Welcome to Issue 1 of the new Victorian Children’s Services Update

The introduction of the National Quality Framework on 1 January 2012 resulted in changes to the Victorian children’s services sector. As part of implementing the new arrangements, the Regulations Update newsletter is being replaced by two new updates.

This is the first issue of the new Victorian Children’s Services Update which is specifically for children’s services continuing to operate under the Victorian children’s services legislation. This newsletter will provide information for licensed Victorian children’s services – including all limited hours and short term services, and a small number of standard licence and other services that are required to operate under the Victorian children’s services legislation.

These children’s services must comply with the requirements of:

- Children’s Services Act 1996;
- Children’s Services Regulations 2009.

A separate newsletter – the Education and Care Services Update – will provide information for all education and care services operating under the National Quality Framework in Victoria – including family day care, long day care, and outside school hours care services and preschools (kindergartens).

New!

Changes to the Department’s website

The Department’s website has changed to reflect the new arrangements from 1 January 2012. A new webpage Education and Care Services in Victoria (formerly Licensed Children’s Services) has been developed and this is where information and resources will continue to be provided for all children’s services operating in Victoria.

To assist services to locate information that is relevant to them, a new colour scheme has been established.

- Pages relevant only to Victorian Children’s Services will feature an orange tile
- Pages relevant only to Education and Care Services will feature a purple tile

Information that applies to all services, such as the Child Protection Protocol Protecting the safety and wellbeing of children and young people, will feature both tiles.

Services should familiarise themselves with the re-developed webpage. The new web address for the Education and Care Services in Victoria webpage is www.education.vic.gov.au/ecsmanagement/educareservices.

Departmental changes

The Department has established the Quality Assessment and Regulation Division, with regional managers who report to central office. Some of the functions previously undertaken in the regions are now managed centrally including: all licensing approvals and exemptions under the Victorian Act and Victorian Regulations; and service, provider and certified supervisor approvals and waivers under the National Law and National Regulations.

Regional teams will continue to undertake inspections and investigations of licensed Victorian children’s services and will also be responsible for undertaking the assessment and rating visits under the National Quality Framework when they commence in July 2012. Children’s Services Advisers are now known as Children’s Services Authorised Officers.
Victorian children’s services legislation - amendments

The introduction of the *Education and Care Services National Law Act 2010* (National Law) and *Education and Care Services National Regulations 2011* (National Regulations) made it necessary to amend the *Children’s Services Act 1996* (Victorian Act) and the *Children’s Services Regulations 2009* (Victorian Regulations). These amendments took effect on 1 January 2012.

**Excluded services**

All children’s services that fall within the definition of an “education and care service” in the National Law have been excluded from the scope of the Victorian Act and Regulations. Additional exclusions are:

- patients of a medical or therapeutic care service;
- clients of a disability service provider within the meaning of the *Disability Act 2006*;
- an early childhood intervention service provided for the principal purpose of providing therapeutic intervention for children with a disability, additional needs or developmental delay;
- a short-term orientation to school program provided by and at a school to children who will attend the school in the following year;
- an education and care service provided by a hotel or resort to children who are temporary guests of the hotel or resort;
- an ad hoc service provided at the place of a meeting, convention, seminar or other short-term event attended by a parent or other person responsible for the child.

**Provision for associated children’s services**

New provisions in the Victorian children’s services legislation enable the operation of associated children’s services, complementing provisions in the National Law and National Regulations. An associated children’s service is a children’s service that is operated at the same place as an approved education and care service under the National Law by the person who holds a provider approval under the National Law for that service. An approved provider may choose to operate with one service approval (licence) for the education and care service they operate (for example a kindergarten) and include a service they operate at the same location under the Victorian children’s services legislation (for example a limited hours service) in the service approval. The limited hours service would become an approved associated children’s service and would operate under the requirements of the Victorian children’s services legislation.


**Regulation of school holidays care services**

Most outside school hours care services fall within the scope of the National Law, except services that provide school holidays care for no more than four weeks per calendar year.

