# Providing out of school hours care (OSHC) services on department sites procedure

This is a mandated procedure under the operational policy framework. Any edits to this page must follow the process outlined on the creating, updating and deleting operational policies page.

## Overview

This procedure outlines the requirements for establishing, operating and ending operation of an out of school hours care (OSHC) service on a department site.

This procedure outlines the roles and responsibilities for those responsible for providing OSHC services on department sites.

## Scope

This procedure applies to all department employees, school governing councils, third-party providers and OSHC employees, and volunteers who deliver an OSHC service on a department site.

Government of South Australia
Department for Education

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# Detail

## Establishing an OSHC service

The school governing council is responsible for establishing an OSHC service on a department school site. The establishment process must include the following steps:

- conduct a needs analysis and determine feasibility
- determine who will be the approved provider of the OSHC service
- identify suitable facilities
- establish an OSHC advisory committee to report to the governing council twice per term.

### OSHC advisory committee

The school governing council must establish an OSHC advisory committee to initially conduct a needs analysis to determine the feasibility of establishing an OSHC service and to report to governing council twice per term ongoing. Feasibility depends on the need for a service and the ability of a service to operate in a way that's financially viable and complies with all department and regulatory requirements.

An OSHC advisory committee should include the following members:

- school governing council representative
- parent or carer who uses or intends to use the service
- the principal
- the school finance officer.

The role of the advisory committee is to :

- consider current and future school enrolments and determine the current care need from the community for before school, after school and vacation care (refer to sample needs survey (DOCX 154KB).
- consider plans for using the school facilities including other programs operating and any potential impact on the operation of the OSHC service
- liaise with neighbouring schools to identify if they have a similar need for school-age care needs and potential collaboration or partnership
- consider the impact of establishment on these services
- determine and/or review fee structure.
- meet twice per term and provide ongoing reports after service establishment to the governing council (whether OSHC is outsourced or operated by the governing council).

Outcomes of the analysis and feasibility must be presented to the school governing council. If the school governing council endorses the establishment of an OSHC service, the principal must seek endorsement

from their education director.

## Determine who will be the approved provider of the service

The approved provider is legally responsible for managing and operating the OSHC service and for complying with the requirements of the:

- NQF for early childhood education and care
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Schedule 1 Education and Care Services National Law (South Australia)
- National Law
- National Regulations
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- relevant department policies and requirements.
- Family Assistance Law
- guidelines of Australian Government Department of Education
- the Fair Work Act 2009 (Cth)
- guidelines of the Fair Work Commission.

The school governing council has 2 choices to deliver an OSHC service. The school governing council either:

- is the approved provider
- engages a third-party provider to be the approved provider.

If it's decided the school governing council will be the approved provider, they must follow the processes outlined in school governing council as the approved provider of OSHC.

If it's decided the school governing council will engage a third party provider, they must follow the processes outlined in information for sites about third-party OSHC providers.

The third party provider must be a member of the department's panel of approved OSHC providers.

## Identify suitable facilities

The school governing council is responsible for identifying the most suitable facility from which the OSHC service will operate and which ensures compliance with the National Law.

The school governing council must consider the suitability of the location including:

- design and use for both the indoor and outdoor environment
- office, storage space, toilets, kitchen and food preparation areas (noting the physical environment contributes to the quality of the service).
- flexible activity spaces which can be rearranged as needed and can accommodate a variety of

activities: indoor games, art, science, cooking etc are best. Operating with the gym as the main gathering space/home space is not a suitable environment for children (but makes a great additional physical activity space).

The school governing council should consider the impact of other programs operating at the school and any potential impact on the operation of the OSHC service (for example facilities being hired to other community groups that may impact access to facilities). The establishing a centre-based education and care service: a facilities guide provides a guide for considerations to make sure the school can comply with the facility requirements under the National Law.

The department's guidelines indicate that OSHC services should be delivered within the school's existing space.

Should modifications to a space be required to deliver the OSHC program, the principal should consult with the department's Asset and Facility Services through lodging a project commencement form (PDF 198KB)

Refer to the asset replacement or refurbishment procedure (PDF 598KB) or contact Asset and Facilities Services on 1800 810 076.

## Hire fees and charges

Hire fees must not be charged when facilities are used by a school governing body or community (not-for-profit) organisation providing an OSHC or vacation care service in line with community use of school facilities (staff login required).

For-profit organisations may be charged a hire fee. The hire fee must be determined from the recommended hire rates for community use of school facilities. It must be amended (discounted) to account for the infrequent use of the facilities and the benefits that the service delivers for the community. It's recommended that an 80% discount is applied to the stated for-profit rates to support affordable services fees for families.

Out of pocket expenses may be attributed to the budget line for the OSHC service. Out of pocket expenses are defined as an additional, identifiable, direct outlay by the school, including the provision of materials, equipment and supplies attributable to the provision of OSHC. It does not include normal expenditure incurred by the department on behalf of the school, for example utilities, cleaning or security. Principals and directors must establish a record to justify any out-of-pocket charges.

Charges can also be made for the reimbursement of the following costs:

- making good any losses or damage, including equipment, books, materials, furniture, classrooms and facilities
- additional cleaning costs as a result of the facilities not being left in a clean and tidy condition
- additional security costs (for example call out costs).

Income generated or received by the school governing council through providing an OSHC service must be re-invested into the service or service facility. The school governing council are responsible for deciding where to target re-investment to:

- balance the need to support ongoing viability

- comply with the requirements of the National Law
- meet program quality and department requirements.

