

7. GLOSSARY

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This glossary explains key terms used in this guide.

Actively working towards a qualification: An educator is actively working towards a qualification if the educator:

- a) is enrolled in the course for the qualification; and
- b) provides the approved provider with documentary evidence from the provider of the course that:
 - the educator has commenced the course; and
 - is making satisfactory progress towards completion of the course; and
 - is meeting the requirements for maintaining the enrolment; and

In the case of an approved diploma level education and care qualification, the educator:

- holds an approved certificate III level education and care qualification; or
- has completed the units of study in an approved certificate III level education and care qualification (*National Regulations*).

Additional needs:

The term used for children who require or will benefit from specific considerations or adaptations and who:

- are Aboriginals or Torres Strait Islanders
- are recent arrivals in Australia
- have a culturally and linguistically diverse background
- live in isolated geographic locations
- are experiencing difficult family circumstances or stress
- are at risk of abuse or neglect
- are experiencing language and communication difficulties
- have a diagnosed disability—physical, sensory, intellectual or autism spectrum disorder
- have a medical or health condition
- demonstrate challenging behaviours and behavioural or psychological disorders
- have developmental delays
- have learning difficulties
- are gifted or have special talents
- have other extra support needs.

It is important to note that:

- additional needs arise from different causes, and that causes require different responses
- any child may have additional needs from time to time.

Agency: Being able to make choices and decisions, to influence events and to have an impact on one's world (*Early Years Learning Framework*, p. 45).

Analysing learning: For the early childhood education and care context, see *Assessment for learning*. For the school age education and care context, see *Evaluation of wellbeing and learning*.

Approved anaphylaxis management training: Anaphylaxis management training approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website (*National Regulations*).

Approved education and care service: An education and care service for which a service approval exists (*National Law*).

Approved emergency asthma management training: Emergency asthma management training approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website (*National Regulations*).

Approved family day care service: An education and care service that is a family day care service for which a service approval exists (*National Law*).

Approved family day care venue: A place other than a residence approved under Section 50A or 54 (8A) as a family day care venue for an approved family day care service (*National Law*).

Approved first aid qualification: A qualification that includes training in the matters set out in the table below, that relates to and is appropriate to children and has been approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website (*National Regulations*).

First aid qualification – subject matter

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

Approved learning framework: A learning framework approved by the Ministerial Council (*National Law*).

Approved number of places: 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: A person who holds a provider approval (*National Law*). A provider approval authorises a person to apply for one or more service approvals and is valid in all jurisdictions.

Assessment and planning cycle: The assessment and planning cycle process includes: observation, analysing learning, documentation, planning, implementation and reflection. This ongoing process is used by educators, with support from the educational leader and in partnership with families and other professionals, to design programs that enhance and extend each child's learning and development.

Assessment and rating: The process by which services are assessed and rated by their regulatory authority against the National Quality Standard, and given a rating for each of the seven quality areas and an overall rating based on these results.

Assessment for learning: In the early childhood education and care context, the process of gathering and analysing information as evidence about what children know, can do and understand (*Early Years Learning Framework*, p.17). This forms part of the ongoing assessment and planning cycle.

Associated children's service: A children's service that is operated or intended to be operated by an approved provider at the same place as an approved education and care service (*National Law*).

Authorised nominee: In relation to a child, means a person who has been given permission by a parent or family member of the child to collect the child from the education and care service or the family day care educator (*National Law*).

Authorised officer: A person authorised to be an authorised officer under Part 9 (*National Law*). Authorised officers are appointed by the regulatory authority under the provisions of the National Law to carry out the functions of monitoring, assessing and rating licensed approved education and care services in their jurisdiction.

Authorised person: An authorised person means a person who belongs to one of the below groups.

- A person who holds a current working with children check or working with children card; or
- A parent or family member of a child who is being educated and cared for by the education and care service or the family day care educator; or
- An authorised nominee of a parent or family member of a child who is being educated and cared for by the education and care service or the family day care educator; or
- In the case of an emergency, medical personnel or emergency service personnel
- A person who is permitted under the working with children law of a jurisdiction to remain at the education and care service premises without holding a working with children check or a working with children card (*National Law*).

