



## QUALITY AREA 1

# THE LEGISLATIVE REQUIREMENTS OF AN IN-NATURE PROGRAM

An in-nature pedagogy incorporates time spent by children and educators outside the approved children's education and care service premises with a program focus on nature.

It can be identified under a number of different names.

Bush kindy/kinder, beach kinder and nature play are all terms used within Australian education and care services.



## REGULATORY REQUIREMENTS OF AN IN-NATURE PROGRAM

The Education and Care Services [National Law Act 2010](#) (National Law) and the Education and Care Services [National Regulations 2011](#) (National Regulations), prescribe requirements for children's education and care services when they take children outside the approved service premises, including when they participate within in-nature programs. While not exhaustive, this information sheet provides an overview of how approved providers, nominated supervisors, coordinators, educators and teachers can ensure compliance with the [National Quality Framework](#) (NQF) when planning and taking part in an in-nature program.

Consider the children, families, educators, teachers and your unique community context when planning your in-nature program. The policies and procedures developed, and how you ensure they are followed during the in-nature program should be regularly reviewed and shared with families, educators and staff.

### EXCURSIONS

Approved providers, nominated supervisors and family day care educators must ensure that adequate supervision is met when providing transportation, the requirements for which are supported by a risk

assessment prior to the transportation of children.

The National Law requires that approved providers ensure all children being educated and cared for by the service are adequately supervised at all times (Section 165) Regular excursions to your nature site can be regarded as a 'regular outing'. A regular outing in relation to a children's education and care service is an excursion undertaken on a regular basis to the same location. A regular outing means a walk, drive or trip to and from a destination that a children's education and care service visits regularly as part of its educational program, and where the circumstances relevant to the required risk assessment are the same on each outing to that location (r.4).

The regulations require authorisations for regular outings be given by a child's parent or other person named in the child's enrolment record before a child is taken on a regular outing (r.102(4)).

### ENROLMENT AND ORIENTATION

It is important that your in-nature pedagogy is clear to each family when they are considering enrolment at your service. Families need to be given all the information prior to enrolling their child at the service. This will help families in making informed decisions about how the in-nature pedagogy aligns with what they are seeking for the education and care of their child or children.

## EDUCATIONAL PROGRAM AND RELATIONSHIPS WITH CHILDREN

An educational program must be planned, documented, and delivered to children attending any in-nature program and be available to families (r.73-76). The in-nature program should enhance and contribute to the children's learning and development, and be based on an approved learning framework (s.168)

The approved provider must take reasonable steps to ensure that the in-nature program provides children with the opportunity to interact and develop respectful and positive relationships with each other and with staff members of, and volunteers at, the service (r. 156). One of the benefits of an in-nature pedagogy, no matter where it is delivered, is that it allows the children to undertake experiences that develop self-reliance and self-esteem and encourages the children to express themselves and their opinions in play (r. 155).

### APPROVED NUMBER OF PLACES

The maximum number of approved places for children who can be educated and cared for by the service at any one time must not be exceeded (s.51 (4A)) when planning an in-nature program. To ensure that the approved number of places is not exceeded, the service will need to consider all the children being educated and cared for by the service at any one time, including the children at the approved service premises and those at an in-nature site. This is also the case when calculating ratio and qualification requirements. For example, if the number of approved places is 25, then you cannot have 25 children attending the service premises and 25 children attending the in-nature program at the same time.

### EDUCATOR TO CHILD RATIOS

[Educator to child ratios](#) must be met whenever children are being educated and cared for, including outside the approved service premises (s.169, r.123). Consideration must be given, as part of the risk assessment of an in-nature program as a regular outing (r.101(2)(f)), as to whether educator to child ratios will need to be higher than the prescribed requirement (s.169) and/or other responsible adults are required to ensure that children are adequately supervised at all times.

The number of responsible adults needs to be regularly considered having regard to such things as the risks (such as water) within the in-nature site, the ages, development stages and individual needs of the children and the weather conditions (r.101(2)(f)).

### DELIVERY AND COLLECTION OF CHILDREN

You should consider whether your service will provide transportation to and from an in-nature site or whether families will be responsible for the drop off of and/or pickup of children at the beginning and end of the in-nature session from that site. Detailed information about getting to and from the in-nature site should be included in the service's delivery and collection of children (r.168 (2)(f)) policy and procedures. If children are delivered to and collected from

an in-nature site, the policies and procedures for the delivery and collection of children (r.168(2)(f)) should consider and include procedures to ensure:

- the children's safety – including the safety of children as they move between the approved service premises and the in-nature site and arrangements in cases of emergency and/or evacuation or severe weather
- that an attendance record is kept
- that the time that children arrive and depart is recorded
- that the person delivering or collecting the child from the site, or the nominated supervisor or educator, signs the record (r.158).

Your regulatory authority may have jurisdictional policies, procedures and guidelines for the delivery and collection of children to a location other than a service premises. It is important to contact your state or territory regulatory authority to discuss any specific requirements they may have when planning your in-nature program.

