



Nominated Supervisor

Section 168 Offence relating to required programs

(1)(b) and (2)(b) 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 is delivered in a manner that accords with the approved learning framework.

Penalty: \$4,000, in the case of an individual.
\$20,000, in any other case.

- (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.

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;

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

centresupport.com.au/checklist-for-members/

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Week 12, 3 May - 7 May 2021- 1.2.3 Child directed learning

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3.2.2 Resources support play-based learning

Week 12 – 3.5.2021
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 Siena asks how you know whether you have enough resources and equipment for children? How do you tell?	The Guide to the NQF says enough resources means there won't be overcrowding, children won't have to wait long periods to participate, and educators can effectively implement the educational program. (p 399)	
Miss Francesca asks how you know you've got the right mix of resources? What do you say?	The resources must meet the interests, ages and abilities of all children sharing the resources.	
Mr Benedict asks whether there's anything about resources and equipment for risky play in the Regs. What's your response?	Reg 105 says materials and equipment must be suitable for the education of the child and the Guide says they must support the educational program. EYLF/MTOP discuss providing opportunities for appropriate risk taking.	
Miss Eloise asks whether there's anything about natural versus commercial resources in the Regs? What's your response?	No. The benefits of different types of resources is included under NQS Element 3.2.2.	

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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 Belle asks you what the term agency means. What's the answer.		
Miss Ivy asks where it talks in the Regs about children's agency. What's the answer?		
Mr Nikhil asks whether the National Law has anything to say about children's agency. Does it?		
Miss Cath says surely you don't need to let babies make choices and decision. 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 looking at a [recent Decision by the Fair Work Commission](#) on 20 April 2021 upholding the right of an employer to terminate the employment of a child care educator who refused to get a flu vaccine on medical grounds.

Deputy President Lake found it was reasonable to require childcare staff to have the vaccine because of children's risk of influenza, close contact, and the inability of some to have a vaccine because of their age. The Sydney Morning Herald summarises the case [here](#).

This has led to some legal argument that the Commission's reasoning would also apply to COVID vaccinations, despite the [Fair Work Ombudsman urging caution in this area](#).

[Others however note that:](#)

- each case must be decided on its merits
- coronavirus poses a very minor threat to the vast majority of the population, especially children, while the seasonal flu provides a completely different and potentially more severe risk
- the Decision does not necessarily set a legal precedent for mandating COVID or flu vaccinations
- any Direction by an employer needs to be 'lawful and reasonable.'

What does all this mean? Think carefully before requiring employees have any vaccinations. You may need legal advice.

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