



Educator's Own Children or Relative Policy

Covers

- Accessing Family Day Care for Educator's Own Children or (minor aged) Relatives Procedure
- Ratios of Educator's Own Children Procedure

Intention

Nurturing Family Day Care Scheme understands that an educator's own child/ren and/or relatives may be a part of the education and care setting and is an important way of balancing work and life. The approved provider works under the National Framework and the associated laws to ensure that when an educator's own child/ren or relatives are at a registered residence or approved venue the educator is operating in a safe and compliant manner.

Overview

This policy, and all policies and procedures that are associated with the Educator's Own Children and Relatives Policy, are implemented at all registered residences and approved venues by all educators, staff and visitors who are allied with the scheme.

This comprises of -

- The rules as listed in the Child Care Provider Handbook – Department of Education (in relation to Family Day Care).
- The signing in and out of educator's own children.
- The enrolment required for educator's own children.
- Ratios of children, including educator's own children.

The approved provider will ensure -

- All educator's own children are declared, as well as other children living in the registered residence or approved venue, including partner's own children or siblings.
- All educators inform the approved providers of any circumstance that may affect whether residents (of any age) are fit and proper to be in the company of children, or any other circumstances arising that may pose a risk to children's health, safety or wellbeing.
- All family day care educators are asked if a niece/nephew, cousin or grand/great-grand child is receiving education and care with them, and it is a requirement to declare if this is to occur in the future.



- All family day care educators are asked if their partner is a family day care educator, and the requirement to declare if they become a family day care educator in the future.
- That a family day care educator is assisted if any children fall into the exempt category.
- An enrolment is held of any children of an educator or an educator's partner.
- All information is kept according to the Collection and Storage of Confidential Documents Policy.
- All required ratios are adhered to at all times.

Accessing Family Day Care for Educator's Own Children Procedure

The approved provider, in accordance the Australian Government ensures that educator's own children and relatives are declared, and as such, that the information is updated if a situation changes and that the appropriate register is held.

Within 14 days of the date on which a child is enrolled by an individual for care by Nurturing Family Day Care Scheme, the approved provide will ensure that:

- Each eligible individual is asked whether the eligible individual or the eligible individual's partner is a Family Day Care educator.
- Each eligible individual is asked to inform the service if, in the future, the eligible individual or the eligible individual's partner becomes an educator.

Education and care at a registered residence or venue is subject to laws under the Australian Government and as such a session of care provided by an educator for their own child or partner's child or siblings needs to be declared to the approved provider within 7 days, when -

- A child is included in the class of children specified in this section in respect of a session of care provided to the child if:
 - The session of care is provided by an educator; and
 - The child is one or more of the following:
 - An FTB child; or
 - A regular care child; or
 - A foster care child; or
 - A biological or adopted child; or
 - A brother, sister, half-brother, half-sister, step-brother or step-sister; or
 - A child for whom there is a legal responsibility towards, as referred to in paragraphs 22(5)(a) and (b) of the *A New Tax System (Family Assistance) Act 1999*, on the part of the educator or the partner of the educator.

Under the Family Assistance Law, children who are a niece/nephew, cousin or grand/great-grandchild of a Family Day Care educator must make up fewer than half of the children to who the educator is providing care within any fortnight.

Where a Family Day Care educator provides care at premises other than the educator's residence, a written record must be kept of the address and contact number of the premises.



The documentation and information required when the above occurs is -

- The name of the eligible individual and the eligible individual's partner (if any); and
- The name of the educator; and
- The CRN (if any) of the educator; and
- The CRN (if any) of the eligible individual, if the eligible individual is not the educator; and
- The CRN of the family day care child of the eligible individual, or of the eligible individual's partner; and
- The name of the approved family day care service where the educator works (regardless of whether this is the service or another approved service); and
- The days and times of sessions of care that the educator ordinarily provides at the approved family day care service where the educator works (regardless of whether this is the service or another approved service); and

For relevant subsections and paragraphs, please refer to the [Child Care Provider Handbook](#)

Ratios of Educator's Own Children Procedure

The approved provider, in accordance with the National Quality Framework requirements, ensures that educator's own children and the enrolled children with Nurturing Family Day Care Scheme are safe and protected at all times, and as such ensures that the required ratios are adhered to.

