

Af – ENGAGEMENT AND REGISTRATION OF FAMILY DAY CARE EDUCATORS

Children's Services Procedures

Effective From: 28 March 2022

Contact Officer: Coordinator of Children's Services

Next review date: 4 years

Related Policies/Legislation:

- *Education and Care Services National Law 2010*
- *Education and Care Services National Regulations 2011. CI 169(a)(b)(c)(d)(e), CI 116, CI 153, CI 163*
<https://legislation.nsw.gov.au/view/html/inforce/current/si-2011-0653#statusinformation>
- *National Quality Standard – 7.1*
- *Children and Young Person (Care and Protection) Act 1998 No 57*
- *State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017 – CL 30 Homebased child care – complying development*
<https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2017-0494#sec.30>
- *Related Legislative Acts:*
 - *Age Discrimination Act 2004 (Cwlth)*
 - *Disability Discrimination Act 1992 (Cwlth)*
 - *Human Rights and Equal Opportunity Commission Act 1986 (Cwlth)*
 - *Privacy Act 1988 (Cwlth)*
 - *Privacy and Personal Information Act Protection Act 1998 (NSW)*
 - *Racial Discrimination Act 1975 (Cwlth)*
 - *Sex Discrimination Act 1984 (Cwlth)*
 - *Local Government Act 1993 (NSW)*
 - *Freedom of Information Act 1989 (NSW)*
 - *Children and Young Persons (Care and protection Act 1998 (NSW)*
 - *Work Health & Safety Act 2011*

Related Documents and References:

- ACECQA (2018) *Guide to National Quality Framework*

- Office of the Children’s Guardian <https://www.ocg.nsw.gov.au/>
Accessed 16 November 2021
- ACECQA *Preparing NQF policies and procedures*. Accessed November 2021 <https://www.acecqa.gov.au/resources/preparing-nqf-policies-and-procedures>
- *Early Childhood Australia Code of Ethics* (2016)
<http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2019/08/ECA-COE-Brochure-web-2019.pdf>
- Wingecarribee Shire Councils Children’s Services Philosophy
- Wingecarribee Children’s Services Policy and Procedures
- Educators programs, developmental records and routines.
- Family Day Care Educator Agreement
- Wingecarribee Shire Council Code of Conduct

Superseded Procedures: *Af – Engagement and Registration of Family Day Care Educators V1.1 November 2015*

Purpose

Wingecarribee Family Day Care Service (The Service) recognises the vital role that home based educators provide as part the Children’s Service’s team. Home based educators are an integral part of The Service and are expected to work with staff towards the efficient provision of care that meets the needs of children and their families. The Service encourages people from all backgrounds to be considered as educators with The Service.

The Service uses various strategies to recruit Educators including local media advertising, Council Website and information brochures left at strategic places within the Shire. Parents, existing educators and staff are encouraged to promote the benefits of becoming an Educator and working in Family Day Care.

Home Based Educators are self-employed and considered as agents working for The Service. They agree to abide by all current and future State and Commonwealth Legislation, Service Policy and Procedures, the Wingecarribee Family Day Care Educator Agreement and any reasonable requirements of the Approved Provider, Wingecarribee Shire Council.

Wingecarribee Children’s Services and The Service is committed to:

- Compliance under the National Quality Framework; including the National Law, Regulations and Standards
- A recruitment, selection, orientation and induction process for prospective and registering educators which supports the provision of quality care
- To meet, follow and adhere to legal responsibilities towards recruitment and the selection of child care professionals in relation to Equal Employment Opportunities, Industrial Relations, and Discrimination Acts and the National Quality Framework.
- A clear and transparent process for recruitment of educators.

Scope

This procedure applies to:

Wingecarribee Children’s Services Staff employed by Wingecarribee Shire Council

Wingecarribee Family Day Care Educators as Agents of the Approved Provider- ‘Wingecarribee Shire Council’ and the adult household members residing in their premise.

Prospective Educators wishing to register as Agents of the Approved Provider – “Wingecarribee Shire Council” and the adult hose hold members residing in their premise.



Definitions

Family Day Care Educator – a person who is directly involved, at his or her home, in educating, supervising or caring for children for a family day care children's service.

Family Day Care Educator Assistant – is a person engaged or registered with a family day care service to assist family day care educators

Approved First Aid, Anaphylaxis and Emergency Asthmas Training - is training which has been approved by Australian Children's Education and Care Quality Authority (ACECQA).

