

OUT OF HOURS BABYSITTING POLICY

The Approved Provider and Management are responsible for any actions or activities that staff members and educators may engage in that could breach confidentiality protocols. This applies whether at the Family Day Care residence, or in situations that may arise outside of operating hours.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is respected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
84	Awareness of child protection law
145	Staff record
147	Staff members
168	Education and care service must have policies and procedures

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

Arrival and Departure Policy Child Protection Policy Code of Conduct Policy	Privacy and Confidentiality Policy Supervision Policy
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PURPOSE

We aim to provide clear guidelines to Family Day Care educators and families regarding babysitting enrolled children of the Service out of approved hours for education and care and which is a separate arrangement to the care and education we provide as a Service. (i.e.: Not part of our complying written agreement- CWA).

SCOPE

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

IMPLEMENTATION

We work to develop a positive and supportive relationship with children and families. We understand that families may request their child's Family Day Care Educator to babysit or nanny for them outside the Service hours of operation. We pride ourselves on engaging Family Day Care educators of a high standard and conduct annual risk assessments to ensure the approved residence protects the health, safety and wellbeing of children who are educated and cared for by the educator. However, engaging FDC educators in a private agreement for babysitting is not part of the service agreement between our Family Day Care Service and families. Families engaging a Family Day Care educator in private babysitting are not eligible to claim additional Child Care Subsidy (CCS) for this care.

Due to possible legal implications, child protection and privacy legislation, we strongly discourage educators from babysitting children outside of usual work hours. However, we acknowledge the educator's right to financial expansion. Therefore, Family Day Care educators undertaking babysitting or nanny positions in their personal time must ensure the following:

- Family Day Care educators must advise the Coordinator and Management of the FDC Service that a request has been made by a family
- babysitting must not interfere with the Family Day Care educator's availability
- confidentiality must be adhered to at all times
- educators will ensure favouritism does not result in external relationships with children and families outside of the Service
- families must be made aware that other adults who may visit the FDC educator's residence whilst babysitting, may not have the relevant working with children checks, which may render them inappropriate persons to care for children (all persons over the age of 18 who reside at the approved FDC residence, must have WWCC clearance and be 'fit and proper' persons to comply with National Law and National Regulations).
- the FDC Service will not be made accountable for any health and safety issues that may arise within the private arrangement being made
- families understand that our Service has a duty of care to protect children whilst being educated and cared for within an approved Family Day Care residence during operational hours only. This duty of care does not extend to private arrangements between educators and families outside of the Service. Educators do have a duty to report any health, safety, and/or wellbeing concerns in and outside of work, including child protection concerns
- Family Day Care educators must understand that an incident whilst babysitting could have an impact on their suitability to continue to be engaged by our FDC Service
- Family Day Care educators will complete a private agreement with families in regard to expectations and use of personal mobile phones and devices, and photography to ensure privacy and confidentiality is maintained whilst babysitting
- Family Day Care educators and families will complete the '*Out of Hours Babysitting Agreement Waiver*' acknowledging that they waive the right to hold the Service liable and/or accountable should a child be harmed whilst an educator is in their employment outside of the Service.

BABYSITTING EXCEPTION

If an employee has a pre-existing relationship prior to the child's enrolment at the Family Day Care Service (relative, family friend, etc.) babysitting is not discouraged. However, to ensure the children's health and safety, FDC educators will:

- disclose the relationship to management
- understand that the Service will not be held responsible for any health, safety, or wellbeing issues that may arise from private arrangements.

THE APPROVED PROVIDER/COORDINATOR/ WILL

- keep a record of the babysitting arrangement on the Family Day Care educator's staff file

Revised National Quality Standard. (2018).

SOURCE

Australian Children's Education & Care Quality Authority. (2014).

Care for Kids <https://www.careforkids.com.au/child-care-articles/article/59/an-overview-on-babysitting>

Education and Care Services National Law Act 2010. (Amended 2018).

Education and Care National Regulations. (2011).

Privacy Act 1988.

REVIEW

POLICY REVIEWED	August 2021	NEXT REVIEW DATE	August 2022
MODIFICATIONS	• additional source added • Appendix added: Out of Hours Babysitting Agreement Waiver		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
August 2019	New policy drafted for FDC services	August 2021	

Appendix 1:

OUT OF HOURS BABYSITTING AGREEMENT - WAIVER

Due to possible legal implication, child protection legislation and privacy, we strongly discourage employees to babysit children outside of work hours. However, we acknowledge the educator's right to financial expansion. This waiver has been arranged to permit educators and staff members to babysit children/families enrolled at the Service outside of normal operating hours.

_____[Enter FDC educator's Name] is
employed by Dalas Family Day Care and has been asked to provide care in a social relationship with ---
_____[Enter Child/children's Full Name]
outside of Service operating hours. Having read the Service's *Out of Hours Babysitting Policy*, which outlines the reasoning for this restriction, it is still the desire of the educator/staff member named above and parents _____ [Insert Parent's Name] to enter into an agreement, which protects the Service.

_____[Insert Parent's Name] understands the risk associated with an outside social relationship with an educator of the Service. Families

understand that as an Early Education and Care Service we cannot anticipate or control the situation that may arise as a result of allowing the educator/Staff member to engage with children outside of Service operational hours. Dalas Family Day care is not responsible for any private arrangements or agreements made between families. However, we do expect educators to inform the Service if they are babysitting or caring for a child/children who attends the Service. Out of hours work arrangements must not interfere with the FDC educator's employment.

Families understand that we have a thorough recruitment and suitability process in place to ensure that we employ competent and professional FDC educators who upheld their duty of care to children and maintain their professionalism. This includes, interviews, reference checks, and Working with Children Checks (WWCC) clearance.

Whilst in our employment all FDC educators are subject to ongoing supervision, observation and assessment to ensure that standards of work and behaviour are maintained in accordance with our policies and national legislation requirements. We have no such control over the conduct of educators outside of their position of employment. Parents should make their own checks as to the suitability for babysitting.

Our FDC Service will not be held responsible or accountable for any health and safety issues, conduct, grievances or any other claims arising out of the educator's private arrangements outside of service hours. The FDC educator is responsible for alerting their insurance company of private arrangements for baby sitting outside of their Family Day Care educator responsibilities/liabilities.

Educators are bound by contract of the Service's *Privacy and Confidentiality Policy* which outlines that they are unable to discuss any issues regarding the Service, other employees, families or children.

Parent Name	Signature	Date
Educator's Name	Signature	Date
Approved Provider's Name	Signature	Date