

# Intereach Children's Services

## Fit and Proper Assessment of FDC Educators Procedure



<b>Applies to</b>	Intereach Family Day Care (FDC)			
<b>Policy</b>	NQS Four: Children's Services Staffing Arrangements Policy			
<b>Version</b>	2.0	<b>Date approved</b>	12/7/2023	<b>Next review date</b> 12/7/2026

### 1. Objective

Intereach aims to ensure the safety, welfare and wellbeing of children are maintained through continuous assessment that determines if an Educator and persons residing at a Family Day Care residence is a fit and proper person.

Intereach is committed to good governance and quality management of systems and documentation for assessing and monitoring FDC educators and residents including up-to-date record keeping.

Intereach will take reasonable steps to ensure that:

- educators and persons over 18 years old age who reside at a FDC residence are a fit and proper person to be in the company of children;
- when determining whether a person is a fit and proper person to be involved in the administration of the Child Care Subsidy and the Additional Child Care Subsidy, matters involving fraud, dishonesty, financial management, compliance with the law and administration of funds are all relevant considerations; and,
- take reasonable steps to ensure that nominated supervisors, co-ordinators, FDC educators, staff and volunteers follow the policy and procedures and aware of their responsibilities for child protection law.

### 2. Responsibilities

It is the responsibility of HR team to:

- register online with the NSW Office of the Children's Guardian;
- conduct online verification of the WWCC with the Department of Justice and Community Safety (Vic) or the NSW Office of the Children's Guardian of a:
  - prospective FDC educator; and,
  - any person over 18 years of age residing in the prospective educator's residence prior to their commencement.
- verify the status of the Working with Children Checks(WWCC) of each educator registered with the service to ensure all educators have a current WWCC; and,
- ensure that educators provide and update their National Criminal Check every three years.

It is the responsibility of the Nominated Supervisor and the Coordination Unit to:

- ensure that regulatory responsibilities are met in relation to the assessment of FDC educators, and residents at the FDC residence;
- ensure relevant checks of educators and residence are completed and practices are aligned with the procedures;
- ensure educators are not registered until assessed as fit and proper through service procedures;

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- collect and verify relevant information to ascertain whether a person is fit and proper;
- ensure unauthorised people, volunteers and visitors are not left alone with children;
- ensure all educators and persons over 18 years of age residing in an educator's residence have a current "Working with Children Check" (WWCC) in the State in which they reside;
- ensure the educators provide a National Criminal Check and renew the check every three years.
- notify educators of their responsibilities to inform the coordination unit of any persons over 18 years is residing at the FDC residence;
- where possible, use support, monitoring and compliance visits or other processes to assist with monitoring the presence of residents at the FDC residence;
- ensure educators are aware of their responsibility to inform the nominated supervisor/responsible person of new residents at the FDC residence; and,
- notify families at least 14 days before changing a policy or procedures if the change will significantly impact the service's education and care of children or significantly impact the family's ability to utilise the service.

It is the responsibility of FDC educators to:

- be aware of regulatory requirements and keep up-to-date with any changes to the policy or procedures;
- notify the Nominated Supervisor of intention to have residents at the FDC residence and notify if their own child or any other resident turns 18 years old (providing enough notice to carry out relevant checks);
- ensure that residents, volunteers, visitors and unauthorised people are not left alone with children;
- maintain a current WWCC (valid for five years) in either Victoria or NSW;
- ensure that any persons residing in the educator's premises over the age of 18 apply for and maintain a current a WWCC;
- develop, and provide to the Nominated Supervisor, a management plan for any new prospective household resident who is awaiting the result of a "Working with Children Check" but plans to take up residence before a result may be known;
- undergo a National Criminal History Check every three years and notify the Nominated Supervisor of any criminal charges and any disclosable court outcomes;
- ensure that any persons residing in the educator's premises over the age of 18 apply for a National Criminal History Check; and,
- register with the Federal Government's Child Care Subsidy System for payment generation via the Provider Digital Access (PRODA). This registration requires identity validation and both a current criminal history check and WWCC.

