

3.1 Educator/Assistant Educator Contractor Description/ Policy

Policy number: 3.1
Date last reviewed: December 2023
Reviewed by: Child Care Team

This policy relates to	<p>3.3(i) Training and Professional Development policy 6.1 Coordinator visits and Monitoring the Quality of Care 6.2 Role of Educator’s Family members in Family Day Care 7.14 Premises & Facilities for FDC homes & Venues</p>
National Quality Standards Early Childhood Education & Care	<p>2.2.3 Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect. 4.1.1 Organisation of educators 5.1 Relationships between educator and child 7.1.2 Systems are in place to manage risk and enable the effective management and operation of a quality service. 7.1.3 Roles and responsibilities</p>
Resources	<p>Family day care approved provider compliance responsibilities – https://www.acecqa.gov.au/media/22851 • Family day care educator compliance responsibilities – https://www.acecqa.gov.au/media/22856 • Family day care nominated supervisor compliance responsibilities – https://www.acecqa.gov.au/media/22861 • Guide to the National Quality Framework – https://www.acecqa.gov.au/nqf/about/guide • Requirements for family day care providers – https://www.acecqa.gov.au/media/23141 • Supporting educators in family day care and in home care – https://www.echr.edu.au/docs/default-source/resources/ipsp/supporting-educators-in-family-day-care-and-in-home-care.pdf?sfvrsn=6 • Working with children check (Queensland) – https://earlychildhood.qld.gov.au/legislationandguidelines/pporresources/fact%20sheets/working-with-children-check.pdf</p>

Purpose

Educators are independent contractors running their own business in line with suitability Guidelines as stated in National Quality Standards and National Regulations.

Policy

Child Care Services

❖ Educator

Role Statement

Educators independently run their own business and have a key role in the provision of a quality childcare service to members of the community. Educators work as independent contractors and are required to run their service under their own ABN Business model.

Organisational Environment

Family Day Care

Family Day Care works within the National Quality Standards for Early Childhood Education and Care and is committed to the Early Years Learning Framework, National Quality Standards and National Law. Family Day Care is regulated by Australian Children's Education and Care Quality Authority (ACECQA).

Beaucare

Family Day Care and In Home Care are auspiced by Beaucare - a community based, not-for-profit organisation which aims to provide every opportunity to maximize the quality of life of residents of the district, and to strengthen the community for everyone. Beaucare has values of "Respect, Equity, Collaboration, Justice, Self-determination, and Optimism"

Legislative Requirements for the Suitability of Educators & Assistant Educators

Regulation 163

The approved provider of a family day care service must take reasonable steps to ensure that a person who is a family day care educator/ educator assistant at a family day care residence or approved family day care venue is a fit and proper person to be in the company of children. The approved provider must consider one of the following in respect of the person:

- a. current working with children check, working with children card or working with vulnerable people check issued on the basis of a criminal history record check;
- b. current teacher registration.

Family Day Care Educator Assistant Regulations

- (1) The applicant must be a suitable person to operate a child care service;

(2) In making an assessment for sub-section (1), the Secretary may consider the following matters:

Matters relevant to management of child care services

- The applicant's expertise and experience in providing child care;
- The applicant's ability to meet and provide the appropriate quality of child care;
- The applicant's governance arrangements, including:
 - Any arrangements with other persons for the management or supervision of the child care service; and
 - Any arrangements to ensure compliance by the applicant, or any person the applicant is, or will be, responsible for managing, with the laws and standards mentioned in paragraphs d through f.

Matters relevant to capacity to comply with all laws and standards

- The applicant's understanding of obligations that would apply to it under the family assistance law, and commitment to complying with these obligations;
- The applicant's record of compliance with any laws of the Commonwealth or a State or Territory;
- The applicant's record of compliance with any quality standards relating to child care services.

Matters relevant to management of financial affairs

- The applicant's record of financial management, including:
 - Any instances of bankruptcy, insolvency or external administration involving the applicant; and
 - Any debts due to the Commonwealth by the applicant (whether or not the debt has been discharged);
 - The applicant's record of administering of Commonwealth, State or Territory funds.

Matters relevant to previous conduct, charges and convictions etc.

- Any relevant criminal charges against the applicant;
- Any proceedings currently before a court or tribunal that involve the applicant;

- Any order for the applicant to pay a pecuniary penalty for the contravention of a civil penalty provision of a law of the Commonwealth or a State or Territory;
- any decision under a law of the Commonwealth or a State or Territory relating to child care which adversely affects the applicant;
- Subject to Part VIIC of the *Crimes Act 1914*, any conviction or finding of guilt against the applicant for an offence against a law of the Commonwealth or a State or Territory (including an offence against children, or relating to dishonesty or violence);
- Any act of the applicant involving fraud or dishonesty.

Other matters

- Any other matter relevant to the suitability of the applicant.

