



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.

ASSESSMENT OF FDC EDUCATORS, FDC EDUCATOR ASSISTANTS AND PERSONS RESIDING AT FDC RESIDENCE

POLICY GUIDELINES

Under the *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 to assess FDC educators, educator assistants and persons residing at FDC residences (regulation 169). They must also take reasonable steps to ensure policies and procedures are followed (regulation 170).

Approved providers of FDC services are required to take reasonable steps to (regulation 163):

- ensure persons aged 18 years or over who reside at the service are fit and proper persons to be in the company of children; and
- ensure FDC educator assistants at FDC residences or venues are fit and proper persons to be in the company of children.

The policies and procedures for assessing FDC educators, educator assistants and residents must address these requirements.

The approved provider must also require each FDC educator to notify the provider of:

- any new persons aged 18 years or over who reside, or intend to reside, at the FDC educator's residence; and
- any circumstances relating to a person who resides, or intends to reside, at the educator's family day care residence that may affect whether the person is a fit and proper person to be in the company of children (regulation 164).

It is important to note that, when developing the policies and procedures, there are differing requirements between states and territories under regulation 163.

Your policy and procedures should address the necessary requirements, as well as quality practices relating to dealing with assessment of FDC educators, assistants and residents that align with the National Quality Standard.

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

Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy

2. Policy statement

The policy statement will reflect your service's philosophy about managing the assessment of FDC educators, FDC educator assistants and anyone residing at the FDC residence.

For example:

We aim to ensure the safety, health and wellbeing of all children attending our service. As part of our efforts, we assess our FDC educators, FDC educator assistants and those residing at a FDC residence as fit and proper persons prior to approval, and on a regular basis throughout their approval period.

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 approved providers to ensure their FDC services have policies and procedures in place in relation to the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence.

4. Legislative requirements

Your policy must be consistent with, and refer to, legislative requirements for the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence. Examples include, but are not limited to:

Regulation 84	Awareness of child protection law
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 144	Family day care educator assistant
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 164	Requirement for notice in relation to persons at residence
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 *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy*, it might highlight the need to split its various areas into different policies and procedures that can be readily accessed by all staff members to follow.

5. Principles to inform your policy

All decision-making should be carried out in accordance with the principles of your service's *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy*. Examples of principles could include, but are not limited to:

- Children's safety, health and wellbeing is paramount. Our FDC educators, FDC educator assistants and FDC residents are assessed as fit and proper persons prior to registration and on a regular basis throughout their registration period.
- We are committed to good governance and quality management. Our systems and documentation for assessing and monitoring FDC educators, FDC educator assistants and residents are kept up-to-date and regularly reviewed.

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
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)
Fit and proper person	<p>In assessing whether a person is fit and proper in the context of regulation 163, the approved provider must consider the person's history in the following ways in each state or territory:</p> <p>Australian Capital Territory, Northern Territory, South Australia, Western Australia</p> <p>One of the following:</p> <ul style="list-style-type: none"> • a criminal history check issued in the previous six months • a current working with children check or card, relevant history assessment as per child protection law or working with vulnerable people check based on a criminal history record check • a current teacher registration. <p>New South Wales: Current working with children check.</p> <p>Queensland: Current working with children check or card.</p> <p>Victoria: Current working with children check or current Victorian Institute of Teaching (VIT) teacher registration.</p> <p>Tasmania: Working with vulnerable people registration.</p>	National Regulations (Regulation 163)
FDC resident	Any person who resides, or intends to reside, at the educator's FDC residence.	National Regulations (Regulations 163 and 164)

Term	Meaning	Source
Working with children check (WWCC)	<p>A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that:</p> <ol style="list-style-type: none"> the person has been assessed as suitable to work with children; or there has been no information that if the person worked with children the person would pose a risk to the children; or 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:

- Keeping a register of FDC educators, coordinators, and educator assistants.
- Engagement or registration of FDC educator assistants.
- Engagement or registration of FDC educators
- Governance and management.
- Visitors to FDC residences and venues while education and care is being provided to children.
- Monitoring, support, and supervision of FDC educators.
- Providing a child safe environment

8. Induction and ongoing training

State information about induction training and frequency of ongoing training and information sharing to assist managers, coordinators, FDC educators, FDC educator assistants 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. All policies need to be monitored and reviewed regularly to ensure that they are up to date and compliant with the National Law and National Regulations. Your policy should record the dates it has been reviewed or when changes were made, as well as the next review date.

In the event of a revision or change of policy, you will need to ensure educators and families are made aware of the changes and the revised policy, removing access to electronic or hardcopies of the older versions. Follow appropriate record-keeping processes for each updated version of the policy.

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?

ASSESSMENT OF FDC EDUCATORS, FDC EDUCATOR ASSISTANTS AND PERSONS RESIDING AT FDC RESIDENCE

PROCEDURES GUIDELINES

Under the *Education and Care Services National Regulations*, an approved provider must ensure policies and procedures are in place in relation to the assessment of FDC educators, FDC educator assistants and persons residing at FDC residences. 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.

