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Guide to the Early Childhood Centre and School Age Care Facilities Code 2012



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**Note: this document is in relation to early childhood centres and school age facilities' only, and excludes family day care residence.*

Purpose of the Guide

The purpose of the *Guide to the Early Childhood Centre and School Age Care Facilities Code 2012* (the Code) is to assist relevant stakeholders, including Architects, Building Surveyors and Service Providers to understand the links between the BCA and the Code and the requirements outlined in these documents.

The purpose of the Code is to facilitate the achievement of a suitable physical environment and facilities in *early childhood centres* and *school age care facilities* that –

- a) Safeguard children from harm by ensuring safe and hygienic conditions; and
- b) Fosters optimal development of children by providing a suitable environment.

The Code has been developed to support the requirements of the Education and Care Services National Law (Tasmania), the *Education and Care Services National Regulations 2011* and the *Child Care Act 2001* (and corresponding Standards) that are excluded from the *Building Code of Australia (BCA)*.

Application

The *Early Childhood Centre and School Age Care Facilities Code* applies to new¹ or renovating *early childhood centres* and *school age care facilities* approved under the Education and Care Services National Law (Tasmania) or licensed under the *Child Care Act 2001* including:

- (a) An *early childhood centre*; or
- (b) A *school age care facility*; or
- (c) A *centre-based care class 5 facility*.

¹ *Building Act* section 117(6) may apply even if the building does not require renovation.

Plans and specifications for a building application are required to be prepared by a Tasmanian accredited building designer or Architect.

Explanation regarding Kindergartens

Kindergartens in a government school or kindergartens that are registered as a school are excluded from the provisions of the Education and Care Services National Law (Tasmania), but are included in *Education Act 1994 Tasmania*.

Kindergartens are included in the definition of a school, and the provisions of the BCA apply, as for all schools.

Legislative structure and Development of the Guide

Prior to 1 January 2012 in Tasmania, all child care services were licensed under the *Child Care Act 2001*. Building specifications were detailed in the BCA and the BCA Tasmanian-Appendix. Relevant requirements were also referenced in the Centre-Based Care Licensing Standards, Class 1 (CBC1) for ages 0 – 5 years and the Centre-Based Care Licensing Standards, Class 2 (CBC2) for children aged 5 – 12 years of age.

On 1 January 2012, the National Quality Framework took effect across Australia with key requirements being phased in over time. The framework consists of a national legislative framework, a National Quality Standard, a national quality rating and assessment process and a national body called the Australian Children's Education and Care Quality Authority.

The national legislative framework was established through an applied law system comprising the *Education and Care Services National Law (Application) Act 2011* and *Education and Care Services National Regulations 2011* and applies to most *early childhood centres* and *school age care facilities* (previously known as long day care or outside school hours care).

A national applied law system is a way of establishing national laws whereby a host jurisdiction (in this case Victoria) passes a law (the *Education and Care Service National Law Act 2010*) and other jurisdictions adopt that law or pass corresponding legislation (In Tasmania this is the *Education and Care Services National Law (Application) Act 2011*). The National Law will hereafter be referred to as the Education and Care Services National Law (Tasmania).

As a consequence, a number of Parts in the Building Code of Australia were aligned with the National Quality Framework. The *Child Care Act 2001* has remained in place for services not covered under the National Law.

Building/design provisions can only be required in legislation in Tasmania if they are specified in the BCA; therefore any building/design provisions required under the Education and Care Services National Law (Tasmania), *Education and Care Services National Regulations 2011*, or the *Child Care Act 2001* that are not in the BCA need to be included in a the *Early Childhood Centre and School Age Care Facilities Code*. For example, requirements regarding indoor and outdoor space.

The Code applies in addition to the National Construction Code (NCC) Volume I-Building Code of Australia including the Volume I Appendices, Variations and Additions. Where there is a difference in requirements the higher standard or the additional requirement applies.

Where the Code references a Clause, Table or other provision in the BCA, the reference is provided to assist users, but is not necessarily the only reference that may apply. Designs and construction must meet all applicable requirements.

Who is the Regulatory Authority?

When the 'Regulatory Authority' is referenced within the BCA or the *Early Childhood Centre and School Age Care Facilities Code*, in relation to *early childhood centres* or *school age care facilities*, in Tasmania this term relates to the Education and Care Unit, Tasmania (previously known as the Child Care Unit, Department of Education).

Who is the Function Control Authority (FCA)?

The term *function control authority* is a term widely used throughout the *Building Act 2000*.

In the *Building Act 2000, Part 1, Section 3* the term *function control authority* means an authority –

- (a) that is required under an Act to -
 - (i) issue a certificate, licence, registration or permit for a function or operation within a building;
or
 - (ii) inspect or control a function or operation within a building; and
- (b) that the Director specifies is a function control authority for the purpose of this Act.

