# Outside School Hours Care (OSHC) Establishment Grant Initiative

Guidance for grant recipients engaging a *third party provider* to deliver an OSHC service



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## About this guidance

This guidance supports *Outside School Hours Care (OSHC) Establishment Initiative* grant recipients, who are engaging a third-party provider to establish and deliver a new OSHC service. \*

**About the grant program**

The Victorian Government is investing $81.6 million over four years to increase the availability Outside School Hours Care (OSHC or before & after school care & school holiday programs).

This investment is designed to ensure that OSHC services are available for 95% of Victorian government primary schools.

The increased availability of OSHC is intended to support increased workforce participation, particularly amongst women.

This guidance summarises key actions for your School Council, supporting you to engage a third-party provider (provider), enter into licence agreement, establish a Memorandum of Understanding, and meet National Regulations.

The guidance is broken into the following five sections:

**1. Checklist** (summary of milestones and timelines)

**2. Engaging a provider**

**3. Facilitating service approval**

**4. Communicating with parents/carers**

**5. Grant funding and ongoing responsibilities**

For detailed information on OSHC services in Victoria visit the [OSHC pages on the Department’s Policy and Advice Library](https://www2.education.vic.gov.au/pal/outside-school-hours-care-decision-making-regarding-provision-oshc/policy).

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### CONTACT US

Please email the OSHC Establishment Grants team at [oshc.central@education.vic.gov.au](mailto:oshc.central@education.vic.gov.au) for additional advice and support.

\* Please note, separate guidance is available for grant recipients who will deliver an OSHC program through their school council. This guidance sets out the different approval arrangements.

## Checklist

This checklist outlines key timelines for your School Council to ensure that a provider is in place to deliver an OSHC service by the start of Term 1, 2022.

More detailed actions are set out in corresponding section of the guide.

|  |  |  |
| --- | --- | --- |
| **** | **Consult with school community** to determine their preferences and needs for an OSHC provider | As soon as possible |
| **** | **Adapt the** [Expression of Interest (EOI) template](https://edugate.eduweb.vic.gov.au/edrms/PD/_layouts/15/WopiFrame.aspx?sourcedoc=/edrms/PD/Policy/EOI%20OSHC%20Final.docx&action=default) to reflect the local context and seek EOI from potential OSHC providers. **Advertise for a minimum of 10 days** (details on pg. 6) | TERM 4, WEEK 5 |
| **** | **Select provider from EOI applicants**, checking whether they have been granted **provider approval** through Australian Children’s Education and Care Quality Authority (details on pg. 6), or if they have applied, or if they will need to initiate this process if awarded the EOI. | TERM 4, WEEK 7 |
| **** | **Arrange a partnership meeting** with the appointed provider and establish a licence agreement ([template provided](https://edugate.eduweb.vic.gov.au/edrms/website/PAL/oshc-decision-making-licence-agreement-template.docx)) AND a **Memorandum of Understanding** ([template provided](https://edugate.eduweb.vic.gov.au/edrms/website/PAL/oshc-decision-making-mou-template.docx)) | TERM 4, WEEK 7 |
| **** | **Support the chosen third party provider to gain** **service approval,** by providing key information and enabling them access to the spaces (details on pg. 9) | TERM 4, WEEK 7 |
| **** | Ensure both the School Council and provider have signed the licence agreement and **Memorandum of Understanding** | TERM 2, WEEK 7 |
| **** | In consultation with the provider, **communicate with parents/carers** about the service (including enrolment forms) | TERM 2, WEEK 7 |
| **** | **Support provider to set up spaces** **to be used by the service** (these spaces must comply with regulations see pg. 8) | TERM 2, WEEK 9 |
| **** | **Confirm if the provider has received service approval** | TERM 2, WEEK 9 |
| **** | **Confirm if the provider has received Child Care Subsidy approval** | TERM 2, WEEK 9 |
| **** | Ensure that **information packs have been sent parents/carers** of enrolled children | TERM 2, WEEK 9 |
| **** | Check-in with the provider to **ensure that the service is ready to operate** and that staff have been appropriately inducted | LAST WEEK OF HOLIDAYS PRIOR TO TERM 1, 2023 |
|  | **Continue to fulfil ongoing responsibilities** for the OSHC service via your School Council | ONGOING |

