

# Family Day Care

## Fit and Proper Assessment Policy



Merri-bek  
City Council

**Section:** 4 Staffing Arrangements

**Policy ID Number:** 4.3

**Link to National Quality Standard:** 4.2, 7.1.2

**Link to Education and Care Services National Legislation:** r153, r163, r164, r358, r359

### 1 Policy Statement

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Family Day Care will take reasonable steps to ensure that each staff member, Educator, Educator Assistant and person aged 18 years or over who resides at a family day care residence is a fit and proper person to be in the company of children.

### 2 Rationale

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Family Day Care is committed to creating and maintaining a child safe organisation where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all staff, Educators, Educator household members, work experience/work placement students and volunteers irrespective of their involvement in child related duties.

To assist in ensuring people in contact with children in the care environment are fit and proper.

### 3 Procedures

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- Educators must notify the Coordination Unit of:
  - Any new person aged 18 years or over who resides, or intends to reside, at the educator's family day care residence; and
  - any circumstance relating to a person who resides at the Educator's residence that may affect whether the person is a fit and proper person to be in the company of children.

#### 3.1 Working with Children Check

- All staff in the Coordination Unit will hold a current working with Children Check prior to employment and on an ongoing basis.
- All Educators, Educator Assistants, persons aged 18 years or over who reside in the family day care residence and regular visitors will hold a current Working with Children Check prior to Educator registration and on an ongoing basis.
- Working with Children Checks for Coordination Unit Staff, Educators, Educator Assistants and persons aged 18 years or over who reside in the family day care residence or are regular

visitors will be checked for currency on commencement and every six months. This information will be recorded on the relevant Staff and Educator Records.

- Any person who turns 18 or moves into the Educator residence or becomes a regular visitor and is aged 18 years or over must complete an application for a Working with Children Check.
  - Once this application has been completed the person is taken to hold a Working with Children Check until the application has been determined.
- The Educator must notify the Coordination Unit immediately if they or anyone residing in their home or working as an Educator Assistant receives a Negative Notice.
- An Educator is unable to work as an Educator if they or anyone residing in their home or working as an Educator Assistant has a Negative Notice. An opportunity would be provided to have a confidential discussion with the Children's Services Coordinator to discuss options available.
- Coordination Unit staff that return a Negative Notice will be managed as per Council's Employee Code of Conduct and Staff Policies and Procedures.

### **3.2 Criminal History Checks**

- All staff in the Coordination Unit will undertake a satisfactory criminal history check prior to employment.
- All Educators, Educator Assistants and persons aged 18 years or over who reside in the family day care residence or are a regular visitor will complete a satisfactory criminal history check prior to Educator registration.
- All Educators, Educator Assistants and persons aged 18 years or over who reside in the family day care residence or are a regular visitor will complete a satisfactory criminal history check at least once every three years in a cycle as determined by the Coordination Unit.
- Any person who turns 18 or moves into the Educator residence or becomes a regular visitor and is aged 18 years or over must complete an application for a criminal history check.
- Criminal history checks will be recorded on the relevant Staff and Educator Records.
- Registration of an Educator could be affected because of the outcome of a criminal history check.
  - If an Educator returns a criminal history record, they would be given the opportunity to have a confidential discussion with the Children's Services Coordinator to discuss the outcome of the check and options available.
  - If an Educator Assistant or person aged 18 years or over who resides in the family day care residence returns a criminal history record, the individual would be given the opportunity to have a confidential discussion with the Children's Services Coordinator to discuss the

outcome of the check. The information contained in the criminal history check will not be disclosed to the Educator without the permission of the individual.

- Continued registration of an Educator remains at the discretion of the Coordination Unit based on outcomes of these discussions.
- The Educator must notify the Coordination Unit if they, an Educator Assistant or any person who resides in the family day care residence or is a regular visitor becomes the subject of any police or Government investigation, criminal charge or conviction.
  - This could result in suspension or termination of the Educator Agreement pending the outcome of any investigation
  - Failure to notify of police or Government investigation, criminal charge or conviction could result in the Educator Agreement being terminated.

### 3.3 Visitors from overseas

- The educator will inform the Coordination Unit and families at least four weeks prior to arrival of visitors.
- Where an Educator has regular visitors, who reside overseas each visitor aged 18 years and over will be asked to show a criminal history check from their country of residence in English.
  - For any regular visitors who cannot provide a criminal history check from their country of residence in English, the Coordination Unit will determine the type of documentation to provide instead. This could include passport and visa details and/or being asked to provide a statutory declaration.
- Where visitors are staying longer than two months or will become permanent residents of the Educator's home they will be required to apply for a Working with Children Check and Australian Criminal History Check.
- If the Coordination Unit has any concerns regarding overseas visitors in relation to safety and wellbeing of children, the Educator may be suspended whilst these issues are investigated and resolved.

## 4 References

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- [Education and Care Services National Law Act](#)
- [Education and Care Services National Regulations](#)
- [National Quality Standards](#)
- [ACECQA](#)
- [Guide to the National Quality Framework](#)
- [Department of Education and Training](#)
- Merri-bek City Council Employee Code of Conduct
- Merri-bek City Council staff policies and procedures
- Educator Agreement

## 5 Definitions

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Term	Definition
<b>Regular Visitor</b>	<p>Someone who is over the age of 18 years and:</p> <ul style="list-style-type: none"> <li>(a) visits the Premises or the Educator's property more than twice a week;</li> <li>(b) stays overnight at the Premises or on the Educator's property more than twice a month on an ongoing basis;</li> <li>(c) stays at the Premises or on the Educator's property for any longer than a consecutive one week period; or</li> <li>(d) is determined a Regular Visitor by the Coordination Unit.</li> </ul>

### Revision History

Date	Revision No.	Revision Section	Revision Description
December 2016	1.0	All	Initial Policy Release (creation date)
December 2020	2.0	All	Updated from old Policy to new format and current information
February 2023	3.0	All	Updated to reflect the councils name change.
February 2024	Next Review Date		