# Operating requirements for OSHC services

## Service management

### All providers

#### Provider and service approval

Obtain provider and service approval under the National Law by contacting the Education Standards Board on 1800 882 413. Refer to the Australian Children's Education & Care Quality Authority (ACECQA) website for application information. Most applications and notifications are submitted online using the National Quality Agenda IT System (NQA IT System).

#### School governing council as the approved provider

The school governing council as the approved provider of an OSHC service has the legal liability and accountability for the service and must refer to school governing council as the approved provider of OSHC to understand the steps involved in setting up the service.

#### Site policies

Site specific policies must not contradict or override any Australian Government or State obligation or any contractual arrangement with respect to the operation of the service. School governing councils and third party providers must follow department policies where appropriate and make sure service operational policies and procedures comply with the National Regulations and are consistent with relevant department policies.

#### Child care subsidy

The Family Assistance Law is the basis for Australian Government child care fee assistance, which includes the Child Care Subsidy (CCS) and Additional Child Care Subsidy (ACCS).

The approved provider must apply for Child Care Subsidy (CCS) approval and be granted it under the Family Assistance Law (Child Care Legislation) for the purposes of administering Australian Government child care fee assistance to eligible families.

The approved provider must comply with the Australian Government Family Assistance Law (Child Care Legislation) and the requirements outlined in the Australian Government Child Care Provider Handbook.

The approved provider must make sure conditions of funding or operational agreements entered into with any government or agency are met.

Services may be eligible for Australian Government community child care fund grants.

#### OSHC program

The approved provider must make sure the service delivers a program to all children who attend the service based on My Time, Our Place: Framework for School Age Care in Australia.

If children preschool age or under regularly attend an OSHC service, the service must deliver a program for these children based on Belonging, Being and Becoming: The Early Years Learning Framework for Australia (EYLF).

### Enrolling children

The approved provider must meet the enrolment requirements of the National Law. The approved provider must make sure the child enrolment process meets the requirements of the Australian Government Child Care Provider Handbook.

### Educator ratios and emergency care

The minimum number of educators required to educate and care for children at a centre-based service must be calculated in line with the *Education and Care Services National Regulations 2011*, Regulation 123.

Emergency care can be provided for 1 child, or 2 or more children from the same family for a period of not more than 2 consecutive days on which the service operates. Refer to the *Education and Care Services National Regulations 2011*, Regulation 123(5).

The inclusion of extra children must not affect the health, safety and wellbeing of children attending the service.

The approved provider must notify the Education Standards Board when emergency care is provided. Refer to the ACECQA website.

### Managing child care places

The approved provider must manage child care places according to the requirements of the Australian Government Child Care Provider Handbook.

### Service provision and demand for care

In response to community demand for care, the approved provider may apply to the Education Standards Board via the NQAITS portal to increase or decrease approved OSHC places.

The principal will provide site and building plans to support the application to the Education Standards Board. Any amendment will be subject to meeting the requirements of the National Law and National Regulations. For more information refer to the Education Standards Board.

### Reporting critical incidents and injuries

The approved provider must ensure an incident, injury, trauma and illness record is completed for critical incidents and injuries associated with the operation of an OSHC service and that the information is provided to the principal.

The principal must make sure critical incidents and injuries are recorded on the department's incident management system within a 12 hour period or 7 days for non-serious incidents. Third Party Providers must make sure critical incidents and injuries are reported to the principal without delay, to enable the incident record to be completed within the required timeframe.

The approved provider must notify the:

- Education Standards Board of critical injuries and incidents within the regulated timeframes specified in the National Regulations – notifications can be submitted online through the NQA ITS

portal (refer to ACECQA notifications and timeframes and reporting requirements about children)

- SafeWork SA where required (refer to the Safe Work Australia's Incident Notification Fact Sheet).

Refer to:

- reporting critical incidents, injuries and complaints process for approved OSHC providers
- reporting critical incidents, injuries, hazards and near misses procedure (PDF 234KB) (staff login required)
- critical incidents, injury and hazard reporting (staff login required).

### Reporting site security incidents

The approved provider must make sure site security incidents associated with the operation of an OSHC service are reported to the principal.

The principal should contact the Security and Emergency Management Unit during business hours on 1800 000 279 and Police Security Services Branch (PSSB) control room during out of business hours on 8116 9230 regarding site security incidents.

Site security incidents must be recorded by the principal on the department's incident management system.

The approved provider must notify the:

- Education Standards Board of site security incidents or any circumstance at the service that poses a risk to the health, safety or wellbeing of a child attending the service within the regulated timeframes specified in the National Regulations – notifications can be submitted online through the NQA ITS (refer to ACECQA notifications and timeframes and reporting requirements about children)
- SafeWork SA where required (refer to the SafeWork Australia Incident Notification Fact Sheet).

Refer to security management (staff login required) for more information.

### Reporting complaints

The National Regulations specify policies and procedures must be in place for dealing with complaints. The name and telephone number of the person to refer complaints to must be clearly visible at the service.

The approved provider must make sure complaints associated with the operation of an OSHC service are reported to the principal.

Complaints may be recorded by the principal on the department's incident management system.

The approved provider must notify the Education Standards Board within 24 hours of any complaint regarding the health, safety or wellbeing of any child within a service, any serious incident has occurred while a child is educated and cared for or non-compliance with the Law. Notifications are submitted online through the NQA ITS. Refer to ACECQA notifications and timeframes and reporting requirements about children.

The complainant can visit the feedback and complaints page if they wish to contact the Customer Feedback Team.

