

Queanbeyan Family Day Care

Policy and Procedure Manual

Quality Area 7

Governance and Leadership

Children’s Health and Safety Policy

Quality Area 7 – Governance and Leadership

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Confidentiality Policy

1. OUTCOMES:

Stakeholders are aware of their rights and responsibilities in relation to confidentiality.

2. POLICY:

Educators, parents and staff will exercise diligence in ensuring that confidentiality is maintained.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT

Information in relation to educators, families, parents and children will not be discussed with anyone outside of the Co-ordination Unit, unless the educator/family/parent has given permission to do so.

5. PERFORMANCE INDICATORS:

- Number of incidents in relation to breaches of confidentiality procedures

6. KEY RESOURCES:

Commonwealth Privacy Act 1998
The Privacy and Personal Information Protection Act 1988 (NSW)
The Health Records and Information Privacy Act 2002 (NSW)
www.education.gov.au/child-care-service-handbook-0
Guide to the National Quality Standard 2011, Staying Healthy in Childcare 5th Edition
www.humanservices.gov.au
www.kidsafe.com.au
www.dec.nsw.gov.au

7. RELEVANT PROCEDURES

[Confidentiality – Additional Information](#)

Confidentiality – Additional Information

Parents and educators registered with Queanbeyan Family Day Care have a right to expect that:

- Confidential information will not be disclosed without the parent's/educator's prior permission
- Information received from other agencies, will remain confidential
- Confidential information regarding parents, educators and/or staff will not be exchanged with other parents, educators and/or staff
- Information will not be discussed in an anonymous manner if it can lead to the identification of the person/s concerned.

Breaches of confidentiality guidelines are considered serious by Queanbeyan Family Day Care (see section on "Disciplinary Procedures").

Educators must not discuss children and parents, with other educators and/or parents:

- Parent contracts ("What hours did this family use when they were with you?")
- Specific details about a child and/or their family
- Discussions which educators may have occurred with Co-ordination Unit staff regarding specific issues
- personal or work related information about other educators, including income and number of children in care
- Names, addresses, telephone numbers that you do not have specific permission to pass on
- Information obtained whilst you may be visiting the Co-ordination Unit
- Information obtained from other people involved in training.

Likewise, parents must display the same courtesy to educators and other families.

Privacy Policy

1. OUTCOMES:

Stakeholders are aware of their rights and responsibilities in relation to privacy.

2. POLICY:

Educators, parents and staff will exercise diligence in ensuring that privacy is maintained.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010
Commonwealth Privacy Act 1998
The Privacy and Personal Information Protection Act 1988 (NSW)
The Health Records and Information Privacy Act 2002 (NSW)

4. CONTENT

Protecting the privacy of personal and sensitive information collected by our service and the need for confidentiality is fundamental for Queanbeyan Family Day Care in providing a quality child care service. The scheme follows the standards of the National Privacy Principles to regulate the way in which the service manages personal and sensitive information.

Queanbeyan Family Day Care complies with the Commonwealth Privacy Act 1998, the Privacy and Personal Information Protection Act 1988 (NSW), and the Health Records and Information Privacy Act 2002 (NSW).

The scheme requires that certain information be collected, in accordance with the regulatory framework of operating a children's service.

5. PERFORMANCE INDICATORS:

- The number of incidents in relation to breaches of privacy procedures

6. KEY RESOURCES:

www.education.gov.au/child-care-service-handbook-0
Guide to the National Quality Standard 2011
Staying Healthy in Childcare 5th Edition
www.humanservices.gov.au
www.kidsafe.com.au
www.dec.nsw.gov.au
Education and Care Services National Regulations 2012
Education and Care Services National Law 2011

7. RELEVANT PROCEDURES

[Privacy – Additional Information](#)

Privacy – Additional Information

Collecting information

- Confidential Personal information collected is used specifically for the purpose of the organisation's function. Personal information is collected in a fair and unobtrusive way
- Persons providing the information will be given appropriate access to their information and be advised about the purpose for the collection of the information
- Collection of information is limited to only the amount of information that is necessary for the organisation's activities. It is generally collected with the consent of the individual
- The primary purpose for collecting information is to enable the scheme to provide the child with an individual developmentally appropriate program that is educational, stimulating and nurturing

Use and Disclosure

Personal information – disclosure of information should only be for the purpose for which it was collected. This is with limited exceptions and can only be used for a secondary purpose when it relates specifically to the primary purpose of the collection of the information.

Sensitive information – can only be used when informed consent is obtained at the time the information was collected.

The scheme discloses personal and sensitive information to other staff within the scheme for the specific purpose of administration and provision of the most appropriate childcare arrangement for the child/ren.

The scheme will obtain parent/guardian permission before disclosing information to any professional visiting the service.

From time to time the scheme may participate in fundraising activities. Information received from parents and/or educators may be used to make an appeal to you. The scheme will not disclose personal information to third parties without consent.

When organising placements, transfer or backup, the scheme will provide specific information to other educator/s and will include the parent's/guardian's name, the child's name, date of birth and the care required. Additional information is not provided without the permission of the parent/guardian.

If the scheme is provided with personal information of others, such as doctors or emergency contacts, the scheme encourages parents/educators to inform this person/s that the information has been disclosed to the scheme and why.

Data Quality

The scheme takes all reasonable precautions to ensure personal information collected is accurate, complete and up-to-date.

