



# Staffing a service under the *Education and Care Services Act 2013*

The *Education and Care Services Act 2013* (ECS Act) commenced on 1 January 2014. The ECS Act replaces the *Child Care Act 2002* and applies to a small number of Queensland services licensed under the Child Care Act.

The ECS Act introduced new qualification requirements, different educator-to-child ratios and other staffing requirements, which are outlined in this fact sheet.

The ECS Act applies to:

- services funded by the Queensland Government to provide limited hours care
- occasional care services
- budget-based funded services that do not receive Australian Government Child Care Benefit
- early childhood education and care services that are also disability services under the *Disability Services Act 2006*.



## Qualification and staffing requirements

The ECS Act introduced new qualification requirements and different titles and responsibilities for staff. The position of director has been replaced by the position of **supervisor**. Group leaders and assistants are referred to as **educators** and each service must nominate a primary contact person who is referred to as the **nominee**.

Additional competencies in asthma and anaphylaxis management are required.

**Table 1: Role descriptions**

Child Care Act	ECS Act
Director	Supervisor: <ul style="list-style-type: none"> <li>is present 75% of the time and most of the time during peak care periods if operating for less than 10 hours per day or is present 7.5 hours each day and as much as possible during peak care periods if operating for more than 10 hours per day (does not apply to a school age service or a service with a capacity of not more than 30 for any part of the day)</li> <li>ensures children are adequately supervised, protected, educated and cared for</li> <li>ensures educator-to-child ratios and qualification requirements are met</li> <li>prepares and maintains policies</li> <li>helps communication between staff and parents.</li> </ul>
Group leader and assistants	Educators
Nominee required for corporations to: <ul style="list-style-type: none"> <li>ensure compliance with the Child Care Act</li> <li>act as the primary contact person for the department.</li> </ul>	Nominee required for <b>each</b> service to: <ul style="list-style-type: none"> <li>act as the primary contact for the department.</li> </ul>

### First aid, asthma and anaphylaxis management training

Child Care Act	ECS Act
At least one staff member who is competent in first aid is present when children are being cared for.	Educators qualified in first aid, asthma and anaphylaxis management must be in attendance and immediately available at all times education and care is being provided. The same educator may hold all three qualifications or a number of educators may hold one or more qualifications each.*

\* From **1 January 2015**, at least one educator must hold a current ACECQA-approved first aid qualification, and anaphylaxis and asthma management training, and be in attendance at all times education and care is being provided.

\*\* Educators holding a first aid qualification recognised **before 1 January 2014** under the Child Care Act meet the requirements of the ECS Act until the qualification is due for renewal, or by 31 December 2014, **whichever comes first**.

**Table 2: Qualification requirements**

All services other than school age services		
Qualifications	Child Care Act	ECS Act
Advanced Diploma	Directors must hold an Advanced Diploma (or Diploma and be studying towards an Advanced Diploma).	No requirement for an Advanced Diploma. Supervisors must hold (or be actively working towards*) an <b>approved Diploma</b> level qualification or higher.
Diploma (2-year qualification)	Group leader must hold a Diploma qualification (or Certificate III and be studying towards a Diploma).	At least 50% of educators required to meet educator-to-child ratios must hold (or be actively working towards*) an <b>approved Diploma</b> level qualification or higher.
Certificate III (1-year qualification)	Assistants must hold (or be studying towards) a Certificate III qualification.	All other educators required to meet educator-to-child ratios must hold (or be actively working towards*) an <b>approved Certificate III</b> level qualification.

\* To be **actively working towards** a qualification, educators must be enrolled in the course and be able to prove that they are meeting the requirements and making good progress. Educators working towards their Diploma qualification must hold an approved Certificate III level qualification or have completed units of study in an approved Certificate III qualification or be a registered teacher.

### School age services (only)

Qualifications	Child Care Act	ECS Act
Diploma (2-year qualification) Certificate III (1-year qualification)	See Table 6. Services must have: <ul style="list-style-type: none"> <li>at least one educator who holds (or is actively working towards) an <b>approved Diploma</b> level qualification or higher, in a relevant area of study, must be present at all times education and care is provided <b>AND</b></li> <li>at least one educator for each 30 children who holds (or is actively working towards) an <b>approved Certificate III</b> or a 1-year qualification or higher, in a relevant area of study.</li> </ul>	

## What qualifications are recognised under the ECS Act?

The ECS Act recognises qualifications held by staff employed immediately before 1 January 2014.

The Australian Children's Education and Care Quality Authority (ACECQA) is responsible for determining approved qualifications and assess equivalent qualifications.

Visit [www.acecqa.gov.au/qualifications](http://www.acecqa.gov.au/qualifications) for lists of approved qualifications.

