



Hosting outside school hours care services on state school sites procedure

Version: 5.0 | Version effective: 09/12/2016

Audience

All state schools

Purpose

Section 47 of the [Education \(General Provisions\) Act 2006 \(Qld\)](#) enables usage of a school's premise for any purpose.

This procedure provides the steps that state schools must follow to host an Outside School Hours Care (OSHC) service on a school site.

Overview

Schools may engage an OSHC provider as a viable, affordable and accessible service for the students and parents of the school and local community. The school, however, is not the provider of the service and this procedure does not govern the day-to-day management of OSHC services by providers.

This procedure outlines the process to host an OSHC service – a two-step tender process, with P&Cs offered the first opportunity before tenders are invited from both not-for-profit and commercial providers. Information on provider selection processes and the optional co-investment contribution (in-kind and financial) can be found at [General information and provider considerations](#).

Any agreement with an OSHC provider runs for a period of five years, with the potential to extend for another two, two year terms. The service is required to go out to tender every nine years or more frequently as required, with formal reviews undertaken at key junctures.

OSHC providers must comply with relevant legislation and directives with regard to the establishment and operation of the program. The use of the Department of Education (DoE) school sites for OSHC, including maintenance, condition assessments and upgrades, is governed by the terms outlined in the Licence to use DoE premises for OSHC services.

The Queensland Regulatory Authority is responsible for the regulation approval, monitoring and regulation of OSHC services, as specified in the Education and Care Services National Law and the Education and Care Services National Regulations.

Responsibilities

Principals

Principals are responsible for the OSHC tendering process and liaising with DoE Procurement Services Branch to obtain invitation to offer documentation. Principals and school staff have no authority to operate an OSHC service under the *Education (General Provisions) Act 2006* (Qld).

OSHC providers

OSHC providers are responsible for service provision including complying with the applicable legislation (e.g. Education and Care Services National Law (Qld), *Education and Care Services Act 2013* (Qld), *Anti-Discrimination Act 1991* (Qld)).

OSHC providers are required to comply with all requirements of the Licence to use DoE premises for OSHC services.

Where relevant, OSHC providers should provide evidence of current blue cards issued by [Blue Card Services](#) for all new staff.

On an annual basis, OSHC providers should provide copies of the following to the school principal:

- current provider and service approval certificates issued by the Queensland Regulatory Authority
- statement of public liability insurance for not less than \$10 million
- evidence of personal accident insurance for voluntary workers
- evidence of workers compensation cover for all employees.

OSHC providers must notify the principal of any change in status of the service under the National quality rating and assessment process.

OSHC providers must maintain property insurance for buildings and equipment they own.

Process

Principals are to follow processes outlined in the [Principals' checklist](#) when establishing or tendering an OSHC service. Principals must also note the statutory timeframes associated with the granting of a new service approval (90 days under the National Law and up to 90 days under the *Education and Care Services Act 2013* (Qld)) or transfer of a service approval (at least 42 days under the National Law and at least 30 days under the *Education and Care Services Act 2013* (Qld)) by the Queensland Regulatory Authority. This will have an impact on the start date of any proposed new service.

When a school decides to tender their onsite OSHC service delivery, a two-step preferential process is to occur:

1. P&Cs are offered the first opportunity to operate an OSHC service on the site. The P&C cannot sub-licence use of the premises or operation of the OSHC service in its entirety to be eligible for the first preference.

Step 2 is instigated where:

- the P&C proposes to engage service providers in delivery of OSHC services and the value of such services exceeds 5% of the OSHC annual revenue or
 - the P&C declines to operate the OSHC service.
2. An open tender process is implemented for all providers, not-for-profit and commercial. Principals should contact DoE Procurement Services Branch to obtain relevant documents.
Where a review of the outcome of a procurement process is requested, this will be led by DoE Procurement Services Branch in consultation with the Regional Director.
Infrastructure Services Branch will manage any requests by OSHC providers to construct a purpose built facility or place a temporary building on DoE land.
Approved OSHC providers must follow the [General information and provider considerations](#).

Definitions

Term	Definition
Approved provider	An approved provider is a person/legal entity that holds a provider approval under the Education and Care Services National Law (Qld) (National Law). Obtaining provider approval and service approval from the Queensland Regulatory Authority (Early Childhood and Community Engagement Division (ECCE) within the Department of Education (DoE)) are prerequisites to operating one or more approved OSHC services.
National Quality Framework	The National Quality Framework incorporates: <ul style="list-style-type: none"> • a national legislative framework that consists of the Education and Care Services National Law (Qld) and the Education and Care Services National Regulations • the National Quality Standard (NQS) which encourages continuous quality improvement in education and care services • a national quality rating and assessment process.
Queensland Regulatory Authority	The Queensland Regulatory Authority is responsible for the regulation of OSHC services, as specified under the National Law. It is within the ECCE Division of DoE.

Legislation

- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Competition and Consumer Act 2010 \(Cwth\)](#)
- [Education and Care Services Act 2013 \(Qld\)](#)*

- [Education and Care Services National Law \(Qld\)](#)
- [Education and Care Services National Regulations \(Qld\)](#)
- [Education and Care Services Regulation 2013 \(Qld\)*](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#) Section 47
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#) Section 5 and Part 3, Section 10 (1)
- [Financial Accountability Act 2009 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)

*Note – some OSHC services are excluded by the National Law and are instead captured under the *Education and Care Services Act 2013*, including those receiving assistance under the Budget Based Funding program. Principals should contact the [Queensland Regulatory Authority](#) for clarification about legislative requirements before commencing a tender process.

Delegations/Authorisations

- Nil

Policies and procedures in this group

- Nil

Supporting information for this procedure

- Nil

Other resources

- [National Quality Framework](#)
- [My Time, Our Place – Promoting Collaborative Partnerships between School Age Care Services and Schools](#)
- [Early Childhood](#)
- [General information and provider considerations](#)
- [Principals' checklist](#)
- [Queensland Children's Activities Network](#)

Contact

For further information, please contact:

[Regional Infrastructure Managers](#)

[Regional Early Childhood and Community Engagement contacts](#)

DoE employees, please contact:

Manager

Procurement Services Branch

Phone: 1300 366 612 (option four)

Email: procurement.oshc@qed.qld.gov.au

Review date

9/12/2018

Superseded versions

Previous seven years shown. Minor version updates not included.

1.0 SCM-PR-016: School Age Care Services: Before and After School and Vacation Care

2.0 SCM-PR-016: Outside School Hours Care Services: Before and After School and Vacation Care

3.0 Outside School Hours Care and Vacation Care

4.0 Outside School Hours Care

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