Individuals are required to advise the service of any changes that may affect the initial information provided.

The service will ensure information is collected and maintained in accordance with the National Regulations and Law.

Data Security

Queanbeyan Family Day Care will protect personal information from misuse, loss, change, unauthorised access/disclosure.

The service will ensure personal information is stored in accordance with National Regulations and Law.

Openness, Access and Correction

Parents/guardians may seek access to the personal information collected about them and their son/daughter by contacting the Co-ordination Unit. Children may also seek access to personal information

Privacy – Additional Information

about themselves. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the services' duty of care to the child or where children have provided information in confidence. Such requests to access files should be made to the Nominated Supervisor.

Similarly, educators have a right to access the information contained on their file. Such requests to access files should be made to the Nominated Supervisor.

Identifiers

Queanbeyan Family Day Care recognises that Government identifiers such as the Medicare number will only be used for the purpose for which it was issued.

Anonymity

The scheme will offer anonymous transactions with organisations wherever possible.

Record Keeping Policy

1. OUTCOMES:

Stakeholders are aware of their rights and responsibilities in relation to record keeping.

2. POLICY:

Educators and staff will exercise diligence in the keeping of records related to educators, parents and children in care.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010
Commonwealth Privacy Act 1998
The Privacy and Personal Information Protection Act 1988 (NSW)
The Health Records and Information Privacy Act 2002 (NSW)

4. CONTENT

Records help to ensure consistency and promote good communication on issues which are of importance. Records are also required to be kept according to various legislation and policies.

All information collected will be kept confidential and stored securely at all times.

The Nominated Supervisor of Queanbeyan Family Day Care must maintain and keep up-to-date, all records in relation to each child registered in the Scheme.

All records which are retained in the Co-ordination Unit's office are kept in a safe and secure area. Similarly all records kept by educators must be kept in a secure place and treated confidentially. Records must also be made available to authorised officers of a regulatory authority and parents on request.

1. Enrolment Forms

All parents using childcare with Queanbeyan Family Day Care must complete an enrolment form prior to children commencing in the scheme. An up to date enrolment form is to be kept by the Co-ordination Unit and the educator caring for the child/ren.

2. Parental Consent

All parents registered with Queanbeyan Family Day Care are required to provide consent in order for their children to participate in various activities.

3. Retention of Documents

Queanbeyan Family Day Care and educators have a responsibility to ensure that records and documents are retained in accordance with relevant legislation.

When an educator ceases with the scheme, educators are required to bring all documentation they have to the office for appropriate destruction, except for the information that educators are required to keep. Educators are asked to bring their visitors book to the office and this will be archived with the educator's file.

5. PERFORMANCE INDICATORS:

Record Keeping Policy

- The number of incidents in relation to breaches of record keeping procedures

6. KEY RESOURCES:

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

7. RELEVANT PROCEDURES

[Retention of Information – Procedure](#)

Retention of Information – Procedure

Queanbeyan Family Day Care is responsible for keeping the following records:

- Register of family day care educators
- Record of assessments of family day care residences and approved family day care venues
- Record of staff, family day care co-ordinators and family day care educator assistants
- Record of service's compliance with the National Law
- Documentation of child assessments (developmental checklists)
- Incident, injury, trauma and illness record
- Medication record
- Children's attendance record
- Child enrolment records

Documents such as:

- Safety audit forms
- Monitoring sleeping children checks
- Risk assessments for excursions/regular outings
- Backup forms

are to be kept by educators for 12 months after the end of the year in which they were completed.

Other documentation such as:

- Emergency evacuation practices
- Observations, programs and evaluations

are to be kept by educators until the end of 3 years after the last date on which the child was cared for by the service.

Records relating to incident, illness, injury or trauma should be kept until the child is aged 25 years.

Tax information – written evidence must be kept for five years from the date the tax return was lodged or, if there has been a claim for a deduction for decline in value (formerly known as depreciation) – five years from the date of the last claim for decline in value.

Educators have a responsibility to ensure that records are kept confidential and stored securely at all times (see policies and procedures for more information).

A family day care educator must provide all documents referred to above, to the Co-ordination unit on ceasing to be engaged or registered with the service. In addition, visitors' books must be provided to the Co-ordination Unit when an educator ceases their registration with the scheme.

Professional Development Policy

1. OUTCOMES:

Educators will have the relevant skills and knowledge to perform the duties of the role of educator.

2. POLICY:

Maintaining high quality child care requires educators to ensure that they are suitably informed and trained.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. OUTCOME

Queanbeyan-Palerang Regional Council recognises the importance of educators being given access to professional development.

Initial Training

Educators wishing to join Queanbeyan Family Day Care are required to undergo initial training before being registered with the scheme.

In Service Training

Educators are required to regularly attend in service and other training opportunities.

Continuing registration with Queanbeyan Family Day Care as an educator is dependent on educators attaining 6 points in a year (from time of risk assessment to next risk assessment).

Please note, the 6 points does not include undertaking compulsory qualifications such as First Aid Certificate and/or Emergency Asthma, Anaphylaxis Management training and/or CPR certification.

Where an educator does not attain 6 points in a year, Co-ordination Unit staff will bring this matter to the attention of the educator at risk assessment time and then will be given 3 months in which to address the matter. If at the end of the 3 months, the 6 points is not attained, the educator's registration will be jeopardised.

