



Nominated Supervisor

Here are some of the Laws and Regulations that cover routines and transitions and provide many opportunities to extend learning.

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—

- encourages the children to express themselves and their opinions; and
- allows the children to undertake experiences that develop self-reliance and self-esteem; and
- maintains at all times the dignity and rights of each child; and
- gives each child positive guidance and encouragement toward acceptable behaviour; and
- 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.

The screenshot shows the 'members area' of the Centre Support website. At the top, there is a navigation bar with a 'Book Now' button and several menu items: 'Products', 'services', 'why Centre Support', 'about us', and 'members area'. Below the navigation bar, there are two large white boxes with green borders. The left box contains a green circular icon with a person reading a book and the text 'Checklist for Nominated Supervisors Click here'. The right box contains a similar icon and the text 'Checklist for Educators Click here'. Below these boxes, there is a heading 'Checklist for Nominated Supervisors' followed by a list of three checklist items: 'Access and Participation, Nominated Supervisor', 'Behaviour, Safety and Hygiene, Nominated Supervisor', and 'Behaviour Management, Nominated Supervisor'.

5.1.2 Dignity and rights of the child



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 Ebanie asks if the UN Convention on the Rights of the Child is mentioned in the Law or Regs. Is It?		
Miss Ellia asks if there's a Reg that covers children's dignity and rights		
When talking to another educator about their interactions with a child, Mr Darius says there are Reg penalties for educators not meeting element 5.1.2. Are there?		

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5.1.2 Dignity and rights of the child



Answers from last week - Compliance test for educators

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Questions	Response	Pass or Fail
Miss India says people talk about approved learning frameworks. She asks how people know what these are? Please respond.	The law defines an approved learning framework as a learning framework approved by the Ministerial Council. The approved frameworks are listed on the ACECQA website : <ul style="list-style-type: none"> • EYLF (birth-5 years) • MTOP (school-age children) • VEYLDF (for Victoria birth - 8 years) 	
Miss Cherie says there's nothing in the National Law that talks about delivering a child-centred program. Is she correct?	No. Section 168 'Offence relating to required programs' says educators must deliver a program that is: <ul style="list-style-type: none"> • based on the developmental needs, interests and experiences of each child; and designed to take into account the individual differences of each child. 	
Mr Andy asks whether the learning outcomes in the EYLF/MTOP/VEYLDF relate in any way to the National Law or Regulations. Do they?	Yes. Reg 73 Educational program says: <p>"An educational program is to contribute to the following outcomes for each child—</p> <ul style="list-style-type: none"> (a) the child will have a strong sense of identity; (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." <p>These are the 5 outcomes for the EYLF/MTOP/VEYLDF.</p>	

5.1.2 Dignity and rights of the child



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 the **Fair Work Information Statement and the Casual Employment information Statement**.

The Statements form part of the National Employment Standards (NES).

You must give every new permanent employee a copy of the Fair Work Information Statement, and every new casual employee a copy of the Casual Employment Information Statement, before (or as soon as practicable after) they start work.

The Statements contain information about:

- the NES
- modern awards
- agreement-making under the Fair Work Act 2009 (FW Act)
- the right to freedom of association
- the role of the Fair Work Commission (FWC) and the FWO
- termination of employment
- individual flexibility arrangements
- right of entry (including the protection of personal information by privacy laws)
- an explanation of the effect on an employee's entitlements under the NES if both of the following occur:
 - a transfer of a business occurs as described in the FW Act
 - the employee becomes a transferring employee.

We've included the latest Statements in the weekly email.

5.1.2 Dignity and rights of the child