



# Nature Alliance Family Day Care Service

## Employment of Family Day Care Service Staff



### **POLICY IN THIS SECTION AS REQUIRED BY:**

Education and Care Services National Law (WA) Act 2012: Section 163; 164, 169  
Education and Care Services National Regulations, 2012 – ‘Regulations’:117A, 117B, 117C,118; 123A, 128, 136, 146  
National Quality Standards for Early Childhood Education and Care and School Age Care (2018) Standard.2; Element 7.1.2

### **PURPOSE:**

The Service aims to comply with the Child Care Subsidy legislation and supporting policy provisions in relation to key personnel roles. Staff will have relevant qualifications and skills to support Family Day Care Educators in their provision of Early Childhood Education and Care This includes staff involved in the purpose of administering Australian Government childcare fee assistance to eligible families. As a condition of ongoing CCS approval, the Service will ensure personnel details are supplied to the Department of Education about each of the individuals in these roles and provide notification of any change to the information within the timeframe specified.

### **SCOPE:**

This Policy applies to the Family Day Care approved provider and Family Day Care Service staff.

### **PRINCIPLE:**

To act in an equitable and transparent manner when employing staff to support the work of Family Day Care Educators in their provision of early childhood education and care.

### **POLICY:**

The Approved Provider under Family Assistance Law is responsible for satisfying obligations under both Commonwealth, state and territory laws. This obligation includes ensuring the childcare provider and relevant personnel are fit and proper persons to have the role of receiving and passing on of Child Care Subsidy Payments.

Staff will have relevant qualifications and skills to support the Family Day Care Educators provision of early education and care that reflects the service’s philosophy.

The Service will meet relevant laws and acts pertaining to the employment of personnel.

### **GENERAL PROCEDURE:**

The Family Day Care Service will employ qualified staff to support and monitor the practices of Family Day Care Educators engaged by the Service.

Personnel permitted to undertake related actions through the Child Care Subsidy System need to be identified as personnel as described below. Our Service will ensure persons of management or control and persons of responsibility of the day-to-day operations are fit and proper persons and have the appropriate PRODA registration in line with our CCS approval. The service will ensure all persons with management or control or persons with responsibility of day-to-day operations will be identified during the service application.

## **SPECIFIC PROCEDURES:**

The Service will Employ FDC Staff by the following process:

1. Advertise the position.
2. The applicants are advised to respond to and to provide a current curriculum vitae and copies of qualifications.
3. Applications are received and recorded.
4. An interview panel is selected.
5. Applications are assessed and shortlisted based on the submitted curriculum vitae.
6. Shortlisted applicants are interviewed by the selected interview panel.
7. Referees are checked.
8. Second interview is undertaken if required.
9. Successful applicant is notified.
10. Once successful applicant accepts the position, all other applicants are notified and mechanisms to provide feedback, if requested, are put in place.
11. Contract and employment conditions are agreed to and signed by all parties. This includes but is not limited to commencement date, remuneration (superannuation and any other items if included in the remuneration package).
12. Fair Work Information is provided to the staff person.
13. Prior to commencing employment all required documentation as listed below will be provided to the employer.
14. Induction and Orientation begins, and to be completed within 4 weeks of commencement.

The Family Day Care Service will assess all applicants based on them meeting the following criteria:

1. Aged 18 years or over
2. Current Working with Children check (employee can commence in good faith with the receipt of the clearance provided)
3. National Police Certificate issued within the last six months. (employee can commence in good faith with the receipt of the clearance provided)
4. If the applicant lived or worked outside of Australia at any time within the previous three years a statutory declaration must be completed containing the following declaration: "I have not been convicted or charged with any criminal offence during my absence for Australia (add dates of absence from Australia)".
5. Signed prohibition notice declaration.
6. Proof of Identity including:
  - Photographic identification
  - Full name or and any former name or other name that the applicant has been known by;
  - Residential address
  - Current contact details
  - Current drivers' licence
7. Medical clearance if applicable
8. Details and evidence of the applicant's relevant skills, experience, training and qualifications including:

## **Persons With Management or Control of The Provider**

These are people who participate directly or indirectly in the decision-making or management of the provider (the legal entity) that operates the childcare service.

