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## Rest Period Policy and Procedure QLD

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<b>Category:</b>	Human Resources	<b>Version:</b>	V2025.1
<b>Effective From:</b>	March 2025	<b>Next Review:</b>	March 2026

### Policy Statement

Our service is committed to ensuring that staffing requirements under the Education and Care Services National Regulations 2018 are maintained during any designated Rest Period. Further we are committed to ensuring that care and supervision being provided to children is not diminished during a Rest Period and that children continued to be provided with a safe, secure environment.

### Background and Guiding Principles

This policy is only applicable for QLD services where the Service Approval includes a rest period condition.

#### “299A Definitions

*In this Division—*

- **rest pause** means a short break taken by a person from duties of the person’s employment
- **rest period condition** means a condition on a service approval providing for one 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.

#### Subdivision 2 Service approval with rest period condition

##### 299B Application of Subdivision 2

*This Subdivision applies if a service approval includes a rest period condition.*

##### 299C Educator to child ratios during rest period

*(1) Despite anything to the contrary in these Regulations, the educator to child ratios during a rest period specified in a rest period condition are—*

- (a) for children over 24 months but less than 36 months of age—*
  - (i) for the first 12 children, 1 educator to 12 children*
  - (ii) for any additional children, 1 educator to 6 children*
- (b) for children over 30 months but less than 36 months of age—*
  - (i) for the first 16 children, 1 educator to 16 children*
  - (ii) for any additional children, 1 educator to 8 children*
- (c) for children at least 3 years but under 7 years of age—*
  - (i) for the first 24 children, 1 educator to 24 children*
  - (ii) for any additional children, 1 educator to 12 children*
- (d) for children at least 4 years but under 7 years of age—*
  - (i) for the first 26 children, 1 educator to 26 children*
  - (ii) for any additional children, 1 educator to 13 children*
- (e) for children at least 4 years but under 13 years of age—*
  - (i) for the first 24 children, 1 educator to 24 children*
  - (ii) for any additional children, 1 educator to 12 children.*

*(2) If an approved education and care service educates and cares for fewer than 31 children, during a rest period specified in a rest period condition one staff member or volunteer may be counted as an educator for every 3 educators included in the required educator to child ratio.*

##### 299D Additional staff members or volunteers

*In addition to the educators required to meet the educator to child ratios in regulation 299C(1), the following additional staff members or volunteers must be present at the approved service premises*

during a rest period specified in a rest period condition and be able to attend to children immediately (if required)—

- (a) for an approved education and care service with no more than 30 approved places—one staff member or volunteer
- (b) for an approved education and care service with at least 31 but no more than 75 approved places—2 staff members or volunteers
- (c) for an approved education and care service with 76 or more approved places—3 staff members or volunteers.

#### **299E Qualifications for educators**

- (1) All educators required to meet the relevant educator to child ratio during a rest period set out in regulation 299C must have attained the age of at least 17 years and hold or be actively working towards an approved certificate III level education and care qualification.
- (2) If an approved education and care service complies with sub regulation (1), the service is taken to meet the relevant qualification requirements for educators during rest periods.

#### **299F Educator to child ratios when educator or early childhood teacher on rest pause**

- (1) A centre-based service is taken to meet the relevant educator to child ratio while an educator, early childhood teacher or suitably qualified person is on a rest pause if—
  - (a) the rest pause is not more than 10 minutes duration; and
  - (b) the educator, early childhood teacher or suitably qualified person has not already taken more than one rest pause that day; and
  - (c) there is a specified person present at the education and care service premises during the rest pause who is—
    - (i) not working with children; and
    - (ii) able to attend to children immediately if required; and

**Note.** The person may be the educator, early childhood teacher or suitably qualified person who is taking the rest pause.

  - (d) only one educator, early childhood teacher or suitably qualified person counted in the relevant required educator to child ratio is absent on a rest pause at any one time; and
  - (e) if the centre-based service has a rest period condition, the educator or early childhood teacher does not take the rest pause during a rest period.”<sup>1</sup>

## **Procedures and Responsibilities**

### **Leadership and Management Responsibilities, including Approved Providers, Nominated Supervisors and Responsible Persons will:**

- Positively and clearly communicate all aspects of the policy and take a zero-tolerance approach to compliance.
- Understand and comply with all aspects of this policy and related legislation and support team members to do the same.
- Lead a culture of reflection and regular review of policies, seeking feedback from educators, families, children and other community agencies and professionals as appropriate.
- The Nominated Supervisor and Approved Provider will agree on the implementation of rest period staffing levels where the Service Approval includes a Rest Period Condition.
- Understand that having the condition on the Service Approval does not mean that it must be implemented, the choice is available, and staffing should be considered on each day of care provided dependent on the staff and children in care. Supervision and safety must continue to be met where reduced staffing is implemented during a Rest Period.
- Only apply the Rest Period ratios and staff requirements during the hours allocated on the Service Approval for a Rest Period.

