



Nominated Supervisor

Law section 168 Offence relating to required programs

(1) and (2) The approved provider and nominated supervisor must ensure that a program is delivered to all children ... that (a) is based on an approved learning framework; and

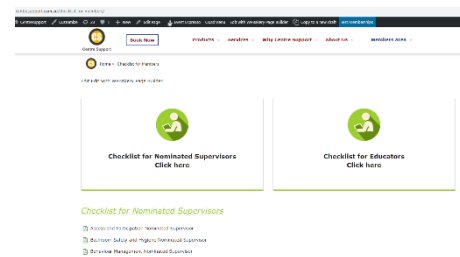
(b) is delivered in a manner that accords with the approved learning framework; and

(c) is based on the developmental needs, interests and experiences of each child; and

(d) is designed to take into account the individual differences of each child.

Penalty: \$4000, in the case of an individual. \$20 000, in any other case.

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



of



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 Daisy asked if there's anything in the Regs about critical reflection – or is it just an NQS requirement? Please respond.		
Miss Violet says she's confused about the difference between reflection and evaluation. Please explain the difference.		
Mr Ash asks if there's any 'right' way to document critical reflection. Is there?		

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Miss Violet says she's confused about the difference between reflection and evaluation. Please explain the difference.		
Mr Ash asks if there's any 'right' way to document critical reflection. Is there?		

Week 4, 21 February – 25 February 2022- 1.3.2 Critical Reflection

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Answers from last week - Compliance test for educators

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Name of educator:

Questions	Response	Pass or Fail
Miss Sofie asks if there's anything in the Regs that says educators must involve parents in decisions about their child's learning. She's only found Regs that talk about providing information. Please respond.	The Law section 168 'Offence relating to required programs' provides penalties up to \$20,000 if the program's not based on the developmental needs, interests and experiences of each child, or designed around children's individual differences. It's pretty hard to do this effectively without involving parents in decisions.	
Miss Riley says she knows about Reg 76 'Information about educational program to be given to parents', but it refers to another Reg number 74. What's that about and how is it relevant? Please explain.	Reg 74 is about documenting evaluations of children's learning, and it also says these must be easy to understand for other educators and the child's parents. In NSW, NT and QLD the requirement to document evaluations of children's learning is replaced by a requirement to document the development of the program.	
Mr Harrison says the Regs talk about giving parents information about the educational program, and asks what exactly is meant by 'educational program.' What's the answer?	'Educational program' is defined in the Regs (Reg 3) as a program referred to in Section 168 of the Law ie an approved learning framework eg EYLF/MTOP	
Miss Marta asks if educators just have to give parents information about the EYLF/MTOP? Do they?	No. Reg 76 requires educators to give parents information about their child's participation in the EYLF/MTOP, and how their child is progressing towards the Learning Outcomes.	

In this week's Educational Leader section we asked the question below.

What type of reflection - Technical, Practical or Critical - does this example show and why?

Nate can't sit still. He's disruptive and often wrecks the work of other children. I know he's on the spectrum, and I think we need to work out how to have 'the conversation' with mum. I think she'll find it difficult to accept he may need specialist support, but we need to insist to achieve the best outcome for Nate.

Answer: Practical Reflection because:

- personal opinions and experiences only used - no evidence supporting child is on the spectrum and not being affected, for example, by issues at home, activities offered, health issues, interactions with educators or other children
- others' perspectives considered from a personal opinion point of view rather than looking at the evidence – considers potential responses from mum and colleagues from personal viewpoint only
- one source of information - own opinion
- two-way communication using only one perspective

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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 reviewing [Warnings and Disciplinary Action](#).

An employer may decide to take disciplinary action against an employee because of their underperformance eg the employer may issue a written warning.

Disciplinary action should not be taken lightly. Before taking action, employers should ensure they:

- have a valid reason
- follow a fair process
- consider seeking independent advice.

[If performance hasn't improved](#), employers should think about:

- if another meeting with the employee would be useful
- issuing a first or additional warning
- changing the employee's duties (if appropriate) or providing additional training
- if they have clearly explained the possible consequences of not improving, including termination of employment if this is a possibility.

Termination of employment should only be considered as a final resort. Employers must ensure the employee isn't being unfairly dismissed (we'll look at this in more detail next week.)

There is no general rule about the number of warnings the employee must be given before ending their employment, but an employer should usually give the employee a chance to fix any performance issues.

Any warnings given should be in writing, be fair and reasonable in the circumstances, and contain:

- clear reasons for the warning
- all the details
- clear expectations about what needs to be done differently.

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