

ASSESSMENT OF FAMILY DAY CARE EDUCATORS, ASSISTANTS AND PERSONS RESIDING AT FAMILY DAY CARE RESIDENCES POLICY

Dalas Family Day Care Service has the responsibility of ensuring Family Day Care educators, educator assistants and all persons over the age of 18 residing at the family day care residence are fit and proper persons to be involved in the provision of education and care to young children. Our Service closely monitors Family Day Care educators and educator assistants to ensure the fitness and propriety of all adults. Co-ordinators provide FDC educators and educator assistants with ongoing professional support, assistance and supervision and maintain accurate records to safeguard children's safety and wellbeing.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is protected.
2.2.3	Child protection	Management, educators and staff area aware of their roles and responsibilities to identify and respond to every child at risk of abuse and neglect.

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development

QUALITY AREA 7: LEADERSHIP AND MANAGEMENT		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 171	Offence relating to direction to exclude inappropriate persons
S. 174A	Family day care educator to notify certain information to approved provider

82	Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol
83	Staff members and family day care educators not to be affected by alcohol or drugs
84	Awareness of child protection law
119	Family day care educator and family day care educator assistants to be at least 18 years of age
127	Family day care educator qualifications
136	First aid qualifications
143A	Minimum requirements for a family day care educator
144	Family day care educator assistants
153	Register of family day care educators, coordinators and educator assistants
154	Record of staff, family day care coordinators and family day care educator assistants
163	Residents at family day care residence and family day care educator assistants to be fit and proper persons
164	Requirement for notice in relation to persons at residence
168	Education and care services must have policies and procedures
169	Additional policies and procedures – family day care service
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies and procedures

RELATED LEGISLATION

A New Tax System (Family Assistance) Act 1999
 A New Tax System (Family Assistance) (Administration) Act 1999
 Child Care Subsidy Minister's Rules 2017
 Child Care Subsidy Secretary's Rules 2017
 Education and Care Services National Law Act 2010
 Education and Care Services National Regulations 2011
 Family Law Act 1975
 Family Assistance Law – Incorporating all related legislation as identified within the [Child Care Provider Handbook](#)

Victorian Child Safe Standards	
Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued

Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture
Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Standard 4	Families and communities are informed, and involved in promoting child safety and wellbeing
Standard 5	Equity is upheld and diverse needs respected in policy and practice
Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
Standard 7	Processes for complaints and concerns are child focused
Standard 8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved
Standard 11	Implementation of the Child Safe Standards is regularly reviewed and improved

RELATED POLICIES

Assessment Approval and Re-assessment of Approved FDC Residences and Venue Policy Engagement and Registrations of FDC Educators Policy Engagement or Registration of FDC Educator Assistants Policy	Keeping a Register of Family Day Care Educators Policy Monitoring Support and Supervision of FDC Educators and Assistants Policy Visitors to the Family Day care Residences Policy
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PURPOSE

Our Service adheres to the Education and Care Services Regulations and conducts assessments of educators, educator assistants and all persons over the age of 18 who reside at the family day care residence to ensure they are fit and proper persons, are suitably qualified and hold the relevant emergency care qualifications.

Our Service adopts and aligns with the [National Model Code](#) and guidelines for taking images or videos of children. (See *Safe Use of Digital Technologies and Online Environments Policy*.)

SCOPE

This policy applies to Approved Provider, Coordinator, Educators and Educator Assistants of the Family Day Care Service.

IMPLEMENTATION

To ensure the ongoing health, safety and wellbeing of children, the approved provider is responsible for assessing a person's suitability as an educator or educator assistant and must ensure that all persons who work or reside in the premises of an approved FDC residence are considered to be 'fit and proper persons'.

We achieve this by:

- comprehensively screening all applicants for educators and educator assistants
- ensuring all applicants who are working or residing with children have the required clearances (WWCC, criminal history checks)
- annually assess the FDC residence or more frequently in the case of new persons residing at the residence or in the case of an incident or accident.

Our FDC Service embeds the National Principles for Child Safe Organisations and Victorian Child Safe Standards and promotes a culture of child safety and wellbeing. Our recruitment and screening processes play a vital role in protecting children from harm.

The Approved Provider will ensure that:

- ensure the Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy and procedures are in place
- take reasonable steps to ensure that nominated supervisors, coordinators, FDC educators, FDC educator assistants, staff and volunteers follow the policy and procedures
- ensure that the nominated supervisor/responsible person, 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 nominated supervisors, coordinators, FDC educators, FDC educator assistants, staff, volunteers and families, and available for inspection
- notify families at least 14 days before changing the policy or procedures if the changes will:
- 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
- Ensure an assessment process is developed and conducted for all educators and educator assistants to ensure they are considered to be fit and proper persons to care for children prior to engaging or registering them in the service and as a rigorous and ongoing assessment process annually (or as required) Reg. 163

- FDC educators and educator assistants provide relevant documentation demonstrating they are a fit and proper person. This includes educators and educator assistants to:
 - provide proof of age
 - have a criminal history check
 - hold a current and verified Working with Children Check (WWCC) [or similar in each state/territory]
 - hold a current First Aid qualification (including CPR training)
 - have undertaken an approved anaphylaxis management training
 - have undertaken emergency asthma management training
 - hold a current Driver's License if applicable

FDC educators must additionally provide relevant documentation to demonstrate they:

