



# Indoor space waivers for Out of School Hours Care (OSHC) services on school grounds

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## Background

Improving access to before and after school care is a priority of the NSW Government. Work is progressing on a \$120 million package to extend access to all parents of children at government primary schools by 2021.

Parents are able to have their say on the care they need at <https://www.service.nsw.gov.au/basc>.

Schools and services that are ready to offer more places can apply for grants for equipment and facilities at <https://beforeandafterschoolcare.smartygrants.com.au/INFRA1>.

Improved documentation and processes will shortly be available to support tendering for these vital services at schools.

To support the priority, the NSW Regulatory Authority (The NSW Department of Education's Early Childhood Education Directorate (ECED)) will consider indoor space waivers for Out of School Hours Care (OSHC) services on school grounds, under the OSHC in School Environments Policy.

The current indoor space requirements of 3.25 square metres per child are a key barrier to expanding the availability of care in some schools. The OSHC in a School Environment Policy is intended to apply to Outside School Hours Care services in a school environment (eg on school premises). The policy applies to all OSHC services in school environments, not just public schools.

In recognition that OSHC services on school grounds operate in different circumstances than other centre-based education and care services, the Regulatory Authority will consider waivers in relation to indoor space. Waivers will align indoor space requirements with NSW public schools which have a guideline of 2 square metres per child in a classroom environment (contained in the Department's Education Facilities Standards and Guidelines).

Outdoor space requirements under regulation 108 still apply, but waivers can also be considered depending on the circumstances.

Note: The Regulatory Authority will assess applications from OSHC services on school sites for an increase in places permitted under a service approval that are accompanied by an application for an indoor space waiver.

## Frequently asked questions

### What is the process for existing OSHC services? What documents are required to apply under this policy?

Existing OSHC providers will need to submit an application to amend service approval to increase maximum numbers accompanied by an application for an indoor space waiver.

- The applications will need to be accompanied by:
- Plans and calculations detailing indoor and outdoor space which must be certified by a building practitioner
- SA12 Change to Premises (if new space is used)
- Evidence of right to occupy (if new space is being used)
- Evidence of demand

### **How will demand be demonstrated?**

The Department will consider any evidence of demand provided. The onus to demonstrate demand is on the applicant. Examples may include waiting lists, letters from principals and parents, ABS data, the Department of Education demand website etc.

### **Does the waiver application have to be submitted at the same time as an application to increase maximum numbers?**

Yes. All applications for a space waiver should be accompanied by an application to increase maximum numbers.

### **What is the process for new OSHC services?**

The NSW Department of Education's Early Childhood Education Directorate is the NSW Regulatory Authority for NSW children's education and care services, including OSHC, under the National Quality Framework.

Two types of regulatory approval are required to provide an OSHC service: a provider approval and a service approval. A provider is the entity that operates the service and the NSW Regulatory Authority checks that it is 'fit and proper' to deliver care to young children in accordance with the Education and Care Services National Law and Regulations. Service approval allows an approved provider to deliver care at a specific site.

The approvals process is separate from any licensing or tendering processes conducted by the other parts of the Department of Education. The Regulatory Authority functions and powers are provided by the Education and Care Services National Law and Regulations. It only deals with the approved provider of the service and not with the owner or lessor of the site.

### **Why has the Regulatory Authority decided to lower the space requirement?**

The Regulatory Authority is not 'lowering space requirements'. Space requirements under the National Law and National Regulations still apply. The Regulatory Authority will, consider applications for waivers from the space requirements as allowed under the National Law and National Regulations.

In considering a waiver application, the Regulatory Authority will balance the community's needs with the safety, health and welfare of children in care.

The waiver policy will support the Government's commitment to increase access to before and after school care.

### **Are OSHC services not on school sites or other types of education and care services eligible?**

The new OSHC waiver policy will only apply for OSHC services on school sites, in recognition that OSHC services on school grounds operate in different circumstances than other centre-based education and care services, in that they are in purpose-built facilities catering specifically for school aged children.

However, any service can apply for a waiver at any time. When considering a waiver application the Regulatory Authority will consider a range of factors including the community's need for the service while ensuring that the safety, health and wellbeing of children in care is not compromised.

### **Can a service that operates as an OSHC and Long Day Care apply for an indoor space waiver under this policy?**

Any service can apply for a waiver at any time. When considering a waiver application the Regulatory Authority will consider a range of factors including the community's need for the service while ensuring that the safety, health and wellbeing of children in care is not compromised.

### **Does a service that was recently refused an indoor space waiver have to reapply? Will the fee have to be paid again?**

Applicants who have recently been refused will be contacted by the Department and invited to reapply under the new requirement and the fee will be waived.

### **Do I still need to meet outdoor space requirements?**

Yes. All services must still provide 7 square metres per child of outdoor space to all children in care. Waivers will be considered for outdoor space in exceptional circumstances.

### **Will the waiver continue to apply if the OSHC service provides on-site vacation care?**

Yes, the waiver will apply to before and after school care and on-site vacation care for school aged children.