



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.

Law section 166 Offence to use inappropriate discipline

(1) and (2) The **approved provider and nominated supervisor** of an education and care service must ensure that no child being educated and cared for by the service is subjected to— (a) any form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances. **Penalty:** \$10 000, in the case of an individual. \$50 000 if provider is not an individual.

(3) **A staff member of, or a volunteer at,** an education and care service must not subject any child being educated and cared for by the service to— (a) any

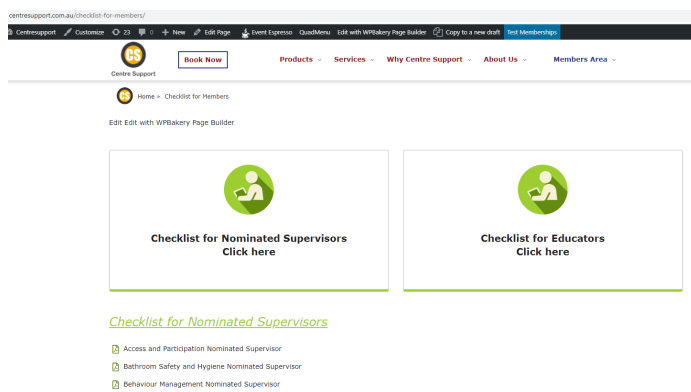
form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances. **Penalty:** \$10,000.

Regulation 155 Interactions with children

An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that—

- (a) encourages the children to express themselves and their opinions; and
- (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and
- (c) maintains at all times the dignity and rights of each child; and
- (d) gives each child positive guidance and encouragement toward acceptable behaviour; and
- (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.

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 7, 15-19 March 2021- 5.1.1 Positive educator to child interactions

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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 Lucy says the Regs don't talk about the EYLF/MTOP anywhere so she doesn't really have to use it does she?	Miss Lucy is wrong. Reg 73 cross references to Section 168 of the National Law which says the educational program must be based on an <i>approved learning framework</i> . These are determined by ACECQA and there's only three: <ul style="list-style-type: none"> • Belonging, Being and Becoming: The Early years learning framework (birth to 5) • My Time Our Place: Framework for School Age Care in Australia (school age children) And for Victoria only Victorian Early Years Learning and Development Framework	
Mr Jimmy asks whether he's supposed to implement the outcomes in Reg 73 or those in the 'approved learning framework' eg EYLF? What do you say?	The outcomes are the same.	
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?	There are lots of examples/indicators of the actions educators can take to help children meet the outcomes. Miss Kitty should have a look at the EYLF/MTOP book where she'll see these under the outcomes (right-hand side).	
Miss Celia asks if she has to list the learning outcomes when she documents children's learning? What do you say?	There's nothing in the Regs that says she has to do this, but it can be helpful because it may help: <ul style="list-style-type: none"> • families understand their child's progress (element 1.3.3) • educators implement activities linked to the outcomes and track children's progress 	

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Questions	Response	Pass or Fail
Miss Chloe says there's never any penalties applied to educators in the Regs. It's always the approved provider or nominated supervisor who cop any fines. What's your response?		
Miss Zoe says there's nothing in the Regs about relationships with children. That's all covered in the EYLF/MTOP eg in the principle of 'Secure, respectful and reciprocal relationships.' Is she right?		
Mr Mason says there's no requirement to have a service policy on relationships with children. What do you say?		
Miss Brooke says there's nothing wrong with pulling a child's hair if they've pulled another child's hair because this demonstrates how much hair pulling hurts and helps them learn not to do it again. How do you respond?		

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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 covering Fair Work's new [Workplace problems section](#). The section has information about:

- [preventing problems](#) from happening at work by:
 - knowing your rights and obligations
 - staying up to date with workplace law changes
 - implementing effective communication practices in the workplace
- [common workplace problems](#)
- [fixing workplace problems](#) including:
 - resources, tools and tips to fix problems in the workplace
 - asking for our help with a workplace problem
 - help in other languages.