

ASSESSMENT OF FAMILY DAY CARE EDUCATORS, FAMILY DAY CARE EDUCATOR ASSISTANTS AND PERSONS RESIDING AT FAMILY DAY CARE RESIDENCE POLICY GUIDELINES

Under the *Education and Care Services National Regulations*, an approved provider of a family day care (FDC) service must take reasonable steps to ensure that FDC educators, FDC educator assistants and anyone aged 18 years or over who resides at the FDC residence are fit and proper people to be in the company of children (Regulation 163).

The approved provider must require each FDC educator to notify the provider of:

- any new persons aged 18 years or over who resides, or intend to reside, at the FDC educator's residence
- any circumstances which may affect the fitness and propriety of a person aged 18 years or over who resides at an FDC educator's residence, or an FDC educator assistant, who has previously been assessed as fit and proper (Regulation 164).

In addition, the approved provider must ensure that an FDC service has policies and procedures in place in this regard (Regulation 169).

It is important to note that, when developing the policies and procedures, there are differing requirements between states and territories under Regulation 163.

Under the *Education and Care Services National Regulations*, education and care services must have policies and procedures in place in relation to the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence. These guidelines are part of a series and are intended to assist in the development of your *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residence policy*. They have been designed to guide you in the development of your policy and are not an exact format.

1. Title

Assessment of FDC educators, FDC educator assistants and persons residing at FDC residence policy

2. Policy statement

The policy statement will reflect your service's philosophy about managing the assessment of FDC educators, FDC educator assistants and anyone residing at the FDC residence.

For example:

We aim to ensure the health, safety and wellbeing of all children attending our service. As part of our efforts we assess our FDC educators, FDC educator assistants and those residing at each FDC residence as fit and proper persons prior to registration and on a regular basis throughout their registration period.

3. Background

Your policy needs to include a statement of why this requirement is in place.

For example, the *Education and Care Services National Regulations* require policies and procedures to be in place in relation to the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence.

4. Legislative requirements

Your policy must be consistent with and refer to legislative requirements for the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence. Examples include, but are not limited to:

Reg 84	Awareness of child protection law
Reg 119	Family day care educator and family day care educator assistant to be at least 18 years old
Reg 127	Family day care educator qualifications
Reg 136	First aid qualifications
Reg 143A	Minimum requirements for a family day care educator
Reg 144	Family day care educator assistants
Reg 153	Register of family day care educators, coordinators and educator assistants
Reg 163	Residents at family day care residence and family day care educator assistants to be fit and proper persons
Reg 164	Requirement for notice of new persons at residence
Reg 168	Education and care services must have policies and procedures
Reg 169	Additional policies and procedures – family day care service
Reg 170	Policies and procedures to be followed
Reg 171	Policies and procedures to be kept available
Reg 172	Notification of change to policies or procedures

When writing your policy, you will need to break down what is required under each Regulation and how your service will meet these requirements. How these work in practice will be contained in your procedures.

As you reflect on your *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residence policy*, it might highlight the need to split its various areas into different policies and procedures that can be readily accessed by all FDC educators to follow in relation to your service's philosophy and their roles and responsibilities.

5. Principles to inform your policy

All decision-making should be carried out in accordance with the principles of your service's *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residence policy*. Examples of principles could include, but are not limited to:

- Children's health, safety and wellbeing is paramount. Our FDC educators, FDC educator assistants and FDC residents are assessed as fit and proper persons prior to registration and on a regular basis throughout their registration period.
- We are committed to good governance and quality management. Our systems and documentation for assessing and monitoring FDC educators, FDC educator assistants and residents are kept up-to-date and regularly reviewed.

6. Key terms

To make it easier for your audience, provide definitions of key terms that may not be used every day. For example:

Term	Meaning	Source
ACECQA – Australian Children’s Education and Care Quality Authority	The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.	
FDC educator	An educator engaged by or registered with an FDC service to provide education and care for children in a residence or at an approved FDC venue.	National Law (Definitions)
FDC educator assistant	A person engaged by or registered with an FDC service to assist FDC educators.	National Law (Definitions)
FDC residence	A residence at which an FDC educator educates and cares for children as part of an FDC service.	National Law (Definitions)
FDC service	An education and care service that is delivered through the use of two or more educators to provide education and care to children and operates from two or more residences.	National Law (Definitions)
Fit and proper person	<p>In assessing whether a person is fit and proper in the context of Regulation 163, the approved provider must consider the person’s history in the following ways in each state or territory:</p> <p><u>Australian Capital Territory, Northern Territory, South Australia, Western Australia</u></p> <p>One of the following:</p> <ul style="list-style-type: none"> • a criminal history check issued in the previous six months • a current working with children check or card, relevant history assessment as per child protection law or working with vulnerable people check based on a criminal history record check • a current teacher registration. <p><u>New South Wales</u></p> <p>Current working with children check or card.</p> <p><u>Queensland</u></p> <p>Current working with children check or card.</p> <p><u>Victoria</u></p> <p>Current working with children check or current teacher registration.</p> <p><u>Tasmania</u></p> <p>Working with vulnerable people registration.</p>	National Regulations (Regulation 163)

