



## 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.

The screenshot shows the Centre Support website interface. At the top, there is a navigation bar with a logo and a 'Log Out' button. Below the navigation bar, there are several menu items: 'Home', 'About Us', 'Services', 'Membership', 'Contact Us', and 'Help'. The main content area features two large buttons with green circular icons containing a person silhouette. The left button is labeled 'Checklist for Nominated Supervisors Click here' and the right button is labeled 'Checklist for Educators Click here'. Below these buttons, there is a section titled 'Checklist for Nominated Supervisors' with a list of checklist items, each preceded by a small green icon.

### Week 13, 10 May - 14 May 2021- 1.2.2 Responsive teaching and scaffolding

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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 Belle asks you what the term agency means. What's the answer.	Agency is being able to make choices and decisions, to influence events and to have an impact on your world. (See EYLF definition)	
Miss Ivy asks where it talks in the Regs about children's agency. What's the answer?	The Regs don't explicitly cover agency but Reg 73 says the educational program must contribute to the following outcomes for each child. The child will: <ol style="list-style-type: none"> <li>1. have a strong sense of identity</li> <li>2. be connected with and contribute to their world</li> <li>3. have a strong sense of wellbeing</li> <li>4. be a confident and involved learner</li> <li>5. be an effective communicator.</li> </ol> (These are the same major outcomes as those in the EYLF). These outcomes connect directly with what the NQF Guide says for Element 1.2.3 about children's identity, wellbeing, supporting children to explore their world, and promoting and extending learning.	
Mr Nikhil asks whether the National Law has anything to say about children's agency. Does it?	Section 168 'Offence relating to required program's says a program must be delivered in a way that's consistent with the approved learning framework ie with EYLF which has Learning Outcome 1.2 Children develop their emerging autonomy, inter-dependence, resilience and sense of agency.	
Miss Cath says surely you don't need to let babies make choices and decision. How do you respond?	You do, for the reasons outlined in the answer above. You just need to do it in ways that are appropriate for babies.	

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## Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Rosie asks you what to means to 'scaffold' children's learning. What's the answer?		
Miss Fran asks what we mean by 'spontaneous teachable moments.' Can you explain?		
Mr Daniel asks which Learning Outcomes relate to Element 1.2.2. What's the answer?		

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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 [Maximum weekly hours](#) which are part of the National Employment Standards (NES).

Employers can't require an employee to work more than the maximum hours unless the extra hours are reasonable.

The maximum weekly hours, which include any authorised hours of paid or unpaid leave,

- for full-time employees is 38
- for other employees the lesser of 38 hours and their ordinary hours of work each week.

Employees may refuse to work the extra hours if they're unreasonable, so the following must be considered:

- risks to employee's health and safety
- employee's personal circumstances eg family responsibilities
- business needs
- employee's entitlements eg overtime payments
- notice period given to employee
- notice period given by employee if refusing hours
- usual rostering practices in sector
- employee's role and responsibilities.

Employers also need to consider averaging provisions in relevant Awards. Clause 21.1 of the [Children's Services Award 2010](#) allows weekly maximum hours to be averaged over a one, two or four week cycle.

Clause 21.9 allows weekly hours for term employees

#### **Week 13, 10 May - 14 May 2021- 1.2.2 Responsive teaching and scaffolding**

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in OSHC, kindergarten and preschool to be averaged over the school year.

In the [Educational Services \(Teachers\) Award 2020](#) weekly maximum hours may be averaged over:

- 12 months for services that operate for less than 48 weeks per year - Clause 15.3)
- four weeks for services operate for at least 48 weeks per year - Schedule A Clause 1.1

Under the Fair Work Act, it's illegal to force an employee to enter into an averaging arrangement.