



Australian Children's
Education & Care
Quality Authority

ENGAGEMENT OR REGISTRATION OF FAMILY DAY CARE EDUCATORS

POLICY GUIDELINES

Under *Education and Care Services National Regulations*, an approved provider of a family day care (FDC) service must ensure that policies and procedures are in place for the engagement or registration of FDC educators (regulation 169). They must also take reasonable steps to ensure those policies and procedures are followed (regulation 170).

Section 269 of the *Education and Care Services National Law* requires approved providers to keep a register of each FDC educator engaged by or registered with the service. Regulation 153 of the *Education and Care Services National Regulations* sets out the information to be kept on the register.

The approved provider must also ensure that FDC educators:

- and FDC educator assistants are at least 18 years old (regulation 119)
- either have an approved certificate III level education and care qualification, or are actively working towards one (regulation 127)
- and educator assistants hold a current approved first aid qualification and have undertaken current approved anaphylaxis and emergency asthma management training (regulation 136)
- have adequate knowledge and understanding of the provision of education and care to children (regulation 143A)
- are 'fit and proper' to be in the company of children (regulation 163(2)).

In addition, the approved provider must ensure that each FDC educator holds public liability insurance (regulation 30), and only provides education and care at a FDC residence or approved FDC venue (section 103A).

Your policies and procedures should address these requirements, as well as best practice in FDC educator engagement, recruitment, induction, retention and wellbeing that aligns with the National Quality Standard. There is a link to a template to help with this process in the Useful Resources section (see p. 7).

Every service is different so it is not sufficient to apply generic policies and procedures to multiple services. You will need to contextualise your policies and procedures to your service's operations and its unique context.

1. Title

Engagement or registration of FDC educators policy

2. Policy statement

The policy statement will reflect your service's philosophy and focus when engaging or registering FDC educators.

These guidelines are part of a series intended to assist in the development of your service's policies and procedures required under regulations 168 and 169. They set out the main components to be included in your policies and procedures, and considerations for each component.

They should guide how you develop your policies and procedures, and are not an exact format to be followed.

For example:

Our FDC educators are registered on the basis of their suitability to provide high quality education and care and meet the needs of the service, the children and their families. Educators will meet and maintain the standards expected by the service, the National Quality Framework, families, and the community.

3. Background

Your policy needs to include a statement of why this policy is in place.

For example:

The *Education and Care Services National Regulations* require policies and procedures to be in place in relation to the engagement or registration of FDC educators.

4. Legislative requirements

Your policy must be consistent with, and refer to, legislative requirements for engaging or registering FDC educators.

Examples include, but are not limited to:

Section/regulation	Description
Section 103A	Offence relating to places where education and care is provided as part of a family day care service
Section 269	Register of family day care educators, co-ordinators and assistants
Regulation 10	Meaning of actively working towards a qualification
Regulation 30	Condition on service approval – family day care educator insurance
Regulation 119	Family day care educator and family day care educator assistant to be at least 18 years old
Regulation 127	Family day care educator qualifications
Regulation 136	First aid qualifications
Regulation 143A	Minimum requirements for a family day care educator
Regulation 153	Register of family day care educators, co-ordinators and educator assistants
Regulation 163	Residents at family day care residence and family day care educator assistants to be fit and proper persons
Regulation 168	Education and care service must have policies and procedures
Regulation 169	Additional policies and procedures – family day care service
Regulation 170	Policies and procedures to be followed
Regulation 171	Policies and procedures to be kept available
Regulation 172	Notification of change to policies or procedures

When writing your policy, you will need to break down what is required under each regulation and how your service will meet these requirements. How these work in practice will be contained in your procedures.

As you reflect on your ***Engagement or registration of FDC educators policy***, it might highlight the need to split its various areas into different policies and procedures that can be readily accessed by all FDC educators and other staff members to follow. For example, you may wish to have separate policies for *The engagement of FDC educators*, *The registration of FDC educators*, and *The induction and training of FDC educators*.

You may also consider making copies of the policy and procedures available to educators in their first language, if this is not English.

