

## 3.2.2 Resources support play-based learning

Week 13 – 9.5.22  
Monday to Friday



### Nominated Supervisor

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

#### Regulation 105 Furniture, materials and equipment

The approved provider ... must ensure that each child ... has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.

Note. A compliance direction may be issued for failure to comply with this regulation.

**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. The page features two prominent buttons: 'Checklist for Nominated Supervisors Click here' and 'Checklist for Educators Click here'. Below these buttons, there is a section titled 'Checklist for Nominated Supervisors' which lists three specific checklists: 'Access and Participation Nominated Supervisor', 'Business Safety and Hygiene Nominated Supervisor', and 'Behaviour Management Nominated Supervisor'.

#### Week 13, 9 May – 13 May 2022 – 3.2.2 Resources support play-based learning

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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 Cassidy asks what Reg 105 'Furniture, materials and equipment' means by 'developmentally appropriate equipment'? Please respond.		
Mr Shaun says Reg 105 'Furniture, materials and equipment' is the Approved Provider's responsibility. How are educators involved? What's your response?		
Miss Zoe asks whether element 3.2.2 should be considered in relation to the MTOP? What do you think?		

Name of educator:

Questions	Response	Pass or Fail
Miss Cassidy asks what Reg 105 'Furniture, materials and equipment' means by 'developmentally appropriate equipment'? Please respond.		
Mr Shaun says Reg 105 'Furniture, materials and equipment' is the Approved Provider's responsibility. How are educators involved? What's your response?		
Miss Zoe asks whether element 3.2.2 should be considered in relation to the MTOP? What do you think?		

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# 5.1.1

## Positive educator to child interactions

Week 12 – 2.5.22  
Monday to Friday



### 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 Vanessa asks whether educators can be fined for disciplining a child? Please respond.	Yes, educators, staff and volunteers can be fined \$10,000 for using corporal punishment or unreasonably disciplining a child (Law section 166).	
Mr Emerson says fines only apply to the Approved Provider or Nominated Supervisor. Is he right?	Usually this is true, but in the case of corporal punishment or unreasonable discipline fines also apply to educators, staff and volunteers (Law section 166).	
Miss Jas asks what the Regs say about interactions with children. Please respond.	Reg 155 says education and care must be provided in a way that— (a) encourages children to express themselves (b) helps children develop self-reliance and self-esteem (c) maintains each child's dignity and rights (d) positively guides each child toward acceptable behaviour (e) considers each child's family and cultural values, age, development and abilities.	

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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 [minimum notice periods](#) when employees are dismissed?

### National Employment Standards – Termination Notice Periods

You must give employees notice they will be dismissed unless a notice period doesn't apply – see below. The notice period starts the day after you tell the employee you're ending their employment, and ends on the last day of their employment. The minimum notice periods are:

Continuous Service	Minimum Notice Period
1 year or less	1 week
More than 1 year - 3 years	2 weeks
More than 3 years - 5 years	3 weeks
More than 5 years	4 weeks

Points to note:

- continuous service includes authorised unpaid leave (for example, unpaid parental leave).
- you must give an extra week of notice if employees are over 45 years old and have worked for you for at least 2 years
- if an employee's employment is ended while they're on probation, they still have to get or be paid out notice based on their length of service
- Awards may have longer notice periods. Under the Education Services (Teachers) Award 2020 teachers must receive at least 4 weeks' notice, or 4 preschool term weeks if a preschool employee, or the payment of 4 weeks' salary instead of notice. If teacher is over 45 years of age and has at least 2 years of service, the NES notice period applies ([Clause 32.2](#)).
- you can check you're giving an employee the correct notice by using Fair Work's [Notice and Redundancy Calculator](#).

### Taking leave during a notice period

An employee can take annual leave during a notice period if you agree. An employer can't force an employee to take leave as part of the notice period. Notice can include public holidays. They don't extend the notice period.

An employee can take sick leave during a notice period if they give:

- notice of the leave as soon as possible
- evidence if you ask for it (eg medical certificate).

### Notice periods don't apply to employees who:

- are casual

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- are employed for a specific period of time or task (eg a fixed term contract)
- are fired because of serious misconduct (eg engaging in theft, fraud, assault, sexual harassment, refusing to carry out lawful and reasonable instructions, causing serious and imminent risk to the health and safety of others, or to the reputation or profits of the business)
- have a training arrangement and are employed for a set period of time or for the length of the training arrangement.

### **Ending the notice period early**

If an employee has been dismissed and wants to leave during the notice period, you can agree to reduce the notice period. If you don't agree to reduce the notice period, the employee can choose to resign and give their own minimum notice. Any time the employee has already worked during the original notice period doesn't count.

### **Can notice be paid out instead of worked?**

[Yes](#). An employer can:

- let the employee work through their notice period
- pay it out to them (pay in lieu of notice) or
- give a combination of the two.

### **Job search entitlement**

If you give notice of termination to an employee, you must give the employee time off of up to one day without loss of pay to seek other employment. (Children's Services Award 2010 Clause [11.2](#) and Education Services (Teachers) Award 2020 [Clause 32.4](#).)

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