



Nominated Supervisor

There are many Regulations that relate to **Element 7.1.2 Management Systems**. We look at some of these below. Please refer to the NQF Guide pages 288-290 for a comprehensive list of relevant Regulations. Note that when reference is made to 'prescribed' information, it means information that can be found in the Regulations. We have an extensive Compliance Audit where we come out to your Service and make sure you're complying with all the Regulations. If you're interested email us for a quote on admin@centresupport.com.au and tell us how many classrooms you have at your centre.

| National Law or Regulation | What must happen: AP = Approved Provider, NS = Nominated Supervisor, S = Staff member V = Volunteer |
|--|--|
| Section 162 Offence to operate education and care service unless responsible person is present | You must be able to prove a Responsible Person was present at all times children attended eg on sign in/out sheet. Fine AP \$5,000 for individuals else \$25,000 |
| Section 165 Offence to inadequately supervise children | Meeting ratios does not always mean children are adequately supervised. You must also consider risk inherent in activities/environment and whether extra adults are required. Fine AP \$10,000 for individuals or else \$50,000; NS \$10,000 |
| Section 166 Offence to use inappropriate discipline | Educators must never hit a child or use any form of discipline that's unreasonable. Fine AP \$10,000 for individuals otherwise \$50,000; NS \$10,000; S and V \$10,000 |
| Section 169 Offence relating to staffing arrangements | Ratios and educator qualification must always be met. Fine AP \$10,000 for individuals or else \$50,000; NS \$10,000 |
| Section 172 Offence to fail to display prescribed information | Prescribed information is in Reg 173 (see below). Information must be clearly visible from main entrance. Fine AP \$3,000 for individuals or else \$15,000; |
| Section 173 Offence to fail to notify certain circumstances to Regulatory Authority | You must advise Reg Authority of number of issues including: <ul style="list-style-type: none"> if NS no longer employed, withdraws consent to be NS, or is removed from role any proposed change to premises Fine AP \$4,000 for individuals or else \$20,000 |
| Section 174 Offence to fail to notify certain information to Regulatory Authority | You must advise Reg Authority of number of issues including: <ul style="list-style-type: none"> serious incidents complaints alleging serious incident has occurred/is occurring at centre, or National Law breached Fine AP \$4,000 for individuals or else \$20,000 |
| Regulation 160 Child enrolment records to be kept by approved provider | Enrolment records must include: <ul style="list-style-type: none"> name, DOB, address and gender of child name address and contact details of each parent AND any emergency contact AND any 'authorised nominee' (person authorised to collect child) AND any person who can consent to medical treatment AND any person who can authorise educator to leave centre with child AND any person who can authorise educator to transport child or arrange transportation details of court orders/parenting orders or plans cultural background of child AND if relevant parents, AND language spoken at home any special issues eg cultural, religious, additional needs Note under Law section 175 these records must be kept at Service if they relate to child who attended in last 12 months. Fine AP \$4,000 for individuals or else \$20,000 |
| Regulation 161 Authorisations to be kept in enrolment record | Following must be authorised on enrolment record: <ul style="list-style-type: none"> medical treatment and ambulance transport regular outings, and/or regular transportation if relevant |
| Regulation 162 Health information to be kept in enrolment record | Following must be kept in enrolment record: <ul style="list-style-type: none"> name, address and phone number of child's doctor Medicare number if available |

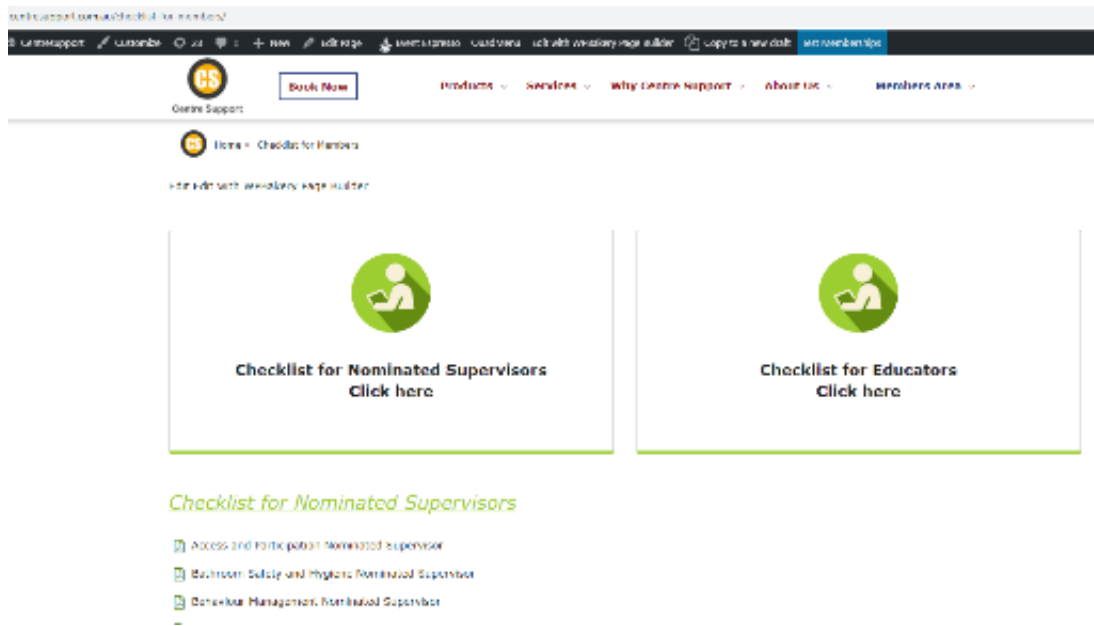
Week 40, 12 December – 16 December 2022 – 7.1.2 Management systems

