

National Quality Framework and Service Approvals

April 2018

Access to high quality child care is a fundamental part of modern family life. The NSW Government has introduced changes to the planning system to encourage the delivery of more and better-quality facilities.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) and the Child Care Planning Guideline streamline approvals for early education and care facilities and integrate certain physical requirements of the early education National Law and Regulations into the NSW planning system.

The changes make it easier for applicants to build nationally compliant early education and care facilities.

Introduction

This Fact Sheet explains the regulatory framework for early education and care services.

What is the National Quality Framework?

The Australian Government's National Quality Framework regulates early education and care services across Australia, and replaces previous State and Territory licensing and quality assurance processes.

The National Quality Framework consists of the *Children (Education and Care Services) National Law (NSW)*, the *Education and Care Services National Regulations*, the *National Quality Standard*, which includes quality assessments of approved services, and approved learning frameworks. The National Quality Framework contains a range of controls which regulate children's education and safety, staffing, partnerships with families and the community, as well as the physical environment and use of the child care facility. It covers the following child care services:

- long day care;
- family day care including:
 - care provided in an educator's residence; and
 - care provided at an approved venue other than a residence
- preschools such as:
 - standalone; or
 - on a school site
- out-of-school hours care
 - on school sites; and
 - off school sites.

National Quality Framework and Service Approvals

April 2018

What are the State Supplementary Provisions?

NSW regulates child care services which fall outside the National Quality Framework through the *Children (Education and Care Services) Supplementary Provisions Act 2011* and *Children (Education and Care Services) Supplementary Provisions Regulation 2012*, including:

- home based education and care services, where the care is provided by the educator as a 'sole trader';
- mobile education and care services; and
- centre-based occasional education and care service.

The Supplementary Provisions Act aligns these services with the National Quality Framework.

Who administers the National Quality Framework and the State Supplementary Provisions in NSW?

The Secretary of the NSW Department of Education is currently the Regulatory Authority in NSW for the purposes of administering the National Quality Framework and the State Supplementary Provisions. The Early Childhood Education Directorate acts on behalf of the Secretary of the Department of Education.

What is a Service Approval?

To operate an education and care service in NSW, approval is required to be a service provider and to operate a service. A Service Approval is an approval from the NSW Department of Education prior to operating an early education and care facility. A Service Approval can only be issued to an Approved Provider.

What are the pre-requisites for a Service Approval?

The requirement to apply for a Service Approval is set out in section 43 of the *Children (Education and Care Services) National Law (NSW)*. Matters to include in the application for a Service Approval for a centre-based child care facility are set out in Regulations 24 and 25 of the *Education and Care Services National Regulations*. This includes:

- details of the applicant;
- details of the proposed service, such as the name and service hours;
- the nature of care to be provided, including the age groups and maximum number of children that will attend the service; and
- information about the proposed premises, such as location and plans, including indoor and outdoor spaces, fences, entries and exits, facilities, and calculations. Details about water hazards and soil assessments may also be required.

National Quality Framework and Service Approvals

April 2018

A child care provider must have permission to occupy a premise, either in the form of an occupation certificate for a new development or a lease for an existing premise. If the development does not meet the requirements under the National Quality Framework, a Service Approval may not be issued.

What requirements should be considered at the development application stage?

Developers and child care providers should consider Part 4 of the Child Care Planning Guideline when designing and building centre-based child care facilities. Part 4 provides guidance on key physical environment requirements of the National Quality Framework. Consent authorities must consider any applicable provisions of the Child Care Planning Guideline when assessing development applications for centre-based child care facilities under clause 23 of the SEPP.

Development applications for centre-based child care facilities should comply with the physical environment requirements in the National Quality Framework (and as set out in the Child Care Planning Guideline) to ensure an approved child care provider may be eligible for Service Approval to operate from the premise. Operational matters will be assessed at the Service Approval stage by the Department of Education.

What policies or procedures are required to support an application for a Service Approval?

Under Regulation 168 of the National Regulations, all applicants for a Service Approval will be required to have in place policies and procedures for the following matters:

- health and safety;
- incident, injury, trauma and illness;
- infectious diseases;
- medical conditions in children;
- emergency and evacuation;
- delivering and collecting children to and from the facility;
- excursions;
- child safe environment;
- staffing;
- interactions with children;
- enrolment and orientation;
- governance and management of the service;
- acceptance and refusal of authorisations;

National Quality Framework and Service Approvals

April 2018

- payment of fees; and
- dealing with complaints.

The above information can be collated as a single Plan of Management. A statement that the applicant has prepared the policies and procedures referred to in Regulation 168 must be submitted with an application for a Service Approval. The policies and procedures will be checked at the time of pre-approval inspection.

Consent authorities may impose conditions of consent regarding any matters considered in the development application process that will support an application for a Service Approval, including an emergency and evacuation plan, parking and drop off arrangements, or layout to optimise supervision and child safety.

Service Waivers

An application for a service waiver may be made to the NSW Regulatory Authority with respect to the unencumbered physical space requirements. Service waivers are only provided in exceptional and strictly controlled circumstances. For more information on service waivers, please contact the Early Childhood Directorate of the Department of Education on 1800 619 113.

Where can I find out more?

- For more information on State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline go to planning.nsw.gov.au/educationandchildcare
- For information on Service Approvals go to acecqa.gov.au or call 1800 619 113.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au