This fact sheet outlines the requirements for a Victorian centre-based service that educates and cares for children who are preschool age or over.

**Responsible Persons**

All centre-based education and care services must have a responsible person at the service at all times the service is educating and caring for children. A responsible person is the approved provider or person with management or control, a nominated supervisor or certified supervisor. All education and care services must have a nominated supervisor (section 161).

**Supervisor Certificate**

The requirements to have 3 years’ experience or an approved diploma level or early childhood qualification does not apply where the nominated supervisor’s certificate is subject to a condition that the holder may only be placed in day-to-day charge of an education and care service that primarily educates and cares for children over preschool age (regulation 47(2)).

**Educational Programs and Practice**

The approved provider of an education and care service must ensure that an educational program is delivered to all children being educated and cared for by the service. Regulation 73(2) requires that an educational program contributes to the following outcomes for each child:

- the child will have a strong sense of identity
- the child will be connected with and contribute to their world
- the child will have a strong sense of wellbeing
- the child will be a confident and involved learner, and
- the child will be an effective communicator.

The program must be based on an approved learning framework and delivered in a manner that accords with that learning framework (section 168).


**Documentation**

For a child over preschool age, evaluations of the child's wellbeing, development and learning must be documented (regulation 74(1)(b)). In preparing the documentation the approved provider must:

- consider the period of time the child is being educated and care for by the service
- consider how the documentation will be used at the service
• ensure the documentation is readily understood by educators and parents (regulation 74(2)).

Information about the contents and operation of the educational program must be displayed at a place accessible to parents at the education and care service premises and a copy of the educational program must be available for inspection on request (regulation 75).

What are the approved learning frameworks in Victoria?

The approved learning frameworks in Victoria are:

• Belonging, Being and Becoming: The Early Years Learning Framework for Australia
• My Time Our Place: Framework for School Age Care in Australia
• The Victorian Early Years Learning and Development Framework (regulation 254).

The Early Years Learning Framework and Framework for School Age Care are available from the website of ACECQA www.acecqa.gov.au/library

The Victorian Early Years Learning and Development Framework is available from www.education.vic.gov.au/childhood/providers/edcare/Pages/veyladf.aspx

Children’s health and safety

To ensure the health and safety of children:

• every reasonable precaution must be taken to protect children from harm and from any hazard likely to cause injury (section 167)
• children must be adequately supervised (section 165)
• children must not be subject to any form of corporal punishment or discipline that is unreasonable in the circumstances (section 166)
• children must be provided with an environment free from the use of tobacco, illicit drugs and alcohol (regulation 82)
• educators and staff members must not be affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care to children (regulation 83)
• adequate health and hygiene practices must be implemented (regulation 77(a))
• a risk assessment is carried out before an authorisation is sought for an excursion (regulations 100 to 102)
• there must be ready access to an operating telephone or other similar means of communication for immediate communication to and from parents and emergency services (regulation 98).

The National Quality Standard requires that each child’s comfort is provided for and there are appropriate opportunities to meet each child’s need for sleep, rest and relaxation (Element 2.1.2). In meeting these requirements the National Regulations further require the service consider the ages, development stages and individual needs of the children (regulation 81).

Food or beverages provided must be nutritious and adequate in quantity, chosen with regard to the dietary requirements of individual children taking into account each child’s growth and development needs and any specific cultural, religious or health requirements (regulation 79).

Transporting children

When an education and care service manages the transportation of children the service must make it clear whether the arrangements are part of the provision of education and care of the children or separate from the provision of education and care for the children. Depending on the arrangement different regulatory requirements apply. No matter
how these arrangements are managed the service has a common law duty of care to the children. A fact sheet
Transferring children is available at:

Child protection

The approved provider must ensure that the nominated supervisor and staff members who work with children are
advised of the existence and application of the current child protection law and any obligations they may have under
that law (regulation 84). In Victoria the protocol Protecting the Safety and Wellbeing of Children and Young People
provides information about these obligations. The protocol and an online training package are available at:

Medical conditions policy

A medical conditions policy must be in place for each education and care service at all times that children are being
educated and cared for (regulations 90 and 168(d)). A number of further requirements must be met when a child is
enrolled who has a specific health care need, allergy or relevant medical condition. These include requirements for
parents to provide a medical management plan for the child, and requirements for services to collaborate with parents
in the development of a risk minimisation plan and communications plan for each child with a specific health care need,
allergy or relevant medical condition (regulation 90(1)(c)).

