



Regulatory requirements for a family day care educator



A family day care (FDC) educator provides education and care to children usually at the educator's home. FDC educators can provide education and care for up to four children of preschool age and under, and no more than seven children at any one time, except in emergency circumstances.

FDC educators are registered with an approved FDC service. A FDC service must have one or more coordinators who are engaged by the approved provider of the service to support, monitor and train the service's educators.

Information about the benefits of becoming a FDC educator and how to register with a scheme is available from the FDC Association of Queensland. As a FDC educator, you must meet minimum legislative requirements and standards to ensure the safety, health and wellbeing of children in your care. This fact sheet provides an overview of your responsibilities under the Education and Care Services National Law (National Law) and the Education and Care Services National Regulations (National Regulations).



Your responsibilities under the National Law and National Regulations

In Queensland, the Department of Education and Training is the regulatory authority responsible for administering the National Law and National Regulations.

Authorised officers of the regulatory authority may visit your home at any time you are providing education and care to children to ensure that you are complying with the requirements of the legislation.

Information about non-compliance may be published by the regulatory authority and you may be liable for penalties or even prosecuted for certain offences if you have committed an offence under the National Law.

Before you can work as a FDC educator, you must

- be at least 18 years old (regulation 119)
- have and maintain a current Positive Notice Blue Card (working with children check) (regulation 153 (l))
- have and maintain evidence of current public liability insurance at your residence (regulation 180)
- have and maintain current approved first aid, anaphylaxis and emergency asthma management qualification/s (regulation 136(3))
- have, or be actively working towards, an approved Certificate III level qualification, or higher (regulation 127). For more information visit the our website <http://deta.qld.gov.au/earlychildhood/workforce/ways-family-day-care.html>. Talk to your coordinators about assistance and incentive programs.

Your home

The approved provider of the service must conduct an assessment of your home before you start providing education and care, and must reassess it at least every year (regulation 116).

The approved provider must ensure that the parts of your home to be used to provide education and care are safe, clean and in good repair (regulation 103).

The approved provider must ensure there is enough furniture, materials and developmentally-appropriate equipment for the children in your care (regulation 105).

Your home must be a safe and secure environment for the children in your care including ensuring:

- indoor spaces are well ventilated with enough natural light and a temperature is maintained that ensures the safety, health and wellbeing of children (regulation 110)

- any glassed area accessible to children that is of or below the height above floor level, specified by AS 1288-2006 Glass in buildings—Selection and installation, or is 0.75 metres or less above floor level (if venue or residence approved before 1 June 2014) must be glazed with safety glass (if the Building Code of Australia requires this) OR in any other case, glass must be treated with a product that prevents glass from shattering if broken or guarded by barriers that prevent a child from striking or falling against it (regulation 117)
- all outdoor space used by children is enclosed by a fence or barrier that is of a height and design that prevents children of preschool age or under from going through, over or under (regulation 104)
- a first aid kit that is suitably equipped and easily recognisable is readily accessible to adults (regulation 89)
- every reasonable precaution must be taken to protect children from harm and from any hazard likely to cause injury (section 167)
- there is access to an operating telephone or other similar means of communication for immediate communication to and from parents and emergency services (regulation 98).

The approved provider must take reasonable steps to ensure that any person aged 18 years or over who lives at your home is a fit and proper person to be in the company of children. Regulation 163 provides that this may be done by checking the person's current criminal history record or by checking their current working with children check. In Queensland, the approved provider may, for example, request to see the person's current **Positive Notice Blue Card** to assess fitness and suitability (regulation 163).

You are also required to notify the approved provider about any new adult coming to live in your home or any change that may affect whether an adult in your home is a fit and proper person to be in the company of children (regulation 164).

As a family day care educator, you will also be required to display information where parents can see it.

You must display information about:

- the educational program you provide (regulation 75)
- emergency and evacuation procedures (regulation 97)
- the weekly menu (if you are supplying food) (regulation 80)
- other information about the operation of the service (section 172 and regulation 173).