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 assessment of FDC educators, FDC educator assistants and persons residing at FDC residences, they need to be practical and achievable. For example, to satisfy the requirement to notify the regulatory authority when circumstances that may affect the fitness and propriety of a FDC educator assistant or resident of a FDC service aged 18 years or over change, you could prepare a list of examples of these circumstances for reference.

1. Title

Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences procedures

2. Reference to policy and philosophy

Here you refer to your *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy* as seen in your policy documents. You can reference where you will find your 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 *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy*.

It is the 'How to' in your service and includes specific step-by-step procedures to assess FDC educators, FDC educator assistants and persons residing at the FDC residence.

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.

You will also need to consider:

- the process for ensuring your FDC educators, FDC educator assistants and persons at the FDC residence are assessed before they start at your service, as well as on an ongoing basis once they commence
- what your jurisdiction's requirements are for assessing FDC educators, FDC educator assistants and residents
- considerations for assessing persons over 18 who are residing at the FDC residence, including what notification period is required from your FDC educators
- what ongoing monitoring, support or supervision may be required in relation to any risks stemming from the residents, especially if they are on the premises while children are being educated and cared for
- the process for monitoring when a FDC educator's own child (or any other child residing at the residence) turns 18 years old
- the process for assessing FDC educators, FDC educator assistants and FDC residents when they are located in remote areas
- what documentation needs to be provided to support fitness and propriety.

As you reflect on your *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy*, it might highlight the need to split

its various areas into different procedures, which will be displayed or accessed by all staff (including casuals) to follow in relation to their required actions. For example, you may wish to have a separate procedure for *Assessment of FDC educators, Assessment of persons residing at a FDC residence, and Assessment of FDC educator assistants*.

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. 8 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 and approved FDC venues. 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/responsible person,
- coordinators, FDC educators and other staff in your service in relation to assessing FDC educators, FDC educator assistants and persons residing at the FDC residence?
- how will you clearly define these roles and expectations and where will it be documented?
- why are clear and robust procedures for assessment of FDC educators, assistants, and residents important for children’s safety, health and wellbeing?
- how will you learn from the administration of these procedures to improve your practices?
- how will you ensure that the necessary tools are available so the approved provider, nominated supervisor/ responsible person, coordinators, 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 <i>Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy and procedures</i> are in place • take reasonable steps to ensure that nominated supervisors, coordinators, FDC educators, FDC educator assistants, staff and volunteers follow the policy and procedures • ensure that the nominated supervisor/responsible person, coordinators and FDC educators, FDC educator assistants and volunteers are aware of their individual responsibilities for child protection law • ensure that unauthorised people, volunteers and visitors are not left alone with children • ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, FDC educators, FDC educator assistants, staff, volunteers and families, and available for inspection • require each family day care educator to notify the provider of any new person aged 18 years or over who resides or intends to reside, at the educator’s family day care residence • require each family day care educator to notify the provider of any circumstance relating to a person who resides, or intends to reside, at the educator’s family day care residence that may affect whether the person is a fit and proper person to be in the company of children • 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.

Roles	Responsibilities
Nominated supervisor	<ul style="list-style-type: none"> • ensure that regulatory responsibilities are met in relation to the assessment of FDC educators, FDC educator assistants and residents at the FDC residence • implement procedures for the assessment of FDC educators, FDC educator assistants and FDC residents • carry out relevant checks of FDC educators, FDC educator assistants, FDC residents and volunteers • ensure that FDC coordinators are aware of practices that align with the procedures • ensure that FDC educators and FDC educator assistants are not registered until assessed as fit and proper through service procedures • collect and verify relevant information to ascertain whether a person is fit and proper • ensure unauthorised people, volunteers and visitors are not left alone with children.
FDC coordinators	<ul style="list-style-type: none"> • inform FDC educators of their responsibilities in relation to the assessment of FDC educators, FDC educator assistants and persons residing at the FDC residence • support FDC educators to meet their responsibilities in relation to the assessment • where possible, use contact visits or other processes to assist with monitoring the presence of residents at the FDC residence • inform the nominated supervisor/responsible person or approved provider of new residents at the FDC residence.
FDC educators	<ul style="list-style-type: none"> • be aware of regulatory requirements • keep up-to-date with any changes to the policy or procedures • notify the approved provider of any new residents aged 18 years or over at the FDC residence, including any intention to have new residents aged 18 years or over at the FDC residence • notify the approved provider if their own child or any other resident turns 18 years old (providing enough notice to carry out relevant checks)
FDC educators, cont.	<ul style="list-style-type: none"> • notify the approved provider of any circumstance relating to any person who resides, or intends to reside, at the educator's FDC residence that may affect whether the person is a fit and proper person to be in the company of children. These circumstances may include: <ul style="list-style-type: none"> » the person is charged with or convicted of an offence of a sexual or violent nature, or an offence involving drugs or a weapon » if a person's application for a working with children or vulnerable people check is revoked, suspended or rejected; if the person is prohibited from working with children • ensure that residents, volunteers, visitors and unauthorised people are not left alone with children • submit all documentation as required in the procedure.

