



Law & Regs

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 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 **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

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.

There are things that you need to do with your service and educators.

- (1) Review the points from the Law and make yourself familiar with them. Conduct the compliance test with your educators to check their knowledge.
- (2) Add to your folder the daily planner so you can document and show the assessor how you are working with educators. Use documents provided in this section.
- (3) Watch this video to learn more about supervision <https://vimeo.com/592041532/788fe16eb2?share=copy>
- (4) Guide your educators to ensure they are at the meeting level, use the examples in the educators’ section and the checklist to help you know exactly what is required.
- (5) Explore the exceeding themes with the examples in the educators’ section and your section for critical reflection and families and communities.
- (6) Work with your Nominated Supervisor and edit the QIP (SAT for NSW) template provided by Centre Support to ensure it is reflecting your service’s practices.

Week 26, 19 to 23 August 2024 – 2.2.1 Supervision

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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
Mr Jack asks if risk assessments for excursions and authorisations parents give for excursions need to say specific things. Do they?		
Miss Hannah asks which Reg relates to children's safety when visitors are present. Please respond.		
Miss Sue asks why Element 2.2.1 covers supervision AND risk management. Why do you think this is?		

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2.2.1

Supervision

At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.



Week 26
19.8.2024

Section 8. Role of the Educational Leader (Educational Leader)
Detailed guidelines for the Educational Leader.

Educational Leader weekly sheet

Date	Educational Leader activity	With whom?	Comments	Follow up
Monday 19.8.24	Ensure that reasonable precautions and adequate supervision.	Educators	Emphasising the importance of reasonable precautions and adequate supervision	Ongoing monitoring and implementation of safety measures
Monday 19.8.24				
Tuesday 19.8.24				
Wednesday 19.8.24				
Thursday 19.8.24				
Friday 19.8.24				

General thoughts or ideas

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Compliance test for educators **ANSWERS** for this week.

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
Mr Jack asks if risk assessments for excursions and authorisations parents give for excursions need to say specific things. Do they?	Yes. These are outlined in Regs 101 and 102 – and in your Excursion Policy.	
Miss Hannah asks which Reg relates to children's safety when visitors are present. Please respond.	There's not a specific Reg. This comes under Section 170 of the Law 'Offence relating to unauthorised persons on education and care service premises' which says the approved provider and nominated supervisor ... must ensure that a person does not remain at the ... premises while children are there unless they're an 'authorised person' (this is defined in the section), or they're under the direct supervision of an educator or staff member.	
Miss Sue asks why Element 2.2.1 covers supervision AND risk management. Why do you think this is?	Eliminating or minimising risks to children includes looking at supervision practices to ensure these are effective in keeping children safe, and not contributing to or increasing the risk of harm to children.	

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