### Records management

The approved provider is responsible for:

- managing, storing and disposing of records in accordance with the department's Records Management Team (staff login required) and the State Records Act 1997 (SA)
- making sure confidentiality is maintained in line with the information sharing guidelines for promoting safety and wellbeing.

### Storage of children's records

Children's records containing any child related information are not to be transmitted via a web based free email service or stored online except via Australian Government registered CCS software.

## School governing council as the approved provider

### Governance

Governance requirements are outlined in school governing council as the approved provider – governance model (PDF 138KB) and roles and responsibilities.

The governing council must ensure that there is an instrument of authorisation (PDF 203KB) about the extent of the principal's responsibilities with the OSHC service.

### Financial management

The school governing council must ensure:

- the requirements for OSHC financial management for school governing council operated services are met
- compliance with the CCS requirements of the Family Assistance Law.

The principal must make sure OSHC finances are managed as part of the school's consolidated account within a separate bank account specifically created for the purpose of managing OSHC finances, including the audit function.

The principal and school finance officer must make sure financial reports presented at each governing council meeting show income and expenditure against the budget and are comprehensive enough to assess the financial viability of the OSHC service.

Refer to the OSHC financial roles and responsibilities checklist (PDF 115KB).

### Budget and fee schedule

The service budget must be monitored and reviewed at least yearly or as required to make sure the actual income and expenditure aligns with the approved budget. For more information, refer to the:

- OSHC budget tool (XLSX 132KB) (staff login required)
- OSHC budgeting tool user guide (PDF 694KB) (staff login required).

All budgets and changes to fees must be approved by the school governing council.

The school governing council, through the advisory committee, is responsible for regular review of the fee

policy of the service. This must include, invoicing procedures, debt collection procedures and the responsible people.

## School governing council outsourcing to a third party provider

### School governing council procurement process for outsourcing to a third party provider

School governing councils engage a third party OSHC provider through a department procurement process. Contact the OSHC central team for support.

Office for the Early Years and the Procurement Unit help formalise the licence and services agreement (PDF 645KB) between the Minister, the school governing council and the third party provider.

The standard term of agreement is 3 years with two 3-year extension options.

The procurement process is supported by the Code of Ethics for the South Australian Public Sector to ensure a transparent, equitable and impartial process for providers.

Refer to third-party OSHC provider information for schools.

### Contract management of the licence and services agreement

The principal (as the Minister for Education's representative) must effectively contract manage the licence and services agreement between the Minister, school governing council and third party provider. Refer to OSHC contract management.

## Third party provider

### Governance

A third party provider, as the approved provider, is responsible for the governance arrangements of their organisation.

### Appointment to the panel of third party providers

Organisations wishing to be appointed to the panel should contact the department's Procurement Unit on 8226 1610 or email education.ProcurementUnit@sa.gov.au.

### Contract management of the licence and services agreement

Third party providers must meet the requirements of the licence and services agreement (PDF 645KB) between the Minister, school governing council and third party provider.

Fee schedule

Any variation to the fee must be made in line with the variation to the OSHC service clause in the licence and services agreement.

# Staffing

## All providers

### The Department HR Management Information system (HRS)

The principal must make sure all OSHC staff and volunteers are cleared through the HR Management Information system (HRS) (the pre-employment compliance request form – login required) before the employee or volunteer starts on the site.

An offer of employment (either paid or voluntary) must not be made by a school governing council or third party provider until this clearance has been received.

The principal (or delegate) will provide the name, any known previous names and date of birth of all OSHC staff and volunteers to HRS via the pre-employment compliance request form.

Historical information may be available on HRS, which may need to be considered by the principal before any person starts on the site. When additional information is available, the principal will be contacted by an officer from the department. The principal should consider the additional information provided and conduct a risk assessment to determine the suitability of the person.

If there's no additional information available, the principal will be notified by return email.

A copy of the clearance advice must be kept at the site and by the approved provider.

### Screening and suitability requirements

The principal will make sure all people working or volunteering (refer to volunteer policy (PDF 196KB)) on a school site have:

- Australian residency either with an Australian birth certificate, residency permit, or a current work visa (see the Department of Home Affairs immigration and citizenship page)
    - All visas must be verified and cleared by People and Culture Operations by uploading a copy via the pre-employment compliance request form. Overseas applicants should get the appropriate visa themselves as the department does not normally sponsor visa applications.
    - Copies of all residency permits, or current work visa documents must be provided and kept at the site and by the approved provider.
- completed all components of the pre-employment and volunteer declaration checklist (PDF 349KB). A copy of the pre-employment and volunteer checklist must be kept at the site and by the approved provider.
- provided a current working with children check (WWCC) from an approved screening authority. The WWCC must be verified through a registration of interest and certificate of interrogation downloaded via the DHS screening portal. Refer to the governing council employees and volunteers section of employee and volunteer working with children check – information for leaders and managers for further instruction. A copy of the verified WWCC must be retained at the site and by the approved provider.
- provided a copy of a current Responding to Risks of Harm, Abuse and Neglect – Education and Care

(RRHAN-EC training) certificate. A copy of the RRHAN-EC certificate must be retained at the site and by the approved provider.

### Termination of an OSHC employee

Where an OSHC employee is terminated (either employed by school governing council or third party provider), the principal must inform the department by:

- lodging a report on the department's incident management system within 12 hours
- advising Employee Relations within 24 hours
- uploading a copy of the termination letter to the Manager People and Culture Services to the pre-employment compliance request form.

