



Australian Children's
Education & Care
Quality Authority

REQUIREMENTS FOR FAMILY DAY CARE PROVIDERS

FROM 1 OCT 2017*

*In all states and territories except Western Australia which will commence on 1 October 2018

The Australian, state and territory education Ministers have agreed to changes to the National Quality Framework (NQF).

This information sheet explains some of the changes and continuing requirements for family day care providers.

WHEN DO THE CHANGES START?

Most changes will commence 1 October 2017 in all states and territories (except Western Australia which will commence on 1 October 2018).

The revised NQS and some related changes will commence 1 February 2018.

WHERE CAN I GET FURTHER INFORMATION

Visit acecqa.gov.au/NQF-changes

Visit acecqa.gov.au/contact-your-regulatory-authority

There will be improved oversight and support within family day care (FDC) to achieve better compliance and quality across the whole sector. Key changes for FDC providers are explained below.

Limit on number of educators in a family day care service

There are changes to how a regulatory authority can limit the number of educators registered with a FDC service.

Conditions on FDC service approvals will specify the maximum number of educators who may be engaged or registered with that service. Regulatory authorities will set these limits for new services from 1 October 2017 (1 October 2018 in Western Australia).

Currently, your service may not be operating with a limit on the number of educators. The regulatory authority will set these limits for all existing services by 1 April 2018 (1 April 2019 in Western Australia).

Service approval required in each jurisdiction

As the approved provider, you must hold a separate service approval in each jurisdiction where you operate.

Each residence and any approved venue on a service approval must be located within the jurisdiction in which the service approval is granted.

Principal office

You must continue to nominate a principal office with each service approval.

The principal office must be located within the jurisdiction in which the service approval is granted. Your regulatory authority may waive this requirement where services are located in adjacent localities across jurisdictions, for example in Albury/Wodonga. In this instance you may have one principal office that is responsible for both services.

Change to the location of a principal office

As the approved provider, you must notify the regulatory authority of a change to the location of the principal office at least 14 days prior to the relocation.

When giving notice, you must demonstrate that you have the right to occupy and use the premises as a principal office. For example, this can be a lease for the premises with the approved provider nominated as the lessee.

New minimum requirements for a family day care educator

You must take reasonable steps to ensure that a person being engaged as an educator has adequate knowledge and understanding of the provision of education and care to children.

You must also consider:

- the person's history of compliance with the National Law and other relevant laws
- any decision under the law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws.

Existing minimum qualification requirements still apply.

As the approved provider, you must also take reasonable steps to ensure that each educator maintains adequate knowledge and understanding of the provision of education and care to children.

Serious incidents and complaints

You must take reasonable steps to ensure that any serious incident or complaint that occurs while a child is being educated and cared for by an educator is adequately addressed.

Complaints refer to allegations that the National Law has been contravened, or that a serious incident has occurred.

Existing notification requirements for serious incidents and complaints still apply.

Register of educators, co-ordinators and assistants

As the approved provider, you must keep an accurate register of each educator, co-ordinator and educator assistant at your principal office. The register must include the information prescribed in the National Regulations.

The register must include evidence that each educator is receiving adequate monitoring and support from a co-ordinator, such as evidence of contacts, phone calls and visits.

The information must be kept on the register for three years after an educator, co-ordinator or educator assistant ceases to be registered with your service.

Information recorded on the register, including any changes, must be provided to the regulatory authority within 24 hours of being requested.

Co-ordinator to educator ratios

A mandatory minimum co-ordinator to educator ratio will be introduced to ensure FDC educators have adequate support to maintain a high standard of quality education and care.

From 1 October 2017, the following ratios will apply to new FDC services.

Co-ordinator (full-time equivalent) to FDC educator ratios:

- 1:15 for the first 12 months the service is operating
- 1:25 after the first 12 months of operation

The regulatory authority may impose the higher ratio of 1:15 at any time after the first 12 months of operation.

What if a service already has a ratio of co-ordinators to educators as a condition of approval?

Existing conditions continue to apply to these services.

What if a service does not have a ratio of co-ordinators to educators?

If the regulatory authority imposes a co-ordinator to educator ratio condition before 1 October 2017, this ratio will continue to apply.

For services without a ratio at 1 October 2017, the legislation includes a saving provision that allows the service to continue to operate until 1 October 2018, after which the 1:25 ratio will apply, unless a different ratio is applied by the regulatory authority before 1 October 2017.

Powers of entry for investigation

Authorised officers may enter a FDC residence to investigate the service if:

- they reasonably believe that an approved service is operating at the residence at the time of entry, or
- the register of FDC educators indicates that the service is operating at the residence at the time of entry, or
- the occupier of the residence has given written consent to the entry and inspection.

An authorised officer would only do this if they reasonably suspect an offence has been or is being committed against the National Law.

Approval of family day care venues

From 1 October 2017, a FDC service may operate at a venue only in exceptional circumstances and if approved by the regulatory authority.

FDC providers with a service operating from a venue, have until 1 April 2018 to submit a complete application to the regulatory authority seeking approval of the existing venue.

The regulatory authority will make a decision on each application within six months of receiving the application.

All approved venues must be included on the service approval, either when the service approval is first granted, or later through an amendment to the service approval.

Each request for approval of a place as a FDC venue must include a statement of the right to occupy the venue as well as an assessment of the proposed venue, to ensure that the health, safety and wellbeing of children being educated and cared for by the service are protected.

Documenting sleep and rest practice

As the approved provider, you must ensure that sleep and rest policies and procedures are in place at the service and applied in each residence and venue. This includes safe sleeping practices.

See our website for information on sleep and rest: acecqa.gov.au/nqf-changes/information-sheets-and-resources

Information for family day care educators

An information sheet on the key changes for FDC educators is available on the ACECQA website: acecqa.gov.au/NQF-changes

Acknowledgment

The information in this publication is accurate pending the Australian, state and territory education Ministers' agreement of amended regulations.