Bankruptcy declaration: A declaration made by an individual about any proceeding in bankruptcy brought against the individual including:

- whether any actions have been taken against the individual under Part IV of the Bankruptcy Act 1966 of the Commonwealth
- whether the individual has made any debt agreement under Part IX of the Bankruptcy Act 1966 of the Commonwealth, and
- whether the individual has made any personal insolvency agreement under Part X of the Bankruptcy Act 1966 of the Commonwealth (*National Regulations*).

Building permit: A permit or consent to carry out building work issued under a building law or planning and development law in the participating jurisdiction (*National Regulations*).

Building practitioner: A person who is:

- registered as a building surveyor, building inspector or draftsman under a law of a participating jurisdiction
- registered as an architect under a law of a participating jurisdiction
- licensed as a surveyor under a law of a participating jurisdiction
- licensed or registered as a building certifier under a law of a participating jurisdiction, or
- accredited under a law of a participating jurisdiction to design buildings that will be used to provide education and care services (*National Regulations*).

Centre-based service: An education and care service other than a family day care service (*National Regulations*). This includes most long day care, preschool and outside school hours care services that are delivered at a centre.

Child-centred: Consideration of each child's current knowledge, strengths, ideas, culture, abilities and interests as the foundation for the development of the educational program in an education and care service.

Child directed: Child directed play and learning occurs when children lead their learning through exploring, experimenting, investigating and being creative in ways that they initiate and control (*Victorian Early Years Learning and Development Framework*, p. 4). Child directed learning promotes children's agency by enabling them to make choices and decisions that influence events and their world.

Child health record: Not defined in the National Law or Regulations. It may be taken to mean a child's 'blue book' or equivalent (such as a personal health record issued to newborns in NSW), and may consider dental information and any other health records which may be relevant to the child's health needs at the service.

Child over preschool age: A child who:

- is enrolled or registered at a school; and
- attends, or in the current calendar year will attend, school in the year before grade 1, in grade 1 or a higher grade (*National Regulations*).

Child preschool age or under: A child under the age of 7 years who is not a child over preschool age (*National Regulations*).

Children: Refers to each baby, toddler, three to five year old and school age child and means children as individuals and as members of a group in the education and care setting, unless otherwise stated. It is inclusive of children from all social, cultural and linguistic backgrounds and of their learning styles, abilities, disabilities, gender, family circumstances and geographic locations (adapted from the *Early Years Learning Framework*, p. 45).

Children’s services law: Defined in the National Law.

| Jurisdiction | Children’s services law |
|------------------------------|--|
| Australian Capital Territory | Children and Young People Act 2008, chapter 20 |
| New South Wales | Children and Young Persons (Care and Protection) Act 1998 |
| Northern Territory | Care and Protection of Children Act |
| Queensland | Education and Care Services Act 2013 |
| South Australia | Education and Care Services National Law (South Australia) Children’s Protection Act 1993 |
| Tasmania | Child Care Act 2001 |
| Victoria | Children’s Services Act 1996 |
| Western Australia | Education and Care Services National Law (Western Australia) Child Care Services Act 2007 |

Collaboration: Working together cooperatively towards common goals. Collaboration is achieved through information sharing, joint planning and the development of common understandings and objectives (*Framework for School Age Care*, p. 12).

Collaborative learning: Children engaging with other children and educators to collaboratively work with, learn from and help.

Collaborative partnership: A partnership between the educators, families, children and community/ies of an education and care service that is based on active communication, consultation and collaboration and aims to build respectful relationships, support families and promote children’s inclusion, learning and wellbeing.

Community: The local or wider social, cultural or geographical context shared with an education and care service.

Community engagement: Developing respectful and responsive connections with the immediate or wider community to build connections and relationships.

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.

Continuity of staff: Retention of the staff of an education and care service over a period of time. Staffing arrangements that promote continuity of staff enable children to experience continuity in education and care which, in turn, enhances children’s wellbeing, learning and development.

Continuous improvement: Ongoing improvement in the provision of quality education and care services. The National Quality Framework aims to raise

quality and drive continuous improvement through the National Quality Standard, national quality rating and assessment process, streamlined regulatory arrangements and the overseeing of these processes by ACECQA.

Assessment and rating encourages continuous improvement by engaging the approved provider and the service in a process of self-assessment, as well as providing a detailed report of their performance against the National Quality Standard. Quality services regularly monitor and review their performance to guide planning and improve service quality. This creates a shared understanding of the principles that guide the service, and encourages continuous improvement in practice, policies and procedures.