Procedure

1. Selection Criteria

1.1 Prospective Educators will be considered and assessed based on the following criteria

- 1.1.1 Relevant qualifications, training and experience in the early childhood field.
- 1.1.2 A demonstrated and appropriate understanding of young children's needs and development, including:
 - The uniqueness of each child
 - Activities which stimulate growth, development and a love of learning
 - Nutrition, health, hygiene and safety
 - Behaviour Management
 - Interactions and responsiveness to children
- 1.1.3 Attitude, commitment and engagement with the Philosophy of The Service
- 1.1.4 Age (over 18 years) maturity, health, physical and emotional ability to care for young children.
- 1.1.5 Have, or be prepared to obtain, prior to Registration with The Service, relevant and approved qualifications in First Aid, Anaphylaxis and Emergency Asthma Management.
- 1.1.6 Awareness and sensitivity to the needs of young children and their families, including children from a diverse cultures and religions and children with disabilities
- 1.1.7 Well developed communication skills.
- 1.1.8 Access to and understanding of computers and technology. A willingness to use "Harmony Software", access relevant websites and regularly communicate through emails.
- 1.1.9 Time management and business skills.
- 1.1.10 A willingness to participate in ongoing professional development.
- 1.1.11 Size, composition and support of prospective educator's own family.
- 1.1.12 Background history and reputation of applicant and all adult household members residing on the premise where the family day care service will operate, confirmed by suitable referees.
- 1.1.13 Demonstration that the applicant and all adults residing in the premise are "fit and proper persons", including the successful completion of a Working With Children Checks (WWCC) and relevant Criminal History Checks.
- 1.1.14 Location, size and facilities available at the premises and the ability of these to meet with legislative requirements. The Service will not accept applications from Prospective Educators in areas which we are not able to access and physically support on a routine and regular basis.
- 1.1.15 Days and hours which the applicant is prepared to operate an education and care service.

- 1.1.16 A general understanding of the *Education and Care National Regulations* and associated Law and a willingness to comply with its requirements.

2. Process

2.1 Initial Enquiry – usually by telephone

- 2.1.1 Details are recorded and a brief explanation of The Service and general requirements explained. The following are examples of some of the requirements which may be discussed at this stage:


- Service operates and complies under the *National Education and Care Services Regulation* and associated law.
- Educator and relevant household members will be subject to Working With Children and criminal checks. Registration is dependent upon successful clearance
- Requirement for a medical clearance prior to registration – to ensure the Prospective Educator does not suffer from any condition which may constitute a risk to children in their care or restrict their ability to work with children.
- State Planning Policy Requirements relating to Rural Fire Zones
- Ratio's – Regulatory and Service Requirements
- Implications of the National Quality Framework
- Appropriate compliance and suitability of residence
- General information on the Service and where the applicant may go to research additional information regarding a career as a Family day Care Educator.

2.2 Rural Fire Zoning (RFS)

- 2.2.1 The Coordination Unit will check the Prospective Educators residential address, where they plan to operate their Service, against the RFS website – “Check if you are in a Rural Fire Zone” <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/bush-fire-prone-land/check-bfpl>
- 2.2.2 Any Prospective Educator who is determined to be in a Rural Fire Zone or Buffer Zone will be referred to council to complete the requirements of meeting the *The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Clause 30 (3) Home based Child Car e* <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2017-0494#sec.30>
- 2.2.3 Prospective Educators will be advised if they are affected by this prior to committing to the training process and the payment of the training fee.

2.3 Educator Information Session – Preliminary Premises Safety Inspection and Training Fee

- 2.3.1 All interested applicants are required to attend a Wingecarribee Family Day Care Services Information Session prior to applying to become a registered educator under The Service.
- 2.3.2 A preliminary home visit will be conducted by at least one Coordination Unit staff member to assess and ascertain whether the premises is suitable for Family Day Care and to advise the Prospective Educator of the alterations, adaption's and changes which would be required to make the premise suitable and compliant with the Regulations. This visit provides a valuable opportunity for service staff to gather information and answer specific questions the Prospective Educator may have.

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- 2.3.3 The Prospective Educator is afforded the opportunity to consider their options. If the Prospective Educator chooses to move to the next step of the application process they are provided with the “Educator Application Form” and other relevant documentation.
 - 2.3.4 Once the prospective Educator has completed the application it is assessed, along with information gathered. The applicant is either invited to attend Prospective Educator Training or the application is rejected. A non-refundable training fee is applicable to any applicant who participates in Prospective Educator Training.
 - 2.3.5 Acceptance of the application and payment of the fee does not automatically guarantee the Prospective Educator Registration with The Service. At any stage in the training process the coordination unit staff may determine that the Prospective Educator does not meet the criteria or not suited to the role.

2.4 Successful Registration with Wingecarribee Family Day Care

- 2.4.1 Prospective Educators may be recruited and trained on an individual basis or through a group training process.
- 2.4.2 Successful registration requires, but not necessarily limited to, the following:
 - a. The written support of adult household members residing on the premises where the family day care service will operate.
 - b. Successful “Working With Children Check” and National Criminal History Clearance of the Prospective Educator and any other adult household member residing on the premises where the family day care service will operate from. The Nominated Supervisor or Approved Provider may also request this information be provided by frequent visitors to the premise.
 - c. Positive and satisfactory referee checks of both the Prospective Educator and other adult household members and/or frequent visitors.
 - d. Demonstration and documentation supporting the applicant as a “fit and proper person” to be working with children or in the environment where children are in care.
 - e. The premise must meet the assessment of safety and compliance standards as per relevant regulations and service policy and procedures. This is based on the service “Home Safety and Compliance Risk Assessment Document”
 - f. Required and relevant training requirements and qualifications attained. All Prospective Educators registering with The Service must have successfully completed or made considerable progress towards “meeting” the minimum of their Certificate III in Children’s Services(Cert III) (or the equivalent). Prospective Educators who are registered whilst still working towards their Cert III qualification MUST have this completed within 12 months of being registered as an Educator with The Service. Failure to do this will void the Educator Agreement with The Service.
 - g. Satisfactory completion of Prospective Educator Training, including:
 - Developing your service and business
 - Administrative processes
 - Philosophy, policy, guideline and procedures
 - WHS requirements
 - Child development
 - National Quality Framework – Regulations & Standards

