

Our Family Day Care Service aims to ensure all legal and financial requirements are implemented and recognised through appropriate governance practices, providing quality education and care, meeting the principles, practices and elements of the Early Years Learning Framework, My Time Our Place- Framework for School Age Care and the National Quality Standard.

SCOPE

This policy applies to the Approved Provider, Coordinators, staff, educators and educator assistants of the Family Day Care Service.

IMPLEMENTATION

Governance and management is the process that directs our Family Day Care Service, ensuring accountability, and supporting decision making. The Approved Provider, coordinators, staff and educators of the Service accept the legal responsibilities associated with establishing, administering, and maintaining the Service. Our Service has the following positions:

Approved Provider	Clarence Childhood Services Association Inc
Manager	Manager Clarence Childhood Services Association Inc
Nominated Supervisor	As outlined on the Prescribed Information

THE APPROVED PROVIDER IS LEGALLY RESPONSIBLE FOR:

- ensuring compliance by all FDC educators and educator assistants with the Education and Care Services National Law and Education and Care Services National Regulations
- complying with Family Assistance Law
- appointing suitably qualified Coordinators and FDC educators in the Service
- supporting the coordinators in their role, providing adequate resources to ensure effective administration of the Family Day Care service
- developing a clear and agreed philosophy which guides business decisions and the work of management, staff and engaged educators
- displaying the prescribed information as listed in Regulation 173 including the current rating levels for each quality area stated in the National Quality Standard
- ensuring background checks, including criminal history and Working with Children Checks/Clearance are completed for all staff, FDC educators and educator assistants
- ensuring background checks, including criminal history and Working with Children Checks/Clearance are completed for all adults over 18 years of age residing in the FDC residence
- determining whether or not a person working in the service is a 'fit and proper person'
- provide information to the regulatory authority upon request in relation to being a 'fit and proper person'
- implementing a probation and induction orientation program to ensure employees are aware of their roles and responsibilities, understanding of the values and organisational culture of the Service, policies and procedures, child protection law and other legislation
- acting honestly and with due diligence
- ensuring that families of enrolled children have access to enter the premises (regulation 157)
- ensuring there is a sound foundation of policies and procedures that complies with all legislative and regulatory requirements, and that enables the daily operation of each Family Day Care Service to be in line with the Approved Provider's philosophy and goals
- maintaining up to date and current policies and procedures for compliance by all FDC educators
- ensuring FDC educator and educator assistant's qualification requirements are current
- ensuring FDC educators are monitored, supported and supervised in accordance with regulations

- implementing annual assessments of approved FDC residences and approved venues
- ensuring that requirements relating to the physical environment, space, equipment and facilities are met
- ensuring a record is kept of all visitors to a FDC residence or approved venue
- ensuring all requirements relating to staff records are kept
- ensuring all FDC educator documents are provided to the approved provider when the educator ceases to be engaged or registered with the FDC service
- notifying families at least 14 days before changes to policy or procedures that:
 - affect the fees charged or the way they are collected
 - significantly impact the service's education and care of children, or
 - significantly impact the family's ability to utilise the service.
- ensuring the education program is based on an approved learning framework (EYLF) and (MTOPI) and contributes to each child's sense of identity and wellbeing
- confirming incident, injury, illness or trauma records are stored in a safe and secure place until the child is 25 years of age. In the event of a death of child while being cared for by the Service or may have occurred as a result of an incident, the records must be kept until seven years after the death.
- being an employer, including all legal and ethical responsibilities that this entails
- appointing staff and monitoring their performance
- ensuring all educators and staff have a clear understanding of the hierarchy of management
- providing clear and direct written and verbal feedback and instruction that is suitable and appropriate to the task
- ensuring FDC educators keep evidence of current public liability insurance at the FDC residence or venue
- ensuring the FDC Service remains financially viable and can meet its debts and other obligations as they fall due
- managing control and accountability systems
- reviewing the FDC Service's budget and monitoring financial performance and management to ensure the service is always solvent and has sound financial strength
- approving annual financial statements and providing required reports to government bodies and maintaining appropriate delegations and internal controls
- complying with funding agreements where appropriate
- reviewing the work process regularly
- supporting and assisting Coordinators and FDC educators in completing a Quality Improvement Plan (QIP) for the Service and updating it at least annually.
- developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of the Service
- establishing clearly defined roles and responsibilities for all FDC personnel
- evaluating and improving the performance of all FDC personnel
- complying with all other NSW and Australian governments' legislation that impacts upon the management and operations of a Service

STAFF ARE LEGALLY RESPONSIBLE FOR:

- ensuring compliance by all FDC educators and educator assistants with the Education and Care Services National Law and Education and Care Services National Regulations
- complying with Family Assistance Law
- supporting their colleagues with their role
- working with the Service (including all staff) and educators in a supportive, open and honest manner