The *Building Act 2000*, Part 7, Division 2, Section 64 states:

- (1) If a person makes an application for a certificate of likely compliance to build a special-use building, the building surveyor is to forward copies of the following documents to the relevant function control authority for its information within the specified period:
 - (a) any document submitted with the application that the building surveyor considers relevant;
 - (b) a referral in an approved form.
- (2) If the function control authority considers that an alteration is to be made to building work in order to comply with its requirements under any other Act, the function control authority is to notify the building surveyor of that alteration within the specified period.

Function control authorities are required due to their role with special use buildings. The Education and Care Unit, Department of Education, is a function control authority in relation to *early childhood centres* and *school age care facilities* (previously known as centre based care services) in Schedule 1 of the Director's Specified List under the *Building Act 2000*.

In fulfilling the role of function control authority, an authorised officer of the Education and Care Unit may consider if an alteration should be made to building work(s) in order to comply with the requirements under any other Act (i.e. the Education and Care Services National Law (Tasmania)). This allows opportunity for the officer to feedback to the appropriate party (Building Surveyor, approved provider) regarding any issues that may be raised under another Act. This does not mean reviewing the functional aspects of the building and its facilities in regard to the requirements of the Building Code of Australia (BCA) and the *Early Childhood Centre and School Age Care Facilities Code*.

Final sign off on building works (i.e. Certificate of occupancy) is issued by the appropriate authority authorised under the *Building Act 2000*, the Building Surveyor.

Under s. 64 of the *Building Act 2000*, plans are required to be sent to the Function Control Authority within 2 working days of the Building Surveyor receiving an application for a Certificate of Likely Compliance (CLC). As the FCA is not an Approval Authority, the forwarding of plans is for information purposes only. The FCA may respond about non-building matters within 14 days. If however, the FCA is not consulted by a Building Surveyor, a formal complaint may be made to the Director of Building Control, Workplace Standards Tasmania, Department of Justice.

Note: Under regulation 25 of the National Law, an application for a service approval forwarded to the Education and Care Unit must include plans prepared by a building practitioner. This process of reviewing plans against the Regulations is separate to that of the Unit's responsibilities as a FCA. Under the *Building Act* plans must be prepared by an accredited building designer or Architect.

As the Education and Care Unit holds the dual roles of Regulatory Authority and Function Control Authority, in practice, where required, building plans may be forwarded to the Education and Care Unit twice; once as the Function Control Authority (as outlined above, normally forwarded by the Building Surveyor) and once from the service provider as part of the initial application process.

Definitions

Building practitioner is defined in the *Education and Care Services National Regulations 2011* (regulation 4) to mean -

- (a) a person who is registered as a building surveyor, building inspector or draftsman under a law of a participating jurisdiction; or
- (b) a person who is registered as an architect under a law of a participating jurisdiction; or
- (c) a person who is licensed as a surveyor under a law of a participating jurisdiction; or
- (d) a person who is licensed or registered as a building certifier under a law of a participating jurisdiction; or
- (e) a person who is accredited under a law of a participating jurisdiction to design buildings that will be used to provide education and care services.

Centre Based Care, Class 4 (CBC4) is the short term¹ care of children and is provided in conjunction with a meeting, function, or activity endorsed by the management of the service that involves the parent(s) of the children, or a person who would otherwise have care of the child(ren) during the period that child care occurs and who are not on site for part or all of the period that child care occurs. The Centre Based Care Class 4 Licensing Standards focus on children's safety and well-being.

¹ The expression 'short term' may refer to either the length of time per session, or to the total number of times the child will be in care dependent on the nature of the meeting/function/activity the parent is involved in, e.g. an irregular arrangement such as the participation of the parent in a first aid course that is held for 6 hours a day across two days.

Centre Based Care, Class 5 (CBC5) means Occasional Care services and services funded through the Australian Government Budget Based funding program.

Occasional Care comprises services providing education and care for 0-12 year olds on a sessional basis for short periods, that is, less than 8 hours a day, 5 days a week, 48 weeks a year.

(Note: They may enable parents to attend appointments, take care of personal matters, undertake casual or part-time employment, study or have temporary respite from full time parenting. These services may be provided by community based or private providers and may be funded by the Australian or State Governments or operate without funding).

Budget Based Funded (BBF) early childhood services are funded by the Australian Government.

(Note: They are funded by the Australian Government where the market would otherwise fail to deliver services. BBF services are predominately in rural, remote and indigenous communities and are also operationally known as non-mainstream services).

