Provision of out of school hours care (OSHC) services on department sites

This is a mandated procedure under the operational policy framework and staff are required to adhere to the content.

Overview

This procedure outlines the requirements for establishing, operating and ceasing to operate an out of school hours care (OSHC) service on a Department for Education (department) site.

This procedure outlines the roles and responsibilities for those engaged in the provision of 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.
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Establishment of an OSHC service

The school governing council is responsible for establishing an OSHC service on a department school site. The establishment process is to 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 hire fees if appropriate and charges.

Conduct a needs analysis and determine feasibility

The school governing council is to establish an advisory group to conduct a needs analysis and determine the feasibility of establishing an OSHC service. Feasibility is dependent on the need for a service and the ability of a service to operate in a way that is financial viable and complies with the requirements of the National Quality Framework (NQF) for Early Childhood Education and Care, the Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1 Education and Care Services National Law (South Australia), the National Law, the Education and Care Regulations, the National Regulations.


To undertake this work an advisory committee should include the following members:

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

The role of the advisory group includes 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 (Word 234KB) and vacation care needs survey (Word 217KB) templates.
- consider plans for utilising 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/partnership
- consider alternative local care options and impact of establishment on these services
- determine expenditure and fee structure.
Outcomes of the analysis and feasibility are to be presented to the school governing council. If the school governing council endorses the establishment of an OSHC service, the principal is required to seek endorsement from the site education director.

Determine who will be the approved provider of the service

The approved provider is legally responsible for the management and operation of the OSHC service and for complying with the requirements of the National Quality Framework (NQF) for Early Childhood Education and Care, the Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1 Education and Care Services National Law (South Australia), the National Law, the Education and Care Regulations, the National Regulations and associated department policies and requirements.


The school governing council has two choices to deliver an OSHC service:

- The school governing council is the approved provider
- The school governing council engages a third party provider to be the approved provider.

If it is decided the school governing council will be the approved provider they must adhere to the processes as outlined on the department website: school governing council as the approved provider of OSHC.

If it is decided the school governing council will engage a third party provider they must adhere to the processes as outlined on the department website: 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, design and use of the premises for both the indoor and outdoor environment, as well as consider office, storage space, toilets, kitchen and food preparation areas (noting the physical environment contributes to the quality of the service).

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 (eg facilities being hired to other community groups which may impact on access to facilities). The establishing a centre-based education and care service: a facilities guide provides a guide for considerations to ensure that the school is able to comply with the facility requirements under the National Law.

It should also be noted that the department’s guidelines indicate that OSHC services should be delivered within the school’s existing spatial capacity.

Should modifications to a space be required for the delivery of the OSHC program, the principal should consult with the department’s Asset and Facility Services through lodging a project commencement form.

Refer to the asset replacement or refurbishment procedure (login credentials required) 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 site governing body or community (not-for-profit) organisation providing an OSHC or vacation care service in accordance with community use of school facilities. (login credentials required).

For-Profit organisations may be charged a hire fee. The hire fee is to be determined from the recommended hire rates for community use of school facilities (log in credentials required) and be amended (discounted) to account for the infrequent use of the facilities and the benefits that the service delivers for the community. It is 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 charged to 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, e.g. utilities, cleaning, security. Principals/directors are requested to 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; and
- additional security costs (eg call out costs).

Income generated or received by the school governing council through the provision of an OSHC service is to be re-invested into the service or service facility. The school governing council, in balancing the need to support ongoing viability, compliance with the requirements of the National Law, program quality and department requirements, are responsible for deciding where to target re-investment.

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 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 use department policies where appropriate and ensure operational policies and procedures comply with the National Regulations.

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 ensure that conditions of funding and/or operational agreements entered into with any government or agency are met.

Services may be eligible for Australian Government Department of Education, Skills and Employment Community child care fund grants.

OSHC program

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

If preschool age or under children regularly attend an OSHC service, the service must deliver a program for these children based on The Early Years Learning Framework for Australia.