From time to time, the scheme will offer compulsory training which must be attended by educators. Advice will be provided regarding whether this is compulsory training for Educator Assistants.

Educators' Meetings

Educators are required to regularly attend educators' meetings.

5. PERFORMANCE INDICATORS:

- The number of educators who attend training opportunities and educators meetings
- The number of educators who attain their 6 points in training per year

6. KEY RESOURCES:

www.education.gov.au/child-care-service-handbook-0

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Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

7. RELEVANT PROCEDURES

Criteria for Educator Registration Policy

1. OUTCOMES:

Stakeholders are aware of the criteria for registration as an educator with Queanbeyan Family Day Care.

2. POLICY:

Queanbeyan Family Day Care will select and register educators who have the pre-requisite skills, knowledge and qualities for the provision of quality childcare..

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT

Educators wishing to register with Queanbeyan Family Day Care must meet certain criteria.

Educators must also meet the requirements outlined in the Safety Regulations which set out guidelines surrounding safety in the home and standards of hygiene and tidiness.

The “Educator Agreement” outlines other guidelines which must be adhered to.

An application may be rejected for reasons that include, but will not be limited to the following:

- Unsatisfactory Working with Children Check of applicant or household member
- Unsatisfactory character of the applicant or household members
- References unavailable or unfavourable
- Unsatisfactory risk assessment of the applicant’s home
- Inability to demonstrate the capacity to supervise and care for the children adequately
- Refusal by prospective educator to comply with an obligation within scheme and legislative requirements

5. PERFORMANCE INDICATORS:

- Number of questions relating to educator registration

6. KEY RESOURCES:

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

Criteria for Educator Registration Policy

7. RELEVANT PROCEDURES

Educator Registration Policy

1. OUTCOMES:

Stakeholders are aware of the process for registration as an educator with Queanbeyan Family Day Care.

2. POLICY:

Queanbeyan Family Day Care will select educators who are representative of the local community and who are able to meet and maintain the standards expected by the scheme, the state and federal governments and the community.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010
Work Health and Safety Act 2011 and Regulations 2011
www.education.gov.au/child-care-service-handbook-0
Strata Schemes Management Act 1996

4. CONTENT

Educators are an integral part of the scheme, and as such, are expected to work with staff toward the efficient provision of care to meet the needs of children and their families. Educators are registered to provide care through the licensed organisational body, however they are deemed to be self-employed and they are responsible for their own business practices, including scheme and legislative requirements.

The prospective educator must meet certain criteria.

1. Registration Certificate

Upon registration with Queanbeyan Family Day Care, educators will be issued with a certificate of registration. This must be displayed at the educator's home at all times in a prominent place that is accessible to parents of children attending the service.

2. Operating a Business

Educators registered with Queanbeyan Family Day Care are considered self-employed and operating a small business.

5. KEY RESOURCES

www.workcover.nsw.gov.au
www.ato.gov.au
www.education.gov.au/child-care-service-handbook-0
Guide to the National Quality Standard 2011
Staying Healthy in Childcare 5th Edition
www.humanservices.gov.au
www.kidsafe.com.au
www.dec.nsw.gov.au
Education and Care Services National Regulations 2012
Education and Care Services National Law 2011

Educator Registration Policy

6. RELEVANT PROCEDURES

[Educator Registration – Procedure](#)

Educator Registration – Procedure

Educator Registration – Procedure

The prospective educator must:

- Be at least eighteen years of age
- Be flexible with working hours and days i.e., be prepared to work 3-5 days per week, as well as providing care for children of all ages
- Complete a written application form, including the names of two referees not related to the applicant
- Satisfactorily complete an interview conducted by the Nominated Supervisor and a Child Development Officer during a home visit. At the time of this visit, a quick inspection of the home will occur and any major concerns regarding safety and/or hygiene will be discussed with the prospective educator
- Have the two nominated referees complete and return the “Referee’s Report Form” to Co-ordination Unit staff
- Attend and satisfactorily complete the initial training for prospective educators
- Have a current First Aid Certificate, including a current CPR certificate which shows that it was completed in the last 12 months. Educators must also have a current certificate in anaphylaxis and asthma management training (these are current for 3 years). Please note First Aid Course HLTAID004 includes the above components
- Satisfactorily complete a “Working with Children Check”, working with children card or working with vulnerable people check
- Satisfactorily complete a Police Criminal Records Check. If educators have existing criminal history records, these must have been issued within the previous 6 months
- Ensure that all residents over the age of 18 years living in the home are “fit and proper persons to be in the company of children”. This will be determined by many factors including completion of a working with check (or similar – see No. 8), and a Police Criminal Records Check (see No 9)
- Any person over the 18 years of age who intends to reside at the educator’s must be “fit and proper persons to be in the company of children”. This will be determined by many factors including completion of a working with check (or similar – see No. 8), and a Police Criminal Records Check (see No 9)
- Satisfactorily complete a risk assessment in consultation with the Nominated Supervisor and a Child Development Officer
- Sign the Educators’ Agreement, agreeing to adhere to the regulations, and abide by the Policies and Procedures and Safety Regulations which apply to educators registered with Queanbeyan Family Day Care
- Educators must have, at least a minimum approved Certificate III in Early Childhood Education and Care qualification.

