



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

Information to be included with an application for provider approval by individual



Education and Care Services National Regulation

PART 2.1—PROVIDER APPROVALS

Regulation 14 - Application for provider approval by individual

An application for a provider approval made by an individual under section 10 of the Law must include the following information—

- (a) the applicant's full name, and any former or other name the applicant may be known by;
- (b) the applicant's residential address and contact details;
- (c) the applicant's date and place of birth;
- (d) proof of the applicant's identity;
- (e) a previous service statement made by the applicant;
- (f) if the participating jurisdiction has a working with children law—
 - (i) if held by the applicant—a copy of the applicant's current working with children card or working with children check; or
 - (ii) if the applicant is a teacher registered under an education law of that jurisdiction, proof of the current registration under that law; or
 - (iii) in the case of an application to the New South Wales Regulatory Authority, a consent for the Regulatory Authority to obtain a working with children check in relation to the person;
- (g) except in the case of an application to the Queensland Regulatory Authority—
 - (i) a copy of the applicant's current working with vulnerable people check; or
 - (ii) a criminal history record check in respect of the applicant issued not more than 6 months before the date of the application;
- (h) a criminal history statement made by the applicant in relation to the period from the date on which the criminal history record check was issued to the date of the application;
 - (i) if the applicant lived and worked outside Australia at any time within the previous 3 years, an overseas criminal history statement made by the applicant;
- (j) a disciplinary proceedings statement made by the applicant;
- (k) a bankruptcy declaration made by the applicant.

Note If there is more than one applicant, the prescribed information must be provided in respect of each applicant—see section 10(3) of the Law.



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

Information to be included with an application for provider approval by person other than an individual



Education and Care Services National Regulation

PART 2.1—PROVIDER APPROVALS

Regulation 15 - Application for provider approval by person other than an individual

An application for a provider approval made by a person other than an individual under section 10 of the Law must include the following information—

- (a) the applicant's name and any trading or other name used by the applicant;
- (b) the applicant's street address and postal address or, if there is more than one address, the street address and postal address of the applicant's principal office;
- (c) the name and contact details of the contact person for the purposes of the application;
- (d) documentary evidence of the legal status of the applicant and its constitution;
Example *The partnership agreement for a partnership.*
- (e) a financial declaration regarding the applicant;
- (f) for each individual who will be a person with management or control of an education and care service to be operated by the applicant, the information set out in regulation 14.

Note If there is more than one applicant, the prescribed information must be provided in respect of each applicant — see section 10(3) of the Law.



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

Information to be included in application for service approval



Education and Care Services National Regulation PART 2.2—SERVICE APPROVALS Division 1—Applications for service approvals 24 Application for service approval—centre-based service

An application under section 43 of the Law for a service approval for a centre-based service must include the following information—

- (a) the applicant's full name and—
 - (i) provider approval number; or
 - (ii) if the applicant has applied for a provider approval but the application has not been decided, the applicant's contact details;
- (b) the name of the proposed education and care service;
- (c) the proposed date on which the education and care service will commence operation;
- (d) if known, the contact details, including an after-hours telephone number, for the proposed education and care service;
- (e) the proposed ages of children to be educated and cared for by the education and care service;
- (f) the proposed maximum number of children to be educated and cared for by the education and care service;
- (g) the proposed hours and days of operation of the education and care service;
- (h) a description of the nature of the education and care service;
- (i) the details of any associated children's service for which approval is sought;
- (j) a statement that the applicant has prepared the policies and procedures referred to in regulation 168;
- (k) in relation to the certified supervisor nominated to be the nominated supervisor—
 - (i) the full name and contact details, including after-hours telephone number, of the certified supervisor; and
 - (ii) the supervisor certificate number of the certified supervisor, unless the applicant is nominated to be the nominated supervisor and has applied for a supervisor certificate but the application has not been decided.

Note The application must include the certified supervisor's written consent to the nomination — see section 44(1)(d) of the Law.