<sup>1</sup> Education and Care Services National Regulations Jan 2025

- Rosters must ensure that the additional staff members or volunteers must be able to attend to groups of children immediately.
- Ensure that additional staff members and volunteers understand their responsibility to assist assigned groups to evacuation the service successfully in the event of an emergency.
- Maintain strong communication during Rest Periods so that additional staff and volunteers are to support rooms as needs arise, ensure additional staff are active in monitoring the safety and supervision of rooms where staffing is reduced.
- Only apply reduced staffing over a Rest Period to groups of children over 24 months of age.
- Advise families of the staffing levels over Rest Periods.
- Ensure staff are clear that a 10minute rest pause cannot be taken during an allocated Rest Period. Monitor staff breaks to ensure this is enforced.

**Educators and Other Team Members will:**

- Be proactive in fulfilling the requirements of this service policy and related legislative requirements.
- Seek further guidance where required to fulfil your requirements.
- Report any concerns or non-compliance immediately to the Nominated Supervisor or Approved Provider.
- Participate in the review of documents and provide constructive feedback to the Nominated Supervisor or Approved Provider.
- Familiarise themselves with the ratio requirements under a Rest Period and only apply these during the allocated hours as per the Service Approval conditions.
- Communicate clearly specific needs of your room to the Nominated Supervisor and identify any times, on any given day where you identify additional support is needed.
- Work closely with the additional staff members and volunteers over rest periods to achieve supervision and safety.
- Ensure activities during rest periods are able to be well supervised and provide opportunities for sleep, rest and relaxation.
- Work with additional staff and volunteers during Rest Periods to evacuation the service successfully in the event of an emergency.
- Maintain strong communication during Rest Periods so that additional staff and volunteers are able to support you and your learning space when the need arises.
- Understand that Rest Period staffing only applies to groups of children over 24 months of age.
- Understand that a 10minute rest pause cannot be taken during an allocated Rest Period.
- Comply with the requirements for 10minute rest pauses as below.

**REST PAUSES**

- Educators may take a 10min rest pause only if:
  - The break is not more than 10mins
  - The educator on the rest pause, or another educator not working with children is able to immediately attend to children if required; and
  - They have not already had more than 1 rest pause that day already.
- Understand that only one educator may be on a rest pause at any one time, if an educator goes to take a rest pause and there is another educator on a rest pause they must return to working directly with children and take the rest pause at a later time.
- **Rest pauses may not be taken during an allocated REST PERIOD.**

**Communication**

- Educators and families will have access to this policy at all times.
- Information will be included in induction for new educator and be included in service handbooks

- Educators and families will be provided with opportunities to be involved in the review of this policy.
- Educators and families will be provided with information from this policy at the time of employment and orientation.
- Changes to this policy and procedure document will be shared with families and educators.

### **Enforcement**

The failure of any person to comply with this policy in its entirety may lead to:

- Termination or modification of child enrolment
- Restriction of access to the service
- Performance management of an employee which may lead to termination

### **Related Policies and Forms**

- Record of staff directly working with children
- Timesheets documenting rest pauses

### **Legislation, Recognised Authorities and Sources**

- *“Guide to the National Quality Framework”* Australian Children’s Education & Care Quality Authority Jan 2025
- *Education and Care Services National Law Act 2010 (version Oct 2024)*
- *Education and Care Services National Regulations (version Jan 2025)*
  - Division 2A Rest period conditions
  - 299A Definitions
  - 299B Application of Subdivision 2
  - 299C Educator to child ratios during rest periods
  - 299D Additional staff members or volunteers
  - 299E Qualifications for educators
  - Subdivision 3 Rest pauses and short absences (299F, 299G, 299H, 299I)
- National Quality Standards
  - QA4 Staffing Arrangements
  - QA7 Governance and Leadership

### **Review Information**

#### **Dates of Revisions:**

April 2020, May 2021, March 2022, March 2023 Feb 2024, Feb 2025

#### **Changes in this revision:**

- Updated sources and references

I \_\_\_\_\_ have been provided with this policy and the opportunity to ask questions. I have read and understand my responsibilities under this policy and procedure. I will ensure I ask questions if I am unsure. I also understand the importance of supporting other educators and families in fulfilling their responsibilities. I will seek support from my supervisor if needed to comply.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_