

# Yarram Early Learning General Definitions

## DEFINITIONS

**Actively working towards** – defined in the National Regulations. An educator is actively working towards a qualification if the educator meets the requirements set out in the table below.

<b>Actively working towards</b>
Is enrolled in the course for the qualification, <b>and</b>
Provides the approved provider with documentary evidence from the provider of the course that: <ul style="list-style-type: none"> <li>•the educator has commenced the course</li> <li>•is making satisfactory progress towards completion of the course</li> <li>•is meeting the requirements for maintaining the enrolment, and</li> <li>•in the case of an approved diploma level education and care qualification, the educator               <ul style="list-style-type: none"> <li>—holds an approved certificate III level education and care qualification, or</li> <li>—has completed the units of study in an approved certificate III level education and care qualification determined by ACECQA.</li> </ul> </li> </ul>

**Approved anaphylaxis management training** – defined in the National Regulations. Anaphylaxis management training approved by ACECQA and published on the list of approved qualifications and training, available on the ACECQA website at [www.acecqa.gov.au](http://www.acecqa.gov.au).

**Approved education and care service** – defined in the National Law. An education and care service for which a service approval exists.

**Approved first aid qualification** – defined in the National Regulations. A qualification that includes training in the matters set out in the table below and is appropriate to children.

<b>First aid qualification – subject matter</b>
Emergency life support and cardio-pulmonary resuscitation
Convulsions
Poisoning
Respiratory difficulties
Management of severe bleeding
Injury and basic wound care
Administration of an auto-immune adrenalin device
Has been approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website at <a href="http://www.acecqa.gov.au">www.acecqa.gov.au</a> .

**Approved number of places** – defined in the National Regulations. In relation to a centre-based service, this means the maximum number of children that can be educated and cared for by the service at any one time, stated on the service approval under section 52(g) of the National Law.

**Approved provider** – defined in the National Law. An individual or organisation who holds a provider approval. The individual or organisation that has completed an application form and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services.

**Approved service:** An education and care service for which a service approval exists. A request for service approval must be made in writing to the Regulatory Authority and include prescribed information including details of the Nominated Supervisor and their written consent to be nominated as such.

**Authorised nominee** –defined in the National Law. A person who has been given permission by a parent or family member to collect the child from the education and care service or family day care educator.

**Centre-based service** – defined in the National Regulations. A centre-based education and care service other than a family day care service.

**Certified supervisor** – defined in the National Law. A person who holds a supervisor certificate. A Service Supervisor Certificate is issued to each approved service and this applies to any person working at the service who is identified by the approved provider as:

- Responsible for the day to day management of the service; or
- Exercising supervisory and leadership responsibilities for part of the service, or In the absence of the Approved Provider and the Nominated Supervisor, the person designated as placed in day-to-day charge of the Education and Care Service will act as the person with responsibility for the day-to-day management of the approved service.

The designation must be made by the Approved Provider or the Nominated Supervisor and accepted in writing by the Certified Supervisor. A Certified Supervisor placed in day-to-day charge of a service **does not** have the same responsibilities under the National Law as the Nominated Supervisor. Applications for Supervisor Certificates are assessed by the Regulatory Authority.

**Child Care Subsidy** – Government assistance to help with the cost of approved child care for a child 13 and under, and not attending secondary school. Child Care Subsidy replaces Child Care Benefit and Child Care Rebate.

**Condition** – not defined in the National Law or Regulations. A legally enforceable constraint or limitation on an approval over and above those already found in the legislation.

**Duty of care** – A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

**Early childhood teacher/ Qualified early childhood teacher** – defined in the National Regulations. A person with an approved early childhood teaching qualification.

**Educational leader** – set out in the National Regulations. The educational leader is a suitably qualified and experienced educator, coordinator or other individual designated by the approved provider under regulation 118 to lead the development and implementation of educational programs in the service.

