Guide for family day carers
Responsibilities under the Children’s Services Act 1996 and the Children’s Services Regulations 2009

Every child, every opportunity
Please note:
The Web version of this guide has been specifically designed for easy navigation.
To access the sections you wish to view in this document please refer to the Contents on page 2 and click over the content you wish to view.
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Across Victoria there are more than 4,000 providers of childcare, including family day care, long day care, kindergartens, occasional care and outside school hours care.

Families choose the type of care and education that is suitable for their children and that meets individual family needs, and for many that is family day care.

There are 90 family day care services across the State which have more than 3,200 family day carers caring for more than 16,000 children. This is a tremendous contribution and I acknowledge the commitment of family day carers to providing care and education for children.

It is the Victorian Government’s responsibility to regulate children’s services in ways that assist in ensuring quality and safety for children, and accessibility and affordability for families.

From May 2009, for the first time in Victoria, family day care services are required to be licensed. This will ensure minimum standards of care and education are provided to all children attending family day care services and ensure minimum standards of care it also ensures that safety and educational standards meet consistent benchmarks.

The ‘Guide for family day carers’ provides information to assist family day carers in their important role to support compliance with the requirements of the *Children’s Services Act 1996* and the *Children’s Services Regulations 2009*.

The expertise of key participants involved in the family day care sector has been incorporated in the guide and I would like to thank everyone who contributed to this publication.

I look forward to continuing to work with all of our partners in the early childhood sector for the benefit of all Victorian children.

Maxine Morand
Minister for Children and Early Childhood Development
About this guide

This guide is designed to assist family day carers to understand their obligations under the Children's Services Act 1996 (the Act) and Children's Services Regulations 2009 (the Regulations).

More detailed information and guidance about specific topics can be provided by family day care services (coordination units).

This guide should be read as supporting material to the legislative framework and does not constitute legal advice. The reader should determine their own obligations under the Act and the Regulations and seek their own legal advice to find out how the Act and the Regulations may apply to their situation.

Copies of the Act and the Regulations are available:
- to browse at the family day care service (coordination unit) office
- to download from the Department of Education and Early Childhood Development’s (the Department’s) website www.education.vic.gov.au/licensedchildservices
- to purchase from Information Victoria, 505 Little Collins Street, Melbourne 1300 366 356; - www.bookshop.vic.gov.au

This guide contains four parts:

- Overview of the licensing and regulatory system provides an overview of the licensing and regulatory system for family day care and outlines the roles and responsibilities of government, family day care services and family day carers within this system.

- General requirements and information for family day carers provides information about who can be a family day carer, where family day care can be provided and minimum training requirements.

- Monitoring and support contains information about the Department’s role in monitoring and supporting family day care services and family day carers and outlines the range of penalties that may apply if the Act and the Regulations are not complied with.

- Family day carers’ responsibilities outlines some of the specific legal responsibilities that family day carers have when they care for children.

A glossary is provided at the back of this guide.

IMPORTANT NOTE

The focus of this guide is family day carers who are registered with a service operating under a full licence.

Provisional licences give services and family day carers time to understand and prepare to come into compliance with all the requirements of the Act and the Regulations.

In the lead up to full licensing, children’s services advisers will make advisory visits to family day care services to support their capacity to comply with the Act and Regulations.
Overview of the licensing and regulatory system

Licensing of family day care services

Family day care is a form of child care that is provided in the family day carer’s own home for a small group of children. Individual family day carers are registered with a family day care service whose role is to approve, support, train and advise family day carers. Family day care services offer a range of child care, including full or part-time care, outside school hours care, overnight and weekend care and occasional care.

Family day care services are now required to be licensed alongside other types of children’s services such as long day care services, outside school hours care services and kindergartens. This means that services and individual family day carers need to comply with the Act and the Regulations.

The Act sets out the primary obligations for anyone operating or working in a children’s service, including family day care services. The Regulations specify the minimum standards a children’s service must meet in its day-to-day operations. The Act and the Regulations provide protection for children attending children’s services, including family day care.

Both services and family day carers must comply with the Act and the Regulations.

Roles and responsibilities

Under the Act, the Department, family day care services and individual family day carers all have responsibilities in relation to providing quality care and education for children.

Victorian Government

The Act and the Regulations are administered by the Department of Education and Early Childhood Development.

The Act and the Regulations refer to the powers of the ‘Secretary’, who is the Secretary of the Department. For practical reasons the Secretary may delegate or pass down these powers to senior managers within the Department so that decisions can be made at the most appropriate level.

The Department has legal responsibilities which are outlined in the Act and the Regulations. The Department’s role is to license and monitor children’s services and to enforce the requirements of the Act and the Regulations.

Children’s services advisers are employed by the Department to manage the licensing process, monitor and support children’s services and recommend appropriate enforcement action when minimum standards under the Act or the Regulations are not met. Children’s services advisers are ‘authorised officers’ under the Act.

See the section ‘Monitoring and support’ for more information about the Department’s role in monitoring and supporting family day care services and individual family day carers.
National Quality Framework

On 7 December 2009, the Council of Australian Governments (COAG) agreed to a partnership between the Commonwealth and state and territory governments to establish a National Quality Framework for early childhood education and care and school age care services.

Under the new Framework, all Australian governments have agreed to:
- streamlined regulatory arrangements
- a new National Quality Standard
- improved staff to child ratios
- a more qualified early childhood workforce
- a transparent ratings system, which gives families information about the quality of their child’s early childhood service
- a new national body to guide the implementation and management of the Framework.

The new Framework will be implemented progressively from 1 July 2010, with full implementation by 1 January 2012. This jointly governed, unified national Framework will apply to long day care, family day care, outside school hours care services and preschools.

The Children’s Services Act 1996 and Children’s Services Regulations 2009 will continue to apply until 1 January 2012 when the National Quality Framework will be fully operational.


