



Residual Early Childhood Services Supporting information relating to Staffing Arrangements

The Education and Early Childhood Services (Registration and Standards) Regulations 2011 provide detail about operational requirements and standards that residual early childhood services must comply with. For occasional care and mobile care services, regulation 33 applies Chapter 4 of the [Education and Care Services National Regulations](#) (the National Regulations) that includes the day-to-day requirements of operating an education and care service.

Chapter 4 prescribes a number of requirements relating to staffing arrangements (see Part 4.4) such as, the requirement for an early childhood teacher, educator-to-child ratios and general educator qualifications.

The following information includes the requirements for educator-to-child ratios and qualifications. It also highlights where an exemption may be granted if the requirements cannot be met.

General educator-to-child ratios for residual early childhood services

The National Regulations contain a number of transitional provisions that correspond to certain operational requirements in Chapter 4, in particular relating to staffing arrangements. Transitional and savings provisions are detailed in Chapter 7 of the National Regulations. Please note that not all transitional and savings provisions in Chapter 7 relate to residual early childhood services.

One transitional provision that applies to residual early childhood services that will end on 31 December 2015 relates to general educator-to-child ratios. As a result there will be changes to the general educator ratio requirements for children aged 24 months to 36 months that will apply to residual early childhood services from 1 January 2016. The new requirement is prescribed in Regulation 123 (1) (b) of the National Regulations. Educator-to-child ratios will change to 1:5 from the current requirement of 1:10.

Please note that if your service cannot meet these ratio requirements you will need to apply for an exemption.

From 1 January 2016, the educator-to-child ratios for rural and occasional care services are as follows:

<i>Regulation</i>	<i>Age of children</i>	<i>Educator-to-child ratio</i>
123 (1) (a)	For children from birth – 24 months	1 educator to 4 children
123 (1) (b)	For children over 24 months and less than 36 months	1 educator to 5 children
323	For children aged 36 months of age or over (not including children over school age)	1 educator to 10 children
320	For children over school age	1 educator to 15 children

Working directly with children

Regulation 122 prescribes that to be included in the educator-to-child ratio you must be working directly with children. The Board considers the meaning of 'working directly with children' as: a person who—

- is physically present with the children; and
- is directly engaged in providing education and care to the children.

Mixed age groups

Services educating and caring for children, where there is a mix of children from the three specified age groups, may wish to calculate the educator-to-child ratios under the requirements of regulation 123 (2). This allows children in older age groups to be considered as part of the ratios for children in younger age groups.

It is important to be aware when determining educator-to-child ratios that adequate supervision must be maintained at all times and that the needs of each individual child must be taken into consideration. You must also consider each child's involvement in the program and engagement in meaningful relationships with each other and educators.

General educator qualification requirements

At least 50 per cent of the educators who are required to meet the educator-to-child ratios for the service must have or be actively working towards an approved diploma level education and care qualification. All other educators required to meet the educator-to-child ratios must have or be actively working towards an approved certificate III level education and care qualification (Regulation 126 (1) (a)).

What does 'actively working towards' mean?

Consistent with the regulations, the Board considers that to be actively working towards a qualification you need to:

- be enrolled in the course for the qualification; and
- provide the approved provider with documentary evidence from the provider of the course that: –
 - you have commenced the course; and
 - are making satisfactory progress towards completion of the course; and
 - are meeting the requirements for maintaining the enrolment.

Certificate III level education and care qualification

If you are actively working towards an approved certificate III level education and care qualification you can be included in the educator-to-child ratios as a certificate III level educator if you:

1. are enrolled in a course for the qualification; and
2. have commenced the course; and
3. are making satisfactory progress towards completion; and
4. meet the requirements to maintain enrolment.

Transitional provision for certain educators to meet the certificate III level qualification

A transitional provision relating to certain educators meeting the certificate III level educator qualifications is also ending on 31 December 2015 (Regulation 240). While previously the transitional provision applied to educators working in all services, it now will only apply to services in remote or very remote areas.

For services in remote or very remote areas, until 1 January 2018, an educator can be included to meet the educator-to-child qualification requirement for a certificate III level qualification if they:

- have been continuously employed as an educator in an education and care service or children's service for a period of at least 15 years up to immediately before scheme commencement day; and
- are employed by the same approved provider as they were employed by immediately before 1 January 2012.

Diploma level education and care qualification

If you are actively working towards an approved diploma level education and care qualification you can be included in the educator-to-child ratios as a diploma level educator if you:

1. are enrolled in a course for the qualification; and
2. have commenced the course; and
3. are making satisfactory progress towards completion; and
4. meet the requirements to maintain enrolment; and
5. hold an approved certificate III level education and care qualification; or
 - i) have completed approved certificate III level core units; or
 - ii) have completed at least 30 per cent of the units on an approved early childhood teaching qualification.

