



## 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) and (2) The **approved provider and nominated supervisor** ... must ensure that no child ... 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 if provider is not an individual.

(3) **A staff member of, or a volunteer at**, an education and care service must not subject any child ... to—

- (a) any form of corporal punishment; or
- (b) any discipline that is unreasonable in the circumstances.

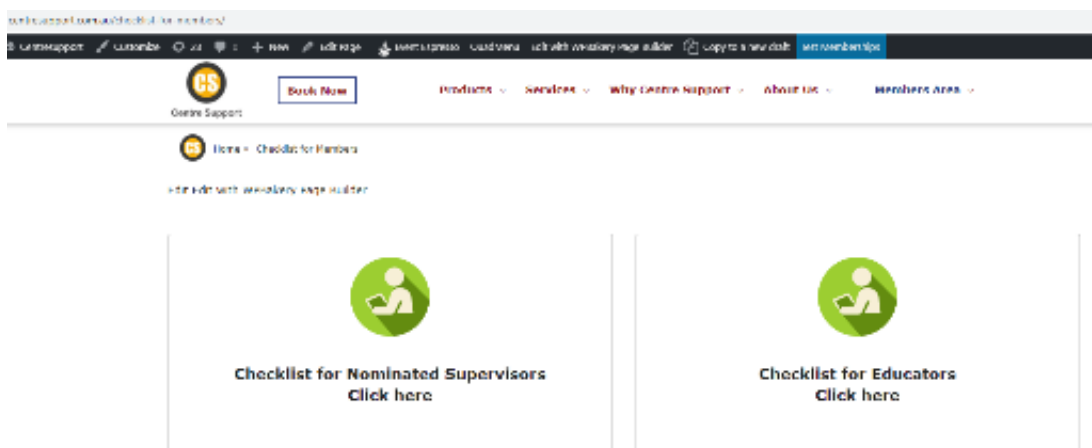
Penalty: \$10,000.

### 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.



#### Checklist for Nominated Supervisors

- Access and Participation Nominated Supervisor
- Business Safety and Hygiene Nominated Supervisor
- Behaviour Management Nominated Supervisor

### Week 12, 2 May – 6 May 2022 - 5.1.1 Positive educator to child interactions

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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
Miss Vanessa asks whether educators can be fined for disciplining a child? Please respond.		
Mr Emerson says fines only apply to the Approved Provider or Nominated Supervisor. Is he right?		
Miss Jas asks what the Regs say about interactions with children. Please respond.		

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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 Alley asks what an 'approved learning framework' is. Please respond.	It's a learning framework listed as approved (by the Ministerial Council) on ACECQA's website, and includes EYLF and MTOP.	
Mr Jordan asks if there's a Reg that supports element 1.1.1. Is there?	Yes – in particular Reg 73(2) which says exactly the same thing as element 1.1.1.	
Miss Nicola asks what happens if educators aren't implementing an approved learning framework properly. Please respond.	Penalties are outlined in Section 168 of the Law 'Offence relating to required programs.' Penalties apply to the approved provider and nominated supervisor - \$4000 if they're an individual, and \$20,000 if they're not (eg approved provider is a company).	

### Week 12, 2 May – 6 May 2022 - 5.1.1 Positive educator to child interactions

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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 looking at [Family and Domestic Violence Leave](#)

Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that seeks to coerce or control the employee and/or causes them harm or fear.

A close relative is an employee's:

- spouse or former spouse, de facto or former de facto partner, child, parent, grandparent, grandchild, sibling
- current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

All employees, including part-time and casual employees are entitled to 5 days unpaid family and domestic violence leave each year if it is impractical for the employee to deal with the violence outside work hours eg they need to make arrangements for their safety or that of a family member, attend urgent court hearings or access police services. The leave does not accumulate from year to year. Leave taken does not count as service but does not break an employee's continuity of service.

Employees must tell employers about the leave as soon as possible including the expected duration, and provide evidence to support the leave if requested. Employers must treat all information and leave details confidentially unless disclosure is necessary to protect the life, health or safety of the employee or another person.

Until recently, the Children's Services Award included its own specific clause about this type of leave. The Award now refers to the equivalent entitlement in the [National Employment Standards](#) (NES) which make up the minimum entitlements for employees in Australia. There are 11 NES entitlements. Unpaid family and domestic violence leave became part of the NES in 2018.

Fair Work has published an [Employer Guide to Family and Domestic Violence](#).