



Defining an In Scope and Out of Scope Service (National Quality Framework)

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In South Australia, there are two groups of early childhood services that are regulated under the Education and Early Childhood Services (Registration and Standards) Act 2011 (the Act).

These two groups are known as in scope and out of scope services:

In scope services

Services that are in scope of the National Quality Framework such as preschools, out of school hours care, family day care and long day care services. These services are regulated under the Education and Care Services National Law (South Australia) (the National Law) and the Education and Care Services National Regulations (the National Regulations) and are assessed and rated against the National Quality Standard.

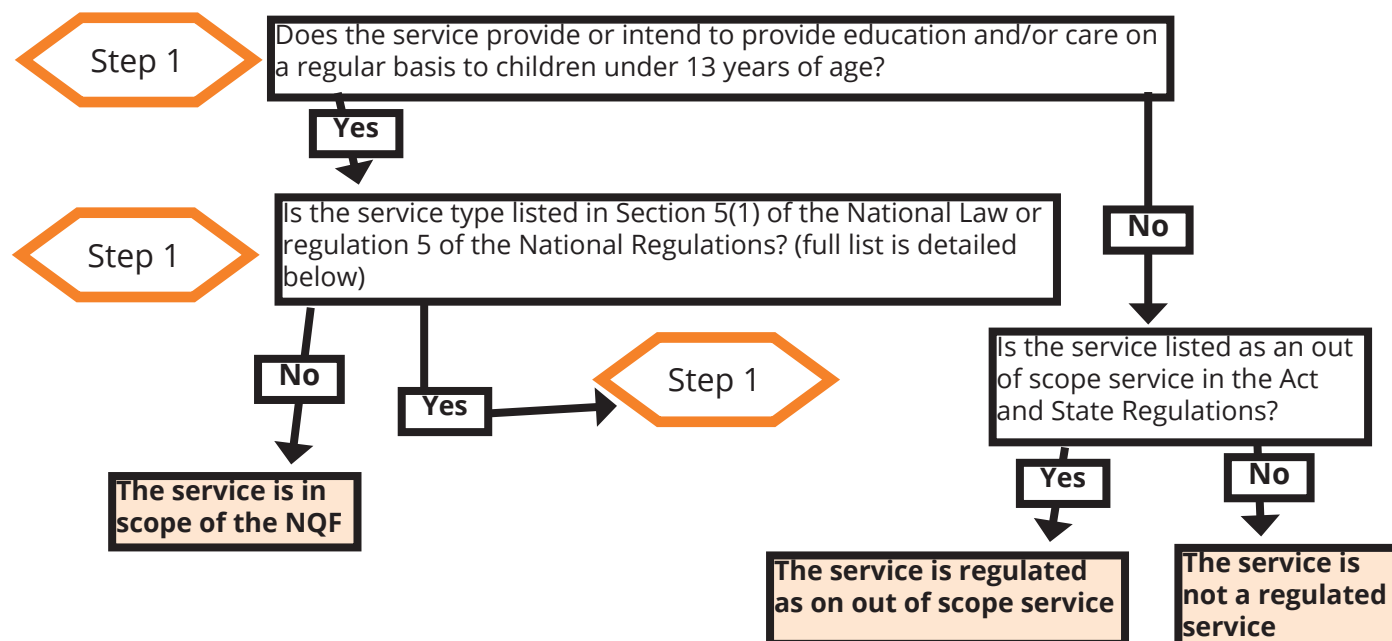
Out of Scope Services

Services that are out of scope of the National Quality Framework such as occasional care, rural and mobile care, in-home care and individual family day care services. These services are referred to in the Act as residual early childhood services. A modified version of the National Law and National Regulations apply. These services are not assessed and rated against the National Quality Standard.

The following information outlines the steps to follow to assist with determining if a service is regulated as an in scope or out of scope service. This flow chart is designed to provide an overview of the process to support you through the process below.

Definitions of the different type of services outlined in these steps can be found in:

- Section 5 of the National Law
- Regulation 5 of the National Regulations
- Regulation 13 of the Education and Early Childhood Services (Registration and Standards) Regulations 2011 (the State Regulations)



Step 1 - Does the service provide or intend to provide education and/or care on a regular basis to children under 13 years of age?