Early Childhood Centre means any premises or part thereof providing or intending to provide a centre based education and care service within the meaning of the *Education and Care Services National Law Act 2010 (Vic)*, the *Education and Care National Regulations* and centre based services that are licensed or approved under State and Territory children's services law, but excludes –

- (a) education and care primarily provided to school aged children in outside school hours settings; and
- (b) services licensed as *Centre Based Care Class 4* under the *Child Care Act 2001 (Tasmania)*.

Note: Reference to the Victorian Act comes from the BCA definition. Adoption of the Education and Care Services National Law by the *Education and Care Services National Law (Application) Act 2011* makes the legislation consistent.

School Age Care Facility is a facility providing care for children (primarily) 5 years or older in an outside of school hours setting, either approved or licensed under the Education and Care Services National Law(Tasmania) or the *Child Care Act 2001*.

School means a school as defined in the Education Act 1994 (Tasmania) Part 1, Section 3 –

- (a) a State school; and
- (b) a centre, unit or institute of the State, other than the Academy, a college within the meaning of the Education and Training (Tasmanian Academy) Act 2008 or TasTAFE, which provides educational instruction at any level up to, and including the final year of secondary education; and
- (c) a registered school;

Note: Kindergartens in a government school or kindergartens that are registered as a school are excluded from the provisions of the Education and Care Services National Law(Tasmania) , but are included in *Education Act 1994 Tasmania*.

Kindergartens are included in the definition of a school, and the provisions of the BCA apply, as for all schools.

Unencumbered Space means useable, clear space which is always available for children’s use. This excludes areas such as passageways, thoroughfares, (including door swings), toilet and hygiene facilities, any area permanently set aside for storage or administration, or any other space that is not suitable for children.

Breakdown of the Early Childhood Centre and School Age Care Facilities Code

B2.1 Indoor play space

The development of the *Early Childhood Centre and School Age Care Facilities Code* has taken into account advice from Workplace Standards, Department of Justice, that in Tasmania, no building and/or design requirements can be required in legislation (e.g. *Education and Care Services National Regulations 2011*) unless they are specified within the BCA. As the requirement for indoor play space is not included in the BCA, the requirement has been included in the *Code*.

This section of the Code (B2.1) applies to *early childhood centre* premises and *school age care facilities*.

Further information

The indoor play space requirements within the *Code* remain unchanged to those previously included in the Tasmanian Appendix (i.e. 3.25m² unencumbered indoor play space that is suitable for each child being educated and cared for by the service).

When required to calculate the unencumbered indoor space, the following may be considered:

Total area – encumbrances = unencumbered play space

Then to calculate the total places available:

Unencumbered play space / 3.25m² = total places available.

The definition of ‘unencumbered space’ now reflects the wording within the *National Regulations*, to ensure consistency between all services types. This definition applies to all services that are required to meet the requirements of the BCA or the *Code*. The definition clearly defines areas that may be considered unencumbered space. Unencumbered space does not include passageways, thoroughfares, (including door swings), toilet and hygiene facilities, any area permanently set aside for storage or administration, or any other space that is not suitable for children.

Non-approval of verandahs as indoor play space

The *Early Childhood Centre and School Age Care Facilities Code* prohibits the inclusion of a verandah as indoor play space. This applies to all centre based services (i.e. new, renovating or previously established services) either approved under the Education and Care Services National Law (Tasmania) or licensed under the *Child Care Act 2001*.

The expectation is that all approved/licensed indoor play space is available and habitable at all times, meaning the indoor play area must be suitable to live in. A verandah partially enclosed with ‘blinds’ for example, would not be considered indoor play space as the area has the potential to remain vulnerable to the elements and is not considered habitable; whereas a fully enclosed verandah that meets the requirements of a dwelling would no longer be considered a verandah.

Previous Tasmanian Appendix sections not included in the Code:

Clause (c) of the previous Tasmanian Appendix (‘... indoor play space in a centre-based child care facility is to be directly accessible to the toilet facilities’) - a similar requirement is now included in Table F2.3(c) of the BCA. For further information regarding sanitary facilities, refer to *B2.4 Sanitary Facilities*.

B2.2 Outdoor play space

As previously outlined, as the requirement for outdoor play space is not included in the BCA, the requirement for outdoor play space has been included in the Code.

This section of the Code (B2.2) applies to *early childhood centres* and *school age care facilities*.

Further information

Early childhood centres and *school age care facilities* are to provide a minimum unencumbered outdoor play space of 7m² for each child being educated and cared for by the service.

For *early childhood centres*, the requirements regarding outdoor play space remain unchanged to those previously included in the Tasmanian Appendix (i.e. 7m² unencumbered outdoor play space that is suitable for each child being educated and cared for by the service).

However, the minimum required outdoor play space in a *school age care* setting was previously 12m² of unencumbered space for each child being educated and cared for by the service. The minimum requirement is now 7m² which is consistent for all age groups. This reflects the required minimum outdoor play space within the *Education and Care Services National Regulations 2011*. The Centre Based Care, Class 5 Licensing Standards have been altered to reflect this also.