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| | <ul style="list-style-type: none"> immunisation status and any required documentation to meet State immunisation laws (see Immunisation Policy) notation if sighted health record for child details of any dietary restrictions details of any health care needs including medical conditions and allergies with accompanying medical management plan, risk minimisation plan <p>Note requirements for these are discussed under Regulation 90 Medical Conditions Policy together with requirement for medical communication plan</p> |
| Regulation 168 Education and care service must have policies and procedures | You must have all the policies and procedures listed in this Reg. Note the NQF Guide makes it clear <i>“the policies do not have to be in any particular style or format, and do not need to be titled to reflect the exact wording of the National Regulations.”</i> p 456 Fine AP \$1,000 |
| Regulation 170 Policies and procedures to be followed | All managers, staff and volunteers must always follow Service policies and procedures. Fine AP \$1,000 |
| Regulation 171 Policies and procedures to be kept available | Policies and procedures must be easily to access and available for inspection either in paper copy or electronically. Fine AP \$1,000 |
| Regulation 172 Notification of change to policies and procedures | You must notify parents at least 14 days before changing any policy or procedure required under Reg 168 if the change: <ul style="list-style-type: none"> may have significant impact on the provision of education and care, or the family’s ability to use the service will affect the fees charged or how they’re collected. |
| Regulation 173 Prescribed information to be displayed | You must display the following: <ul style="list-style-type: none"> AP name, approval number and any approval conditions Service name, approval number and any approval conditions hours and days of operation NS name Complaints officer name and contact details name and position of Responsible Person in charge Educational Leader name current rating for each Quality Area and overall rating details of any waivers ie elements/regs they apply to, duration and if service or temporary waiver Regulatory Authority contact details if relevant, notice child with anaphylaxis enrolled (maintain child’s privacy) if relevant, notice there’s been outbreak of infectious disease (maintain children’s privacy) |
| Regulation 174 Time to notify certain circumstances to Regulatory Authority | You must comply with reporting timeframes including within 7 days of the events mentioned under Section 173 |
| Regulation 175 Prescribed information to be notified to Regulatory Authority | You must notify Reg Authority about various issues including any: <ul style="list-style-type: none"> circumstance at Service that pose a risk to the health, safety and wellbeing of children incidents or allegations of physical or sexual abuse of a child |
| Regulation 176 Time to notify certain information to Regulatory Authority | You must comply with reporting timeframes including within 24 hours of the events mentioned under Section 174 |
| Regulation 181 Confidentiality of records kept by approved provider | You must not share the private information of a child, family member, staff member or volunteer with anyone who does not need it to their job unless it’s required by law or person has consented. |
| Regulation 183 Storage of records and other documents | Records must be kept in a safe and secure place for required timeframes including: <ul style="list-style-type: none"> incident, illness, injury, trauma records until child is 25 death of child for 7 years other prescribed child records for 3 years after child last attended prescribed AP records for 3 years from time AP last operated service prescribed NS and staff records for 3 years from time last worked at Service |

Week 40, 12 December – 16 December 2022 – 7.1.2 Management systems

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 40, 12 December – 16 December 2022 – 7.1.2 Management systems

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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 Melanie asks how they're allowed to 'discipline' children. Please respond. | | |
| Miss Dita says they're supposed to notify serious incidents within 24 hours. She asks how educators know what a 'serious incident' is. Please respond. | | |
| Mr Vikas asks says he's really confused about what rules and policies apply to transporting children on excursions. Can you please explain. | | |
| Miss Sharmaine says the policies are only guidelines – all they really have to follow is the Law and Regs. What's your response? | | |
| Reg 181 says you must not divulge, intentionally or unintentionally, confidential information the service must keep about an adult or child unless this is necessary for their education or care. Would you share information about a child's medical diagnosis with the service cook? Why or why not? | | |