Commonwealth Government

The Commonwealth Government provides Child Care Benefit to eligible parents using ‘approved services’ to reduce the cost of child care for eligible families using that service. An ‘approved service’ is one that satisfactorily participates in the National Child Care Accreditation Council’s quality assurance system, which places a strong emphasis on quality relationships between children, family day carers and families. Most family day care services are approved for Child Care Benefit.

Further, the Community Support Program provided by the Commonwealth Government includes a range of other payments to family day care services to support access to child care for children and families and the provision of flexible services.

For more information about the Commonwealth Government’s role in family day care, visit the Commonwealth Office of Early Childhood Education and Child Care’s website at www.deewr.gov.au/EarlyChildhood/OfficeOfEarlyChildhood

Family day care services

Family day care services (coordination units) are licensed under the Act and are responsible for approving, monitoring, training and supporting family day carers.

Coordination unit staff (field workers) assist you to provide safe and quality care for children and to comply with your obligations under the Act and the Regulations by:
- regularly visiting and making contact with you to provide information, support and training
- inspecting your home or family day care venue and assisting you to identify risks or hazards that may cause harm or injury to children in your care
- developing policies and procedures for you to use.

See the section ‘Monitoring and support’ for more information about the role of family day care services in monitoring and supporting family day carers.

Family day carers

Family day carers must actively comply with the Act and the Regulations and are responsible for matters they can control.

Your responsibilities include:
- supervising children
- taking adequate precautions to protect children in your care from harm and hazards
- providing educational or recreational programs for children
- providing water, food and beverages to children
- making sure that children are cared for in safe and hygienic conditions
- administering first aid and medication to children as authorised and required
- completing necessary training
- maintaining records and displaying information
- following the policies and procedures of your family day care service.

See the section ‘Family day carers’ responsibilities’ for more information about your specific legal obligations as a family day carer.
General requirements and information for family day carers

Who is a family day carer?
A family day carer is a person that has been approved by a family day care service to provide care or education to children either in their own home or at an approved family day care venue.

Who can be a family day carer?
Family day carers must be aged 18 years or over and be approved by a family day care service to provide quality home-based care and education for children. Family day carers should:

- enjoy working with children and have an understanding of their developmental needs
- have a professional and caring attitude towards children and their families
- provide a safe and secure environment within their own home
- work as part of a group of professional child care workers who continuously update and improve their knowledge and practices.

Family day care services must approve a person and their home and care environment before they can become a family day carer.

A person who wishes to become a family day carer must have a criminal history notification (issued within the previous six months) and a current assessment notice (Working with Children Check) as part of the approval process. All adults who normally reside with that person must also have a Working with Children Check (unless the family day carer will be operating out of an approved family day care venue). Teachers registered with the Victorian Institute of Teaching are not required to have a Working with Children Check.

Do I need a licence to be a family day carer?
Individual family day carers do not need to be licensed if they are registered with a licensed family day care service. The family day care service is required to monitor and support individual family day carers.

Family day carers who are not registered with a licensed family day care service may be operating an unlicensed children’s service, which is illegal under the Act and could attract fines of up to $28,000. It is also an offence to advertise an unlicensed children’s service.

Although family day carers do not need to be licensed, they do have important responsibilities under the Act and the Regulations and action may be taken against them for failing to comply with their legal requirements.

How many children can a family day carer look after?
You can provide care or education for up to four young children who have not started school and up to seven children in total. This includes:

- your own children if they are aged under 13 years
- children aged 13 or over if you are supervising them or if they are enrolled with your family day care service.

If the young children you are caring for are all siblings, up to six children under the age of six years may be cared for, but you cannot care for more than seven children in total.

Your family day care service may further limit the number of children in your care if it decides that this is necessary for the safety or wellbeing of the children.

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1 Regulation 14(3).
2 Family Day Care Victoria.
3 Regulations 69 and 70.
4 Regulation 39(5).
5 Regulation 70(6).
6 Section 7 of the Act.
7 Section 8 of the Act.
8 Section 3 of the Act.
Where is family day care provided?

Family day care is child care that is provided in your own home. This means that children must be cared for in your primary residence (where you live). 9

Children in family day care must have regular access to the living areas of your home. 10 Although you may restrict access to certain areas or rooms of your home (such as your bedroom, office or tool shed), children should generally feel welcomed and comfortable in their care environment.

What is a family day care venue?

A family day care venue is a community (or other) venue that the Secretary has approved to be used by a family day carer to care for children.

Occasionally, a family day carer’s home may be unsuitable or unsafe for children. This is sometimes the case in rural or remote areas of Victoria where family day carers live a considerable distance from town or on a property that may be hazardous for children.

Family day care venues are only approved in exceptional cases where certain criteria are met, including that the venue is located in a rural or remote area where no other mainstream child care services exist (including other family day carers) and a service cannot reasonably be set up.

What is the role of the family day carer’s family?

Family day carers are encouraged to involve their own family in family day care. However, the family day carer is responsible for the children in their care at all times. Only one family day carer is permitted to operate at any one time in their home or family day care venue. 11

This means that although other adults in your home may assist with the care or education of children at family day care, you are responsible for ensuring that the Act and the Regulations are complied with (for example, that children are adequately cared for and supervised).

If children go on an excursion or routine outing as part of their family day care experience, you must accompany them.

See also ‘Excursions and routine outings’ below.

Who are relief carers?

Relief carers are people who care for children in the family day carer’s home in the event that the family day carer is unable to. For example, a family day carer may organise in advance (with his or her family day care service and parents and guardians of the children in their care) for a relief carer to care for children while he or she attends a doctor’s appointment.

A relief carer may be:

- a family day care service staff member responsible for providing training and advice to family day carers (field worker)
- another adult who lives with you (so long as they are registered as a family day carer).

It must be clear who is in charge of the care and education of children at all times. Only one family day carer is permitted to operate at any one time in their home or family day carer venue.

Relief carers must meet all the minimum requirements of a family day carer under the Act and the Regulations (including first aid and anaphylaxis management training requirements).