(3) In making the assessment for sub-section (1), the Secretary may also consider the matters mentioned in sub-section (2) in relation to the following persons:

- a. Any of the applicant's previous, current or proposed key personnel; and
- b. Any person connected with the applicant, who affects, or is likely to affect, the operation of the service by the applicant; and
- c. Any person connected with any of the applicant's previous, current or proposed key personnel, who affects, or is likely to affect, the operation of the service by the applicant:

For Example: *In assessing whether an applicant is a suitable person to operate a child care service, the Secretary may consider such matters as:*

- *Criminal convictions of the applicant's key personnel;*
- *The record of financial management of the holding company of the applicant, or the bankruptcy of a proposed director of the applicant;*
- *The record of compliance with the family assistance law of a body corporate a director of which is one of the applicant's key personnel.*

Note: *For the purposes of sub-section (3), the reference to a 'person' may include a partnership or an unincorporated body.*

Family Day Care Suitability of Educators & Assistant Educators

- (1) Where the applicant is applying for approval of a family day care service or an in home care service, carers employed, contracted or otherwise engaged by the service must be suitable people to provide child care;
- (2) The applicant must undertake that the service will take reasonable steps to ensure that carers employed, contracted or otherwise engaged by the service are suitable people to provide child care;

- (3) For the purposes of subsection (2), the child care service must undertake a check for the following:
 - a. Any relevant criminal charges against the carer pending before a court;
 - b. Any relevant convictions or findings of guilt against the carer for an offence.
- (4) In considering whether a carer is a suitable person to provide child care, the Secretary may consider any other matters relevant to the carer in addition to the matters mentioned in subsection (3);
- (5) Carers employed, contracted or otherwise engaged by a family day care service or an in home care service must at all times be suitable people to provide child care;
- (6) When a service employs a new member of staff, or a family day care service or an in home care service employs, contracts or otherwise engages a new carer, the service must undertake the same checks in relation to that person as it was required to undertake under Part 2 of this determination in relation to staff and carers before the service was approved.

Accountability and Reporting Relationships

Educators are responsible for providing a high standard of care to children. They are required to meet service policies and procedures. Educators need to meet the provisions of the Education and Care Services National Law Act and the Education and Care Services National Regulations. Educators need to meet the requirements of Beaucare policies including training requirements. Support and training is available from the Coordination unit.

Primary Duties and Responsibilities

Ensure Each Child's Needs are Met

Plan and develop effective procedures to meet each child's and family's needs including children who have disabilities or other special needs, and taking into account their cultural and religious requirements.

Work Within Current Regulations and Policies

Adhere to service guidelines, policies and code of conduct as outlined in the Policy and Procedures Manual.

Quality Improvement

Embrace and implement Quality Improvement principles and strategies that result in better outcomes for children in care.

Training and Professional Development

Commit to professional development and improved practices. Complete an annual professional development plan. Meet training requirements of service including Induction Training including SIDS, Child Protection and Risk Management, 3 training sessions per 12 months (July-June). Child Protection and SIDS & Kids Safe Sleeping training are required to be updated every 2 years and do not count as part of 3 professional development sessions required. National Quality standard meetings will count as 1 training session. Educators in Family Day Care will be required to have

successfully completed a Certificate 3 in Children's Services or to be enrolled and actively studying prior to commencing care. Evidence of study is required on a monthly basis. Educators studying Diploma or higher qualifications are able to count their study as the 3 Professional Development sessions required for the year only on completion of the qualification. Any modules in certificate or diploma courses requiring a supervisor to document and sign will only be signed off by coordinators if the educator has demonstrated competency. Professional discussion meetings occur quarterly and are not counted as professional development it is a meeting that is used to include service stakeholders, staff, educators, families, community in discussion as part of planning and evaluation of the service and feeds into decision making and policy development. Educators are encouraged to attend these meetings to ensure that they have an opportunity to discuss all aspects of the service that they work with.

Support Parents

Provide support, information, advocacy and referral services to parents. Work in a professional role at all times with the family and service within service guidelines.

Maintain Professional Standards

At all times act in an ethical, diligent, honest, friendly and professional manner and follow the ECA code of ethics and service code conduct.

❖ Educator

Knowledge

Understanding and knowledge of:

- An educator must have a sound understanding of the varying needs and interests of children, and knowledge and an understanding of the physical, emotional, cognitive and social development of children
- The National Law and National Regulations
- The National Quality Standards
- The Early Years Learning Framework and School age care
- The services statement of Philosophy
- The services Code of conduct/code of ethics

A demonstrated knowledge of relevant health, hygiene, welfare and safety issues

An educator must have:

- An awareness and sensitivity to the needs of children and their families, in particular children of different cultures and religions, and children with disabilities;
- Current knowledge of appropriate nutrition, health and hygiene practices;
- An understanding of and commitment to workplace health and safety and safe practices. This includes risk assessment and risk management strategies to reduce incidents in the home and on outings to ensure safety for children;
- A knowledge and ability to implement positive behaviour guidance in a respectful and professional manner that is age appropriate for the child;

- A commitment to child protection practices.