Providing education and care

When providing education and care you must ensure:

- children are adequately supervised (section 165)
- children are not subject to any form of corporal punishment or discipline that is unreasonable in the circumstances (section 166)
- children are provided with an environment free from the use of tobacco, illicit drugs and alcohol (regulation 82)
- you do not consume alcohol and are not affected by alcohol or drugs (including prescription medication) so as to impair your capacity to supervise or provide education and care to children (regulation 83)
- adequate health and hygiene practices (including safe practices for handling, preparing and storing food) are implemented (regulation 77)
- children have access to nutritious food and safe drinking water (regulations 78 and 79)
- children's needs for rest and sleep are met (regulation 81 (3))
- medication is not administered to a child unless it is authorised (except in an emergency and parents are notified (regulation 94)) and in accordance with procedures in regulation 95 & 96
- risk assessments are undertaken and parental authorisation is obtained for each child before excursions off the premises (regulations 100 to 102)
- children in your care do not leave your home unless they are given into the care of an authorised person (as described in regulation 99(4))

- unauthorised persons do not have access to your home (section 170(4))
- visitors are not left alone with children (regulation 166)
- parents of children in your care are allowed to enter your home at any time their child is being educated and cared for, unless you are aware that the parent is prohibited by a court order from having contact with the child or permitting the parent's entry would:
 - pose a risk to the safety of children or staff
 - conflict with any duty of the provider, supervisor or educator under the National Law (regulation 157).

Policies and procedures

The approved provider of a family day care service must have a range of policies and procedures (regulations 168 and 170) that you will be required to follow including:

- emergency and evacuation procedures which set out instructions for what must be done in the event of an emergency and includes an emergency and evacuation floor plan (regulations 97 and 168)
- medical conditions policy including any requirements arising if a child you are providing education and care to has a specific health care need, allergy or relevant medical condition (regulation 90)
- requirements to notify the approved provider of any incident, injury, trauma or illness, including infectious diseases so that they can notify parents
- application of the current child protection law and any obligations you may have under that law (regulation 84). In Queensland, the *Child Protection Act 1999* applies.



Records (regulation 178 – 183)

You must keep and ensure the accuracy of:

- documentation of child assessments or evaluations for delivery of the educational program as set out in regulation 74
- an enrolment record for each child (regulation 160 and 161)
- a record of children's attendance (regulation 159)
- a record of any incident, injury, trauma or illness (regulation 87)
- a medication record for each child in your care to whom medication is or is expected to be administered (regulation 92)
- a record of all visitors to your home while children are being educated and cared for as part of the service (regulation 165)

Records must be kept confidential and stored securely at your home (section 175(3)). If you leave the service, these records must be provided to the approved provider (regulation 179).

The National Quality Standard

You are required to understand and implement the National Quality Standard (NQS). The NQS includes seven quality areas that describe the key components of effective services and are essential in providing positive outcomes for children. The seven quality areas of the NQS are:

1. Educational program and practice
2. Children's health and safety
3. Physical environment
4. Staffing arrangements
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Leadership and service management.

Your coordinator, on behalf of the approved provider, will discuss with you the requirements regarding implementing the NQS including that you:

- plan a learning program for the children in your care based on the *Early Years Learning Framework* and the *My Time Our Place Framework for School Age Care* (for children of school age) that is based on the developmental needs, interests and experiences of each child; and is designed to take into account the individual differences of each child (section 168 and regulation 73)
- record children's progress and learning

- share children's learning and progress with parents (regulations 74 – 76)
- ensure that education and care is provided in a way that:
 - encourages the children to express themselves and their opinions
 - allows the children to undertake experiences that develop self-reliance and self-esteem
 - maintains at all times the dignity and rights of each child
 - gives each child positive guidance and encouragement toward acceptable behaviour
 - has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service (regulation 155).

Your coordinator can help you with ideas for planning your program for children's learning and record keeping.

Every approved service will be assessed and rated against the NQS by the regulatory authority. You may be visited by authorised officers as part of the assessment and rating of your family day care service.

When you are visited for the purpose of an assessment and rating, the day-to-day running of your program will be observed including the procedures you have in place to ensure the health, safety, wellbeing and learning of children.

Ratings will be published on the websites of MyChild and the Australian Children's Education and Care Quality Authority (ACECQA).

More information

ACECQA

- visit the website www.acecqa.gov.au
- call the hotline on 1300 422 327 (business hours)

Queensland's regulatory authority

- visit the website deta.qld.gov.au/earlychildhood/office/national/framework.html
- contact your local DETE regional office www.qld.gov.au/education/childcare/contacts/pages/regional.html
- subscribe to the A to Z of Early Childhood e-newsletter deta.qld.gov.au/earlychildhood/about/news/atoz/subscribe.html

Working with Children Check

- Qld's Blue Card System: visit the website www.bluecard.qld.gov.au