



FDC Guidance

LEGISLATIVE REQUIREMENTS FOR FAMILY DAY CARE PROVIDERS: FROM 1 JULY 2023



The Australian, state and territory Education Ministers have agreed to changes to the National Quality Framework (NQF). This information sheet explains the key changes for family day care (FDC) providers.

WHEN DO THE CHANGES START?

The new requirement related to staffing will commence on 1 July 2023.

WHERE CAN I GET FURTHER INFORMATION?

Visit nqfreview.com.au
Contact your [regulatory authority](#)

From 1 July 2023

There will be improved oversight and new safety and workforce requirements within FDC to achieve better compliance and improved quality, and to ensure the safety, health and wellbeing of children in education and care. Key changes for FDC providers are explained below..

NEW MINIMUM FAMILY DAY CARE EDUCATOR QUALIFICATIONS

From 1 July 2023, new FDC educators must hold an approved Certificate III level (or higher) qualification prior to commencing their role in a FDC service and cannot be 'actively working towards' a qualification.

Existing educators currently engaged at a FDC service will have until 1 July 2024 to complete an approved qualification. This provision does not apply to FDC educators in South Australia. FDC educators in South Australia must hold an approved Certificate III level (or higher) qualification prior to commencing their role in a FDC service.

Waivers for staffing requirements will continue to be available. If by mid-2024, an educator does not hold an approved Certificate III level (or higher) qualification, the approved provider can apply for a waiver, which the regulatory authority may consider granting if it is satisfied the approved provider has reasonable justification for not being able to comply with regulation 127.

For more information on waivers visit the [ACECQA website](#).

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



CLARIFICATION FOR FAMILY DAY CARE COORDINATOR RATIOS

For services that have been operating for less than 12 months:

- A minimum of 1 full time equivalent (FTE) FDC coordinator is required for every 15 FDC educators (1:15) or part thereof.

For services operating for more than 12 months:

- A minimum of 1 full time equivalent FDC coordinator is required for a maximum of 25 FDC educators (1:25)

There will be a pro-rata allowance for second and subsequent coordinators. When a service employs more than 25 educators, the number of full time coordinators that must be engaged for every 5 educators is the same as 0.2 FTE. The regulatory authority may impose the higher ratio of 1:15 at any time after the first 12 months of operation of the FDC service.

CHANGES TO DEFINITION OF PERSONS WITH MANAGEMENT OR CONTROL

The definition of persons with management or control (PMC) is being expanded to ensure that regulatory authorities can assess the suitability of all persons that have influence, control or authority over the delivery of the approved provider's services.

It is important for every provider to consider who meets the new definition of a PMC in their unique operating context, and if the regulatory authority needs to be notified of any new PMCs.

See the information sheets: [Identifying persons with management or control from 1 July 2023 – Existing Providers](#) and [New Providers](#) to identify who meets the new definition, and the steps approved providers must take to notify of any changes to PMCs.

From late 2023

This document will be updated later in the implementation of the outcomes of the 2019 NQF Review, in relation to recommendations:

- 3.4 – Improving children's safety during emergency evacuations from multi-storey buildings
- 4.1 – Embedding the National Child Safe Principles
- 5.2 – FDC exceptional circumstances
- 5.3 – Safety around swimming pools in FDC residences
- 5.4 – Safety of glass used by services in Family Day Care
- 10.1 – Assessing suitability of individuals to work directly or indirectly with children,
- 11.3 –FDC: Display in venue/residence
- 12.4 – Display of FDC ratings at FDC premises
- 12.5 – First Aid currency requirements
- 12.6 – Scope of assistance provided by FDC educator assistant.

OTHER CHANGES INTRODUCED FROM 1 MARCH 2023

SAFE TRANSPORTATION OF CHILDREN – GUIDANCE FOR FDC

Children can be transported by, or be on transport arranged by, children's education and care services. Transportation can present heightened risks to children's safety, in particular, during the period of moving between transport and embarking or disembarking from a vehicle.

While new legislative requirements for regular transportation from 1 March 2023 **apply to centre-based services only**, it is good practice for FDC approved providers, nominated supervisors, coordinators, educators and educator assistants to apply the new requirements to [minimise risk and ensure the safety, health and wellbeing of children during any periods of transportation](#).





FDC providers should consider establishing clear and consistent procedures, through effective risk assessment, that ensure no children are left in vehicles when the FDC educator or FDC educator assistant is transporting children. Ways to minimise the risk include:

- conducting regular headcounts and attendance checks of children including, but not limited to, before each departure, after each child embarks and disembarks the vehicle and after all children have disembarked
- actively and verbally engaging with the children over the course of the journey
- ensuring procedures for embarking and disembarking the vehicle and processes for entering and exiting each location are documented and understood
- providing staff training on safe transportation of children is included in induction processes and refresher training is held annually
- embedding effective communication plans and procedures with families to ensure that parents and carers inform the service that children will not be attending the FDC service and they do not need to be collected from another location.

More information is available in:

- ACECQA Information sheet [Minimising the risk of children left behind in vehicles](#)
- ACECQA Information sheet [Guidance for adequate supervision during transportation](#).

OTHER CHANGES TO THE NQF FOR ALL SERVICES

There are more changes to the NQF commencing in 2023 that will apply to all education and care services, including FDC services. Information on the new requirements is available on www.nqfreview.com.au.

RESOURCES AND REFERENCES

Visit the [ACECQA website](#) to access:

- the [Guide to the National Quality Framework](#)
- ACECQA Information Sheet: [Legislative requirements for family day care providers from 2023](#)
- ACECQA [Policy and procedure guidelines](#)
- ACECQA Information Sheet: [Safe transportation of children](#)
- the [ACECQA Risk Assessment Management Tool](#)
- the [National Law and National Regulations](#).

Acknowledgment: The information in this publication is accurate pending the Australian, state and territory Education Ministers' agreement to amended regulations.