## School governing council as the employer

### Employing personnel

A professional and positive culture where employees feel valued, encouraged and appreciated, ensures the attraction and retention of a quality workforce who are more likely to contribute effectively and perform highly in their roles. The school governing council will comply with merit-based recruitment, selection and employment of staff to meet legal and industrial responsibilities in line with relevant legislative requirements.

Refer to:

- being an employer – school governing councils
- Fair Work Ombudsman.

### Line management

The principal will line manage and support the OSHC director employed by the school governing council in line with the performance and development policy (PDF 198KB).

The principal will also manage and support other personnel employed by the school governing council and volunteers in line with this procedure.

### Managing unsatisfactory performance of OSHC employees

Principals are responsible for:

- making sure unsatisfactory performance is addressed and managed – available resources can be found at Fair Work's managing underperformance and templates pages
- contacting the department's Performance Improvement and Incapacity Unit by email to education.PerformanceAndIncapacity@sa.gov.au or phone (08) 8226 1899 for support in undertaking performance management processes aligned with the department.

Refer to the managing unsatisfactory performance guideline (231KB) (staff login required).

## Third party provider as the employer

### Employing personnel

Third party providers will recruit, select and employ staff to meet legal and industrial responsibilities in line with relevant legislative requirements.

Refer to Fair Work Ombudsman.

Third party providers must notify the principal of all new employees prior to their commencement on site for screening purposes as outlined in the 'All Providers' section.

### Line management

Third party providers will line manage the OSHC director and staff.

### Managing unsatisfactory performance of OSHC employees

Third party OSHC providers are responsible for making sure unsatisfactory performance is addressed and managed. Available resources can be found at Fair Work's managing underperformance and templates pages.

Third party OSHC providers may wish to seek industrial advice before undertaking disciplinary action.

# Child protection

## All providers

### Child protection

The safeguarding children and young people policy (PDF 246KB) applies to all government schools in South Australia.

Services must:

- meet the screening and suitability requirements set out in the department's screening and suitability – child safety policy (PDF 228KB) and the screening and suitability – child safety procedure (PDF 197KB)
- follow all other department policies and procedures relating to child safe environments including in department's safeguarding children and young people policy (PDF 246KB).

### Protective practices and managing allegations of sexual misconduct

Approved providers will make sure the service operates in line with the following 2 guidelines:

- Protective practices for staff in their interactions with children and young people guidelines (PDF 3.2MB)
- Sexual behaviour in children and young people procedure and guideline (PDF 1.7MB).

### The principal will:

- make sure the protective practices for staff in their interactions with children and young people guidelines and managing allegations of sexual misconduct in SA education and care settings

guideline (PDF 946KB) documents are included as part of the induction for all OSHC educators and volunteers

- make sure the OSHC director has a copy of the protective practices for staff in their interactions with children and young people guidelines and a copy of the managing allegations of sexual misconduct in SA education and care settings
- facilitate a professional discussion with the OSHC director about the key areas of the guidelines to confirm a thorough understanding of the key elements outlined.

### Reporting obligations of mandatory notifiers and child safe organisations

All educators and volunteers working with children and young people are legally required to report to the Child Abuse Report Line (CARL) if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm and this suspicion is formed in the course of their work or when carrying out official duties.

Under the Children and Young People (Safety) Act 2017 (SA), this includes employees or volunteers in an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who:

- provides such services directly to children or young people
- holds a management position in the organisation and supervises or has direct responsibility for providing those services to children and young people.

Children and young people have a right to feel safe and protected at all times. In South Australia, organisations providing services to children and young people must, by law, provide child safe environments. Refer to the Department of Human Services – child safe environments page.

A failure by a mandated notifier to report a suspicion formed on reasonable grounds that a child or young person is, or may be, at risk may result in a person being prosecuted and a court imposing a fine. See section 31(1) of the Children and Young People (Safety) Act 2017 (SA).

To report concerns a child or young person is, or may be, at risk of harm contact CARL on 13 14 78 or online to reporting child abuse.

Always call 000 if it's an emergency.

### Reporting concerns to the principal

All OSHC employees and volunteers must immediately report to the principal any concerns they may have about the conduct of others towards children and young people observed on site.

If an educator is concerned that a child or young person is, or may be, at risk of harm, based on observations that occur outside of their employment, it's recommended that the matter is discussed with the principal to support considerations on how best to support the child. The mandatory notification procedure (PDF 233KB) supports department staff, OSHC employees and volunteers to enact their responsibilities as mandated notifiers.

# Support for children

## All providers

### Quality of care for children

The approved provider must make sure the quality of care being offered:

- meets the needs of individual children
- supports families
- keeps with the values, principles and polices of the department, school, school governing council and community.

### Children in care

Approved providers, staff, educators and volunteers must support inclusion of children under guardianship of the Chief Executive, Department for Child Protection (DCP) into their service.

The child's DCP case manager is responsible for completing the enrolment process at the service. The case manager is also responsible for providing written advice about the child's custody details, current care arrangements, nominating authorised carers and outlining specific requirements that must be followed.

The DCP case manager must complete the department's education information for a child or young person in care (DOCX 94KB) (staff login required) form as required and in consultation with the child, carer and service director and principal.

A service delegate will provide information to the child and carer about the enrolment process and effectively communicate strategies and interventions that will support successful transitioning into and ongoing attendance at the service.

One Plan (staff login required) meetings are organised by the principal (or their delegate) at enrolment and ongoing thereafter, at the beginning of each school year. The service director should participate in these meetings where possible.

Where a child under guardianship of the Chief Executive, DCP, is enrolled in a service, service educators and staff must undertake Strategies for Managing Abuse Related Trauma (SMART) training (staff login required) before the child starts.