- have, or be *actively working towards*, at least an approved certificate III level education and care qualification
 - maintain current public liability insurance
 - hold a current mandatory reporting certificate
 - hold a current COVID-19 infection control certificate
 - hold a current SunSmart Certificate (educator and educator assistants who was approved to assist with educational program)
 - hold current Food Handling Certificate
- all educators, educator assistants, coordinators and other staff engaged by the Service are not only approved to work with children through the WWCC but are those who have the right personal qualities, skills and experience to provide high quality supervision and care to children
- any person over 18 years of age residing at the Family Day Care residence holds a current Working with Children Check (WWCC) and National Criminal Check
- all FDC educators and educator assistants and Coordinators are over the age of 18 years of age
- ensure the minimum co-ordinator to educator ratio is 1:15
- ensure educators new to the FDC Service are provided with initial support and monitoring during the first month of operation
- written consent is provided by parents of each child being educated and cared for by the educator to the use of the family day care educator assistant in each specific circumstance

- a record of nominated supervisors, co-coordinators, educators and educator assistants engaged in the Service is maintained and kept up to date
- implementing the grievance procedure or taking disciplinary action in the event of a breach of 'Code of Conduct'
- respond to any allegations to the Children's Guardian Department of Education and Training as per the Reportable Conduct Scheme
- re-allocating children if a person or persons residing in the FDC residence do NOT meet the 'fit and proper' assessment 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
- ensure unauthorised people, volunteers and visitors are not left alone with children

The Nominated Supervisor will

- 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.
- any adverse checks returned for a FDC educator, educator assistant or residence are investigated thoroughly and may result in a review of engagement or contract

The Family Day Care Coordinator will provide ongoing assessment of the educator and educator assistant through monitoring and regular visits to educator's homes.

The coordinator will:

- provide ongoing support and advice to FDC educators and educator assistants when education and care is being provided
- monitor and supervise FDC educators and educator assistants through a range of methods including:
 - scheduled face-to-face visits to educator's home, sufficient in number and frequency to ensure quality of care is maintained
 - telephone conversations
 - emails and text messages
 - Video phone calls
- offer professional learning opportunities to FDC educators, educator assistants and other staff involved in the Family Day Care service
- provide evidence of adequate monitoring and support including:
 - dates and times of any visits
 - purpose of the visit- monitoring or support
 - dates and times of any telephone calls
 - details of any correspondence or written materials provided to the educators for the purpose of monitoring or support
 - acknowledging and reporting any areas of concern and processes put in place to rectify these areas
 - report quality care issues in relation to the NQS to Approved Provider
- ensure compliance of National Regulations including:
 - health, hygiene and safe food practices
 - child safe environment
 - first aid kits
 - enrolment and other documents to be kept by FDC educator
 - smoke, alcohol and drug free environment
 - fencing regulations
 - dangerous and hazardous chemicals, medications and substances
- ensure an accurate register of each FDC educator, co-ordinator and educator assistant is maintained and kept securely. (This register must be kept for three years after an educator, co-ordinator or educator assistant ceases to be registered at the service).
- 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

The Family Day Care educator and educator assistant will:

- ensure all documentation demonstrating they are a fit and proper person is provided to the Family Day Care service and kept up to date
- notify the approved provider of any new person aged 18 years or over who resides or intends to reside at the family day care residence (including overseas or interstate visitors)
- notify the service provider of any children residing or intending to reside in the FDC residence who are turning 18 years of age within 30 days prior to them turning 18
- notify the approved provider immediately if they are aware of any circumstance relating to a person over the age of 18 years who has been previously considered as fit and proper by the provider may no longer be fit and proper to be in the company of children.
- keep a detailed record of all visitors to the family day care residence, including their name, signature, date, time of the visitor's arrival and departure.
- ensure a child being educated and cared for by the Family Day Care Service is never left alone with a visitor or student.
- provide a risk management plan to ensure the safety and wellbeing of children attending the service if required
- provision of home insurances, rental agreements and any other documentation for approval of place of residence to operate a family day care service
- 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
- ensure that residents, volunteers, visitors and unauthorised people are not left alone with children
- submit all documentation as required in the procedure.

DETERMINING WHETHER A PERSON IS FIT AND PROPER

Our FDC Service will adhere to *Family Assistance Law* to determine if a person is deemed fit and proper to be involved in the administration of the Child Care Subsidy, matters involving fraud, dishonesty, financial management, compliance with the law and administration of funds are all relevant considerations. The *CCS Personnel Policy FDC* provides further information regarding requirements to ensure FDC Educators are fit and proper including registration with Provider Digital Access Portal (PRODA). Where a person is not deemed fit and proper, their engagement may not commence or may be terminated.

Our FDC Service will adhere to National Regulations (Reg. 164) to ensure all persons residing at the FDC residence are determined as fit and proper. The FDC educator must notify the approved provider, as soon as possible, if they become aware of any circumstance or situation which may affect the fit and proper status of any individual residing or intending to reside at the FDC residence.

Circumstances or situations which may affect an individual's fit and proper status may include:

- charged with or convicted of
 - an offence of sexual nature
 - an offence of violent nature
 - an offence involving drugs
 - an offence involving a weapon
- the individuals Working with Children Check/Clearance application being rejected, revoked or suspended
- if the individual has been prohibited from working with children

SOURCE

Australian Children's Education & Care Quality Authority. (2014).
 Education and Care Services National Law Act 2010. (Amended 2018).
[Education and Care Services National Regulations](#). (2011)
 Guide to the National Quality Framework. (2018). (Amended 2020).
 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations (2017)
 Guide to the National Quality Standard. (2020)
 Revised National Quality Standard. (2018)