Quality services regularly update and maintain their Quality Improvement Plan as a dynamic document to guide progress towards improvement.

Co-ordinator: See *Family day care co-ordinator*.

Creative arts: Dance, drama, media arts, music and visual arts (CAPA).

Criminal history record check: A full disclosure Australia-wide criminal history record check, issued by a police force or other authority of a State or Territory or the Commonwealth (*National Regulations*).

Criminal history statement: A statement made by an individual that:

- states whether the individual has been convicted in Australia of any offences relevant to a person seeking to work with children, and
- includes details of those convictions (*National Regulations*).

Critical reflection: Describes reflective practices that focus on implications for equity and social justice (*Early Years Learning Framework*, p. 45).

Curriculum: In the early childhood setting, curriculum means ‘all the interactions, experiences, activities, routines and events, planned and unplanned, that occur in an environment designed to foster children’s learning and development’ (*Early Years Learning Framework*, p. 45; adapted from *Te Whariki*).

Curriculum decision-making: In the school age context, also referred to as program decision-making. Interactive decision-making by educators, children, families, and the broader community to develop meaningful curricula/programs to foster children’s learning. Curriculum/program decision-making is guided by the approved learning frameworks’ inter-related principles, practices and outcomes (Educators’ Guide to the *Early Years Learning Framework*, p. 10). The approved learning frameworks support a model of curriculum/program decision-making as an ongoing cycle (*Early Years Learning Framework*, p. 9; *Framework for School Age Care*, p. 6).

Declared approved family day care service: Paraphrased, it means a family day care service that automatically transitioned to regulation under the National Law on 1 January 2012 (1 August 2012 in WA) (*National Law transitional provisions*).

Declared approved family day care venue: Paraphrased, it means a family day care venue that automatically transitioned to regulation under the National Law on 1 January 2012 (1 August 2012 in WA) (*National Law transitional provisions*).

Declared approved provider: Paraphrased, it means an approved provider who automatically transitioned to regulation under the National Law on 1 January 2012 (1 August 2012 in WA) (*National Law transitional provisions*).

Declared approved service: Paraphrased, it means an education and care service that automatically transitioned to regulation under the National Law on 1 January 2012 (1 August 2012 in WA) (*National Law transitional provisions*).

Disciplinary proceedings statement: A statement made by an individual that states:

- whether the individual is or has been subject to a formal disciplinary proceeding or action under an education law of a participating jurisdiction (other than a proceeding that was unsuccessful or was withdrawn), and
- the outcome of the proceeding or action (if known) (*National Regulations*).

Dispositions: Enduring habits of mind and actions, and tendencies to respond in characteristic ways to situations, for example, maintaining an optimistic outlook, being willing to persevere, approaching new experiences with confidence (*Early Years Learning Framework*, p. 45; *Framework for School Age Care*, p. 41).

Each child: Referred to in the National Quality Standard when an individualised approach is warranted and educators are required to modify their response to meet the needs of an individual child. An example is ‘each child’s current knowledge, ideas, culture and interests provide the foundation for the program’.

Early childhood teacher: A person with an approved early childhood teaching qualification (*National Regulations*). The National Law also refers to ‘qualified early childhood teacher’, which should be taken to refer to an early childhood teacher. Centre-based services are required to have access to or attendance of an early childhood teacher. The requirements are based on the size of the service.

Education and care service: Any service providing or intended to provide education and care on a regular basis to children under 13 years of age (*National Law*). See **Section 5** of the National Law for services that are excluded from this definition.

Education and care service premises: In relation to a centre-based service, means each place at which an education and care service operates or is to operate.

In relation to a family day care service, means:

- an office of the family day care service; or
- an approved family day care venue; or
- each part of a residence used to provide education and care to children as part of a family day care service or used to provide access to the part of the residence used to provide that education and care (*National Law*).

Educational leader: The educational leader is an appropriately qualified and experienced educator, co-ordinator or other individual designated in writing by the approved provider under regulation 118 to lead the development and implementation of educational programs in the service (*National Regulations*).

Educational program: A program that:

- is based on an approved learning framework; and
- is delivered in a manner that accords with the approved learning framework; and
- 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 (*National Law*).