Enrolling children

The approved provider must meet the enrolment requirements of the National Law. The approved provider must ensure 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 is to be calculated in accordance to [Education and Care Services National Regulations 2014, Regulation 123].

Emergency care can be provided for one child, or two or more children from the same family for a period of not more than two consecutive days on which the service operates [Education and Care Services National Regulations 2014, Regulation 123(5)].

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

The approved provider is to 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 and the Australian Government of Education, Skills and Employment 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 further 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 ensure critical incidents and injuries are recorded on the department’s Incident Recording Management System (IRMS) within a 24 hour period or 7 days for non-serious incidents. Third Party Providers must ensure that critical incidents and injuries are reported to the principal without delay, to enable the IRMS 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 National Quality Agenda IT System (NQA ITS). Refer to ACECQA notifications and timeframes and reporting requirements about children
- Australian Government Department of Education, Skills and Employment as outlined in the department’s OSHC notification requirements checklist and provide a copy of the incident form by fax on 02 6123 6987 or via saccb@education.gov.au
- SafeWork SA where required. Refer to the SafeWork Australia Incident Notification Fact Sheet.

Refer to:

- OSHC approved provider - reporting critical incidents, complaints and injuries
- Reporting critical incidents and injuries procedure (login credentials required).
- Critical incidents, injury and hazard reporting - web page (login credentials required).

Reporting site security incidents

The approved provider must ensure 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 Recording Management System (IRMS).

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 National Quality Agenda IT System (NQA ITS). Refer to ACECQA notifications and timeframes and reporting requirements about children.
- Australian Government Department of Education, Skills and Employment as outlined in the department’s OSHC notification requirements checklist and provide a copy of the incident form by fax on 02 6123 6987 or via saccb@education.gov.au.
- SafeWork SA where required. Refer to the SafeWork Australia Incident Notification Fact Sheet. Refer to security management for additional information. (login credentials required).

**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 whom complaints can be made must be clearly visible at the service.

The approved provider must ensure 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 Recording Management System (IRMS).

The approved provider must notify the Education Standards Board within 24 hours of any complaint alleging that a serious incident has occurred while a child is educated and cared for or complaints alleging the Law has been contravened. Notifications are submitted online through the National Quality Agenda IT System (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 Education Complaint unit.

**Records management**

The approved provider is responsible for:

- managing, storing and disposing of records in accordance with the department’s Records management unit (login credentials required) and the State Records Act 1997.
- ensuring confidentiality is maintained in accordance with the Information Sharing Guidelines for promoting safety and wellbeing (ISG).

**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 (such as - Gmail, Yahoo, Y7mail, Hotmail) or stored online (such as SkyDrive, Dropbox, Google Drive, Bitcasa, iCloud).
School governing council as the approved provider

Governance

Governance requirements are outlined in School governing council as the approved provider - Governance Model and Roles and responsibilities.

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 Child Care Subsidy requirements of the Family Assistance Law (Child Care Legislation).

The principal must ensure 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 ensure 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.

Budget and fee schedule

The service budget must be monitored and reviewed at least annually or as required to ensure the actual income and expenditure aligns with the approved budget. Refer to OSHC budget tool and OSHC budgeting tool user guide (login credentials required) for further information.

All budgets and changes to fees must be ratified 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 which must include, invoicing procedures, debt collection procedures and the responsible person(s).

School governing council outsourcing to a third party provider

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

School governing councils engaging a third party OSHC provider must select from the panel of approved providers and undertake the procurement process.

Early Childhood Policy and Strategy and the Procurement Unit assist in formalising the Licence and Services Agreement between the Minister, the school governing council and the third party provider.

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

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

Refer to Information for sites about third party providers.
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 through supplementation will be required to respond to periodic Expressions of Interests (EOI). EOIs will be publicly advertised via the SA Tenders and Contracts website www.tenders.sa.gov.au. Organisations need to be registered on the SA Tenders and Contracts website. Panel members must demonstrate their ability to meet mandatory criteria and indicate the regions across the state where they would like to operate an OSHC service. Further information regarding applying to join the panel can be sought from the department Procurement Unit on 8226 1610 or via email to: Education:Procurement Unit.