Clause (c) of the Code (*'an area of unencumbered indoor space may, in a school age care facility, with written approval of the Education and Care Unit, Department of Education, be included in calculating the outdoor space, if not previously included in calculating the indoor play space'*), applies only in a *school age care* setting. For unencumbered indoor space (not previously included as indoor space) to be included in the outdoor play space, written approval must be received from the Regulatory Authority. (Refer to *'Who is the Regulatory Authority?'*).

Previous Tasmanian Appendix sections not included in the Code:

Previous Tas H122.3 (d) *'The requirements of (a) or (b) may be reduced in a built up area if determined by the State licensing authority for child care services that the lesser requirement will not impact negatively on children using the centre'* is not included in the Code, as the minimum required unencumbered outdoor space is now 7m² for all service types.

Previous Tas H122.3 (e) *'The outdoor play space of a centre-based care facility is to be directly accessible to the indoor play space'* is also not included in the Code, as neither the National Regulations nor the Centre Based Care, Class 5 Licensing Standards contain a requirement that the outdoor play is to provide direct access to the indoor play space. However the requirement remains for sanitary facilities to be *'accessible from both the indoor and outdoor play areas'*.

B2.3 Sleep space

Once again, as there is no reference in the BCA the requirement has been included in the Code.

This section of the Code (B2.3) applies to Centre-Based Care, Class 5 services only.

Further information

For *Centre-Based Care, Class 5* services, requirements for space and viewing remain consistent with those contained within the previous Tasmanian Appendix. When consulted on this issue, no *Centre-Based Care, Class 5* service indicated that they wished to lose this requirement.

As there are no sleep space requirements for services approved under the *National Law*, when considering sleep space, consideration must be given to section 167 of the *National Law* and *regulation 81*, for example, to ensure quality outcomes for children.

B2.4 Sanitary facilities

Requirements regarding sanitary facilities are contained within the BCA and Appendix Tasmania, with additional requirements/exclusions contained within the *Early Childhood Centre and School Age Care Facilities Code*.

This section of the Code (B2.4) applies to *early childhood centres* and *school age care facilities*.

Further information

Previously, the minimum requirement for sanitary facilities for all service types was a ratio of 1:15 (or part thereof).

From May 1 2012, for new or renovating *early childhood centres*, the requirement is now a minimum of 2 pans and 2 washbasins for a maximum of 30 children, with an additional pan/washbasin required for each additional group of 15 children (or part thereof). (See Table F2.3 below). By increasing the minimum required number of toilets (pans) and washbasins quality health outcomes for children are supported.

Consideration must also be given to F2.5(c). that states '*in an early childhood centre, facilities for use by children must have each sanitary compartment screened by a partition which, except for the doorway, is opaque for a height of at least 900 mm but not more than 1200 mm above the floor level*'; meaning for an early-childhood centre, a partition must be opaque for a height of at least 900 mm but not more than 1200 mm high above the floor level, while the section above the partition may be open or clear glazed, to support the provision of adequate supervision and privacy. The Code includes exclusions in regard to F2.5(c) for *early childhood centres* primarily providing education and care to children aged four years or older. These exclusions preclude services from meeting the restrictions to the maximum height of opaque partitions to support the provision of appropriate privacy for older children while still maintaining appropriate supervision.

Table F2.3 Class 9b – early childhood centres

User Group	Closet Pans		Urinals		Washbasins	
	Design Occupancy	Number	Design Occupancy	Number	Design Occupancy	Number
Class 9b – <u>early childhood centres</u>						
Children	1 – 30	2			1 – 30	2
	> 30	Add 1 per 15			> 30	Add 1 per 15
Note:	Facilities for use by children must be—					
	(a) junior pans; and					
	(b) washbasins with a rim height not exceeding 600mm; and					
	(c) accessible from both indoor and outdoor play areas.					

The Note in Table F2.3 alongside *early childhood centres* is to be deleted and replaced with Tas Table F2.3 Sanitary Facilities:

Note: If the centre accommodates children under 4 years of age the facilities for use by those children must be—

- (a) junior pans; and
- (b) wash basins with a rim height not exceeding 600 mm.

For *school age care facilities* operating within school buildings, the required ratios for facilities are to be provided in accordance with *Table F.23 Class 9b – schools* (see below). Additional requirements (or exclusions) are also contained within the Code.