**Educational program** – defined in the National Law and Regulations. A program that:

- is based on an approved learning framework
- is delivered in a manner that accords with the approved learning framework
- is based on the developmental needs, interests and experiences of each child, and
- is designed to take into account the individual differences of each child.

**Educator** – defined in the National Law. An individual who provides education and care for children as part of an education and care service

**Emergency** – defined in the National Regulations. In relation to an education and care service, includes any situation or event that poses an imminent or severe risk to the persons at the education and care service premises.

**Excursion** –defined in the National Regulations. An outing organised by an education and care service or family day care educator, but does not include an outing organised by a service on a

school site if the children leave the premises in the company of an educator and do not leave the school site.

**Family member** – defined in the National Law. Family member, in relation to a child, means:

- a parent, grandparent, brother, sister, uncle, aunt, or cousin of the child, whether of the whole blood or half-blood and whether that relationship arises by marriage (including a de facto relationship) or by adoption or otherwise
- a relative of the child according to Aboriginal or Torres Strait Islander tradition
- a person with whom the child reside in a family-like relationship, or
- a person who is recognised in the child’s community as having a familial role in respect of the child.

**Guardian** – defined in the National Law. Guardian, in relation to a child, means the legal guardian of the child.

**In attendance at a centre-based service** –defined in the National Regulations. An early childhood teacher is in attendance at a centre-based service if the teacher satisfies the requirements set out below.

<b>‘In attendance’ at a centre-based service</b>
The ECT is physically present at the service, <b>and</b>
Carries out education and care activities at the service including one or more of the following: <ul style="list-style-type: none"><li>•working directly with children</li><li>•planning programs</li><li>• mentoring, coaching or supporting educators</li><li>•facilitating education and care research, or</li><li>•performing the role of educational leader of the service.</li></ul>

**Infectious disease** – defined in the National Regulations. Any disease designated under a law of the relevant jurisdiction or by a health authority as a disease that would require a person with the disease to be excluded from an education and care service.

**Intentional teaching** – defined in the Early Years Learning Framework. Involves educators being deliberate, purposeful and thoughtful in their decisions and actions. Intentional teaching is the opposite of teaching by rote or continuing with traditions simply because things have ‘always been done that way’.

**Kindergarten** – see preschool.

**Long day care service** – not defined in the National Law or Regulations. Described in the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care as a centre-based form of service which provides all-day or part-time care for children aged birth to six on a regular basis.

**Medical condition** – not defined in the National Law or Regulations. May be described as a condition that has been diagnosed by a registered medical practitioner.

**Medication** – defined in the National Regulations. Means medicine within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth:

- therapeutic goods that are represented to achieve, or are likely to achieve, their principal intended action by pharmacological, chemical, immunological or metabolic means in or on the body of a human or animal, and
- any other therapeutic goods declared by the Secretary of the Therapeutic Goods Administration, for the purpose of the definition of therapeutic device, not to be therapeutic devices.

Medicine includes prescription, over-the-counter and complementary medicines. All therapeutic goods in Australia are listed on the Australian Register of Therapeutic Goods, available on the Therapeutic Goods Administration website ([www.tga.gov.au](http://www.tga.gov.au)).

**Nominated supervisor** – defined in the National Law. In relation to an education and care service, means a person:

- who is a certified supervisor
- who is nominated by the approved provider of the service under Part 3 [of the National Law] to be the nominated supervisor of that service, and
- who has consented to that nomination.

The Nominated Supervisor will act as the person with responsibility for the day to day management of the approved service and will ensure

- Ensuring that the service is operated in compliance with the National Law, the National Regulations and the National Quality Standard.
- Assisting with communication between the Approved Provider and the regulatory authority.

All services must have a Nominated Supervisor.

**Outside school hours care service** – not defined in the National Law or Regulations. Described in the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care as a service that provides care for primary school aged children (typically 5 to 12 years) before and after school and can also operate during school holidays (vacation care) and on pupil free days. Outside school hours care services are usually provided from primary school premises. Services may also be located in child care centres or community facilities. Outside school hours care services are often provided by parent associations or non-for-profit organisations.

