

Victorian Children's Services

Standard licence

Fact sheet | September 2010

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What is a standard service?

A standard 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, standard services provide an early child intervention service, occasional care service, mobile service or budget based service.

Staffing

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

Staff to child ratios – Standard service

The staff to child ratios for a standard service are as follows:

- if the children are aged under 3 years—
 - 1 staff member for every 4 children or fraction of that number, and
 - 1 qualified staff member for every 12 children or fraction of that number
- if the children are aged 3 years or more—
 - 1 staff member for every 15 children or fraction of that number, and
 - 1 qualified staff member for every 30 children or fraction of that number (regulation 53).

If a standard service cares for or educates 12 children or less, the prescribed number of qualified staff members is one (regulation 53). Alternatively, regulation 59 allows a child/staff ratio of one staff member for every four children and one qualified staff member for every 12 children where there are children under three years and children three years or more being cared for or educated by the service.

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 standard 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

Teaching staff members

The requirements for teaching staff members in standard services are:

- for services educating and caring for 25 or more children: a teaching staff member must care for or educate children for 50 per cent of the operating hours of the service or 20 hours per week (regulation 52)
- for services educating and caring for fewer than 25 children: a teaching staff member must care for or educate children for at least 20 per cent of the time the service is providing education and care (regulation 52A).

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 are supported.

Key requirements of the Children's Services Act

Standard services must comply with key 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)
- notification of serious incidents to the Secretary or Delegate (section 29C).

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 currently present and in charge of a 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 the VIT registration can be checked 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 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)).

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 service approvals

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