School holidays care services continue to be regulated and are required to meet all the requirements of the Victorian Act and Regulations. Services of this type licensed before 1 January 2012 will be taken to be a school holidays care service on notification being provided to the Department by email to licensed.childrens.services@edumail.vic.gov.au.

**Applications for a children’s service licence – changes**

To assist providers who operate under both the Victorian and the National systems, some changes have been made for better alignment including:

- acceptance of an approved provider or a certified supervisor under the National Law as fit and proper in an application for a children’s service licence;
- requirement in an application for a children’s service licence for the written consent of each person nominated to manage or control the service, or to have primary responsibility for the management and control of the service, in the absence of the licensee;
- ability to advertise a children’s service when an approval of premises is granted or an application for a licence has been made but has not been decided.

**Current copies of the Victorian Act and Regulations**

All licensed children’s services are required to have an up-to-date copy of the *Children’s Services Act 1996* and the *Children’s Services Regulations 2009* available at their premises.

Copies may be purchased from the Victorian Government Bookshop: at Level 20, 80 Collins Street, Melbourne; by telephoning 1300 366 356; or online at www.bookshop.vic.gov.au. Electronic versions of the Victorian Act and Regulations are available on the Department’s website www.education.vic.gov.au/ecsmanagement/educareservices.
Staffing, ratios and qualifications

Assessment of equivalence of qualifications

Early childhood teachers and staff members employed in Victorian licensed children’s services must meet the relevant qualification requirements of the Victorian Regulations. These Regulations set out the qualifications and training approved for employment as an early childhood teacher, qualified staff member and minimum trained staff member. All nationally approved qualifications published under the National Regulations are now recognised under the Victorian Regulations.

Staff members working in a Victorian licensed children’s service may apply to the Australian Children’s Education and Care Quality Authority (ACECQA) to assess their qualification for the purpose of approving this qualification under the National Law. Early Childhood Australia (Victoria) no longer provides assessments of equivalence for qualifications and training.

More information is available at the ACECQA website www.acecqa.gov.au.

Child to staff ratio requirements for Victorian children’s services

Standard services

Child to staff ratios in standard services (section 29A and regulation 53(1)):

• for children under three years: the child/staff ratios are one staff member for every four children or fraction of that number and one qualified staff member for every 12 children or fraction of that number;
• for children three years or more, the child/staff ratios are one staff member for every 15 children or fraction of that number and one qualified staff member for every 30 children or fraction of that number.

Limited hours services

In limited hours services, volunteers may be counted in the child/staff ratios if they are aged 18 years or over. No more than half the individuals counted in the prescribed numbers of staff members may be volunteers (regulation 58). At least two staff members must be on duty whenever children are being cared for or educated by the service (this does not include volunteers)(regulations 50 and 58(d)).

Child to staff ratios in limited hours type 1 services (section 29A and regulation 55(1)):

• for children under three years a child/staff ratio of one staff member or volunteer for every five children or fraction of that number;
• for children three years or more, a child/staff ratio of one staff member or volunteer for every 15 children or fraction of that number.

All staff members must currently meet the requirements for minimum training (regulation 60) or have completed an approved professional development course in lieu of meeting these requirements.

Child to staff ratios in limited hours type 2 services (section 29A and regulation 55(2)):

• for children under three a child/staff ratio of one staff member or volunteer for every five children or fraction of that number and one qualified staff member for every 15 children or fraction of that number;
• for children three years or more, a child/staff ratio of one staff member or volunteer for every 15 children or fraction of that number and one qualified staff member for every 30 children or fraction of that number.

School holidays care services

Child staff ratios in school holidays care services (regulation 54)

• one staff member for every 15 children of fraction of that number; and one qualified staff member for every 30 children or fraction of that number.

Alternative child/staff ratios

Alternative child/staff ratios (regulation 59): allows the child/staff ratio to be determined as if all the children cared for or educated by the service are under three years.

Minimum training requirements

Minimum training (regulation 60): requires each staff member caring for or educating children to hold a Certificate III in Children’s Services or a substantially equivalent or superior qualification.