A copy of the medical conditions policy must be provided to a child’s parent if the approved provider is aware that the
child has a specific health care need, allergy or other relevant medical condition (regulation 91).

Refer to the Children with medical conditions attending education and care services fact sheet at:

Incidents, injuries and trauma and illness

An approved provider must ensure that the service has in place policies and procedures in relation to incident, injury,
trauma and illness (regulation 168(2)(b)). These policies and procedures must include procedures to be followed in the
event that a child is injured, becomes ill or suffers a trauma (regulation 85).

The parent of a child must to be notified as soon as practicable, but no later than 24 hours after the occurrence, if the
child is involved in any incident, trauma or illness while the child is being educated and cared for (regulation 86).

Emergency and evacuation procedures

An emergency and evacuation policy and procedure must be in place for the service (regulation 168(2)(e)).
The emergency and evacuation procedures must set out instructions for what must be done in the event of an
emergency and an emergency and evacuation floor plan. In preparing the emergency and evacuation plan a risk
assessment must be conducted to identify potential emergencies that are relevant to the service. The emergency and
evacuation procedures must be rehearsed every 3 months that the service is operating, and be documented
(regulation 97).

A copy of the emergency and evacuation floor plan and instructions must be displayed in a prominent position near
each exit at the service (regulation 97).

Staff members of the service must have ready access to an operating telephone or other similar means of
communication (regulation 98).

Physical environment

The approved provider must ensure the premises and all furniture and equipment are safe, clean and in good repair
(regulation 103).

Each child must have access to sufficient furniture, materials and developmentally appropriate equipment that is
suitable for the education and care of that child (regulation 105).
Indoor requirements include:

- the service premises must have at least 3.25 square metres of unencumbered indoor space for each child\(^1\) (regulation 107). The service premises must be well ventilated, have adequate natural light and a temperature that ensures the safety and wellbeing of children must be maintained (regulation 110)

- adequate areas available for administration, consulting with parents of children and conducting private conversations (regulation 111)

- adequate, developmentally and age appropriate toilet, washing and drying facilities, located and designed to enable safe and convenient use by children (regulation 109)

Outdoor requirements include:

- the premises must have at least 7 square metres of unencumbered outdoor space for each child being educated and cared for by a service (regulation 108)

- an area of unencumbered indoor space may be included in calculating the outdoor space of a service if the Regulatory Authority has given written approval and the space has not been included in calculating the indoor space under regulation 107 (regulation 108(5))

- outdoor space at the premises must allow children to explore and experience the natural environment (regulation 113) and provide adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun (regulation 114).

Centre-based services that primarily provide education and care to children over preschool age children do not need to comply with the fencing requirements (regulation 104(2)), however the approved provider must ensure every reasonable precaution is taken to protect children from harm or any hazard likely to cause injury (section 167) and that children are adequately supervised at all times that the children are in the care of that service (section 165). Otherwise any outdoor space used by children at the education and care service premises must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under (regulation 104).

**Staffing arrangements for children over preschool age**

**Educator to child ratios**

Educator to child ratios must be met whenever children are being educated and cared for by the service (section 169). To be counted in the educator to child ratios, educators must be working directly with children (regulation 122).

The educator to child ratio for children over preschool age is 1 educator to 15 children (regulation 355).

Any educator under 18 years must be adequately supervised at all times by an educator who is at least 18 years of age (regulation 120).

**Qualification requirements**

**Over preschool age:**

- At least 50 per cent of required educators must hold, or be enrolled and studying for, at least an approved diploma level qualification (regulation 356(2)).

- All other required educators must hold, or be actively working towards a certificate III level qualification approved for educators working with children over preschool age for Victoria or commence that qualification within 6 months of commencing to educate and care for children (regulation 356(3)).