### RISK ASSESSMENTS

A risk assessment must be conducted to identify and address possible risks of harm to children when they attend an in-nature site. The risk assessments should be completed before children access the site and cover any unexpected incidents, harm and hazard likely to cause injury (s.167), as well as emergencies or extreme weather events. The National Regulations require that a risk assessment for excursions contains the information prescribed in r.101.

The ACECQA [Risk Assessment and Management Tool](#) is an easy-to-use guide when developing your risk assessment and management processes.

### EMERGENCY AND EVACUATION POLICY AND PROCEDURES

Policies and procedures should be developed, practised and implemented to effectively manage incidents and respond to emergencies. For the purposes of preparing the emergency and evacuation procedures, the approved provider must ensure that a risk assessment is conducted to identify potential emergencies that are relevant to the service, which should include any in-nature sites (r.97).

Emergency plans must be in place, which allow each child to be easily removed from any in-nature site in the case of an emergency (r.97). The policies should list each in-nature site that is part of the program and be reviewed regularly.

### ADEQUATE SUPERVISION

Educator-to-child ratios alone do not achieve adequate supervision. Supervision is critical to the safety of children and helps to protect children from harm or hazards that may arise in their play and daily routines. Adequate supervision must be considered as part of the risk assessment developed for an in-nature program (r.101(2)(f)).

[Adequate supervision](#) means:

- that an educator can respond immediately, particularly when a child is distressed or in a hazardous situation

- knowing where children are at all times and monitoring their activities actively and diligently.

## CHILD SAFE PRINCIPLES

Services need to consider how they are meeting the requirements of the [National Principles for Child Safe Organisations](#) within their in-nature program. For example, where programs are operated in public areas or where children are required to access public toilet facilities, the service has considered the risks and identified strategies that ensure children are safe and not harmed.

From 1 October 2023, there are new requirements under the National Law and National Regulations for education and care services in relation to embedding the Child Safe Principles within the National Quality Framework. Please check the legislation for the commencement date in Western Australia. See ACECQA Information sheet [National Child Safe Principles](#) for more information.

NOTE: The National Principles for Child Safe Organisations are based on the Child Safe Standards. [Some regulatory authorities](#) have developed resources to further support your understanding.

## FIRST AID REQUIREMENTS

The approved provider must ensure that the first aid requirements of r.136(1) are met at any place where children are being educated and cared for by the service, and immediately available in an emergency. The process for seeking emergency first aid treatment, including contacting emergency services, should be documented in the risk assessment. The approved provider should consider if additional first aid requirements, such as life-saving qualifications are required for children to play safely at different sites.

## COMFORT, REST AND SLEEP

While services are already required to have policies and procedures in place relating to sleep and rest, from 1 October 2023 the National Regulations will set out matters that must be included in these policies and procedures and will require approved providers to conduct a risk assessment at least once every 12 months (regulations 84A, 84B and 84C). For more information see ACECQA's [Sleep and rest legislative requirements page](#).

Arrangements for rest and relaxation for children at an in-nature site will need to be reflected in the service's sleep and rest policy and procedure, and included in the sleep and rest risk assessment.

Appropriate clothing should be available to ensure children's comfort. For example, the provision of protective wet weather gear should be available for each child. This may be provided by families and/or the service.

## TOILETING AND NAPPY CHANGE FACILITIES

For a service that educates and cares for children who wear nappies, the approved provider must ensure that adequate and appropriate hygienic facilities are available for nappy changing. This includes during visits to any in-nature site.

Most public bathrooms include disabled facilities and sometimes nappy change facilities. For in-nature sites the approved provider must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by the children. Particular attention should be given to the location and design of the toilet, washing and drying facilities to ensure the safety of children and adults while they are using them (r. 109). Local council staff or park rangers will provide advice on the location, cleaning schedule and maintenance of these public bathrooms.

## WATER SAFETY

The approved provider must ensure that the service has in place policies and procedures in relation to water safety, including safety during any water-based activities. This includes sites that have dams, lakes, creeks, rivers, beaches or any other water hazard such as a fountain (r. 168).

## SUN PROTECTION

Adequate shade and protective clothing should be available for each child. Policies and procedures are required in relation to sun protection (s.167, r.168(2)(a)(ii)) and should cover the time spent at in-nature sites.

## FOOD AND BEVERAGES

The approved provider, nominated supervisor and family day care educator must ensure that children attending the in-nature site as part of the service's educational program always have access to safe drinking water and are offered food and beverages appropriate to the needs of each child on a regular basis throughout the day (r.78). Consideration must be given to the appropriate storage of food during the in-nature session and whether advice should be provided to families about suitable food options.

## WEATHER CONDITIONS

The outdoor nature of in-nature programs can result in exposure to extreme weather conditions, including electrical storms, extreme heat, bush fires, floods and high winds. Systems for checking the weather forecasts prior to commencement of each in-nature session should be implemented and any in-nature sessions cancelled if extreme weather conditions are forecast.

