

Department of Education, Training and Employment response to submissions received on Education and Care Services Bill 2013

The Australian Community Children’s Services Queensland and Early Childhood Teachers Association were not specifically consulted in relation to the Education and Care Services Bill 2013 (the Bill). These entities will be included in future consultation in relation to the proposed legislative scheme.

	Submission	Support	Issues Raised	Departmental response
1	Catherine Hardcastle Australian Community Children’s Services Queensland	Yes	How are limited hours care services, not in receipt of Queensland government funding, regulated?	Limited hours care services that do not receive Queensland government funding, are regulated under the <i>Education and Care Services National Law (Queensland) Act 2011</i> (National Law).
			As there is no assessment and rating against the National Quality Standard and services will have perpetual approvals, how will they be benchmarked for quality?	<p>Authorised officers will continue to work closely with services to support them in providing high quality early childhood education and care. Services will also be subject to a triennial inspection to ensure compliance with all areas of the legislation.</p> <p>The inclusion of this provision aligns with the assessment that occurs under the <i>Child Care Act 2002</i> upon application for renewal of licence.</p> <p>Should an issue arise with a service’s compliance with the legislation, the legislation provides a range of measures that can be taken to address the issue.</p> <p>It should be noted that the Department’s approach</p>

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				<p>is to always work collaboratively with service's to ensure the provision of quality early childhood education and care.</p>
			<p>Staffing requirements – why is there no requirement to have access to an early childhood teacher?</p>	<p>ACCS Queensland supports the removal of the requirement to have an Advanced Diploma qualified educator. Based on responses to the 2012 Early Childhood Education and Care Census, a number of services reported great difficulty in meeting the requirement for an Advanced Diploma qualified educator.</p> <p>It should also be recognised that limited hours care services operate for no more than 20 hours per week and generally do not experience the same continuity or duration of attendance by children as experienced in other service types, such as long day care services.</p> <p>The Bill requires Queensland Education and Care (QEC) approved services to appoint a supervisor, who must be at least 18 years of age, consents to being appointed as supervisor and holds a qualification prescribed under a Regulation. The proposed Education and Care Services Regulation 2013 (the Regulation) will prescribe the qualifications for a supervisor to be an approved diploma qualification.</p>

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				<p>An approved diploma qualification equips educators to provide meaningful learning experiences in line with the objectives and guiding principles of the Bill.</p> <p>There is nothing to prevent a service from engaging an early childhood teacher.</p>
			<p>Why are Budget Based Funded (BBF) services not specifically mentioned in the Bill?</p>	<p>BBF Services are regulated under the Bill. The Bill defines services that are captured through a broad definition and then lists excluded services (see clause 8). Services in receipt of budget based funding that do not receive the Australian Government child care benefit, are captured by this Bill.</p>
			<p>When will a Supervisor be required to be in attendance?</p>	<p>All services will be required to have a supervisor. A supervisor must be present at the service at the times prescribed under Regulation (clause 113). This requirement is continued from the <i>Child Care Act 2002</i>. The proposed Regulation will prescribe the following times.</p> <p>For services that operate for 10 hours or less per day, the supervisor will be required to be present for at least 75% of the normal operating hours and for most of the peak period.</p> <p>For services that operate for more than 10 hours</p>

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				<p>per day, the supervisor will be required to be present for at least 7.5 hours per day and so far as possible, during the peak operating period.</p> <p>It is expected that these prescribed times will ensure that supervisors are in attendance when the majority of children are present.</p> <p>The requirement for a supervisor to be present during prescribed times does not apply to school age care services or services with 30 or fewer places. Again, this is a continuation of provisions under the <i>Child Care Act 2002</i>. The reason these services are exempt from the prescribed times is in recognition of the hours of operation. School age care services generally operate for limited hours in the morning and then again in the afternoon. Services with 30 or fewer places, are generally limited hours care services which only operate for up to 20 hours per week. Again, in recognition of the limited nature of the hours of operation, there are no prescribed times for these services.</p> <p>However, in practice, a supervisor would generally be present at school age care services and services with 30 or fewer places for the complete hours of operation.</p>

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			Concerned about under-regulation of stand-alone care services	<p>The Bill continues the approach to regulation of stand-alone services set out in the current <i>Child Care Act 2002</i>.</p> <p>Stand-alone child care is care provided in a home or other place by a carer for not more than six children, of whom no more than four are not yet school children. These services are monitored on a complaints basis only.</p> <p>The Bill provides for minimum standards such as requiring insurance, limits on the number of children and the ability to request that carers obtain blue cards for adult occupants of the home. Through the inclusion of minimum requirements, the Bill provides the Chief Executive the power to act upon receipt of a complaint in relation to stand alone care.</p> <p>Families have a choice in which service they place their child for education and care.</p> <p>These provisions have been supported during consultation.</p>
2	Allison Borland Early Childhood Teachers Association	Yes	Please include reference to the competence of the child as an individual human	The Department considers the guiding principles adequately guide provision of education and care services.