- providing the service with their completed background checks, including criminal history and Working with Children Checks/Clearance
- provide information to the Service authority upon request in relation to being a 'fit and proper person'
- acting honestly and with due diligence
- ensuring there is a sound foundation of policies and procedures that complies with all legislative and regulatory requirements, and that enables the daily operation of each Family Day Care Service to be in line with the Approved Provider's philosophy and goals
- maintaining up to date and current policies and procedures for compliance by all FDC educators
- ensuring FDC educators are monitored, supported and supervised in accordance with regulations
- implementing annual assessments of approved FDC residences and approved venues
- ensuring that requirements relating to the physical environment, space,
- ensuring FDC educators keep evidence of current public liability insurance at the FDC residence or venue
- following the legal direction given by management
- undertaking all their duties of their role in an efficient and timely manner and making sure their obligations are met
- complying with all other NSW and Australian governments' legislation that impacts upon the management and operations of a Service

FDC EDUCATORS AND EDUCATOR ASSISTANTS ARE LEGALLY RESPONSIBLE FOR:

- complying with the Education and Care Services National Law and Education and Care Services National Regulations
- complying with Family Assistance Law
- working with the Service (including all staff) and fellow educators in a supportive, open and honest manner
- supporting the coordinators in their role, providing adequate resources to
- displaying the prescribed information as listed in Regulation 173 including the current rating levels for each quality area stated in the National Quality Standard
- providing the service with their completed background checks, including criminal history and Working with Children Checks/Clearance
- ensuring background checks, including criminal history and Working with Children Checks/Clearance are completed for all adults over 18 years of age residing in the FDC residence
- provide information to the Service authority upon request in relation to being a 'fit and proper person'
- acting honestly and with due diligence
- ensuring that families of enrolled children have access to enter the premises (regulation 157)
- maintaining up to date and current policies and procedures for compliance
- ensuring their qualification requirements are current
- participating in meetings, workshops, training and providing feedback and information when requested
- undertaking annual assessments of approved FDC residences and approved venues
- ensuring that requirements relating to the physical environment, space, equipment and facilities are met
- ensuring a record is kept of all visitors to a FDC residence or approved venue
- ensuring that they provide all FDC educator documents are provided to the approved provider when the educator ceases to be engaged or registered with the FDC service
- ensuring the education program is based on an approved learning framework (EYLF) and (MTO) and contributes to each child's sense of identity and wellbeing
- confirming incident, injury, illness or trauma records are stored in a safe and secure place until the child is 25 years of age. In the event of a death of child while being cared for by the Service or may have occurred as a result of an incident, the records must be kept until seven years after the death.
- ensuring they keep evidence of current public liability insurance at the FDC residence or venue

- supporting and assisting Coordinators and the service in completing a Quality Improvement Plan (QIP) for the Service
- developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of the Service
- following the legal direction given by management
- complying with all other NSW and Australian governments' legislation that impacts upon the management and operations of a Service

SERVICE PHILOSOPHY

- The development and review of the philosophy and policies will be a continuous process on an annual basis or when required.
- The philosophy and associated statement of purpose will reinforce all other documentation and the practices of the Service. The philosophy will reflect the principles of the approved national framework -Belonging, Being and Becoming: The Early Years Learning Framework for Australia and My Time, Our Place: Framework for School Age Care in Australia.
- There will be a collaborative and consultative process to support the development and maintenance of the philosophy that will include children, parents and Educators.
- All documents will be dated and include nominated review dates.

CODE OF CONDUCT

The standards of behaviour outlined in our Code of Conduct Policy provide guidance for all educators to make personal and ethical decisions related to confidentiality, recruitment, duty of care, record keeping, professional relationships and appropriate use of resources within our service.

CONFIDENTIALITY

- The FDC educator will maintain the confidentiality and privacy of each child in their care and their family and shall not disclose any information to a third party other than the Family Day Care Approved Provider or Coordinator, or as legally required to do so to comply with a legal requirement.
- Enrolment and Attendance Records will only be shared with the relevant Government Department, the educator, the parent who has CCS (or if there is no CCS, the enrolling parent) or if there is a legal requirement. The information may be shared if the relevant parent has granted authorisation for the information.
- Confidential conversations will be conducted in a quiet area away from other children, parents. Such conversations in relation to the health and wellbeing of the child will be documented and filed in a confidential manner.
- Reports, notes and observations in relation to FDC educators, other service staff and children must be objective, accurate and free from bias and negative comments including use of labels.
- Students, volunteers and/or visitors to the FDC educator's residence and/or venue will ensure that information in regard to FDC educators, FDC service staff, children and families is not discussed outside of the context in which it was heard.
- Any information received or transmitted via mobile telephone (including text/SMS) or any other electronic device (e.g., email) shall be treated with the same confidentiality as any other written form of communication and must be stored confidentially.

