



Nominated Supervisor

Law section 166 Offence to use inappropriate discipline

(1) The approved provider 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, in any other case.**

(2) A 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.**

(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.

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

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Week 21, 19 July - 23 July 2021- 5.1.2 Dignity and rights of the child

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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
The NS asks educators if they can be held personally liable for mistreating a child (or if it's the AP or NS who will 'cop the blame'.) What's your response?		
Miss Joanna asks for example of unreasonable discipline. What would you come up with?		
Mr Karl asks if there's a Reg that covers the dignity and rights of children, or is it just in the NQS? 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 [Unpaid Pandemic Leave and Annual leave at Half Pay](#).

The Fair Work Commission has extended Unpaid Pandemic Leave and Annual Leave Flexibility in the Children's Services Award until 31 December 2021.

Pandemic Leave

The entitlement is up to 2 weeks unpaid leave if employees are required to self-isolate because they're following Government or medical advice, or can't work because of measures taken by Government or medical authorities.

The Leave:

- is available in full immediately to full-time, part-time and casual employees – they don't have to accrue it
- can be used before other paid leave
- is not pro-rated for employees who don't work full-time
- doesn't affect other paid or unpaid leave entitlements and counts as service
- must be notified ASAP to the employer who can ask for evidence to support the application
- needs to start before 31 December 2021 but can finish after this date.

Annual Leave at Half Pay

This provision enables employees to take their annual leave at half pay and double their time off work if the employer agrees in writing.

The Leave:

- accumulates annual leave, sick and carer's leave as if an employee was on leave at full pay
- needs to start before 31 December 2021 but can finish after this date.