5. Principles to inform your policy

All decision-making should be carried out in accordance with the principles of your service's ***Engagement or registration of FDC educators policy***. Examples of principles could include, but are not limited to:

- The safety, health, and wellbeing of children is paramount. Through our best practice recruitment, induction and training processes, we ensure that our FDC educators are fit and proper, suitably qualified and well equipped in this respect.

- We are committed to good governance and quality management. Our systems and documentation for engaging and registering FDC educators are kept up-to-date and regularly reviewed.
- Our FDC educators are key to the service’s effective operation. They are supported to understand their role and responsibilities and our expectations of them.

6. Key terms

To make it easier for your audience, provide definitions of key terms that may not be used every day. For example:

Term	Meaning	Source
ACECQA – Australian Children’s Education and Care Quality Authority	The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.	acecqa.gov.au
Approved FDC venue	A place (other than a residence) approved by a regulatory authority under section 50A or 54(8A) as a FDC venue for an approved FDC service.	National Law (Definitions)
FDC co-ordinator	A person employed or engaged by the approved provider of a FDC service to monitor and support the FDC educators who are part of the service.	National Law (Definitions)
FDC educator	An educator engaged by or registered with a FDC service to provide education and care for children in a residence or at an approved FDC venue.	National Law (Definitions)
FDC educator assistant	A person engaged by or registered with a FDC service to assist FDC educators.	National Law (Definitions)
FDC residence	A residence at which a FDC educator educates and cares for children as part of a FDC service.	National Law (Definitions)
FDC service	An education and care service that is delivered through the use of two or more educators to provide education and care to children and operates from two or more residences.	National Law (Definitions)
Working with children check (WWCC)	A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that: (a) the person has been assessed as suitable to work with children; or (b) there has been no information that if the person worked with children the person would pose a risk to the children; or (c) the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.	National Law (Definitions)

7. Links to other policies

Refer to related policies and procedures, for example:

- Providing a child safe environment
- Governance and management
- Monitoring, support and supervision of FDC educators
- Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences
- Assessment and reassessment of residences and venues for FDC

8. Induction and ongoing training

State information about induction training and frequency of ongoing training and information sharing to assist managers, co-ordinators, FDC educators and other staff to fulfil their roles effectively.

9. Policy created/reviewed

Include the date the policy was created, reviewed or changes were made.

10. Monitoring, evaluation and review

State when the policy will be reviewed and who will be responsible for this.

11. Checklist

- Have you referenced the relevant regulations and are these reflected in the policy?
- Does the title provide a clear and concise statement identifying the intent of the policy?
- Have you checked the policy requirements and referenced related legislation that applies to your service type?
- Does your policy statement provide a framework for decision-making and ensure consistent practice?
- Does your policy statement reflect your service’s philosophy?
- Is it clear why this policy exists?

PROCEDURES GUIDELINES

Under the *Education and Care Services National Regulations*, an approved provider must ensure policies and procedures are in place for the engagement or registration of FDC educators. These guidelines are part of a series intended to assist in the development of your policies and procedures required under regulations 168 and 169. They are to guide you to develop your policies and procedures, and are not an exact format to be followed.

Your procedures should be written in clear and concise language, making them easy to read, understand and implement.

Your procedures must ensure that only FDC educators are engaged who meet the regulatory requirements, including holding the necessary qualifications.

The steps and guidelines you document will not only guide your practice, but also inform regulatory authorities of roles and responsibilities at the service.

When thinking about your procedures for the engagement or registration of FDC educators, they need to be practical and achievable. For example, to ensure all the prerequisites for the engagement of a FDC educator are met, it might be useful to have a checklist to be used by staff making recruitment decisions.

1. Title

Engagement or registration of FDC educators procedures

2. Reference to policy and philosophy

Here you refer to your ***Engagement or registration of FDC educators policy*** as seen in your policy documents. You can reference where you will find the policy to help those looking for it.

Your procedures will also reflect your service's overall philosophy and evidence-based governance and leadership best practices.

3. Procedures

This is where you detail the way you will implement the ***Engagement or registration of FDC educators policy***.

It is the 'How to' in your service and includes specific step-by-step procedures for the engagement or registration of FDC educators.