Note: FDC educators residing in Victoria are exempt if they are a teacher, currently registered with the Victorian Institute of teaching (VIT). No fee will be charged for the WWCC for any adult persons (over 18 years of age) who reside in a FDC residence.

### **3. Procedure**

#### **3.1. Working with Children Check (WWCC)**

A WWCC clearance is granted to a person under a working with children law to the effect that (a) the person has been assessed as suitable to work with children; or (b) there has been no information that if the person worked with children the person would pose a risk to the children; or (c) the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.

- All educators and persons over 18 years of age residing in an educator's residence are required to complete the application for a "Working with Children Check" (WWCC) in the State in which they reside.
- Residing at a home is not limited to a permanent living arrangement therefore there are a number of factors that will be considered in determining whether or not someone resides at a FDC residence. A person does not need to have lived at a place for any particular amount of time before they are considered to be residing there.
- Any person over 18 years of age who stays for three weeks or more at the residence of a FDC educator, must have a WWCC. If a person is a regular visitor, staying several nights a week, they will require a WWCC.
- The Nominated Supervisor may request a WWCC be completed by a visitor to a FDC residence under the guidance of (but not limited to) the following information:
  - the amount of time the person spends at the home;
  - how frequently they stay;
  - whether or not they're staying at the home is a regular or usual arrangement; and,
  - whether the arrangement will be ongoing.

#### **3.2. National Coordinated Criminal History Check (NCCHC)**

A nationally coordinated criminal history check (NCCHC) reveals an applicant's disclosable criminal history, including charges, court hearings, court convictions, traffic offences, good behaviour bonds, finding of guilt, and other court orders. Educators undergo a National Coordinated Criminal History Check every three years and notify the Nominated Supervisor of any criminal charges and any disclosable court outcomes.

#### **3.3. Duty of disclosure**

All educators must notify the Nominated Supervisor immediately if they or a residing family member or household resident is under investigation, convicted or charged with an offence that is exempted from the National Law. The Nominated Supervisor will follow the procedure set out in the *Issues of Noncompliance for Family Day Care Procedure*.

### **4. Monitoring, evaluation, and review**

This procedure will be reviewed every three years and incorporate feedback and suggestions from children, families, educators, coordinators, volunteers, and students.

## 5. National Quality Framework

Elements	Concept	Descriptor
2.2	Safety	Each child is protected
4.1	Staffing arrangements	Staffing arrangements enhance children's learning and development.
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

## 6. Context

<b>6.1. Standards or other external requirements</b>	<p>Australian Children's Education and Care Quality Authority (2017). National Quality Standards</p> <p>Australian Children's Education and Care Quality Authority (2017). Guide to the National Quality Framework</p> <p>Office of Children's Guardian (NSW Government)</p> <p><a href="http://www.kidsguardian.nsw.gov.au">www.kidsguardian.nsw.gov.au</a></p> <p>Working with Children Check (Victorian State Government)</p> <p><a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a></p> <p>Australian Government, Australian Institute of Studies. Pre-employment screening: Working With Children Checks and Police Checks. CFCA Resource Sheet – May 2018. Accessed January 2020 from <a href="http://www.aifs.gov.au">www.aifs.gov.au</a></p>
<b>6.2. Legislation or other requirements</b>	<p>Education and Care Services National Regulations consolidated 2017</p> <p>Education and Care Services National Law Act 2010</p> <p>Child Protection (Working With Children) Amendment (Statutory Review) Act 2018 (NSW)</p> <p>Working With Children Act 2005 (Vic.)</p>
<b>6.3. Internal Documentation</b>	<p>Children's Services Staffing Arrangements Policy</p> <p>Issues of Noncompliance for FDC Procedure</p> <p>Intereach Work Check Policy</p> <p>Management Plan</p> <p>Educator Records</p>

<b>7. Document control</b>			
<b>Version</b>	<b>Date approved</b>	<b>Approved by</b>	<b>Next review date</b>
1.0	09/07/2020	R. Phillips - Acting Senior Manager, Children and Family Services	09/07/2023
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