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

Additional information about proposed service premises



As part of the transition to the National Quality Framework the Education and Care Services National Law 2010 section 43 requires an application for service approval to be lodged. The information required under that application is detailed under regulation 24 of the Education and Care Services National Regulations.

In addition to the information referred to in regulation 24, an application for service approval for a centre-based service must include the following information about the proposed education and care service premises—

- (a) the location and street address of the proposed education and care service premises;
- (b) plans prepared by a building practitioner of the proposed education and care service premises showing the following—
 - (i) the location of all buildings, structures, outdoor play areas and shaded areas;
 - (ii) the location of all entries and exits;
 - (iii) the location of all fences and gates, specifying the type of fence or gate used or to be used;
 - (iv) the location of toilet and washing facilities, nappy changing areas and any food preparation areas;
 - (v) the boundaries of the premises;
 - (vi) the landscape of, or landscaping plans for, outdoor spaces that will be used by the education and care service, specifying the natural environments that are or will be provided;
 - (vii) a floor plan indicating unencumbered indoor and outdoor spaces suitable for children;
 - (viii) the location of any associated children's service;
 - (ix) calculations, carried out by a building practitioner, of the areas referred to in regulations 107 and 108 relating to unencumbered indoor and outdoor space;
 - (x) the elevation plans of the premises;
- (c) if a swimming pool or other water hazard is situated on the proposed education and care service premises, a copy of the service's proposed water safety policy;
- (d) one of the following—
 - (i) a soil assessment for the site of the proposed education and care service premises;
 - (ii) if a soil assessment for the site of the proposed education and care service premises has previously been undertaken, a statement to that effect, specifying when the soil assessment was undertaken;
 - (iii) a statement made by the applicant that states that, to the best of the applicant's knowledge the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children;
- (e) a copy of the planning permit for the proposed education and care service premises if a planning permit is required under the planning and development law of the participating jurisdiction;
- (f) a statement that the applicant has the right to occupy and use the premises and any document evidencing this;
Example A lease of the premises.
- (g) unless the education and care service premises is a government or registered school, either—
 - (i) a copy of any occupancy permit, certificate of final inspection, building certificate, certificate of classification or building surveyor's statement issued or given in respect of the final construction and fit out of the education and care service premises; or
 - (ii) a statement made by a building practitioner that states that the education and care service premises complies with building requirements under a building law or planning and development law of the participating jurisdiction.



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

Information to be included with an application for supervisor certificate



Education and Care Services National Regulation

PART 2.3—SUPERVISOR CERTIFICATES

Division 1—Applications for supervisor certificates

Regulation 46 - Application for supervisor certificate

- (1) Subject to subregulation (2), an application under section 106 of the Law for a supervisor certificate must include the following information—
- (a) the applicant's full name, and any former name or other name the applicant may be known by;
 - (b) the applicant's residential address and contact details;
 - (c) proof of the applicant's identity;
 - (d) proof that the applicant is aged 18 years or over;
 - (e) details of the applicant's relevant skills, experience, training and qualifications, including—
 - (i) evidence of the applicant's training and qualifications; and
 - (ii) details of how the applicant meets the minimum requirements set out in regulation 47;
 - (f) the following—
 - (i) if the applicant holds a current working with children check, working with children card or working with vulnerable people check, a copy of the check or card; or
 - (ii) if the applicant is a teacher registered under an education law of a participating jurisdiction, proof of current registration under that law; or
 - (iii) in the case of an application to the New South Wales Regulatory Authority, a consent for the Regulatory Authority to obtain a working with children check in relation to the applicant; or
 - (iv) in any other case—
 - (A) a criminal history record check issued not more than 6 months before the date of the application; and
 - (B) a criminal history statement made by the applicant in relation to the period after the date on which the criminal history record check was issued and ending on the date of the application; and
 - (C) if the individual lived and worked outside Australia at any time within the previous 3 years, an overseas convictions statement about the applicant; and
 - (D) a disciplinary proceedings statement regarding the applicant.
- (2) An application under section 106 of the Law for a supervisor certificate made by an individual who is an approved provider or a person with management and control of an education and care service must include the following information—
- (a) the applicant's full name;
 - (b) the provider approval number;
 - (c) the applicant's contact details;
 - (d) proof that the applicant is aged 18 years or over;
 - (e) details of the applicant's relevant skills, experience, training and qualifications, including—
 - (i) evidence of the applicant's training and qualifications; and
 - (ii) details of how the applicant meets the minimum requirements set out in regulation 47.