## Engaging a third-party provider

### KEY ACTIONS

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| --- |
| * **Engage with members of your school community** to determine their needs and understand their preferences for an OSHC service (further details below) * **Use the** [Expression of Interest (EOI) template](https://edugate.eduweb.vic.gov.au/edrms/PD/_layouts/15/WopiFrame2.aspx?sourcedoc=/edrms/PD/PT/EOI_OSHC_-_Child_Safety_Standards_Update.docx&action=default) **to support you in advertising for a provider,** noting thatthe EOI must be advertised for a minimum of 10 business days (further details below) * **Select a third party provider** utilising the [EOI assessment matrix](https://edugate.eduweb.vic.gov.au/edrms/PD/PT/A5%20Evaluation%20Matrix%20v1.xls) * **Complete a licence agreement** with the selected provider (see pg. 7) * **Arrange a partnership meeting between the School Council and the appointed third party provider** to establish shared aims and principles for cooperation, and discuss a range of operational details (attached is a template agenda)   This meeting will ideally culminate in the development of the **Memorandum of Understanding,** a template of which is also [available](https://edugate.eduweb.vic.gov.au/edrms/website/PAL/oshc-decision-making-mou-template.docx) (see pg. 7) |

### A. SEEKING EXPRESSIONS OF INTEREST

Prior to seeking Expressions of Interest (EOI) for a third-party provider, it is recommended that you consult with members of the school community to ensure that their needs and values are reflected in the process. You can also consult with other principals/School Councils who host OSHC services to gain their insight into desirable attributes for providers.

An [Expression of Interest (EOI) template](https://edugate.eduweb.vic.gov.au/edrms/PD/Policy/EOI%20OSHC%20Final.docx?Web=1) is available to support you. For further advice you can contact [schools.procurement@education.vic.gov.au](mailto:schools.procurement@education.vic.gov.au). You should add relevant information to the EOI so third party providers have all information that they would need prior to engagement, such as whether a cluster arrangement is in place, travel arrangements, whether the service is a set up/pack down service or if the third party provider would have a dedicated space, and estimates of enrolment numbers. The EOI template requires applications to be submitted by email.

The EOI template calls for a “unique identifying number” as a Reference Number on page 1. This can be anything you like as long as it is unique within your school and hasn’t been used for a previous EOI the school has undertaken.

We recommend inserting the following text into the “Background” section to let providers know the school will be in receipt of grant funding to support the service:

*“As a recipient of the Victorian Government Outside of School Hours Care (OSHC) Establishment Grant, [YOUR SCHOOL NAME] is required to complete an acquittal to the Department of Education and Training. The successful service provider will be required to agree with the requirements of Schedule 5 in the Licence Agreement that specifies the Establishment Grant funding arrangement between the school and the Licensee to allow the school to acquit funding annually.”*

The EOI must be open for a minimum of 10 business days. At a minimum it should be advertised on your school’s website. Please let the OSHC Central team ([oshc.central@education.vic.gov.au](mailto:oshc.central@education.vic.gov.au)) know when your advertisement has gone up and provide a link. To attract quality providers, you may also wish to:

* advertise elsewhere (e.g. local newspapers)
* directly canvass providers (a list of providers interested in receiving EOIs can be found [here](https://edugate.eduweb.vic.gov.au/edrms/website/PAL/oshc-decision-making-list-third-party-providers.docx). If you are concerned that you may not be able to find a provider, contact the OSHC Central Team).

### B. SELECTING A PROVIDER

Third party providers can operate under various ownership structures such as community based, not-for-profit or for-profit private entities.

School Councils may discuss the third party provider selection process with a potential bidder without being legally obliged to select that bidder.