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9 Regulation 14(2).
10 Regulation 14(3).
11 Regulation 14(5).
Qualifications and training

Minimum training for family day carers

All family day carers are required to complete a Certificate III in Children’s Services, or an equivalent or superior qualification \((\text{minimum training})\) by 1 January 2014. This training helps family day carers to develop appropriate educational and recreational programs and gives parents confidence that their child is receiving quality and professional care.

A list of approved courses is available on the Department’s website at www.education.vic.gov.au/licensedchildservices

If you have training or a qualification that does not appear on the list of approved courses (such as a Diploma received outside Australia) you may apply to have your training or qualification assessed for equivalence to a Certificate III in Children’s Services. Further information on applying for an assessment of equivalence is available at www.education.vic.gov.au/licensedchildservices

Experienced family day carers do not need to meet the minimum training requirement (and therefore do not need to complete a Certificate III in Children’s Services) if they:

- have a minimum of five years continuous, full-time experience in family day care (or 10 years part-time experience)
- were registered with an operational family day care service on 25 May 2009
- complete a professional development course approved by the Secretary before 1 January 2012.

Family day carers who choose to complete an approved professional development course instead of completing minimum training will be required to provide evidence of their experience in family day care. The professional development course is not equivalent to a Certificate III or other approved minimum training.

Experienced family day carers may still choose to complete minimum training if they wish, and are encouraged to do so.

First aid and anaphylaxis management training

Administering first aid to a sick or injured child in an emergency can make a significant difference to the harm or injury that child suffers. For this reason, all family day carers must be trained in first aid and anaphylaxis management every three years. This training must be specific to children, who have different needs to adults.

You must be trained in first aid before you begin caring for children. You must have completed anaphylaxis management training if you care for a child who has been diagnosed as being at risk of anaphylaxis. If you do not care for a child who has been diagnosed as being at risk of anaphylaxis, you have until 1 January 2012 to complete anaphylaxis management training.

For convenience, both first aid and anaphylaxis management training can be undertaken in one combined course. A list of approved first aid and anaphylaxis management courses is available on the Department’s website at www.education.vic.gov.au/licensedchildservices

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12 Regulations 61 and 120(3). An equivalent or superior qualification includes an approved Diploma or Degree (teaching) qualification, including a primary school teaching qualification.
13 Regulation 120(1).
14 Regulation 120(2).
15 Regulation 64(1).
16 Regulation 122(1).
17 Regulation 67(3).
18 Regulation 64(1)(d).
19 Regulation 64(4).
In addition, all family day carers must complete refresher training in cardio-pulmonary resuscitation (CPR) and the use of an adrenaline auto-injection device at least every 12 months. CPR is a medical procedure used in an emergency where a person's heart has stopped beating. An adrenaline auto-injection device is a device that injects adrenaline into the body of a person who has gone into anaphylactic shock as a result of being exposed to something that they are allergic to. The Department has developed an Anaphylaxis Resource Kit that is available to your family day care service to support you in completing the required annual updates on the use of an adrenaline auto-injection device.

See also 'First aid' and 'Anaphylaxis management' below.

Other training
Your family day care service is responsible for providing you with additional training and resources as may be necessary. You should expect to be provided with regular and ongoing training, information and advisory visits from field workers to assist you to continually improve the quality of the care and education you provide to children.

For more information about training opportunities provided by your family day care service, contact your service field worker.

Register of children's services
The Department publishes information about children's services, including family day care services, on its website. The register of children's services contains information such as the name and address of the children's service, the name of the licensee and the date the service's licence expires.

Individual family day carers will not be identified on this register.

The Children's Services Register is available at www.education.vic.gov.au/licensedchildservices

Register of family day carers
The Secretary is also required to keep a register of family day carers under the Act. The purpose of this register is to assist in the monitoring of services and the investigation of serious incidents and complaints. The register contains information about you as a family day carer, including:

- your full name and date of birth
- your home address (or the address of the family day care venue, if applicable)
- your contact telephone number
- the date that you were registered with your family day care service
- the days and hours that you will be caring for or educating children

Family day care services are required to provide the Secretary with this information.

Information kept in this register is strictly confidential and may only be accessed by the Secretary, an authorised officer or a delegate of the Secretary.

Record of family day carers
Family day care services are required to keep a record of all family day carers who are registered with the service. This record includes information about you as a family day carer, such as:

- your name, address and date of birth
- your working hours
- the dates you completed training in first aid, anaphylaxis management, CPR and the administration of an adrenaline auto-injection device
- the full names and dates of birth of all adults and children who live (or normally live) with you
- details about your current assessment notice (Working with Children Check) and criminal history notification
- details about the current assessment notice (Working with Children Check) of all adults who normally live with you.

Services are also required to keep copies of your qualifications and certificates of any relevant training you have completed.

20Regulation 65.
21Section 53A of the Act.
22Regulations, schedule 1, clause 26.
23Section 32A of the Act.
24Regulation 39(1).
Monitoring, support and training

Role of your family day care service

Your family day care service is responsible for monitoring, supervising, training and providing information to you. Your service should support you to:

• continue to provide a safe, stimulating and quality learning environment for children in your care
• ensure that you have access to training about quality care and education of children
• meet your obligations under the Act and the Regulations
• continually improve the quality of care and education you provide for children.

Your family day care service is also responsible for approving family day carers by reviewing criminal history checks, qualifications and other background information of prospective family day carers.

Visits from field workers

As a minimum, you should expect regular face-to-face contact with your field worker, including visits from your field worker to your home or family day care venue.

You should feel comfortable contacting your service to discuss any concerns or questions you may have.

During visits to your home or venue, your field worker may:

• exchange information with you about children in your care
• assess your home or family day care venue to make sure that the care environment is safe and appropriate for children
• observe your interactions with the children in your care
• work with you to continually improve the care and education you provide for children, including assisting you to develop a suitable educational or recreational program
• make sure that your records are up-to-date and that you have available all required information
• ensure you are in compliance with the Act and the Regulations (including observing the number of children in your care)
• discuss the service’s policies and procedures with you
• practise emergency procedures and evacuations with you and the children
• discuss access to training, in service and peer support.