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			being as a guiding principal.	The child’s competence as an individual, competent, creative learner is further supported through the use of the approved learning frameworks (Becoming, Being and Becoming: Early Years Learning Framework and My Time Our Place: Framework for School Age Care).
			Tighter regulation of stand-alone care needs to be considered in relation to the ages of children in care – the recommendation is made in relation to the definition of stand-alone care at clause 9 of the Bill.	Parameters regarding the number of children and ages of children to whom a stand-alone carer can provide regulated education and care, are set out in clause 134 of the Bill.
			ECTA recommends that the “suitability” requirement be expanded to require a person to be at least 18 years of age and hold early childhood education and care qualifications.	<p>The policy intent of the Bill is to continue to provide employment opportunities for 17 year olds who hold or are actively working towards an approved qualification.</p> <p>This is a continuation of provisions under the <i>Child Care Act 2002</i> and aligns with the National Law.</p> <p>Clause 15 provides that an individual is not suitable to operate or be involved in the operation of a QEC Service unless the person has a positive</p>

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				<p>notice (a blue card), exemption notice or has applied for an exemption notice.</p> <p>Suitability requirements under clause 15 are only one element in relation to the requirements to operating or working in a Queensland education and care service.</p> <p>In addition, the provisions in relation to applying for a provider approval align with those under the National Law. The Bill does not specify that an applicant for a Queensland provider approval must be an adult. However, the chief executive may cancel a provider approval if they believe there is an unacceptable risk to the safety, health or wellbeing of a child being educated and cared for by the approved provider.</p> <p>It should be noted that an approved provider must have a service approval for each education and care service.</p> <p>In considering an application for a service approval, the chief executive can consider any matter it considers appropriate. It is under this provision that the chief executive would take into consideration the ability and age of the applicant.</p> <p>The Bill provides a range of requirements to</p>

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				<p>ensure children are adequately supervised and cared for. The age and qualification requirements to work in a QEC service are set out in Part 4 of the Bill.</p> <p>For example, the Bill continues the requirement for at least two adults to be present whenever education and care is being provided (see s116). Furthermore, it introduces a new explicit requirement of QEC approved providers and supervisors to ensure children are adequately supervised (see s 113 and 121).</p> <p>Further detail about the nature of qualifications and the age of people working in a Queensland education and care service will be prescribed in the proposed Regulation.</p>
			<p>ECTA is concerned that a 17 year old is not experienced enough or old enough to provide education and care to children.</p>	<p>The requirement to have at least two adult staff members (clause 116) is retained from the <i>Child Care Act 2002</i> as it is seen as an important safeguard for children in education and care. A qualified 17 year old is counted as an adult staff member for this purpose. The proposed Regulation will prescribe the qualification requirements.</p> <p>These provisions have been supported during</p>

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				consultation.
			In relation to clause 117, ECTA has concerns about an unqualified 17 year old persons filling requirements for a qualified person	<p>Clause 117 provides for unqualified persons to fulfil the requirement of having a qualified person at the service in certain circumstances. The circumstances where this is permitted will be prescribed in the proposed Regulation 2013.</p> <p>The early childhood education and care sector has a history of providing employment opportunities for 17 year olds in certain circumstances.</p> <p>A 17 year old person, actively working towards an approved qualification, may fulfil the requirements for a qualified person in certain circumstances.</p> <p>This flexibility has been retained from the <i>Child Care Act 2002</i> and is important in supporting services meet staffing challenges.</p>
			ECTA suggests that the Bill require services to use technology in their learning programs and recognise the needs of the child as a competent and individual	<p>The Bill supports the learning program, based upon an approved learning framework, to be implemented in a way that takes into consideration the individual development needs, interests and experiences of each child.</p> <p>Services can use technology in implementing their learning programs to provide children with a range of learning experiences, based upon the approved</p>

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				<p>learning frameworks and taking into consideration the individual needs of the children.</p> <p>The use of technology and recognition of the child as an individual, creative and competent learner is reflected in the guiding principles of the Bill and the approved learning frameworks.</p>
			ECTA recommends a definition of adult be included to clarify a person conducting a stand-alone care service is over 18 years of age.	This is not necessary as the term adult is defined in the <i>Acts interpretation Act 1954</i> .
3	Barry Salmon Commission for Children and Young People and Child Guardian	Yes	No issues raised.	