

National Quality Framework and Service Approval

This fact sheet explains the regulatory framework for early education and care services.

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

The National Quality Framework consists of the *Children (Education and Care Services) National Law* (National Law), the *Education and Care Services National Regulations* (National Regulations), and 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.

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 2019* including:

- mobile education and care services
- 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.

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. The NSW Department of Education, as the Regulatory Authority, is also responsible for assessing and determining provider approval applications. For more information about provider approvals, see the Guide to the National Quality Framework.

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 National Law. Matters to include in the application for a Service Approval for a centre-based child care facility are set out in section 47 of the National Law, and regulations 24 and 25 of the 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
- 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.

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. The Regulatory Authority will make a decision on a service approval application within 90 days of receiving a complete and valid application. If the Regulatory Authority does not make a decision within this time, or within any extended period of time, the application will be deemed to be refused (section 48(5) of the National Law).

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 section 3.23 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 3 Educational establishments and child care facilities.

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 NSW 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
- 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 NSW Department of Education.

Where can I find out more?

- For information on SEPP Transport and Infrastructure and the Child Care Planning Guideline go to <https://www.planning.nsw.gov.au/Policy-and-Legislation/Education>
- For information on NSW service approvals go to <https://education.nsw.gov.au/early-childhood-education/operating-an-early-childhood-education-service/setting-up-a-new-service>
- For information on the National Quality Framework go to <https://www.acecqa.gov.au/national-quality-framework>