



CHILDREN'S SERVICES REGULATIONS 2020 – REGULATORY IMPACT STATEMENT

Online Survey Responses

Abstract

Public consultation was held from 17 February to 17 March 2020
Responses to the consultation were received from the online survey and written submissions
This document provides online survey responses only

Department of Education and Training

cs.law.reform@edumail.vic.gov.au

Contents

| | |
|--|---|
| Q01 – Are there any impacts or opportunities that have not been identified in the Regulatory Impact Statement, which you think need consideration? | 2 |
| Q02 – From the perspective of your workforce or organisation, do you have any other comments on the findings of the Regulatory Impact Statement? | 3 |
| Q03 – Do you support the reduction of seven (7) licence types to two (2) service approval types? . | 5 |
| Q04 – Do you support the requirement for outdoor space for new Occasional Care services?..... | 5 |
| Q05 – Do you support the alignment of staffing requirements with the NQF? | 6 |
| Q06 – Are estimated time assumptions for tasks such as record-keeping and the development of additional policies and procedures, reasonable or accurate? | 6 |
| Q07 – Do you support the proposed fee structure?..... | 7 |
| Q08 – Do you support the savings provisions for existing services? | 7 |
| Q09 – Do you think the transitional arrangements are reasonable? | 7 |
| Q10 – If the preferred option is adopted, would your workforce or organisation need support to meet the proposed requirements?..... | 8 |
| Q11 – Do you consent to your survey responses being published in full or in part? | 8 |

This document does not include free text comments provided by respondents who did not consent to have their comments published in full or in part.

Q01 – Are there any impacts or opportunities that have not been identified in the Regulatory Impact Statement, which you think need consideration?

- 18 responded to this question
- 11 responded YES (61.1%)
- 7 responded NO (38.9%)

Free text comments

1. I believe that the option of full integration into the NQF of Children's Services should have been included in the RIS. The justification for exclusion of this option in the RIS, that they would be subject to assessment and rating is a poor one and seems to suggest Children's Services are second rate services. The RIS also justifies not considering this option by stating that the NQF excludes occasional care (which comprises 88% of Children's Services). But surely, whether such services should be regulated, when a number of other ad hoc services are excluded under the NQF, is exactly why the option should have been included: then an assessment could have been made on whether regulation of occasional care is appropriate. In addition, it seems to me a very costly and inefficient where you have a dedicated regulatory regime where only 320 services are regulated under the legislation. An option that should have been explored in the RIS would have been the integration of Children's Services into the NQF with long transitional provisions supported by long term government funding support.
2. Yes the impact of Victoria's change to 3 year old kindergarten funding from 2022 will have a significant and negative impact on the ability of small, not for profit occasional care centres to survive. The ratios for under 3 mean we cannot be financially viable once the change comes into place.
3. The impact of reducing family's access to Occasional care by reducing the ratio of ([incomplete response](#))
4. No
5. What variations to staffing and staff qualifications? Happy with the Cert 3 proposal. Would the limited hours licence require any Diploma Staff? At the moment once we get 16 and over children in our centre, we currently require a Diploma. We are opposed to changes to the staffing ratios because it would mean we would care for 2 less children per hour therefore decreasing our member services.
6. No
7. If reducing the current minimum two staff member to one staff member - I would not be comfortable being the sole educator caring for children
8. No I believe all the proposed opportunities fit within the National Quality Standards and allow Victoria to come into line with Australia. There is no confusion then within services and mixed communication with the Department.
9. No
10. No

11. The reduction in minimum staff levels does not meet with current best practice models of having 2 staff on duty at all times. There is a considerable risk in only having one staff member in attendance when children are being cared for and educated. While the current NQS is in line with this staffing model I believe most centres would continue to operate with a minimum of 2 staff members present at all times. Occasional care services no longer having a restriction on the maximum numbers of hours they can operate there is likely to be some confusion around what constitutes Occasional Care and what is Long Day Care.
12. Grandfathering of educators who have been assessed under this provision. YMCA Victoria currently have two educators who will be affected by this. Associated Licenses - how is this going to work? What is going to be issued to the approved provider? Two separate licenses or are these still going to be one? Will they be issued at the same time as the limited hours and occasional care licenses?
13. No

Five respondents requested their free-text comments remain confidential and not be published in part or in full.

Q02 – From the perspective of your workforce or organisation, do you have any other comments on the findings of the Regulatory Impact Statement?