FDC resident	Any person aged 18 years or over who resides, or intends to reside, at the educator's FDC residence.	National Law (Regulation 164)
Working with children check (WWCC)	A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that: (a) the person has been assessed as suitable to work with children; or (b) there has been no information that if the person worked with children the person would pose a risk to the children; or (c) the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.	National Law (Definitions)

7. Links to other policies

Refer to related policies and procedures, for example:

- Keeping a register of FDC educators, assistants and coordinators
- Engagement or registration of FDC educator assistants
- Engagement of FDC educators
- Governance and management of the service
- Visitors to FDC residences and venues while education and care is being provided to children as part of an FDC service
- Monitoring, support and supervision of FDC educators
- Providing a child safe environment

8. Induction and ongoing training

State information about induction training and frequency of ongoing training and information sharing to assist managers, coordinators, FDC educators, FDC educator assistants and staff to fulfil their roles effectively.

9. Policy created/reviewed

Include the date the policy was created, reviewed or changes were made.

10. Monitoring, evaluation and review

State when the policy will be reviewed and who will be responsible for this.

11. Checklist

- Have you referenced the relevant Regulations and are these reflected in the policy?
- Does the title provide a clear and concise statement identifying the intent of the policy?
- Have you checked the policy requirements and referenced related legislation that applies to your service type?
- Does your policy statement provide a framework for decision-making and ensure consistent practice?
- Does your policy statement reflect your service philosophy?
- Is it clear why this policy exists?

ASSESSMENT OF FAMILY DAY CARE EDUCATORS, FAMILY DAY CARE EDUCATOR ASSISTANTS AND PERSONS RESIDING AT FAMILY DAY CARE RESIDENCE PROCEDURES GUIDELINES

The approved provider must ensure that family day care (FDC) educators, FDC educator assistants and anyone aged 18 years or over who resides at the FDC residence are fit and proper people to be in the company of children.

You are required to have procedures in place to ensure this.

The steps and guidelines you document will not only guide your practice, but also inform regulatory authorities of FDC educator and staff expectations and responsibilities.

Your procedures should be written in clear and concise language, making them easy to read, understand and implement.

Every service is different so it is not sufficient to apply generic policies and procedures to multiple services. You will need to contextualise your policies and procedures to your service's operations and its unique context.

Under the *Education and Care Services National Regulations*, education and care services must have policies and procedures in place in relation to the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence. These guidelines are part of a series and are intended to assist in the development of your *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residence procedures*. They have been designed to guide you in the development of your procedures and are not an exact format.

1. Title

Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence procedures

2. Reference to policy and philosophy

Here you refer to your *Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence policy* as seen in your policy documents. You can reference where you will find your policy to help those looking for it.

Your procedures will also reflect your service's overall philosophy, *Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence policy*, and evidence-based governance and leadership best practices.

3. Procedures

This is where you detail the way you will implement the *Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence policy*.

It is the 'How to' in your service and includes specific step-by-step procedures to assess FDC educators, FDC educator assistants and persons residing at the FDC residence.

Some areas that will be outlined here should include:

- where the procedures will be kept
- when they were last reviewed
- templates and documents that might be required and/or used as a part of the procedures
- systems to monitor the implementation of the procedures.

You will also need to consider:

- the process for ensuring your FDC educators, FDC educator assistants and persons at the FDC residence are assessed before they start at your service, as well as on an ongoing basis once they commence
- what your jurisdiction's requirements are for assessing FDC educators, FDC educator assistants and residents
- considerations for assessing persons over 18 years of age who are residing at the FDC residence, including what notification period is required from your FDC educators
- what ongoing monitoring, support or supervision may be required in relation to any risks stemming from the residents, especially if they are on the premises while children are being educated and cared for
- the process for monitoring when an FDC educator's own child (or any other child residing at the residence) turns 18 years of age
- the process for assessing FDC educators, FDC educator assistants and FDC residents when they are located in remote areas
- what documentation needs to be provided to support fitness and propriety.

