



DAME NELLIE MELBA  
KINDERGARTEN  
EST 1915

# **Supervision of Children Policy**

## **Mandatory – Quality area 2**



Working in partnership with Cancer Council Victoria, ELAA has aligned this policy to the key policies and guidelines of the Healthy Early Childhood Services Achievement Program

## PURPOSE

This policy will provide guidelines to ensure:

- the adequate supervision of all enrolled children is maintained at all times.
- the provision of a safe and secure environment for all children at DNМК.

## POLICY STATEMENT

### VALUES

DNМК is committed to:

- providing appropriate supervision for all enrolled children in all aspects of the service’s program that is reflective of the children’s needs, abilities, age and circumstances
- ensuring all children are directly and actively supervised by educators employed or engaged by DNМК
- maintaining a duty of care (*refer to Definitions*) to all children at DNМК
- ensuring there is an understanding of the shared legal responsibility and accountability between, and a commitment by, all persons to implement the procedures and practices outlined in this policy.

### SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of DNМК including during offsite excursions and activities.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
<b>R</b> indicates legislation requirement, and should not be deleted					
Complying with the legislated ECT/educator-to-child ratios at all times ( <i>National Law: Sections 169</i> ) ( <i>Regulations 123</i> )	<b>R</b>	<b>R</b>	√		
Counting only those educators who are working directly with children at the service in the educator-to-child ratios ( <i>Regulation 122</i> )	<b>R</b>	<b>R</b>	√		

Keeping a record of ECT/educators working directly with children ( <i>Regulation 151</i> )	R	√			
Ensuring any educator under the age of 18 is not left to supervise children on their own ( <i>Regulation 120</i> )	R	√	√		
Ensuring an unauthorised person is under the direct supervision of an ECT/educator whilst at the service ( <i>National Law: Section 170 (2)</i> )	R	R	√		
Ensuring, in addition to ratio requirements, that a minimum of two educators are rostered on duty at all times children are in attendance at the service	√	√	√		
Ensuring that children being educated and cared for by the service are adequately supervised ( <i>refer to Definitions</i> ) by being in sight and/or hearing of an educator at all times; including during eating, toileting, sleep, rest and transition routines ( <i>National Law: Section 165 (1), (2)</i> )	R	R	√		
Considering the design and arrangement of the service environment to support active supervision ( <i>Regulation 115</i> ). This may be supported by a supervision plan ( <i>refer to Attachment 1</i> )	R	√	√		
Managing potential risk of abuse or harm to each child, including fulfilling duty of care ( <i>refer to Definitions</i> ) and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm ( <i>refer to Child Safe Environment Policy</i> )	R	R	R		R
Identifying high-risk activities, including excursions ( <i>refer to Excursions and Service Events Policy, Road Safety and Safe Transport Policy and Water Safety Policy</i> ), through a risk management process, and implementing strategies to improve children's safety e.g. Considering increasing adult-to-child ratios in line with the identified risks ( <i>Regulation 100, 101, 102B, 102C</i> )	R	R	√		
Ensuring supervision standards are maintained during ECT/educator breaks, including during lunch breaks	R	R	√		
Providing safe spaces for children, which allow for adequate supervision, and which include safe fall zones, good traffic flow, maintenance of buildings and equipment, and minimising trip hazards	R	√	√		
Implementing induction procedures to inform casual and relief staff about the supervision strategies outlined in this policy	√	√			√
Notifying the Regulatory Authority (DET) within 24 hours of: <ul style="list-style-type: none"> <li>a serious incident (<i>refer to Definitions</i>) occurring at the service, including when a child appears to be missing or cannot be accounted for (<i>National Law: Section 174(2)(a)</i>), (<i>Regulations 176(2)(a)(ii)</i>)</li> <li>a complaint alleging that the health, safety or wellbeing of a child has been compromised or that the law has been breached (<i>National Law: Section 174(2)(b)</i>), (<i>Regulations 175(2)(c), 176(2)(b)</i>)</li> </ul>	R	√			
Notifying parents/guardians of a serious incident ( <i>refer to Definitions</i> ) involving their child as soon as possible, but not more than 24 hours after the occurrence ( <i>Regulation 86, 87 (3)(e)</i> )	R	√	√		