Except for limited hours type 1 services, children’s services that were licensed, or had pending applications for either an Approval in Principle or a licence on 25 May 2009, have until 1 January 2014 to meet this requirement. A staff member employed in a licensed children’s service on 25 May 2009, who was employed continuously full-time for 5 years or part-time for 10 years in the period preceding 25 May 2009, is not required to meet the minimum training requirements as long as they completed an approved professional development course by 1 January 2012 (regulation 118).
Staff members under the age of 18 years

A staff member under the age of 18 years may be considered as part of the child/staff ratios if they are under the direct supervision of a qualified staff member aged 18 years or over (regulation 5).

First aid and anaphylaxis management training requirements

From 1 January 2012, proprietors of licensed children’s services must ensure that each staff member has completed at least every 3 years approved first aid training and anaphylaxis management training (regulation 63). Yearly updates in the administration of an adrenaline auto-injection device and in the use of cardio-pulmonary resuscitation are also required for all staff members on duty whenever children are being cared for or educated by the service (regulation 65).

The Victorian Regulations have been amended to enable a staff member who has not yet completed this training to commence work at the service; however, this staff member cannot be counted in the minimum staffing requirements or the child/staff ratios until they have completed this training.

Details of first aid courses and anaphylaxis management courses that have been approved are available at www.education.vic.gov.au/ecsmanagement/educareservices.

Educational and Recreational Programs

The Children’s Services Act 1996 requires that an educational or recreational program is made available to all children being cared for or educated in the service that:

- is based on the developmental needs, interests and experiences of each child;
- is designed to take into account the individual differences of each child; and
- enhances each child’s development (section 26B).

Information about the educational or recreational programs provided for children cared for or educated by the service must be available for inspection at the service at all times the service is open for the education or care of children (regulation 41).

Resources for developing and implementing programs

The educational or recreational program you provide for the children in your care makes an important contribution to laying the foundation for later success at school and throughout life. A program for children refers not only to planned learning experiences provided for children but to all experiences, both planned and unplanned, that children have throughout the day. There are many factors that impact on the education and care you provide to children cared for or educated by your service, including: your practice; your relationships and interactions with children and families; the physical environment; routines; the organisation of time and play and learning experiences. To assist in providing quality education and care programs, you may choose to access some of the resources, guides and training opportunities listed below.

Delivering a Children’s Program in a Limited Hours Service

Delivering a children’s program in a limited hours service is a guide to help all educators in limited hours services in making decisions about the educational or recreational program. This guide also lists organisations where educators can access further resources and support to assist in program planning; it is available at www.eduweb.vic.gov.au/edulibrary/public/earlychildhood/childrensservices/limitedhrs.pdf.

Educational and recreational programs

A practice note to support Victorian children’s services educators to understand the legislative requirements to provide an appropriate educational and recreational program, and further information and resources, are available at www.eduweb.vic.gov.au/edulibrary/public/earlychildhood/licensed/pn13eduprograms.pdf.

Early Learning Frameworks

Children’s programs should be guided by the Victorian Early Years Learning and Development Framework (Victorian Framework). The Victorian Framework is for all professionals working with children from birth to eight years; it is available at www.education.vic.gov.au/earlylearning/eyldf/.

Children’s programs may also be guided by appropriate national frameworks: the Early Years Learning Framework is available at acecqa.gov.au/early-childhood-in-Australia/learning-frameworks/; and My Time Our Place – Framework for School Age Care in Australia is available at www.mytimeourplace.com/.
Active Play for Children

The *Active Play for Children* DVD is designed to support a consistent approach towards childhood physical activity among a wide range of professionals and practitioners working with children 3-8 years of age. The DVD supports five recommendations for physical activity in childhood and aims to increase awareness of the health-related and developmental importance of daily movement and activity in childhood. It can be used in a range of ways for professional development including:

- group discussion
- self-reflection
- strategy planning
- team building
- best practice debate
- presentation of case studies
- understanding the role of adults in children’s active play

Learning English as an Additional Language in the Early Years (birth to six years)

This resource provides comprehensive information to assist children from birth to six years in learning English as an additional language, with practical suggestions to support early childhood professionals in their work with children and families from diverse communities. It includes a range of practical ideas to support children from birth to six and their families and is available at [www.vcaa.vic.edu.au/earlyyears/publications/learning_english_as_additional_lang.pdf](http://www.vcaa.vic.edu.au/earlyyears/publications/learning_english_as_additional_lang.pdf).