When selecting a third-party provider, the School Council will need to:

* ensure that the preferred provider holds provider approval under the Education and Care Services National Law Act or has the ability to receive this prior to Term 1, 2023. It can take up to 60 days from a complete application for a new provider to receive approval, so this application should be submitted as soon as possible. Without this approval, they will not be able to operate a service, and should not be selected unless they have demonstrated that this process is underway and will be completed prior to Term 1, 2023. You can check their approval status by asking the provider for evidence and/or by searching for the provider’s name or number on the [ACECQA National Register](https://www.acecqa.gov.au/resources/national-registers). Note that regulatory approval for a new provider can take up to 60 days from a complete application.
* consider the quality of the EOI applications (it is recommended that you develop objective, transparent and consistent evaluation criteria against which to assess applicants). We recommend you use the [EOI Assessment Matrix template](https://edugate.eduweb.vic.gov.au/edrms/PD/PT/A5%20Evaluation%20Matrix%20v1.xls) to assist.
* consider the providers’ understanding of local context and ability to provide localised support
* consider the rating of the services delivered by the providers\*

\* Note that all education and care services under the National Quality Framework are assessed against the National Quality Standards, the National Law and Regulations. Information on the ratings is available on the [Department's website](https://www.education.vic.gov.au/childhood/providers/regulation/Pages/assessrating.aspx).

### C. COMPLETING A LICENCE AGREEMENT

The [Licence Agreement Template](https://edugate.eduweb.vic.gov.au/edrms/website/PAL/oshc-decision-making-licence-agreement-template.docx) should be attached to EOI when releasing the opportunity to the market as potential bidders will need to know the basis of their engagement if they are successful in the process.  **If a third party provider provides a different agreement template, you should advise** [**oshc.central@education.vic.gov.au**](mailto:oshc.central@education.vic.gov.au) **and** [**legal.services@education.vic.gov.au**](mailto:legal.services@education.vic.gov.au) **if this occurs and seek advice on what is the most appropriate document to use.**

Following the evaluation process, the shortlisted bidder needs to be recommended for school’s council approval, once approved the School Council and the provider will need to execute the licence agreement.

For more information about evaluating bids and contracting process, please contact schools procurement branch ([schools.procurement@education.vic.gov.au](mailto:schools.procurement@education.vic.gov.au)).

The Licence Agreement stipulates that responsibility for the operation of the service and compliance lies with the third party (registered as the approved provider). However, the school council has the responsibility of monitoring the operation of the third-party service (see pg. 15) and compliance with conditions on the licence.

If the service would not be financially viable without the grant, we recommend that you set the licence fee as “$1 per annum, payable on demand”. At the conclusion of the term of the licence, this amount can be reviewed.

We strongly recommend you set the term of the agreement to be 2 years (the lifetime of the grant funding for Round 3) with the option of 1 additional year. A school may not initiate a Licence with a period of longer than five years.

When executing the Licence Agreement, the provider should sign the agreement first. Signatures should be signed electronically and emailed, so a record is kept. The email is a record of the date the contract was signed, and both the school and provider must retain copies.

The following arrangements should be agreed upon regarding the transfer of funding from the school to the provider:

* As part of the initial partnership meeting with the third party provider and the school (a sample agenda is provided) you will need to agree about the funding to be paid from the school to the third party provider per Schedule 5 of the Licence Agreement.
* The school and third party provider should come to an agreement about both the total amount of funding to be made available to the provider, and the expenditure categories of the funding (sub-limits).
* The expenditure categories in Schedule 5 must match the categories in the initial grant application.
* The school is not required to provide 100% of the funding to the approved provider, as it may be preferred for the school to directly incur certain expenses, i.e. the school could decide to directly purchase equipment or materials, or retain a portion of the funding for maintenance or utilities
* The principal must give approval for specific purchases that the provider intends to make with the grant funding.
* Schools will be expected to pay the third party provider monthly in arrears based on approved expenses incurred. Third party providers will be expected to provide evidence of expenditure, such as receipts, invoices, contracts or PAYG summaries to support their monthly claim for reimbursement.

Any queries about these arrangements should be directed to [oshc.central@education.vic.gov.au](mailto:oshc.central@education.vic.gov.au).

### D. ESTABLISHING A MEMORANDUM OF UNDERSTANDING

It is advised that you also establish a Memorandum of Understanding (MoU) between your School Council and the provider. A [template MoU](https://edugate.eduweb.vic.gov.au/edrms/website/PAL/oshc-decision-making-mou-template.docx) has been provided to support you in this.

