



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.

ENGAGEMENT OR REGISTRATION OF FAMILY DAY CARE EDUCATORS

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 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)
- hold a current approved first aid qualification and have undertaken current approved anaphylaxis and emergency asthma management training (regulation 136)
- are 'fit and proper' to be in the company of children (regulation 163(2)).

The approved provider must also ensure that FDC educators:

- hold at least an approved certificate III level education and care qualification (noting that transitional arrangements apply for existing FDC educators until mid 2024) (regulation 127)
- have adequate knowledge and understanding of the provision of education and care to children (regulation 143A).

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. This process is vital in ensuring the safety, health and wellbeing of children while at the FDC service.

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.

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* are focused on ensuring the safety, health and wellbeing of children who are at FDC services. *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 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, coordinators 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, coordinators 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)
Current approved first aid qualification	A qualification approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website with content such as: Emergency life support and cardio-pulmonary resuscitation; convulsions; poisoning; respiratory difficulties; management of severe bleeding; injury and basic wound care; and administration of an auto-immune adrenalin device. Approved first aid qualifications are taken as current if completed within the previous three years, except for a qualification that relates to emergency life support and cardio-pulmonary resuscitation which must be completed within the previous year, noting transitional arrangements apply until 1 April 2024 for any necessary qualifications to be undertaken.	National Regulations (Regulation 136)
Current approved anaphylaxis management training	Anaphylaxis management training approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website . Approved anaphylaxis management training is taken to be current if completed within the previous three years, noting transitional arrangements apply until 1 April 2024 for any necessary training to be undertaken.	National Regulations (Regulation 136)
Current emergency asthma management training	Emergency asthma management training approved by ACECQA and published on the list of approved first aid qualifications and training on the ACECQA website . Approved emergency asthma management training is taken to be current if it completed within the previous three years, noting transitional arrangements apply until 1 April 2024 for any necessary training to be undertaken.	National Regulations (Regulation 136)

Term	Meaning	Source
FDC coordinator	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: <ul style="list-style-type: none"> 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 how policies and procedures will be used in induction training and frequency of ongoing training and information sharing to assist managers, coordinators, FDC educators and other staff (including casual/relief 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 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 policies should record the dates they have been reviewed or when changes have been 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?

Have you ensured the creation and review dates are accurate?

ENGAGEMENT OR REGISTRATION OF FAMILY DAY CARE EDUCATORS

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
- how you will share the procedures with families.

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 and 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, coordinators, FDC educators or other staff in your service in relation to engagement or registration of FDC educators?

- What are the role and responsibilities of the approved provider, nominated supervisor, coordinators, FDC educators or other staff in your service in relation to people residing at the FDC residence or venue, including those under the age of 18?
- 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?
- Do the roles and responsibilities reflect your service type?
- Are your procedures tailored and specific to your individual service?
- How can educators, staff and families provide feedback on the procedures?
- How will you document your service strengths and areas of improvement in your QIP or self-assessment information?
- 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?

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>Engagement or registration of FDC educators policy</i> 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 and understood by all FDC educators • ensure robust and proper checks take place prior to the registration of FDC educators, even if they are registered at another FDC service • ensure that FDC educators at the service are at least 18 years old, are suitably qualified, have adequate knowledge of education and care, are ‘fit and proper’ persons, and hold at least an approved certificate III level qualification (from mid 2023 to mid 2024, transitional arrangements apply for existing FDC educators) • have procedures in place to notify the regulatory authority of any circumstances arising at the service that poses a risk to the health, safety or wellbeing of children, including any fitness and propriety issues related to any individuals residing at a FDC residence • require FDC educators to notify them of any new residents aged 18 years or over at the FDC residence and any circumstances relating to a person at the FDC residence that may affect whether they are fit and proper to being the company of children (including if the person has been charged or convicted of an offence of a sexual or violent nature or an offence involving drugs or a weapon, the person’s working with children or vulnerable people check, registration or card is rejected, revoked or suspended or the person is prohibited from working with children) • ensure that FDC educators hold public liability insurance as set out in regulation 30 • maintain a register of FDC educators, coordinators and educator assistants in accordance with section 269 and regulation 153 and a record of staff in accordance with regulation 154 • consider quality practice approaches to FDC educator recruitment, induction, retention and wellbeing, emphasising a commitment to children’s safety and wellbeing and fostering a child safe organisational culture • take reasonable steps to ensure that nominated supervisors, coordinators, FDC educators, staff and volunteers (including casual/relief staff) are trained in and follow the <i>Engagement or registration of FDC educators policy and procedures</i> • ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, FDC educators, staff, volunteers and families, and available for inspection • ensure a diagram is displayed and visible from the main entrance showing the FDC venue, or the areas of a FDC residence assessed (as part of an assessment conducted in accordance with regulation 116) as suitable for education and care provided to children).