Table F.23 Class 9b – schools

User Group	Closet Pans		Urinals		Washbasins	
	Design Occupancy	Number	Design Occupancy	Number	Design Occupancy	Number
Class 9b — <u>schools</u>						
Male students	1 — 25	1	1 — 50	1	1 — 10	1
	26 — 75	2	51 — 100	2	11 — 50	2
	76 — 150	3	>100	Add 1 per 100	51 — 100	3
	151 — 200	4			> 100	Add 1 per 75
	> 200	Add 1 per 100				
Female students	1 —10	1			1 — 10	1
	11 — 25	2			11 — 50	2
	26 — 100	Add 1 per 25			51 — 100	3
	> 100	Add 1 per 50			> 100	Add 1 per 75

Additional requirements or exclusions are contained within the Code (i.e. minimum requirement is 1 pan (toilet) and 1 handbasin). For *school age care facilities* not operating within school buildings, the required ratios for facilities are to be provided in accordance with *Table F2.3 early childhood centres* (see above).

Accessibility

The *Early Childhood Centre and School Age Care Facilities Code 2012* [B2.4 Sanitary Facilities (a)(i), (b)(ii) and (c)(ii)] states that sanitary facilities for use by children ‘*must be accessible from both indoor and outdoor play areas*’.

For services approved under the *National Law*, consideration must also be given to regulation 109 (b) which states that ‘*the location and design of the toilet, washing and drying facilities (must) enable safe use and convenient access by the children*’. Though the wording may differ (*convenient* verses *accessible*), the intent is consistent. In determining ‘*accessibility*’, the service provider must consider the age and developmental stages of the children utilising the facilities. Therefore, the service provider must also take into account regulation 109 in relation to the provision of sanitary facilities, as what may be considered *convenient access* for a group of children aged two years may differ to the requirements of school age children (i.e. 8 – 12 year olds).

B2.5 Nappy changing facilities

The requirements for nappy changing facilities are covered in the BCA in Clause F2.3(g)(iii) (B) & (C) with additional requirements included in the Code.

Clause F2.3(g)(iii) (B) & (C) of the BCA states:

‘if the centre accommodates children younger than 3 years old—

(B) a bench type baby bath, which is within 1 m of the nappy change bench; and

(C) a nappy changing bench which-

(aa) is within 1 m of separate adult hand washing facilities and bench type baby bath; and

(bb) must be not less than 900 mm² in area and at a height of not less than 850 mm, but not more than 900 mm above the finished floor level; and

(cc) must have a space not less than 800 mm high, 500 mm wide and 800 mm deep for the storage of steps; and

(dd) is positioned to permit a staff member changing a nappy to have visibility of the play area at all times’.

Further information

The *Education and Care Services National Regulations 2011* (r112) require nappy change facilities to be designed, located and maintained in a way that prevents unsupervised access by children. As this requirement is not included in the BCA, it is included in the Code. Therefore, in addition to Clause F2.3(g)(iii) (B) & (C) the nappy change facilities of an *early childhood centre (excluding centre based care class 5)* must be designed and located to prevent unsupervised access to the facilities by children.

In practice this may mean that the facilities are protected by a gate with a child proof latch to prevent unsupervised access to the facilities by children. However consideration must still be given to how the environment and practices support children to develop independence and skills in this area.

Previous Tasmanian Appendix sections not included in the Code:

Clause (a) ‘... where children under 3 years are cared for, a nappy changing area is to be provided with

(i) a change bench;

(ii) hot and cold water supply to all fittings;

(iii) a hand basin;

(iv) a bath in accordance with F2.3;

(v) a slop hopper, sluice, additional toilet or other device for the disposal of liquid or solid waste; and

(vi) fixed or retractable steps, for toddlers to climb up onto the change bench’.

The provisions previously listed in clause (a) of the Tasmanian Appendix are not included in the Code, as most of the requirements are contained F2.3(g)(iii) (B) & (C) of the BCA (see above). F2.3(g)(iii) (B) & (C) includes the relevant health and hygiene requirements in relation to nappy change facilities.

Clause (a)(ii) of the Tasmanian Appendix previously included the requirement for ‘hot and cold water supply to all fittings’. The provision for hot and cold water has not been included as there has never been a need to specify in the BCA the characteristics of the water supplied to fixtures. The provision of adequate water, including whether the water is heated water, is either regulated by other authorities where deemed necessary, e.g. through health regulations, or is provided as a consequence of market forces.

Clause (a)(v) of the previous Tasmanian Appendix also included the requirements for ‘a slop hopper, sluice, additional toilet or other device for the disposal of liquid or solid waste’; this requirement is no longer included

within the BCA or the Code as with changes to procedures and the minimal of the use of cloth nappies, a slop hopper is also no longer required.

Clause (b) 'Where the nappy change requirements of (a) are separated from the play area a viewing panel is to be provided into the play area from the nappy change area to allow direct monitoring of the children in the play area' is not included in the Code as this requirement is contained in F2.3(g)(iii)(C) (dd) of the BCA.