**Parent** – defined in the National Law. Parent, in relation to a child, includes:

- a guardian of a child, and
- a person who has parental responsibility for the child under a decision or order of a court.

**Parenting order** – defined in the National Regulations. A parenting order within the meaning of section 64B (1) of the Family Law Act 1975 (Commonwealth)

**Parenting plan** – defined in the National Regulations. A parenting plan within the meaning of section 63C (1) of the Family Law Act 1975 (Commonwealth) and includes a registered parenting plan within the meaning of section 63C (6) of that Act.

**Person with management and control** – defined in the National Law. In relation to an education and care service, means:

- if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service
- if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service
- if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service, or
- in any other case, a person who has responsibility, alone or with others, for managing the delivery of the education and care service.

**Play-based learning** – defined in the Early Years Learning Framework. A context for learning through which children organise and make sense of their social worlds, as they engage actively with people, objects and representations.

**Policy** – A policy is a plan of action that a person or group decides to take. Policies for organisations like day care services must be documented. Written policies provide a record of past decisions about how a service operates, the reasons for decisions and the sources of information that were used in making decisions. Carers and staff can use policies to adopt practices and procedures that are based on current authoritative knowledge, and reflect the values of everyone involved in the service. Written, accessible policies also provide families, carers and staff with information on what to expect from a service.

**Preschool** – not defined in the National Law or Regulations. Described in the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care as a service that provides an early childhood education program, delivered by a qualified teacher, often but not necessarily on a sessional basis in a dedicated service. Alternative terms used for preschool in some jurisdictions include kindergarten, pre-preparatory and reception.

**Preschool program** – defined in the National Law. An early childhood educational program that is delivered by a qualified early childhood teacher to children in the year that is two years before grade one of school.

The National Law does not define what it means to ‘deliver’ an educational program to preschool aged children. However, an early childhood teacher can be considered to be delivering a preschool program if they provide an educational program (as defined above) to preschool aged children at the service, either by:

- being physically present at the service and directly engaged in providing the program to children, or
- providing the program to children through information communication technology, such as video conferencing.

This interpretation is consistent with the meaning of ‘working directly with children’, and recognises that in some cases, an early childhood teacher may work with preschool aged children at a service using information communication technology.

**NOTE:** The meaning of ‘delivering a preschool program’ is different from ‘in attendance at’ (defined above), which does not require the early childhood teacher to provide an educational program, be directly engaged with children, or to carry out activities in relation to preschool aged children at the service.

**Quality Improvement Plan (QIP)** – not defined in the National Law or Regulations. A document created by approved providers to help services self-assess their performance in delivering quality education and care and to plan future improvements. Regulatory authorities consider the service’s QIP as part of the quality assessment and rating process.

**Registered medical practitioner** – defined in the National Regulations. A person registered under the Health Practitioner National Law to practise in the medical profession (other than as a student).

**Regulatory Authority** – A regulatory authority in each state and territory regulates and assesses children’s education and care services.

**Residence** – defined in the National Law. The habitable areas of a dwelling.

**Responsible person** – defined in the National Regulations. The responsible person is an individual who is physically present and is responsible for the operation of the centre based service for an agreed period of time. A responsible person must be present at all times that an approved service operates and can be:

- the approved provider (or person in management or control)

- the nominated supervisor, or
- a certified supervisor who has consented to being placed in day-to-day charge, in accordance with the National Regulations.

**Scaffold** – defined in the Early Years Learning Framework. The educators’ decisions and actions that build on children’s existing knowledge and skills to enhance their learning.

**Second tier review** – not defined in National Law or the regulations, but refers to ratings review by a panel setup by ACECQA, following a first-tier review.

**Serious incident** –defined in the National Regulations for the purposes of section 174(5) of the National Law, as set out below.