If your field worker finds that you are not meeting your obligations under the Act or the Regulations, they have an obligation to work with you to achieve compliance. This may involve, for example, requiring you to take action to fix or remove a hazard that may cause harm to children in your care.

Your service is expected to take action against family day carers who are unable or unwilling to provide safe, quality, home-based care for children.
Role of the Department

Monitoring compliance with the Act and the Regulations

One of the roles of the Department is to monitor children’s services, including family day care services, to make sure that the Act and the Regulations are being complied with.

Children’s services advisers (who are authorised officers) visit services, and a selection of individual family day carers, to check that legal obligations are being met. These visits may be unannounced and the children’s services adviser may have assistants with him or her. If a children’s services adviser visits your home or family day care venue, you can request that they produce an identity card to verify their authority.25

During a visit, a children’s services adviser may assess:

- the physical features and condition of your home or family day care venue, including outdoor areas and equipment
- the educational and recreational programs you provide for children in your care
- your interactions with children in your care
- your records, policies and procedures for ensuring the health and welfare of children in your care.

The children’s services adviser may also ask you questions about the way you are complying with the Act and the Regulations and about your family day care service and the support they provide to you.

Following a visit, your family day care service will receive a letter from the Department which outlines any matters that did not comply with the Act or the Regulations, and any other matters that were discussed during the visit. Your family day care service is required, within a specified time period, to make sure that these matters are rectified, and to report back to the Department about what action has been taken.

Investigations

A children’s services adviser may conduct an investigation to check whether a breach of the Act or the Regulations has occurred or is continuing to occur. An investigation may be undertaken for a number of reasons, including because a complaint is made to the Department, the Department is notified of a serious incident that has occurred at family day care, or as a result of a children’s services adviser’s own observations.

An investigation may involve:

- a discussion with you, your service or parents and guardians of children in your care
- an inspection of your home or family day care venue
- the copying, photographing or seizure of documents or other items
- formal interviews with anyone involved in the matter.

Powers of authorised officers (including children’s services advisers)

Part 5 of the Act outlines the powers of authorised officers to monitor family day care services (including individual family day carers) and enforce the Act and the Regulations. Authorised officers have wide-ranging powers under the Act, and may for example:

- enter your home or family day care venue at any time during the hours that you are caring for or educating children (as a family day carer) or at other times with your consent 26
- inspect your home or family day care venue, and any equipment, vehicle or anything else used or suspected of being used for family day care 27
- take photographs and videos or make sketches 28
- inspect, make copies of or take extracts from documents, and seize those documents (you or someone in your household will be told if any documents or other items are being removed) 29
- require you or a person at your home or family day care venue to answer questions, produce documents or provide other relevant information. 30

25 Sections 35(6) and 41 of the Act.
26 Section 36(i)(a) of the Act.
27 Section 36(i)(b) of the Act.
28 Section 36(i)(c) of the Act.
29 Sections 36(i)(d), 36(i)(e) and 36(2) of the Act.
30 Sections 36(i)(f) and 36A of the Act.
Powers of the Secretary of the Department

The Secretary of the Department has a wide range of enforcement powers under Part 5 of the Act.

These powers include the power to:

- direct a family day care service, in writing, to take steps to remove or reduce a risk to children \(^{31}\)
- remove a child or children from a family day carer’s care and arrange for them to be returned to their parents or guardians (which will only be done in rare circumstances where the Secretary is satisfied that there is an immediate danger to the health, welfare or safety of children in care) \(^{32}\)
- direct a family day care service, in writing, to suspend a family day carer that is not complying with the Act or the Regulations (the family day carer has a right to appeal this decision to the Secretary) \(^{33}\)
- prosecute a children’s service or family day carer if they do not meet their obligations under the Act and the Regulations, which may result in a fine.

Offences

It is an offence to:

- without reasonable excuse, obstruct an authorised officer from exercising their legal powers \(^{34}\)
- refuse to answer an authorised officer’s question or to provide other information or documents \(^{35}\)
- without lawful authority, destroy or damage a document, or a notice that has been given to you by the Department
- impersonate an authorised officer or the Secretary.

Protection against self-incrimination

Protection against self-incrimination means that you cannot be forced to give evidence that implicates you in an offence.

You may refuse to answer an authorised officer’s question or produce information if the purpose of the question or request for information is to determine whether you have committed an offence. \(^{38}\)

However, you cannot refuse to answer questions or produce information if the Department gives you written notice requiring you to answer questions or produce information about:

- the protection of children from hazards and harm
- the inadequate supervision of a child
- the unreasonable discipline of a child. \(^{39}\)

Any information you provide in response to such written notice cannot be used as evidence against you in any criminal proceedings other than proceedings under Part 5 of the Act.

Supporting compliance with the Act and the Regulations

In addition to its monitoring and enforcement roles, the Department also has an advisory or support role. The Department advises children’s services about their responsibilities to help them understand and comply with the law and provide safe and quality care for children.

As part of this advisory role, the Department has developed and continues to develop guides, practice notes, fact sheets and other useful resources that provide information for all types of children’s services, including family day care services. You can find these resources at www.education.vic.gov.au/licensedchilddervices

Children’s services advisers also provide advice and support to children’s services. If a children’s services adviser visits your home, you may ask questions or seek clarification regarding your obligations. Of course, your family day care service should also be available to take your questions or assist you with your concerns.
This section outlines the legal responsibilities that family day carers have when they are caring for or educating children. Specific references to your obligations under the Act and the Regulations are outlined in the green boxes.

Your family day care service can assist you to meet your obligations.

Educational or recreational programs

Early childhood is a period of rapid learning and development. The quality of a child’s learning environment has a profound impact on that child’s life opportunities and outcomes.

You are responsible for providing each child in your care with an educational or recreational program that:

- is based on the child’s developmental needs, interests and experiences
- is designed to take into account the child’s individual requirements
- enhances the child’s development.