The Trauma Aware Schools initiative (TASi) provides whole school trauma-informed practice training and professional development for educators working with children impacted by abuse and neglect (this includes children in care, but also others within the student cohort). TASi expands on SMART training and school leadership are encouraged to include OSHC personnel in the training and subsequent implementation planning.

Services must follow the safeguarding children and young people policy (PDF 246KB) and the mandatory notification procedure (PDF 233KB) when risk or harm is identified in relation to a child in care.

Refer to the Office of the Guardian and children in care (staff login required) for more resources and information.

### Children with disabilities or additional needs

The Australian Government Inclusion Support Program (ISP) is the primary source of funding to support children with disabilities or additional needs to access an OSHC service.

OSHC services can apply for ISP funding at the Gowrie SA Inclusion Agency.

Intervac funding is provided by the department to approved OSHC services. The Intervac program is designed to help services with the employment of an additional educator to support and encourage the inclusion of children with additional needs into an OSHC service.

OSHC services can apply for Intervac inclusion funding at Department for Education.

Intervac may be used as short-term interim funding while a service is completing the application process for ISP funding. When ISP funding is in place the service will no longer be eligible for Intervac funding.

### Children requiring health support

To meet Regulation 90 in the Education and Care National Regulations each child with a **diagnosed health condition** must have **three plans** in place:

1. Medical management plan (also known as a health care plan (DOCX 124KB))
2. Risk minimisation plan (or safety and risk management plan (DOC 139KB))
3. Communication plan (or health support agreement (DOCX 127KB)).

Health care plans for a range of specific health conditions are available here. The purpose of the 3 plans is to minimise risks for each child and communicate all necessary information to all relevant people. Health care plans for OSHC services (PDF 309KB) outlines further guidance on children with health conditions.

Children with complex and invasive health care needs or a physical disability will require additional support that cannot be undertaken by educators. Refer to Women's and Children's Hospital Disability Services.

If a child is prescribed medication that needs to be administered while attending OSHC, a medication agreement (DOC 172KB) or multiple medication agreement (DOC 210KB) must be completed by the parent or caregiver. (Unless the medication is an S8 Controlled Medication ie Ritalin, or paracetamol to be administered for longer than 72 hours - which needs to be signed by a medical practitioner)

Medication cannot be administered without this agreement in place. More information regarding medication management in education and care services can be found at the Department for Education website.

### Adequate supervision of children

In line with the National Law and the National Regulations, approved providers must make sure all children are adequately supervised at all times so they're protected from harm and hazard.

OSHC settings cater for children of a wide range of ages and abilities. This may require different levels of supervision (PDF 209KB). Young children will require close supervision, where for older children, it is important to balance the need for close supervision with respect for their age and developing independence. OSHC services may also need to consider the following:

- organisation of the environment to balance supervision and children's growing need for privacy and autonomy

- the location of children's toilets and how children will be supervised when visiting and returning from the toilets
- supervision during the transition between school to the OSHC service
- supervision of children's transportation to and from OSHC premises.

Adequate supervision (PDF 252KB) ensures that educators and service leaders:

- can respond immediately, including when a child is distressed or in a hazardous situation
- know where all children are at all times
- ensure staff arrangements allow activities and experiences to be actively monitored and supervised appropriate to the age and abilities of the child and the risks involved.

At times of higher risk, such as on excursions or in non-secure environments, regular head counts should be undertaken, particularly when transitioning from one location to another or getting on and off buses. Head counts should be double checked.

Increasing educator to child ratios also may also support improved supervision. See the section on risk assessments to consider how levels of risk impact on supervision and control treatments.

Both the approved provider and the school must meet the requirements of the duty of care to children and young people policy (PDF 182KB) to make sure obligations are met.

Training on Proactive, Interactive and Effective Supervision and Risk Management in OSHC is available for OSHC educators in plink.

### Safe transportation of children

Where children are transported to or from another premises, to access before or after school care, procedures for the transportation and safe handover of children between the service and the site must be documented in the service policy and procedures.

The safe transportation of children policy (PDF 144KB) outlines the Department for Education's obligations under the Education and Care Services National Law (South Australia) (National Law) and *Education and Care Services National Regulations 2011* (National Regulations) to ensure the safety, health and wellbeing of children when a service is transporting children.

Children are considered to be under the care of the OSHC service at the point the service is taken to assume responsibility for their care and wellbeing, which means the point at which the child commences the journey on the transportation provided by the OSHC service.

Education and care services that provide or arrange regular transportation for children, other than an excursion, must ensure they have in place policies and procedure for transportation including:

- a current risk assessment
- written authorisation from parent/s or other person authorised by a parent and named in the enrolment record
- accurate records to account for children embarking and disembarking from a vehicle at the education and care service.

Risk assessments must identify and assess risks that the transportation of a child may pose to the safety, health or wellbeing of the child, and must specify how the identified risks will be managed and minimised. Risks should be evaluated each time children are transported unless the transportation is 'regular transportation'. Risk assessments for regular transportation are reviewed and renewed every 12 months. A new risk assessment must be completed when changes in the circumstances of transportation highlight new or additional risks that may affect the safety, health and wellbeing of children being transported.

Written authorisation for a child to be transported must be given prior to transportation, and by a parent or other person named in the child's enrolment record as having authority, given by a parent, to authorise the child being transported by the service or on transportation arranged by the service. A new written authorisation must be obtained when changes in the circumstances of transportation highlight new or additional risks that may affect the safety, health and wellbeing of children being transported and a new risk assessment has been completed.

