

# Outside Schools Hours Care service

Information Sheet for Parents and Citizens' Association (P&Cs) – Responsibilities as an Approved Provider of an Outside School Hours Care (OSHC) service

## Introduction

- Schools may engage an OSHC [Approved Provider](#) as a viable, affordable and accessible service for the students and parents of the school and local community.
- The school's P&C can be offered an opportunity to operate the OSHC service on the school site.
- Where the P&C is offered and agrees to operating the OSHC service, the offer is minuted at a P&C meeting, and the P&C prepares a business case outlining benefits, costs and risks and presents this to the school principal for consideration.
- If the school principal declines the business case, tenders are invited from not-for-profit and commercial providers.

## Roles and responsibilities

- As an Approved Provider of an OSHC, members of a P&C Executive Committee (consisting of the President, Vice-President/s, Treasurer and Secretary) have significant responsibilities for ensuring the P&C operates a compliant OSHC service.

## These responsibilities include:

### Legislative and policy compliance

- Comply with the [National Quality Framework](#) (NQF) and other applicable legislation regarding the establishment and operation of the OSHC service, including the [National Law](#), [Anti-Discrimination Act 1991 \(Qld\)](#), [Human Rights Act 2019](#) and [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#).
- Comply with all requirements set out in the Department of Education's [Hosting outside school hours care services on state school sites procedure](#) and any agreement between the P&C and the school for delivery of the OSHC service including the hire agreement maintenance, condition assessments and upgrades.
- Ensure the OSHC service's policies and procedures, including those required under regulation 168 of the Education and Care Services National Regulations (National Regulations), are adequate and implemented, including:
  - health and safety policy and procedure requirements reflecting the intent of the [Smart Choices Strategy](#) and [Physical Activity and Nutrition Outside School Hours policies](#)
  - that staff, educators and volunteers follow the policies and procedures; and
  - making copies of the policies and procedures readily available.

The department provides [guidance](#) on developing policies and procedures under the National Regulations.

## Human resource management

- Although all members of the Executive Committee are personally responsible for obligations under the National Law as the Approved Provider, the Approved Provider needs to identify which committee members are persons with [management or control](#) of the OSHC service. This may include one or several members of the Executive Committee who have responsibility for managing the delivery of the OSHC service.
- All Executive Committee members must demonstrate to the [Regulatory Authority](#) (Queensland Department of Education) that they are fit and proper persons. Those members who are persons with management or control of the OSHC service must also demonstrate that they have the management capability to operate an education and care service. Evidence may relate to previous expertise, experience or qualifications in leadership, governance, administrative or management roles.
- Ensure a [Nominated Supervisor](#) is appointed in compliance with the National Law. A Nominated Supervisor is a person who has consented in writing to be responsible for the day-to-day operations of the service.
- Ensure a responsible person is present at all times when children are being educated and cared for at the OSHC service. The responsible person can be someone with management responsibility or control of the OSHC service, a Nominated Supervisor, or a person who has day-to-day charge of the service (such as an OSHC employee).
- Ensure an [Educational Leader](#) is appointed in compliance with the National Law.
- NB: School principals and school staff have no authority to operate an OSHC service.
- Members of a P&C Executive Committee that operates an OSHC service must give a minimum of four weeks' written notice prior to resigning from their position to ensure a properly constituted P&C forms the legal entity for the OSHC at all times.

## Facility compliance

- The [physical area](#) for an OSHC service under the NQF must include a minimum of 3.25 square metres of unencumbered indoor space and 7 square metres of unencumbered outdoor space per child. The physical areas identified for use by an OSHC service will determine the number of children who may attend and be approved by the Regulatory Authority.



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## Facility compliance (continued)

- The OSHC service should have exclusive use of the agreed facilities during hours of operations identified in their agreement with the school as they form part of the service approved under the NQF.
- The Agreement detailing the arrangements should be routinely monitored to ensure all parties are meeting their obligations.
- Any changes to the OSHC facilities on school sites, including physical areas, may mean the OSHC service is not complying with the NQF. If changes must be made (e.g. the school requires use of an area usually dedicated to OSHC for a school function), the school must provide 14 days notice to the Approved Provider. The Approved Provider has 7 days to notify the Regulatory Authority of the change to ensure service continuity and the health, safety and wellbeing of children.

## Reporting requirements

- Annually provide evidence of current blue cards issued by [Blue Card Services](#) for all staff to the school principal.
- [Notify](#) the Regulatory Authority of a number of matters, including:
  - any appointment or removal of a person with management or control of the OSHC service within 14 days of becoming aware of the event; and
  - any change relevant to whether the Approved Provider is a fit and proper person to be involved in the provision of OSHC within 7 days of the relevant event or the Approved Provider becoming aware of the relevant event.

This includes when the members of the Executive Committee change at the annual general meeting.

- Annually provide to the school principal copies of:
  - current service provider and service approval certificates issued by the 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
  - general property insurance for buildings and equipment owned by the OSHC.
- Notify the school principal of any identified non-compliance, including notices issued to the provider by the Regulatory Authority, and change in status of the service under the [National Quality Standard rating and assessment process](#).

## Financial management

- Ensure compliance with the department's [P&C Accounting Manual](#).
- Maintain public liability, personal accident insurance for voluntary workers, workers compensation cover for all employees and general property insurance for buildings and equipment owned by the OSHC.
- Manage any income generated from the OSHC service, including recovery of outgoings, hire charges and co-investment contributions by the school.
- Ensure the P&C complies with relevant [Family Assistance Law](#). A child care service provider approved under Family Assistance Law passes on Child Care Subsidy payments to eligible families to reduce the costs of child care. To be eligible to pass on Child Care Subsidy payments, the child care service provider and '[specified personnel](#)' (i.e. persons with management or control of the provider and persons responsible for the day-to-day operations of the service) must be identified as fit and proper persons.

## Fostering community partnerships

- Build a strong relationship with the school. Some useful advice can be found in [My Time, Our Place: Promoting collaborative partnerships between school age care services and schools](#) developed by the Queensland Children's Activity Network (QCAN) in partnership with the Australian Primary Principals Association.
- Manage the promotion and advertising of the OSHC service in accordance with the department's [Advertising procedure](#).

## Dissolution of a P&C

- If the state school is closed, or the membership of the P&C is two or less, or if a resolution to dissolve the P&C is passed on a 75% majority vote of its members present and entitled to vote at a special meeting of the P&C, the P&C is dissolved under section 122 of the *Education (General Provisions) Act 2006* and can no longer continue operations in accordance with the [P&C model constitution](#).
- Under the department's [P&Cs procedure](#) and supporting P&C model constitution, a P&C that operates an OSHC service at the school, must give a minimum of 7 days written notice to the Regulatory Authority prior to its decision to dissolve.

## More information

- Further information regarding P&C roles and responsibilities can be found in P&Cs Qld's [P&C Guide](#).

