr Nicholas asks if the EL has to be present at all times children are present. Please respond.	No. "The regulations do not specify ... the number of hours the educational leader should work, or whether this person must work directly with children." (Guide p. 436)	

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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 again looking at [new paid family and domestic violence leave](#) as Fair Work has released more information.

Full-time, part-time and casual employees will be able to access 10 days of paid family and domestic violence leave in a 12-month period. It is not pro-rated for part-time or casual employees.

Under the new provisions, family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative, a current or former intimate partner, or a member of their household that both:

- seeks to coerce or control the employee
- causes them harm or fear.

Employees (including part-time and casual employees) can take paid family and domestic violence leave if they need to do something to deal with the impact of family and domestic violence and it's not practical for them to do so during their work hours. This could include, for example, the employee:

- making arrangements for their safety, or the safety of a close relative
- attending court hearings, counselling or appointments with medical, financial or legal professionals
- accessing police services.

Other key points:

- The full 10-day leave entitlement will be available upfront. It won't accumulate from year to year if it's not used
- The leave renews every year on each employee's work anniversary. Employees who start on or after the date that the paid leave entitlement becomes available at their new workplace can access the full 10 days for their first day. Existing employees can access the full 10 days on the relevant start date. The leave then renews on the anniversary of when they started working for that employer
- The leave will be available from:
 - 1 February 2023, for employees of non-small business employers (employers with 15 or more employees on 1 February 2023)
 - 1 August 2023, for employees of small business employers (employers with less than 15 employees on 1 February 2023).
- This new entitlement will replace the existing entitlement to 5 days of unpaid family and domestic violence leave under the National Employment Standards. Employees will continue to be entitled to 5 days of unpaid family and domestic violence leave until they can access the new paid entitlement
- An employee can use paid family and domestic violence leave during a period of paid personal/carer's or annual leave. If this happens, the employee is no longer on the other form of paid leave and is taking paid family and domestic violence leave instead
- If an employee takes paid family and domestic violence leave, they have to let their employer know as soon as possible. This could be after the leave has started. An employer can ask for evidence to show it's not practical for the employee to manage a family and domestic violence issue outside their work hours.

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