Prospective educators residing in rental premises must obtain written approval from their landlord/real estate agent to conduct a Family Day Care business from those premises. **The appropriate forms will be provided by the Queanbeyan Family Day Care Co-ordination Unit.**

Educators living in a strata title, either owned or rented, must notify the body corporate in writing of their intention to conduct a Family Day Care business from those premises. Educators are reminded of the provision of Section 117 of the Strata Schemes Management Act 1996 in relation to the use of the premises in that owners “must not use their premises in such a manner that may cause a nuisance or hazard to other residents in the strata scheme”. Educators are also advised of the requirement of standard By-law

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19 where the owner/occupier must give the owners corporation notice if the use of the lot changes and the insurance premium for the scheme changes as a result.

NOTE: On-going registration is dependent upon the educator obtaining satisfactory placement of children. If this is not achieved within three months of registration, registered status will be withdrawn.

On-going registration is also dependent on the educator successfully completing the self assessment process which is conducted at the end of the first six months.

Assessment of Educator Registration Policy

1. OUTCOMES:

Educators must meet relevant legislation and abide the scheme's policies and procedures to remain registered with Queanbeyan Family Day Care..

2. POLICY:

Educators must operate within the boundaries of the National Regulations and Law, National Quality standards and other legislation. Educators undergo continual assessment to determine their suitability to remain registered with the scheme.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT

Self Assessment – this occurs 6 months after an educator commences with the scheme.

Yearly Assessment – this occurs every 12 months after the initial self assessment.

5. KEY RESOURCES

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

6. PERFORMANCE INDICATORS:

- Number of complaints received about the assessment process for educator registration

7. RELEVANT PROCEDURES

[Self Assessment – Procedure](#)

[Yearly Assessment – Procedure](#)

Self Assessment – Procedure

Educators registered with Queanbeyan Family Day Care will undergo a self assessment process after 6 months registration with the scheme.

At this time educators will be forwarded the following information:

- A self assessment form
- A risk assessment form
- Educators agreement

Educators are required to complete the relevant paperwork and once completed, one of the Child Development Officers will go through the paperwork with the educator.

The self assessment process is a time to:

- Discuss the educator's progress with the scheme
- Determine the educator's strengths and weaknesses
- Determine if there are professional development opportunities which would assist the educator
- Assess the educator's knowledge in relation to the early years learning framework
- Assess the educator's suitability to continue as an educator with the scheme

At the time of the self assessment, the Child Development Officer will undertake a risk assessment of the educator's premises to ensure the residence meets all the requirements of keeping a safe, hygienic and healthy environment for children.

The educator will re-sign the Educators Agreement at this time.

Based on the recommendations of the Child Development Officer, the educator's continued registration will be approved by the Nominated Supervisor. If there any issues identified, it may be agreed that an action plan will be developed or that another self assessment will occur in a specified timeframe.

Where it is deemed inappropriate for the educator's registration to be continued, steps will be put in place to de-register the educator.

Yearly Assessment – Procedure

Educators registered with Queanbeyan Family Day Care will undergo a yearly assessment process every 12 months.

At this time educators will be forwarded the following information:

- A risk assessment form
- Educators agreement

Educators are required to complete the relevant paperwork and once completed, the Nominated Supervisor will visit the educator and go through the paperwork with the educator.

The yearly assessment process is a time to:

- Ensure that the educator is meeting all relevant legislation
- Ensure that all steps of the learning and planning cycle are being undertaken
- Determine if there are professional development opportunities which would assist the educator
- Assess the educator's suitability to continue as an educator with the scheme.

At the time of the yearly assessment, the Nominated Supervisor will undertake a risk assessment of the educator's premises to ensure the residence meets all the requirements of keeping a safe, hygienic and healthy environment for children.

The educator will re-sign the Educators Agreement at this time..

Educational Leader Policy

1. OUTCOMES:

The Educator Leader takes responsibility for programming and practices within the scheme.

2. POLICY:

The National Regulations require that a family day care scheme has an educational leader.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT

The educational leader has an influential role in inspiring, motivating, affirming and also challenging or extending the practice and pedagogy of educators. It is a joint endeavour involving inquiry and reflection, which can significantly impact on the important work educators do with children and families.

5. KEY RESOURCES

<http://cscentral.org.au/Resources/educational-leader.pdf>
www.education.gov.au/child-care-service-handbook-0
Guide to the National Quality Standard 2011
Staying Healthy in Childcare 5th Edition
www.humanservices.gov.au
www.kidsafe.com.au
www.dec.nsw.gov.au
Education and Care Services National Regulations 2012
Education and Care Services National Law 2011
www.healthdirect.gov.au/sudden-infant-death-syndrome-sids
www.rednose.com.au

6. RELEVANT PROCEDURES

[Educational Leader – Additional Information](#)

Educational Leader – Additional Information

Currently one of the Child Development Officers employed by Queanbeyan Family Day Care fills the role of the Educational leader. This role will

- Review current programs of learning and documentation at the service
- Consult and collaborate with the team of educators to develop and confirm approaches to learning programs and documentation
- Assist with documentation and encourage analysis and an understanding of children's learning and development through this documentation
- Lead and participate in reflective discussions on practice and the implementation of the EYLF. Reflective discussions and considerations for practice will focus upon interactions, routines, intentional teaching, teaching and learning
- Lead thinking and discussion on curriculum considerations relating to inclusion and the community of Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse
- Mentor and teach educators through observation, guided discussions and recommendations for professional development
- Seek and define approaches to sharing the program of learning and education with families and encourage educators in their communication with families.

