



ENGAGEMENT OR REGISTRATION OF FDC EDUCATORS AND EDUCATOR ASSISTANTS POLICY

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DIVISION: Sport, Community and Activation

BRANCH: Community Outcomes - Family Day Care

CATEGORY: 3

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 The *Education and Care Services National Regulations* require policies and procedures to be in place in relation to the engagement or registration of Family Day Care (FDC) educators (including educator assistants and relief educators).
- 1.2 We value FDC as a unique service type and acknowledge the challenges educators face working alone; we understand the considerable contribution that an educator assistant can make in supporting an educator and a relief educator can make in allowing the educator to take time away while still offering consistency of care for families. We ensure the health safety and wellbeing of children by expecting all educators including educator assistants and relief educators to have the same training and understanding as primary educators and to achieve this all educators are required to complete the same assessment and registration process and will work under clearly defined educator agreements.
- 1.3 The process for engagement and registration will be the same for all educators, educator assistants and relief educators.

2. OBJECTIVE

- 2.1 All educators are registered with our service 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 agree to meet and maintain the standards expected by the service, the *National Quality Framework*, families, and the community.

3. SCOPE

- 3.1 This policy applies to:
 - Camden Council FDC Service
 - Staff
 - Educators.

4. DEFINITIONS

- 4.1 **Approved Provider** means a person who holds a provider approval under the *Education and Care Services National Law*). A provider approval authorises a person to apply for one or more education and care service approvals and is valid in all jurisdictions. The Approved Provider for the purposes of this policy is Camden Council.

- 4.2 **Approved FDC Venue** means 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.
- 4.3 **Co-ordination Unit** means the Camden Council FDC principal office and main faculty for running the Service from which staff work.
- 4.4 **De-registration** means the FDC service must cease to operate and the educators name is removed from the register.
- 4.5 **Educator** means an individual suitably qualified and registered by Camden Council FDC to provide education and care and refers to the educator as the business owner, an educator assistant, or a relief educator.
- 4.6 **Educator assistant** means a person engaged by or registered with a FDC service to assist an educator who is the business owner.
- 4.7 **Family Day Care (FDC)** means a type of education and care service that is run from the educator's own residence or an approved venue for the purpose of educating and caring for small groups of children aged 0-12 years.
- 4.8 **FDC Service** means the FDC education and care business of each individual educator or refers to Camden Council FDC Service.
- 4.9 **Nominated Supervisor** means a person appointed by the Approved Provider and who has given consent to be appointed to be in day-to-day charge of a service and must be contactable during the hours educators are providing education and care.
- 4.10 **Primary educator** means the educator who mainly cares for the children.
- 4.11 **Regulatory Authority** means the agency or department in each state or territory who administers the National Quality Framework (NQF). They are responsible for granting approvals, including provider approval and service approvals, assessing and rating services against the National Quality Standard, and working with ACECQA to promote continuous quality improvement and educating the sector and community about the NQF.
- 4.12 **Relief educator** means a person registered with a FDC service to work in place of the primary educator whilst they are on leave.
- 4.13 **Resident** means any person aged 18 years or over who resides, or intends to reside permanently, or temporarily resides for more than three weeks, at the educator's FDC Residence.
- 4.14 **Staff** means employees of Camden Council FDC.
- 4.15 **Working with Children Check (WWCC)** means a notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that 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.

PART 2 - POLICY STATEMENT

5. PRINCIPLES

- 5.1 The safety, health, and wellbeing of children is paramount. Through our best practice registration, induction, and training processes, we ensure that our educators are fit and proper, suitably qualified, and well equipped in this respect.
- 5.2 We are committed to good governance and quality management. Our systems and documentation for engaging and registering educators are thorough and educators will not be registered until they have met all the requirements. Prospective educator procedures are included as a part of our ongoing review process.
- 5.3 Our educators are key to the service's effective operation. They are supported to understand their role and responsibilities and the expectations of them.
- 5.4 Educator assistants and relief educators can play an important role in effective service operation for primary educators. The requirements for registration are largely the same for all educators registering with our service with only a few exceptions, for example, the requirements of the proposed FDC Residence or proposed venue requirements which are only relevant to the primary educator.
- 5.5 Probational registrations of six months are implemented for all new educators and, in this time, educators are closely monitored, mentored, trained, and supported in their role with the aim to sustain their registration.
- 5.6 Registered educators will sign an agreement and must continuously implement and maintain all requirements of the role. Registrations are reviewed annually or as required. Non-compliance will be addressed and may result in an educator being issued with a breach notice and/or having their registration suspended or revoked.

6. CONSIDERATIONS

- 6.1 Considerations for engagement and registration
 - 6.1.1 Prospective educators will participate in a thorough interview and assessment process, as detailed in the *Engaging or registering educator's* procedure.
 - 6.1.2 The process for registering educator assistants and relief educators is the same as for educators with the exception of considerations for the proposed FDC Residence or proposed venue.
 - 6.1.3 Upon initial contact of a prospective educator, a prospective educator inquiry form is completed.
 - 6.1.4 Educators are provided with an information pack and application to operate form to complete.
 - 6.1.5 The proposed FDC Residence or venue address is checked for bush fire zoning.

