This fact sheet outlines the requirements for applying for a service approval to operate an approved family day care service under the Education and Care Services National Law Act 2010 (National Law) and the Education and Care Services National Regulations 2011 (National Regulations).

The Department of Education and Training (the Department) is the Regulatory Authority for Victoria and is responsible for:

- granting service and provider approvals
- carrying out the quality assessment and rating process
- ensuring education and care services meet the requirements of the National Law and National Regulations.

The Australian Children’s Education and Care Quality Authority (ACECQA) is the national, independent statutory authority governing the National Quality Framework. ACECQA’s role includes:

- ensuring the consistent application of the National Quality Framework
- publishing guides and resources for education and care services
- maintaining public registers and lists of approved qualifications.

What is family day care?

A family day care service is an education and care service that is delivered through the use of two or more educators to provide education and care for children in an approved family day care residence or approved family day care venue.

An approved provider may apply to the Regulatory Authority for a service approval to operate a family day care service (section 43). The approved provider may only apply for a service approval if they will be:

- the operator of the family day care service
- responsible for the management of the staff members and nominated supervisor of the service (section 43(2)).

The approved provider of an approved family day care service is responsible for:

- ensuring the safety, health and wellbeing of the children being educated and cared for by the service
- meeting the educational and developmental needs of the children being educated and cared for by the service
- ensuring sufficient persons are appointed as family day care co-ordinators
- ensuring each family day care educator is monitored and supported by a family day care co-ordinator.

The Regulatory Authority must not grant the service approval unless the provider approval application has been granted. As such, it is recommended that an applicant waits for the outcome of their provider approval application before submitting an application for service approval.

Am I ready to apply for service approval?

If you cannot confidently answer all the questions below you should take further action before applying for service approval to operate an approved family day care service.

- Do I hold provider approval?
- What is my service philosophy?
• Who will be my nominated supervisor?
• How will I ensure my service will meet the requirements of the National Law?

Application process

Section 44 of the National Law prescribes the form an application for service approval must take and regulation 26 of the National Regulations prescribes the information that must be submitted with the application.

If an incomplete application is submitted, the Regulatory Authority will issue an ‘incomplete letter’ to the applicant. The applicant must respond to this letter and include all prescribed information by the due date stipulated in the letter. Applications will be assessed and a determination made to grant or refuse the application within 90 days of an application being deemed complete.

Prescribed information

The following information and documents must be submitted to the Regulatory Authority:

• a complete Application for service approval – family day care (form SA02)
• a copy of the policies and procedures (regulation 169(2)).

Additional information

Section 45 of the National Law allows the Regulatory Authority to request additional information for the purposes of assessing the application. The applicant will be notified of this information and provided with the instructions on how to submit these documents.

• evidence the approved provider holds a current insurance policy providing adequate cover for the education and care service against public liability with a minimum cover of $10 000 000.
• a copy of the proposed policies and procedures referred to in regulation 168
• a copy of the family day care educator register template (regulation 153)
• a copy of the template to be used for assessing a family day care residence or family day care venue, this must include the details of how a risk assessment will be conducted (regulation 116)
• a copy of the template to be used for the staff record (regulation 154)
• a policy and procedure that includes the following:
  − the process for assessing the location of each residence and/or venue to determine whether the residence or venue is located in an area considered as high risk of bushfire. The Department’s Bushfire At-Risk Register can be used to determine locations at high risk of bushfire and is available at: www.education.vic.gov.au/about/programs/health/Pages/bushfirerisk.aspx
  − procedures for monitoring bushfire risks for each family day care residence or venue
  − how the approved provider will maintain and regularly update a record of all family day care educators operating in residences or at venues identified as being at particular risk of bushfire
  − how the approved provider will ensure that education and care is not provided a family day care residence or venue located in an area considered as high risk of bushfire on a declared Code Red day in their Bureau of Meteorology district inform families of any family day care residence or venue where education and care cannot be provided due to a Code Red day in their Bureau of Meteorology district.

Applications for service approval should be completed online via the National Quality Agenda IT System (NQAITS) www.acecqa.gov.au/national-quality-agenda-it-system. By completing these online you will be able to track the progress of your application.
Conditions on service approval

Conditions may be applied to service approvals when they are granted and at any other time by the Regulatory Authority. A service approval is granted subject to conditions that (section 51):

- the education and care service is operated in a way that:
  - ensures the safety, health and wellbeing of the children being educated and cared for by the service
  - meets the educational and developmental needs of the children being educated and cared for by the service
- sufficient persons are appointed as family day care co-ordinators to monitor and support the family day care educators engaged by or registered with the service
- each family day care educator is adequately monitored and supported by a family day care co-ordinator
- the service must commence ongoing operation of the service within 6 months after the approval is granted unless the Regulatory Authority agrees to an extension of time
- the approved provider must hold the prescribed insurance in respect of the education and care service
- an approved provider must comply with the conditions of a service approval held by the approved provider.

Section 51(5) of the National Law allows the Regulatory Authority to impose any other conditions on service approval. In Victoria consideration is given to imposing a condition on service approval regarding the number of family day care educators that may be employed or engaged by the service and/or a condition that requires a particular ratio of family day care co-ordinators to educators may be imposed.

An approved provider may request the Regulatory Authority to review these conditions after the service has commenced operation and the approved provider can demonstrate compliance with the National Law and National Regulations. An application for amendment of service approval must be submitted and the approved provider notified of the decision by the Regulatory Authority before the service can employ or engage additional educators or make a change to the ratio of family day care coordinators.

Notification of decision

The applicant will be notified of the decision on application within seven days of the decision being made. If the decision is made to grant the service approval, the approved provider will receive a service approval certificate via email. This certificate must be printed and displayed at the main entrance of the principal office of the family day care service (section 172).

Contacting the Regulatory Authority

When contacting the Regulatory Authority regarding a current application please have the application reference numbers ready. These numbers begin with either ‘APP’ or ‘SE’ and will assist in identifying the application.

When submitting further information via email or mail you must clearly identify your application by including the reference numbers. Information that is received without the correct application reference numbers cannot be matched to your file and will delay the application.

The Regulatory Authority can only discuss an application with the approved provider, primary contact person or the person(s) with management or control of the proposed service.

Resources

Two guides have been developed to assist family day care educators in meeting the requirements of the National Quality Framework. Guide for Family Day Care Educators has been developed to assist educators to understand their roles, obligations and responsibilities under the National Law and National Regulations. Delivering a Children’s Program in a Family Day Care Service aims to assists family day care educators plan and deliver an educational program that helps children progress in their learning and development in the five learning outcomes.
These guides and the facts sheet *Applying for provider approval – family day care* are available at:

**Further information**

The **Department of Education and Training** is the Regulatory Authority in Victoria.
Phone: 1300 307 415
Email: licensed_childrens.services@edumail.vic.gov.au

The **Australian Children’s Education and Care Quality Authority** (ACECQA) is the national, independent statutory authority governing the National Quality Framework.
Phone: 1300 422 327   Email: enquiries@acecqa.gov.au   Web: www.acecqa.gov.au