1. a member of the group of persons responsible for the executive decision of the provider
2. a person who has authority or responsibility for, or significant influence over, planning, directing or controlling the activities of the provider
3. a person who is responsible for the day-to-day operations of the provider (whether or not the person is employed by the provider)

4. a person who is responsible for the day-to-day operation of a childcare service, for which the provider is approved or seeking approval (whether or not the person is employed by the provider).
5. a person who has authority or responsibility for, or significant influence over, planning, directing or controlling the activities of the provider
6. Provider Personnel may complete the following actions in relation to the Child Care Subsidy System (subject to their authority and capacity to do so within the provider's organisation):
  - change bank account details and other information regarding the childcare service
  - add and remove other persons, such as persons responsible for the day-to-day operation of the Service, from the Child Care Subsidy System
  - authorise data submission transactions to the Child Care Subsidy System
  - notify the Department of Education of the cessation of operations

### **Person or Persons Responsible For The Day-To-Day Operation of The Service**

These are persons nominated by a person with management or control of the provider to be responsible for day-to-day operation of the service. When nominated to do so by the persons with management or control of the provider, they may:

- add and remove persons responsible for the day-to-day operation of the service and service contacts.
- authorise data submission transactions to the Child Care Subsidy System
- notify the Department of Education of changes regarding the service for which they are responsible, excluding bank account details and cessation of operations.

### **Service Contacts**

1. These are people nominated by the persons with management and control of the provider or responsible for day-to-day operation of the service who are authorised to discuss family entitlements and transaction processing results with the Department of Education.
2. They can notify the Department of Education of non-financial contact details, including addresses and phone numbers, but they cannot notify the Department of Education about any other changes to information about a service.

### **Provider And Service Personnel Required Checks**

Under Family Assistance Law, the provider will ensure that:

- all relevant key personnel and decision makers meet fit and proper requirements
- evidence can be provided that the necessary fit and proper checks have been undertaken for all personnel involved in the administration of receiving and passing on of the Child Care Subsidy and the Additional Child Care Subsidy to families
- a written record of these checks, including the evidence provided in support of the applications is able to be provided at any time if requested

### **Provider Personnel**

Persons with Management or Control of the Provider will undergo the following relevant checks as part of their PRODA registration to administer CCS on behalf of the Service:

- a copy of the results of a Bankruptcy Register Search conducted through the Australian Financial Security Authority website, no more than three (3) months old.
- a copy of the results of an Australian National Police Criminal History Check obtained from the relevant state or territory police service or an agency accredited by the Australian Criminal Intelligence Commission, no more than six (6) months before the date of the application
- a current and historical personal name extract obtained through the Australian Securities and Investments Commission website, no more than three (3) months old.

- evidence that the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission (in the form of a computer printout of the results of the search), no more than three (3) months old.

### **Service Personnel**

Persons Responsible for the day-to-day operation of a Service will undergo the following relevant fit and proper checks:

- a copy of the results of an Australian National Police Criminal History Check obtained from the relevant state or territory police service or an agency accredited by the Australian Criminal Intelligence Commission, no more than six (6) months before the date of the application.
- details of the working with children cards required to be held under state or territory regulation.

### **DETERMINING WHETHER A PERSON IS FIT AND PROPER**

The Service will adhere to *Family Assistance Law* to determine if a person is deemed fit and proper to be involved in the administration of the Child Care Subsidy, matters involving fraud, dishonesty, financial management, compliance with the law and administration of funds are all relevant considerations:

- evidence of activity that does not comply with criminal or civil law, including (but not limited to) activity related to children or indicating dishonesty or violence.
- court proceedings and convictions or findings of guilt, including (but not limited to) activity related to children or indicating dishonesty or violence
- any past administrative decisions relating to a person's suitability to be involved in child care
- evidence of fraud or dishonesty
- the person's history of managing public funds; and any past or current debts to the Commonwealth
- arrangements in place to ensure that the person complies with the Family Assistance Law
- arrangements in place to ensure that any person managed by key personnel comply with Family Assistance Law (FDC Educators)
- the person's record of financial management, including any instances of bankruptcy, insolvency or external administration
- any potential conflicts of interest between managing or delivering the child care service and other business or financial interests of the person
- any other matter relevant to the suitability of the provider and their staff.

### **REVIEW OF PERSONNEL TO CONTINUE TO BE FIT AND PROPER**

Our Service will ensure personnel registered with PRODA as Persons with Management or Control of the Provider or Persons Responsible for the Day-to-Day Operation of a Service remain fit and proper as per Child Care Subsidy Handbook.

