

Victorian Children's Services Qualified staff member lunch break exemption

Fact Sheet | August 2012

Qualified staff member lunch break exemption

Victorian children's services licensed under the *Children's Services Act 1996* (Act) and *Children's Services Regulations 2009* (Regulations) 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 and Regulations have access to exemptions under this legislation.

Exemptions are granted in exceptional circumstances for a time limited period to enable services to continue to operate while working towards meeting the requirements of the Act and Regulations. Before applying for an exemption the service must have exhausted all available options for meeting the child/qualified staff ratios (for example, revised rosters, recruitment of relief staff).

On 7 May 2012 the Minister for Children and Training granted a qualified staff lunch break exemption applying to all Victorian licensed children's services. The exemption notice appeared in the Victorian Government Gazette (G20) on 17 May 2012. The exemption allows a service to replace a qualified staff member with a staff member who is not qualified during a qualified staff member's designated lunch break. Services that are experiencing difficulties meeting the child/qualified staff ratios during the lunch break period may operate with this exemption provided they comply with the exemption conditions. No application is required.

Exemption conditions

A qualified staff lunch break exemption is subject to the following conditions:

- The licensee must ensure that the qualified staff member on lunch break is replaced by a staff member; and
- The licensee must ensure that whenever children are being cared for or educated by the service the qualified staff member on lunch break must remain on the premises of the children's service and must be directly and immediately available to care for children as the need arises

This exemption can only be applied during the designated lunch break of a qualified staff member.

It is the responsibility of all services to ensure that the children being cared for or educated by the service are adequately supervised and their developmental needs are met at all times. Further information about supervision can be found on the Department's website www.education.vic.gov.au/childhood/providers/regulation/pages/vcs.aspx

In accordance with section 33 of the Act, services applying the lunch break exemption during a diploma qualified staff member's lunch break must display the conditions that apply to the license while the exemption is in effect. An exemption notice for display at the service can be downloaded from the Victorian children's services website.

Where can I find more information on exemptions?

More information on exemptions is available on the Victorian Children's Services section on the Department's website at www.education.vic.gov.au/childhood/providers/regulation/pages/vcs.aspx

Further information

The **Department of Education and Training** is the Regulatory Authority in Victoria.

Phone: 1300 307 415

Email: licensed.childrens.services@edumail.vic.gov.au

Web: www.education.vic.gov.au/childhood/providers/regulation