

# Operational Procedures

Department of Communities

Disability Services Queensland

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**Title:** Determining rest periods for child care licences  
**Related Policy No.:** 353-2  
**Policy Category:** Child care and family support > child care

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**Date of approval:** 30 May 2007  
**Date of operation:** 2 July 2007  
**Date to be reviewed:** 1 July 2009

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**Office:** Program Management Directorate  
**Help Contact:** Office for Children 3224 4557

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## Purpose:

These procedures will provide a guide to the department about the appropriate circumstances in which rest periods should be applied to a licence, and to ensure consistency in the way that requests for rest periods are determined across the State.

## Process:

The Chief Executive or the delegated decision maker (the decision maker) may receive a request for 1 or more periods during the day, totalling not more than 2 hours, to be rest periods, either in the application for a licence, or an application to amend a licence.

During a rest period, the licensee must comply with the staffing requirements for rest periods that are set out in Section 25 of the *Child Care Regulation 2003*.

Subsection 63(3) of the *Child Care Act 2002* sets out the considerations that the decision maker must have taken into account in determining whether rest periods should be specified on a licence and if so, when and for how long. Those considerations are as follows:

- (a) the **ages** of the children and times when they will ordinarily be **resting**;
- (b) the **licensed capacity** of the service;
- (c) how the **physical layout** of the child care centre allows for the adequate supervision of the children;
- (d) the **staffing arrangements** for the service;
- (e) the **information given to parents** and guardians about the staffing arrangements; and
- (f) another matter prescribed under a regulation.

In respect of the above considerations, the decision maker will need to be satisfied of the following in order to decide that it is appropriate to specify rest periods on the licence:

- that the children in the service will be generally resting at the time when the rest period will be occurring. This will be demonstrated through the written program for the group which will indicate periods of low activity or rest. A rest period will not be specified for periods of the day when children are engaged in outdoor activities;
- that the physical layout of the centre is such that where a carer is potentially with a group on his/her own, that carer is able to call for the assistance of another carer/adult outside the room without leaving the room. This may be possible because all rooms can be viewed from a central administration area, or because there is an intercom system in place between rooms and the administration area;
- that the staff in the centre are adequately qualified overall to deal with the reduction in staffing requirements during the rest period. For example, if all of the staff in the centre are recently qualified or still studying, as the legislation allows, with little practical experience working with children, it may not be appropriate for a rest period to be allocated; and
- that the licensee will inform parents about the staffing arrangements for rest periods.

In addition, the decision maker is entitled to take into account other relevant matters in accordance with part 2, division 4 of the *Child Care Act 2002* (Bases for making licensing decisions). Accordingly, the decision maker will also have regard to the following in determining whether to specify rest periods on the licence:

- whether any additional emergency evacuation plans are in place with consideration to the staffing arrangements during rest periods;
- whether the licensee has previously breached conditions relating to rest periods on the licence;
- whether any of the children in the service have special needs requiring additional supervision and how those needs are proposed to be met over a rest period;
- whether role statements for staff have been drafted to reflect the responsibilities of staff during rest periods, particularly for those staff who will be used as the additional adult staff members; and
- any other matter that the decision maker believes is relevant given the particular circumstances of the centre, the licence, the licensee and the children.

Where appropriate, the decision maker will apply additional conditions to a licence to ensure the best interests of the children in the centre during rest periods. For example, where the centre consists of 2 separate buildings, a condition may require an intercom system connected between Room 1 in Building A of a centre and Building B of a centre.

### **Delegations**

Regional Directors, Managers, Community Capacity & Service Quality and Manager, Statewide Quality Team for Childcare Licensing are delegated officers for the purposes of making decisions concerning rest periods on the licence.

### **Links**

#### **Procedures**

Determining rest periods for child care licences

### **Related Policies**

Licensing child care services policy (434-1) and procedure (433-1)

### **Related Legislation or Standard**

*Child Care Act 2002*

*Child Care Regulation 2003*

### **Rescinded Policies**

Determining rest periods for child care licences (353-1)

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