- 6.1.6 An interview is arranged between the prospective educator and the Co-ordination Unit and a time scheduled for a preliminary inspection of the proposed FDC Residence or proposed venue of primary educators.
- 6.1.7 Interested applicants will move to the next stage, which includes reference checks and the submission of all required documentation and may require prospective educators to complete training.
- 6.1.8 Prospective educators who wish to progress and have satisfied all requirements of the assessment and interview process including the assessment of their suitability, training and experience to be an educator and their proposed FDC Residence or proposed venue, as detailed in the *Engagement or registration of educators* procedure, will begin the registration requirements.
- 6.1.9 Camden Council FDC will maintain a register of educators including educator assistants and relief educators.
- 6.1.10 A prospective educator electronic file will be created for each educator and their information stored confidentially.
- 6.1.11 Probationary registration of six months is granted to suitable educators. During this time, new educators are monitored, supported, and mentored to understand their role and responsibilities. At the completion of the probation period, the educator's registration is reviewed with one of the following outcomes: registration is renewed (non-probational), probational registration is extended for an agreed period, or the registration is ceased.
- 6.1.12 Educator registrations are reviewed and renewed annually in accordance with requirements of the *Educator Residence Risk Assessment*.
- 6.1.13 Each educator will be provided with a legal agreement pertaining to their role and must consent to work under this agreement to proceed with registration.
- 6.1.14 Serious or continual incidents of non-compliance or breach of the *National Education and Care Services Law* or *Regulations* will result in de-registration and a record of all non-compliance and/or breach issues must be kept on the educator's record. Serious incidents and breaches of the Law or Regulation must be reported to the Regulatory Authority. Refer to the *Compliance, improvement, and de-registration* procedure.
- 6.2 Additional considerations for educator assistants
- 6.2.1 Educator assistants must meet the educator requirements and be registered by Camden Council FDC before a primary educator is able to engage them. Educators considering implementing an educator assistant must inform and discuss this intention with the Co-ordination Unit.
- 6.2.2 Educator assistants are registered for the purpose of assisting a primary educator, and the rulings for the number of children being educated and cared for remain the same, meaning the number of children in care cannot be increased when an educator assistant is engaged and educators own children are still counted in the ratio.

6.2.3 The written consent of families is required for a primary educator to engage an educator assistant.

6.2.4 The education and care of children will always remain the primary responsibility of the primary educator.

6.2.5 Educator assistants may be engaged to assist:

- When the educator is present
- When the educator is absent due to an unplanned or non-regular appointment
- With transport
- Due to the educator being absent in the case of an emergency.

6.2.6 Educator assistants will not be used for:

- Non-emergency absences of the educator for more than four hours
- Annual/holiday leave or regular absences by the educator
- When parents do not provide consent
- When Camden Council FDC denies consent.

6.2.7 Educator assistants may choose to work in a relief educator capacity for their primary educator at appropriate times such as to cover holiday leave and in this case would be considered a relief educator and must comply with all relief educator requirements.

6.3 Additional considerations for relief educators

6.3.1 Educators wanting to register with Camden Council FDC to provide a relief service to educators must meet the educator requirements including insurance and be registered by Camden Council FDC before an educator is able to engage them.

6.3.2 Primary educators may engage a relief educator to replace them during periods of leave.

6.3.3 In the primary educator's absence, the enrolled children and all expectations and requirements of the educator's role during the period they are replacing them are the responsibility of the relief educator.

6.3.4 Relief educators receive the fee for service in place of the primary educator according to attendances for the arranged period. Relief educators are responsible for submitting children's attendances to the Co-ordination Unit and are remunerated the CCS portion of the approved attendances. The gap fee is paid by the parent/guardian and the arrangement for how this is paid is organised between the primary educator and relief educator.

6.3.5 Primary educators are required to request pre-approval from the Co-ordination Unit to engage a relief educator.

6.3.6 Primary educators are responsible for organising the relief care and must obtain the written consent of families and submit to the Co-ordination Unit within the required timeframes.

6.3.7 The *Relief Care* procedure outlines all requirements for a primary educator to engage a relief educator and the responsibilities of each role.

7. ROLES AND RESPONSIBILITIES

7.1 Approved Provider

- Ensure that obligations under the *Education and Care Services National Law and National Regulations* are met.
- Ensure this policy and its related procedures are in place
- Ensure that educators are at least 18 years old, are suitably qualified, have adequate knowledge of education and care, and are 'fit and proper' persons
- Ensure that primary educators hold \$20,000,000 public liability insurance and are aware of their obligation to inform their insurer if using a relief educator
- Maintain a register of educators
- Consider quality practice approaches to educator engagement, registration, induction, retention, and wellbeing
- Take reasonable steps to ensure that Nominated Supervisors, co-ordinators, educators, staff, and students follow the *Engagement or Registration of FDC Educator's and Educator Assistant's* policy and procedures
- Ensure that copies of the policy and procedures are readily accessible to Nominated Supervisors, educators, staff, students, and families, and available for inspection
- Ensure the Nominated Supervisor and Co-ordination Unit have access to appropriate resources for the development, implementation, training and ongoing management of this policy and its related procedures.
- Notify families at least 14 days before changing the policy or procedures if the changes will affect the fees and charges and/or significantly impact the service's education and care of children or the family's ability to utilise the service.

