

# Important information for P & C operators of OSHC



## Action required following changes to Executive members

When the P & C are the operator of an Outside School Hours Care (OSHC) Service, the Executive members have specific responsibilities as the Approved Provider of the service in having management and control over the OSHC operations.

### **Notifying the Queensland Regulatory Authority (within 14 days)**

Under the Education and Care Services National Law Act (2010) and Regulations (2011), the Approved Provider is required to make a notification to the Regulatory Authority (Queensland Government Department of Education) within 14 days of a change to a member of the Executive. This includes the President, Vice President/s, Treasurer and Secretary.

The notification must include for each member of the Executive:

1. A current positive notice Blue Card/ Working with Children Check	The Executive member should hold a 'Business' Operator card. If the Executive member does not hold a card, an immediate application should be made with blue card services.
2. Evidence of Management Capability	This can be a resume, letter of reference or a statement describing the Executive member's qualifications, knowledge, skills and experience in regards: <ul style="list-style-type: none"><li>• Governance</li><li>• Human Resource Management</li><li>• Legislation and compliance</li><li>• Risk management and minimization</li><li>• Delivering quality programs and services</li></ul>
3. Completed Fitness and Propriety form (PA02)	This form can be accessed from the NQA ITS portal with the service's login details.

The notification must be made through the NQA ITS portal within 14 days of the change taking effect. The listed supporting documentation to accompany the notification can be uploaded within the portal or sent by fax or email.

Should the provider not comply with these notification requirements, there is a risk that the Regulatory Authority may take action through issuing a compliance notice or directive. Serious non-compliance may result in penalties applying to the Approved Provider.

### **Notifying the Australian Government (within 7 days)**

Under the Family Assistance Law, the P & C Executive are approved to administer Child Care Subsidy. A condition of this approval requires the Executive to identify as a fit and proper person and to notify the Australian Government Department of Education and Training with information of any new person with management and control of the provider within 7 days of this change taking effect. The information must include the name and contact details of the new person as well as a declaration that the following checks have been undertaken:

- An Australian National Police Criminal History Check dated no earlier than 6 months from the date the individual was linked to the organisation.
- National Personal Insolvency Index check performed using the Bankruptcy Register Search service provided by the Australian Financial Security Authority (AFSA) dated no earlier than 3 months from the date the individual was linked to the organisation.
- A Current and Historical personal name extract search of the records of the Australian Securities and Investments Commission (ASIC) dated no earlier than 6 months from the date the individual was linked to the organisation.
- Evidence that the person does not appear on the banned and disqualified register held by ASIC (in the form of a computer printout of the results of the search) dated no more than 3 months from the date the individual was linked to the organisation.
- A Working With Children Check (Blue Card) is also required as per the notification requirements to the Queensland Regulatory Authority.

The notification can be made through Provider Entry Portal (PEP) using PRODA login details or through the service's software provider. An RA number (PRODA identification) will need to be provided for each person with management or control to make the notification. Should the provider not comply with these notification requirements, there is a risk that the Australian Government Department of Education may take action through issuing a penalty or sanction resulting in a cessation of subsidies being paid to the service. Under these circumstances it is likely that families would be responsible for payment of the full fee charged for each session of care.

### **Succession planning and handover**

Though not an obligation, it is best practice to develop a 'Governance, Management and Operations Handbook'. This resource is an important part of the organisation's succession planning and will support an effective handover and transition between outgoing and incoming Executive members. It will also support a service to meet the expectations of governance arrangements under the National Quality Standard (NQS).

For further information or advice, please contact the Queensland Children's Activities Network (QCAN) on 1300 781 749 or [admin@qcan.org.au](mailto:admin@qcan.org.au)