Please note that if your service cannot meet these general educator qualification requirements you will need to apply for an exemption.

Early Childhood Teaching Requirement

In accordance with Chapter 4 of the Regulations, there is a requirement for education and care services to have access to, or have in attendance, an early childhood teacher. The following are the early childhood teacher requirements that apply to mobile and occasional care services.

If your service cannot meet these requirements, then you must apply for an exemption from these provisions.

What is the requirement?

If you have a service with fewer than 25 approved places or have fewer than 25 children in attendance (Regulations 130 and 131)

You will need access to an early childhood teacher working with your service at least 20 per cent of the time that your service provides education and care. The early childhood teacher may be working with your service by means of information communication technology.

You can calculate the period an early childhood teacher works with your service on a quarterly basis.

25 or more children

If you have a service with 25 or more children in attendance on any given day (Regulations 132- 134)

If your service operates for:

- 50 or more hours a week, you must have an early childhood teacher in attendance for six hours on that day.
- less than 50 hours a week, you must have an early childhood teacher in attendance for 60% of the operating hours of your service on that day.

These requirements do not apply if your service employs or engages a full-time or full-time equivalent* early childhood teacher at your service.

*Full-time equivalent means the number of hours a full-time employee would work in that role in accordance with the relevant award they are employed under.

Transitional and savings provisions for an early childhood teacher

The regulations contain a transitional provision for a person to be taken to be an early childhood teacher. This provision applies on and after 1 January 2014 and before 1 January 2018 (Regulation 242).

Eligibility to be recognised as equivalent to an early childhood teacher applies to a person who:

- is actively working towards an approved early childhood teaching qualification; and
- provides the approved provider with documentary evidence that the person has completed at least 50 per cent of the course or holds an approved diploma level education and care qualification.

To be actively working towards an approved early childhood teaching qualification you must:

- be enrolled in a course for the qualification; and
- have commenced the course; and
- be making satisfactory progress towards completion; and
- meet the requirements to maintain enrolment.

Please note that in order to be employed in South Australia as a teacher, principal or director in a school, preschool or long day care service you must be registered with the Teachers Registration Board.

There is also a transitional provision relating to the requirement for a second early childhood teacher for larger services that will continue to apply until 2020. Therefore, until 1 January 2020, only one early childhood teacher is required.

First Aid Qualification Requirement

In accordance with Regulation 136 there must be in attendance and immediately available in an emergency, at least one educator who holds a:

- current approved first aid qualification
- current approved anaphylaxis management training qualification
- current approved emergency asthma management training qualification.

Please note that one educator may hold one or more of the three qualifications.

It is important to check the qualification codes of courses before booking training as some cover all three required elements whilst other qualifications only cover individual elements, for example emergency asthma management training only.

Educators with first aid qualifications must be in attendance during all parts of the day, including breaks, and have contingency plans in place for educator illness or leave. Provisions must also be in place for events such as excursions. For example: if a residual early childhood service takes children on an excursion there must be a staff member with first aid qualifications in attendance on the excursion as well as at the service premises if some of the children remain behind.

Services operating on a school site

For services operating on a school site, a staff member other than an educator can meet the first aid qualification requirements, including anaphylaxis and asthma management, if they are in attendance and immediately available in case of an emergency. For example, a school nurse may be counted towards these requirements.

How often must qualifications be updated?

Please check with your training provider for the relevant time period to keep your qualification(s) updated. The first aid certificate may specify additional requirements to keep it valid. For example, your first aid certificate may require you to complete the CPR component every 12 months to keep this qualification current.

It is recommended that you develop a schedule to keep track of when qualifications need updating. This should include an adequate timeframe in which to undertake training prior to the qualification expiry date.

What is considered an approved qualification?

Consistent with the requirements of the *Education and Care Services National Law (South Australia)*, the Board considers an approved qualification to be one that is in the Approved Qualifications list of the Australian Children's Education and Care Quality Authority (ACECQA). You can access this list on the ACECQA website at <http://www.acecqa.gov.au/Qualifications.aspx>.

This list contains approved qualifications to support certificate III and diploma level education and care qualifications as well as approved early childhood teacher and first aid qualifications.

If you were recognised as having an approved certificate III or diploma level education and care qualification or an early childhood teacher qualification prior to 1 January 2012 under the former education and care services law in South Australia (the *Children's Services Act 1995*), you are taken to hold an approved education and care qualification. A list of formerly approved qualifications that are acceptable is also published on the ACECQA website.

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