You are required to keep an outline of the educational or recreational programs you provide for children at family day care available for inspection at your home or family day care venue at all times that you are caring for children.40

A quality educational or recreational program:

- allows children to learn through play
- is based on knowledge and understanding of child development
- values contributions from the child’s family and community
- uses positive ways to support children to learn to guide their own behaviour and understand what behaviours are acceptable and desirable
- is regularly evaluated
- includes both indoor and outdoor activities
- documents each child’s developmental progress, interests and experiences
- provides a range of opportunities and experiences for children to learn about themselves, each other and their environment
- allows children to be creative and express themselves in original ways
- gives children the opportunity to acquire and practise new skills
- balances child-initiated and adult-initiated experiences
- is sensitive to the child’s cultural, family and community background
- is provided in a secure, caring and supportive environment
- encourages children to have a positive attitude toward learning.

Further information and resources regarding programming are available at www.education.vic.gov.au/licensedchildservices or refer to our guide “Delivering a children’s program in a family day care service”.

Section 26B(2) of the Act provides that a family day carer must ensure that there is made available to all children who are being cared for or educated by the family day carer an educational or recreational program -

- that is based on the developmental needs, interests and experiences of each child;
- that is be designed to take into account the individual differences of those children; and
- that enhances each child’s development.

40 Regulation 46(3)(a).
Additionally, the Victorian Government has developed an Early Years Learning and Development Framework to help early childhood professionals, including family day carers, develop quality educational programs for children. Information about this framework is available on the Department’s website at www.education.vic.gov.au/earlylearning

Selecting furniture, materials and equipment that are responsive to the developmental needs of children is integral to achieving the aim of educational or recreational programs. Thus, as part of their program, children must be given access to furniture, materials and other equipment (such as toys and books) that are appropriate for their age and stage of development. A variety of resources allows children to explore, discover and make decisions. Further, the design and placement of furniture, materials and equipment will contribute to the creation of an environment where children feel welcome and comfortable.

Regulation 93(2) provides that a family day carer must ensure that each child cared for or educated by the family day carer has access to furniture, materials and developmentally appropriate equipment suitable for the educational or recreational program provided to that child.
Family day carers’ responsibilities...continued

Record keeping

Family day carers and family day care services must keep a number of records. Accurate records help to ensure that children are kept safe and that their individual needs are met. The records you must keep at your home or family day care venue are:

- child enrolment records
- an attendance record
- a medication record
- an accident, injury, trauma and illness record
- a record of the educational or recreational programs you provide for children.

These records must be available for inspection by a children’s services adviser if they pertain to a child currently in your care. For example, if a children’s services adviser visits your home or venue, they should be able to see an attendance record that documents the arrival (and departures) of children in your care on that day.

Information about each of the required records is provided below.

Child enrolment records

You must keep an enrolment record for each child you care for. In practice your family day care service will usually complete the enrolment record with the child’s parents or guardians. However, you are required to keep a copy of this record as it contains information which you need to know.

An enrolment record for a child must contain the following information:

- the name, date of birth and address of the child
- the name, address and telephone number of:
  - each parent or guardian that the child lives with
  - any other parent or guardian of the child
  - a person who should be notified of any accident, injury, trauma or illness involving the child
  - each person who is able to provide permission for you to take the child outside your home or family day care venue (parent or guardian or other person with legal authority)
  - any person who is able to collect the child from your care
  - any person who is able to provide permission to give the child medication or medical treatment (parent or guardian or other person with legal authority)
  - details about any court orders affecting access to the child (if provided)
- the language used in the child’s home
- written permission from a parent or guardian (or other person with lawful authority) for you or your service to seek medical treatment for the child from a doctor, hospital or ambulance service in an emergency
- written permission from a parent or guardian (or other person with lawful authority) for you to take the child on routine outings

Section 32B(3) of the Act provides that a family day carer who cares for a child (as a family day carer) at their residence or a family day care venue must keep the relevant prescribed documents available for inspection by an authorised officer at that residence or venue.

Regulation 28(4) provides that a family day carer must take reasonable steps to ensure these records are accurate.

41 Section 32B of the Act.
• **Health information**, including:
  - the name, address and telephone number of the child’s **doctor** or medical service
  - details about any **medical conditions**, special needs or allergies, including whether the child has been diagnosed as being at risk of **anaphylaxis**
  - any medical management procedure to be followed, including the child’s **anaphylaxis management plan** (if relevant)
  - details about any **foods or drinks** that the child cannot have
  - whether the child has been **immunised**
  - whether you or your family day care service has seen the child’s **Child Health Record**. \(^4^2\)

Information contained in a child’s enrolment record is confidential and must not be divulged to anyone unless:

- the child’s parent or guardian (or other person with authority) asks for the information
- an authorised officer of the Department asks for the information or to see the record
- it is necessary to do so for the care, education or medical treatment of the child (for example, a doctor may need to know whether a child has any allergies in order to provide safe treatment to that child)
- you are legally permitted or required to do so (for example, a court orders you to provide information)
- the person who provided the information consents, in writing, to it being released.

### Attendance records

Attendance records keep track of children arriving at or departing family day care. Some family day care services may call their attendance records ‘time sheets’. You must keep an attendance record that contains:

- the child’s full name
- the time the child arrived at and departed family day care.

This record must be **signed** each time the child arrives at or departs from family day care by either:

- you
- the person who delivered or collected the child.

**Note:** *Both your signature and the signature of the person who delivered or collected the child may be required for Commonwealth funding purposes.* **Contact your family day care service for more information.**

It is not necessary for you to sign the attendance record if you take the child on an excursion or routine outing. However, the attendance record must be completed if the child is given into the custody of another person (for example, a kindergarten teacher).

You may routinely send your attendance records to your family day care service. However, on any day that you provide care or education to children as a family day carer, you should at least have the attendance record for that day at your home or family day care venue.

*See also ‘Delivery and collection of children’ page 23.*

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\(^4^2\) Regulations 32-34.
Medication records

Medication records help reduce the risks of accidents such as overdoses. You are required to keep a medication record for each child in your care.

