Parent views are respected

Week 5 – 1.3.2021 Monday to Friday



Nominated Supervisor

The worst thing an educator can do is ask another educator about regulations. Usually they get the wrong answer. To see this in action, read those Facebook pages that early childhood educators post on. How to do it correctly? A friend who works as a barrister taught me how to read regulations.

What is the problem? What caused it?

The regulations should have the solution to the problem.

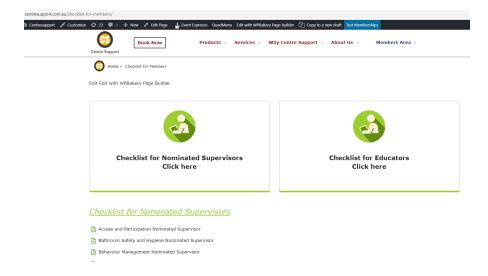
Last week we looked at Law section 168 Offence relating to required programs Penalty: \$4000 if a person, or \$20 000 in any other case (eg Provider is a company).

This is relevant again in relation to Element 6.1.2.

- (1) & (2) The approved provider and nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that—
 - (a) is based on an approved learning framework; and
 - (b) is delivered in a manner that accords with the approved learning framework; and
 - (c) is based on the developmental needs, interests and experiences of each child; and
 - (d) is designed to take into account the individual differences of each child.

You should read the Educational Leader's section to understand how Section 168, Element 6.1.2 and the EYLF are linked.

Remember: If you need to use a checklist go to the members area of Centre Support's website where every checklist imaginable is available.



Week 5, 1-5 March 2021- 6.1.2 Parents views are respected

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Answers from last week - 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 Rhianna says all her children come from	Culture is not just about a child's nationality. It's	
white, Anglo backgrounds so she doesn't need to	about the things that happen in their everyday	
worry about trying to include their culture. What	lives and those of their family and community.	
do you say?		
Miss Billie says it's impossible to cover the	I'd tell her she's breaching the Law (section 168)	
interests of all children, so she'll focus on those she	and the Element 1.1.2 because both talk about	
already knows about. What do you say?	meeting each child's interests, not children's	
	interests.	
Mr Tony is teaching children how to play soccer,	I'd say that maybe some children already have the	
but he's limiting the skills he teaches because he	skills, or have the ability and interest to learn the	
believes some will be too hard for children this	skills, and that he's not meeting element 1.1.2 by	
age. What do you say to him?	limiting the skills he teaches just because he thinks	
	they may be too hard.	
Miss Shania says there's nothing in the Regs about	No she's not right. The Law (section 168) says she	
how she has to teach children and she'll do it her	has to implement the EYLF in the correct way,	
way thanks very much. Is she right?	based on the developmental needs, interests,	
	differences and experiences of each child.	

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6.1.2

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Name of educator:

Questions	Response	Pass or Fail
Miss Ariana says families aren't interested in		
helping to make decisions about their child's		
learning? What do you say?		
Miss Taylor says element 6.1.2 means that		
educators must do whatever families request		
because they know their child best eg let a child go		
to bed with a bottle? Is this correct?		
Mr Justin says it's impossible to get families to		
participate in the program. They're either working		
or busy at home, and they're paying us to teach		
their kids for them? How do you respond?		
Miss Cardi says families are too busy/distracted at		
pick up to have a look at what their kids have		
done. How are they supposed to share children's		
achievements? What do you say?		

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Systems are in place to manage risk and enable the effective management and operation of a quality service.

The Federal Government's Fair Work website https://www.fairwork.gov.au/ has a lot of simple, easy to understand information about employee entitlements as well as some useful templates. Each week we'll share information from the website. This week we're looking at Fair Work's information on Flexible working arrangements.

Employees who've worked for the same employer for at least 12 months can request flexible working arrangements like changes to hours or start and finish times, patterns (eg split shifts or job sharing) or locations of work if they:

- are the parent or are responsible for a child school age or younger
- are a carer (under the Carer Recognition Act 2010)
- have a disability
- are 55 or older
- are experiencing family or domestic violence or
- provide care/support to a member of their household or immediate family who needs the care/support because of family or domestic violence.

Casual employees can request flexible working arrangements if:

- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

Requests for flexible working arrangements have to be in writing, explain what is requested and the reasons. You must first discuss the request with the employee and try to reach an agreement about changes to their working conditions. You must consider their needs, what might happen to them if the request is not approved and any reasonable business grounds for refusing the request. You can only refuse a request on reasonable business grounds which include:

the arrangements will cost too much

- other employees' working arrangements can't be changed to meet the request
- it's not practical to change other employees' working arrangements or hire new employees to meet the request
- the request would result in a significant loss of productivity or have a significant negative impact on the business.

You must approve or refuse the request in writing within 21 days, and if refusing you must explain why. If you can offer alternative work arrangements you must state this and explain what they are. If the employee accepts these arrangements you must respond in writing setting out the agreed changes.

You must use the dispute resolution process in the Children's Services Award 2010 or Education Services (Teachers) Award 2010 to resolve disputes about the outcome of requests for flexible working arrangements ie if it can't be resolved at the workplace refer to the Fair Work Commission (see clause 9 for more information).

Fair Work has a free Workplace flexibility online course which includes:

- tips and guidance on how to promote, implement and manage flexibility in your workplace
- details about your legal obligations under the Fair Work Act 2009
- interactive scenarios to help you deal with flexibility requests.

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