

Victorian Children's Services

Limited hours licence

Fact sheet | September 2010

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What is a limited hours service?

A limited hours service is a children's service that may care for or educate children under three and children three years or more, including school aged children. Places for school aged children can comprise up to 30 per cent of the total number of places (regulation 10). Typically, limited hours services provide occasional care for children including care provided at sports and leisure services and neighbourhood houses.

These services are not required to meet all the premises requirements of a standard service, are not required to have outdoor space and can care for or educate children for limited hours only.

Limited hours type 1 service

A limited hours type 1 service is a service where each child is cared for or educated for not more than two hours a day and not more than a total of six hours a week (regulation 11(1)). These services must meet child/staff ratios (section 29A and regulation 55(1)) as follows:

- 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.

Regulation 59 allows a child/staff ratio of one staff member or volunteer for every five children where there are children under three years and children three years or more being cared for or educated by the service.

Limited hours type 2 service

A limited hours type 2 service is a service where each child is cared for or educated for not more than five hours a day and not more than a total of 15 hours a week (regulation 11(2)). These services must meet child/staff ratios (section 29A and regulation 55(2)) as follows:

- 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.

All staff members included in the child/staff ratios must meet the qualified staff or the minimum training requirements.¹

Regulation 59 allows a child/staff ratio of one staff member or volunteer for every five children and one qualified staff member for every 15 children where there are children under three years and children three years or more being cared for or educated by the service.

If a limited hours type 2 service cares for or educates 15 children or less, the prescribed number of qualified staff members is one (regulation 55(3)).

¹ This does not include volunteers.

Staffing

All staff members included in the child/staff ratios must meet the minimum training requirements.²

Minimum staff on duty

At least 2 staff members must be on duty whenever children are being cared for or educated by the service (regulation 50). Being 'on duty' does not necessarily mean that a staff member is caring for or educating the children at all times. For a staff member to be considered 'on duty' they are required to remain on the premises and must be able to support the staff member caring for or educating children and intervene if necessary. Effective communication mechanisms and policies must be in place.

Staff members aged under 18 years

A staff member under the age of 18 years can 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).

Qualified staff members

A qualified staff member is a staff member who-

- is a teaching staff member; or
- has successfully completed a Diploma of Children's Services or a qualification the Secretary is satisfied is substantially equivalent or superior to a Diploma in Children's Services; or
- holds a qualification included in the list of approved diploma level education and care qualifications published under the National Regulations; or
- holds a qualification included in the list of approved early childhood teaching qualifications published under the National Regulations (regulation 5).

Minimum training for staff members in limited hours services

A staff member meets the minimum training requirements if they:

- hold a Certificate III in Children's Services, or hold a qualification or training that the Secretary is satisfied is substantially equivalent or superior to a Certificate III in Children's Services; or
- hold a qualification included in the list of approved certificate III level education and care qualifications published under the *Education and Care Services National Regulations 2011* (National Regulations); or
- hold a qualification in a field that the Secretary is satisfied is acceptable; or
- are a qualified staff member or a teaching staff member; or
- hold a primary school teaching qualification.

Minimum training requirements do not apply to staff members who have completed professional development in lieu of minimum training (regulation 118). Further information is available in the fact sheet *Professional development in lieu of minimum training* available at:

www.education.vic.gov.au/childhood/providers/regulation/pages/vcsfactsheets.aspx

Volunteers

In limited hours services volunteers may be counted in the child/staff ratios, as long as the number of volunteers is not more than half the number of staff members caring for or educating the children (regulation 58(a)). Volunteers cannot be counted as qualified staff members nor can they be included in meeting the minimum staff requirements.

² This does not include volunteers.

What are the licence conditions?

A children's service licence is granted subject to a number of conditions. For example, section 25E requires that the children's service is operated in a way that ensures the safety of the children being cared for or educated, that their developmental needs are met and the health and wellbeing of those children is supported.

Key requirements of the Children's Services Act

Limited hours services must comply with all of the requirements of the Children's Services Act, which ensure children are cared for or educated in an environment that is safe and meets their developmental needs. These requirements include or relate to:

- protection of children from harm and any hazard likely to cause injury (section 26)
- children's service to have an anaphylaxis management policy (section 26A)
- children's programs must be available based on the developmental needs, interests and experiences of each child, taking into account individual differences and enhancing each child's development (section 26B)
- adequate supervision of children (section 27)
- discipline of children (section 28)
- maintenance of premises (section 29)
- child/staff ratios (section 29A)