There are several online websites and applications that provide this information. For example, the [Australian Government Bureau of Meteorology](#).

## ADMINISTRATION AND STORAGE OF MEDICATION

If children have a specific health care need, allergy or diagnosed medical condition a medical management plan and risk minimisation plan must be developed. These plans should outline the process to be followed if an incident related to the child's specific health care need, allergy or relevant medical condition occurs when the child is attending an in-nature program site.

Risk minimisation plans must take into account such matters as the safe and correct storage of medication, including any temperature requirements.

## INCIDENT, INJURY, TRAUMA AND ILLNESS

Policies and procedures must be developed in relation to an in-nature program and must include procedures to be followed by the nominated supervisor, educators and teachers at the in-nature site in the event that a child is injured; or becomes ill; or suffers a trauma or illness (r.85 and r.168).

### ESSENTIAL ITEMS TO TAKE

When children attend an in-nature program, the following items must be taken with educators:

- appropriate food options and adequate drinking water (r.78)
- the contact information of any person who is to be notified of any incident, injury, trauma or illness involving the child
- an adequately stocked first aid kit and any health plans for children
- the risk assessment and management plans developed for the in-nature site
- change of clothes for each child
- wet weather gear
- nappies and baby-change equipment, if required
- fully-charged mobile telephone or other communication device.

## THE APPROVED LEARNING FRAMEWORKS SUPPORT IN-NATURE PROGRAMS

Outdoor learning spaces are a feature of Australian learning environments. They offer a vast array of possibilities for physical activity and learning experiences not available indoors. Access to play spaces in natural environments may include plants, trees, edible gardens, open spaces, sand, rocks, mud, water and other elements from nature. These and other outdoor spaces invite open-ended play and interactions, physically active play and games, spontaneity, risk-taking, exploration, discovery and connection with nature. They foster an appreciation of the natural world and the interdependence between people, animals, plants, lands and waters providing opportunities for children to engage with all concepts of sustainability through environmental education (EYLF V2.0, p.23).

An integrated, holistic approach focuses on connections to the social and to the natural world. Educators foster children and young people's capacity to value and respect the broader social environment and to be world-wise, and as well understand and appreciate the natural environment and the interdependence between people, plants, animals and the land (MTOPI V2.0, p. 20)



## THE NATIONAL QUALITY STANDARD

The practices, policies and processes for delivering an in-nature program align with the focus of the National Quality Standard (NQS). While there are some standards within the NQS that are key to any in-nature pedagogy, consideration should be given to how you will meet the focus of each standard within your program. Explore your approaches to practice during your in-nature program and use the following reflective questions to continue to unpack and document how they meet the NQS.

- How does the in-nature program support children to explore and learn about the natural environment within the community?
- How does the in-nature program support children to develop science-based knowledge and skills?
- What strategies support the planning for food and beverages to meet the preferences of each child as well as their dietary and nutrition requirements when taking part in the in-nature program?
- When managing children's health needs, how do you ensure that an up-to-date first aid kit or kits are readily available wherever children are? How are children's individual health needs met during visits to the in-nature site?
- When the risk assessments for the in-nature program are completed, who reviews them and how are educators and teachers informed of the risk management strategies put in place?
- What risk management strategies currently exist for the safe transport of children to and from the in-nature site?
- What features within the environments you visit encourage open-ended interactions, spontaneity, risk taking, exploration, discovery and connection with nature?
- When do educators and teachers evaluate the effectiveness of the natural learning environment and how do they demonstrate the links to the intended learning outcomes of the approved frameworks?
- What considerations are put in place to ensure that an adequate number of qualified and experienced educators and teachers are in attendance and providing quality interactions and positive learning experiences for children?
- What strategies are embedded in practice to ensure that the records of children's arrivals and departures from in-nature sites are maintained? Do the records include the signature of the person responsible for verifying the accuracy of the record and the identity of the person collecting the child?
- Does the service philosophy reflect the in-nature program approach and how is the philosophy shared with families and the community?

The ACECQA Information sheet: [The how and why of in-nature play](#) provides practical strategies to support and guide your development of your in-nature program.

## REFERENCES AND RESOURCES

For additional information, please refer to Section 3 in the [Guide to the National Quality Framework](#).

Visit the ACECQA website at [acecqa.gov.au](http://acecqa.gov.au) to download:

- [National Law and National Regulations](#)
- [National Quality Framework supporting materials](#) – including Information sheets, posters and other resources which are all freely accessible.
- ACECQA Information Sheet: [The how and why of in-nature play](#)
- ACECQA [We hear you Blog – Bush Kinder](#)
- ACECQA [Risk Assessment and Management Tool](#)
- For child safe requirements, initiatives and resources in each state or territory, approved providers can access the [Australian Human Rights Commission, Child Safe Organisations](#) website

### Find other useful resources:

- Parks Victoria – [Bush Kinder Handbook](#)
- [Nature Play Queensland](#)
- Department of Education and Training, Victoria – [Bush Kinders](#)
- CELA Blog – [A bush yarn](#)