<b>Serious incidents</b>
The death of a child <ul style="list-style-type: none"> <li>•while being educated and cared for by an education and care service, or</li> <li>•following an incident while being educated and cared for by an education and care service</li> </ul>
Any incident involving serious injury or trauma to, or illness of, a child while being educated and cared for by an education and care service <ul style="list-style-type: none"> <li>•which a reasonable person would consider required urgent medical attention from a registered medical practitioner, or</li> <li>•for which the child attended, or ought reasonably to have attended, a hospital</li> </ul>
Any incident where the attendance of emergency services at the education and care service premises was sought, or ought reasonably to have been sought
Any circumstance where a child being educated and cared for by an education and care service <ul style="list-style-type: none"> <li>• appears to be missing or cannot be accounted for</li> <li>• appears to have been taken or removed from the education and care service premises in a manner that contravenes these Regulations, or</li> <li>• is mistakenly locked in or locked out of the education and care service premises or any part of the premises.</li> </ul>

**Service approval** – defined in the National Law. A service approval:

- granted under Part 3 of the National Law or the National Law as applying in another participating jurisdiction, and
- as amended under the National Law or the National Law as applying in another participating jurisdiction, but
- does not include a service approval that has been cancelled.

**Service waiver** – not defined in the National Law or Regulations. An exemption from a requirement that an approved education and care service comply with a prescribed element(s) of the National Quality Standard or regulation(s) of the National Regulations. While a service waiver is in force, the approved service is taken to comply with the element(s) or regulation(s) specified in the waiver.

**Suitably qualified person** – defined in the National Regulations. A person who has:

- a qualification for the education and care of children generally or children of a specified age that is approved by ACECQA and included in the list of approved qualifications for suitably qualified persons published under regulation 137, or
- a qualification approved by ACECQA as a higher qualification for suitably qualified persons and included in the list of approved qualifications for suitably qualified persons published under regulation 137.

**Supervisor certificate** – defined in the National Law. A supervisor certificate:

- issued under Part 4 of the National Law or the National Law as applying in another participating jurisdiction, and
- as amended under the National Law or the National Law as applying in another participating jurisdiction but not including a supervisor certificate that has been cancelled.

Allows a person to consent to be the Nominated Supervisor or Certified Supervisor, and be placed in day-to-day charge of an approved service. Applicants must be 18 years or older, be assessed as a fit-and-proper person (refer to *Definitions* above) and meet the minimum requirements for qualifications, experience and management capability required under the Regulations (Regulations 46–49). Applicants for a Supervisor Certificate are assessed by the Regulatory Authority.

**Temporary waiver** – not defined in the National Law or Regulations. An exemption from a requirement that an approved education and care service comply with a prescribed element(s) of the National Quality Standard or regulation of the National Regulations. While a temporary waiver is in force, the approved service is not required to comply with the element(s) or regulation(s) specified in the waiver.

**Working directly with children** – defined in the National Regulations. A person is working directly with children at a given time if at that time the person:

- is physically present with the children, and
- is directly engaged in providing education and care to the children.

**Working with children check** – defined in the National Law. A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that:

- the person has been assessed as suitable to work with children
- there has been no information that if the person worked with children the person would pose a risk to the children, or
- the person is not prohibited from attempting to obtain, undertake or remain in child-related employment

**Working with vulnerable people check** – defined in the National Regulations. A check of a person under a working with vulnerable people law of a participating jurisdiction.

## SOURCES

- Australian Children’s Education and Care Quality Authority (ACECQA)  
[http://files.acecqa.gov.au/files/OPM/OPM\\_I\\_Glossary.pdf](http://files.acecqa.gov.au/files/OPM/OPM_I_Glossary.pdf)
- Australian Government My Child  
<https://www.mychild.gov.au/resources/glossary>
- Early Childhood Management services  
<https://www.ecms.org.au/>