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

Site inspection as part of service approval

As part of the transition to the National Quality Framework OSHC services operational prior to 1 January 2012 are deemed to hold a service approval under the Education and Care Services National Law Act 2010 for the period 1 January 2012 to 30 June 2012 during which time an application for service approval must be lodged.

As part of the assessment of the application for service approval a site inspection will be conducted by Regulatory Authority officers in order to ascertain compliance with the Education and Care Services National Regulations in relation to Physical Environment Part 4.3 Division 1 – Centre-based services and family day care services and Division 2 – Additional requirements for centre-based services.

The regulatory requirements that will be checked by the officer are;

■ Regulation 103	Premises, furniture and equipment to be safe, clean and in good repair
(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	
■ Regulation 105	Furniture, materials and equipment
The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.	
■ Regulation 106	Laundry and hygiene facilities
(1) The approved provider of an education and care service must ensure that the service has— (a) laundry facilities or access to laundry facilities; or (b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering—that are adequate and appropriate for the needs of the service.	
(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.	
■ Regulation 108	Space requirements – outdoor space
(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.	
(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded— (a) any pathway or thoroughfare, except where used by children as part of the education and care program; (b) any car parking area; (c) any storage shed or other storage area; (d) any other space that is not suitable for children.	
(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.	
(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if— (a) the Regulatory Authority has given written approval; and (b) that indoor space has not been included in calculating the indoor space under regulation 107.	
■ Regulation 109	Toilet and hygiene facilities
The approved provider of an education and care service must ensure that— (a) adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	

■ Regulation 110	<i>Ventilation and natural light</i>
The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises—	
<ul style="list-style-type: none"> (a) are well ventilated; and (b) have adequate natural light; and (c) are maintained at a temperature that ensures the safety and wellbeing of children 	
■ Regulation 111	<i>Administrative space</i>
The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—	
<ul style="list-style-type: none"> (a) conducting the administrative functions of the service; and (b) consulting with parents of children; and (c) conducting private conversations. 	
■ Regulation 112	<i>Nappy change facilities</i>
(1) This regulation applies if a centre-based service educates and cares for children who wear nappies.	
(2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.	
(3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided—	
<ul style="list-style-type: none"> (b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area. 	
(4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.	
■ Regulation 113	<i>Outdoor space—natural environment</i>
The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.	

As part of the transition to the National Quality Framework the Education and Care Services National Regulations requires an application lodged for service approval under regulation 24 include under 24(j) a statement that the applicant has prepared the policies and procedures referred to in the regulation 168, as detailed below;

Regulation 168 - Education and care service must have policies and procedures

- (1) The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in subregulation (2).
- Note** *These may include policies and procedures prepared by the approved provider in accordance with an education law of the participating jurisdiction.*
- (2) Policies and procedures are required in relation to the following—
- (a) health and safety, including matters relating to—
 - (i) nutrition, food and beverages, dietary requirements; and
 - (ii) sun protection; and
 - (iii) water safety, including safety during any water-based activities; and
 - (iv) the administration of first aid;
 - (b) incident, injury, trauma and illness procedures complying with regulation 85;
 - (c) dealing with infectious diseases, including procedures complying with regulation 88;
 - (d) dealing with medical conditions in children, including the matters set out in regulation 90;
 - (e) emergency and evacuation, including the matters set out in regulation 97;
 - (f) delivery of children to, and collection of children from, education and care service premises, including procedures complying with regulation 99;
 - (g) excursions, including procedures complying with regulations 100 to 102;
 - (h) providing a child safe environment;
 - (i) staffing, including—
 - (i) a code of conduct for staff members; and
 - (ii) determining the responsible person present at the service; and
 - (iii) the participation of volunteers and students on practicum placements;
 - (j) interactions with children, including the matters set out in regulations 155 and 156;
 - (k) enrolment and orientation;
 - (l) governance and management of the service, including confidentiality of records;
 - (m) the acceptance and refusal of authorisations;
 - (n) payment of fees and provision of a statement of fees charged by the education and care service;
 - (o) dealing with complaints.