Education and care services must ensure that they keep daily records in accordance with regulations 102E and 102F under section 301 of the Education and Care Services National Law (SA) in relation to children embarking and disembarking a means of transport at the education and care service premises.

The transportation of children must follow all relevant legislation, for example, the provision of appropriate child restraints (see rule 266 of the Australian Road Rules).

Refer to:

- the school transport policy (PDF 383KB)
- vehicles and safe driving (staff login required).

Authorisation from parents and guardians must be obtained. When transporting children under guardianship of the Chief Executive, DCP, the service must confirm if the child's legal guardian is DCP or the child's carer, as written authorisations must be obtained from the child's legal guardian.

The legal guardianship must be confirmed via the education information for a child or young person in care form (DOCX 94KB) (staff login required).

### Safe arrival of children

It is a requirement under the National Regulations that education and care services have policies, procedures (DOCX 159KB) (staff login required) and risk assessments (PDF 263KB) (staff login required) in relation to the safe arrival of children. This includes children travelling between:

- school and OSHC
- preschool and OSHC
- OSHC and family day care.

### Risk assessment and risk minimisation

The approved provider must make sure every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury to children and young people.

The camps and excursions policy (PDF 662KB) and camps and excursions procedure (PDF 850KB) provide a framework for services to plan, identify hazards, eliminate or minimise risks to undertake camps and

excursions that allow all children and young people to move safely and effectively beyond the site setting or bringing different experiences on site. This allows children to participate in an array of learning experiences offered within the community and natural environment.

Risk assessments should be documented with detailed information about identified hazards and strategies to potentially either remove or minimise the risk to children and young people from harm (National Law section 167).

Risk assessment and risk minimisation is part of planning a routine outing or excursion/incursion and must be carried out for outings or excursions/incursions before seeking written authorisation. The risk assessment must identify and assess risks posed to the safety, health or wellbeing of any child being taken on the excursion or outing, and detail strategies for minimising and managing those risks.

For more information refer to the Education Standards Board.

Training on Risk Management in OSHC is available for OSHC educators in plink, including a risk assessment template.

# Public liability, insurance, emergency and evacuation procedures

## All providers

### Emergency and evacuation procedures

The approved provider must make sure the service has emergency and evacuation procedures in place that is based on a risk assessment. These documented emergency and evacuation procedure must be rehearsed every 3 months under the National Regulations (refer to regulations 97 and 168).

The principal must make sure the OSHC service:

- is included in the site's emergency plan, site bushfire preparation procedure and site bushfire response procedure (see emergency management for schools, preschools, education offices and corporate offices (staff login required))
- has copies of the site's current emergency management plan, site bushfire preparation procedure and site bushfire response procedure.

The OSHC director must ensure OSHC staff and volunteers are familiar with the site's emergency management framework, site bushfire preparation procedure and site bushfire response procedure and trained in the implementation of the plans.

The plans must include a notification process in the event of a closure or an emergency for:

- families and guardians
- staff
- line manager
- education director
- Education Standards Board
- Australian Government Department of Education.

## School governing council

### Public liability

Department schools and school governing councils on department sites are covered by public liability insurance provided by the South Australian Government.

### Contents insurance

School governing councils must have insurance for all fixtures, fittings, furniture and equipment necessary to deliver the OSHC service. The service must maintain school property in a clean and sound condition, and make good any damage to department property caused specifically by the service.

### Building

Damage to the premises from any cause whatsoever should be reported to the school. A formal statement should be recorded as to the circumstances as part of general work health and safety procedures. Appropriate action should then be taken to rectify the damage and manage risk.

### Work Injury Insurance

The school governing council must register with ReturnToWorkSA within 14 days of becoming an employer. For more information about registering for work injury insurance email info@RTWSA.com or call 13 18 55. The levy is currently paid by the department.

ReturnToWorkSA must be notified of subsequent changes in employee numbers, remuneration or employment category (for example an increase or reduction in staff levels or a change to an existing employee's working hours), or predominant activity.

## Third party provider

### Public liability

The third party provider will maintain a policy of public risk insurance with respect to the operation of the OSHC service and in which the limit of public risk must be not less than $20 million during the entire term of any licence and services agreement (PDF 645KB).

### Contents insurance

The third party provider must have insurance for all the third party provider's fixtures, fittings, furniture and equipment and any other assets necessary to deliver the OSHC service in accordance with the licence and services agreement.

### Building

The third party provider is responsible for any damage to the premises caused by the provider, its contractors or employees during the operation of the OSHC service.

### Work Injury Insurance

The third party provider is responsible for ReturnToWorkSA insurance in respect of all third party provider personnel for the purposes of any applicable legislation.

The third party provider must register with ReturnToWorkSA within 14 days of becoming an employer. For

more information about registering for work injury insurance email info@RTWSA.com or call 13 18 55.

ReturnToWorkSA must be notified of subsequent changes in employee numbers, remuneration or employment category (for example an increase or reduction in staff levels or alteration change to an existing employee's working hours), or predominant activity.

**Other**

The third party provider is responsible for any other policies of insurance required for the purposes of the OSHC service.

# Closing an OSHC service

## Third Party Provider

### Conduct service review

The advisory committee report must include information about service utilisation in line with the licence and services agreement (PDF 645KB). Refer to the licence and services agreement for the period of written notice required if either the school or provider intends to cease the delivery of the service.

## School Governing Council

### Conduct service review

When considering the ongoing need for an OSHC service, the principal and the school governing council must undertake a review of the OSHC service as outlined at deciding to cease operating an OSHC service.