Education Law: Defined in the National Law.

| Jurisdiction | Education law |
|------------------------------|--|
| Australian Capital Territory | Education Act 2004 |
| New South Wales | Education Act 1990 Institute of Teachers Act 2004 Teaching Service Act 1980 |
| Northern Territory | Education Act Teacher Registration (Northern Territory) Act |
| Queensland | Education (Accreditation of Non-State Schools) Act 2001 Education (General Provisions) Act 2006 Education (Queensland College of Teachers) Act 200 |
| South Australia | Education Act 1972 |
| Tasmania | Teacher's Registration Act 2005 |
| Victoria | Education and Training Reform Act 2006 |
| Western Australia | School Education Act 1999 |

Educator: An individual who provides education and care for children as part of an education and care service (*National Law*).

Eligible association: A parents and citizens association formed under Chapter 7 of the Education (General Provisions) Act 2006 of Queensland. A 'prescribed entity' means the Catholic Education Commission of Western Australia.

Emergency: In relation to an education and care service, includes an incident, situation or event where there is an imminent or severe risk to the health, safety and wellbeing of a person at the education and care service premises (*National Regulations*) e.g. flood, fire, a situation that requires the service to be shut down (*National Regulations*).

Evaluation of wellbeing and learning: In the school age education and care context, gathering knowledge about children's wellbeing and learning by reflecting and engaging in processes of scanning, monitoring, gathering and analysing information about how children feel and what children know, can do and understand (*Framework for School Age Care*, p. 16). This forms part of the ongoing assessment and planning cycle.

Every child: Used in the National Quality Standard when it is intended to suggest an inclusive approach. It implies that all children have the same opportunity regardless of their age, gender, background or abilities. An example is ‘every child is supported to participate in the program’.

Excellent rating: The highest overall rating level under the National Quality Standard assessment and rating process, awarded by ACECQA (*National Regulations*).

Excursion: An outing organised by an education and care service or family day care educator, but does not include an outing organised by an education and care service provided on a school site if the child or children leave the education and care service premises in the company of an educator and the child or children do not leave the school site (*National Regulations*).

Family day care co-ordinator: A person employed or engaged by the approved provider of a family day care service to monitor and support the family day care educators who are part of the service (*National Law*).

Family day care educator: An educator engaged by or registered with a family day care service to provide education and care for children in a residence or at an approved family day care venue (*National Law*).

Family day care educator assistant: A person engaged by or registered with a family day care service to assist family day care educators (*National Law*).

Family day care residence: A residence at which a family day care educator educates and cares for children as part of a family day care service (*National Law*).

Family day care service: An education and care service that is delivered through the use of two or more educators to provide education and care to children and operates from two or more residences (*National Law*).

Note: A family day care service that is an approved family day care service may provide education and care to children from a family day care residence or an approved family day care venue (*National Law*).

Family day care venue: See *Approved Family Day Care Venue*

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; or
- a relative of the child according to Aboriginal or Torres Strait Islander tradition; or
- a person with whom the child resides 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 (*National Law*).

Financial Declaration: A declaration made by a person who is not an individual, indicating whether the person is or has been declared insolvent or is or has been placed under external administration (*National Regulations*).

First tier review: Refers to the first level of review of a service by the regulatory authority, as set out in the National Law.

Former Approval: Paraphrased, it means an approval, licence or other authorisation issued under a former education and care services law (*National Law transitional provisions*).

Former education and care services law: Paraphrased, it means the state or territory law that applied to education and care services (now covered by the National Law) before 1 January 2012 (1 August 2012 in WA).

Guardian: Guardian, in relation to a child, means the legal guardian of the child (*National Law*).

In attendance at a centre-based service: An early childhood teacher or suitably qualified person is in attendance at a centre-based service if the teacher:

- (a) is physically present at the service; and
- (b) carries out education and care activities at the service including one or more of the following:
 - working directly with children;
 - planning programs;
 - mentoring, coaching or supporting educators;
 - facilitating education and care research;
 - performing the role of educational leader of the service referred to in regulation 118 (*National Regulations*).

Inclusion: Involves taking into account all children's social, cultural and linguistic diversity (including learning styles, abilities, disabilities, gender, family circumstances and geographic location) in curriculum decision-making processes. The intent is to ensure that all children's experiences are recognised and valued. The intent is also to ensure that all children have equitable access to resources and participation, and opportunities to demonstrate their learning and to value difference (*Early Years Learning Framework*, p. 45; *Framework for School Age Care*, p. 41).

Inclusive environment: An indoor or outdoor education and care environment that supports every child's inclusion.

