



Element 2.2.1 has a lot of regulations attached to it.



Law & Regs

Under Section **165**, it is an offence to inadequately supervise children. The law requires that all children must be adequately supervised at all times while they are in the care of the service. Failing to meet this requirement can result in

significant penalties, with fines of \$11,400 for individuals and \$57,400 for organisations.

Under **Section 166**, it is an offence to use inappropriate discipline on children. The approved provider, nominated supervisor, and staff must ensure that no child is subjected to any form of corporal punishment or discipline that is unreasonable in the circumstances. The penalties for breaching this law are significant, with fines of \$11,400 for individuals and \$57,400 for organisations.

Section 167 focuses on the protection of children from harm and hazards. It requires that the approved provider and nominated supervisor take every reasonable precaution to ensure the safety of children by protecting them from any hazard likely to cause injury. The penalties for failing to do so are the same as for Section 166, with fines of \$11,400 for individuals and \$57,400 for organisations.

In **Section 170**, the law addresses the issue of unauthorised persons being on the premises of an education and care service. The approved provider and nominated supervisor must ensure that only authorised persons, or those under the direct supervision of an educator or staff member, are allowed to remain on the premises while children are being cared for. Penalties for non-compliance are \$1,100 for individuals and \$5,700 for organisations. An authorised person is defined as someone with a current working with children check, a parent or family member of a child, or an authorised nominee. The term “inappropriate person” refers to anyone who may pose a risk to the safety, health, or wellbeing of children, or who is under the influence of drugs or alcohol.

Section 171 allows the Regulatory Authority to direct an approved provider or nominated supervisor to exclude an inappropriate person from the premises while

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children are being educated and cared for. Failure to comply with such a direction can result in penalties of \$11,400 for individuals and \$57,400 for organisations.

Under **Regulation 82**, it is mandatory that the environment in which children are cared for is free from tobacco, illicit drugs, and alcohol. The penalty for non-compliance is \$2,200.

Regulation 83 states that staff members must not be affected by alcohol or drugs while responsible for the care of children. Breaching this regulation also carries a penalty of \$2,200.

Regulation 99 specifies that children must not leave the premises of an education and care service except in accordance with strict regulations. The penalty for allowing a child to leave the premises improperly is \$2,200.

Finally, **Regulations 100 to 102D** require that risk assessments are conducted before any excursions or when children are to be transported by the service. These regulations ensure that all potential risks are identified and managed to protect children’s safety. Penalties for non-compliance with these regulations range from \$1,100 to \$2,200, depending on the specific regulation.

Supervision and Protection: Conduct regular checks and maintain a documented plan for constant child supervision. Regularly inspect the premises to identify and address risks. Implement a positive behaviour guidance policy that bans corporal punishment and unreasonable discipline.

Control of Access: Enforce strict access control, allowing entry only to authorised individuals. Maintain a visitor register and ensure supervised visits. Comply with directives to exclude inappropriate persons.

Tobacco, Drug, and Alcohol-Free Environment: Enforce a no-smoking policy and prohibit drugs and alcohol on the premises. Ensure staff are free from the influence of alcohol or drugs during work hours.

Safety during Excursions and Transportation: Conduct thorough risk assessments for excursions and

transport. Obtain necessary authorisations and ensure all precautions are in place. Regularly review transportation safety, including vehicle maintenance and seatbelt use.

Prevention of Unauthorised Departures: Implement secure sign-in/out procedures. Train staff on release protocols and identity checks. Regularly review and update policies to prevent unauthorised departures.

Why is the element important?

A service reviewed what the NQF Guide said about element 2.2.1 and understood educators:

- need to supervise children at all times to ensure their safety
- always need to be alert for potential hazards that may endanger children or cause accidents and injuries
- need to take actions (reasonable precautions) to remove or minimise identified risks of harm to children.

What could potentially go wrong if educators didn't do the above?