Refer to responsibilities of the school governing council and principal when closing an OSHC service. If the service closes, the school governing council should give families information about alternative school-age care options in the community and where these options are available.

# Roles and responsibilities

# School governing council

Determine if there's a need for an OSHC service at the site.

Determine who will be the approved provider of an OSHC service.

Establish an OSHC advisory committee which meets twice per term and reports to the governing council.

**If the governing council becomes the approved provider:**

The school governing council chair signs an instrument of authorisation (PDF 203KB) with the principal to clearly outline the extent of the principals line management responsibilities for the OSHC director and service.

Comply with the responsibilities of the school governing council and principal when closing an OSHC service.

Comply with Australian and state legislation, regulations and standards, including requirements of the:

- NQF for early childhood education and care
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Schedule 1 Education and Care Services National Law (South Australia)
- National Law
- National Regulations
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- associated department policies and requirements.

Comply with the Fair Work Act 2009 (Cth) and guidelines of the Fair Work Commission when the school governing council employs personnel.

Comply with the Family Assistance Law, guidelines of Australian Government Department of Education and the Australian Government Child Care Provider Handbook when the school governing council is the approved provider.

Comply with department child safe environments policies and procedures and the relevant requirements outlined in this procedure.

Governing councils must make sure that anyone appointed by a governing council adheres to the safeguarding children and young people policy (PDF 246KB), and can follow the department's suite of child safe environments policies and procedures as required, in particular ensuring all adults working and volunteers at the service:

- have a verified current Working with Children Checks and that these are monitored,
- have completed the RRHAN-EC training relevant to their role every 3 years and
- are supported to understand their mandatory notification obligations and fulfil their individual requirements under the safeguarding children and young people policy (PDF 246KB), including how to make a mandatory notification when necessary

# Principal

## All providers

Comply with department child safe environments policies and procedures and the relevant requirements outlined in this procedure.

Support governing councils and anyone appointed by a governing council to adhere to the safeguarding children and young people policy (PDF 246KB), and ensure they are aware of and follow the department's suite of child safe environments policies and procedures as required , in particular ensuring all adults working and volunteers at the service:

- have current Working with Children Checks and that these are monitored,
- have completed the RRHAN-EC training relevant to their role every 3 years and
- are supported to understand their mandatory notification obligations and fulfil their individual requirements under the safeguarding children and young people policy (PDF 246KB), including how to make a mandatory notification when necessary

Make sure all people working or volunteering on a school site are suitable to work with children and young people.

Report incidents in line with this procedure that are notifiable.

Establish and maintain an OSHC advisory committee.

Make sure the OSHC service is included in site signage, school context statements, school web pages, annual reports and strategic planning documents.

Comply with the responsibilities of the school governing council and principal when closing an OSHC service.

## School governing council operated

Sign an instrument of authorisation (PDF 203KB) clearly outlining the extent of their line management responsibilities for the OSHC director and service.

Together with the school governing council, comply with Australian and state legislation, regulations and standards, including requirements of the:

- NQF for early childhood education and care
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Schedule 1 Education and Care Services National Law (South Australia)
- National Law
- National Regulations
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- associated department policies and requirements.

Comply with the Fair Work Act 2009 (Cth) and guidelines of the Fair Work Commission when the school governing council employs personnel.

Comply with the Family Assistance Law, guidelines of Australian Government Department of Education and the Australian Government Child Care Provider Handbook when the school governing council is the approved provider.

Ensure a school finance officer is nominated to manage all OSHC financial transactions when the school governing council is the approved provider of the OSHC service.

### Third party provider

Ensure effective and active contract management of the licence and services agreement (PDF 645KB) between the Minister, school governing council and third party provider when the school governing council engages a third party provider to be the approved provider of the OSHC service.

## OSHC director

Comply with Australian and state legislation, regulations and standards, including requirements of the:

- NQF for early childhood education and care
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Schedule 1 Education and Care Services National Law (South Australia)
- National Law
- National Regulations
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- associated department policies and requirements.
- Fair Work Act 2009 (Cth)
- guidelines of the Fair Work Commission.
- Family Assistance Law
- guidelines of Australian Government Department of Education
- the Australian Government Child Care Provider Handbook.

Comply with department child safe environments policies and procedures and the relevant requirements outlined in this procedure.

The director must make sure that anyone appointed by a governing council adheres to the safeguarding children and young people policy (PDF 246KB), and can follow the departments suite of child safe environments policies and procedures as required , in particular ensuring all adults working and volunteers at the service:

- have current Working with Children Checks and that these are monitored,
- have completed the RRHAN-EC training relevant to their role every 3 years and
- are supported to understand their mandatory notification obligations and fulfil their individual requirements under the safeguarding children and young people policy (PDF 246KB), including how to make a mandatory notification when necessary.

Ensure where a child in care under the guardianship of the Chief Executive, DCP is enrolled the OSHC director must provide regular updates to the principal on the child's participation in the program and attend their Individual Education Plan meetings. Refer to the OSHC Director's role and responsibilities for more information.

# Approved OSHC provider

Hold legal liability and accountability for the operation of the OSHC service.

Comply with Australian and state legislation, regulations and standards, including requirements of the:

- NQF for early childhood education and care
- Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)
- Schedule 1 Education and Care Services National Law (South Australia)
- National Law
- National Regulations
- Children and Young People (Safety) Act 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- associated department policies and requirements.

Comply with the:

- Fair Work Act 2009 (Cth)
- guidelines of the Fair Work Commission.

Comply with:

- the Family Assistance Law
- guidelines of Australian Government Department of Education
- the Australian Government Child Care Provider Handbook.