Early Years Exchange

The Early Years Exchange is an online resource designed to assist early childhood professionals to implement and embed the Victorian Framework in their practice; it is available at [www.vcaa.vic.edu.au/earlyyears/eye/index.html](http://www.vcaa.vic.edu.au/earlyyears/eye/index.html).

Professional development and training incentives

Natural materials and environments – events in 2012

The Department has funded Gowrie Victoria to demonstrate the use of natural materials and natural environments as a central principle in the delivery of education and care for children. Events will be held in 2012 providing ideas and inspiration for participants who wish to enhance their existing practice in supporting children to explore and experience natural environments in education and care settings. The relevance for both indoor and outdoor settings will be explored.


Early Childhood Qualifications Fund

The Early Childhood Qualifications Fund supports early childhood educators working directly with children in all types of licensed or approved services to upgrade or attain an early childhood qualification. The amount of support available depends on the qualification undertaken and ranges from up to $1,000 for a Certificate III in Children’s Services, and up to $12,000 for an early childhood teaching degree.

Successful applicants are required to enter into an agreement to successfully complete the qualification and, upon completion, work for a minimum period of time in a licensed children’s service or approved education and care service. More information is available at [www.education.vic.gov.au/careers/earlychildhood](http://www.education.vic.gov.au/careers/earlychildhood).
Employment Incentives
The Employment Incentives for Early Childhood Educators initiative provides a financial incentive to early childhood educators to take up employment in vacant hard-to-staff positions.
The focus of the scheme is on attracting qualified early childhood educators to vacant positions that are hard to staff, including those in rural communities, aboriginal services and disadvantaged areas. Services employing early childhood teachers and Diploma-qualified educators can apply including long day care, kindergartens, occasional care and outside school hours care.
More information, including eligibility criteria, is available at www.education.vic.gov.au/careers/earlychildhood.

Gowrie Victoria
Gowrie Victoria provides a range of training opportunities and online resources to assist in developing and providing educational and recreational programs in Victorian licensed children’s services. For further information about programs currently available, go to www.gowrievictoria.org.au/.

Emergency management in children’s services

Emergency contact details
Services should ensure they have provided the most up-to-date emergency contact details to the Department. Services may nominate up to 2 emergency contacts and include for each person:
- name of emergency contact person;
- landline;
- mobile phone;
- email address.
Services may email updated emergency contact details to licensed.childrens.services@edumail.vic.gov.au.

Exemptions
Victorian children’s services licensed under the Children’s Services Act 1996 and Children’s Services Regulations 2009 must meet the child/qualified staff ratios at all times the service is operating. Licensed children’s services experiencing difficulty in meeting the requirements of the Act or Regulations have access to exemptions.
On 9 May 2012, two group exemptions were granted:
- qualified staff lunch break exemption;
- school holidays care qualified staff exemption.
Fact sheets on exemptions and qualified staff lunch break exemptions are available on the Department’s website www.education.vic.gov.au/ecsmanagement/educareservices/vcs/resources.
To obtain an application form for an exemption contact 1300 307 415 or email csrr@edumail.vic.gov.au.

Qualified staff lunch break exemption
The qualified staff lunch break exemption applies to all Victorian licensed children’s services. Services that are experiencing difficulties meeting the child/qualified staff ratios during the lunch break period may apply this exemption as required.

School holidays care qualified staff exemption
The qualified staff (actively working towards diploma level qualification) exemption applies to licensed school holidays care services that are experiencing difficulties meeting the child/qualified staff ratios while operating. This exemption allows school holidays care services to count a staff member who is enrolled and studying for a diploma level qualification approved under regulation 5(2) of the Victorian Regulations in the child/qualified staff ratios. Services may apply this exemption as required.

Resources
The Department has created a range of resources, including fact sheets, practice notes and guides, to help Victorian services understand the requirements of the Victorian Act and Regulations. These resources may be found at www.education.vic.gov.au/ecsmanagement/educareservices/vcs/resources.