Reporting notifiable incidents ( <i>refer to Definitions</i> ) to Worksafe Victoria	R	√			
Evaluating supervision procedures regularly	R	√	√		
Complying with the service's <i>Excursions and Service Events, Road Safety and Safe Transport and Water Safety Policy</i>	R	R	√	√	√
Identifying the potential for the risks of abuse or harm to each child, including fulfilling duty of care ( <i>refer to Definitions</i> ) and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm	R	R	R		
Providing support to ECT/educators when children with challenging behaviours or additional needs are involved	√	√			
Ensuring that all children are accounted for, including by referring to attendance records ( <i>refer to Definitions</i> ) at various times throughout the day, e.g. during indoor/outdoor programs		√	√		
Adjusting supervision strategies to suit the service environment, educator skills, and age mix, dynamics and size of the group of children being supervised and the activities being undertaken	R	R	√		
Maintaining a duty of care to children at all times (including when the child is on the premises but not signed into or signed out of the care of the service and the parent/guardian or person delivering or collecting the child is responsible for supervising that child)		R	R	R	
Balancing supervision requirements with children's needs for privacy and independence		√	√		
Communicating with other educators regularly to ensure adequate supervision at all times		R	√		
Adhering to the <i>Child Sage Environment Policy</i>	R	R	R	R	R
Ensuring doors and gates are closed at all times to prevent children from leaving the service unaccompanied or from accessing unsupervised/unsafe areas of the service	√	√	√	√	√
Deciding when to interrupt and redirect children's play to ensure safety at all times		√	√		√
Identifying opportunities to support and extend children's learning while also recognising their need to play without adult intervention		√	√		√
Conducting daily safety checks of the environment to assess safety and to remove hazards		√	√		
Supervising/being aware of children's daily arrival and departure from the service and being aware of the person who has authority to collect the child ( <i>refer to Delivery and Collection of Children Policy</i> )		√	√	√	
Supervising their own child/ren before signing them into the program and after they have signed them out of the program				√	
Enabling ECT/educators to supervise children at all times e.g. by making arrangements to speak with educators at a mutually suitable time				√	

## BACKGROUND AND LEGISLATION

### BACKGROUND

Supervision is essential in ensuring that children's safety is protected in the service environment. Children have a right to be protected from potential hazards and dangers posed by products, plants, objects, animals and people in the immediate and wider environment.

Supervision is an integral part of the care and education of children and requires staff members to make ongoing assessments of the child and the activities in which they are engaged; utilising range of skills such as positioning and peripheral vision. Active supervision assists in the development of positive relationships between educators, children and their families, and informs ongoing assessment and future planning. Adequate supervision (*refer to Definitions*) requires teamwork and good communication between educators.

### LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Child Safe Standards, Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard, Quality Area 2: Children's Health and Safety
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017
- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)
- Commonwealth Legislation – Federal Register of Legislation: [www.legislation.gov.au](http://www.legislation.gov.au)

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## DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to Attachment 2: General Policy Definitions

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## SOURCES AND RELATED POLICIES

### SOURCES

- Kidsafe: [www.kidsafe.com.au](http://www.kidsafe.com.au)
- The Royal Children's Hospital Community Information team (formerly Safety Centre) provides information on safety promotion and injury prevention: [www.rch.org.au](http://www.rch.org.au).
- WorkSafe Victoria: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)
- Guide to the National Quality Framework (ACECQA): <http://acecqa.gov.au/>
- Guide to the Education and Care Services National Law 2010 and the Education and Care Services National Regulations 2011 (ACECQA): <http://acecqa.gov.au/>

### RELATED POLICIES

- Administration of First Aid

- Child Safe Environment and Wellbeing
- Compliments and Complaints
- Dealing with Medical Conditions
- Delivery and Collection of Children
- Excursions and Service Events
- Incident, Injury, Trauma and Illness
- Interactions with Children
- Occupational Health and Safety
- Relaxation and Sleep
- Road Safety and Safe Transport
- Staffing
- Tobacco Alcohol and other Drugs
- Water Safety

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- record and monitor complaints and incidents in relation to the supervision of children and amend the policy and procedures as required
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (*Regulation 172 (2)*).

