

Victorian Children's Services Transitional Provisions 2014

Fact Sheet | October 2013

On 1 January 2014 a number of transitional provisions in the *Children's Services Regulations 2009* (Victorian Regulations) will come into effect for children's services. These changes apply to the following requirements:

- minimum training requirements for staff members educating and caring for children
- teaching staff members

Definition of staff member

In relation to a children's service, staff member means:

- a person who is employed or has been appointed or engaged to be responsible for the care or education of children at the children's service; or
- in the case of a person who is under 18 years, a person who:
 - has been employed or has been appointed or engaged to be responsible for the care or education of children at the children's service, and
 - is under the direct supervision of a qualified staff member who is aged 18 years or over (regulation 5).

Definition of volunteers

A volunteer, in relation to a children's service, means a person who cares for or educates children at the children's service in a voluntary or honorary capacity, and includes a student or a person on work experience (regulation 5).

For short term or limited hours no more than half of the individuals counted in the prescribed number of staff may be volunteers (regulation 58(a)) and may not be counted unless over 18 years (regulation 58(b)). In addition volunteers may not be counted in the minimum number of staff member on duty requirement under regulation 50 (regulation 58(d)). Volunteers are not required to meet minimum training requirements.

Minimum training requirements

From 1 January 2014, proprietors of licensed children's services must ensure that each staff member caring for or educating children at a service has completed a minimum level of training.

Standard, limited hours and short term services

From 1 January 2014, each staff member caring for or educating children at a service must meet one of the following requirements (regulation 130):

- hold a Certificate III in Children's Services
- hold a qualification or has training the Secretary is satisfied is substantially equivalent or superior to a Certificate III in Children's Services
- 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)
- be a qualified staff member or a teaching staff member
- hold a primary school teaching qualification
- in the case of an early childhood intervention staff member, hold a qualification in a field the Secretary is satisfied is substantially equivalent (regulation 60).

School holidays care services

From 1 January 2014, each staff member caring for or educating children at a service must meet one of the following requirements (regulation 131):

- hold a Certificate III in Children's Services
- hold a qualification or has training the Secretary is satisfied is substantially equivalent or superior to a Certificate III in Children's Services
- hold a qualification included in the list of approved Certificate III level education and care qualifications published under the National Regulations
- be a qualified staff member or a teaching staff member
- hold a primary school teaching qualification
- hold a qualification in a field the Secretary is satisfied is acceptable (regulation 60).

Savings provisions for minimum training

Professional development in lieu of meeting minimum training (grandfathering)

The requirement to hold approved minimum training does not apply to staff members who completed an approved professional development course by 1 January 2012 in lieu of meeting the minimum training requirements (regulation 130(1) and 131(1)).

Teaching staff requirements

From 1 January 2014, services licensed under the Victorian Regulations must meet specified minimum teaching staff requirements (regulation 129). The new teaching staff requirements apply to:

- standard services that are licensed or, in the case of an approved associated children's service, approved to care for and educate children, or
- an integrated service that includes a standard service component that is licensed to care for and educate children.

Definition of teaching staff member

A teaching staff member means a staff member who holds one of the following qualifications (regulation 5):

- a qualification included in the list of approved early childhood teaching qualifications published under the National Regulations
- an early childhood teaching qualification at degree level or above that has been approved by the Secretary and notice of this approval has been given in the Government Gazette
- an early childhood teaching qualification at degree level or above that the Secretary is satisfied is substantially equivalent or superior to a qualification which has previously been approved by the Secretary and published in the Government Gazette.

Requirement for services licenced or approved to care for or educate 25 or more children at any one time

A teaching staff member is caring for or educating children at the standard service or each standard service component for at least the lesser of the following:

- 50% of the time the service is open to care for or educate children; or
- 20 hours per week (regulation 52(1)).

Requirement for services licenced or approved to care for or educate fewer than 25 children at any one time

The service or each standard service component must have access to a teaching staff member *working with the service* for at least 20% of the time the service provides education or care (regulation 52A).

A teaching staff member is *working with the service* if they are carrying out activities for the service, including caring for and educating children and planning programs, and they may be doing so by means of information communication technology (regulation 52a(5(b))).

Teaching staff member absences

If a teaching staff member is absent from the service because of illness or annual leave, regulation 52(2) allows the following persons to be counted as teaching staff during that absence:

- a qualified staff member; or
- a person who holds a qualification in primary school teaching.

The teacher absence provision does not apply to maternity leave, long service leave or other similar leave (regulations 52(3) and 52A(4)).

Further information

The **Department of Education and Training** is the Regulatory Authority in Victoria. Phone: 1300 307 415

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