Service policies and procedures will be checked at the time of the physical environment inspection to ensure that the provider has the prescribed policies and procedures as required by regulation 168(2).



Moving to the National Quality Framework: existing outside school hours care services in NSW

The Australian and New South Wales Governments are working together to ensure that for existing centre-based outside school hours care (OSHC) services in NSW the move to the National Quality Framework is as seamless as possible.

From 1 January 2012 OSHC services in NSW will be regulated by the NSW Government for the first time, under the National Quality Framework.* The Framework is made up of the Education and Care Services National Law and Regulations.

There are special provisions to help existing OSHC services, and the individuals and organisations that operate them, transition to the National Quality Framework.

Approvals

From 1 January 2012 until at least 30 June 2012 any existing OSHC service and the individual or organisation that provides it will be treated as having the approvals required by the National Law. If the provider lodges an application for an actual provider approval and service approval by 30 June 2012, the provider

will continue to be treated as having the required approvals until the applications are decided.

To help manage the large number of OSHC applications, the Department of Education and Communities (the National Quality Framework regulatory authority in NSW), will be inviting applications and processing them in stages between February 2011 and September 2012, according to the region in which the services are located.

Each provider will receive a letter from the Department advising which region their service is in and the date by which their applications should be lodged.

The National Regulations set out what information must be in an application. The National Regulations also say what application fees must be paid.

Providers of existing OSHC services are exempt from the application fee for a provider approval, but will need to pay the application fee for a service approval.

Once the applications have been received, the Department will schedule a visit to the service.

In preparation for the application process, providers of OSHC services should familiarise themselves with the requirements set out in the National Regulations.

Requirements relating to service premises

The National Regulations include requirements about a service's premises. However, an existing OSHC service in NSW which does not meet requirements about the matters listed below before 1 January 2012 will **not** have to do so until the service's premises are renovated or the service approval is transferred:

- fencing and security
- the amount of indoor space that a service must have
- shade in outdoor spaces
- the design of premises facilitating supervision.

*The National Law and Regulations refer to services which are not regulated on 31 December 2011 under state or territory legislation as *declared out of scope services*. In NSW, outside school hours care services are declared out of scope services.



Under the National Regulations 'renovation' of premises is:

- construction, demolition, removal or relocation of a building or other fixed structure (or part of a building or other fixed structure); or
- carrying out structural alterations on a building or other fixed structure.

For the purposes of assessment and rating, a service which does not have to comply with one of these requirements will be rated as 'Meeting National Quality Standard' in respect of the relevant elements of the National Quality Standard until 31 December 2015, or the premises are renovated or the service approval is transferred, whichever is the earlier.

Ratio and qualifications

Under the National Law there are no educator to child ratio requirements in relation to children over preschool age in NSW centre-based services.

However, all providers and nominated supervisors of services must ensure that children at the services are adequately supervised at all times.

There are requirements in the National Regulations about the qualifications for general educators and for early childhood teachers at centre-based services. However:

- the general educator qualification requirements only apply to a service which provides education and care for children who are preschool age or under; and
- the early childhood teacher requirements do not apply to services which mainly provide education and care to children over preschool age.

If an OSHC service is educating and caring for a child who is preschool age or under, the service must comply with all requirements of the National Regulations that apply in respect of children in this age group.

Providers of family day care services which care for children over preschool age should refer to the NSW family day care services information sheet for information about ratios and qualifications.

Where can I get more information?

More information is available at:

W: www.det.nsw.edu.au/what-we-offer/early-childhood-education-and-care

E: cslicensing@dhs.nsw.gov.au

P: 1800 619 113 or 02 9716 2100



MOVING TO THE NATIONAL QUALITY FRAMEWORK:

OSHC questions from National Regulations Information Sessions October / November 2011



How will the Department of Education and Communities manage the role of assessing OSHC services against the National Quality Standard?