Some areas that will be outlined here will include:

- where the procedures will be kept
- when they were last reviewed
- templates and documents that might be required and/or used as a part of the procedures
- systems to monitor the implementation of the procedures.

As you reflect on your ***Engagement or registration of FDC educators policy***, it might highlight the need to split its various areas into different procedures, which will be displayed or accessed by all staff to follow in relation to their required actions. For example, you may wish to have a procedure for engagement of FDC educators, and another for their ongoing employment.

4. Roles and responsibilities

This is where you will designate specific roles and responsibilities for the people who hold different positions within your service. This needs to align with the *Education and Care Services National Regulations* (see p. 6 below).

When developing your roles and responsibilities you will also need to take into consideration the context of your FDC service, FDC educators located in remote areas, and the adaptations or adjustments that may need to be made to your systems and processes to meet the *Education and Care Services National Regulations*.

It is important to note that it is the legal responsibility of approved providers to ensure systems are in place to minimise risk and ensure health and safety procedures are implemented by the responsible people in services including FDC residences. Ultimate responsibility lies with the approved provider to ensure their service/s are meeting the requirements under the *Education and Care Services National Law*.

When developing this section consider:

- What are the roles and responsibilities of the approved provider, nominated supervisor, co-ordinators, FDC educators or other staff in your service in relation to engagement or registration of FDC educators?
- How will you clearly define these roles and expectations and where will it be documented?
- Why are clear and robust procedures for engagement or registration important for children’s safety and wellbeing?
- How will you learn from the administration of these procedures to improve your practice and learn from incidents?
- How will you ensure that the necessary tools are available so the approved provider, nominated supervisor, FDC educators and other staff members can follow the procedures? How will they be made aware of the procedures?
- Do the roles and responsibilities reflect your service type?

An example of roles and responsibilities could include, but is not limited to:

Roles	Responsibilities
Approved provider	<ul style="list-style-type: none"> • ensure the Engagement or registration of FDC educators policy and procedures are in place • ensure that obligations under the <i>Education and Care Services National Law</i> and <i>National Regulations</i> are met • ensure that FDC educators at the service are at least 18 years old, are suitably qualified, have adequate knowledge of education and care, and are ‘fit and proper’ persons • ensure that FDC educators hold public liability insurance as set out in regulation 30 • maintain a register of FDC educators • consider quality practice approaches to FDC educator recruitment, induction, retention and wellbeing • take reasonable steps to ensure that nominated supervisors, co-ordinators, FDC educators, staff and volunteers follow the Engagement or registration of FDC educators policy and procedures • ensure that copies of the policy and procedures are readily accessible to nominated supervisors, co-ordinators, FDC educators, staff, volunteers and families, and available for inspection • notify families at least 14 days before changing the policy or procedures if the changes will: <ul style="list-style-type: none"> • affect the fees charged or the way they are collected or • significantly impact the service’s education and care of children or • significantly impact the family’s ability to utilise the service.
Nominated supervisor	<ul style="list-style-type: none"> • ensure that regulatory responsibilities are met in relation to the engagement or registration of FDC educators • implement procedures for the engagement or registration of FDC educators, including interviewing prospective FDC educators • carry out relevant checks of FDC educators • ensure that co-ordinators are aware of practices that align with the procedures • ensure that FDC educators are not registered until assessed as ‘fit and proper’ through service procedures • ensure that residents, FDC educator assistants and persons residing at FDC residences are assessed as per relevant policy and procedures.
Co-ordinators	<ul style="list-style-type: none"> • inform FDC educators of their responsibilities in relation to the engagement or registration of FDC educators • support educators to meet their responsibilities.

Roles	Responsibilities
FDC educators	<ul style="list-style-type: none"> • be aware of regulatory requirements • submit all documentation as required in the procedures • maintain current approved first aid and approved anaphylaxis and asthma management training • hold an approved certificate III level education and care qualification or actively working towards one • maintain and extend their knowledge and understanding of the provision of education and care to children • ensure their public liability insurance is kept current.

The following table will assist you in developing procedures specific to your service's needs and context. Referring to the *Education and Care Services National Regulations* when you are writing your procedures will assist you to ensure that you are meeting your obligations.

