



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.

Section 51(1)(b) Conditions on service approval (educational and developmental needs of children)

A service approval is granted subject to the condition that the education and care service is operated in a way that—

(b) meets the educational and developmental needs of the children being educated and cared for by the service.

Section 168 Offence relating to required programs

(1) and (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.

Penalty: \$4000, in the case of an individual. \$20 000, in any other case (eg Approved Provider is a company).

[Approved learning frameworks - ACECQA](#)

There are two nationally approved learning frameworks:

- Belonging, Being and Becoming: The Early years learning framework (birth to 5 years)
- My Time Our Place: Framework for School Age Care in Australia (school age children)

There's also the following approved learning framework for Victoria

- Victorian Early Years Learning and Development Framework

Regulation 73 Educational program

(1) *This Part applies in relation to the program (the educational program) that is required to be delivered under section 168 of the Law to a child being educated and cared for by an education and care service.*

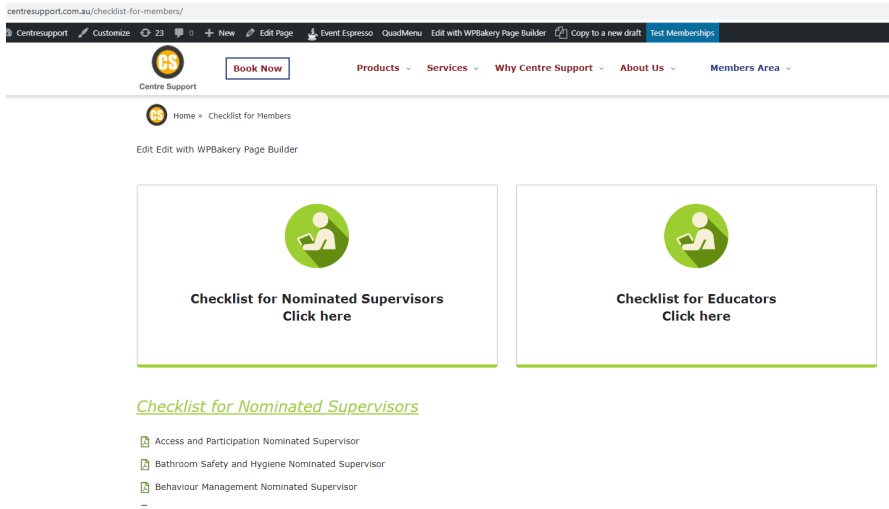
(2) An educational program is to contribute to the following outcomes for each child—

- (a) the child will have a strong sense of identity;
- (b) the child will be connected with and contribute to his or her world;
- (c) the child will have a strong sense of wellbeing;
- (d) the child will be a confident and involved learner;
- (e) the child will be an effective communicator.

Week 6, 8-12 March 2021- 1.1.1 Approved learning framework

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



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6.1.2 Parent views are respected

Week 5 – 1.3.2021
Monday to Friday



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 Ariana says families aren't interested in helping to make decisions about their child's learning? What do you say?	It may be that families think we don't want to involve them, or they shouldn't say anything because their child's teachers probably know better. Families' perceptions of their role influences how they participate in the service (exceeding indicator)	
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 eat a lot of junk food? Is this correct?	No. Educators must above all else do what the Law and Regulations say. Law section 167 says it's an Offence to fail to protect children from harm and hazards. Allowing a child to eat a lot of junk food is not healthy and could lead to long term health problems.	
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?	Maybe we haven't explained to families all the different ways they can participate, including sharing photos, objects etc if they don't want to physically come into the centre. Maybe they don't understand the benefits to children's learning that will happen if they're involved. We may need to explain this and give examples.	
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?	How are we displaying children's learning/work? Is it attractive? Is it displayed so children can take their parents to it and show them eg on a wall at their height? Can we share using technology or social media so parents can talk to their children about their day at a more convenient time?	

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Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Lucy says the Regs don't talk about the MTOP anywhere so she doesn't really have to use it does she?		
Mr Jimmy asks whether he's supposed to implement the outcomes in Reg 73 or those in the 'approved learning framework' eg MTOP? What do you say?		
Miss Kitty says you can do anything and say you're helping children achieve learning outcomes 'cos there's nothing definite required. What's your response?		
Miss Celia asks if she has to list the learning outcomes when she documents children's learning? 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 [COVID-19 vaccinations & the workplace](#)

Currently most employers should assume that they won't be able to require their employees to be vaccinated against coronavirus.

There are currently no laws or public health orders that specifically enable employers to require their employees to be vaccinated against coronavirus. The Australian Government's policy is that receiving a vaccination is voluntary.

There are limited circumstances where an employer may require their employees to be vaccinated. Relevant factors to consider include whether it would be lawful and reasonable for the employer to give their employees a direction to be vaccinated (assessed on a case by case basis).

There are a range of factors that may be relevant when determining whether a direction is reasonable, including whether it's a reasonably practicable measure to eliminate or minimise risks to work health and safety under work health and safety laws.

On its own, the coronavirus pandemic doesn't automatically make it reasonable for an employer to direct their employees to be vaccinated against

coronavirus. Some circumstances in which it may be more likely to be reasonable include where:

- employees interact with people with an elevated risk of being infected with coronavirus (eg employees working in hotel quarantine) or
- employees have close contact with people who are most vulnerable to the health impacts of coronavirus infection (eg employees working in health/aged care).

You should also consider whether employees have a legitimate reason for not being vaccinated (eg a medical reason), and how protections for employees under anti-discrimination laws may apply.

You can get guidance on specific coronavirus work health and safety issues from [Safe Work Australia](#).

You're advised to get legal advice if you're considering making coronavirus vaccinations mandatory.

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