Contract management of the licencing and services agreement

Third party providers must meet the requirements of the Licence and Services Agreement between, the minister, school governing council and third party provider.

Financial management

The third party provider must ensure compliance with the Child Care Subsidy requirements of the Family Assistance Law (Child Care Legislation). OSHC fees are to be charged in accordance with Schedule 3 of Licence and Services Agreement.

Budget and fee schedule

Any variation to the fee must be made in accordance with the variation to the OSHC Service clause in the Licence and Services Agreement.

Staffing

All providers

The Department Human Resources Management (HRM) system

The principal must ensure all OSHC staff and volunteers are cleared through the Human Resource Management (HRM) system Education.HRConfidential@sa.gov.au prior to the person or volunteer commencing 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 will provide the name, any known previous names and date of birth of all OSHC staff and volunteers to the department's Human Resources Management (HRM) system Education.HRConfidential@sa.gov.au.

Historical information may be available on the Human Resource Management (HRM) system which may need to be considered by the principal prior to any person commencing 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 is no additional information available the principal will be notified by return email.

A copy of the clearance advice is to be retained at the site and by the approved provider.

**Screening and suitability requirements**

The principal will ensure all people working or volunteering (refer to volunteers policy) on a school site have:

- Australian residency either with an Australian birth certificate, residency permit, or a current work visa
  - All visas must be verified and cleared by People and Culture Operations by emailing a copy to Education.HRConfidential@sa.gov.au NB: Overseas applicants should get the appropriate visa themselves as the department does not normally sponsor visa applications.
  - Copies of all residency permit, or current work visa documents are to be provided and retained at the site and by the approved provider.
- completed all components of the pre-employment and volunteer declaration checklist (PDF 194KB). A copy of the pre-employment and volunteer checklist is to be retained at the site and by the approved provider.
- provided a current working with children check (WWCC) from an approved screening authority. Copies will be recorded in the Education Department School Administrative System (EDSAS) / Human Resource Management (HRM) system. A copy of the WWCC is to be retained at the site and by the approved provider.
- provided a copy of a current Responding to Abuse and Neglect - Education and Care (RAN-EC training) certificate. A copy of the RAN-EC is to 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 Incident Response Management System (IRMS) within 12 hours
- advising Employee Relations within 24 hours
- forwarding a copy of the termination letter to the Manager People and Culture Services to education.HRConfidential@sa.gov.au.

**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 accordance with relevant legislative requirements.

Refer to [Being an employer – school governing councils](#)

Refer to [Fair Work Ombudsman](#)

**Line management**

The principal will line manage and support the OSHC director employed by the school governing council in accordance with the department [performance and development policy](#).

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

**Managing unsatisfactory performance of OSHC employees**

Principals are responsible for:

- ensuring unsatisfactory performance is addressed and managed. Available resources can be found at [Fair Work - managing underperformance](#) and [Fair Work - templates](#).
- contacting the department’s Performance Improvement and Incapacity unit via education.performanceandincapacity@sa.gov.au or phone (08) 8226 1899 for support in undertaking performance management processes aligned with the department.

Refer to [managing unsatisfactory performance guideline](#) (login credentials 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 accordance with relevant legislative requirements.

Refer to [Fair Work Ombudsman](#)

**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:

- ensuring that unsatisfactory performance is addressed and managed. Available resources can be found at [Fair Work - managing underperformance](#) and [Fair Work - templates](#).
- Third party OSHC providers may wish to seek industrial advice prior to undertaking disciplinary action.
Child protection

All providers

Child protection

The child protection in schools, early childhood education and care policy applies to all schools in South Australia including government, Catholic and Independent schools.

Sites must:

- meet the screening and suitability requirements set out in the department’s screening and suitability - child safety policy and the screening and suitability - child safety procedure
- adhere to all other department policies and procedures relating to child safe environments as outlined in department’s child protection in schools, early childhood education and care policy.