- Child protection (with other adult household members and prospective educators)
- Curriculum Development – Based on the Early Learning Years framework and/or My Time Our Place

- h. Statement from the Prospective Educators Medical Practitioner confirming the Prospective Educator is fit and able to fulfil the requirements of the role. This must be no older than 12 weeks prior to commencement.
- i. Landlord approval for Family Day Care to operate from their premises. (if applicable)
- j. Current and ongoing Public Liability Insurance in respect of the provision of a children's service, being a policy that provides cover for an amount not less than \$20 000 000.
- k. Fire Equipment and Regulatory Standards met
- l. Emergency Risk Assessment, Evacuation Plans and Bushfire Survival Plans developed
- m. Restraint compliance (if applicable)
- n. Visit to at least two existing and registered educators with The Service (where the applicant has never worked in FDC previously)
- o. Adequate and sufficient developmentally appropriate equipment to meet the individual interests and requirements of the age groups the prospective educator will be caring for.
- p. Any other reasonable request made by the Approved Provider, Nominated Supervisor or Regulatory body.
- q. Payment of the Registration Fee

2.4.3 An inventory will be maintained by the coordination unit to ensure that the Prospective Educator has met all of the requirements prior to registration with the service.

2.4.4 The Nominated Supervisor may at his/her discretion modify or adapt a Prospective Educators training where the applicant has recently worked in the early childhood field and they can demonstrate current knowledge and clear understanding of the requirements of the role.


2.4.5 The Registration and training process must not exceed 6 months from the date the applicant is approved for training. Prospective Educators exceeding this requirement will need to reapply and retrain prior to being considered for registration with the Service.

2.5. Rejection of Application

2.5.1 An application may be rejected for reasons, which may include, but are not limited to, the following:

- a. Unsatisfactory "Working with Children Checks" or "Criminal History Check" on the Prospective Educator or other adult household members
- b. Unsatisfactory assessment of the home
- c. Inability to demonstrate the capacity to supervise and care for children
- d. Failure to meet the requirements outlined in 1.1, 2.2 and 2.4

2.5.2 In some instances it may be necessary to defer an otherwise successful application due to either staff constraints or "over supply" in a particular area of the Shire. As the situation changes these applications will be re-considered.


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- 2.5.3 The Prospective Educator will be advised of an unsuccessful application in writing as soon as practical. The unsuccessful applicant is able to reapply and start the application process again once relevant training, experience or requirements are gained.

3. Educator Agreement

- 3.1 All Educators will be required to have available a copy of the *Children's (Education and Care Services) National Law 2010 and Education and Care Services National Regulations (2011)*. This can be in a web based electronic format on a computer or tablet kept at the registered premise.
- 3.2 All Educators will be provided a copy of Wingecarribee Children's Services Policy and Procedures Manual, for use while registered with our Service
- 3.3 All Educators will be provided with a copy of Wingecarribee Shire Councils Code of Conduct and expected to comply.
- 3.4 Registration and ongoing registration is conditional upon Educators agreeing and signing the "Educator Agreement" upon initial registration.

4. Wingecarribee Family Day Care Educator Register

- 4.1 Wingecarribee Family Day Care will keep a register of all Educators and Educator Assistants which includes the following details on each educator:
- The full name, address and date of birth of the educator
 - The contact details of the educator
 - The address of the residence or approved family day care venue where the educator will be providing education and care to children as part of the service, including a statement as to whether it is a residence or a venue
 - The date that the educator was registered
 - When applicable, the date that the educator ceased registration with the service, for a period of 3 years following the date
 - The days and hours when the educator will usually be providing education and care to children as a part of the service
 - Evidence of any qualifications held by the educator, evidence of the educator's first aid training, anaphylaxis management training and emergency asthma management training.
 - The name and date of birth of each child being educated and cared for by the educator, and the days and hours each child usually attends the service.
 - The full names and dates of birth of all persons who reside at or frequently visit the family day care premises
 - A record of all Working with Children Checks and criminal history checks for each person who is over 18 years old that identifies the number of the check (if applicable), card or record and the date it was sighted by the approved provider or nominated supervisor.
 - Birth Certificates (original to be sighted by the Coordination Unit Staff) and Immunisation status of all children residing in the premise of the Family Day Care Educator.
 - Vaccination Records for Whooping Cough and COVID



4.2 In the case of the Educator Assistant the following additional information will be kept:

- The name of the Family Day Care Educator to be assisted by the Educator Assistant

Approved by:



Danielle Lidgard

Group Manager Corporate and Community

28 March 2022