



COVID-19 Update

Dear services and providers

The Department is committed to providing regular sector updates and information to address frequently asked questions in response to COVID-19.

Today's update builds on previous emails sent on [20 August](#) and [22 August](#), which address the new Public Health Orders.

A reminder that staff who work in LGAs of concern **need to have their first dose of a COVID-19 vaccination by 30 August**. Getting vaccinated is an important way educators can protect themselves and the children in our services and their communities from COVID-19.

Keeping children at home where possible is an important part of keeping the ECE sector safe and we appreciate how proactive service providers have been in sharing this important health message with families.

We hope these additional updates provide additional clarity. If you have any questions about your service operation you can contact the Information and Enquiries team on 1800 619 113 or by emailing ececd@det.nsw.edu.au.

This advice is current as of 24 August 2021 and is subject to change of stay-at-home orders or further updates of the Public Health Order.

Key Updates:

- Services in Commonwealth-declared COVID hotspots will be eligible for business continuity payments from 23 August
- Priority vaccination appointments are available to support educators in LGAs of concern to receive their first dose before 30 August

- Additional FAQs are now available for staff and their managers on:
 - 22 August changes to public health orders about mandatory vaccinations
 - Getting a vaccination
 - Obligations on employees and employers

Frequently Asked Questions

What are the new changes to the Public Health Orders (PHOs) that impact early childhood education and care settings?

On 22 August amendments were made to the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021* (the PHO) which created new vaccination and permit requirements on early education and care workers, disability support workers and [authorised workers](#).

By 30 August 2021:

- early education and care workers, and disability support workers,
- who **live or work** in one of the LGA's listed as an area of concern,
- must not enter or remain in their place of work unless the worker:
 - has had at least 1 dose of a COVID-19 vaccine, or
 - has been issued with a medical contraindication certificate.

By 30 August 2021:

- an authorised worker who lives in an area of concern,
- must not leave the area of concern for work,
- unless the worker:
 - has had at least 1 dose of a COVID-19 vaccine, or
 - has been issued with a medical contraindication certificate.

From 28 August 2021, an authorised worker must not leave an area of concern for work without a permit issued by Service NSW.

Areas of concern are those Local Government Areas (LGA's) or parts of an LGA that are identified in the PHO as an area of concern.

Which ECE settings do the new rules apply to?

The new rules apply to early childhood and care facilities, including centre-based care,

home-based care (such as a family day care service), school-based care (such as out-of-school-hours care or vacation care services), mobile services and occasional care.

How do I book my appointment?

If you are in the [LGAs of concern](#), NSW Health has established priority Pfizer vaccination appointments to support early childhood educators to meet the new requirements. Eligible staff can visit the [NSW Government website](#) to book.

Proof of occupation (ID card or a letter from an employer) will be required at the appointment to demonstrate eligibility.

How do the new PHO changes impact me as employer of an early childhood and care service?

The rules in the new PHO place obligations on workers, not employers. However, as an employer of a relevant worker, you are able to request evidence of compliance with the PHO when the worker enters their place of work.

You should also consider your obligations under work health and safety legislation. Further information is available through [Safe Work Australia](#) and the [Fair Work Ombudsman](#).

The early childhood service I operate is not in an LGA area of concern. Do my employees still need to get vaccinated?

Even though your early childhood service may be not be in an LGA of concern, if your employees live in an LGA of concern and need to leave their LGA to work at your service, they will need:

- From 30 August 2021, to have had at least 1 dose of a COVID-19 vaccine, or have obtained from your doctor a medical contraindication certificate; and
- From 28 August 2021, to have a permit issued by Service NSW allowing you to leave your LGA for work.

Further information on COVID-19, health and safety and vaccinations in the workplace is available from the [Fair Work Ombudsman](#).

Can a worker be exempt from this requirement?

Workers may be exempt from the vaccination requirement if they have a medical certificate from a medical practitioner in the [form approved by the NSW Chief Health Officer](#) that certifies that because of a specified medical contraindication, the person cannot have a COVID-19 vaccine.

What happens if an employee is not vaccinated by 30 August 2021 or refuses to get vaccinated?

If, by 30 August 2021, your employee falls under the requirements of the PHO but has not had at least 1 dose of a COVID-19 vaccine, or has not obtained a medical contraindication certificate, they will not be able to attend their workplace.

Further information on COVID-19, health and safety and vaccinations in the workplace is available from the [Fair Work Ombudsman](#).

I am an early education and care worker. What happens if I cannot access a vaccination before 30 August 2021?

By 30 August 2021, if you live or work in an LGA of concern, but have not had at least 1 dose of a COVID-19 vaccine, or have not obtained a medical contraindication certificate, you will not be able to attend your workplace.

Vaccines are available for those workers that need to be vaccinated. NSW Health has established priority Pfizer vaccination appointments at the [Sydney Olympic Park Qudos Bank Arena Vaccination Centre](#) to support eligible workers to meet the new requirements.