In addition to these activities the Educational Leader will consider the contribution and role of the broader community, along with health practitioners and associated professionals in curriculum decision making. Support for this role will include professional development, mentoring, consultation collaboration with other educational leaders, time for research, inquiry and reflection.

Fit and Proper Person Policy

1. OUTCOMES:

Children are to be cared for by “fit and proper” people. The scheme also has a commitment to ensure that the adults who come into contact with the children are considered to be “fit and proper” people.

2. POLICY:

Educators, educator assistants and anyone over the age of 18 years residing in the home of a Family Day Care educator must meet the relevant criteria to be deemed “fit and proper” people.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010
NSW Motor Traffic Regulations
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011

4. CONTENT

There are a number of ways in which the scheme determines that a person is “fit and proper”. These include:

Working with Children Check – anyone over the age of 18 years residing in the home of the educator must successfully meet the criteria in completing a Working with Children Check.

Police Records Check – anyone over the age of 18 years residing in the home of the educator must successfully meet the criteria in completing a National Police Records Check

Referees Reports – when an educator seeks to become registered, he/she must provide the names of at least 2 referees (not related to the educator).

Criminal Offences – if an educator, or a person living in his/her home, is charged and/or convicted of a criminal offence, the Nominated Supervisor must be advised.

5. KEY RESOURCES

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

6. PERFORMANCE INDICATORS:

- Number of questions relating to the definition of “fit and proper”

7. RELEVANT PROCEDURES

[Working with Children Checks – Procedure](#)

Fit and Proper Person Policy

[Police Records Check – Procedure](#)
[Criminal Offences - Procedure](#)

Working with Children Checks – Procedure

Educators (as well as other adults living in the home over the age of 18 years) will undertake a Working with Children check prior to caring for children. This will also apply to anyone who resides, or intends to reside, at the educator's home.

How to apply - Go to www.kidsguardian.nsw.gov.au/check, and follow the prompts.

If you are in paid work, you will also need to pay a fee of \$80 for a five-year clearance. The fee is not refundable if you later withdraw your application or if you become barred from working with children.

Results of a Check

There are only two outcomes of a Working with Children Check – a clearance or a bar. If the outcome is a clearance, the Check will be valid for five years for any child-related work in NSW. Cleared applicants will be subject to ongoing monitoring and relevant new records may lead to a bar against working with children.

If a bar is applied, the applicant will be notified in writing by the NSW Office of the Children's Guardian. While a bar is in place it is an offence to engage in any child-related work, paid or unpaid. In most cases, the applicant can apply for a review of a bar to the Administrative Decisions Tribunal.

At all times Queanbeyan Palerang Regional Council will ensure that any information obtained through the screening process will remain confidential.

As educator's own children attain the age of 18 years, it is the educator's responsibility to ensure that a Working with Children Check is completed for their son/daughter.

If a person is coming to NSW from overseas and will take on paid or unpaid child-related work, this person must apply for a Working With Children Check (unless you qualify for an exemption – see page 2 - www.kidsguardian.nsw.gov.au/check).

All applicants need to provide proof of identity, including proof of your NSW address once arriving in Australia.

Police Records Check – Procedure

Educators (as well as other adults living in the home over the age of 18 years) will undertake a Police Criminal Records Check prior to caring for children. This will also apply to anyone who intends to reside at the educator's home.

As educator's own children attain the age of 18 years, it is the educator's responsibility to ensure that a Police Criminal Records Check is completed for their son/daughter.

A Police Criminal Records Check can be completely quickly on line by undertaking a search for a "police criminal records check". There are a number of sites which will do this for you

Once notification has been received, the email and/or hard copy is to be forwarded to the family day care co-ordination unit.

However if a conviction is recorded, then the Nominated Supervisor will discuss this with the person concerned (educator, husband, son, daughter whoever the conviction is recorded against). Depending on the conviction, it may not be possible to register the prospective educator.

Criminal Offence – Procedure

Educators are to notify the Nominated Supervisor if they, or a person who normally resides at the home of a family day care educator, has been charged with or convicted of a criminal offence, such as

- Presence of prescribed concentration of alcohol in person's blood;
- Driving while under the influence of alcohol or other drugs;
- Driving a motor vehicle negligently or in a manner which is dangerous to the public;
- Failing to stop after an accident;
- Refusing to produce a driver licence when required, refusing to state a name or home address, or stating a false name or home address;
- Driving while unlicensed;
- Any other offence under the road transport legislation if the court orders the disqualification of the person found guilty from holding a driver licence

Qualifications and First Aid Certificate Policy

1. OUTCOME:

Educators registered with Queanbeyan Family Day Care will provide a high quality service to children and families.

2. POLICY:

Educators registered with Queanbeyan Family Day Care will have appropriate qualifications including first aid qualifications.

3. RELEVANT LEGISLATION:

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT:

All educators registered with Queanbeyan Family Day Care must have the following qualifications:

- Certificate III in Early Childhood Education and Care
- A current approved First Aid Certificate (HLTAID004 includes all the necessary components of a First Aid Certificate required by ACECQA) (undertaken every 3 years) and the certificate is to be obtained from a Workcover appointed organisation such as Red Cross, St John Ambulance, Parasol EMT, Allens (see National Regulations for more detailed information).
- CPR component of the First Aid Certificate is revised every 12 months.
- In addition, educators must have undertaken current approved training in anaphylaxis management and emergency asthma management training (undertaken every 3 years)

5. KEY RESOURCES:

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011
Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012
Education and Care Services National Law 2011

6. PERFORMANCE INDICATORS

- Number of educators who have completed their Cert III in Children's Services

Operating Procedures Policy

1. OUTCOME:

Stakeholders are aware of operating procedures (such as self assessment, educator assistants, review of registration).

