



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.

Regulation 156 Relationships in groups

- (1) The approved provider of an education and care service must take reasonable steps to ensure that the service provides children being educated and cared for by the service with opportunities to interact and develop respectful and positive relationships with each other and with staff members of, and volunteers at, the service.
- (2) For the purposes of subregulation (1), the approved provider must have regard to the size and the composition of the groups in which children are 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 23, 2 - 6 August 2021- 5.2.2 Self-regulation



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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 Effie asks if it talks about collaborative learning in the Regs? Does it?	Not specifically but Reg 156 Relationships in groups says children must be given opportunities to interact and develop respectful and positive relationships with each other.	
Mr Davy asks if it talks about collaborative learning in the EYLF/MTOP? What's your response?	Yes in some of the indicators under the learning outcomes eg Outcome 1.1, 1.2, 1.4, 3.1, 4.1 and 5.5	
Miss Nikki asks what the main points of element 5.1.2 'collaborative learning are.' What do you think they are?	Educators need to: <ul style="list-style-type: none"> • model cooperative behaviour and nurture respectful and reciprocal relationships • provide time and space for children to collaborate, and encourage their active involvement. 	

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Questions	Response	Pass or Fail
Section 166 of the Law says it's an offence to use corporal punishment on a child. What is corporal punishment?		
If an educator uses corporal punishment on a child, is this physical abuse under child protection legislation?		
Which National Regs are relevant for element 5.2.2 ie cover positive behaviour guidance?		

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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 highlighting the Federal Government's new [Employment Contract Tool](#) which can help you build your own employment contract tailored to your business needs.

As [Fair Work explains](#), the Tool can be used for employees who are:

- full-time, part-time or casual
- covered by an award
 - (eg the Children's Services Award for educators or the Education Services (Teachers) Award for ECTs)
- paid an hourly or weekly wage.