As you reflect on your *Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence policy*, it might highlight the need to split its various areas into different procedures, which will be displayed or accessed by all staff (including casuals) to follow in relation to their actions. For example, you may wish to have a separate procedure for *Assessment of FDC educators*, *Assessment of persons residing at an FDC residence*, and *Assessment of FDC educator assistants*.

4. Roles and responsibilities

This is where you will designate specific roles and responsibilities for the people who hold different positions within your service. This needs to align with the Regulations.

When developing your roles and responsibilities you will also need to take into consideration the context of your FDC service, FDC educators located in remote areas, and the adaptations or adjustments that may need to be made to your systems and processes to meet the Regulations.

It is important to note that it is the legal responsibility of approved providers to ensure systems are in place to minimise risk and ensure health and safety procedures are implemented by the responsible people in services and in FDC residences. Ultimate responsibility lies with the approved provider to ensure their service/s are meeting the requirements under the National Quality Framework.

When developing this section consider:

- What are the roles and responsibilities of the approved provider, nominated supervisor/responsible person, coordinators, FDC educators or other staff in your service in relation to assessing FDC educators, FDC educator assistants and persons residing at the FDC residence?
- How will you clearly define these roles and expectations and where will it be documented?
- How will you ensure that the necessary tools are available so the approved provider, nominated supervisor/responsible person, coordinators, FDC educators and other staff members can follow the procedures? How will they be made aware of the procedures?

An example of roles and responsibilities could include, but is not limited to:

Roles	Responsibilities
Approved provider	<ul style="list-style-type: none"> • ensure the <i>Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence policy and procedures</i> are in place • take reasonable steps to ensure that the nominated supervisor, coordinators, FDC educators, FDC educator assistants, staff and volunteers follow the policy and procedures • ensure that the nominated supervisor, coordinators and FDC educators are aware of their responsibilities for child protection law • ensure that unauthorised people, volunteers and visitors are not left alone with children • ensure that copies of the policy and procedures are readily accessible to the nominated supervisor, coordinators, FDC educators, FDC educator assistants, staff and volunteers, and available for inspection • notify families at least 14 days before changing the policy or procedures if the changes will: <ul style="list-style-type: none"> - affect the fees charged or the way they are collected or - significantly impact the service’s education and care of children or - significantly impact the family’s ability to utilise the service
Nominated supervisor/ Responsible person	<ul style="list-style-type: none"> • ensure that regulatory responsibilities are met in relation to the assessment of FDC educators, FDC educator assistants and residents at the FDC residence • implement procedures for the assessment of FDC educators, FDC educator assistants and FDC residents • carry out relevant checks of FDC educators, FDC educator assistants and FDC residents • ensure that coordinators are aware of practices that align with the procedures • ensure that FDC educators and FDC educator assistants are not registered until assessed as fit and proper through service procedures • collect and verify relevant information to ascertain whether a person is fit and proper • ensure unauthorised people, volunteers and visitors are not left alone with children
Coordinators	<ul style="list-style-type: none"> • inform FDC educators of their responsibilities in relation to the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence • support FDC educators to meet their responsibilities in relation to the assessment • where possible, use contact visits or other processes to assist with monitoring the presence of residents at the FDC residence • inform the nominated supervisor/responsible person or approved provider of new residents at the FDC residence

Roles	Responsibilities
FDC educators	<ul style="list-style-type: none"> • be aware of regulatory requirements • keep up-to-date with any changes to the policy or procedures • notify the approved provider of intention to have residents at the FDC residence • notify the approved provider if their own child or any other resident turns 18 years of age (providing enough notice to carry out relevant checks) • ensure that residents, volunteers, visitors and unauthorised people are not left alone with children • submit all documentation as required in the procedures

The following table will assist you in developing procedures specific to your needs and context. Referring to the Regulations when you are writing your procedures will assist you to ensure that you are meeting your obligations.