Comply with department child safe environments policies and procedures and the relevant requirements outlined in this procedure.

The OSHC provider must make sure that anyone appointed by a governing council adheres to the safeguarding children and young people policy (PDF 246KB), and can follow the departments suite of child safe environments policies and procedures as required, in particular ensuring all adults working and volunteers at the service:

- have current Working with Children Checks and that these are monitored,
- have completed the RRHAN-EC training relevant to their role every 3 years and
- are supported to understand their mandatory notification obligations and fulfil their individual requirements under the safeguarding children and young people policy (PDF 246KB), including how to make a mandatory notification when necessary

Where there's a Third Party Provider, provide the OSHC services on the terms and conditions set out in the licence and services agreement (PDF 645KB).

Oversee the establishment and operation of an OSHC service.

Endorse the purchase recommendation where a third party approved provider is engaged.

Operate finances within the accounting system (EDSAS), for OSHC services operated by a department school governing council.

## Education director

Oversee the establishment and operation of an OSHC service.

Endorse the purchase recommendation where a third party approved provider is engaged.

## School business manager, finance officer (or delegate)

Operate finances within the accounting system (EDSAS), for OSHC services operated by a department school governing council.

## OSHC central team

Manage Intervac inclusion funding.

Contract manage the department's panel of approved third party OSHC providers and maintain this list.

Maintain the OSHC website.

Monitor this procedure and review every 3 years. Monitoring will be informed by amendments to the OSHC policy, stakeholder feedback, state and federal policy direction and changes to department strategic directions.

## Procurement

Where the school governing council engages a third party provider to operate their OSHC service, facilitate the procurement process on behalf of the school governing council and the school and assist sites throughout the process.

Inform OSHC central team of the status of each site outsourcing.

## Site Financial Resources

Where school governing council operates services, provide assistance in developing budgets, setting appropriate fee schedules and setting up OSHC as a company within the accounting system (EDSAS).

Provide advice on appropriate financial management practices.

Provide an analysis of expenditure and revenue at a service when requested.

## Employee Relations and Human Resources

Where the school governing council operates the service:

- Employee Relations – provide support and advice to ensure the site complies with their industrial obligations

- Human Resources – provide support and advice around disciplinary action, termination, suitability of OSHC staff (including HRS).

## Performance Improvement and Incapacity

Where the school governing council operates the service, support the principal undertake a performance management process.

## DCP case manager of children under the guardianship or custody of the Chief Executive

Provide information that will help the service with the enrolment process and to develop strategies and interventions to support the successful inclusion of the child.

# Definitions

## OSHC

Approved out of school hours care service including:

- before school
- after school
- pupil-free days
- vacation care.

## National Law

The Education and Early Childhood Services (Registration and Standards) Act 2011 (SA), Schedule 1 Education and Care Services National Law (South Australia).

## National Regulations

*Education and Care Services National Regulations 2011*

## approved provider

A person who holds a provider approval under the National Law. Only an approved provider can apply for a service approval to operate an approved education and care service under the National Law.

# Supporting information

Australia New Zealand Food Standards Code

Australian Taxation Office

Belonging, Being and Becoming: The Early Years Learning Framework for Australia (EYLF)

Child Care Provider Handbook

Cyberbullying support

Developing a One Plan using the elements of personalised learning (staff login required)

Education information for a child or young person in care form (DOCX 94KB) (staff login required)

Health care plans and forms

Interagency Code of Practice: Investigation of suspected harm to children and young people (PDF 2.6MB)

My Time, Our Place: Framework for School Age Care in Australia

National Quality Framework for early childhood education and care

Reporting child abuse (staff login required)

Staying healthy: Preventing infectious diseases in early childhood education and care services

Vehicles and safe driving (staff login required)

# Related legislation

Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)

Education and Care Services National Regulations

Family Assistance Law

Children and Young People (Safety) Act 2017 (SA)

Child Safety (Prohibited Persons) Act 2016 (SA)

Children's Services Award 2010

Fair Work Act 2009 (Cth)

Fair Work Regulations 2009 (Cth)

National Employment Standards

Return to Work Act 2014 (SA)

SafeWork SA legislation

State Records Act 1997 (SA)

Work Health and Safety Act 2012 (SA)

Work Health and Safety Regulations 2012 (SA)

# Related policies

Code of Ethics for the South Australian Public Sector

Financial operation of OSHC instruction (staff login required)

Information sharing guidelines for promoting safety and wellbeing

Managing allegations of sexual misconduct in SA education and care settings guideline (PDF 946KB)

Mandatory notification procedure (PDF 233KB)

Out of school hours care (OSHC) policy (PDF 187KB)

Procurement governance policy (PDF 255KB)

Protective practices for staff in their interactions with children and young people guidelines (PDF 3.2MB)

Safeguarding children and young people policy (PDF 246KB)

School governance administrative instruction (PDF 847KB)

School transport policy (PDF 383KB)

Screening and suitability – child safety policy (PDF 228KB)

Sexual behaviour in children and young people procedure and guideline (PDF 1.7MB)

Volunteer policy (PDF 196KB)

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Amendment(s): Updated hyperlinks and content to accurately reflect other business unit changes such as: changes to the Child Safety Act, remove link to third party panel (as requested by Procurement Unit), HR changes to pre-employment check updated, DHS register of interest and certificate of interrogation updated and reflected, facilities instruction clarified, health support instruction clarified, supervision instruction clarified, transportation instruction clarified, outdated reporting checklist template removed, SGC roles and responsibilities clarified to match external facing information.

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Version: 1.0
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