

Policy title	4.6 Fit and Proper Assessment of Family Day Care Educators/Contractors, Assistants and Adults Residing at Family Day Care Residences
Policy type	Management
Group	Family and Children

Rationale

The *Education and Care Services National Regulations 2011* (Regulations 163 and 169 (2)(e)) requires the approved Responsible Person of a family day care service to have a Policy and Procedures in place for the assessment of family day care educators, family day care educator assistants and persons residing at family day care residences, to ensure they are fit and proper to be in the company of children.

The purpose of this Policy is to ensure that Moonee Valley City Council, as the approved Responsible Person of a family day care service, meets the assessment requirements of the *Education and Care Services National Regulations 2011* (Regulations 163 and 169 (2)(e)).

Policy statement

Moonee Valley City Council is committed to:

- ensuring that all staff, including approved family day care educators/contractors, are recruited in a fair and equitable manner based on merit and without bias
- utilising criteria from the Victorian Department of Education and Training to determine whether a prospective educator, educator assistant, contractor and adult aged over 18 years residing at a family day care residence is fit and proper to be in the company of children

Group	Responsible Manager	Document	Document No	Approval Date	Review Date
Family and Children's Services	Michele Leonard	4.6 Fit and Proper Assessment of Family Day Care Educators, Assistants and Adults Residing at Family Day Care Residences Procedure	17/150827	August 2017	August 2019

In determining whether a person is fit and proper, Council utilises the same criteria as the Department of Education and Training (regulatory authority in Victoria). Council must have regard to:

- the applicant’s history of compliance with any current or former education and care services law, children’s service law or education law
- the applicant’s checks under the jurisdiction’s Working With Children Law
- the applicant’s criminal history
- any decision made under a former education and care services law, children’s services law or education law of a participating jurisdiction to refuse to renew, suspend or cancel a licence, approval, registration or certification issued to the person under that law
- any bankruptcy or insolvency issues

If a person has been served with an infringement notice for an offence under the *Education and Care Services National Law Act 2010*, and the person has paid the penalty, Council cannot take that offence into account when determining the person’s fitness and propriety.

The prospective FDC educator/contractor and all persons aged 18 years and above residing at the prospective FDC educator’s/contractors residence, must submit a range of information or documentary evidence to Council as part of the registration to become an approved educator/contractor. This includes:

- proof of identity
- previous service statement
- Working With Children check or card or proof of teacher registration, if applicable
- criminal history record check, including overseas criminal history statement if the applicant lived overseas within the previous three years (issued not more than six months before it is considered)
- details of any disciplinary proceedings or bankruptcy

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Procedure	4.6 Fit and Proper Assessment of Family Day Care Educators, Assistants and Adults Residing at Family Day Care Residences Procedure
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Action	Approved Provider	Responsible Person or Primary Nominee	Educator/contractor	Families	Education and Care Services National Regulations 2011	Education and Care Services National Law Act 2010	Children's Services Regulations 2009 & Children's Services Act 1996
Ensure service's Policies and Procedures meet the <i>Education and Care Services National Regulations 2011</i> with regards to the fit and proper assessment of family day care educators, and adults residing at FDC residences.	✓	✓	✓	✓	r.54 r.153 r.163	s.167 s.163-164 s.170-171	r.38 r.70-70A s.26 s.32B
Ensure work practices comply with Regulations at all times.		✓			r.172	s.167	s.26
Ensure all staff and educators/contractors meet and maintain Federal and State Government standards for quality child education and care services as well as Council's commitments under this and the Recruitment and Selection Policy.	✓ ✓	✓ ✓	✓ ✓		r.172	s.167 s.163-164	r.38 r.70-70A s.26 s.32B
Conduct fit and proper assessments of family day care educators/contractors, and persons over the age of 18 residing at family day care residences in accordance with <i>Education and Care Services National Regulations 2011</i> , and regulatory authority criteria.	✓ ✓	✓ ✓	✓ ✓		r.54 r.153 r.163-166	s.167 s.163-164 s.170-171	r.38 r.70-70A s.26 s.32B

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Action	Approved Provider	Responsible Person or Primary Nominee	Educator/contractor	Families	Education and Care Services National Regulations 2011	Education and Care Services National Law Act 2010	Children's Services Regulations 2009 & Children's Services Act 1996
Oversee and guide staff and educators/contractors to ensure adherence to this Policy and Procedures.		✓	✓		r.170	s.167 s.163-164	s.26 s.32B
Maintain a duty of care at all times. Ensure work practices comply with Regulations at all times.		✓	✓		r.170	s.167 s.163-164	s.26
Ensure that all adults residing in the family day care residence have completed the required paperwork for fitness and propriety.		✓	✓		r.163-166	s.167 s.163-164 s.170-171	r.38 r.70-70A s.26 s.32B
Provide feedback to the Family Day Care Coordination Unit on any issue or concern specific to the fitness and propriety of any educator/contractor, and/or persons aged 18 or over in the family day care residence.		✓	✓		r.163-166	s.167 s.163-164 s.170-171	r.38 r.70-70A s.26

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Link to Council Policies

This Policy and Procedures link to Moonee Valley City Council's *Recruitment and Selection Policy* as well as the *Excellence in Governance* booklet.

Resources and useful websites

This Policy and Procedures are aligned to the following National Quality Standard
www.acecqa.gov.au/national-quality-framework/the-national-quality-standard

ACECQA *National Quality Framework Resource Kit*
<http://acecqa.gov.au/national-quality-framework/national-quality-framework-resource-kit>

DEEWR *Child Care Service Handbook 2011-2012*
<https://www.education.gov.au/child-care-service-handbook>

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