2. POLICY:

Queanbeyan Family Day Care will ensure that parents and educators understanding standard operating procedures for the scheme

3. RELEVANT LEGISLATION:

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT:

Self Assessment

Educators must complete a self assessment once they have been registered with the scheme for 6 months.

Review of Registration

Co-ordination Unit staff will review educator's registration with the scheme each 12 months.

Ongoing registration is also dependent upon the educator obtaining satisfactory placement of children. Where an educator has had no placements for a period of three months or longer, registered status may be withdrawn.

Disciplinary Procedures

Educators registered with Queanbeyan Family Day Care are governed by a number of national regulations and laws as well as the Queanbeyan Family Day Care Policies and Procedures.

On registration with the scheme, educators sign the "Educators Agreement" which summarise the contents of the Education and Care Services National Regulations 2011, Education and Care Services National Law 2010, and other accountability requirements. Educators agree to abide by the Regulations.

In all situations the welfare and well being of children in care remains the prime consideration.

Appeals by Family Day Care Educators

Educators registered with Queanbeyan Family Day Care will be subject to disciplinary procedures where breaches occur. Educators have the right to appeal where they feel an incorrect decision has been made.

5. KEY RESOURCES

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

Operating Procedures Policy

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

6. PERFORMANCE INDICATORS:

- The number of breaches of operating procedures
- The number of complaints received regarding operating procedures

7. RELEVANT PROCEDURES:

[Disciplinary Procedures – Procedure](#)

Disciplinary Procedures – Procedure

The Education and Care Services National Regulations 2011, Education and Care Services National Law 2010 states that “the approved provider of a family day care scheme may cause the name of an educator to be removed from the family day care register for the service at any time.”

An educator may be de-registered because he/she:

- Is convicted of a criminal offence;
- Does not meet their responsibilities in relation to a child protection matter (as set out in the Children (Care and Protection) Act 1987, Children and Young Persons (Care and Protection) Act 1998, Child Protection (Working with Children) Act 2012, Ombudsman Amendment (Child Protection and Community Services) Act 1998, and Commission for Children and Young People Act 1998
- Fails to comply with an obligation that the Education and Care Services National Regulations 2011, Education and Care Services National Law 2010 requires the licensee to impose on the educator; or
- Fails to comply with Part 3 of the Regulation – e.g., any part of the grounds and buildings of the educator’s home that is available for use in connection with the service and is accessible to children, or any equipment used at the home in providing the service

An educator may also be de-registered if a person normally resident at the home of the educator:

- Is convicted of an offence about which the educator is required to notify the Director-General
- Has injured a child provided with a service at the home
- In the opinion of the Director-General, has taken any verbal or physical action against a child provided with a service at the home that has seriously humiliated, frightened or threatened the child

Where an incident occurs regarding an educator and/or their conduct, the following procedures will be followed:

1. The Child Development Officer and Nominated Supervisor will meet with the educator to discuss the incident. Minutes will be taken of this meeting which will be provided to the educator
2. A report regarding the incident will be written and a copy forwarded to the Service Manager Education and Communities
3. Depending on the situation, a letter of warning may be the appropriate course of action and the educator will be advised of this verbally and in writing. This letter will set out certain conditions which will apply for the educator’s continued registration in Queanbeyan Family Day Care. In other circumstances, an action plan may be developed in consultation with the educator. This will also set out certain conditions to be met and will contain a timeframe in which the action plan is to be completed;
4. Where an educator continues to breach the scheme’s policies and procedures, and/or national regulations and law, the Nominated Supervisor may determine that the educator’s continued registration with the scheme will be terminated. This decision will be based on the following
 - The nature of the breaches
 - The number of breaches which have occurred
 - The timeframe in which the breaches have occurred
 - The educator’s conduct

Disciplinary Procedures – Procedure

and will be made in consultation with the Service Manager Education and Communities.

5. Where the incident meets the criteria of a “serious incident”, the matter will be referred to the Department of Education and Communities. In some cases, the Department may recommend certain actions to be taken. Should this be the outcome, these actions will be conveyed to the educator verbally and in writing
6. Where an educator’s action may have put the welfare of a child at risk, the Nominated Supervisor (in consultation with the Service Manager Education and Communities) may make a decision to suspend the educator pending further investigations;
7. When an educator is suspended he/she will be advised verbally and in writing. This letter will indicate that the results of the investigation will determine what further action is to be taken; and
8. In a situation where the welfare of the child is seriously jeopardised, automatic de-registration may occur. This course of action will be recommended by the Nominated Supervisor to the Service Manager, Education and Communities who, after being appraised of the matter, will make a decision regarding the educator’s future registration with Queanbeyan Family Day Care. If, in the opinion of the Licensee, the matter warrants automatic de-registration, the Licensee can exercise his/her authority as outlined in the Children and Young Persons (Care and Protection) Act 1998.
9. In addition, the nature of the incident, will determine what course of action may need to be taken in relation to reporting to the following organisations:
 - If the incident involves a breach of licensing regulations then the Department of Education and Communities will be notified
 - If the incident implicates an educator and/or family member in an allegation that a child is “at risk of significant harm”, then the Community Services Helpline will be notified
 - If the incident is defined as a “reportable offence”, then the NSW Ombudsman’s Office must be notified. The Ombudsman’s role is to oversight the investigation undertaken by Queanbeyan Palerang Regional Council
 - At the completion of disciplinary proceedings, Queanbeyan Family day Care must provide details to the Office of the Children’s Guardian