Infectious disease: 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 (*National Regulations*).

Infringements law: Defined in the National Law.

| Jurisdiction | Infringements law |
|------------------------------|---|
| Australian Capital Territory | Magistrates Court Act 1930, part 3.8 |
| New South Wales | Fines Act 1996 |
| Northern Territory | Education Regulations, part 7 |
| Queensland | State Penalties Enforcement Act 1999 |
| South Australia | Expiation of Offences Act 1996 |
| Tasmania | Monetary Penalties Enforcement Act 2005 |
| Victoria | Infringements Act 2006 |
| Western Australia | Criminal Procedure Act 2004 Part 2 |

Intentional teaching: In the early childhood education and care context, 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’ (*Early Years Learning Framework*, p. 45).

Intentionality: In the school age education and care context, involves educators being deliberate, purposeful and thoughtful in their decisions and actions (*Framework for School Age Care*, p. 41).

Interactions: Social engagement between children, educators, families and communities and play engagement between children, educators, families and communities and their environment. Interactions are an important part of the education and care curriculum/program.

Insurance: See *Prescribed insurance*

Learning: A natural process of exploration that children engage in from birth as they expand their intellectual, physical, social, emotional and creative capacities. Early learning is closely linked to early development (*Early Years Learning Framework*, p. 46). Life-long learning is acknowledged as self-motivated process that extends intellectual, vocational and personal horizons which begins in pre-school times, and is continued throughout life (*Framework for School Age Care*, p. 42).

Learning framework: See *Approved learning framework*

Learning outcome: A skill, knowledge or disposition that educators can actively promote in collaboration with children and families (*Early Years Learning Framework*, p. 46; *Framework for School Age Care*, p. 42).

Literacy: In the early years context, a range of modes of communication including music, movement, dance, story-telling, visual arts, media and drama, as well as talking, reading and writing (*Early Years Learning Framework*, p. 46).

Long day care service: Not defined in the National Law or Regulations. A centre-based form of service which provides all-day or part-time care for children aged birth to six who attend on a regular basis (*National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care*, p. 6).

Meaningful leisure: In the school age context, meaningful leisure describes the opportunities for children to develop their imagination, social ability and the sense of community including participation, collaboration and responsibility (*Framework for School Age Care*, p. 42).

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: Medicine within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth (*National Regulations*). 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).

National Law: Unless otherwise specified, the Education and Care Services National Law Act 2010 or, in Western Australia, the Education and Care Services National Law (WA) Act 2012. This applied law system sets a national standard for children's education and care across Australia. See the ACECQA website for the Application Act or legislation that applies in each jurisdiction.

National Quality Agenda IT System: A web-based information system to assist state and territory regulatory authorities and ACECQA to manage the approval, monitoring and quality assessment of children's education and care services. The system also enables services, providers and educators to submit application and notification forms online to regulatory authorities and ACECQA.

National Regulations: The Education and Care National Regulations. The National Regulations support the National Law by providing detail on a range of operational requirements for an education and care service.

Nominated supervisor: In relation to an education and care service, means a person who:

- is nominated by the approved provider of the service under Part 3 to be a nominated supervisor of that service; and
- unless the individual is the approved provider, has provided written consent to that nomination (*National Law*).

Numeracy: Understandings about numbers, patterns, measurement, spatial awareness and data as well as mathematical thinking, reasoning and counting (*Early Years Learning Framework*, p. 46).

Occupancy permit: A certificate or permit issued under a building law or planning and development law of a participating jurisdiction that permits a building to be occupied (*National Regulations*).

Office: In relation to a family day care service, means:

- the principal office of the service; or
- the principal office of the approved provider of the service; or
- any other business office of the approved provider of the service; or
- any premises of the service from which the service's family day care educators are co-ordinated (*National Law*).

Officer: Section 9 of the Corporations Act 2001 states that an officer of a corporation means:

- a director or secretary of the corporation
- a person
 - who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation, or
 - who has the capacity to affect significantly the entity’s financial standing, or
 - in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person’s professional capacity or their business relationship with the directors of the corporation), or
- a receiver, or receiver and manager, of the property of the corporation, or
- an administrator of the corporation, or
- an administrator of a deed of company arrangement executive by the corporation
- a liquidator of the corporation, or
- a trustee/other person administering a compromise or arrangement between the corporation and someone else.

