

## POLICY NO 32: FIT AND PROPER ASSESSMENT OF FDC EDUCATORS, ASSISTANTS & PERSONS RESIDING AT THE FAMILY DAY CARE RESIDENCE

**Key Policy Contact Person:** Manager, Our Village Family Childcare

**POLICY STATEMENT:**

All staff, Educators and assistant Educators must provide current Criminal History Checks and Working with Children Checks for themselves, and all other persons aged 18 years or over, residing at the family childcare residence, in accordance with the Education and Care Services National Regulations, (updated version July 1, 2023), Part 4.7 Leadership and Service Management, Regulation 163 (4, 5) and part 7.8 Victoria Specific Provisions, Regulations 358 and 359.

SCCH must be an organisation connected to the Working With Children Check by the Department of Justice.

**CRITICAL INFORMATION:**

Education and Care Services National Regulations, (updated version July 1, 2023), Part 4.7 Leadership and Service Management, Regulation 163 (4, 5) and Part 7.8 Victoria Specific Provisions, Regulations 358 and 359 require all FDC Educators, assistants and persons residing at the FDC residence over the age of 18 years of age to provide current Criminal History Checks and Working with Children Checks.

**Educators must advise the Coordination Unit of any additional people who spend time in the Family Childcare environment.**

**The service reserves the right to require that a person not be present during the Educator’s operational hours.**

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**PURPOSE:**

To provide clear guidelines when assessing a person’s fitness and propriety to provide an education and care service. Ensuring the rights of all children to be safe and protected from any form of abuse, including sexual, physical, neglect and emotional abuse.

**SCOPE/RESPONSIBILITIES:**

This document applies to all Educators, Educator Assistants, Families and Coordination Unit Staff of Our Village Family Childcare.

**STATEMENT OF DIVERSITY**

Sunbury and Cobaw Community Health is committed to improving the health of our community and being accessible to all, including people from culturally and linguistically diverse (CALD) communities, those from Aboriginal and Torres Strait Islander background, people with a disability, Lesbian Gay Bisexual Transgender Intersex and Queer (LGBTIQA+) people and other socially vulnerable groups and supporting their communities across the lifespan from birth to older age.

**DEFINITIONS:**

<b>Criminal History Record Check</b>	A full disclosure Australia-wide criminal history record check, issued by a police force or other authority of a State or Territory or the Commonwealth.
<b>Working with Children Check</b>	Conducted by the Department of Justice and Regulation to determine if a person poses an unjustifiable risk to the safety of children. The WWC Check screens a person’s criminal records and in some cases their professional conduct. The WWC Check focuses on serious sexual, violent and drug offences.

**PROCEDURES:**

***Criminal History Checks***

- Criminal history checks are required to be provided upon initial registration and must not be issued more than six (6) months before being considered by the service.
- Each Educator and family member residing in the Educator’s residence aged 18 years and over must provide a new criminal history check at least every (three) 3 years.
- It is the responsibility of the Educator to renew any police check prior to its date of expiry. If not completed may results in suspension until the check has been completed.
- Educators must advise the Coordination Unit of any additional people who regularly spend time in the family day care environment.
- The Coordination Unit may require additional people who spend time in the family day care environment to submit a criminal history check.
- Criminal history checks are to be provided at the expense of the Educator or individual.
- A Police Check must be sought as soon as a resident of the home turns 18 years old.

***Working with Children Check (WWCC)***

- Complete the assessment for the WWCC by accessing the appropriate documentation from the Post Office or online through the State Government – [Apply for a Working With Children Check](#)
- The costs associated with the application for a WWCC will be met by the Educator or staff member.
- Other members of the Educator’s family aged 18 years and over can apply for the WWCC in the volunteer category with minimal costs applicable.
- After consultation with the Coordination Unit, staff may request that additional people who spend time in the Family Childcare environment to submit a WWCC.
- A WWCC must be sought as soon as a resident of the home turns 18.
- It is the responsibility of the Educator to renew any Working With Children Checks prior to its date of expiry. If not completed may results in suspension until the check has been completed.

### **Offences**

- If a WWCC or Criminal History Check reveals offences relevant to the provision of care and education of children, education and care will be immediately Suspended and/or terminated **(see Educator Agreement Part 10.2 Term or Termination and Suspension of Educator)**
- The Coordination Unit reserve the right to request that any person not be present during the provision of education and care.
- It is the responsibility of the Educator, assistant Educator, household resident and coordination unit staff to renew their WWCC every five (5) years, prior to the expiry date.

### **Determining a Fit and Proper Person**

- All Educators must notify the Coordination Unit of any changes to circumstances or situations relating to any person(s) who resides at the FDC residence or approved venue being fit and proper that may pose a risk to the health, safety, and wellbeing of children.
- On receipt of these documents, any disclosable outcomes from the police history check(s) or WWCC will be considered by the service and a decision made as to whether these outcomes may influence the Educators ability to perform their services (their fitness and propriety).
- **The Service will refer to these documents within the Educators File on Harmony. No documents containing more than 3 (three) identifiers will be kept on file, only the reference numbers and outcomes.**
- The service will make copies of these documents and upload these onto Harmony and details are recorded and kept on the Educators electronic file.

**Educators must advise the Coordination Unit of any additional regular visitors attending the Family Childcare environment.**

**The service reserves the right to require that a person not be present during the Educator’s operational hours.**

### **APPENDICES:**

- Sunbury and Cobaw Community Health Workplace Safety Screening Policy & Procedure

### **REFERENCES:**

- [Education and Care Services National Regulations, \(updated version July 1, 2023\) – Regulation 163, 168, 358, 359](#)
- [Justice Department Working with Children Check](#)

- [Victoria Police](#)
- [Family Day Care Australia Police Checks](#)

**RELATED POLICIES & PROCEDURES/ WORK INSTRUCTIONS:**

- Assessment, Approval and Reassessment of Approved Family Day Care Residences and venues – 2
- Engagement and Registration of Family Day Care Educator Assistant - 5
- Engagement and Registration of Family Day Care Educators and Coordination Unit Staff - 13
- Keeping a Register of Family Day Care Educators - 17
- Interactions with Children and Guiding children’s Behaviour - 19
- Child Safe Environment & Child Protection – 7
- Visitors to the Family Day Care Residences – 47
- Educator Agreement Termination or Suspension - 39
- SCCH Workplace Safety Screening Policy & Procedure
- SCCH Client Empowerment Policy and Procedure
- Orientation of FDC Educators Work Instruction
- Overnight Care Work Instruction
- Recruitment of FDC Educators Work Instruction
- Re-Registration of FDC Work Instruction

**VERSION CONTROL AND LEGISLATION:**

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