Where a Child Development Officer is made aware of, or observes a minor incident during a visit, a record will be made of this incident. The educator will be advised that this matter has been noted. If the incident is observed during a visit the educator is required to sign the Educator Visit Report form. Where a number of incidents have been noted, then the Nominated Supervisor may treat the matter as a breach of regulations and implement the procedures outlined above.

In all situations the welfare and well being of children in care remains the prime consideration.

Educators registered with Queanbeyan Family Day Care will be subject to disciplinary procedures where breaches occur. Educators have the right to appeal to the NSW Ombudsman’s Office where they feel an incorrect decision has been made.

Priority of Access Policy

1. OUTCOME

To ensure that children are placed into care according to government legislation..

2. POLICY

Guidelines relating to priority of access will be followed by Queanbeyan Family Day Care staff members in determining priorities of children being placed into care

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT:

Queanbeyan Family Day Care is required to abide by the following guidelines when children are enrolled in the service:

Priorities

- First Priority: a child at risk of serious abuse or neglect
- Second Priority: a child of a single parent who satisfies, or of parents who both satisfy, the work/training/study test under Section 14 of the 'A New Tax System (Family Assistance) Act 1999'
- Third Priority: any other child

Within these main categories priority should also be given to the following children:

- Children in Aboriginal and Torres Strait Islander families
- Children in families which include a disabled person
- Children in families which include an individual whose adjusted taxable income does not exceed the lower income threshold, or whose partner is on income support
- Children in families from a non-English speaking background
- Children in socially isolated families
- Children of single parents

A child care service may require a Priority 3 child to vacate a place to make room for a child with a higher priority. They can only do so if parents:

- Are notified when the child first entered care
- Are given at least 14 days notice

Priority of Access Policy

5. PERFORMANCE INDICATORS

- Number of complaints relating to priority of access guidelines

6. KEY RESOURCES

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

7. RELATED PROCEDURES

National Quality Framework Policy

1. OUTCOME:

The National Quality Framework aims to raise quality and drive continuous improvement in education and care services.

2. POLICY

Educators are required to participate in the National Quality Framework.

3. RELEVANT LEGISLATION:

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010

4. CONTENT:

Continuous improvement in education and care services occurs through:

- The National Quality Standard for Early Childhood Education and Care and School Age Care (“National Quality Standard”)
- A national quality rating and assessment process
- Streamlined regulatory arrangements
- A new national body jointly governed by the Australia Government and state and territory governments – the Australian Children’s Education and Care Quality Authority (ACECQA)

The National Quality Framework is underpinned by the Education and Care Services National Law (National Law) and Education and Care Services National Regulations (National Regulations). Together they set the National Quality Standard and the regulatory framework for most long day care, preschool/kindergarten, family day care and outside school hours care services in all states and territories.

5. PERFORMANCE INDICATORS:

- Rating of the Department of Education and Communities in the Assessment and Rating process

6. KEY RESOURCES

<https://www.education.gov.au/priority-allocating-places>
www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

7. RELEVANT PROCEDURES

National Quality Framework Policy

[National Quality Framework – Additional Information](#)

National Quality Framework – Additional Information

National Quality Standard

The National Quality Standard sets a new national benchmark for the quality of education and care services. It will also give services and families a better understanding of a quality service. This will enable families to make informed decisions about the services providing education and care to the child.

The National Quality Standards brings together the seven key quality areas that are important to outcomes for children.

Quality Area 1 – Educational program and practice

Quality Area 2 – Children’s health and safety

Quality Area 3 – Physical environment

Quality Area 4 – Staffing arrangements

Quality Area 5 – Relationships with children

Quality Area 6 – Collaborative partnerships with families and communities

Quality Area 7 – Governance and Leadership

All educators and families registered with Queanbeyan Family Day Care are required to participate in the Family Day Care Accreditation process.

Ratings and Assessment Process

The National Quality Standards is accompanied by a national quality rating and assessment process that reflects a national approach. As part of this process, services will be assessed on the following:

- Review service information (compliance history, rating and assessment history)
- Review a services’ current Quality Improvement Plan
- For family day care services, visit one or more family day care residences or venues under that scheme

There are five rating levels:

Excellent – indicates that a service demonstrates excellence and is recognised as a sector leader

Exceeds National Quality Standard – indicates that a service is exceeding the National Quality Standard

Meets National Quality Standard – indicates that a service is meeting the National Quality Standard

Working Towards National Quality Standard – indicates that a service is working towards meeting the National Quality Standard

Significant Improvement Required – indicates that a services is not meeting the National Quality Standard and that the regulator is working closely with the service to immediately improve its quality.

Family Day Care schemes undergo the ratings and assessment process on a regular basis. The actual timing of the process will be determined by the rating level received from the last assessment and ratings visit.