Skills and Abilities

- A demonstrated ability to plan to meet the needs of children. An educator must have the ability to sensitively assess and meet the physical, social and emotional requirements of individual children, including children from different cultures and those with special needs;
- Effective communication skills with children, families and service staff that facilitate identification and resolution of concerns and resolve conflict;
- Responsiveness toward children that facilitates their settling, learning and growth in a socially and emotionally warm environment;
- Ability to represent themselves and the service in a professional manner and adhere to the Code of Conduct and Code of Ethics;
- Organisational skills in planning, observation taking and record keeping that will meet the National Quality Standards;
- Ability to offer a safe and stimulating home environment for children with opportunities for outdoor and indoor play for all ages.

Qualifications

- A current Senior First Aid Certificate*;
- A current CPR Certificate*;
- A current anaphylaxis and asthma certificate*;
- A current positive blue card from the Queensland Government's Blue Card Services for the educator, household members and regular visitors;
- Educators in Family Day Care are required to have successfully completed a Certificate 3 in Children's Services or to be enrolled and actively studying prior to commencing care.

(*codes available from www.acecqa.gov.au)

Other Requirements

A Medical Certificate and 2 referee checks indicating the applicant's suitability to work with children are also required prior to commencement. If previous work has been in childcare or with Family Day Care or In Home Care, a reference from the previous service may be requested.

Regulation Requirements

Family Day Care Educator Assistant Regulations

Regulation 144 (2) (b)

Providing education and care to a child, in the absence of the family day care educator, in emergency situations, including when the educator requires urgent medical care or treatment.

First Aid Qualifications

Regulation 136 (3) First aid qualification

The approved provider of a family day care service must ensure that each family day care educator and family day care educator assistant engaged or registered with the service:

- a. Holds a current approved first aid qualification; and
- b. Has undertaken current approved anaphylaxis management training; and
- c. Has undertaken current approved emergency asthma management training.

Fit and Proper Persons to be in the Company of Children

Family Day Care Educator Assistants

Beaucare requires Educator assistants to meet the same requirements as an educator.

Regulation 163

The approved provider of a family day care service must take reasonable steps to ensure that a person who is a family day care educator assistant at a family day care residence or approved family day care venue is a fit and proper person to be in the company of children. The approved provider must consider one of the following in respect of the person:

- a. Current working with children check, working with children card or working with vulnerable people check issued on the basis of a criminal history record check;
- b. Current teacher registration.

Residents at Family Day Care Premises

Regulation 163

The approved provider of a family day care service must take reasonable steps to ensure that a person over the age of 18 who resides at a family day care residence is a fit and proper person to be in the company of children.

Educators are required to notify the service of any new person over the age of 18 who resides, or intends to reside, at the educator's family day care premises; and any circumstances relating to a person who has previously been considered under this regulation in relation to the 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 (a) (b)).

Any new person over 18 years of age is required to hold a current blue card (Regulation 163/164) before taking up residency with an educator. All household members are required to ensure that the service policies and procedures are implemented while children are in care (Refer Policy 6.2 Roles Educators Family Members). Applications for blue cards occur at the age of 17.5 years to be in place when they turn 18.

Associated Beaucare Policies and Documents

Choose with Care – Building child safe organisations – ECPAT Australia 2001(7/3/11)

ACT Government Office for Children, Youth and Family Support: *Creating Safe Environments for Children – Organisations, Employees and Volunteers*

http://www.dhcs.act.gov.au/_data/assets/pdf_file/0019/5635/NCSF_organisations_employees_volunteers.pdf

ACT Government Office for Children, Youth and Family Support: *Guidelines for Building the Capacity of Child-Safe Organisations*

http://www.dhcs.act.gov.au/_data/assets/pdf_file/0020/5636/NCSF_Schedule

Bravehearts: *Selecting Staff* www.bravehearts.org.au (7/3/11)

http://www.bravehearts.org.au/docs/fact_sheet_selecting_staff.pdf

Beaucare Policy 12 Staff Recruitment

Working with Children Check - <http://www.bluecard.qld.gov.au/>

Relevant Legislation

National Law

National Regulations –

84-Awareness of child protection law

119-Family day care educator and family day care educator assistant to be at least 18 years old

127-Family day care educator qualifications

136-First aid qualifications

143 A- Minimum requirements for a family day care educator

144-Family day care educator assistants

153- Register of family day care educators, coordinators and educator assistants

163-Residents at a family day care residence and family day care educator assistants to be fit and proper persons

164 -Requirement for notice of new persons at residence

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 or procedures

National Quality Standards

<https://www.education.gov.au/child-care-provider-handbook-0>

Early Childhood Australia – Code of Ethics

Child Care Legislation & Family Assistance Law

<https://www.education.gov.au/child-care-legislation>

[Family Assistance Legislation Amendment \(Jobs for Families Child Care Package\) Act 2017](#)

[A New Tax System \(Family Assistance\) Act 1999](#)

[A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)