The information that must be recorded is:

- the child’s name
- signed written permission to give the child medication (provided by a parent or guardian or other person with lawful authority)
- the name of the medication to be given
- the dosage to be given to the child
- the time and date that the medication was last given to the child (this includes dosages given by parents or guardians at home of which you are aware)
- when the next dose should be given (this may be either a specific time and date or specific circumstances such as the child developing a fever).

If you give medication to a child in your care, you must record the following details:

- the dosage that was given to the child
- the time and date the medication was given
- the name and signature of the person who gave the child the medication (this would usually be you, but may in some cases be a medical practitioner).

Both prescribed and non-prescribed medication must be recorded. Any medication that is spilled or spoiled should also be recorded in the medication record.

Medication must only be administered to a child in the prescribed way. See ‘Medication’ below for more information about giving medication to children.

Accident, injury, trauma and illness records

You must keep a record of any accidents, injuries, traumas or illnesses involving children in your care.

In the event of an accident, injury or trauma involving a child, you must record:

- the child’s name
- information about what the child was doing at the time of the accident, injury or trauma, and any other relevant circumstances connected to the incident
- a description of the accident, injury or trauma
- details about any products or structures involved
- the time and date the accident occurred, the injury was received or the child was subjected to the trauma.

If a child becomes ill at family day care, you must record:

- the child’s name
- any apparent symptoms and any relevant circumstances surrounding the child becoming ill (for example, a child may have started vomiting after eating lunch)
- the time and date when the child became ill (this means when you or someone else first noticed that the child was unwell).
In all cases of accident, injury, trauma and illness involving a child in your care, you must record:

- details about what action you (or your service) took
- the name of the person who you notified of the incident (for example, a parent or guardian) and the time and date that they were contacted
- your name and signature.

The accident, injury, trauma and illness record must be completed as soon as possible and not later than 24 hours after the accident, injury or trauma, or onset of illness.\(^{43}\)

The parents or guardians of a child in your care have a right to access the accident, injury, trauma and illness record for their child and be provided with a copy of that record if they request it.

You and your family day care service have other responsibilities under the Act and the Regulations where a child is involved in an accident, injury, trauma or illness at family day care. See ‘Serious incidents’, ‘Sick or injured child’ and ‘First aid’ below for more information.

Information to be available for inspection

You must keep certain information and documents at your home or family day care venue when children are at family day care. This information may be inspected by parents or guardians, authorised officers (including children’s services advisers) or your family day care service.

Your family day care service will provide you with the information and documents that are required to be kept, and work with you to tailor policies to meet the needs of individual children, families and care environments. Your family day care service is responsible for making sure that parents and guardians of children in your care are notified of any changes to this information.

The information that must be kept is:

- educational or recreational programs provided to children
  See ‘Educational and recreational programs’ page 14
- the service’s behaviour management policy
  See ‘Discipline and behaviour guidance’ page 22
- arrangements for the delivery and collection of children
  See ‘Delivery and collection of children’ page 23
- procedures for dealing with illness and emergency care
  See ‘Sick or injured child’ and ‘Emergency procedures’ page 26
- procedures for dealing with infectious disease
  See ‘Infectious disease’ page 32
- provision for dealing with complaints
  See ‘Complaints’ page 37
- the service’s anaphylaxis management policy
  See ‘Anaphylaxis management’ page 34

Regulation 46(2) provides that a family day carer must ensure specified information is available for inspection at the family day carer’s residence or family day care venue at all times that the family day carer is caring for or educating children.

\(^{43}\)Regulation 37(4).
\(^{44}\)Regulation 47.
Health and welfare of children

Hazards and harm
You are responsible for protecting children in your care from hazards and harm.

Harm includes (but is not limited to) serious incidents leading to trauma, injury requiring medical attention, or death. Taking precautions to protect children from harm includes taking precautions against physical, sexual, emotional or psychological abuse and neglect while the child is attending family day care. Harm may also arise from the inappropriate discipline of a child, or a child leaving family day care unsupervised.

Hazards include activities that are potentially unsafe and any dangerous items or equipment that could injure a child. A hazard may arise for a variety of reasons, including (but not limited to):

- inappropriate placement of furniture and equipment in a home or family day care venue, including outdoors
- inadequate fencing, gates and locks
- broken, worn or dirty equipment, furniture or facilities
- lack of rails, guards and other safety fittings
- the presence of toxic plants and materials in areas accessible to children
- activities being undertaken by children without adequate supervision or assistance
- inadequate cleaning and maintenance of your home or family day care venue
- poor understanding of a child’s medical or dietary requirements
- inadequate procedures for storing and administering medication.

Your family day care service can assist you to identify and reduce hazards and prevent harm to children.

Serious incidents
Serious incidents involving a child can be distressing. The Department needs to know about these incidents so that appropriate support and advice can be provided and potential hazards and possible breaches of the Act and the Regulations can be investigated.

Your family day care service has an obligation to notify the Department within 24 hours if:

- a child dies at family day care
- there is an incident involving injury or trauma to a child at family day care that requires medical attention or admission to hospital
- a child appears to be missing from family day care at any time
- there is an incident at family day care requiring the attendance of emergency services.

Your service also has a responsibility to ensure that a parent or guardian of a child involved in a serious incident at family day care is notified as soon as possible following the incident.

Section 26(3) of the Act provides that a family day carer must ensure that every reasonable precaution is taken to protect a child in his or her care from harm and from any hazard likely to cause injury.

45 Section 29C of the Act. See also regulation 90.
46 Regulation 91.
47 Section 46 of the Act.
You should contact your family day care service as soon as possible in the event that a child is involved in a serious incident to enable your service to meet its obligations under the Act and the Regulations and provide support to you, the child and their family, and other children in your care.

You may also choose to contact a children’s services adviser at the nearest regional office of the Department if your family day care service is not immediately available to assist you. Your service may also have a policy regarding your obligations with regard to reporting serious incidents that you should become familiar with.