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
<p>Assessing whether a person is fit and proper</p> <p>Regs: 119, 127, 136, 153, 163, 164, 168–172</p> <p>QA2: 2.2.3</p> <p>QA4: 4.1</p> <p>QA5: 5.1</p> <p>QA7: 7.1.2, 7.1.3</p>	<ul style="list-style-type: none"> • What your jurisdiction’s requirements are for assessing FDC educators, FDC educator assistants and residents at the FDC residence, and how you will meet them. • How assessing FDC educators and FDC educator assistants can be incorporated into recruitment practices. • The procedures for ensuring FDC educators and FDC educator assistants are assessed when they register with your service. • Whether you will require supporting documents from FDC educators and FDC educator assistants as part of the assessment if they have been working overseas. • What additional documents you may require from FDC educators as part of the assessment, e.g. medical clearance, references. • How to ensure working with children checks are kept up to date on the FDC educator register • How to ensure FDC educator qualifications and other ‘fit and proper’ requirements are kept up-to-date during the FDC educator’s period with your service. • Processes for assessing persons residing at the FDC residence, e.g. what notification period is required from FDC educators, and what level of involvement the resident may have with the children. • Processes for advising the approved provider of any changes in circumstances relating to a person who resides, or intends to reside, at the educator’s FDC residence that may affect whether the person is a fit and proper person to be in the company of children. • The process for when a FDC educator’s own child (or any other child residing at the venue) turns 18 years old. 	<ul style="list-style-type: none"> • Make sure your policy and procedures are available for all to access. • Create a checklist as part of the recruitment process to ensure all documents are received prior to start and induction. • Create a working with children/qualification register to assist with monitoring required and training renewal dates. • Ensure procedures are part of coordinator and FDC educator induction training, and regularly reviewed at coordination unit meetings. • Regularly review jurisdictional requirements for assessing FDC educators and FDC educator assistants. • Consider alternative ways to assess and communicate with FDC educators, especially those in remote locations, e.g. web-based applications. • Develop a Home visit record sheet to outline items to be covered during coordinator visits, including monitoring checks of the procedures. 	<ul style="list-style-type: none"> • Engagement or registration of FDC educators • Engagement or registration of FDC educator assistants • Monitoring, support and supervision of FDC educators • Providing a child safe environment

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
Assessing whether a person is fit and proper, cont.	<ul style="list-style-type: none"> • How best to communicate procedures to FDC educators, especially those in remote areas. • What monitoring checks of the procedures should be carried out (e.g. coordinator contact visits) and how often, including for FDC educators in remote areas. • What monitoring, support or supervision may be required in relation to persons residing at FDC residences, including: <ul style="list-style-type: none"> » whether notification has been provided for these persons » any risks stemming from the residents, especially if on the premises while children are being educated and cared for » procedures to ensure volunteers, visitors and unauthorised people are not left alone with children » the process for managing the notification of any changes in circumstances of persons residing at the FDC residence which may affect a person previously assessed as fit and proper. 		

5. Procedures created/reviewed

Include the date the procedures were created or reviewed.

6. Monitoring, evaluation and review

Your service, in consultation with the nominated supervisor, coordinators, 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. All procedures need to be monitored and reviewed regularly to ensure that they are up to date and compliant with the National Law and National Regulations. Your procedures should record the dates they have been reviewed or when changes were made, as well as the next review date.

In the event of a revision or change of procedure, you will need to ensure educators and families are made aware of the changes and the revised procedure, removing access to electronic or hardcopies of the older versions. Follow appropriate record-keeping processes for each updated version of the procedures.

7. Checklist

Do the *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences procedures* align with your *Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences policy*?

Have your procedures been written in plain English, and can they be easily implemented by a nominated supervisor, coordinator, FDC educator or FDC educator assistant new to your service?

Have your policies and procedures been communicated to families? 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?

REFERENCES AND RESOURCES

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

Some examples include, but are not limited to:

- [ACECQA – Family day care approved provider compliance responsibilities](#)
- [ACECQA – Family day care educator compliance responsibilities](#)
- [ACECQA – Family day care nominated supervisor compliance responsibilities](#)
- [ACECQA – Guide to the National Quality Framework](#)
- [ACECQA – Opening a new service](#)
- [ACECQA – Legislative Requirements for family day care providers](#)
- [Australian Human Rights Commission – Child Safe Organisations](#)
- [New South Wales Government – Child Safety](#)
- [NSW Office of the Children’s Guardian – Working with Children Check](#)
- [Queensland Government – Blue Card Services](#)