



FDC Guidance

LEGISLATIVE REQUIREMENTS FOR FAMILY DAY CARE EDUCATORS: FROM 2023



The Australian, state and territory Education Ministers have agreed to changes to the National Quality Framework (NQF). This information sheet explains key changes for family day care (FDC) educators.

WHEN DO THE CHANGES START?

New requirements commencing on 1 July and 1 October 2023.

WHERE CAN I GET FURTHER INFORMATION?

- Visit nqfreview.com.au
- Contact your [regulatory authority](#)

From 1 July 2023

There will be improved oversight and new safety and workforce requirements within FDC to achieve better compliance and improved quality, and to ensure the safety, health and wellbeing of children in education and care. The key changes for FDC educators are explained below.

NEW MINIMUM FDC EDUCATOR QUALIFICATIONS

From 1 July 2023, new FDC educators must hold an approved Certificate III level (or higher) qualification prior to commencing their role in a FDC service and cannot be 'actively working towards' a qualification. Please check the legislation for commencement dates in Western Australia

If you are an existing educator currently engaged at a FDC service, you will have until 01 July 2024 to complete an approved qualification. This provision does not apply to FDC educators in South Australia. FDC educators in South Australia must hold an approved Certificate III level (or higher) qualification prior to commencing their role in a FDC service.

Waivers for staffing requirements will continue to be available. If by 1 July 2024, you do not hold an approved Certificate III level (or higher) qualification, the approved provider can apply for a waiver. The regulatory authority may consider granting the waiver if it is satisfied that the approved provider has reasonable justification for not being able to comply with regulation 127. For more information on waivers visit the [ACECQA website](#).



From 1 October 2023

Please check the legislation for commencement dates in Western Australia.

FAMILY DAY CARE REGISTER-NEW REQUIREMENT

Approved providers will need to ensure that the details of when FDC educators are approved to educate and care for more than seven children, or more than four children who are preschool age or under, at any one time, **due to exceptional circumstances**, are kept on the register of FDC educators.

The details must include the:

- nature of exceptional circumstance
- date of when approval was granted by the approved provider
- name of person who granted the approval
- the date of birth and name of each child educated and cared for as part of the approval
- the period which the FDC educator is approved to educate and care for more than seven children, or for more than four children who are preschool age or under.

These details must be kept each time the approved provider approves a FDC educator to educate and care for more than seven children (or more than four children who are preschool age or under).

SWIMMING POOLS AND OTHER WATER HAZARDS

FDC residences and venues with swimming pools will be able to continue to operate with additional safeguards to ensure active supervision and regular review of risks are considered.

A water hazard or water feature may include dams, relocatable/paddling or fixed pools, ponds, water fountains, large drains or any areas that retain water.

The approved provider must ensure that a diagram is displayed at each residence or approved venue which shows the areas of the residence or venue indicating the areas of the residence or venue suitable for the provision of education and care. The diagram should include the existence of any water hazards, water features or swimming pools at or near the residence or venue.

The approved provider must also ensure that any swimming pool at a FDC residence or approved FDC venue has a fence that complies with the law of the participating state or territory that applies to fences around swimming pools in which the residence or venue is located.

Approved providers, or a person nominated by the approved provider to represent the approved provider, will be required to inspect your FDC residence and venue which have a swimming pool, water feature or water hazard **each month**. NOTE the nominated person must not be someone who provides care or resides at the residence or venue.

The approved provider must give the inspection report to each FDC educator who provides education and care to children at the residence or venue.

More information on inspections conducted by the approved provider can be found in the Information Sheet [Legislative requirements for family day care providers from 2023](#).

Educators should complete a [daily water hazard safety check](#) and ensure that:

- the FDC residences or venues comply with fencing requirements near swimming pools and surrounds.
- any safety risks or issues are identified and rectified in regard to swimming pool gates and safety barriers.

NOTE: A [Report-Water hazard safety inspections \(Approved Providers\)](#) and [Checklist-Water hazard safety checks](#) (family day care educators) templates have been created to guide pool and water safety in FDC services.

CHANGES TO GLASS REQUIREMENTS

All FDC residences and venues (except for those in Western Australia* (WA) will need to comply with a 0.75 metres height requirement for safety glass.

Any glass surface under 0.75 metres must be approved safety glass or must not be accessible to children. This includes any glass in areas within a family day care residence or approved venue, including areas that are used by children to access the approved space such as a front door.

For example, if glazed areas such as glass panelled doors and low level windows are accessible to children then they must be:

- glazed with safety glass if required by the Building Code of Australia, or
- treated with a product that prevents glass from shattering if broken (such as safety film), or

- guarded with barriers that prevent a child hitting or falling against the glass.

*For services in WA, any glass surface under 1 metre must be approved safety glass or must not be accessible to children.

FAMILY DAY CARE EDUCATOR TO NOTIFY PROVIDER

As a FDC educator, you will need to notify the approved provider of the following:

- any circumstances relating to whether a person who resides at the FDC residence is a fit and proper person to be in the company of children, including if the person is changed with or convicted of a sexual offence, an offence of a violent nature, an offence involving drugs, an offence involving a weapon; if a person's application for a working with children or vulnerable people check is revoked, suspended or rejected; if the person is prohibited from working with children
- any circumstances arising at a FDC residence or approved FDC venue that may pose a risk to the health, safety and wellbeing of children cared for at a residence or approved venue, including any renovations or other significant changes to the residence or venue, an infectious disease outbreak at the residence or venue, a bushfire, flood or other natural disaster that may affect the residence or venue.

