



Law & Regs

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.

There are **6 things** that you need to do with your service and educators.

- (1) Review the points from the Law and make yourself familiar with them. Conduct the compliance test with your educators to check their knowledge.
- (2) To help your educators learn watch this online video explaining How to maintain the dignity and rights of the child 5.1.2. Click below.

<https://vimeo.com/587772073/2d534bcfd2?share=copy>
- (3) Add to your folder the daily planner so you can document and show the assessor how you are working with educators. Use documents provided in this section.
- (4) Guide your educators to ensure they are at the meeting level, use the examples in the educators' section and the checklist to help you know exactly what is required.
- (5) Explore the exceeding themes with the examples in the educators' section and your section for critical reflection and families and communities.
- (6) Work with your Nominated Supervisor and edit the QIP (SAT for NSW) template provided by Centre Support to ensure it is reflecting your service's practices.



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 Taylor asks if the UN Convention on the Rights of the Child is mentioned in the Law or Regulations. Is it?		
Mr. Davis asks if there's a Regulation that covers children's dignity and rights.		
When talking to another educator about their interactions with a child, Ms. Patel says there are Regulation penalties for educators not meeting Element 5.1.2. Are there?		

5.1.2

Dignity and rights of the child

The dignity and rights of every child are maintained.



Week 15
20.5.2024

Section 8. Role of the Educational Leader (Educational Leader)

Detailed guidelines for the Educational Leader.

Educational Leader weekly sheet

Date	Educational Leader activity	With whom?	Comments	Follow up
Monday 20.5.24	Promoting the Dignity and Rights of Children	Educators	We reviewed the UN Convention on the Rights of the Child and discussed how it could inform our practices.	Developed an action plan to implement some of these strategies. Agreed to monitor and evaluate our progress regularly.
Monday 20.5.24				
Tuesday 21.5.24				
Wednesday 22.5.24				
Thursday 23.5.24				
Friday 24.5.24				

General thoughts or ideas

Week 15, 20 to 24 May 2024 – 5.1.2 Dignity and rights of the child

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Compliance test for educators ANSWERS for this week.

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 Taylor asks if the UN Convention on the Rights of the Child is mentioned in the Law or Regulations. Is it?	No, it's not mentioned in the Law or Regulations, but it is discussed in the Guide to the NQS under Element 5.1.2. For instance, "By agreeing to undertake the obligations of the Convention on the Rights of the Child, Australia has committed to protecting and ensuring children's rights. This includes Article 19, which states that children have the right to be protected from being hurt and mistreated, physically or mentally."	
Mr. Davis asks if there's a Regulation that covers children's dignity and rights.	Yes, Regulation 155 (Interactions with children) covers this. It states that educators must: (a) encourage children to express themselves and their opinions, (b) allow children to undertake experiences that develop self-reliance and self-esteem, (c) always maintain the dignity and rights of each child, (d) provide positive guidance and encouragement toward acceptable behaviour, and (e) consider the family and cultural values, age, and physical and intellectual development and abilities of each child.	
When talking to another educator about their interactions with a child, Ms. Patel says there are Regulation penalties for educators not meeting Element 5.1.2. Are there?	Yes, penalties are outlined in Law Section 166 'Offence to use inappropriate discipline', which imposes financial penalties of \$10,000 for staff, educators, and volunteers (in addition to Approved Providers and Nominated Supervisors) if they use corporal punishment or unreasonable discipline.	

Week 15, 20 to 24 May 2024 – 5.1.2 Dignity and rights of the child

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