No the service is not regulated under the National Quality Framework (the service is not an in scope service however, the service may be an out of scope service)

Go to Step 3

Step 2 - Is the Service listed in Section 5(1) of the National Law or regulation 5 of the National Regulations?

Yes

- a school (other than a preschool program delivered in a school or a preschool registered as a school)?
- a preschool program delivered in a school to fewer than 6 children in a class where full time education is also being delivered to school children?
- a personal arrangement?
- a service principally conducted to provide instruction in a particular activity such as sport, music, dance, culture, language, religious instruction?
- a service providing education and care to patients in a hospital, or medical or therapeutic care service?
- are provided under child protection law?
- a prescribed class of disability service? (i.e. an early childhood intervention service provided for the principal purpose of providing intervention or support for children with a disability, additional needs or developmental delay)
- a service of one of the following classes:
 - a service providing education and care to children in premises where the majority of the children usually reside and the educator does not reside?
 - a service providing education and care to children in the service provider's residence delivered through use of less than 2 educators?
 - a service providing education and care to children primarily on an ad hoc or casual basis where the service does not usually offer full-time or all day education and care on an ongoing basis and most of the children are preschool age or under?
 - a service provided by a hotel or resort to children who are temporary guests?
 - a service providing education and care to a child on an ad hoc basis at premises where the parent or other person responsible for the child is a guest/visitor/patron and readily available for the child at all times?
 - a service where education and care is primarily provided or shared by parents of family members of the children and a parent or family member is readily available and retains responsibility for the child during care?
 - a secondary school or college that provides education and care to children of students where the student who is the parent of the child retains responsibility for the child while the child is being educated and cared for?
 - a service providing education and care primarily to preschool or younger children that transports its equipment and materials or staff to one or more locations on each occasion that the service is provided?
 - a service that provides education and care for no more than 4 weeks per calendar year during school holidays?
 - a short term "orientation" program provided by and at a school to children who will attend the school in the following year?
 - a service providing education and care that receives financial assistance under the Budget Based Funding Program element of the Child Care Services Support Program and is not a service that receives the Child Care Benefit in relation to the provision of education and care?
 - a South Australian Government operated Playcentre?

No the service is regulated under the National Quality Framework (the service is an in scope service)

Yes the service is not regulated under the National Quality Framework (the service may be an out of scope service – go to step 3)

Step 3 - If the service is not regulated under the National Quality Framework (not an in scope service), is the service listed in the Act or State Regulations as a residual early childhood service (an out of scope service):

- an in home care service that is not a personal arrangement that comprises the provision of care to children in their own homes or introduction of parents or guardians of children to a person who will care for the children in their own homes in the temporary absence of the children's parents or guardians? (not including a personal arrangement, a person engaged by a parent or guardian to baby sit the child, a baby sitting, play-group or child minding service that is organised informally by the parent, care provided under the Family Law Act or Family Court Act or Children's Protection Act)
- a rural and mobile care service that provides care to children of preschool age or under at multiple locations and that transports its equipment and materials to those locations or a service that provides care in a rural community venue of not more than 7 children at any particular time?
- an individual family day care service providing education and care that is delivered by one educator at a residence or at a place other than a residence? (Please refer to the [South Australian Standards for Individual Family Day Care Services](#))
- an occasional care service that provides care to 4 or more preschool age children for fee or reward in a place other than a child's home where no parent or guardian is onsite and available to care for their child if required. (For the purposes of this definition, an occasional care services is a service that is not provided on a regular or full time basis or not attended by children on a regular or full time basis. Please refer to the [Occasional Care Service Regulation Flow Chart](#))

Yes	the service is an out of scope service (the service is regulated as a residual early childhood service)
No	the service is not an in scope service or out of scope service (the service is not regulated).

These steps have been developed as guidance only. It is important to always refer to the relevant South Australian legislation or seek further advice from the Education Standards Board if necessary.

- Education and Early Childhood Services (Registration and Standards) Act 2011
- Education and Care Services National Law (South Australia)
- Education and Care Services National Regulations
- Education and Early Childhood Services (Registration and Standards) Regulations 2011

Contact details

Early Childhood Services

Phone: 08 8226 0077 or 1800 882 413

Website: www.esb.sa.gov.au

Email: EducationStandardsBoard@sa.gov.au