Mandatory competency based training in the assessment process for all the Department's assessment and compliance officers will bring reliability and validity to the assessment process and is scheduled nationally in the first quarter of next year.

Can children under school age attend an OSHC service?

Children who are preschool age or under may attend an OSHC service, however when those children are in attendance the OSHC service must meet the requirements that apply to services educating and caring for children who are preschool age or under.

Can one person be the nominated supervisor for several OSHC services?

Yes, one person can be the nominated supervisor for more than one service. However, the Department of Education and Communities encourages people who are thinking of being the nominated supervisor of several services to consider the obligations the nominated supervisor has under the National Law and Regulations. These obligations apply even if the nominated supervisor is not physically present at the service and need to be taken seriously.

As the provider of an OSHC service how do I nominate someone to be the nominated supervisor of the service?

In the application for service approval, the approved provider must nominate a person with a supervisor certificate (or a person who has lodged an application for a supervisor certificate) to be the nominated supervisor of the service.

The application must include that person's written consent to the nomination.

Do OSHC services have to meet the indoor/outdoor space requirements?

If on 31 December 2011 an OSHC service does not meet the indoor space requirements set out in regulation 107 then the regulation does not apply until the service premises are renovated or the service approval is transferred.

OSHC services must meet the outdoor space requirements set out in regulation 108 from 1 January 2012. Where a service is unable to meet outdoor space requirements, the approved provider of the service can apply to the Department of Education and Communities for a temporary or service waiver in relation to the requirement.

If a provider is running multiple service types from the one premises, is more than one nominated supervisor required?

An approved provider must nominate a nominated supervisor for each individual approved service the provider operates. If the provider operates multiple service types but they are a single 'approved service' then the provider only needs to nominate one nominated supervisor for that service.

Does the National Law apply to OSHC services between 1 January 2012 and 30 June 2012?

Yes. Outside school hours care services must comply with the requirements of the National Law and Regulations which apply to them from 1 January 2012. There are some transitional arrangements in place to assist OSHC services in regards to approvals and physical environment.

Can the educational leader and the nominated supervisor at the service be the same person?

Yes. One person can be both the nominated supervisor and the educational leader at a service.

Is the nominated supervisor for an OSHC service required to have a qualification?

A nominated supervisor must have a supervisor certificate. To be eligible to receive a supervisor certificate, you must:

- be 18 years old or older; and
- be a fit and proper person; and
- have adequate knowledge and understanding of the provision of education and care to children; and
- have the ability to effectively supervise and manage an education and care service; and
- have at least one of the following:
 - at least three years experience working as an educator in an education and care service, or a children's service, or a school, or in a service regulated under a former education and care services law; or
 - an approved diploma level education and care qualification; or
 - an approved early childhood teaching qualification.

These requirements are set out in more detail in section 108 of the *Education and Care Services National Law* and regulation 47 of the *Education and Care Services National Regulations*.

The Australian Children's Education and Care Quality Authority (ACECQA) is responsible for publishing a list of approved diploma-level and early childhood teaching qualifications. Once finalised, the list will be available on the ACECQA website at www.acecqa.gov.au.

If you intend to be the nominated supervisor of, or placed in day to day charge of, an education and care service which primarily educates and cares for children over preschool age, you do not need to have three years experience or an approved qualification. However, if you do not have three years experience or an approved qualification and you are granted a supervisor certificate, it will be subject to the condition that you can only be the nominated supervisor of, or placed in day to day charge of, a service which primarily educates and cares for children over preschool age.

Do OSHC services' staff need to apply for supervisor certificates now?

No. Supervisors at existing OSHC services will be invited to submit any applications for supervisor certificates at the same time as the provider is invited to submit applications for service and provider approvals.

Are educators at OSHC services required to have qualifications?

No, there are currently no agreed national requirements for qualifications and ratios for services caring for children over preschool age.