National Quality Framework – Additional Information

Quality Improvement Plan

An integral part of the assessment and ratings process is the Quality Improvement Plan, which:

- Includes an assessment by the provider of the quality of the practices of the service against the National Quality Standard and the National Regulations
- Identifies any areas that the provider considers may require improvement
- Contains a statement of philosophy of the service.

Spot Checks

All childcare services are subject to assessment and ratings spot check visit. These spot checks ensure that services continue to meet standards and that quality improvements are maintained day to day.

Approved Learning Frameworks

The Early Years Learning Framework is part of the Council of Australian Government's (COAG) reform agenda for early childhood education and care and is a key component of the Australian Government's National Quality Framework for early childhood education and care. It underpins universal access to early childhood education and will be incorporated in the National Quality Standard in order to ensure delivery of nationally consistent and quality early childhood education across sectors and jurisdictions.

The Early Years Learning Framework describes the principles, practice and outcomes essential to support and enhance young children's learning from birth to five years of age, as well as their transition to school. The Framework has a strong emphasis on play-based learning as play is the best vehicle for young children's learning providing the most appropriate stimulus for brain development. The Framework also recognises the importance of communication and language (including early literacy and numeracy) and social and emotional development.

"My Time, Our Place: Framework for School Age Care in Australia" builds on the Early Years Learning Framework and extends the principles, practice and outcomes to accommodate the contexts and age range of the children and young people who attend school age care setting.

Insurance Policy

1. OUTCOME:

Educators and parents are aware of their rights and responsibilities in relation to insurance.

2. POLICY:

Family Day Care Australia provides various forms of insurance for educators. All educators registered with Queanbeyan Family Day Care must have public liability insurance coverage and be able to provide a copy of their policy.

3. RELEVANT LEGISLATION

Education and Care Services National Regulations 2011
Education and Care Services National Law Act 2010,

4. CONTENT:

All educators registered with Queanbeyan Family Day Care are required to take out public liability insurance with coverage of at least \$20,000,000.

Public Liability Insurance is mandatory for all educators. If a child or other person is injured or their property is damaged as a result of an educator's work, the educator may be found 'unintentionally negligent' and a public liability claim may be brought against the educator.

5. KEY RESOURCES

<https://www.education.gov.au/priority-allocating-places>

www.education.gov.au/child-care-service-handbook-0

Guide to the National Quality Standard 2011

Staying Healthy in Childcare 5th Edition

www.humanservices.gov.au

www.kidsafe.com.au

www.dec.nsw.gov.au

Education and Care Services National Regulations 2012

Education and Care Services National Law 2011

6. RELEVANT PROCEDURES

[Insurance – Additional Information](#)

Insurance – Additional Information

If an incident/accident occur where any of the following occurs:

- A person involved in an accident requires third party medical treatment, e.g., doctor, dentist, ambulance, hospital
- A child suffers a convulsion or fit
- A claim or notice of intent to claim from a third party, e.g. a parent, is received, verbally or in writing. Written claims must be forwarded to the insurance provider.

Educators must complete the Family Day Care Australia Incident Report Form. Records of any injury to a child must be held until that child has turned 24 years of age, unless a claim has been brought and disposed of in the meantime.

At no stage should an educator admit liability or fault. Educators should not attempt to negotiate with persons making a claim, or with their legal representatives. If there are any concerns about a situation the Nominated Supervisor must be informed.

In addition to Public Liability Insurance, educators can also choose to take out the following insurances through Family Day Care Australia:

Personal Accident Insurance for Children

If a child is injured whilst in care, the parent may ask the educator to help pay the bills. Medical and out of pocket expenses incurred by the child's parents are typical of the types of costs incurred when a child is injured.

Medical Expenses Cover

The policy will cover for expenses incurred by parents as a result of an injury to children in care.

Capital Benefits Cover

This policy will provide a lump sum payment to parents for certain injuries that occur to children while in care.

Management Liability Insurance

This insurance provides protection in the event of a fine or penalty for non-compliance under the Education and Care Services National Law Act 2012 and the new national regulations. Many businesses insure against fines and penalties for breaches of the law, this policy* is designed specifically for family day care educators.

Accidental Death and Disablement Cover

Family Day Care Australia offers a policy that provides cover for accidental death, loss of sight, and or loss of limbs, or total disability and not able to work again.

Home and Contents

Operating a childcare service from home (owned or rented) can change the way home and contents insurers view an insurance situation. As Family Day Care is a home-based business, new educators should notify their current insurance company that they are now operating a business from their home. To be certain that their current policy will continue to cover their home and contents educators should request and receive a written endorsement from their insurer. This endorsement should state that the insurer recognises that a Family Day Care business is being conducted from the insured premises and that cover is not compromised as a result.

Insurance – Additional Information

Motor Vehicle Insurance

Concerns about motor vehicle insurance may apply if an educator uses their car to transport children in care as part of the childcare service. Insurers may not cover educators if the car is used for both personal and business purposes.

Significant issues may occur if educators charge a separate fee for transport as many insurers will view that as two separate businesses – a childcare business and a separate transportation business and may require educators to take out a commercial policy to cover the transportation business.

As an educator with Family Day Care educators should tell their current motor vehicle insurer that they are operating a business that involves the care and incidental transportation of children. To ensure that educator's current policy covers the car, educators should request and receive a written endorsement from the insurer.

Other Insurances

For additional information regarding insurances please contact Family Day Care Australia on 1800 658 699 or www.fdca.com.au