Nurturing Family Day Care Scheme safeguards all children by -

- Ensure that the ratio for a family day care registered residence or venue is enforced at all times.
- A maximum of 7 children (not including visiting children with an adult attending to their care), with no more than 4 of those children preschool age or under, including that of the educator's own children.
- Educator's own children are included in ratios until they are 13 years old or if another adult is caring for those children (unless all children are from the same family, a child is in need of protection under child protection law or in a rural or remote location with no alternative care available).
- If another adult is taking responsibility for the educator's own children, and as such they are not listed under the ratio requirements, that adult must at all times be in charge of the health safety and well-being of the educator's own children.
- At no time should the educator take responsibility for the care of the children under the supervision of the other adult, nor give any responsibility of the enrolled children to that adult.
- All children under the age of 13 (for educator's own children, it is until they are 12 or attending high school) are enrolled with the Fully Booked system and given a Relevant Agreement notice.
- All children under the age of 13 (for educator's own children, it is until they are 12 or attending high school) are signed in and out on the Fully Booked system when they are included in the educator's ratio numbers.

Sources

Education and Care Services National Law and National Regulations 2011 (Updated October 2023)

- **Section 3, Objectives and guiding principles.**
- **Section 165, Offence to inadequately supervise children.**
- **Section 167, Offence relating to protection of children from harm and hazards.**



- Section 174, Offence to fail to notify certain information to Regulatory Authority.
- Section 175, Offence relating to requirement to keep enrolment and other documents.
- Reg 12, Meaning of a Serious Incident
- Reg 75, Information about educational program to be kept available.
- Reg 76 Information about educational program to be given to parents.
- Reg 79, Service providing food and beverages.
- Reg 80, Weekly menu.
- Reg 85, Incident, injury, trauma and illness policies and procedures.
- Reg 86, Notification to parents of incident, injury, trauma and illness.
- Reg 87, Incident, injury, trauma and illness record.
- Reg 88, Infectious diseases.
- Reg 90, Medical record.
- Reg 91, Medical conditions policy to be provided to parents.
- Reg 99, Children leaving the education and care service.
- Reg 100, Risk assessment must be conducted before excursion.
- Reg 101, Conduct of risk assessment for excursion.
- Reg 102, Authorisation for excursions.
- Reg 157, Access for parents.
- Reg 158, Children's attendance record to be kept by approved provider.
- Reg 159, Children's attendance record to be kept by family day care educator.
- Reg 160, Child enrolment records to be kept by approved provider and family day care educator.
- Reg 161, Authorisations to be kept in enrolment record.
- Reg 162, Health information to be kept in enrolment record.
- Reg 168, Education and care services must have policies and procedures.
- Reg 169, Additional policies and procedures- family day care service.
- Reg 171, Policies and procedures to be kept available.
- Reg 176, Time to notify certain information to Regulatory Authority.
- Reg 177, Prescribed enrolment and other documents to be kept by approved provider.
- Reg 178, Prescribed enrolment and other documents to be kept by family day care educator.
- Reg 183, Storage of records and other documents

National Quality Standard (Updated February 2018)

- 1.1, The educational program enhances each child's learning and development.
- 2.1, Each child's health and physical activity is supported and promoted.
 - 2.1.2, Effective illness and injury management and hygiene practices are promoted and implemented.
- 2.2, Each child is protected.
 - 2.2.1, At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
 - 2.2.3, Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
- 3.1.2, Premises, furniture and equipment are safe, clean and well maintained.
- 6.1, Respectful relationships with families are developed and maintained and families are supported in their parenting role.
- 6.2, Collaborative partnerships enhance children's inclusion, learning and wellbeing.
- 7.1, Governance supports the operation of a quality service.



- 7.1.2, Systems are in place to manage risk and enable the effective management and operation of a quality service.

Early Years Learning Framework

ACECQA

Australian Government-

Department of Human Services

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

Department of Social Services

My Child

<https://www.mychild.gov.au/childcare-information/fact-sheets>

Code of Ethics

Early Childhood Australia

National Health and Medical Research Council (NHMRC)

Staying Healthy in Child Care - Preventing Infectious Diseases in Early Childhood Education and Care (5th Edition) 2013

Review

The policy will be reviewed annually.

The review will be conducted by:

- Approved Provider
- Employees
- Educators
- Families
- Interested Parties

Created: May 2017

Reviewed: September 2017

June 2017

October 2018

September 2019

July 2020

July 2021

July 2022

July 2023

July 2024

Next review: July 2025