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 Gracie asks, from a Law or Reg point of view, why it's important to maintain continuity of educators? Please respond. | One reason is to ensure the Service can maintain the required educator to child ratios prescribed in the Regs, and the qualification requirements which form part of those ratios (eg at least 50% Diploma qualified). | |
| Mr Sandon asks what other things can be achieved when continuity of educators is achieved. Please respond. | Outcomes for many of the NQS Quality Areas are enhanced when there is continuity of educators eg <ul style="list-style-type: none"> • Higher quality educational programs (QA1) • Improved outcomes with children's health and safety (QA2) • Improved relationships with children (QA5) • Improved relationships with families and the community (QA6) | |

Management Systems Nominated Supervisor

Date: _____

Name of the person conducting the checklist: _____

Practices

| | | | |
|--|---------------------------|--------------------------|---------------------------|
| Is there evidence risk assessments are carried out to manage potential risks eg bottle warming, new equipment, excursions, relevant learning activities, renovations? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Do you have secure storage systems in place so staff and families can only access their own personal information or in the case of staff, information they need to do their job? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence you regularly check admin reports and processes to make sure the National Law and Regs, NQS and other relevant laws eg Family Law (CCS) are complied with? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Do you refer to the National Law and Regs, and your policies and procedures to make sure you notify the Regulatory Authority where required within the specified timeframes? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Do your management systems include reliable tools to ensure requirements like audits and information updates are met eg checklists, procedures, diary notes? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there a written complaints procedure which all staff and families know about and can confidently use? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence that incidents/accidents at the service are analysed and improvements to practice/premises made where relevant? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence that you use your management systems and tools to continually improve service operations? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence of improvements to service operations in your Quality Improvement Plan (QIP)? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Do all educators and staff regularly contribute to the strengths and improvement sections of the QIP? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Can all staff and families easily access Service policies and procedures? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence all staff and families are involved in reviewing Service policies and procedures, and advised when these change? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence you implement robust recruitment practices which ensure candidates are 'fit and proper', as well as having the skills and values which meet service requirements? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence you implement effective practices to minimise the potential for staffing issues eg do you effectively manage underperformance, have a reliable pool of relief staff, consider staff strengths and personalities when putting together teams, have a written, detailed induction procedure, ensure staff receive coaching/training if needed? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Do you ensure there's clear reporting relationships, and that each staff member has only one direct supervisor? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Is there evidence that you regularly organise refresher training in relevant areas eg child protection, use of emergency equipment, safe sleep practices? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |
| Communication | | | |
| Is there evidence you regularly hold staff meetings which cover things like work, health and safety, child protection and changes to management systems where relevant? | <input type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> ONA |

Week 40, 12 December – 16 December 2022 – 7.1.2 Management systems

Is there evidence you provide opportunities for staff and families to offer feedback about service operations? Yes No NA

Do you ensure relevant information about children and families is passed on to room leaders and educators? Yes No NA

Actions required



This week we're highlighting changes made to Fair Work's Pay and Conditions Tool and two Pay Guides, and looking at leave over Christmas and Christmas parties.

Changes have been made to the following Awards in the Pay and Conditions Tool and the relevant Pay Guides:

- Educational Services (Teachers) Award
- Children's Services Award

The changes reflect the Educational Leader allowance discussed in week 32 this year.

Leave over Christmas

Under Clause 24.4 (b) of the [Children's Services Award](#) **employees can be directed** to take annual leave over the Christmas period. If an employee doesn't have enough paid leave available, they may be required to take leave without pay for a maximum of four weeks.

Clause 21.2 of the [Educational Services \(Teachers Award\)](#) says teachers in a preschool or kindergarten which operate during hours and terms which are similar to those of a school must take annual leave during non-term weeks. Leave must generally be taken, in the case of a teacher who is continuing with the employer in the next year, in the 4-week period immediately following the final term week of the current preschool year, unless otherwise agreed with the employer.

Schedule A applies to teachers working in Services operating for at least 48 weeks per year. Managing excessive amounts of annual leave is covered in clauses A6.3, A6.4 and A6.5.

Christmas parties

Employers have responsibilities to ensure the safety of all employees attending Christmas parties which are organised by employers. They are still legally work activities even if the event is held offsite or outside normal work hours. It's important to clearly state the expected standard of behaviour at the party – for example that Service Code of Conduct still applies, including in relation to professional conduct, language, harassment and discrimination - and to support that with any other relevant Service policies and procedures. Apart from promoting the safety of all staff, this will also provide some protection if you need to take disciplinary action against employees as a result of their actions at the party.

To ensure a safe Christmas event consider:

- setting clear start and finish times for event
- completing a risk assessment of the physical venue to eliminate or minimise risks from accidents
- ensuring the responsible service of alcohol eg quantity served and availability, availability of non-alcoholic beverages, early service of food, preventing underage staff from accessing alcohol, availability of public transport, cab vouchers or 'designated drivers' and adequate supervision during event

Remember to investigate any issues or complaints that arise from the event as you would for any incident or complaint in the workplace.

Week 40, 12 December – 16 December 2022 – 7.1.2 Management systems