Protective practices and managing allegations of sexual misconduct

Approved providers will ensure the service operates in accordance with the following two guidelines:

- Protective practices for staff in their interactions with children and young people guidelines
- Responding to problem sexual behaviour in children and young people - guidelines for staff in education and care setting.

The principal will ensure:

- 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 document are included as part of the induction for all OSHC educators and volunteers
- the OSHC director has a copy of the protective practices for staff in their interactions with children and young people guidelines and of copy of the managing allegations of sexual misconduct in SA education and care settings - Introduction for site leaders presentation document
- facilitate a professional discussion with the OSHC director regarding the key areas of the guidelines to confirm a thorough understanding of the key elements outlined
- retain a copy of the OSHC director’s completed managing allegations of sexual misconduct training certificate.

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 (Safety Act), 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. Please refer to child safe environments. For more information on child safe environments visit the Department of Human Services website.

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.

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

Always call 000 if it is an emergency.

Reporting concerns to the principal

All OSHC employees and volunteers must report immediately to the principal any concerns they may have regarding 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 is recommended that the matter is discussed with the principal to support considerations on how best to support the child.

Support for children

All providers

Quality of care for children

The approved provider must ensure the quality of care being offered meets the needs of individual children, supports families and is in keeping with the values, principles and policies 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 adhered to.

The DCP case manager must complete the department’s Education information for a child or young person in care form (log in credentials required) 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.
**Individual education plans for children in care/One Plan** meetings (log in credentials required) are to be convened by the principal (or their delegate) at enrolment and ongoing thereafter, at the beginning of each school year. The service director is required to participate in these meetings.

Where a child under guardianship of the Chief Executive, DCP, is enrolled in a service, service educators/staff must undertake Strategies for Managing Abuse Related Trauma (SMART) training prior to the child’s commencement. Refer to the [SMART intranet content](#) for additional information.

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 adhere to the [child protection in schools, early childhood education and care policy](#).

Refer to the [Office of the Guardian](#) and [children in care](#) for additional 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 assist 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 at [Department for Education - Intervac inclusion funding](#).

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**

OSHC services are required to meet the requirements for health support. Refer to [health care plans](#) which has a range of resources to assist services with health support planning.

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](#).

**Adequate supervision of children**

In accordance with the [National Law](#) and the [National Regulations](#) approved providers must ensure all children are adequately supervised at all times to ensure children are protected from harm and hazard.

Both the approved provider and the school must meet the requirements of the [duty of care](#) policy to ensure obligations are met.

**Transportation of children**
Where children are transported to or from another premises, in order 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.

Both the approved provider and the school must meet the requirements of the duty of care policy to ensure obligations are met.

Risk assessments for transportation of children should be documented and include detailed information relating to identified hazards and strategies to potentially either remove or minimise the risk to children and young people from harm. (National Law: Section 167).

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

Refer to School transport policy and Vehicles and safe driving (log in credentials required).

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

The legal guardianship must confirmed via the Education information for a child or young person in care form (log in credentials required).

Risk assessment and risk minimisation

The approved provider must ensure that 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 and camps and excursions procedure provides a framework for services to plan, identify hazards, eliminate or minimise risks to undertake camps and excursions that enable all children and young people to move safely and effectively beyond the site setting to participate in an array of learning experiences offered within the community and natural environment.

Risk assessments should be documented and include detailed information relating to 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 and must be carried out for outings or excursions before written authorisation is sought. 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 additional information refer to the Education Standards Board.

Public liability, insurance, emergency and evacuation procedures

All providers

Emergency and evacuation procedures
The approved provider must ensure the service has in place emergency and evacuation procedures that include risk assessments and documented emergency and evacuation procedure rehearsals every three months [refer Regulations 97 and 168 of the National Regulations].

The principal must ensure the OSHC service:

- is included in the site’s emergency management for schools and preschools (login credentials required) emergency plan, site bushfire preparation procedure and site bushfire response procedure
- 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/guardians
- Staff
- Line manager
- Education director
- Education Standards Board
- Australian Government of Education, Skills and Employment

**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 and a formal statement 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 ReturntoWork SA 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.
Return to Work SA must be notified of subsequent changes in employee numbers, remuneration or employment category (e.g. an increase or reduction in staff levels or an alteration 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.