Roles	Responsibilities
Approved provider cont.	<p>The diagram should include the existence of any water hazards, water features or swimming pools at the residence or venue. notify families at least 14 days before changing the policy or procedures if the changes will:</p> <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. • ensure that any glass under 0.75 metres is approved safety glass or inaccessible to children. • ensure that inspections of water hazards, water features and swimming pools occur at least monthly. • ensure any swimming pool at a family day care residence or approved family day care venue of the service is fenced in accordance with the requirements for fencing a swimming pool under relevant fencing laws, regulations and standards in the participating jurisdiction in which the residence or venue is located.
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, including personal and professional references prior to registering and inducting an educator, even if an educator has been registered with another FDC service • ensure recruitment processes emphasise a commitment to children’s safety and wellbeing, including through advertisement, interview processes and candidate reference checks supporting a child safe organisational culture • ensure that coordinators 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 residents are assessed as per relevant policy and procedures.
FDC coordinator	<ul style="list-style-type: none"> • inform FDC educators of their responsibilities in relation to the engagement or registration of FDC educators • inform FDC educators of their responsibilities to notify the approved provider of any circumstances that arise that may pose a risk to children’s health, safety and wellbeing • 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. Approved first aid qualifications (except qualifications relating to emergency life support and cardio-pulmonary resuscitation must be renewed every 12 months), approved anaphylaxis management training and approved emergency asthma management training must be renewed every three years, noting transitional arrangements apply until 1 April 2024 for any necessary qualifications to be undertaken. • hold at least an approved certificate III level education and care qualification (from mid 2023 to mid 2024, transitional arrangements apply for existing FDC educators) • maintain and extend their knowledge and understanding of the provision of education and care to children • ensure their public liability insurance is kept current • notify the approved provider of any residents at the FDC residence or venue, including any intention to have residents at the residence or venue • notify the approved provider of any circumstances relating to a person who resides, or intends to reside at the residence that may affect whether the person is a fit and proper person to be in the company of children, including: <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 » the person's working with children or vulnerable people check, card or registration has been rejected, revoked or suspended » the person is prohibited from working with children any circumstances arising at the residence or venue that may pose a risk to the health, safety and wellbeing of children (including an renovations or other changes to the residence or venue, an infectious disease outbreak, a bushfire, flood or other natural disaster that may affect the residence or venue).

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>Engaging or registering FDC educators</p> <p>Act: 269</p> <p>Regs: 10, 30, 119, 127, 136, 143A, 153, 163, 168, 169, 170, 171, 172</p> <p>QA1</p> <p>QA2 QA3</p> <p>QA4</p> <p>QA5</p> <p>QA6</p> <p>QA7: 7.1, 7.2.3</p>	<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. • What the re-engagement or re-registration process will be for returning educators. • Ensuring the prospective FDC educators meet the regulatory requirements: <ul style="list-style-type: none"> » are at least 18 years old » hold at least an approved certificate III level education and care qualification (from mid 2023 to mid 2024, transitional arrangements apply for existing FDC educators) » 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 approved provider is notified of any circumstance relating to whether a person residing at the residence is a fit and proper person to be in the company of children • Ensuring the approved provider is notified of any circumstances arising at the residence that may pose a risk to the health, safety and wellbeing of children • Ensuring the FDC educators have insurance against public liability with a minimum cover as set out in regulation 30. 	<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. • Ensure procedures are part of coordinator 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. • Recruitment processes assess applicant’s values, motives and attitudes towards working with children with a focus on child safety and wellbeing, as well as professional experience and competence to work with children 	<ul style="list-style-type: none"> • Assessment and reassessment of residences and venues for FDC • Assessment of FDC educators, FDC educator assistants and persons residing at FDC residences • Engagement or registration of FDC educator assistants • Monitoring, support and supervision of FDC educators • Providing a child safe environment • Engagement of FDC Coordinators • The administration of first aid

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
	<ul style="list-style-type: none"> • 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. • Ensure all FDC coordinators and educators (including casual/relief staff) understand best practice relating to child safety, child protection and mandatory reporting requirements. • What will be required beyond the engagement or registration stage (refer to the Monitoring, support and supervision of FDC educators policy and procedures). • How recruitment processes support a child safe organisational culture, emphasising a commitment to children’s safety and wellbeing 		

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 monitor and review the effectiveness of these procedures within a set timeframe or earlier if there is a change in relevant legislation to ensure they are up to date, workable and compliant with the National Law and Regulations. In the event of a revision or change of procedure, you will need to ensure the educators engaged by the service are made aware of the changes.

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 have been 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 *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, coordinator 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 how to implement them and explain them to families, if required?

Have your policy and procedures been communicated to families?

Do you need to develop any resources to monitor and record the procedures?

Is the procedure (and policy in which it is based) readily accessible to staff educators and families?

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 – Compliance history statement template for a prospective FDC educator](#)
- [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](#)
- [ACECQA – Reporting requirements on children](#)
- [Australian Human Rights Commission – Child Safe Organisations](#)