



## Nominated Supervisor

### Law section 3(3) Objectives and guiding principles

The guiding principles of the national quality framework are as follows

- (a) that the rights and best interests of the child are paramount;
- (b) that children are successful, competent and capable learners;
- (c) that the principles of equity, inclusion and diversity underlie this Law;
- (d) that Australia's Aboriginal and Torres Strait Islander cultures are valued;
- (e) that the role of parents and families is respected and supported;
- (f) that best practice is expected in the provision of education and care services.

### 73 Educational program

- (1) This Part applies in relation to ... the *educational program* that is required to be delivered under section 168 of the Law ....
- (2) An educational program is to contribute to the following outcomes for each child—
  - (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.

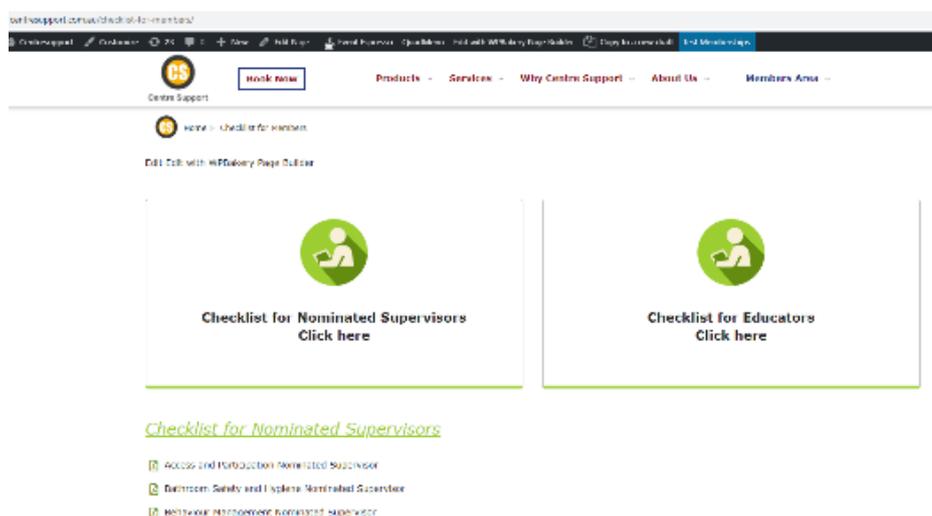
### 155 Interactions with children

An approved provider must take reasonable steps to ensure that the ... 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.

See also the last page which discusses the Commonwealth Disability Discrimination Act.

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



### Week 27, 29 August – 2 September 2022 – 6.2.2 Access and participation

Copyright Centre Support Pty Ltd 2022 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.



### 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 Milena asks what Regs cover element 6.2.2 access and participation. Please respond.		
Mr Jose says he thinks the guiding principles of the National Law cover the element. Is he right?		
Miss Sofie asks whether they have to take children with a disability. Do they?		

Name of educator:

Questions	Response	Pass or Fail
Miss Milena asks what Regs cover element 6.2.2 access and participation. Please respond.		
Mr Jose says he thinks the guiding principles of the National Law cover the element. Is he right?		
Miss Sofie asks whether they have to take children with a disability. Do they?		

#### Week 27, 29 August – 2 September 2022 – 6.2.2 Access and participation

Copyright Centre Support Pty Ltd 2022 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.



## 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 Nigella asks if there's a Reg which says services must have a sleep and rest policy. Is there?	Yes. Reg 168(2)(v) says services must have policies and procedures in relation to sleep and rest.	
Mr Manu asks you to explain Reg 81 Sleep and rest for children in plain English. Please respond.	Children must be allowed and encouraged to sleep and rest when they're tired. Educators should be aware of normal sleep/rest needs of children at that age, and any ongoing or temporary sleep/rest needs a particular child may have eg due to illness, family situation etc.	
Miss Alice asks what they're supposed to say to parents who don't want their child to sleep or rest at the centre. Please respond.	Educators may say the Law requires them to let the child sleep or rest when they're tired, and they can get into trouble if the child isn't allowed to - but they're happy to work with parents where possible eg wake child after certain period if sleep/rest time consistent with guidance for that age.	

### Week 27, 29 August – 2 September 2022 – 6.2.2 Access and participation

Copyright Centre Support Pty Ltd 2022 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.



This week we're reviewing the Commonwealth Disability Discrimination Act 1992 (DDA) which imposes obligations on employers and businesses, including education and care services, not to discriminate against people who have a disability. We have included an ACECQA Information Sheet on this topic with the weekly email. Preschools are also covered by the Disability Standards for Education 2005, and we have also included a Fact Sheet on this from the Department of Education and Training (Cwth).

**Disability includes** physical, intellectual, sensory, neurological and learning disabilities. It is unlawful under the DDA for any staff member at a service to harass, victimise or discriminate against an enrolled child, or a child seeking to enrol, in relation to their disability. Discrimination does not have to be intentional to be unlawful and includes the failure to make reasonable adjustments.

**Direct Discrimination** happens when a person is treated less favourably than someone without a disability in similar circumstances. Examples at an ECEC service include:

- a child's enrolment is not accepted because of their disability
- a child is not invited to participate in an excursion because of their disability
- a child's participation in the educational program or experiences are limited due to their disability (such as setting up experiences like water activities or cooking in ways that a child with disability support equipment cannot access)

**Indirect Discrimination** can happen when a general rule or policy has an unfavourable impact on a person with disability. Examples at an ECEC service include:

- a child can't meet a general requirement necessary to participate in an activity because of their disability, or they would be able to participate if reasonable adjustments were applied
- requiring children to meet identified development milestones before enrolment is accepted
- requiring all children to be independent in their toileting before they can enrol in a service or a specific room/group.

**Reasonable adjustments** are changes to a policy, practice, procedure, program or environment that enables a person with disability to access and participate in the service on the same basis as others. Examples at an ECEC service include:

- adjusting the layout of equipment and learning areas so there is enough space for a child to easily move around with a walking frame/wheelchair
- using visual supports so children can make choices and understand and follow the daily routine
- educator(s) and children learning Auslan, so they can communicate with children or families who use Auslan
- developing strategies to support the sensory needs of children with Autism, including for excursions or managing daily transitions
- accessing additional support or resources so all children's needs can be met
- making adjustments to the daily routine eg allowing extra time for transitions or minimising extended group time experiences.

Services receiving CCS can access support to implement reasonable adjustments where required through the [Inclusion Support Program](#).

#### Week 27, 29 August – 2 September 2022 – 6.2.2 Access and participation

Copyright Centre Support Pty Ltd 2022 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.

### **National Disability Insurance Scheme (NDIS)**

A child does not need a diagnosis or identified delay to receive support from an NDIS Early Childhood partner. NDIS partners can assist with short-term strategies and supports, or help to access longer-term support through the NDIS. To access longer-term support or become an NDIS participant, evidence of a permanent disability or global delay is required. A child does not need a diagnosis until the age of 7. Evidence can include reports from therapists, specialists, or any kind of health professional that treats the child. It should show the functional impact of the disability on your child's day to day life. Source: [NSW Education](#). See the [NDIS website](#) for more information about how the NDIS 'early childhood approach' helps children under 7.

### **Week 27, 29 August – 2 September 2022 – 6.2.2 Access and participation**

Copyright Centre Support Pty Ltd 2022 The service who has purchased this product is the only service that can use this document. No part of this document can be copied, distributed, passed on or given to a friend outside the service who has not purchased the Centre Support Product. If this occurs Centre Support will take legal action against you personally and the person who has received it.