It is an offence to knowingly make a false or misleading statement to the Department about a serious incident. See also ‘Record keeping’.

Supervision

There are known risks to children’s safety when they are left unsupervised. You have a responsibility to make sure that children in your care are adequately supervised at all times. This includes supervising children indoors and during outdoor play and on excursions and routine outings.

You must know where children in your care are and what they are doing at all times. You should always be in a position that allows you to respond immediately to each child’s individual needs and immediately intervene to protect a child from hazards or harm.

You may, for example, have a quiet room for children to rest or nap. In this circumstance, you should ensure that the room in which the children are sleeping is safe and free from hazards (for example, ensuring that cords from window curtains are not hanging near the sleeping children) and that these children are always adequately supervised.

Extra precautions should be taken when you leave your home or family day care venue on an excursion or routine outing. Generally, all children in your care should be within sight on such occasions. Depending on the circumstances of the excursion or routine outing, you may need additional adults to accompany you to ensure all children in your care have adequate supervision.

Since supervision is vital to ensuring the safety of children, a significant penalty may be imposed if you breach your duty to make sure that children are adequately supervised.

Section 27(3) of the Act provides that a family day carer must ensure that any child in the care of the carer is adequately supervised.
Discipline and behaviour guidance

The term ‘discipline’ is often associated with punishment and modifying child behaviour. You are not permitted to use any form of corporal punishment to discipline a child in your care, or use any discipline that is unreasonable in the circumstances.

Examples of corporal punishment and unreasonable discipline include (but are not limited to):

- hitting or slapping
- force-feeding
- yelling at or making fun of a child
- humiliating a child
- shaking a child
- dragging a child by the arms or legs
- depriving a child of food or drink
- locking up or other otherwise unreasonably restraining a child.

You should promote behaviour guidance that supports children to manage their own emotions and control their own behaviours.

A behaviour guidance policy (also known as a behaviour management policy) is usually developed in consultation with a child’s parents or guardians and your family day care service. This policy will give you the tools to approach children’s behaviour in a proactive and positive way. You must keep your behaviour guidance policy available for inspection at your home or family day care venue.\(^{48}\)

A behaviour guidance policy encourages you to think about and develop strategies for positively guiding children’s behaviour and responding to challenging behaviour. It also provides parents and guardians with information about your approach to behaviour guidance, which is supported by your service.

Behaviour guidance:

- is integral to a child’s educational or recreational program
- is how adults support and guide children to learn acceptable behaviour
- involves encouraging children to reflect on their actions and the impact they have on themselves as well as others
- is respectful to children and does not ridicule or humiliate them
- is based on a knowledge of children’s development and learning
- is sensitive to a child’s background, community and culture
- does not use punishment to change children’s behaviour or make judgments about children and their families.

Children can often display challenging behaviour when they have difficulty expressing their wants, needs, views and expectations. You can minimise the occurrence of challenging behaviours by providing children with a positive environment for learning and development.

When a child does not respond to daily behaviour guidance strategies, you should work with the child’s parents or guardians and the family day care service to develop specific behaviour guidance strategies.

Your family day care service can assist you with your approach to behaviour guidance. However, you will need to discuss your behaviour guidance policy with parents or guardians and develop an individual approach for each child that is acceptable to your service and the child’s parents or guardians.

\(^{48}\)Regulation 46(3)(b).

Family day carers’ responsibilities...continued
Delivery and collection of children

You have a duty of care toward children in your care, including when children are delivered to and collected from family day care. Information about your arrangements for the delivery and collection of children is required to be kept available for inspection at your home or family day care venue.49

The attendance record must be completed and signed each time the child arrives at or departs family day care.50 It is not necessary for you to sign the attendance record if you take the child on an excursion or routine outing. However, the attendance record must be completed if the child is given into the custody of another person (for example, a kindergarten teacher).

When leaving family day care, children must only be given into the care of:

- the child’s parent or guardian
- a person who has permission from the child’s parent or guardian to collect the child (these people are identified in the child’s enrolment record)
- a person who has lawful authority to collect the child.51

This means that you must make sure that any person who collects a child from care or takes a child outside your home or family day care venue is lawfully entitled to do so. This requirement does not apply where the child is given into the care of a person because the child needs medical, hospital or ambulance care or treatment, or because of another emergency.52

The Regulations allow school children to leave family day care unaccompanied if written permission to do so has been provided by a parent or guardian.53 However, it is up to you and the policy of your family day care service whether school children will be permitted to leave your care unaccompanied.

Regardless of who is collecting the child, you should exercise your judgement about the safety of giving a child into a person’s care. You have a duty of care not to endanger the child by placing them in a situation that could reasonably be expected to be dangerous.

For this reason, a child should not be given into the care of a person if you reasonably believe that doing this would place the child in danger, even if the person in question has lawful authority to collect the child. Situations when this may occur include (but are not limited to):

- a parent who seems to be ill or affected by alcohol or drugs, and does not appear to be able to safely care for the child
- a person who claims to have permission to collect the child, when you have not been informed of any such arrangement by the child’s parents or guardians.

In these types of situations, one of the other people who is authorised to collect the child should be contacted as soon as possible and an alternative arrangement made for collecting the child. It is recommended that families authorise a sufficient number of people to collect the child to ensure that there is always someone available who is legally entitled to collect the child.

If you are placed in a position where you fear for your safety, or the safety of the child or other children in your care, you should contact the police.

49 Regulation 46(3)(c).
50 Regulation 30(2).
51 Regulation 72.
52 Regulation 75.
53 Regulation 72(2).
Family day carers’ responsibilities...continued

Parents’ access to your home or family day care venue

Information-sharing between parents and guardians and family day carers is important to make sure that the needs of individual children continue to be met.

Parents or guardians have a right to come into your home or family day care venue during your hours of operation and speak with you about their children, unless there is a court order that prevents the parent or guardian from having information about, or access to, the child. Details about any court orders affecting access to a child will be included in the child’s enrolment record.