The MoU will complement the licence agreement and set out shared aims, principles for corporation and operational arrangements in further detail. Having an MoU in place supports you to establish clear roles and set clear expectations with the provider and minimise the likelihood of disputes. Establishing and maintaining a strong channel of communication with your OSHC provider is critical to the success of the OSHC program.

See pg. 7 for advice on initiating a partnership meeting, where elements of the MoU can be discussed.

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## Facilitating Service Approval

The provider is responsible for gaining two approvals from the Regulatory Authority, Quality Assessment and Regulation Division (QARD), prior to the OSHC service commencing:

* provider approval
* service approval.

These applications must be lodged via the [National Quality Agenda IT System](https://www.acecqa.gov.au/resources/national-quality-agenda-it-system). Providers should also apply for Child Care Subsidy so that OSHC fees can be subsidised by the Commonwealth to a lower out of pocket parent expense. In almost all cases, the provider will already hold provider approval, and will only need to apply for service approval.

### KEY ACTIONS

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| * **Ensure that the third party provider has obtained provider approval\* to operate an OSHC service** (see pg. 6 for more detail) or has taken steps to obtain this approval. In almost all cases, the provider will hold this approval already. * **Support the third party provider to complete an application for service approval\* to operate the service at your school,** directing them to the [National Quality Agenda IT System](https://www.acecqa.gov.au/resources/national-quality-agenda-it-system) (form SA01) if necessary (see below for more detail)   Note that this approval takes up to 90 days and that as soon as the application has been submitted you should commence advertising for the service   * **Encourage the third party provider to apply for Child Care Subsidy** (see below for more detail) as soon as possible |

\* The National Quality Agenda IT System (NQAITS) is provided by the Australian Children’s Education & Care Quality Authority (ACECQA).

ACECQA are not the Regulatory Authority, and queries about applications should be sent to QARD ([licensed.childrens.services@education.vic.gov.au](mailto:licensed.childrens.services@education.vic.gov.au) OR 1300 307 415.

Note that once an application is submitted, QARD can provide advice to the applying provider and may only be able to provide general information to the school.

### A. SERVICE APPROVAL

You should support the third party provider to complete the service approval application process by:

* providing details and support necessary for the OSHC provider to complete their service approval application via the National Quality Agenda IT System (see application details below)
* arranging access for the third party provider to examine the potential spaces and set up where it is reasonable to do so
* enabling QARD as the Regulatory Authority access to the space if pre-approval service visit is required for the service approval.

**APPLICATION DETAILS**

To apply for service approval the provider will need include details on the compliance with National Regulations.\* You can support the provider in their application by providing them with:

* plans showing the areas within the school that will be used (indoor and outdoor) and measurements of these spaces (noting that you can download plans of your school from [SAMS](https://edugate.eduweb.vic.gov.au/sc/sites/Infonline/Policies%20Guidelines%20and%20Procedures/Guidelines%20for%20using%20the%20SAMS%20interactive%20PDF%20tool%20V3.dotx) and/or these details can be obtained from the school’s cleaning register)
* A document evidencing the right of the provider to occupy: if the fully signed and executed licence agreement has not been fully executed, you can providea statement that the third party provider has the right to occupy and use the premises

**SUMMARY OF THE NATIONAL REGULATIONS**

OSHC services are required to meet National Regulations. Key requirements include ensuring that:

* there is 3.25 m2 of unencumbered indoor space available per child, with adequate heating, cooling, ventilation, natural light
* there is 7 m2 of outdoor space available per child with adequate shade and allowing children to explore the natural environment
* the service (and furniture) is arranged so that the educator has line of sight and ability to supervise all the children in care
* the premises, furniture and equipment are clean and safe
* there is appropriate and adequate toilet and hygiene facilities
* there is sufficient play equipment, considering the number and age of children in attendance (noting that if the service enrolments increase, additional equipment must be purchased)
* there is private space (separate from the spaces used to look after children) for general administrative work and confidential discussions between staff and/or with parents
* hard copy or digital records are kept securely for both enrolled children and staff (including those working with children and in roles of responsibility) and only released to authorised persons)

Third party providers are also required to meet [Food Safety Standards](https://www.foodstandards.gov.au/industry/safetystandards/pages/default.aspx) in areas where food is being prepared.