Clause (c) 'A nappy change area required by (a) is to be ventilated to remove offensive odours'. As ventilation is included in the main body of the BCA, this requirement is no longer required to be referenced in the Code. Ventilation is not specific to early childhood centres, but is a requirement for all buildings (i.e. Class 9b buildings).

Clause (d) 'Where elbow taps are provided to the bath required by (a) (iv) a hand basin required by (a)(iii) may be deleted from the nappy change area' is not included in the Code, as F2.3(g)(iii)(C)(aa) requires 'separate adult hand washing facilities'; therefore elbow taps are no longer sufficient.

B2.6 Reception and Administration

Reception and administration requirements are not included in the BCA and are therefore included in the Code.

This section of the Code applies to both *early childhood centres* and *school age care facilities*.

Further information

Within the specification of the Code, reception and administration facilities are only required where an *early childhood centre* or *school age care facility* operates for more than four continuous hours per day. For example, a service operating from 8am – 6pm would be required to meet the provisions regarding reception and administration; whereas a service operating from either 7am – 8.45am and 2.45pm – 6pm would not be required to meet the provisions within the Code. Consideration still needs to be given to any requirements pertaining to reception and administration under other relevant legislation.

When considering the area and facilities that may be required for reception and administration, the functional requirements of the service need to be considered. For example, do the facilities allow for private conversations with parents? Are the facilities appropriate for the needs of the service?

The area and facilities required for reception and administration purposes may be dependent on the size (i.e. number of children being educated and cared for by the service), or hours of operation, for example. This may mean that for a service with placement for 100 children, open 10 hours a day, 52 weeks a year, adequate reception and administration facilities may include a separate office area, consisting of filing facilities, separate storage of secure documents, administration space (desk, computer area) and space for consultations; whereas a service open for a maximum of 5 hours per day, school terms only, may only require a secure area for their records (i.e. cupboard/ filing cabinet) and utilise a separate area for private consultation. Consideration may also be given where the space is 'shared' with other occupants of the building, do other community groups utilise the space when the education and care service does not?

These issues may need to be considered as they may have an impact on the facilities and available space.

Previous Tasmanian Appendix sections not included in the Code:

Tas H122.10 *Reception, administration and staff respite areas* previously specified a requirement for staff respite [clause (c)]. This requirement has not been included in the Code, as this covered under other workplace requirements in the Tasmanian Appendix of the BCA.

B2.7 Storage facilities

As the requirements for storage facilities are not included in the BCA, the requirements are included within the Code.

This section of the Code applies to *early childhood centre* and *school age care facilities*.

Further information

The requirements of *B2.10 Storage facilities* are consistent with the previous Tasmania Appendix; although the wording has altered slightly to reflect the *Education and Care Services National Regulations 2011*.

Though the requirements for storage facilities could be viewed as operational (as outlined above in administration and reception facilities) it is important that appropriate and sufficient storage is considered as part of the building design. Insufficient storage has the potential to negatively impact on the licensed or approved play areas (i.e. decrease available indoor or outdoor unencumbered play space: records or equipment are inaccessible).

The term *adequate* is not included in the Code as the term is neither definitive nor a consistently measureable term.

B2.10(b) relates to CBC5 services only 'Storage areas in a centre based care class 5 facility are to be located to prevent children under three years of age from having unsupervised access to bags'. Though not previously included in the Tasmanian Appendix, it is a previous requirement within the relevant Tasmanian Licensing Standards, and has been included to support the CBC5 standards.

B2.8 Light

This section of the Code applies to *centre based care class 5* facilities catering for school age children only.

Further information

F4.2(d) of the BCA contains requirements for Class 9b *early childhood centres* 'In a class 9b *early childhood centre*, the sills of 50% of windows in children's rooms must be located not more than 500mm above the floor level'; this ensures adequate light and viewing for children to the outdoor environment.

As the definition of an *early childhood centre* includes *centre based care class 5* facilities, B2.8 of the Code outlines an exclusion for *centre based care class 5* facilities, if the area used by school age children exclusively, so as to not increase the burden to these services compared to other school age care facilities.

Previous Tasmanian Appendix sections not included in the Code:

Previously the corresponding section in the Tasmanian Appendix was titled Tas H122.12 *Lighting and ventilation*. Ventilation is not included in the Code as the requirements are contained within the BCA for both *early childhood centres* and *school age care facilities*.

B2.9 Fire safety

The requirements within the Code remain consistent with the requirements of the previous Tasmanian Appendix.

B2.10 Glazing and Windows

This section of the Code applies to *early childhood centres*.

Further information

The maximum allowable window opening within the Code has been altered from 100mm in the previous Tasmanian Appendix to 125mm to ensure consistency with the BCA. This applies to windows where it is possible for a child to fall through an openable window, at a height of 600mm or more above the ground surface.