- 20 responded to this question
- 13 responded YES (65.0%)
- 7 responded NO (35.0%)

Free text comments

1. No
2. Any addition in costs to our service, plus the impending 2022 funding change to 3-year-old kindergarten, will mean we are no longer able to operate.
3. It will have a negative impact on the ability for organisations like Bayside Playhouse to operate in the community. Surely that is not the outcome that any government wants when trying to build communities that support families is so important?
4. The requirement to update policies annually is onerous. We would suggest this be every 2 or 3 years.
5. No we don't.
6. I think the changes are going to benefit the occasional care section and make them comply with strict laws as do long day care centres do. The ratio change is excellent for the children and their development and learning.
7. I agree with allowing existing Limited Hours Type 2 licence, where the increased outdoor space requirements cannot be met, to continue to operate under savings provisions. It may not be possible to acquire additional outdoor space to meet new regulations

8. Just a comment, that in the preliminary information sessions, it was stated that the staff ratios would most probably stay the same. To now find that there will be a change which will affect our viability - with such a short lead time to the release of the regulations does not seem to fit the brief of consultation before regulating. While I realise that not everyone will be impacted to the same degree, it does pose a problem for us - and as we have 15 children attend on most days, (this will need to be reduced to 12) will impact our families as well. I can see that the path is set, and that the lead time until the regulation takes effect is generous but still feel that this is an unfortunate situation which needs highlighting.
9. In regard to our organisation I feel that we are already meeting some of the proposed recommendations and the changes that are being proposed will be able to be implemented without too much hassle.
10. No
11. No
12. The introduction of the new staffing ratios coincides with the whole state implementing the funding of three-year-old kindergarten which is already anticipated to have an impact on the availability of suitably qualified staff. While the increase in ratios can only be perceived as a positive for the care and education of all children there needs to be some planning developed around the training and retention of staff
13. Individual Child Documentation Requirements - As a limited hours service, that may only see children occasionally this is a huge undertaking for the individual services. From the consultation that occurred, it was established that this would require the same amount as an Early Learning Centre that operates 12 hours a day, all year round. Some limited hours services may only see children for 1 hour every few weeks. These expectations are high for educators and services to maintain. We believe that this should be considered more around the current expectations of OSHC Services under the National Education and Care National Regulations (as they operate less hours daily) or group observations. Ratios - Financially this is going to be a struggle for some services. A lot of the occasional care and limited hours services generally operate as a service to the community, they don't operate for profit.
14. No

Six respondents requested their free-text comments remain confidential and not be published in part or in full.

Q03 – Do you support the reduction of seven (7) licence types to two (2) service approval types?

- 28 responded to this question
- 23 responded Yes (82.14%)
- 5 responded No (17.86%)

Free text comments

1. Occasional Care is negatively impacted by these changes. Allowances need to be made for these areas to ensure the changes to not reduce children's access to these services by way of cost increases and ratio reduction
2. It has made it simpler and easier to understand
3. Providing provisional savings for existing licences and licence conditions e.g. outdoor space
4. The removal of the limit on hours children can be cared would provide an enormous benefit for us.

Three respondents requested their free-text comments remain confidential and not be published in part or in full.

Q04 – Do you support the requirement for outdoor space for new Occasional Care services?

- 28 responded to this question
- 22 responded YES (78.57%)
- 6 responded NO (21.43%)

Free text comments

1. Yes, we currently meet this and believe new services should also
2. I don't think children should be at a facility which doesn't have access to some outdoor space. Children need time to develop their physical skills outside as well as to get fresh air and get messy
3. Space Requirements- We agree that there should be outdoor space, however, at this point, YMCA have 18 occasional care services operating from recreation centers, from these 18 only 2 have enough space to operate 7sqm outside. With new recreation services being establish all the time, we will not be able to provide a creche service as these new sites more than likely will not have enough outdoor space to cater for this community service. We currently have plans for a redevelopment for one of our existing services that will not be able to meet this requirement. Councils will more than likely not be able to provide this space to the service. Would an approved provider be able to apply for an ongoing waiver to support this issue?
4. We have a smaller than required area, but we currently also use the enclosed corner park fitted with a playground. The park is located approximately 100 m from our service and is bigger than the required outdoor space. we would like to see this arrangement considered as the outdoor space

Three respondents requested their free-text comments remain confidential and not be published in part or in full.

Q05 – Do you support the alignment of staffing requirements with the NQF?