Areas to include in your procedures	Things to consider and outline in each area (this will be specific to the context of your service)	Strategies for monitoring and implementing procedures	Related policy and/or procedures
Engaging or registering FDC educators Act: 269 Regs: 10, 30, 119, 127, 136, 143A, 153, 163, 168, 169, 170, 171, 172 QA1 QA2 QA3 QA4 QA5 QA6 QA7: 7.1, 7.2.3	<ul style="list-style-type: none"> • What the quality practice approaches are for FDC educator recruitment, induction, retention and wellbeing. • What the engagement or registration process for prospective FDC educators will be, e.g. expression of interest/application forms, assessment of suitability, the interview process, reference checks, communication if un/successful. • Ensuring the prospective FDC educators meet the regulatory requirements: <ul style="list-style-type: none"> • are at least 18 years old • either have an approved certificate III level education and care qualification, or are actively working towards one • hold a current approved first aid qualification and has undertaken current approved anaphylaxis and emergency asthma management training • have adequate knowledge and understanding of the provision of education and care to children • are assessed as 'fit and proper' to be in the company of children. • Ensuring the FDC educators have insurance against public liability with a minimum cover as set out in regulation 30. • Creating and maintaining a register of FDC educators. • What other role-related issues can be addressed to ensure effective engagement, e.g. setting expectations for the FDC educator role, an effective induction. • What will be required beyond the engagement or registration stage (refer to the <i>Monitoring, support and supervision of FDC educators policy and procedures</i>). 	<ul style="list-style-type: none"> • Make sure your policy and procedures are available for all to access. • Create a checklist for the registration process to ensure all aspects are addressed and that applicants meet regulatory requirements (consider using ACECQA's Compliance history statement template for a prospective FDC educator – acecqa.gov.au/media/25586). • Ensure procedures are part of co-ordinator and FDC educator induction training, and regularly reviewed at coordination unit meetings. • Once registered, provide FDC educators with position descriptions, set clear responsibilities and expectations. 	<p>Assessment and reassessment of residences and venues for FDC</p> <p>Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences</p> <p>Engagement or registration of FDC educator assistants</p> <p>Monitoring, support and supervision of FDC educators</p> <p>Providing a child safe environment</p>

5. Procedures created/reviewed

Include the date the procedures were created or reviewed.

6. Monitoring, evaluation and review

Your service, in consultation with FDC educators and other key staff, families and other stakeholders, should review the effectiveness of these procedures within a set timeframe or earlier if there is a change in relevant legislation.

State when the procedures will be reviewed and who will be responsible for this.

7. Checklist

- Do the **Engagement or registration of FDC educators procedures** align with your **Engagement or registration of FDC educators policy**?
- Have your procedures been written in plain English and can they be easily implemented by a nominated supervisor, co-ordinator or FDC educator new to your service?
- Is it clear who is responsible for the implementation of the procedures?
- Are all FDC educators and staff aware of the procedures and can implement them if required?
- Do you need to develop any resources to monitor and record the procedures?

USEFUL RESOURCES

Include links to useful resources that have helped inform the development of your policy. Be mindful of the existence of any state or territory specific content

Some examples include, but are not limited to:

- ACECQA – Compliance history statement template for a prospective FDC educator
[cecqa.gov.au/media/25586](https://www.cecqa.gov.au/media/25586)
- ACECQA – Family day care approved provider compliance responsibilities
[cecqa.gov.au/media/22851](https://www.cecqa.gov.au/media/22851)
- ACECQA – Family day care educator compliance responsibilities
[cecqa.gov.au/media/22856](https://www.cecqa.gov.au/media/22856)
- ACECQA – Family day care nominated supervisor compliance responsibilities
[cecqa.gov.au/media/22861](https://www.cecqa.gov.au/media/22861)
- ACECQA – Guide to the National Quality Framework
[cecqa.gov.au/nqf/about/guide](https://www.cecqa.gov.au/nqf/about/guide)
- ACECQA – Opening a new service
[cecqa.gov.au/resources/opening-a-new-service](https://www.cecqa.gov.au/resources/opening-a-new-service)
- ACECQA – Requirements for family day care providers
[cecqa.gov.au/media/23141](https://www.cecqa.gov.au/media/23141)