

Module	<b>CHILD CARE AND EDUCATION SERVICES</b>
Jurisdictions	<b>CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT</b>

## Module Application

The CHILD CARE AND EDUCATION SERVICES module covers the regulatory mechanisms and obligations of the early childhood education and care services industry in all states and territories of Australia. The module is applicable to providers and service providers working or operating in the industry.

In Australia there is national legislation, regulations and standards which together form the National Quality Framework which governs the licensing and operation of early childhood education and care.

Actual regulation of the early childhood education and care industry is implemented by the appropriate authority in each individual state and territory who;

- › approve, licence and regulate early childhood education and care services; and
- › assess and rate providers performance against the national quality framework.

The CHILD CARE AND EDUCATION SERVICES module outlines the application and review process for licensing and accreditation of individuals and organisations seeking provider approval and service approval. Provider approval allows the individual or entity to provide child care services generally and service approval is attached to a specific education and care service;

- › provider approval is applied for in the State or Territory of usual residence or the location of the head office;
- › once granted provider approval is nationally recognised and the provider is not required to seek approval in other states or territories where they may intend to operate;
- › provider approval does not authorise the provider to establish an education and care service but it is a prerequisite to then apply for service approval;
- › an approved provider must apply for and be granted service approval for each separate service that it intends to operate.

An education and care service is defined as any service providing or intending to provide education and care on a regular basis to children under 13 years of age with exemptions applying to;

- a school providing full time education to children;
- some preschool programs which are delivered within the school system;
- a personal or family arrangement;
- a service principally conducted to provide instruction in a particular activity;
- education and care given to patients in a hospital;
- care provided under a child protection law;
- the provision of care by a disability service.

The CHILD CARE AND EDUCATION SERVICES module does not cover obligations of providers of child care and education services where these exemptions are applicable.

Child care and education services to which the national law does apply include;

- long day care services;
- family day care services;
- outside school hours services;
- preschool programs including those delivered in schools unless they are expressly excluded.

The CHILD CARE AND EDUCATION SERVICES module covers the obligations of owners, operators and employees of long day care centres, family day care centres, outside school hours services and services running preschool programs. The module covers the 7 areas of care that the National Quality Framework identifies and the obligations that are imposed;

- educational programs and practice;
- children's health and safety;
- the physical environment;
- staffing arrangements;
- relationships with children;
- collaborative partnerships with families and communities;
- leadership and service management.

The CHILD CARE AND EDUCATION SERVICES module covers approved providers developing and implementing policies and procedures and reviewing existing policies and procedures to ensure compliance with their obligations under each quality area and ensuring that any conditions of provider approval and service approval are being met. They are also obligated to ensure that the policies and procedures are understood and consistently implemented by all members of staff.

A range of sanctions can be imposed for non-compliance including financial penalties and unfavourable ratings. Ongoing failure to meet standards may result in approvals being suspended or cancelled. The CHILD CARE AND EDUCATION SERVICES module covers sanctions, notification requirements and remedial actions that can be taken. Civil liabilities may apply, particularly where the breached obligations are related to child health and safety while non-compliance with laws relating to prevention and addressing of child abuse may result in financial penalties or imprisonment.

The CHILD CARE AND EDUCATION SERVICES module covers additional obligations including some applying to particular services or specific situations of the approved provider;

- › a nominated supervisor in a service must either hold a supervisor certificate or have applied for one;
- › conditions applicable to family day care services;
- › process for the transfer of service approval;
- › applying for a temporary or ongoing service waiver;
- › suspension, surrender or cancellation of service approval;
- › assessment and ratings process;
- › addressing allegations and preventing abuse;
- › staffing requirements;
- › record keeping;
- › complaints management;
- › accreditation for the purpose of family assistance or fee reductions.

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