(Note: If the height is more than 4m, D2.16(a)(ii)(A) applies).

Previous Tasmanian Appendix sections not included in the Code:

As clause (a) '*glazing in a centre-based child care facility is to be in accordance with B1.4(h)*' is a direct reference to the BCA, and is therefore not required to be repeated within the Code.

Previous clause (b) '*the sills of 50% of the windows in a play room or the like used by children in a centre-based care class 1 facility are to be located at a level to optimise the view of the outdoor environment by children and staff*' is removed from this section as the requirements for *early childhood centres* is contained within F4.2(d) of the BCA.

Clause (c) '*in a centre-based care class 1 facility where it is possible for a child to fall through an openable window 600 mm or more above the ground surface and the window opens more than 100 mm, a lock, secured screen or other device is to be fitted to the window*' is included in the Code as *B2.10 Glazing and Windows* (see above for further explanation).

Clause (d) '*where awning windows are used in a centre-based child care facility, they are to be located at a level to prevent injury to staff and children using the building and the outdoor play space*' is not included in the Code as these requirements may be adequately dealt with through procedural practices, and therefore are not viewed as building requirements.

B2.11 Heating and Cooling

The intent is consistent with that of the previous Tasmanian-Appendix.

These provisions apply to both *early childhood centres* and *school age care facilities*.

Further information

Clause (a) 'An early childhood centre premises and a school age care facility must be provided with heating and cooling to the indoor spaces used by children to maintain a temperature of between 16°C and 20°C to ensure the comfort, safety and wellbeing of children' has been reworded from the previous Tasmanian Appendix, however the intent is consistent.

Clause (b) 'Heating and cooling units, including fans, must be safely situated or adequately shielded to prevent access and injury to children'; though it is recognised that the placement and installation of fixed heating/cooling systems is covered within the relevant Australian Standards (AS), the requirement is reiterated within the Code to ensure that the placement and installation of fixed heating/cooling systems (including externs units) are situated or adequately shielded to prevent access and injury to children. (i.e. the system may require additional guarding than specified within the AS). Consideration must be given to both internal and external units as well as ceiling fans as part of the construction process. Services need to give continued consideration to these units as well as the placement of portable fans that may be used once construction is completed.

B2.12 Fences and Barriers

These provisions apply to both *early childhood centres* and *school age care facilities*.

Further information

Fencing requirements for *early childhood centres* are also contained within the Part G of the BCA (GPI.5 and G1.3).

Fencing requirements apply primarily to services that provide education and care to children preschool age or under. The height and design of the fence needs to be considered to ensure that that children preschool age or under cannot go through, over or under. For example, fencing at a minimum of 1.2 metres that complies with Australian Standard 1926 provides an appropriate barrier. However, adequate supervision is also required. In addition, consideration needs to be given about the placing of equipment and other materials in the environment to ensure that children are unable to get a foothold and over the fence. For example, an overhanging tree, tree stump or garden hose could be used as leverage for children to get over a fence and abscond from the service.

Where possible, fencing should allow children to view the outside world but ensure a child's safety by reducing opportunity to climb and fall.

Notwithstanding Part G of the BCA, B2.12 Clause (a) of the Code also applies to *early childhood centres*. B2.12(a) states that '*in an early childhood centre where there is child access to a deck, patio, landing or the like or to a stair or ramp, and there is a difference in level of 600mm or more, a barrier is to be provided in accordance with D2.16(g) and D2.16(h)(ii)*'. This is an alteration from the previous Tasmanian Appendix in 'that any opening in the barrier must not permit a 100mm sphere to pass through the barrier' has been deleted from clause (a), to ensure the requirements of the Code are in line with D2.16(h)ii).

An effective barrier must be designed, built and maintained to reduce the likelihood of a child gaining a foothold or crawling under, over or through the barrier. Barriers may include fences, gates, doors, windows or balustrades/railings.

Where a swimming pool is associated with a service premises, the provisions required for both *early childhood centres* or *school age care facilities* are contained within B2.12 Fences and Barriers, Clause (b) of the Code. (Note: in the case of *early childhood centres*, this is a duplication of G1.3).

Clause (c) allows an exemption for a *centre based care class 5* facility where catering for school age children within an outdoor area used exclusively by school age children in regard to Clause G1.3 of the

BCA. This exemption supports *centre based care class 5* services, operating in a school age care setting, to not have to meet a higher requirement compared to school age care services operating under the *National Law*. (Note: the intent of this clause was not to exclude these facilities from the requirements (as outlined above) from AS 1926 regarding pool fencing).