Further information is available on the:

* regulation and quality assessment of OSHC on the [Department’s website](https://www.education.vic.gov.au/childhood/providers/regulation/Pages/outsidehours.aspx)
* National Regulations on [ACECQA’s website](https://www.acecqa.gov.au/nqf/national-law-regulations/national-regulations).

### B. CHILD CARE SUBSIDY

The provider will likely also apply for the Child Care Subsidy (CSS) as part of their process to establish the service. It is recommended that you check in with the provider to ensure this has been completed.

The CCS is a payment made by the Commonwealth's [Department of Education, Skills and Employment](https://www.education.gov.au/child-care-subsidy-0) on behalf of eligible families who are utilising an approved education and care service. This payment is income tested and is usually paid directly to the OSHC service to reduce the out-of-pocket-fees for these eligible families.

### C. SUPPORT

For additional support facilitating service approvals please direct the provider to contact:

* [nqaits@acecqa.gov.au](mailto:nqaits@acecqa.gov.au) OR 1300 667 319 - for technical issues with National Quality Agenda IT System.
* [licensed.childrens.services@education.vic.gov.au](mailto:licensed.childrens.services@education.vic.gov.au) OR 1300 307 415 – for enquiries about the progress with applications.
* [oshc.central@education.vic.gov.au](mailto:oshc.central@education.vic.gov.au) for general queries and advice.

## Communicating with parents/carers

Promoting the OSHC program is a shared responsibility between the school and the third party provider. It is important that you work with your third party provider to communicate effectively with parents/carers. Communicating with parents/carers as early as possible will maximise service uptake.

### KEY ACTIONS

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| * **Work with the third party provider to communicate with parents/carers about the commencement of an OSHC service** and the process for enrolment   *Communication should commence as soon as the service approval application has been lodged. This can take place via a range of communication channels (e.g. newsletters, school website, physical notice boards, parent-teacher interviews, orientation days, major school events etc.)*   * **Work with the third party provider to ensure that school staff who regularly respond to parent enquiries have key information** **to address likely questions about the service** (e.g. details about operations, fees, the enrolment etc.) * **Work with the third party provider to ensure an enrolment form is available to all parents/carers**   Note that the third party provider is responsible for processing enrolments, however, the School Council should ensure that consent is sought and approved before releasing any information about students to the provider   * **Ensure that the third party provider delivers an information pack to the parents/ carers** of enrolled children, prior to them attending the service (see pg. 12) * **Ensure that the third party provider has a clear complaints process in place and that this is referenced in the information pack**   *Note that if a complaint relates to a breach of the National Regulations, or to a risk to the safety, health and wellbeing of a child, the provider must notify the Regulatory Authority. Contact the Regulatory Authority (QARD) on 1300 307 415 if unsure of any notification is required* |

### A. COMMUNICATION WITH PARENTS/CARERS

It is a shared responsibility of the third party provider AND the School Council to work towards creating a viable OSHC service throughout the grant funding period.

A critical step in creating a viable service is promotion of the OSHC program to existing and new families within the school. To boost enrolments the School Council and third party provider may also consider partnerships with other local schools.

### B. ENROLMENT FORMS

The third party provider is responsible for processing enrolments. However, you should review the OSHC enrolment form to ensure that the third party provider seeks **consent from parents/carers to share information held by the school with the OSHC service, for example medical records etc.** You can also review the enrolment form, which should seek:

* personal information about the child/ren
* information about the parents/carers, including other individuals authorised to collect children
* any relevant court orders or agreements pertaining to the child/ren
* relevant medical and/or care requirements
* information related to the background, language, and interests of the child/ren
* information required to enable Child Care Subsidy claims
* the nature of the enrolment (permanent or casual, which days and times the child will attend).