Contents insurance

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

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 ReturntoWork SA insurance in respect of all third party provider personnel for the purposes of any applicable legislation.

The third party provider must register with ReturntoWork SA (RTWSA) 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.

Return to Work SA must be notified of subsequent changes in employee numbers, remuneration or employment category (e.g. an increase or reduction in staff levels or an alteration 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

School Governing Council

Conduct service review

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

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

Third Party Provider

Conduct service review

The advisory committee report must include information regarding service utilisation in accordance with the Licence and Services Agreement.

Closing an OSHC service

The principal as the Minister’s representative and the school governing council must be given at least 6 months written notice in accordance with the Licence and Services Agreement if the third party provider intends to cease providing the OSHC service.

Roles and responsibilities

School governing council

- Determine if there is a need for an OSHC service at the site.
- Determine who will be the approved provider of an OSHC 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 National Quality Framework (NQF) for Early Childhood Education and Care, the Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1 Education and Care Services National Law (South Australia) National Law, the Education and Care Regulations National Regulations and associated department policies and requirements.
- Comply with the Fair Work Act 2009 and guidelines of the Fair Work Commission when the school governing council employs personnel.
- Comply with the Family Assistance Law and guidelines of the Australian Government of Education, Skills and Employment (DESE), and the Australian Government Child Care Provider Handbook when the school governing council is the approved provider.
- Comply with any relevant department policy and procedure and the relevant requirements outlined in this procedure.
- Refer to school governing council operated OSHC service and information for sites about third party OSHC providers for additional information.
Principal

- Assist the school governing council to comply with Australian and state legislation, regulations and standards, including requirements of the National Quality Framework (NQF) for Early Childhood Education and Care, the Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1 Education and Care Services National Law (South Australia) National Law, the Education and Care Regulations National Regulations and associated department policies and requirements.
- Comply with the Fair Work Act 2009 and guidelines of the Fair Work Commission when the school governing council employs personnel.
- Comply with the Family Assistance Law and guidelines of the Australian Government of Education, Skills and Employment (DESE), and the Australian Government Child Care Provider Handbook when the school governing council is the approved provider.
- Comply with any relevant department policy and procedure and the relevant requirements outlined in this procedure.
- Ensure all people working or volunteering on a school site are suitable to work with children and young people.
- Ensure the instrument of authorisation to the principal about the extent of the principal’s responsibility for the OSHC service is endorsed by the school governing council.
- Report incidents in accordance with this procedure that are notifiable.
- 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.
- Establish and maintain an OSHC advisory committee.
- Ensure the OSHC service is included in site signage, school context statements, school web pages, annual reports and strategic planning documents.
- Ensure effective and active contract management of the Licence and Services Agreement 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.
- Comply with the responsibilities of the school governing council and principal when closing an OSHC service.
- Refer to the principal’s role in out of school hours care (OSHC) for additional information.

OSHC director

- Comply with Australian and state legislation, regulations and standards, including requirements of the National Quality Framework (NQF) for Early Childhood Education and Care, the Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1 Education and Care
Services National Law (South Australia) National Law, the Education and Care Regulations National Regulations and associated department policies and requirements.

- Comply with the Fair Work Act 2009 and guidelines of the Fair Work Commission.
- Comply with any relevant department policy and procedure and the relevant requirements outlined in this procedure.
- Ensure where a child in care under the guardianship of the Chief Executive, Department for Child Protection 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 Out of school hours care director role for additional information.

Approved OSHC provider

- Holds legal liability and accountability for the operation of the OSHC service.
- Comply with Australian and state legislation, regulations and standards, including requirements of the National Quality Framework (NQF) for Early Childhood Education and Care, the Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1 Education and Care Services National Law (South Australia) National Law, the Education and Care Regulations National Regulations and associated department policies and requirements.
- Comply with the Fair Work Act 2009 and guidelines of the Fair Work Commission.
- Comply with any relevant department policy and procedure and the relevant requirements outlined in this procedure.
- Refer to the school governing council operated OSHC service for additional information.
- Where there is a Third Party Provider, provides the OSHC services on the terms and conditions set out in the Licence and Services Agreement.