The [NSW Government website](#) provides further information about how to get a COVID-19 vaccine. You can also contact the **COVID-19 Vaccination Program hotline on 1800 571 155** between 8am – 9.30pm, 7 days a week for assistance.

Can I stand an employee down for not being vaccinated?

Further information on COVID-19, health and safety, vaccinations in the workplace and employer obligations in relation to their employees is available from the [Fair Work Ombudsman](#).

What type of evidence is required to demonstrate compliance with the PHO vaccination requirements?

From 30 August 2021, where requested, a worker must show:

- evidence of their name and place of residence,
- regarding proof the vaccination itself:
 - an online [immunisation history statement](#), or
 - a COVID-19 digital certificate from the [Australian Immunisation Register](#), or

- a [medical certificate](#) from a medical practitioner in the form approved by the NSW Chief Health Officer

Who may request evidence of a worker's COVID-19 vaccination status?

The following people may request evidence of vaccination status:

- The worker's employer,
- The occupier of the workers place of work,
- A police officer, or
- An authorised person (under the Public Health Act 2010).

Do I have to collect my employees' vaccination status from 30 August 2021?

There is no requirement under the PHO for an employer to collect details of an employee's vaccination status from 30 August 2021.

Employers should consider their obligations to employees under Australian law. Further information is available from the [Fair Work Ombudsman](#) and the [Office of the Australian Information Commissioner](#).

Do I need to have a COVID Health and Safety plan?

You should continue to refer to the Department's [advice for early childhood education and care services](#), and advice available through [Service NSW](#) and [NSW Health](#).

Are there penalties on employers for not checking employee vaccination status?

No, there are no penalties set out in the PHO for an employer failing to check the vaccination status of an employee.

For Family Day Care Educators, who will check proof of vaccination.

Vaccination is an important part of keeping our community safe, and Family Day Educators are required to seek out priority vaccination in the LGAs of concern.

The Public Health Order places the obligation on educators/workers to ensure that they get vaccinated. Neither employers nor service providers are required to ask for evidence of vaccination. Rather they should remind educators about their obligations. Your Approved Provider may suggest this to you.

Where can I find more information about the new COVID-19 rules?

You should continue to refer to the Department's [advice for early childhood education and care services](#).

The [NSW Government website](#) provides further information about how to get a COVID-19 vaccine. You can also contact the **COVID-19 Vaccination Program hotline on 1800 571 155** between 8am – 9.30pm, 7 days a week for assistance.

Information and advice is also available through:

- [Service NSW](#)
- [NSW Health](#)
- [Safe Work Australia](#)
- [Fair Work Ombudsman](#) and
- [Office of the Australian Information Commissioner](#).

Commonwealth update: additional support payments for services

The Commonwealth Government announced that services will get business continuity payments from 23 August during COVID-19 lockdowns in addition to existing supports around fee gap waivers. Business continuity payments will be made to services in [Commonwealth-declared COVID-19 Hotspots](#) if:

- the Commonwealth hotspot runs for more than 7 days and the state or territory government has limited who can access child care, or
- the Commonwealth hotspot extends beyond 28 days.

Business continuity payments will be based on the type of service you run.

Centre Based Day Care, Family Day Care and In-Home Care services will get fortnightly payments of 25% of their pre-lockdown revenue calculated up to the hourly cap.

Outside School Hours Care (OSHC) and vacation care services will get separate fortnightly payments of 40% of their pre-lockdown revenue calculated up to the hourly cap.

Payments will be based on your revenue in a specified fortnight before the lockdown and are contingent on services:

- having reasonable expectations attendance will drop below 50%
- not accessing other Commonwealth Government-funded business supports

- waiving gap fees for all families whose children are not attending
- maintaining staffing levels
- agreeing to a fee freeze for the duration of business continuity payments.

This support will immediately benefit services in affected areas of Greater Sydney. If current lockdowns continue, all other services in regional NSW will become eligible. Payments will be backdated to 23 August.

DESE will write to services if they become eligible for a business continuity payment.

Further information on how payments will be made will be provided shortly. [Check key dates for business continuity payments in eligible regions.](#)

You can access additional Commonwealth information from the DESE website: [COVID-19 support for the early childhood sector.](#)

For more information

The department regularly updates the [COVID-19 Guidelines for ECEC services](#) based on advice from NSW Health.

Educators are encouraged to regularly check the [NSW Health website](#) and [NSW Government website](#) regarding up-to-date restrictions in NSW. Here are some links that may be useful:

- [Regional and rural NSW restrictions](#)
- [COVID-19 tests for Sydney workers](#)
- [COVID-19 vaccination for workers](#)

Your mental health and wellbeing is important. Support and resources are available to support you:

- [Department of Education wellbeing webinars](#)
- [Information for Educators and Staff](#)
- [Beyond Blue](#)
- [Headspace](#)
- [Black Dog Institute](#)

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