Outcome: See *Learning outcome*

Outside school hours care service: Not defined in the National Law or Regulations. 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 (*National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care*, p. 7).

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.

Overseas criminal history statement: A statement made by an individual that:

- states whether the individual has been convicted outside Australia of any offences relevant to a person seeking to work with children, and
- includes details of those convictions (*National Regulations*).

Parent: In relation to a child, includes:

- a guardian of the child
- a person who has parental responsibility for the child under a decision or order of a court (*National Law*).

Parenting order: A parenting order within the meaning of section 64B(1) of the Family Law Act 1975 (*Commonwealth*).

Parenting plan: 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.

Participating jurisdiction: A State or Territory in which—

- the Education and Care Services National Law applies as a Law of the State or Territory; or
- a law that substantially corresponds to the provisions of the Education and Care Services National Law has been enacted (*National Law*).

Pedagogy: Educators' professional practice, especially those aspects that involve building and nurturing relationships, curriculum/program decision-making, teaching and learning (*Early Years Learning Framework*, p. 46; *Framework for School Age Care* p. 42).

Person: Means:

- an individual; or
- a body corporate; or
- an eligible association; or
- a partnership; or
- a prescribed entity (*National Law*).

Person in day-to-day charge: A person is in day-to-day charge of an education and care service if:

- the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the service; and
- the person consents to the placement in writing (*National Regulations*). There are minimum requirements for the person in day-to-day charge.

Person with management or control: 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; or
- 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; or
- 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 the responsibility, alone or with others, for managing the delivery of the education and care service (*National Law*).

Philosophy: See *Statement of philosophy*

Planning cycle: See *Assessment and planning cycle*

Planning permit: A legal document that gives permission in principle for a certain use or development on a specific parcel of land (*National Regulations*).

Play based learning: A context for learning through which children organise and make sense of their social worlds, as they engage actively with people, objects and representations (*Early Years Learning Framework*, p. 46).

Preschool: Not defined in the National Law or Regulations. 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 (*National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care*, p. 7).

Preschool program: An early childhood educational program delivered by a qualified early childhood teacher to children in the year that is two years before grade 1 of school (*National Law*).

Prescribed entity: The following are prescribed entities for the purposes of paragraph (e) of the definition of person in section 5(1) of the Law:

- the Catholic Education Commission of Western Australia
- a body politic (*National Regulations, Regulation 9*).

Prescribed insurance: Insurance required as a condition of service approval. See *sections 29–30* of the National Regulations.

Previous service statement: A statement made by an individual that states:

- whether or not the individual has held any role within an education and care service or a children’s service in the previous three years; and
- includes the following details for each role
 - the name of the service
 - the state or territory in which the service was located, and
 - the nature of the role (*National Regulations*).

Program: See *Educational program*

Protected disclosure: A disclosure of information or provision of documents to the regulatory authority:

- pursuant to a request under the National Law, or
- where the person making the disclosure has a reasonable belief that:
 - an offence against the National Law has been or is being committed, or
 - the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk (*National Law*).

Provider: See *Approved provider*

Provider approval: A provider approval:

- granted under Part 2 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.

It does not include a provider approval that has been cancelled (*National Law*).

Public sector law: Defined in the National Law

| Jurisdiction | Law |
|------------------------------|---|
| Australian Capital Territory | Public Sector Management Act 1994 |
| New South Wales | Public Sector Employment and Management Act 2002 |
| Northern Territory | Public Sector Employment and Management Act |
| Queensland | Public Service Act 2008 |
| South Australia | Public Sector Act 2009 Public Sector (Honesty and Accountability) Act 1995 |
| Tasmania | State Service Act 2000 |
| Victoria | Public Administration Act 2004 |
| Western Australia | Public Sector Management Act 1994 |

Quality Improvement Plan (QIP): A document created by an approved provider 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. The QIP includes three components:

1. An assessment of the quality of service practices against the NQS and the National Regulations
2. Identified areas for improvement
3. A statement of the philosophy of the service (*National Regulations*)

Reflective practice: A form of ongoing learning that involves engaging with questions of philosophy, ethics and practice. Its intention is to gather information and gain insights that support, inform and enrich decision-making about children's learning. As professionals, early childhood educators examine what happens in their settings and reflect on what they might change (*Early Years Learning Framework*, p. 13).

