



Law & Regs

Section 161 & 162 Offences:

Operating an education and care service without a nominated supervisor (Section 161, 161A) or responsible person (Section 162) is an offence, subject to significant penalties.

Regulation 117B Day-to-Day Charge: A person in day-to-day charge must be at least 18 years old and compliant with certain knowledge and legal history requirements.

Regulation 118 Educational Leader: An educational leader must be appointed to lead the development and implementation of educational programs.

Regulation 120 Supervision of Young Educators: Educators under 18 must be supervised by someone at least 18 years old and cannot work alone.

Regulation 126 Educator Qualifications: 50% of educators must have or be in progress towards a diploma level qualification, while others must have or be pursuing a certificate III level qualification, with specific clauses for probationary periods and NSW exceptions.

Regulation 150 Responsible Person Records: The service must keep records of the responsible person when children are being educated and cared for

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) 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.
- (4) Explore the exceeding themes with the examples in the educators' section and your section for critical reflection and families and communities.
- (5) 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.



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 Trudi (18 years) wants to know why she has to supervise Miss Ava (17 years). Has Miss Ava done something wrong? Please respond.		
Miss Penelope wants to be a person in day-to-day charge. She's worked at other centres for 3 years and is currently a room/group leader. Is it possible she could be put in charge sometimes?		
Mr Carter asks what 'under the roof' ratios mean? Please respond.		
Miss Bronte asks if she can be the Educational Leader too. Can she?		
Miss Fatima says she's responsible and could be the 'responsible person' who's around when the Nominated Supervisor isn't. Would this be okay?		

Week 36, 11 to 15 November 2024 – 4.1.1 Organisation of Educators

Copyright Centre Support Pty Ltd 2024 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.

4.1.1

Organisation of educators

The organisation of educators across the service supports children’s learning and development.



Week 36
11.11.2024

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 11.11.24	Professional Development	All Staff	Conducted a workshop on inclusive teaching strategies.	A survey for feedback and additional training needs.
Monday 11.11.24				
Tuesday 12.11.24				
Wednesday 13.11.24				
Thursday 14.11.24				
Friday 15.11.24				

General thoughts or ideas

Week 36, 11 to 15 November 2024 – 4.1.1 Organisation of Educators

Copyright Centre Support Pty Ltd 2024 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.



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
Miss Trudi (18 years) wants to know why she has to supervise Miss Ava (17 years). Has Miss Ava done something wrong? Please respond.	Reg 120 says all educators under 18 years must not be left alone and must be adequately supervised at all times by an educator at least 18 years old.	
Miss Penelope wants to be a person in day-to-day charge. She's worked at other centres for 3 years and is currently a room/group leader. Is it possible she could be put in charge sometimes?	Yes it's possible because she's at least 18, but only if: <ul style="list-style-type: none"> • She has the knowledge and ability to manage the service and • checks which must be done by the approved provider or nominated supervisor don't reveal any non-compliance with the ECEC Laws (Reg 117B) 	
Mr Carter asks what 'under the roof' ratios mean? Please respond.	Ratios are 'whole of centre' ratios – sometimes known as 'under the roof' ratios. They are not calculated by individual rooms. The NQF Guide says "Educator to child ratios are calculated across the service (not by individual rooms) and are based on the youngest child in care ...Maintaining the ratio for each age range of children in the mixed age group does not mean the educator to child ratio for the youngest age range must be applied to all children in an older age range. In a mixed age group of children, an educator who is caring for one age range of children can also be counted against another age range of children, as long as the ratio for each age range is maintained and adequate supervision is maintained at all times."	
Miss Bronte asks if she can be the Educational Leader too. Can she?	No. While they may be educators who assist the Educational Leader, the Regs only allow for one person officially in the role - who must be appointed in writing (Reg 18)	
Miss Fatima says she's responsible and could be the 'responsible person' who's around when the Nominated Supervisor isn't. Would this be okay?	No. 'Responsible person' is a term with a formal meaning (section 162 of the Law) ie it can only be: <ul style="list-style-type: none"> • the approved provider or • the nominated supervisor or • a person who's been formally appointed in day to day charge (under Reg 117B) 	

Week 36, 11 to 15 November 2024 – 4.1.1 Organisation of Educators

Copyright Centre Support Pty Ltd 2024 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.