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 managers/finance officers (or delegate)

- OSHC services operated by a department school governing council are required to operate their finances within the accounting system (EDSAS).
- Refer to the financial support staff in out of school hours care for additional information.
Early Childhood Services

- Manage [Intervac inclusion funding](#).
- Contract manage the department’s [panel of approved third party OSHC providers](#).
- Maintain the [List of approved providers on the panel](#) (PDF 36KB).
- 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.

Contact the Early Childhood Services unit on 8226 6427, or by email at Education.oshc@sa.gov.au

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 provide sites with assistance throughout the process.
- Inform Early Childhood Services of the status of each site outsourcing.

Contact the Procurement unit on 8226 1610, or by email at Education.ProcurementUnit@sa.gov.au.

Site Financial Resources

- Where school governing council operates services, provide assistance in the development of budgets, set appropriate fee schedules, set 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.

Contact Site Financial Resources on Education: SiteFinancialResources@sa.gov.au

Employee Relations and Human Resources

Where the school governing council operates the service:

- Employee Relations - assists the site to comply with their industrial obligations by providing support and advice.
- Human Resources - provides support and advice around disciplinary action, termination, suitability of OSHC staff (including the Human Resources Management (HRM) system via [HRConfidential@sa.gov.au](mailto:HRConfidential@sa.gov.au))
Performance Improvement and Incapacity

Where the school governing council operates the service, assists undertaking a performance management process. Contact can be made via education.performanceandincapacity@sa.gov.au or phone (08) 8226 1899

Department for Child Protection

The case manager of children under the Guardianship or Custody of the Chief Executive, Department for Child Protection is required to provide information that will assist 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 services including before school and/or after school and/or on pupil-free days and/or vacation care.

the National Law – the Education and Early Childhood Services (Registration and Standards Act 2011, Schedule 1 Education and Care Services National Law (South Australia), the National Law,

the National Regulations – the Education and Care Services National Regulations, the National Regulations

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.

department employees – department employees inclusive of school staff and corporate office staff.

Related legislation

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

Education and Care Regulations, the National Regulations

Children and Young People (Safety) Act 2017

Work Health and Safety Act 2012

Work Health and Safety Regulations 2012

Fair Work Act 2009

Fair Work Regulations 2009

National Employment Standards

SafeWork SA Legislation

Return to Work Act 2014

Children’s Services Award 2010

Australian Taxation Office
Family Assistance Law (Child Care Legislation)

Australian Government Child Care Provider Handbook

State Records Act 1997

Information Sharing Guidelines for promoting safety and wellbeing (ISG)

Related policy documents

Out of school hours care policy

Screening and Suitability- Child Safety Policy

Reporting child abuse

Protective practices for staff in their interactions with children and young people

Managing allegations of sexual misconduct in SA education and care settings

Interagency code of practice investigation of suspected child abuse or neglect

School transport policy

Vehicles and safe driving

National Quality Framework for Early Childhood Education and Care

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

The Early Years Learning Framework for Australia - Belonging Being and Becoming

Individual education plans for children in care/One Plan

Health care plans and forms

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

Australia New Zealand Food Standards Code

Volunteer policy

Cyber Safety, Bullying and Harassment

OSHC and childcare service financial management for School governing councils as the Approved Provider

Section 5 Administrative Instructions and Guidelines – School Councils and Affiliated Committees

Information Sharing Guidelines for promoting safety and wellbeing (ISG).

Education information for a child or young person in care form

Procurement Governance Policy

Code of Ethics for the South Australian Public Sector

Access to the department’s intranet requires login credentials. If you do not have access you will need to request login credentials from the school principal.
Out of school hours care (OSHC), school governing council, third party provider