The Provider will notify the Department of Education within 7 days if they are aware: that a person:

- has a conviction or finding of guilt for any of the following offences under a law of Australia or of a foreign country:
  - an indictable offence punishable by a maximum of 2 years imprisonment or 40 penalty units;
  - an offence involving violence, or a sexual offence;
  - an offence involving fraud, stealing or dishonesty; or
- is an undischarged bankrupt; or

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- was a director or secretary of a corporation when the corporation went into administration, receivership or liquidation, or at any time during the 12 months beforehand.
- of an event or circumstance in relation to a person with management or control of the provider or a person responsible for the day-to-day operation of any of the provider's approved child care services that reasonably indicates that the person is not likely to be a fit and proper person to be involved in the administration of CCS and ACCS
- if an Educator obtains a qualification from a Registered Training Organisation in which the provider or a person with management or control of the provider has involvement or association.
- that the provider or person with management or control of the provider obtains, or is likely to obtain, an interest with a Registered Training Organisation or other childcare related business enterprise.

**Notification Procedures:**

The Provider will notify the Department of Education within 24 hours if they are aware:

1. of a change in the status of a Working with Children Card for each individual who is required to have such a card under section 195D of the Family Assistance Administration Act. within 24 hours after the provider becomes aware of the change of status
2. the provider enters into administration, receivership, liquidation or bankruptcy.
3. of a serious conviction or finding of guilt of:
  - a person with management or control of the provider or a person responsible for the day-to-day operation of any of the providers childcare services; or
  - an FDC Educator, or another Educator, at any of their services.

The Provider will notify the Department of Education with information about any new person within seven days of the new person becomes a person:

- with management or control of the provider (including any person who becomes responsible for the day-to-day operation of any of the approved provider's approved childcare services)
- who becomes a Family Day Care Educator
- Information must declare that the provider has undertaken all background checks required for the new person, including details of the new person's working with children card.

The Provider will notify the Department of Education within seven days after the person:

- stops having management or control of the provider (including when a person stops having day-to-day responsibility for the operation of any of the provider's approved child care services) and
- when, and the reason, the person stopped having management or control of the provider.

All notifications will be made through Harmony Software, PRODA or the Provider Entry Point. Notifications may also be made directly to the Department of Education either by phone or email. Checks will be made to ensure the software is updating the required information and notifications.

## **Additional Staff Requirements**

The service requires the following additional criteria are required for the position of:

### **Nominated Supervisor**

1. The Applicant Must Have:

- Adequate knowledge and understanding of the provisions of education and care to children;
- approved Child Protection Training and updated every three years.
- the ability to effectively supervise and manage an education and care service; and

2. At least one of the following:

- At least 3 years' experience working as an Educator in an education and care service or a children's service or a former education and care services law;
- An approved diploma level education and care qualification; or
- An approved early childhood teaching qualification.

### **Educational Leader**

1. The Approved Provider of an education and care service must designate, in writing suitably qualified and experienced Educational Support Officer or other individuals as educational leaders at the service to lead the development and implementation of educational programs in the service. More than one Educational Leader may be appointed.
2. An approved First Aid Certificate – Provide an Emergency Response in an Early Childhood Setting including Provide CPR that is updated annually.
3. An approved Child Protection Training that is updated every three years.

### **Family Day Care Education Support Officers**

1. An approved diploma level education and care qualification.
2. An approved First Aid Certificate Provide an Emergency Response in an Early Childhood Setting including Provide CPR that is updated annually.
3. An approved Child Protection Training and updated every three years.

### **Administration Staff**

1. Cert III Business Administration or equivalent experience.
2. A minimum of 5 years work experience in similar role.
3. An approved First Aid Certificate Provide an Emergency Response in an Early Childhood Setting including Provide CPR that is updated annually.
4. An approved Child Protection Training and updated every three years.

### **SOURCES:**

Australian Government Department of Education. *Child Care Package (2021)*

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

Australian Government Department of Education. *Child Care Provider Handbook (2022)*

<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>

Australian Government Department of Education. Applying for Child Care Subsidy (CCS)

Approval <https://www.education.gov.au/early-childhood/approval>

Australian Government Department of Education. *Provider tool kit*

<https://www.education.gov.au/early-childhood/provider-tool-kit>

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