Table 3: Qualification lists	
All services other than school age services	
Diploma	<b>You will meet the Diploma level requirements under the ECS Act if you can answer 'YES' to any of the following statements:</b>
	<b>YES</b> I hold a qualification on the approved Diploma level qualifications list.
	<b>YES</b> I held a qualification on the former approved Diploma level qualifications list before 1 January 2012 (which includes Queensland-specific qualifications).
	<b>YES</b> I was recognised as a Diploma level educator under a former education and care services law of any Australian state or territory before 1 January 2012. For example, you held a letter from the department stating that your qualification is equivalent to an approved 2- or 3-year qualification under the Child Care Regulation 2003.
	You are considered to be actively working towards* an approved Diploma level qualification if you can answer 'YES' to the following statement:
	<b>YES</b> I am enrolled in and working towards an approved Diploma level qualification or higher.
Certificate III	<b>You will meet the Certificate III level requirements under the ECS Act if you can answer 'YES' to any of the following statements:</b>
	<b>YES</b> I hold a qualification on the approved Certificate III level qualifications list.
	<b>YES</b> I held a qualification on the former approved Certificate III level qualifications list before 1 January 2012 (which includes Queensland-specific qualifications).
	<b>YES</b> I was recognised as a Certificate III level educator under a former education and care services law of any Australian state or territory before 1 January 2012. For example, you held a letter from the department stating that your qualification is equivalent to an approved 1-year qualification as an Assistant under the Child Care Regulation 2003.
	You are considered to be actively working towards* an approved Certificate III level qualification if you can answer 'YES' to the following statement:
	<b>YES</b> I am enrolled in and working towards an approved Certificate III level qualification or higher.
School age services (only)	
Diploma (coordinator)	<b>You will meet the Diploma (coordinator) level requirements under the ECS Act if you can answer 'YES' to any of the following statements:</b>
	<b>YES</b> I hold an approved Diploma level qualification or higher on the <i>Approved qualifications for educators working with over preschool age children</i> list.
	You are considered to be actively working towards an approved Diploma level qualification if you can answer 'YES' to the following statement:
	<b>YES</b> I am enrolled in and working towards an approved Diploma level qualification or higher on the <i>Approved qualifications for educators working with over preschool age children</i> list.
Certificate III	<b>You will meet the Certificate III level requirements under the ECS Act if you can answer 'YES' to any of the following statements:</b>
	<b>YES</b> I hold an approved Certificate III level qualification or higher on the <i>Approved qualifications for educators working with over preschool age children</i> list.
	You are considered to be actively working towards an approved Certificate III level qualification if you can answer 'YES' to the following statement:
	<b>YES</b> I am enrolled in and working towards an approved Certificate III level qualification or higher on the <i>Approved qualifications for educators working with over preschool age children</i> list.
* To be actively working towards a qualification, educators must be enrolled in the course and be able to prove that they are meeting the requirements and making good progress. Educators working towards their Diploma qualification must hold an approved Certificate III level qualification or have completed units of study in an approved Certificate III qualification or be a registered teacher.	



## Working at a service but don't hold a qualification?

Table 4	Employed before 1 January 2014	Employed after 1 January 2014
All services other than school age services		
Diploma	Educators who are employed at a service as a group leader <b>before 1 January 2014 AND</b> have been in the position for <b>no more than three months</b> can be counted as holding an <b>approved Diploma</b> level qualification for ratio purposes. Before the end of this three-month period, they must be <b>enrolled and working towards</b> the qualification.	Educators employed <b>after 1 January 2014</b> who are <b>at least 18 years of age</b> must be <b>enrolled and working towards</b> an <b>approved Diploma</b> level qualification to be counted as holding a Diploma for ratio purposes.
Certificate III	Educators who are employed at a service as an assistant <b>before 1 January 2014 AND</b> have been in the position for <b>no more than three months</b> can be counted as holding an <b>approved Certificate III</b> level qualification for ratio purposes. Before the end of this three-month period, they must be <b>enrolled and working towards</b> the qualification.	Educators employed <b>after 1 January 2014</b> who are <b>at least 18 years of age</b> can be counted as holding an <b>approved Certificate III</b> level qualification for ratio purposes if they are <b>enrolled and working towards</b> the qualification within <b>three months</b> of commencing employment.
School age services (only)		
Diploma (coordinator)	Educators who are employed in a coordinating position at a school age care service <b>AND</b> have been in the position for <b>no more than six months</b> can be counted as holding an <b>approved Diploma</b> level qualification for ratio purposes. Before the end of this six-month period, they must be <b>enrolled and working towards</b> the qualification.	Educators employed <b>after 1 January 2014</b> who are <b>at least 18 years of age</b> can be counted as holding an <b>approved Diploma</b> level qualification for ratio purposes if they are <b>enrolled and working towards</b> the qualification within <b>six months</b> of commencing employment.
Certificate III	Educators who are employed at a service as an assistant <b>before 1 January 2014 AND</b> have been in the position for <b>no more than three months</b> can be counted as holding an <b>approved Certificate III</b> level qualification for ratio purposes. Before the end of this three-month period, they must be <b>enrolled and working towards</b> the qualification.	Educators employed <b>after 1 January 2014</b> who are <b>at least 18 years of age</b> can be counted as holding an <b>approved Certificate III</b> level qualification for ratio purposes if they are <b>enrolled and working towards</b> the qualification within <b>three months</b> of commencing employment.