ETHICAL DECISION-MAKING

Our FDC Service will make decisions which are consistent with our policies and procedures which work in conjunction with the Education and Care National Law and National Regulations, our approved learning frameworks (EYLF and MTOP), and the ethical standards within the ECA Code of Ethics.

REVIEW AND EVALUATION OF THE FDC SERVICE

- Ongoing review and evaluation will support the continuing development of the Service. We will ensure that the evaluation involves all stakeholders.
- The development of a Quality Improvement Plan (QIP) will form part of the reflection procedure. Reflection on what works within the Service and what needs additional development will be included in the QIP.

MAINTENANCE OF RECORDS

- The Service will adhere to record keeping requirements outlined in the National Regulations (177).
- Records will be kept of all visitors to the FDC residence or approved venue while children are being educated and cared for as outlined in the National Regulations (165)
- The Service will adhere to the storage of confidential records outlined in the National Regulations (181-184).
- The Service has a responsibility to keep sufficient records about FDC educators engaged in the service, families and children in order to operate dependably and lawfully.
- The Service will safeguard the interests of the children, their families and staff, using procedures to ensure appropriate privacy and confidentiality practice is upheld.
- The Approved Provider assists in determining the process, storage place and timeline for storage of records using the National Regulations as a minimum standard.
- The Service's orientation and induction processes will include the provision of significant information to coordinators, educators, educator assistants, children and families to comply with National Regulations and Standards.
- The Approved Provider will need to ensure that the record retention procedure meets the requirements of the following government departments:
 - Australian Tax Office (ATO).
 - Family Assistance Office (FAO).

NATIONAL QUALITY FRAMEWORK

National Quality Standards

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.
7.2.1	Continuous improvement	There is an effective self-assessment and quality improvement process in place.
7.2.2	Educational leadership	The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle.
7.2.3	Development of professionals	Educators, co-ordinations and staff members performance is regularly evaluated, and individual plans are in place to support learning and development.

National ECEC Regulations

Sec. 13	Matters to be taken into account in assessing whether fit and proper person
Sec. 14	Regulatory Authority may seek further information
Sec. 21	Reassessment of fitness and propriety
Sec. 51	Conditions on service approval
Sec. 162	Offence to operate education and care service unless responsible person is present
Sec.172	Offence to fail to display prescribed information
Sec. 173	Offence to fail to notify certain circumstances to Regulatory Authority
Sec. 174	Offence to fail to notify certain information to Regulatory Authority
Sec. 175	Offence relating to requirement to keep enrolment and other documents
Sec.188	Offence to engage person to whom prohibition notice applies
Sec.269	Register of family day care educators, co-ordinators and assistants
29	Condition on service approval-insurance
30	Condition of service approval-family day care educator insurance
31	Condition on service approval-quality improvement plan
55	Quality improvement plan
73	Educational program
74	Record of child assessments or evaluations for delivery of educational program

84	Awareness of child protection law
104	Fencing
106	Laundry and hygiene facilities
116	Assessments of family day care residences and approved family day care venues
117	Glass
117B	Minimum requirements for person in day-to-day charge
153	Register of family day care educators, co-ordinators and educator assistants
154	Record of staff engaged or employed by family day care service
157	Access for parents
159	Children's attendance record kept by family day care educator
160	Children's attendance record to kept by approved provider and family day care educator
161	Authorisations to be kept in enrolment record
162	Health information to be kept in enrolment record
165	Record of visitors
167	Record of service's compliance
168	Education and care services must have policies and procedures
169	Additional policies and procedures- family day care service
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies and procedures
173	Prescribed information to be displayed
176	Time to notify certain information to Regulatory Authority
177	Prescribed enrolment and other documents to be kept by approved provider
178	Prescribed enrolment and other documents to be kept by family day care educator
179	Family day care educator to provide documents on leaving service
180	Evidence of prescribed insurance
182	Confidentiality of records kept by approved provider
181-184	Confidentiality and storage of records

REFERENCE & RELATED INFORMATION

- Australian Children's Education & Care Quality Authority. (2014). FDC Guidance *Record keeping in Family Day Care Services* https://www.acecqa.gov.au/sites/default/files/2018-03/FDC_RecordKeeping.pdf
- Australian Children's Education & Care Quality Authority. *Compliance Guide Approved Provider* (2017) <https://www.acecqa.gov.au/sites/default/files/2019-06/FDC-ComplianceGuide-ApprovedProvider.pdf>
- ACECQA. (2021). Policy and procedure guidelines. *Governance and Management Guidelines*.
- Australian Government. Department of Education. *Child Care Provider Handbook*. <https://www.dese.gov.au/child-care-package/ccp-resources-providers/child-care-provider-handbook>
- Early Childhood Australia Code of Ethics
- Australian Taxation Office
- Safe Work NSW
- Fairwork Australia
- NSW Fair Trading