

Education and Care Services National Regulations (2011)

Timeline and Glossary

The information provided below comes from the ACECQA website: www.acecqa.gov.au

The *Education and Care Services National Regulations (2011)* support the legislation enacting the National Quality Framework (NQF) and associated regulatory system. The regulations provide detail on a range of operational requirements for an education and care service including:

- application processes for provider approval, service approval and supervisor certificates
- setting out the rating scale
- the process for the rating and assessment of services against the National Quality Standard
- minimum requirements relating to the operation of education and care services organised around each of the seven Quality Areas
- arrangements to move existing services into the new system
- the range of transaction fees applicable to an education and care service.

In **Victoria**, the **Department of Education and Early Childhood Development is the new Regulatory Authority** responsible for administering the National Quality Framework, including approving, monitoring and quality assessing services. It will be the first point of contact for services. The Australian Children's Education and Care Quality Authority (ACECQA) will oversee the NQF nationally and ensure the consistent and effective implementation of the new system.

Licensed services covered by the new National Regulations include:

- Long Day Care Services
- Outside School Hours Care Services
- Preschools (Kindergartens) and
- Family Day Care Services.

Other licenced children's services (in Victoria) will continue to operate under the Children's Services Act 1996 and Children's Services Regulations 2009.

Important Dates in 2012

January 1st 2012 – Education and Care Services National Regulations become operative

- All current **licensed services and providers will automatically transfer to the new system** and will receive an initial rating of Provisional – Not yet Assessed under the National Quality Framework.
- **New fee structure** including the introduction of an annual fee (payable by July 1st each year) commences

- **New educator/child ratios**
 - for children from **birth to 24 months** - 1 educator to 4 children (Reg123(1)(a))
 - Educator/child ratios for children **24 months to 36 months** - also 1 educator to 4 children – (Reg 357)
 - Educator/child ratios for children **preschool age and over 36 months** remains at 1 educator to 15 children (Reg 360 – this **applies** to centre-based services in **Victoria** until **31 December 2015**)
- **Staff Qualifications**
 - In a centre-based service for preschool age children of and children over 3 years old at least 1 in every 2 of the educators included in the educator/child ratios for the service must have at least an approved Diploma level education and care qualification. (Reg 361 – this **applies** to centre-based services in **Victoria until 31 December 2013**) The ACECQA website has a list of approved qualifications
 - Educators who currently hold a qualification that was recognised under the Children’s Services Regulations 2009 (including Early Childhood, Diploma and Grandfathered Professional Development) will continue to be recognised as holding a relevant qualification. (Reg 241,243, 244 and 364)
- **Educational Leader** – must be designated in writing by the Approved Provider (see Glossary below) (Reg 118)
- **Policies** – Approved Providers should review their policies to ensure compliance with the new regulations (Reg 168-172)

April 30th 2012 – Quality Improvement Plan (QIP)

All licenced services must have their Quality Improvement Plan (QIP) completed and available on request from the Regulatory Authority (Reg 238). KPV’s Preschool Matters Term 1 2012 includes information on self-assessment and the QIP

June 2012 – First Assessment visits are expected to commence.

All services will be scheduled for an assessment between mid June 2012 and 2015 with priority being given to services which have been covered by the National Childcare Accreditation Council (NCAC) but were Not Accredited or were due for accreditation in 2011 -2012. A cross section of service types will also be scheduled for the first ratings and assessment visits. It is anticipated that these first visits will still be a trial in order to validate the process. Services will receive at least 6 weeks prior notification of the visit.

July 1st 2012- Annual service fee due

This is a new fee which all licenced services will be required to pay each year.

What Comes Next?

2013

January 1st 2013 – Universal Access policy commences

A minimum of 15 hours of preschool for 40 weeks a year is to be provided to all children in the year before formal schooling commences. This program is to be delivered by a four year university trained early childhood teacher.

2014

January 1st 2014 – Qualifications and Staffing Requirements

- At least 50% of educators must have (or be actively working towards) a diploma level education and care qualification. Other educators must have (or be actively working towards) a Certificate III level education and care qualification. However, an **unqualified** staff member who has been employed continuously since at least January 1997 as an educator in an education and care service or a children's service (and by the same provider since January 1st 2012) can continue to be included in the child staff ratios until **31st December 2015**. (Reg 240)
- New requirements for early childhood teachers in long day care services (Reg 129 – 134(1))
 - less than 25 places – must have access to an early childhood teacher for 20% of the time,
 - 25 or more on any given day and operating more than 50 hours per week – must have an early childhood teacher in attendance for at least 6 hours on that day
 - 25 or more on any given day but operating less than 50 hours per week – must have an early childhood teacher in attendance for at least 60% of the time.

