

## 6.2 (a) Educator’s own child Policy

<b>Policy number:</b> 6.2 (a)
<b>Date last reviewed:</b> December 2023
<b>Reviewed by:</b> Child Care Team

This policy relates to	
Education and Care Services National Regulations	Regulation 124 Number of children who can be educators and care for – family day care educator.
National Quality Standards Early Childhood Education & Care	2.2 Each child is protected 2.2.1 Supervision 7.1.3 Roles and responsibilities

### Purpose

Educator’s own children are integral parts of the Family Day Care environment and can contribute positively to the family atmosphere in Family Day Care. The purpose of this policy is to ensure that there is acknowledgement and support with clear information on responsibilities about the wellbeing and safety of the educator’s own child/ren as a priority.

### Definition

Educators’ children refer to any children who reside in the home whether irregularly or regularly and includes foster children and children that the educator is the responsible guardian for.

### Policy

Educator’s own children are counted in the child in care ratios at all times unless there is a documented backfill plan approved by the Manager.

Backfilling an educator’s own child with another child in care can only occur when there is a specific responsible adult fully supervising the educator’s own child. The responsible adult will be required to sign the child in and out of the care of the educator- (No submitting of attendance sheet would occur it is purely for evidence that the educator’s own child was not in care when there was a backfill occurring)

If the responsible person is not leaving the home, they must still keep the educator’s child with them at all times.

The responsible adult cannot at any time leave the educators own child in the care of the educator if there is a backfill situation occurring- this would be a direct breach of the Regulations.

### Regulation 124

Number of children who can be educated and cared for – family day care educator (1) a family day care educator must not educate a care for more than 7 children at a family day care residence or approved family day care venue at any one time. (2) In determining the number of children who can be educated and cared for by a family day care educator for the purposes of sub regulation (1)- (a) no more than 4 can be preschool age or under; and (b) if the children are being educated

and cared for at a residence, the educators own children and any other children at the residence are to be taken into account if – those children are under 13 years of age; and (ii) there is no other adult present and caring for the children (3) No more than 7 children can be educated and cared for as part of a family day care service at a family day care residence or an approved family day care venue at any one time.

Considerations that would be part of the approval would include the following:

- The age of the child- if the age of the child is more dependent on the educator e.g.: infant then this situation may not be suitable to backfill with another child.
- Evidence that the responsible person is fully available and able to care for the educator's child e.g.; an adult that is home during the day due to working night shift would not be approved because they would be sleeping and not fully available to care for the child.
- The adult responsible for the educator's own child must actively be caring for the child at all times.
- The person must be a responsible adult
- There can be no overlap of the child being signed out of care and the backfill child being in care.
- The educators own child will always be the priority for the ownership of the place- e.g. if the educators own child needed to return into the care of the educator where another child was booked as a backfill the parent using the backfill booking needs to understand that they only have the booking subject to the educators own child being able to be cared for by another adult. If the educator's own child returned to the home the backfill parent would need to collect their child prior to any overlap occurring.
- If the educator has been observed or reported to have exceeded ratios at any point in time e.g. from a coordinator visit, bookings or sign in /out evidence or parent feedback agreements to backfill the educators own child will not be approved. This is due to any breach of regulation 124 will also affect the approved provider as well as the educator with a non-compliance notice and possible fine.

Educator's duty of care requires them to be personally and solely responsible for the care of children at all times. Educator's family members are not authorised to supervise children without the presence of the educator. Under Child Protection Policy and strategies for educator protection, it is recommended that family members are not left unsupervised with children. This is important as part of the risk management for educators is to protect children in care and protect their own family members against allegations of harm.

**Relevant Legislation**

Education and Care Services National Regulations 2011 124,163,164,169  
Education and Care Services National Law Act 2010  
National Quality Standards 2012  
Commission for Children, Young People and Child Guardian Act 2000

**Key Resources**

Family Day Care Australia  
[www.fdca.com.au](http://www.fdca.com.au)  
National Quality Standards

**Related Policies**

[Appendix I Child Protection](#)