



## Nominated Supervisor

### Regulation 113 Outdoor space – natural environment

The approved provider ... must ensure that the outdoor spaces ... allow children to explore and experience the natural environment.

Example: The use of natural features such as trees, sand and natural vegetation.

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

### Regulation 114 Outdoor space – shade

The approved provider ... must ensure that outdoor spaces ... include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Penalty: \$1000.

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. It features a navigation menu with options like 'Home', 'Checklist for Members', and 'Checklist for Nominated Supervisors'. Below the navigation, there are 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', 'Bathroom Safety and Hygiene Nominated Supervisor', and 'Behaviour Management Nominated Supervisor'.

### Week 15, 23 May – 27 May 2022 – 3.2.1 Inclusive environment

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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 Minoli asks what the Regs say about children's learning in outdoor spaces. Please respond.		
Mr Aldo says the Regs also talk about shade. Is he correct?		
Miss Ali asks if element 3.2.1 inclusive environments is just about meeting the needs of children with additional needs. Is it?		

Name of educator:

Questions	Response	Pass or Fail
Miss Minoli asks what the Regs say about children's learning in outdoor spaces. Please respond.		
Mr Aldo says the Regs also talk about shade. Is he correct?		
Miss Ali asks if element 3.2.1 inclusive environments are just about meeting the needs of children with additional needs. Are they?		

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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
A compliance officer said Law section 168 'Offence relating to required programs' needs to be considered in relation to Element 6.1.2. Please explain why this might be.	<p>Section 168 says the educational program must be:</p> <ul style="list-style-type: none"> <li>based on the developmental needs, interests and experiences of each child, and</li> <li>designed to take into account the individual differences of each child.</li> </ul> <p>One of the best ways to find out this information is by communicating with parents and involving them in decision-making about their child's learning and development.</p>	
The NS asks what other regs might be relevant to element 6.1.2. What's your response?	Reg 74 is relevant because it requires learning documentation to be easy for parents to understand – which in turn helps them participate in decisions about their child's learning	
Miss Celestial says most families are too busy to be involved in decisions they think are educators' professional responsibility. How would you respond?	<p>They might be busy, but they may also be happy to participate in decision-making if they were asked in a different way or using a different communication channel.</p> <p>Educators may need to explain to families that the service values their contributions, and families know their child best, so it help their child's learning and development if educators know as much as possible about the child – information which comes from families.</p>	

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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.

Last week we looked at Overtime Pay and discussed this can include work done:

- beyond an employee's ordinary hours of work
- outside the spread of ordinary hours listed in an award or agreement.

This week we're looking '[Reasonable Overtime.](#)' Requests by an employer to work overtime have to be 'reasonable' and should take into account the following:

- any risk to health and safety from working the extra hours
- the employee's personal situation, including their family responsibilities
- the workplace's needs
- if there are overtime payments or penalty rates paid for working the extra hours
- if the employee is paid at a higher rate on the understanding they work some overtime
- if the employee was given enough notice they may have to work overtime
- if the employee has already stated they can't ever work overtime
- usual patterns of work in the industry
- the employee's role and their level of responsibility
- if the overtime hours comply with the applicable award or agreement about averaging hours of work
- any other relevant factors.

An employee can refuse to work overtime if the request is unreasonable.