Previous Tasmanian Appendix sections not included in the Code:

Clause (a) ‘*any outdoor play space ...is to be enclosed on all sides with fences and other barriers, which have an effective perpendicular height of at least 1200 mm, and together with any gates and fittings comply with AS 1926.1*’ of the *previous Tasmania* is not included in the Code as the requirements are contained in the BCA.

Laundry facilities

The requirements for laundry facilities are not included in the Code, as the requirements are adequately covered in F2.3(g)(iii)(A) of the BCA

‘if the centre accommodates children younger than 3 years old-

(A) a laundry facility comprising a washtub and space in the same room for a washing machine’.

Floor surfaces

Requirements regarding floor surfaces are not contained within the Code as they are adequately covered within TAS PART H101 WORKPLACES of the Tasmanian-Appendix.

Tas H101.3 Floor surfaces states that:

- ‘(a) Every floor in a work place must have an even, unbroken slip-resistant surface, free from holes, indentations, projections or other obstructions that might create tripping or stumbling hazards.*
- (b) Where the nature of the process is such that spillage of liquids is likely to occur, or where it is necessary for the floors to be cleansed with water or other liquids-*
 - (i) the floors must be surfaced with materials that are impervious to the penetration of liquids likely to be spilt or used in the process of cleaning; and*
 - (ii) the joints between the floors and the walls must be sealed with an impervious material and finished in such a manner that the joint is concavely rounded’.*

Further information

Requirements regarding floor surfaces contained in TAS PART H101 WORKPLACES apply to all workplaces in Tasmania, including *early childhood centres* and *school age care facilities* and provide additional guidance as to the requirements required.

Consideration must also be given to section 167 of the *National Law*, regulation 103 and the requirements of the Standards (i.e. Centre Based Care Class 5 Standard 8.4) when addressing any identified safety issues.

Food preparation facilities

F2.3(g)(i) (A) & (B) outlines the requirements for food preparation facilities for *early childhood centres*.

F2.3(g) A Class 9b [early childhood centre](#) must be provided with—

- (i) a kitchen or food preparation area with a kitchen sink, separate hand washing facilities, space for a refrigerator and space for cooking facilities, with—*
 - (A) the facilities protected by a door or gate with child proof latches to prevent unsupervised access to the facilities by children younger than 5 years old; and*

(B) the ability to facilitate supervision of children from the facilities if the [early childhood centre](#) accommodates children younger than 2 years old’;

Therefore there are no requirements concerning food preparation facilities contained within the Code for *early childhood centres* or *school age care facilities*.

Further information

Early Childhood Centres:

F2.3(g)(i) differs from the previous BCA and Tasmanian-Appendix in that:

- separate handwashing facilities are now required;
- hot and cold water is not stipulated (see information contained in *nappy change facilities* above);
- the exclusion for services open for less than 4 hours a day is no longer included; and
- a specific requirement for the provision of space for facilities for heating babies bottles and food is no longer included; as there is no differentiation between the facilities required for the preparation of food due to the age of children utilising the facilities, only regarding the supervision requirements based on age.

F2.3(g)(i) requires a kitchen to be provided with certain facilities and, if the centre accommodates children younger than 2, the kitchen must be designed and constructed to facilitate supervision. In some circumstances, such as in a large early childhood centre, supervision requirements may not be achievable. In these situations an Alternative Solution may be required.

School Age Care Facilities:

The requirements of F2.3(g)(i) do not apply in a *school age care setting*. (This exclusion does not apply to CBC5 services providing education and care to school age children where the function of the service is to educate and care for children primarily younger than school age). It is essential however that the facilities used in the preparation for the storage, heating and cooking of food are safe and hygienic; therefore other legislative requirements may apply. For example, the *BCA TAS Part H102 Food Premises, Food Act 2003*; *Australia/New Zealand Food Standards Code (FSANZ)*, *National Food Safety Standards*, *Education and Care Services National Law (Tasmania)* and the *Education and Care Services National Regulations 2011*.

The Food Safety Standards Australia New Zealand <http://www.foodstandards.gov.au> and the Food Safety Unit, Department of Health and Human Services, http://www.dhhs.tas.gov.au/peh/food_safety (1800 671 738) have extensive information regarding the Australia/New Zealand Food Safety Standards.

The *Education and Care Services National Regulations 2011* (regulations 77 *Health, hygiene and safe food practices*; 78 *Food and beverages*; and 79 *Services providing food and beverages*), outline the requirements in regard to children health and safety.

Consideration must also be given to supervision and programming (i.e. Regulations 73 – 76; 122) to ensure the service maintains appropriate supervision, including where the facilities are not within the main play area.

The *Education and Care Services National Law (Tasmania)* s167 *Offence relating to protection of children from harm and hazards* pertains to any situation/instance that may cause harm or hazard to children in care (i.e. hazardous food).

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