Areas to include in your procedures	Things to consider and outline in each area <i>(this will be specific to the context of your service)</i>	Strategies for monitoring and implementing procedures	Related policy and/or procedures
<p>Assessing whether a person is fit and proper</p> <p>Reg: 119, 127, 136, 153, 163, 164, 168, 169, 170, 171, 172</p> <p>QA2: 2.2.3</p> <p>QA4: 4.1</p> <p>QA5: 5.1</p> <p>QA7: 7.1.2, 7.1.3</p>	<ul style="list-style-type: none"> • What your jurisdiction’s requirements are for assessing FDC educators, FDC educator assistants and residents at the FDC residence, and how you will meet them • How assessing FDC educators and FDC educator assistants can be incorporated into recruitment practices • The procedures for ensuring FDC educators and FDC educator assistants are assessed when they register with your service • Whether you will require supporting documents from FDC educators and FDC educator assistants as part of the assessment if they have been working overseas • What additional documents you may require from FDC educators as part of the assessment, e.g. medical clearance, references • How to ensure WWCC, FDC educator qualifications and other ‘fit and proper’ requirements are kept up-to-date during the FDC educator’s period with your service • Processes for assessing persons residing at the FDC residence, e.g. what notification period is required from FDC educators, and what level of involvement the resident may have with the children • The process for when an FDC educator’s own child (or any other child residing at the venue) turns 18 years of age 	<ul style="list-style-type: none"> • Make sure your policy and procedures are available for all to access • Create a checklist as part of the FDC educator appointment process to ensure all documents are received prior to start and induction • Create a WWCC/qualification register to assist with monitoring required and training renewal dates • Ensure procedures are part of coordinator and FDC educator induction training, and regularly reviewed at team meetings • Regularly review jurisdictional requirements for assessing FDC educators and FDC educator assistants • Consider alternative ways to assess and communicate with FDC educators, especially those in remote locations, e.g. web-based applications • Develop a <i>Home visit record sheet</i> to outline items to be covered during coordinator visits, including monitoring checks of the procedures 	<p>Engagement or registration of family day care educators</p> <p>Engagement and registration of family day care educator assistants</p> <p>Assessment of proposed residences or venue</p> <p>Monitoring, support and supervision of family day care educators</p> <p>Providing a child safe environment</p>

Areas to include in your procedures	Things to consider and outline in each area <i>(this will be specific to the context of your service)</i>	Strategies for monitoring and implementing procedures	Related policy and/or procedures
	<ul style="list-style-type: none"> • How best to communicate procedures to FDC educators, especially those in remote areas • What monitoring checks of the procedures should be carried out (e.g. coordinator contact visits) and how often, including for FDC educators in remote areas • What monitoring, support or supervision may be required in relation to persons residing at FDC residences, including: <ul style="list-style-type: none"> - whether notification has been provided for these persons - any risks stemming from the residents, especially if on the premises while children are being educated and cared for • Procedures to ensure volunteers, visitors and unauthorised people are not left alone with children • The process for managing the notification of any changes in circumstances of persons residing at the FDC residence which may affect a person previously assessed as fit and proper 		

5. Procedures created/reviewed

Include the date the procedures were created or reviewed.

6. Monitoring, evaluation and review

Your service, in consultation with the nominated supervisor, coordinators, FDC educators, families and other stakeholders, should review the effectiveness of these procedures within a set timeframe or earlier if there is a change in relevant legislation.

State when the procedures will be reviewed and who will be responsible for this.

7. Checklist

- Do the procedures align with your *Assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence policy*?
 - Have your procedures been written in plain English and can they be easily implemented by a nominated supervisor, coordinator, FDC educator or FDC educator assistant new to your service?
 - Is it clear who is responsible for the implementation of the procedures?
 - Are all coordinators, FDC educators and FDC educator assistants aware of the procedures and can implement them if required?
 - Do you need to develop any resources to monitor and record the procedures?
-

Useful Resources

Include links to useful resources that have helped inform the development of your policy. In addition, be mindful of the existence of any state- or territory-specific content.

Some examples include, but are not limited to:

- Family day care approved provider compliance responsibilities – <https://www.acecqa.gov.au/media/22851>
- Family day care educator compliance responsibilities – <https://www.acecqa.gov.au/media/22856>
- Family day care nominated supervisor compliance responsibilities – <https://www.acecqa.gov.au/media/22861>
- Guide to the National Quality Framework – <https://www.acecqa.gov.au/nqf/about/guide>
- Requirements for family day care providers – <https://www.acecqa.gov.au/media/23141>
- Supporting educators in family day care and in home care – <https://www.echr.edu.au/docs/default-source/resources/ipsp/supporting-educators-in-family-day-care-and-in-home-care.pdf?sfvrsn=6>
- Working with children check (Queensland) – <https://earlychildhood.qld.gov.au/legislationandguidelines/pporresources/fact%20sheets/working-with-children-check.pdf>