## Educator-to-child ratios

Educator-to-child ratios in services **other than school age services** have changed. The mixed age group ratio of 1:13 for 4 to 6 year olds will no longer apply.

There are no new ratio requirements for **school age services**, however **all services** must consider the following.

### Calculating ratios

All educators must be **at least 17 years** of age and hold an approved qualification (or be enrolled and working towards that qualification) to be counted in the ratio. Ratios are outlined in the ECS Regulation and summarised in Table 5 and Table 6.

The way in which educator-to-child ratios are applied has changed under the ECS Act.

The number of educators needed is based on the number of children under one Queensland service approval; not the individual rooms.

Ratios are minimum standards and achieving quality education and care is the most important consideration when grouping children.

### Mixed age group ratios

Ratio requirements under the ECS Act are based on the age of the youngest child in the care of an educator; specific ratios apply to each age group. See Table 5.

Where an educator has spare capacity within the ratio of children in care, older children (from a different age group ratio) can be added. Older children can only be added up to the limit of the ratio that applies to the youngest child.

Visit [www.earlychildhood.qld.gov.au](http://www.earlychildhood.qld.gov.au) (search for “educator-to-child ratios” for more information.

### Ratios for excursions

There is no specific ratio for educators conducting an excursion, however educators need to conduct a risk assessment before each excursion. This will identify any risks that might affect the health,

safety and wellbeing of children, including how the risks will be managed. A risk assessment should assess if minimum educator-to-child ratios will be enough to provide adequate supervision.

For a risk assessment template, visit [www.earlychildhood.qld.gov.au](http://www.earlychildhood.qld.gov.au) (search for “excursion risk assessment template”).

Table 5: Educator-to child-ratios

All services other than school age services	
Ages of children	Educator-to-child-ratio
Birth to 2 years	1:4
Birth to 3 years	1:5
15 months to 3 years	1:5
2 years to 3 years	1:6
2.5 years to 3 years	1:8
3 years to 12 years	1:12
For a group of not more than 21 children*	1:7

\*Limitations include:

1. The group may not include more than four children aged birth to 1 year.
2. The group may not include more than two children aged birth to 1 year for each educator.
3. If the group is in a centre-based service with a licensed capacity of more than 30, the group may not include more than 10 children aged birth to 2 years.

Table 6: Number of educators required to hold (or be actively working towards) a qualification from 1 January 2014

School age services (only)					
School age children 1:15					
Children	Educator-to-child-ratio				
1 – 15	Diploma qualified (2-year) educator				
16 – 30	Diploma qualified (2-year) educator	1 other educator*			
31 – 45	Diploma qualified (2-year) educator	Certificate III qualified (1-year) educator	1 other educator*		
46 – 59	Diploma qualified (2-year) educator	Certificate III qualified (1-year) educator	1 other educator*	1 other educator*	

\*Educator not required to hold a qualification if at least 18 years of age. If an educator is at least 17 years of age, the educator must hold or be actively working towards an approved Certificate III level qualification or higher, in a relevant area of study.

## Educator-to-child ratios during children’s rest periods

Table 7 shows the number of children that an educator can care for during a rest period and the number of children each additional educator can care for. See Regulation 46–48 for more information and additional requirements.

Ages of children	Educator-to-child-ratio	Additional educator-to-child ratio
2 years to 3 years	1:12	1:6
2.5 years to 3 years	1:16	1:8
3 years to 12 years	1:24	1:12

## Ratios during staff rest pauses

Educator-to-child ratios can be met during staff rest pauses if:

- rest pauses are not longer than 10 minutes
- an educator has not already been absent on two rest pauses on the same day
- the educator does not take a rest pause in a rest period
- another educator is present and able to immediately attend to children, if required (may be the same educator on rest pause)
- only one educator required to meet the educator-to-child ratio for the service is absent on the rest pause.

## More information

Further information about the ECS Act is available at [www.earlychildhood.qld.gov.au](http://www.earlychildhood.qld.gov.au) (search for “ECS Act”) or by email to [ECSenquiries@qed.qld.gov.au](mailto:ECSenquiries@qed.qld.gov.au).

For the latest information and key updates, subscribe to the *ECS e-bulletin* by sending an email to [ECSenquiries@qed.qld.gov.au](mailto:ECSenquiries@qed.qld.gov.au).

Visit the ACECQA website at [www.acecqa.gov.au/qualifications](http://www.acecqa.gov.au/qualifications) for lists of approved qualifications.



This information is to be used as a guide only. If there are any inconsistencies between this information and the *Education and Care Services Act 2013* and the *Education and Care Services Regulation 2013*, the Act and Regulation must be followed.