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## ATTACHMENTS

- Attachment 1: Supervision risk management template
- Attachment 2: General Policy Definitions

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## AUTHORISATION

This policy was adopted by the approved provider of DNМК on April 2024

**REVIEW DATE:** April 2027

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## ATTACHMENT 1: SUPERVISION RISK MANAGEMENT TEMPLATE

This template is designed as a tool to be developed and used by all educators involved in the supervision of children at the service and should be reviewed regularly and made available to all staff working in the program. There may be additional areas that your service will want to include in the supervision risk management template.

Area/equipment	Potential supervision risk	Action to reduce or eliminate risk
For example: Fixed equipment e.g. swings, fixed climbing equipment, slides etc.		
For example: Layout of the internal and/or external areas of the service including a description of areas that provide challenges to supervision e.g. children’s bathrooms, L-shaped playgrounds or playrooms, behind structures or features in the playground etc.		
For example: Staff supervision responsibilities including: quiet/active learning spaces; during indoor and outdoor programs; specific programmed experiences; and the supervision of students and volunteers		
For example: Potential hazards e.g. protruding tree roots, small pieces of equipment etc.		
For example: Arrival and departure of children		

## Attachment 2: General Policy Definitions

**Approved Provider:** An individual or organisation that has completed an application and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services. Where the applicant is an organisation, each person with management and control (see definition below) of that organisation must complete a separate application form. (Note: Under the Education and Care Services National Law Act 2010, Section 5, Definitions:” **person with management or control**, in relation to an education and care service, means – (b) if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service”.)

**Australian Children’s Education and Care Quality Authority (ACECQA):** The national authority established to oversee the National Quality Framework and guide its implementation in a consistent way throughout Australia.

**Department of Education and Training (DET):** The Victorian State Government department with Primary responsibility for the approval, monitoring and quality assessment of services in Victoria in accordance with the national legislative framework and in relation to the *National Quality Standards*

**Early childhood teacher:** A person with an approved early childhood teaching qualification as listed on the ACECQA website [www.acecqa.gov.au](http://www.acecqa.gov.au)

**Educational Leader:** The Approved Provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, coordinator or other individual to lead the development and implementation of education programs at the service (Regulation 118). This person must have a thorough understanding of the Early Years Learning Framework (or other approved learning framework), be able to guide other educators in their planning and reflection, and mentor colleagues in their implementation practices.

**Educator:** An individual who is qualified to provide education and care for children as part of an education and care service.

**Learning frameworks:** Under the National Quality Framework (NQF), education and care services are required to ensure that the program delivered to all children being cared for and educated by the

service is based on and delivered in a manner that accords with an approved learning framework. In Victoria, the approved frameworks are:

- ☐ *Early Years Learning Framework (EYLF)*
- ☐ *Victorian Early Years Learning and Development Framework (VEYLDF)*
- ☐ *My Time, Our Place: Framework for School Age Care in Australia.*

**National Law:** Refers to the *Education and Care Services National Law Act 2010*: the national law regulating education and care services for children.

**National Quality Framework (NQF):** This framework for the early childhood education and care sector helps providers to improve the quality of services in areas that impact on a child’s development. The framework includes:

- ☐ a National Law – the Education and Care Services National Law Act 2010
- ☐ National Regulations – the Education and Care Services National Regulations 2011 (please check online to ensure the most current version is being used)
- ☐ the National Quality Standard



☐ an assessment and rating system

☐ a Regulatory Authority in each state and territory with primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the national legislative framework and in relation to the National Quality Standard

☐ the Australian Children’s Education and Care Quality Authority (ACECQA). The national body responsible for providing oversight of the system and ensuring consistency of approach.