2015

31 December 2015 – Qualifications

Any staff member who has not been 'grandfathered' (refer to glossary) or who does not hold, or is not actively working towards, a certificate III level education and care qualification is unable to continue as an educator or be included in the child staff ratios after 31 December 2015.

2016

January 1st 2016 – New ratios and Qualifications

- For children of **preschool age and over 3 years of age** – educator/child ratios will be 1 educator to 11 children. (Previously 1:15) (Reg 123 (1)(c))

- Staff members must have been 'grandfathered' (refer to glossary) or hold, or be actively working towards, a certificate III level education and care qualification to be able to continue as an educator or be included in the staff child ratios from 1 January 2016.

2020

January 1st 2020 – Qualified Staff

A second early childhood teacher (or suitably qualified person) will be required to be in attendance (Reg 134(b))

- For services with 60 – 80 children on a given day for at least 3 hours on that day if the service operates for 50 or more hours per week or 30% of the operating hours if the service operates for less than 50 hours per week.
- For services with more than 80 children on any given day for at least 6 hours on that day if the service operates for 50 or more hours a week or 60% of the time if the service operates less than 50 hours per week.

Glossary of New Terminology

- **ACECQA (Australian Children's Education and Care Quality Authority)** – National authority established to guide the administration of the National Quality Framework to ensure consistent implementation across all states and territories. They are governed by a Board of 13 members consisting of one nominee from each state and territory, four members nominated by the Commonwealth and one independent chair.
- **Approved nominees** will become **Certified Supervisors**
- **Accepted nominees** will no longer be recognised as a responsible person.
- **Educators** – All individuals who provide education and care for children as part of an education and care service.
- **Educational/Pedagogical Leader**- A person who has been appointed by the Approved Provider to lead the development and implementation of the educational program in the service. This may be a Nominated Supervisor (who has suitable experience and qualifications), an early childhood teacher, a manager or a diploma qualified educator. There are no specific requirements for minimum qualifications, the number of hours the leader should work or if the person must work directly with children however they must have a thorough understanding of the Early Years Learning Framework (or other approved learning framework), be able to guide other educators in their planning and reflection and mentor colleagues in their implementation practices.
- **Grandfathered** – Staff who have been employed in a centre-based service as an assistant full time and continuously for a period of 5 years or part-time and continuously for 10 years immediately

preceding 25 May 2009, and who have completed recognised professional development by 31 December 2011, will continue to be recognised. (Reg 364)

- **Licensees** will become **Approved Providers** – An individual or organisation must be an Approved Provider to operate one or more education and care services. Existing services that are currently licenced do not need to apply for approval (they will be contacted by the regulatory authority about moving into the national system). New providers will need to be assessed as fit and proper by the state regulatory authority. Approved Providers can operate in any State or Territory.
- **Licensed Services** will become **Approved Services**. There are two types of service approval – **Centre based** which includes long day care, preschool (or kindergarten) and outside school hours care and **Family day care**.
- **Primary Nominees** will become **Nominated Supervisors**. Approved Providers will be required to identify the Nominated Supervisor and must ensure there is evidence of the Nominated Supervisors consent to being nominated. The Nominated Supervisor will be required to hold a Supervisor Certificate and will be responsible for the day-to-day management of an Approved Service.
- **Responsible person** – A responsible person must be physically present at the service at all times that an Approved Service operates and can be the Approved Provider, Nominated Supervisor or Certified Supervisor placed in day-to-day charge of the approved service. This term only applies to centre based services. The name and position of the Responsible Person in charge of the service at any given time must be displayed in a place where it is clearly visible to anyone from the main entrance to the service.
- **Supervisor Certificate** – personal approval of an individual. Is not attached to a particular service. A person who has been granted a Supervisor Certificate does not need to reapply and the certificate is recognised in all states and territories. An individual who holds a Supervisor Certificate is eligible to be a Nominated Supervisor or to be placed in day-to-day charge when the Approved Provider or Nominated Supervisor is not physically present at the service.

Resources:

- The Australian Children’s Education and Care Quality Authority (ACECQA) provides a range of useful resources on their website including copies of the new legislation. They can be downloaded from: www.acecqa.gov.au
 - *Guide to the National Quality Framework*
 - *Guide to the Education and Care Services National Law and the Education and Care Services National regulations 2011*
 - *Guide to the National Quality Standard*
 - *Guide to Developing a Quality Improvement Plan*
 - *Quality Improvement Plan template*

- Information sheets and Frequently Asked Questions

- The Department of Education and Early Childhood Development website provides links to resources including information sessions and workshops on the NQF: www.deecd.vic.gov.au
- Early Childhood Australia provides some very useful newsletters on the Early Years Learning Framework which are available at: eylfplp@earlychildhood.org.au
- KPV and other sector organisations are also providing training and workshops on a variety of current topics related to the NQF. For information on what's available visit the relevant website or access KPV's training page.