7.2 Nominated Supervisor

- Complete responsibilities as delegated by the approved provider.
- Ensure that regulatory responsibilities are met in relation to the engagement or registration of educators.
- Implement procedures for this policy including interviewing prospective educators.

- Ensure there are clear procedures in place for registration and de-registration process.
- Ensure there are clear procedures in place for relief care.
- Carry out relevant checks of prospective educators.
- Ensure that staff are aware of practices that align with the procedures.
- Ensure that educators are not registered until assessed as 'fit and proper' through service procedures.
- Ensure that the FDC Residence, educators and residents are assessed as per the relevant policy and procedures.
- Ensure that each educator is aware of their role and responsibilities and have signed the written legal agreement relevant to their role.
- Ensure that primary educators obtain the written consent of families before engaging an educator assistant and/or relief educator
- Ensure that all required documentation for educator registrations is kept on the educator's file and updated as required.
- Ensure that a register of educators is kept, and educator information is reviewed and updated at least annually and as required.
- Ensure educators are monitored and continually comply with Camden Council FDC expectations.
- Support co-ordinators and staff to address incidents of non-compliance, follow up on the progress of issues of non-compliance, and intervene as required.
- Monitor educator's performance and address issues of continual or serious non-compliance or breach of regulations.
- Approve re-registration or de-registration of educators annually or as required.

7.3 Coordination Unit Staff

- Ensure they follow Camden Council FDC policy and procedures and implement and maintain all requirements under these and as directed by the Nominated Supervisor.
- Implement this policy and its related procedures.
- Monitor and ensure educators' practices and environments align with this policy and procedures and all required actions are in place.
- Address issues on non-compliance with the educator and report as required to the Nominated Supervisor and ensure documentation is kept on the educator's record.

- Inform educators of their responsibilities in relation to the engagement or registration of educator's policy and procedures.
- Guide educators towards continuous improvement of their education and care practices.
- Support educators to meet all requirements of their responsibilities.

7.4 Educators

- Be aware of all regulatory requirements and understand that, in the case of a FDC education and care service, the obligation of an Approved Provider is also the obligation of the educator.
- Submit all documentation as required in the procedures adhering to timeframe requirements.
- Maintain current approved first aid and approved anaphylaxis and asthma management training.
- Hold ACECQA approved education and care qualification of certificate III level (or above).
- Maintain and extend their knowledge and understanding of the provision of education and care to children.
- Complete all required documentation for registration and re-registration.
- Ensure their public liability insurance is kept current and they notify their insurer of details of a relief educator when engaged.
- Work with co-ordinators to self-reflect and improve practices.
- Primary educators make all the required arrangements with relief educators regarding relief care.
- For primary educators, understand their role and responsibilities as an educator running their own business under Camden Council FDC, and sign the educator agreement.
- For educator assistants and relief educators to understand their role and responsibility in relation to working with, or for, the primary educator, and sign the relevant educator agreement.

8. INDUCTION AND ONGOING TRAINING

- 8.1 Prospective educators will be required to participate in a comprehensive induction process prior to being registered.
- 8.2 Induction and ongoing professional development will be implemented for all educators and staff, focusing on this policy and related procedures.

9. MONITORING, EVALUATION AND REVIEW

- 9.1 This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this policy every three years.
- 9.2 Families, educators, and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.
- 9.3 In accordance with R. 172 of the *Education and Care Services National Regulations*, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

10. SOURCES AND RESOURCES

- [ACECQA Compliance history statement template for a prospective FDC educator](#)
- [ACECQA FDC approved provider compliance responsibilities](#)
- [ACECQA FDC educator compliance responsibilities](#)
- [ACECQA FDC nominated supervisor compliance responsibilities](#)
- [ACECQA Guide to the National Quality Framework](#)
- [ACECQA Opening a new service](#)
- [ACECQA Requirements for FDC providers](#)

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RELEVANT LEGISLATIVE INSTRUMENTS: *Children (Education and Care Services) National Law (NSW)*
Education and Care Services National Regulations
National Quality Standard | Australian Children's Education and Care Quality Authority (ACECQA)

RELATED POLICIES, PLANS AND PROCEDURES: Assessment and reassessment of residences and venues for FDC policy
Assessment of FDC educators and Residents policy
Compliance, improvement, and de-registration procedure
Engaging or registering educator assistant's procedure
Engaging or registering FDC educator's procedure
Governance and management policy
Monitoring, support, and supervision of FDC educator's policy
Providing a child safe environment policy
Relief care procedure
Visitors to FDC residences and venues while education and care is being provided to children policy

RESPONSIBLE DIRECTOR: Director Sport, Community and Activation

APPROVAL: General Manager through the Executive Leadership Group.

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1		NEW	Feb 2012	
2			Aug 2019	
3	ELG	Name changed from Educator recruitment, assessment, registration, and deregistration and merged with Relief Educator policy	19/05/2022	22/221036