**National Quality Standard (NQS):** The NQS sets a National benchmark for the quality of children’s education and care services. The NQS is comprised of guiding principles, quality areas, standards and elements. There are seven quality areas which capture aspects critical to the provision of quality education and care.

**National Regulations:** Refers to the *Education and Care Services National Regulations 2011*: the regulations or rules under which education and care services must operate. The regulations are the way in which the law is applied.

**Nominated Supervisor:** A person who has been nominated by the Approved Provider of the service under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure that the Nominated Supervisor is a fit and proper person (in accordance with Sections 12, 13 and 14 of the National Law), with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes, or is no longer employed at the service.

**Person with management or control:** Means— (a) if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service; or (b) if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service; or (c) if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or (d) in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service (Note: Under the *Education and Care Services National Law Act 2010*, Section 5).

**Person in day-to-day charge:** A person is in day-to-day charge if (a) the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the education and care service after meeting the definition for a service supervisor certificate: and (b) the person consents to the placement in writing (Regulation 54)

**Policy:** A formal statement of principles which provides a framework for decision-making and indicates the course of action to be taken in specific circumstances. Policies provide services with an approved way of operating in relation to particular matters and improve the management of risk. They reflect the values and beliefs of a service, current thinking, national standards and community expectations, and are relevant in terms of current laws and regulations.

**Procedures:** The steps required to implement and comply with a policy. Procedures specify how to achieve the necessary result by outlining who does what and when. Procedures are succinct, factual and to the point, and are generally expressed as a list.

**Program:** The group/activity in which a child is enrolled and which has specific hours of attendance.

**Regulatory Authority:** see definition for the Department of Education and Training.

**Responsible Person:** The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or person who has been placed in day-to-day charge of the service in accordance with the National Regulations.

**Service Supervisor Certificates:** On 1st November 2016 the National Regulations were amended to expand the classes of people who may be covered by a prescribed class supervisor certificate.

The new prescribed classes are set out in regulation 238A, and include a person who is:

- ☐ *responsible for day to day management of the service, or*
- ☐ *exercising supervisory and leadership responsibilities for part of the service, or*
- ☐ *a family day care coordinator*

Certificates issued for people working in one of these roles are referred to as “*service supervisor certificates*”.

Service supervisor certificates will not be issued to a particular person. Instead they may apply to any person working at the service who has been identified by the approved provider as working in one of the above roles.

For example, if the service director is responsible for day to day management of the service, they can be covered under the service supervisor certificate. Similarly, a room leader who is responsible for supervising part of the service can also be covered by the service supervisor certificate.

With this new flexibility, most individuals do not need to apply to the regulatory authority for a supervisor certificate.

Under these arrangements, a person is covered under the service supervisor certificate and may be a nominated supervisor if:

- ☐ the approved provider identifies that they meet the definition for a service supervisor certificate and
- ☐ they give their written consent to be the nominated supervisor (required under sections 35, 44 and regulation 56).

Nominated supervisors have specific obligations under the National Law (See Nominated Supervisors above).

A person is covered and may be placed in day to day charge of the service if:

- ☐ the approved provider or the nominated supervisor identifies that they meet the definition for a service supervisor certificate and
- ☐ they give their written consent to be placed in day to day charge of the service (required under regulation 54).

These arrangements apply for centre based and family day care services, and make it easier for providers to meet the requirements to ensure that:

- ☐ for centre based services, either the approved provider, nominated supervisor or certified supervisor in day to day charge is present at the service at all times the service is educating and caring for children (section 162) and
- ☐ for family day care services, either the approved provider, nominated supervisor or a certified supervisor in day to day charge is available at all times to support family day care educators

**Staff:** Any individual (other than the Nominated Supervisor or a volunteer) employed, appointed or engaged to work in or as part of an education and care service.