Fit and proper assessment

A person managing or controlling a children's service will be assessed at least once in a 5 year period. These assessments may be relied on by the Secretary in relation to additional licence applications during that period. Nominees can be approved by the Department (approved nominees) or assessed by the licensee (accepted nominees). A fact sheet *Assessment of a fit and proper person* is available at:

www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsfactsheets.aspx

Criminal history checks

Regulation 70 requires the licensee, primary nominee or nominee present and currently in charge of the children's service to read a current assessment notice (Working with Children Check) before a person becomes an employee or is engaged as a staff member. Teachers registered with the Victorian Institute of Teaching (VIT) are not required to have a Working with Children Check (regulation 70(6)). Currency is checked for a Working with Children Check at <https://online.justice.vic.gov.au/wwccu/checkstatus.doj> and VIT registration at <http://vitonline.vit.vic.edu.au/vitis/prod/register.nsf>

Health and welfare of children

Children must have access to fresh drinking water (regulation 79), food must be offered frequently and regularly (regulation 80). If food is provided by the service it must be nutritious, varied, adequate in quantity and appropriate to children's growth, cultural and developmental needs. A weekly menu must be displayed describing the food provided each day (regulation 81). A smoke-free environment must be provided for children (regulation 82).

Notification of serious incidents and complaints

The Secretary or Delegate must be notified of:

- a serious incident including the death of a child, where a child is injured or traumatised and requires hospitalisation or the attention of a registered medical practitioner, a child is missing (section 29C) or

attendance of emergency services is required (regulation 90). Notification must be by phone within 24 hours followed by written notification as soon as practicable.

- a complaint that alleges that the health, safety or wellbeing of a child may have been compromised or there may have been a contravention of the Children's Services Act or Regulations. Notification must be by phone within 48 hours followed by written notification as soon as practicable (regulation 105).

Notification forms are available at: www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx

Excursions and routine outings

Excursions are outings that occur from time to time, such as a trip to the zoo. Routine outings are excursions which are conducted on a regular basis such as a weekly trip to the library. While they may provide valuable experiences for the children services must be mindful of the additional risks that may be present and the need to keep children safe from hazards and harm.

A risk assessment must be undertaken before a child can be taken outside the children's service by a staff member (regulation 74). The service must also have written authorisation from parents or guardians to take children outside the premises (regulation 73).

More information is available in the practice note *Excursions and routine outings* available at:

www.education.vic.gov.au/childhood/providers/regulation/Pages/vcspracnotes.aspx

Equipment and facilities

Each service must have access to furniture, materials and developmentally appropriate equipment, suitable for the educational or recreational program provided for each child (regulation 93).

Adequate natural lighting (not applicable to limited hours type 1 services) must be provided in children's rooms (regulation 95(3)). Adequate, age-appropriate and safe toilet and hand washing facilities (regulation 101) must be provided. Where children in nappies attend the service, nappy changing facilities that are adequate and age-appropriate must be provided for changing nappies in a safe and hygienic manner (regulation 102).

There must be 3.25 square metres of clear indoor space in a children's room for each child being cared for or educated in that room (regulation 96(1)). Limited hours services are not required to have outdoor space (regulation 97(3)). If children have access to outdoor space this space must meet the fencing requirements in regulation 99.

Records

There is a requirement for a staff record to be available for inspection (section 32B and regulation 28). Additional information must be kept in the child enrolment records (regulations 31 to 34). A form with the additional questions has been prepared to enable services to seek this information from parents or guardians, then to attach it to the existing enrolment record. The *Enrolment record addendum for children's services* form is available at www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx

Integrated licence

Where a limited hours service and another type of children's services are operated from one location by the same licensee, an application for an integrated licence can be made. A short term service cannot be operated as part of an integrated licence.

Associated children's services

An associated children's service is a standard, limited hours or another type of children's service which is operated from the same location and by the same approved provider (licensee) as an education and care service operating under the National Quality Framework.

The education and care service is regulated by the *Education and Care Services National Law Act 2010* (National Law) and the *Education and Care Services National Regulations 2011* (National Regulations) and the children's service is subject to the requirements of the *Children's Services Act 1996* (Children's Services Act) and *Children's Services Regulations 2009* (Regulations).

Only one service approval under the National Law will be required for the services operating at the one location.

Resources

Practice notes available at: www.education.vic.gov.au/childhood/providers/regulation/Pages/vcspracnotes.aspx

- *Educational and recreational programs*
- *Behaviour guidance*
- *Excursions and routine outings*
- *Supervision*
- *Serious incidents*
- *Responding to complaints*
- *Making a direct complaint to the Department*

Fact sheet available at: www.education.vic.gov.au/childhood/providers/regulation/Pages/nqffactsheets.aspx

- *Operating an approved associated children's service*

Children's Services forms are available at: www.education.vic.gov.au/childhood/providers/regulation/Pages/forms.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