If educators fail to adequately supervise there are several potential risks and consequences that can arise:

Increased likelihood of accidents and injuries:

Without proper supervision, children may engage in risky behaviours or encounter hazards that could result in accidents, injuries, or even more serious harm. Lack of supervision increases the chances of falls, collisions, ingestion of harmful substances, or engagement in unsafe activities.

Exposure to unsafe environments: In the absence of alertness to potential hazards, children may be exposed to unsafe environments that could pose risks to their well-being. This includes situations where hazardous materials are within reach, areas with insufficient safety measures, or inadequate supervision in high-risk areas (e.g., water play or climbing equipment).

Delayed response to emergencies: Without constant supervision and alertness, educators may not be able to promptly respond to emergencies or potential dangers. Delayed response times can exacerbate the

severity of incidents or hinder the ability to prevent accidents or injuries from occurring.

Increased risk of harm or injury due to preventable hazards: Neglecting to take reasonable precautions to remove or minimise identified risks of harm puts children at greater risk. Failure to address potential hazards in the environment, such as loose cords, sharp objects, or inadequate safety equipment, increases the likelihood of accidents or injuries that could have been prevented.

Lack of trust and confidence: When educators do not fulfill their duty to supervise, remain alert, and take reasonable precautions, families may lose trust and confidence in the service. This can lead to a breakdown in communication, strained relationships, and potential reputational damage for the service.

Legal and regulatory implications: Non-compliance with the supervision requirements and failure to take reasonable precautions may lead to legal and regulatory consequences.



You must practice

It's important that we have reasonable precautions and adequate supervision at all times ensures that children are protected from harm and hazards.

Scenario: Outdoor Play Area

- **Reasonable Precaution:** Before children engage in outdoor play, educators inspect the play area to ensure it is free from potential hazards such as broken equipment, sharp objects, or tripping hazards.
- **Adequate Supervision:** Educators maintain a visible presence in the outdoor play area, actively monitoring children's activities, intervening when necessary to prevent accidents or conflicts, and ensuring safety rules are followed, such as proper use of equipment and appropriate behaviour.

Water Play Activity

- **Reasonable Precaution:** Educators conduct a risk assessment to identify potential hazards related to water play, such as slips and falls or

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water depth. They implement safety measures like non-slip mats, appropriate water depth for different age groups, and constant monitoring of children during water play.

- **Adequate Supervision:** Educators maintain a close proximity to children during water play, ensuring that each child is within arm's reach and actively supervising their interactions with water and equipment. They are vigilant in observing children's behaviour, providing guidance, and intervening to prevent accidents or unsafe practices.

Cooking Experience

- **Reasonable Precaution:** Educators identify potential risks associated with cooking activities, such as burns or cuts, and take appropriate measures to minimise these risks. This includes ensuring the use of child-friendly cooking utensils, providing clear safety instructions, and establishing safe cooking procedures.
- **Adequate Supervision:** Educators closely supervise children during cooking experiences, ensuring they follow safety guidelines, use appropriate tools and equipment, and practice proper handwashing and hygiene. They actively engage with children, discussing safety measures, and monitoring their progress to prevent accidents and ensure a safe cooking environment.

Indoor Free Play

- **Reasonable Precaution:** Educators regularly inspect the indoor play area to identify any potential hazards like loose cords, unstable furniture, or small objects that may pose a choking hazard. They remove or secure these hazards to create a safe play environment.
- **Adequate Supervision:** Educators maintain a visible presence during indoor free play, monitoring children's interactions, and

intervening when necessary to prevent accidents or conflicts. They ensure that children are engaged in age-appropriate activities, encourage safe play behaviours, and facilitate problem-solving and conflict resolution.

After reading these points, which one(s) do you think you are doing well? Describe your practice in detail so it can go directly into you QIP or SAT (NSW only).

After reading these points, which one(s) do you think you need to work on? Describe how you could improve your practice.

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