For further information about the requirements of enrolment records can be found in in Regulations 160-162 of the  [Education and Care Services National Regulations](https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653#ch.4-pt.4.7-div.1-sdiv.1).

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### C. PARENT/CARER INFORMATION PACK

You should ensure that the third party provider supplies an information pack/parent handbook for enrolled students. This pack may include:

* relevant policies and procedures, including those related to the payment of fees, pick up and drop off, complaints management etc.
* requirements for children in attendance, (e.g. food provided etc.)
* COVID safe requirements of the service, including parental access to the service, requirements regarding child illness during service etc.

Please note that the third party provider will need to make all policies and procedures available to parents/carers upon request and best practice is for services to consult the School Council and users in the development and review of these documents.

## Grant funding and ongoing responsibilities

The Principal is responsible for ensuring that ongoing grant expenditure is in line with the proposed budget included with the application for the grant.

The School Council has responsibility for a number of ongoing actions to manage the licence agreement and monitor the OSHC Service.

### KEY ACTIONS

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| * **Ensure that ongoing grant expenditure is in line with the budget included with the application for the grant** * **Provide ongoing management of the licence agreement with the third party provider,** including monitoring: * compliance with the National Law and terms of the licence agreement * the providers engagement with students and families and response to the needs of the community * the development and implementation of Quality Improvement Plans (see pg. 15 for further detail) * Pass complaints relating to the service onto the third party provider |

### A. ONGOING SCHOOL COUNCIL RESPONSIBILITIES

Whilst the school has chosen to outsource the delivery of the OSHC program to a third-party provider, that does not mean the School Council, represented by the Principal, no longer has any responsibilities with respect to the delivery of the OSHC program.

The school should provide ongoing monitoring of the quality of the service to ensure that it meets the expectations and needs of the school community. This monitoring and oversight can be enacted through:

* regular meetings with the third party provider
* requests for information, such as enrolment and attendance numbers
* results of parent feedback surveys etc.

**COMPLAINTS**

If the school receives complaints from parents/carers about the service, these complaints must be passed on to the third party provider to manage. If there is a pattern of complaints or the third party provider fails to respond to the complaints appropriately, the school is encouraged to call a formal meeting to discuss the issues.

**TERMINATING THE LICENCE AGREEMENT**

If the third party provider does not comply with its requirements under the Licence Agreement, the school should follow the procedures outlined in the Agreement with regard to defaults and termination of the Agreement.

However, in order for another third party provider to operate the service, a new EOI process would need to take place. An EOI is not required if the school council makes a decision to take on the operation of the service.

If your school intends to terminate an agreement, please contact [oshc.central@education.vic.gov.au](mailto:oshc.central@education.vic.gov.au) as soon as possible and we will provide support during the process.

When the new third party provider has been decided, the service must be transferred to that new provider, noting that in the case of a school council, they would need to hold or apply for provider approval under the National Law.

If a new third party provider is appointed, a notification of transfers should be notified to the Regulatory Authority by the new provider 42 days prior to the new third party provider intending to commence, but a shorter timeframe can be considered if necessary. Should this be required, or the outgoing third party provider refuses to consent to transfer, contact QARD as soon as possible on 1300 307 415 and they can assist.

### B. QUALITY IMPROVEMENT PLAN

National Regulations require preparation of a Quality Improvement Plan (QIP) for the service within three months of being granted service approval. The QIP helps a service self-assess performance in delivering high quality education and care and to plan future improvements. Once developed, the QIP must be reviewed at least annually.

Feedback from the school community provides useful information for development and review of the QIP, so it is strongly recommended that children, families, and the community are all involved in the assessment and ongoing review of the QIP.

### C. GRANT EXPENDITURE

The principal should ensure that expenditure is kept in line with the budget submitted through the grant application (note that if there is an underspend against this budget, additional expenditure within the same category is allowed).

If the third party provider makes a purchase for reimbursement from grant funding, the items purchased:

* + should be made available to the third party provider for use in delivering the OSHC service
  + remain the property of the school
* Schools are required to acquit expenses yearly and provide evidence of the expenditure that supported the establishment and delivery of the program.
* Successful schools will receive a sample acquittal form that will show what information needs to be reported as part of this process.