

Nominated Supervisor Compliance Responsibilities of Long Day Care

Source: Education and Care Services National Regulations 2011

Reg #77	Health, Hygiene and Safe Food Practices	Service must implement and ensure that all staff members and volunteers implement adequate health and hygiene practices, safe practices for handling, preparing and storing food to minimise risks to children. Penalty: \$2,000
Reg #78	Food and Beverages	Make sure that children being educated and cared for by the service have access to safe drinking water at all times and are offered food and beverages on a regular basis throughout the day. Penalty: \$2,000
Reg #79	Service Providing Food and Beverages	Must provide food or beverage that is nutritious and adequate in quantity and has regard to dietary requirements of individual children taking into account their growth and developmental needs and any cultural, religious or health requirements. Penalty: \$2,000
Reg #80	Weekly Menu	Must ensure that the weekly menu is displayed at a place at the education and care service premises accessible to parents of children and is accurately describing the food and beverages to be provided by the service each day. Penalty: \$1,000
Reg #81	Sleep and Rest	Must take reasonable steps to ensure that the needs for sleep and rest of children being educated and cared for by the service are met, having regard to the ages, developmental stages and individual needs of the children. Penalty: \$1,000
Reg #83	Staff Members not to be Affected by Drugs and Alcohol	Must not while educating and caring for children consume alcohol or be affected by alcohol or drugs so as to impair the supervisor's capacity to supervise or provide education and care to the children. Penalty: \$2,000
Reg #93	Administration of Medication	Must ensure that medication is not administered to a child being educated and cared for by the service unless that administration is authorised and the medication is administered in accordance with Regulation 95 and 96. Penalty: \$2,000
Reg #94	Exception to Authorisation Requirement – Anaphylaxis or Asthma Emergency	Despite Regulation 93, medication may be administered to a child without an authorisation in case of an anaphylaxis or asthma emergency. Nominated Supervisor must ensure that the parent of the child and emergency services are notified. Penalty: N/A
Reg #99	Children Leaving the Education and Care Service Premises	Must ensure that a child who is being educated and cared for by the education and care service does not leave the education and care service premises except in accordance with sub-regulation 4. Penalty: \$2,000 (Read Regulation 99 Sub-regulation 4 for more info)
Reg #100	Risk Assessment must be Conducted Before Excursion	Must ensure a risk assessment is carried out in accordance with Regulation 101 before an authorisation is sought under regulation 102 for an excursion. Penalty: \$2,000
Reg #102	Authorisation for Excursions	Must ensure that a child being educated and cared for by the service is not taken outside of the education and care service premises on an excursion unless written authorisation has been provided under sub-regulation 4. Penalty: \$1,000 (Read Regulation 102 sub-regulation 4 for more info)
Reg #117A	Placing a Person in Day-to-Day Charge	The Approved Provider or Nominated Supervisor must place a person in day-to-day charge and they must accept placement in writing. Penalty: N/A
Reg #117B	Minimum Requirements for a Person in Day-to-Day Charge	Must ensure the person is over 18 and must have regard to the matters set out in sub-regulation 2 while ensuring the person has adequate knowledge and understanding of the provisions of education and care to children and an ability to effectively supervise and manage an education and care service. Penalty: N/A
Reg #157	Access For Parents	Must ensure that a parent of a child being educated and cared for by the service may enter the education and care service premises at any time that the child is being educated and care for by the service. Penalty: \$1,000

Definition of Nominated Supervisor according to Law – In relation to education and care service means a person who is nominated by the Approved Provider for the service and who has consented to nomination in writing.

Declared Nominated Supervisor – in relation to a participating jurisdiction, means a person or a person in a class of persons declared by a law of that jurisdiction to be a declared nominated supervisor for the purposes of the law.

Nominated Supervisors (1) - A person who immediately before the scheme commencement day was a declared nominated supervisor for a declared approved service that is taken under section 307 to be an approved education and care service is taken to be the nominated supervisor for that approved education and care service.

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Source: Children (Education and Care Services National Law Application) Act 2010

Law 39 (2)	Death of Approved Provider	Death of an Approved Provider. Notification made to Regulatory Authority within 7 days of the death <i>Penalty: N/A</i>
Law 165 (2)	Offence to Inadequately Supervise Children	Must ensure that all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service <i>Penalty: \$10,000</i>
Law 166 (2)	Offence to use Inappropriate Discipline	Must ensure that no child being educated and care for by the service is subjected to any form of corporal punishment or any discipline that is unreasonable in the circumstances. <i>Penalty: \$10,000</i>
Law 167 (2)	Offence Relating to Protection of Children from Harm and Hazards	Must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury. <i>Penalty: \$10,000</i>
Law 168 (2)	Offence Relating to Required Programs	Must ensure that a program is delivered to all children being educated and cared for by the service that is based on the approved learning framework, is delivered in a manner that accords with the approved learning framework, is based on the developmental needs, interests and experiences of each child and is designed to take into account the individual differences of each child. <i>Penalty: \$4,000</i>
Law 169 (3)	Offence Relating to Staffing Arrangements	Must ensure that, whenever children are being educated and cared for by the service, the relevant number of educators educating and caring for the children is no less than the number prescribed for this purpose. <i>Penalty: \$10,000</i>
Law 169 (4)	Offence Relating to Staffing Arrangements	Must ensure that each educator educating and caring for children for the service meets the qualification requirements relevant to the educator's role as prescribed by the National Regulations. <i>Penalty: \$10,000</i>
Law 170 (3)	Offence Relating to Unauthorised Persons* on Education and Care Service Premises	Must ensure that an unauthorised person does not remain at the education and care service premises while children are being educated and care for at the service premises unless the person is under the direct supervision of an educator or other staff member of the service. <i>Penalty: \$1,000</i> <i>*Definition - Unauthorized Persons: Does not have a WWCC, Is not a parent or family member, Is not an authorised nominee, Not emergency personnel</i>
Law 171 (1) (2)	Offence Relating to Direction to Exclude Inappropriate Persons* from Education and Care Service Premises	The Regulatory Authority may direct an Approved Provider or a Nominated Supervisor to exclude a person whom the Authority is satisfied is an inappropriate person from the education and care premises while the children are being educated and cared for at the premises for such a time as the Authority considers appropriate. A person to whom a direction is given under subsection 1 must comply with the direction. <i>Penalty: \$10,000</i> <i>*Definition - Inappropriate Persons: A Person who poses a risk to the safety, health or wellbeing of any child. Whose behaviour or state of mind or pattern of behaviour or common state of mind is inappropriate.</i>

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