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

Regular outing: In relation to an education and care service, means a walk, drive or trip to and from a destination:

- that the service visits regularly as part of its educational program, and
- where the circumstances relevant to the risk assessment are the same on each outing (*National Regulations*).

Regulatory authority: A person declared by a law of a participating jurisdiction to be the regulatory authority for that jurisdiction or for a class of education and care services for that jurisdiction (*National Law*).

Relevant tribunal or court: Defined in the National Law:

| Jurisdiction | Tribunal or court for enforcement | Tribunal or court for reviews |
|------------------------------|-----------------------------------|---|
| Australian Capital Territory | Magistrates Court | ACT Civil and Administrative Tribunal (ACAT) |
| New South Wales | District Court | Administrative Decisions Tribunal |
| Northern Territory | Local Court | Local Court |
| Queensland | Magistrates Court | Queensland Civil and Administrative Tribunal (QCAT) |
| South Australia | Magistrates Court | District Court |
| Tasmania | Magistrates Court | Magistrate Court (Administrative Appeals Division) |
| Victoria | Magistrates Court | Victorian Civil and Administrative Tribunal (VCAT) |
| Western Australia | State Administrative Tribunal | State Administrative Tribunal |

Residence: The habitable areas of a dwelling (*National Law*).

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

- the approved provider or a person with management or control of the service;
- a nominated supervisor of the service; or
- a person placed in day-to-day charge of the service in accordance with the National Regulations (*National Law*).

Responsive teaching: The educational practice of attending and responding to children’s strengths, abilities, interests, ideas and play and a key pedagogical practice of the approved learning frameworks.

Rest pause: A short break taken by a person from duties of the person’s employment (*National Regulations*). Please see *National Regulations* for educator to child ratios during a rest pause.

Rest period condition: A condition on a service approval providing for 1 or more periods during a day, totalling not more than 2 hours during the day, to be rest periods for an approved education and care service (*National Regulations*).

Rights of the child: Human rights belonging to all children, as specified in the United Nations Convention on the Rights of the Child.

Routines: Regular, everyday events in an education and care service such as meal times, sleep/rest times, groups times, nappy change/ toileting, hygiene, arriving and departing. Routines are a key component of the curriculum/program. Effective routines provide children with a sense of predictability and consistency that help children to feel safe, secure and supported.

Scaffold: The educators' decisions and actions that build on children's existing knowledge and skills to enhance their learning (*Early Years Learning Framework* p. 46).

School age: See *School children*

School children: Includes children attending school in the year before grade 1 (*National Law*).

Second tier review: Refers to ratings review by a panel set up by ACECQA, following a first tier review.

Self-regulation: The ability to manage energy states, emotions, behaviour and attention: the ability to return to a balanced, calm and constant state of being. Self regulation is a key factor for mental health, wellbeing and learning (*Kidsmatter*).

Serious incident: A serious incident (Regulation 12) is defined as any of the following:

- the **death of a child** while that child is being educated and cared for at the service or following an incident while that child was being educated and cared for at the service
- any **incident involving a serious injury or trauma to a child** while that child is being educated and cared for by the service:
 - which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
 - for which the child attended or ought reasonably to have attended a hospital e.g. broken limb
- any **incident involving serious illness of a child** while that child is being educated and cared for by the service for which the child attended, or ought reasonably to have attended, a hospital e.g. severe asthma attack, seizure or anaphylaxis reaction
- any emergency for which **emergency services** attended. **NOTE:** This means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at an education and care service. It does not mean an incident where emergency services attended as a precaution
- a child appears to be **missing or cannot be accounted** for at the service
- a child appears to have been **taken or removed** from the service in a manner that contravenes the National Regulations
- a child is mistakenly **locked in or locked out of the education and care service** premises or any part of the premises (*National Regulations*).

Service approval: 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 (*National Law*).

Service waiver: 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.

Soil assessment: An analysis of soil conducted by an environmental consultant, environmental consulting firm, or environmental auditor for the purposes of determining:

- the nature, extent and levels of contamination, and
- the actual or potential risk to human health resulting from that contamination (*National Regulations*).

Specified person: In relation to an education and care service:

(a) a staff member or volunteer who is at least 18 years of age; or

(b) a staff member or volunteer who is at least 17 years of age and who holds or is actively working towards one of the following qualifications:

(i) unless subparagraph (ii) applies, an approved certificate III level education and care qualification; or

(ii) if the centre-based service educates and cares only for children over preschool age:

(A) a certificate III or IV in community services under the Australian Qualifications Framework; or

(B) a 1 year qualification in a relevant area of study; or

(C) a qualification that is higher than a qualification referred to in subparagraph (A) or (B) (*National Regulations*).