Refer to the fact sheet *Educator to child ratios and qualifications* at:


\(^1\) A verandah may be included in calculating indoor space only with written approval from the Regulatory Authority and cannot then be counted in calculating the area of outdoor space (regulations 107 and 108).
General transitional and savings provisions

The requirement to have, or be actively working towards, a certificate III level qualification does not apply to educators in centre-based services who, by 31 December 2011, completed a professional development course approved by the Secretary under the Children’s Services Regulations 2009; and

- were employed full time and continuously as a staff member at a licensed children’s service or outside school hours care service for a period of at least 5 years immediately preceding 25 May 2009; or
- were employed part-time and continuously as a staff member at a licensed children’s service or outside school hours care service for a period of at least 10 years immediately preceding 25 May 2009 (regulation 364).

A fact sheet Professional development in lieu of minimum training (grandfathering) is available at: www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsfactsheets.aspx

Until 31 December 2015 educators at centre-based services can also be included to meet relevant educator to child ratio requirements without having, or actively working towards, a certificate III level education and care qualification if they were continuously employed as an educator for a period of at least 15 years and employed by the same approved provider before 1 January 2012 (regulation 240).

Approved qualifications

ACECQA publishes on their website the qualifications that have been approved for the purposes of the National Law. These lists include the qualifications that are approved for early childhood teachers, qualified educators and certificate level educators.

Upon application, ACECQA will determine whether a qualification (including a foreign qualification) is equivalent to a qualification required by the National Regulations (section 169(7)). An application for an assessment of equivalence must include the information prescribed in regulation 139 and regulation 140.

A person may also apply to ACECQA to have a qualification assessed and included in the list of approved qualifications (regulation 138). The application must include the information prescribed in regulation 138.

More information regarding applications for assessments of equivalence of qualifications or an application to have a qualification approved under the National Law is available at the ACECQA website at www.acecqa.gov.au.

Educational leader

The education and care service must designate in writing a suitably qualified and experienced educator, co-ordinator or other individual as educational leader at the service to lead the development and implementation of educational programs in the service (regulation 118). The staff record must include the name of the educational leader (regulation 148).

Staff record

A staff record must be kept at each service providing details of all staff members including the nominated supervisor, the educational leader, the responsible person at the service, volunteers, students and the names and hours educators are working directly with children (regulations 145 to 151).

First Aid

At least one educator who holds the following qualifications must be in attendance at any place where children are being educated and cared for by the service, and must be immediately available in an emergency, at all times that children are being educated and cared for by the service (regulation 136):

- at least one educator who holds a current approved first aid qualification
- at least one educator who has undertaken current approved anaphylaxis management training
- at least one educator who has undertaken current approved emergency asthma management training.
Working with children checks

The approved provider of an education and care service must read or ensure the nominated supervisor or the certified supervisor in day-to-day charge of the service has read a person's current working with children check before that person is engaged as an educator at the service or is permitted to be a volunteer at the service (regulation 358).

The approved provider must ensure the details of the individuals working with children check are recorded (regulation 145-147).

Further information about criminal history requirements is available in the fact sheet Criminal history requirements: Centre-based services at: www.education.vic.gov.au/childhood/providers/regulation/Pages/nqffactsheets.aspx

Relationships with children

Reasonable steps must be taken to ensure children have opportunities to interact and develop respectful and positive relationships with each other and with staff members of, and volunteers at, the service. This includes having regard to the size and the composition of the groups in which children are being educated and cared for by the service (regulation 156).

Collaborative partnerships with families and communities

Parents may enter the service premises at any time their child is being educated and cared for by the service, as long as there is no risk to the health and safety of children or staff at the service, no conflict with the duty of the provider, supervisor or educator under the Law, and no court order prohibiting contact with the child (regulation 157).

Other regulations also relate to collaboration with families including requirements to give information about educational programs to parents, for parents to provide enrolment information, for information to be provided or displayed to parents and for administration areas to have adequate space for consulting with parents.

Leadership and service management

The Regulatory Authority must be notified within the prescribed time of any changes in relation to the approved providers, nominated supervisors, certified supervisors and premises (section 173). The Regulatory Authority must also be notified within the appropriate timelines of any serious incidents or complaints (section 174 and regulations 174, 175 and 176).

Quality improvement plan

A quality improvement plan must be developed by each education and care service (regulation 238) that: describes a self-assessment of the quality of the practices of the service against the National Quality Standard and the national regulations that identifies areas for improvement, and contains a statement of the philosophy of the service (regulation 55).

The quality improvement plan needs to be reviewed at least annually and, when directed by the Department (regulation 56). The quality improvement plan must be kept available at the education and care service premises and be available for inspection by the Department or current and prospective families of the service (regulation 31).

