

Breaks under National Quality Framework

This information sheet provides advice regarding the programming of Early Childhood Teacher and Educator breaks, taking into account regulations under the National Quality Framework (NQF), funding criteria and the terms and conditions of the VECTEA 2016 agreement.

Definition: A break means a break from contact with children.

Regulations:

- In Victoria, from 1 October 2017, at all times that children are being educated and cared for at a service, the educator to child ratios must be met.
- This means that there must be 1 member of the teaching staff for every 11 children enrolled in the program. In addition, 50% of the Early Childhood Teachers/Educators must be Diploma qualified or above. The majority of kindergarten programs have 23-33 enrolments with 1 Early Childhood Teacher with a Bachelor degree, 1 Diploma qualified Educator and 1 Certificate III qualified Educator educating and caring for the children.
- If breaks are short and are for matters such as going to the toilet, answering a phone call, talking to a parent or briefly checking paperwork, or having a tea break of up to 10 minutes an educator would not be expected to be replaced.
- Services utilising this short break provision must consider meeting the needs of the children, maintaining adequate supervision (section 165) and ensuring every reasonable precaution is taken to protect children from harm and hazard (section 167).
- Where a service cannot meet the qualified educator to child ratios during breaks, they may apply for a 'lunch break' waiver.

Funding:

A funded kindergarten program must be delivered by a qualified Early Childhood Teacher at all times. The funded program is provided for 15 hours per week (or 600 hours per year).

- Where an Early Childhood Teacher has a 30 minute break it would be expected that they would be replaced by another Early Childhood Teacher or a teacher who is actively working towards an Early Childhood Teacher qualification. At a minimum a Diploma qualified educator or someone who is actively working towards a Diploma qualification. Where an Educator has a 30 minute break it would be expected that they be replaced by another Educator of the same qualification or higher. (Note: services will be required to meet the minimum qualification and related requirements for all educators as outlined in the regulations).
- Where a service cannot meet the qualified educator to child ratios during educators' breaks, they may apply for a 'lunch break' waiver.
- Where an Early Childhood Teacher is replaced by an unqualified Educator, the Early Childhood Teacher on the break should remain on the premises.

VECTEA 2016:

Early Childhood Teachers and Educators under the VECTEA 2016 agreement are entitled to a break from contact with children

- Commencing not later than 5.5 hours after the commencement of their rostered work hours (nb. rostered hours may start as non-contact time before the commencement of a session) (clause 34.1 (a)). If this is not suitable, the break can be delayed to 6 hours after the commencement of rostered hours (clause 34.4) by a written and signed agreement.
- Of not less than 30 minutes

If the break is concurrent with non-teaching or non-contact duties it is paid, but if it is free of all duties, it is unpaid.

If the Early Childhood Teacher has a break during the child attendance session, then their contact time will be reduced by half an hour or more, and consequently their non-contact time will need to be adjusted.

e.g. Under VECTEA 2016, Early Childhood Teachers are entitled to half an hour of non-contact time per contact hour. If a kindergarten program runs for 7.5 hours over 2 days (a total of 15 contact hours a week), then the teachers and educators will need two half hour breaks during the week. This reduces their contact time to 14 hours per week and therefore, the minimum non-contact time will be 7 hours. One of the 7 hours could be concurrent with the break and therefore the break will be a paid break.

Services seeking more information about waivers or funding enquiries should contact an 'early childhood program and planning adviser' in their regional office of the Department.

Details for each regional office can be found at;

www.education.vic.gov.au/about/contact/Pages/regions.aspx

For more information about breaks under the National Quality Framework;

www.education.vic.gov.au/childhood/providers/regulation/Pages/faqnqfstaff.aspx#link21