



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 Regulation 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 Child Centred practice for element 5.1.1. Click below.

<https://vimeo.com/554696517/4be159846d?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.

Week 14, 13 to 17 May 2024 – 5.1.1 Positive educator to child relationships

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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.		

Week 14, 13 to 17 May 2024 – 5.1.1 Positive educator to child relationships

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**Educational Leader weekly sheet**

Date	Educational Leader activity	With whom?	Comments	Follow up
Monday 13.5.24	Interaction audit was conducted across the service.	Educators	While conducting the audit there were some concerns with newer educators displaying frustration with some children	Teach strategies to eliminate those frustrations.
Monday 13.5.24				
Tuesday 14.5.24				
Wednesday 15.5.24				
Thursday 16.5.24				
Friday 17.5.24				

General thoughts or ideas

Week 13, 8 to 12 May 2023 – 5.1.1 Positive educator to child relationships



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 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.	

Week 14, 13 to 17 May 2024 – 5.1.1 Positive educator to child relationships

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