Staff member: In relation to an education and care service, means any individual (other than a nominated supervisor or a volunteer) employed, appointed or engaged to work in or as part of an education and care service, whether as a family day care co-ordinator, educator or otherwise (*National Law*).

Staffing arrangements: The management and organisation of the staff of an education and care service.

Statement of philosophy: A statement the approved provider of an education and care service must develop and include in their Quality Improvement Plan. It is designed to guide all aspects of the service's operations. It must be available to the staff members of the service and on request to parents of children enrolled at the service or who are seeking to enrol a child at the service (*National Regulations*).

Suitably qualified person: A person who is:

- an individual who is 'actively working towards' (see Regulation 10 of the National Regulations) an approved early childhood teaching qualification AND has completed at least 50 per cent of the qualification or holds an approved early childhood education and care diploma
- an individual who is registered (accredited in New South Wales) as a primary or secondary school teacher in Australia AND holds an ACECQA approved early childhood education and care diploma (or higher approved qualification).

Temporary waiver: 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.

Texts: Things read, viewed and listened to and that are created in order to share meaning. Texts can be print-based, such as books, magazines and posters or screen-based, such as internet sites and DVDs. Many texts are multimodal, integrating images, written words and/or sound.

Transitions: The process of moving between home and the education and care setting, between a range of different education and care settings or from the education and care setting to full-time school adapted from the *Early Years Learning Framework*, p. 46). In the early childhood context, transitions can also refer to the process of:

- moving from one age-grouping or room to another e.g. from babies to toddlers
- moving between spaces or experiences during the one day e.g. from indoors to the outdoor environment; or between experiences e.g. from free play to a group experience; or between an experience and a routine e.g. free play to lunch.

Upkeep: Upkeep of the physical environment of an education and care service refers to the responsibility of services to implement effective maintenance, cleaning and appropriate safety precautions, which also helps prevent injuries and the spread of infectious diseases. Premises, furniture and equipment should be safe, clean and well maintained to ensure the safety of children and service staff.

Vacation care services providing education and care for no more than twenty-eight days: Services providing a total of no more than 28 days of education and care during school holidays within one calendar year are excluded from the National Law definition of education and care service (*National Regulations*). The time period was previously expressed as four weeks, but has been clarified to be 28 days.

Wellbeing: Sound wellbeing results from the satisfaction of basic needs – the need for tenderness and affection; security and clarity; social recognition; to feel competent; physical needs and for meaning in life (adapted from Laevers 1994). It includes happiness and satisfaction, effective social functioning and the dispositions of optimism, openness, curiosity and resilience (*Early Years Learning Framework*, p. 46; *Framework for School Age Care*, p. 42).

Working directly with children: 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 (*National Regulations*).

Working with children check: 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; or
- 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 (*National Law*).

Working with children law: Defined in the National Law:

| Jurisdiction | Working with children law |
|------------------------------|---|
| Australian Capital Territory | Working with Vulnerable People (Background Checking) Act 2011 |
| New South Wales | Commission for Children and Young People Act 1998 |
| Northern Territory | Care and Protection of Children Act, Part 3.1 Commission for Children and Young People and Child Guardian Act 2000 Children's Protection Act 1993 |
| Queensland | Commission for Children and Young People and Child Guardian Act 2000 |
| South Australia | Children's Protection Act 1993 |
| Tasmania | N/A |
| Victoria | Working with Children Act 2005 Working with Children (Criminal Record Checking) Act 2004 |
| Western Australia | Working with Children (Criminal Record Checking) Act 2004 |

Working with vulnerable people check: A check of a person under a working with vulnerable people law of a participating jurisdiction (*National Regulations*).

Working with vulnerable people law: Defined in the National Law.

| Jurisdiction | Working with vulnerable people law |
|------------------------------|---|
| Australian Capital Territory | Working with Vulnerable People (Background Checking) Act 2011 |
| New South Wales | N/A |
| Northern Territory | N/A |
| Queensland | N/A |
| South Australia | N/A |
| Tasmania | N/A |
| Victoria | N/A |
| Western Australia | N/A |