- 28 responded to this question
- 18 responded YES (64.29%)
- 10 responded NO (35.71%)

Free text comments

1. Unsure of this as we have yet to ascertain the impacts. We run a very different service offer to long day care centres/ The need for additional reporting etc will have a significant impact on us. We operate 4 hours a day, three days a week. Short term care is different to long day care.
2. The children in our care deserve to have qualified staff educating them and they deserve more staff for the younger children as they need more of our attention.
3. As Limited Hours services were initially recognised as quite different to LDC, the staff ratios were justifiably different - partially because there are no tea breaks or nap times in Limited hours, the children typically attend a set number of hours, so the session has a defined end, observations and planning can be completed at the end of each session (not during session) because of this. As children typically attend for less hours, the planning/observations generally take less staff time. Seems an unnecessary increase in staff - as Limited hours is quite different to LDC and expectations of staff are different.

Five respondents requested their free-text comments remain confidential and not be published in part or in full.

Q06 – Are estimated time assumptions for tasks such as record-keeping and the development of additional policies and procedures, reasonable or accurate?

- 28 responded to this question
- 21 responded YES (75.00%)
- 7 responded NO (25.00%)

Free text comments

1. One year from May 2020 would be better. I work for a leisure centre whole are extremely slow at getting things done. I have worked for them for 17 years and have to say they are not the most helpful when it comes to matters regarding our creche.
2. I'm unsure

One respondent requested their free-text comments remain confidential and not be published in part or in full.

Q07 – Do you support the proposed fee structure?

- 28 responded to this question
- 24 responded YES (85.71%)
- 4 responded NO (14.29%)

Free text comments

1. We are a Limited type two service operated by a neighbourhood house, not for profit organisation. Our costs will increase if the new annual service fee is introduced

One respondent requested their free-text comments remain confidential and not be published in part or in full.

Q08 – Do you support the savings provisions for existing services?

- 28 responded to this question
- 25 responded YES (89.29%)
- 3 responded NO (10.71%)

Free text comments

1. If we have until 1 Jan 2022 that is fine, but we are not for profit and the business is run by volunteers, with qualified staff employed for the service of care. At this stage we cannot see us being financially viable however past 1 Jan 2022 with the 3-year-old kindergarten changes
2. Yes, i support that the centres currently going through these changes are given some provisions. However, it does look like we are getting pushed into the same system as long day care and this will not benefit the communities or the centres.
3. There are many services who do not have the ability to address changes in infrastructure requirements it is therefore important that the savings provisions ensure the ongoing ability for communities to be able to access quality children's programs
4. If these saving provisions were not in place our service would no longer be viable

Two respondents requested their free-text comments remain confidential and not be published in part or in full.

Q09 – Do you think the transitional arrangements are reasonable?

- 28 responded to this question
- 23 responded YES (82.14%)
- 5 responded NO (17.86%)

Free text comments

1. The longer the better for us
2. Some centres would need more time to relocate to cater for outdoor space for limited hours type 2 licenses
3. It gives centres time to make the appropriate changes.

Five respondents requested their free-text comments remain confidential and not be published in part or in full.

Q10 – If the preferred option is adopted, would your workforce or organisation need support to meet the proposed requirements?

- 28 responded to this question
- 16 responded YES (57.14%)
- 12 responded NO (42.86%)

Free text comments

1. To relocate to an appropriate, facilitate to cater for 3-hour sessions or 5 hour sessions with appropriate outdoor spaces
2. Funding would be required to allow the same service to be delivered to the families of Bayside Playhouse.
3. We would need guidance on level of documentation required for each child in regard to the educational program. Some educators would also need professional development around educational frameworks.
4. I will need help in how to do the child records/ stories. I work from 9-12 each day and my company don't pay for admin time. I have to run the crèche and engage with the children in my care in this limited time. We need to talk about this as I can see the extra admin being a problem. I have run a great family friendly service for the last seventeen years and would like some help through this change in regulation. When I Look through everything in the framework it is very overwhelming. Note I went to the consultation on 28th Feb.
5. We would need qualified staff to cover lunch/tea breaks. We would need to look into the ages of the children and have a cap of 8 children under 3.
6. Changes to staff to child ratios would impact the service, and it would benefit from support to implement changes
7. Our service (A 15 place service) would be effectively reduced to a 12-place service with a reduced income of 20% but no reduction in costs (as staff would remain the same). This would place a huge strain on the financial viability of our centre.
8. As we are not a service provider, we are unable to answer this question
9. Consideration of waivers free of fees

Six respondents requested their free-text comments remain confidential and not be published in part or in full.

Q11 – Do you consent to your survey responses being published in full or in part?

- 28 responded to this question
- 18 responded YES (64.29%)
- 10 responded NO (35.71%)