Serious incidents and complaints

The approved provider must notify the Regulatory Authority within 24 hours of any serious incident or complaint alleging the safety, health or wellbeing of a child or children was or is being compromised (while that child or children are being educated and cared for by the service) (section 174 of the National Law and regulation 176(2)).

Policies and Procedures

The approved provider must ensure the service has in place policies and procedures in relation to the following:

- health and safety, including nutrition, food and beverages, dietary requirements, sun protection, water safety and the administration of first aid
- incident, injury, trauma and illness procedures
- dealing with infectious diseases
- dealing with medical conditions
- emergency and evacuation
- delivery of children to, and collection from, education and care service premises
- providing a child safe environment
- staffing including a code of conduct for staff members, determining the responsible person at the service, and the participation of volunteers and students on placement
- interactions with children
- enrolment and orientation
- governance and management of the service including confidentiality of records
- the acceptance and refusal of authorisations
- payment of fees and provision of a statement of fees charged
- dealing with complaints (regulation 168).

The approved provider must take reasonable steps to ensure that the nominated supervisor and staff members follow the service’s policies and procedures (regulations 168 and 170). Current copies of the policies and procedures must be available upon request (regulation 171).

Parents of children enrolled at the service must be notified at least 14 days before any changes in policies and procedures (regulation 172) that may have a significant impact on the service’s provision of education and care of enrolled children or the family’s ability to utilise the service.

Evidence of insurance

The requirement to keep evidence of the prescribed insurance at the education and care service premises does not apply if the policy of insurance or an indemnity is provided by the Government of a State or Territory (regulation 180(3)).

Documents and storage of records

The regulations prescribe the documents and records to be kept for each education and care service (regulation 177) and the requirements for storage of documents (regulation 183).

Preschool Age Children Attending Outside School Hours Services

The Education and Care Services National Law Act 2010 (National Law) and the National Regulations make provision for services that are operated for the main purpose of providing education and care to children over preschool age or where the service primarily provides education and care for children over preschool age. This means that the service can educate and care for a small number of children aged 36 months to preschool age. As some regulations vary according to the age of the children attending, those regulations relevant to the younger children will then apply.
Educational Program and Practice

For children preschool age and under assessments or each child’s developmental needs, interests, experiences and participation in the educational program and their progress against the outcomes of the program must be documented (regulation 74(1)(a)).

Early Childhood Teacher

A service that for the main purpose provides education and care to children over preschool age, is not required to have access to or attendance of an early childhood teacher (regulation 129(2)). Other centre-based services must have access to an early childhood qualified teacher working with the service (regulation 362) or have an early childhood teacher in attendance at the service (regulation 130 to 134) from 1 January 2014.

Qualifications and ratios

Educator to child ratios must be met whenever children are being educator and cared for by an education and care service (section 169). When preschool age children attend an outside school hours care service the service is required to meet the relevant educator to child ratios and educator qualification requirements for children of that age.

For further information refer to the Staffing arrangements fact sheet at:

Physical Environment

Where preschool age children are being educated and cared for at a service and the toilet facilities do not allow observation of children using the toilets from the playroom or the outdoor play space adequate supervision of the children using the toilets must be maintained in accordance with the ages of the children and their individual needs.

Centre-based services that primarily provide education and care to children over preschool age children do not need to comply with the fencing requirements (regulation 104 (2)), however the approved provider must ensure every reasonable precaution is taken to protect children from harm or any hazard likely to cause injury (section 167) and that children are adequately supervised at all times that the children are in the care of that service (section 165). Otherwise any outdoor space used by children at the education and care service premises must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under (regulation 104).

Sleep and rest

Reasonable steps must be taken to ensure that the need for sleep and rest of children being educated and cared for by the service are met, having regard to the ages, development stages and individual needs of all children (regulation 81 (1)(2)).

Further information

The Australian Children’s Education and Care Quality Authority (ACECQA) is the national, independent statutory authority governing the National Quality Framework.

Phone: 1300 422 327
Email: enquiries@acecqa.gov.au
Web: www.acecqa.gov.au

The Department of Education and Early Childhood Development is the Regulatory Authority in Victoria.

Phone: 1300 307 415
Email: licensed.childrens.services@edumail.vic.gov.au