Failure to notify an approved provider of any such circumstance will be an offence under section 174A of the National Law or regulation 164.

NEW DISPLAY IN RESIDENCE AND VENUE REQUIREMENTS

The approved provider must ensure that certain information is clearly visible at each FDC residence or venue in a place that is accessible to families.

This information will need to include:

- a diagram (for example a floor plan) showing the areas of the FDC residence or approved venue indicating the areas of the residence or venue suitable for the provision of education and care to children. The diagram should include the existence of any water hazards, water features or swimming pools at or near the residence or venue.
- the service's rating certificate must be always displayed at each FDC residence or venue used to provide education and care to children as part of a family day care service.
- The display of the prescribed information stated in regulation *173A (*from 1 October 2023) should be clearly visible from the main entrance at each FDC residence or venue. For example, near the children's sign in records, next to the front door or near the place children's belongings are stored.

As an FDC educator you should consider the best location at your residence or approved venue that will allow the prescribed information including the diagram and your NQS rating certificate to be clearly visible from the main entrance.

FIRST AID CURRENT REQUIREMENTS

Each FDC educator is required to hold current first aid qualifications (regulation 136 (3)).

From 1 October 2023, the following qualifications are taken to be current if the qualification was attained or the training was undertaken within the previous three years:

- a. approved first aid qualifications (except in the case of emergency life support and cardio-pulmonary resuscitation which must be completed within the previous year to be taken current)
- b. approved anaphylaxis management training
- c. approved emergency asthma management training.

Your certificate should state the date when the person completed the course and may also include information on recommendations for refresher training. The certificate may include multiple units of competency; however, currency periods apply to each individual unit of competency.

The first aid qualification, anaphylaxis management training and emergency asthma management training must be approved by ACECQA and published on the list of approved first aid qualifications and training on the [ACECQA website](#).

THE ROLE OF THE FDC EDUCATOR ASSISTANT

The change to the role of an approved FDC educator assistant clarifies the situations when they may provide assistance to a family day care educator while the educator is educating and caring for children. There is a particular focus on FDC educator assistants escorting children by means of walking.

With approval from your approved provider, your educator assistant can only fill in for you as the educator when you are not in attendance:

- to transport children between your residence or venue, to a school, another education and care service or children's service, or a child's home
- in emergency situations, including when you require urgent medical care or treatment
- to enable you to attend an appointment (other than a regular appointment) in unforeseen or exceptional circumstances, if the absence is for less than four (4) hours; and the approved provider has approved that absence; and notice of that absence has been given to the parents of the child.

In addition to the existing requirements listed above, the FDC educator assistant will be able to **escort (by walking)** a child between the FDC residence or venue and:

- a school
- another education and care service or children's service
- the child's home.

Parents must provide written consent for the educator assistant to assist you in these ways. You must give these written consents to your approved provider.

OTHER CHANGES INTRODUCED MARCH 2023

GUIDANCE ON SAFE TRANSPORTATION OF CHILDREN

Children can be transported by, or be on transport arranged by, children's education and care services, including by FDC educators.

Transportation can present heightened risks to children's safety, in particular, during the period of moving between transport and embarking or disembarking from a vehicle. While new requirements for regular transportation from 1 March 2023 apply to centre-based services only, it is good practice for FDC approved providers, nominated supervisors, coordinators, educators and educator assistants to apply the new requirements to minimise risk and ensure the safety, health and wellbeing of children during any periods of transportation.

FDC educators and providers should consider establishing clear and consistent procedures, through effective risk assessment, that ensure no children are left in vehicles when the FDC educator or FDC educator assistant is transporting children. Ways to minimise the risk include:

- conducting regular headcounts and attendance checks of children including, but not limited to, before each departure, after each child embarks and disembarks the vehicle and after all children have disembarked.
- actively/ verbally engaging with the children over the course of the journey.
- ensuring procedures for embarking and disembarking the vehicle and processes for entering and exiting each location are documented and understood.
- staff training on safe transportation of children is included in induction processes and refresher training is held annually.
- embedding effective communication plans/procedures with families to ensure that parents/carers inform the service that children will not be attending the FDC service and do not need to be collected from another location.

For more information on transporting children download ACECQA information sheets:

- [Minimising the risk of children left behind in vehicles.](#)
- [Guidance for adequate supervision during transportation.](#)

OTHER CHANGES TO THE NQF FOR ALL SERVICES

There are more changes to the NQF commencing in 2023 that will apply to all education and care services, including FDC. For information on the new requirements visit nqfreview.com.au

RESOURCES AND REFERENCES

Visit the ACECQA website to download:

- the [Guide to the National Quality Framework](#)
- ACECQA Information Sheet: [Legislative requirements for family day care providers from 2023](#)
- [ACECQA Policy and procedure guidelines](#)
- ACECQA Information Sheet: [Safe transportation of children](#)
- the [ACECQA Risk Assessment Management Tool](#)
- the [National Law and National Regulations](#)

Acknowledgment: The information in this publication is accurate pending the Australian, state and territory Education Ministers' agreement to amended regulations.