Excursions and routine outings

Excursions in family day care are infrequent or special trips taken as part of an educational or recreational program. For example, you may decide to take children in your care to an aquarium or a country show. Excursions can be an important part of learning and development. You may take a child on an excursion so long as written permission to do so has been given by a parent or guardian (or other authorised person).\(^5^4\)

The written permission must clearly state:

- the reason the child is to be taken outside your home or family day care venue (for example, a trip to the zoo)
- where you may take the child (that is, the excursion destination) and the method of transport that may be used
- the proposed activities
- when the child will be away from your home or family day care venue on the excursion and for how long
- how many responsible adults will be there to supervise the child.

Similarly, you may take a child on routine outings if written permission has been provided by a parent or guardian (or other authorised person) within the previous 12 months.\(^5^5\)

Routine outings in family day care are your frequent or regular outings and may include regular trips to the local library, visits to the park, or trips to collect other children from school.

\(^5^4\)Regulation 73.
\(^5^5\)Regulation 73(3).
You must accompany the children on any excursion or routine outing. 56

If you take a child on an excursion or routine outing, you must take with you:

- a suitably equipped first aid kit
- the telephone number of the child’s doctor and any person to be notified in the event of an accident, injury, trauma or illness involving the child
- an operational mobile telephone
- the anaphylaxis medication and anaphylaxis medical management plan of any child diagnosed as being at risk of anaphylaxis.57

You are also required to conduct a risk assessment to determine whether there is adequate adult supervision for the excursion or routine outing.58

Questions you should consider when conducting your risk assessment include:

- Does the excursion or routine outing pose any risks of injury or harm to the child?
- What is the likelihood of a child suffering a particular injury or harm on the excursion or routine outing?
- How severe is that potential injury or harm?
- What actions can be taken to reduce the potential for risk or harm?
- Do I need more adults to come along on the excursion or routine outing to reduce the risk of that injury or harm occurring?

Excursions or routine outings that involve water activities, for example, may require additional adult supervision, particularly if more than one child will be attending.

It is good practice to document your risk assessment and provide a copy to the child's parents or guardians to help them make an informed decision about whether their child should attend the excursion or routine outing.

None of these requirements apply if the child needs to be taken to hospital or removed from your home or family day care venue because of another emergency. 59

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56 Regulation 72(1)(b).
57 Regulation 74(4).
58 Regulation 74(3).
59 Regulation 77(2).
Family day carers’ responsibilities...continued

Emergency procedures
In an emergency it is important that you are able to take immediate and appropriate action to ensure the safety of all children in your care. Emergency events could include fire, gas leaks, a threatening intruder or medical emergencies such as asthma, anaphylaxis, fractures, choking and seizures.

Your family day care service will meet with you to develop and practise emergency procedures with the children in your care. You are required to keep information about emergency procedures at your home or family day care venue available for inspection.

Your emergency plan should take into account your individual circumstances, such as the location and design of your home or family day care venue, and the age and number of children in your care.

Your emergency plan should:
• attempt to identify a range of possible emergency risks
• outline a response for each identified emergency risk, including your duties and responsibilities in an emergency
• contain contact information for emergency services (police, fire and ambulance) and other services such as poisons information, local doctors and hospitals
• identify designated assembly areas to be used in the event of an evacuation
• outline what emergency equipment you should have (for example, fire extinguishers and fire blankets) and identify where this equipment should be kept so that it is easily identifiable in an emergency
• outline the procedures to be used to evacuate your home or family day care venue
• nominate a place where your emergency plan and emergency contact information should be stored so that it is easily accessible in an emergency.

If your home or family day care venue is located in a high bushfire risk area, you or your service should consult with your local County Fire Authority when developing and reviewing your fire emergency procedures.

The Metropolitan Fire Brigade recommends that you practise your evacuation procedures four times a year with the children in your care, or whenever changes have been made to your home, family day care venue or care environment. Fire drills may be planned, supervised and documented by your family day care service as well. You should also teach the children in your care how and when to call for help.

Further information regarding emergency procedures, including specific information regarding bushfire preparations, is available at www.education.vic.gov.au/licensedchildservices

Communication equipment
For safety reasons, you must have access to a working telephone when caring for or educating children. This requirement applies at all times you are caring for a child, including during excursions and routine outings.

60Regulation 75.
61 Regulation 76(2).
62 Regulation 46(3)(g).
Personal hygiene needs of children

You are responsible for ensuring that the personal hygiene needs of children in your care are attended to as soon as practicable. For example, you must make sure that:

- soiled nappies and clothing are changed as soon as possible
- children’s hands and faces and other parts of their bodies are kept clean
- children’s noses and mouths are wiped.

You must also make sure that children in your care do not share each other’s personal care items, such as toothbrushes, handkerchiefs, sunhats, hairbrushes and combs, dummies, bed linen, blankets, hand towels and face cloths.

Regulation 78(3) provides that a family day carer must ensure that the personal hygiene needs of children being cared for or educated by the carer are attended to as soon as practicable.

Regulation 78(4) provides that a family day carer must ensure that children being cared for or educated by the carer do not make common use of items intended for a child’s personal care.
Regulation 79(2) provides that a family day carer must ensure that children being cared for or educated by the carer have access to fresh drinking water at all times.

Regulation 80(2) provides that a family day carer must ensure that:

- food and beverages are offered to the children being cared for or educated by the carer at frequent and regular intervals;
- cleanliness is observed where the food and beverages are stored, handled and prepared;
- all food and beverages on the premises intended for consumption are protected at all times from contamination; and
- suitable eating arrangements are provided for children.

Regulation 81(2) provides that a family day carer provides food to children being cared for or educated by the carer, the family day carer must ensure that a weekly menu is displayed describing the food to be provided each day; and the food must be nutritious, varied and adequate in quantity, and appropriate to the children’s growth, cultural and developmental needs.

Family day carers’ responsibilities...continued

Water, food and drinks
Children can get dehydrated very quickly. You are required to make sure that all children in your care have access to fresh drinking water at all times, including during excursions and routine outings. You may need to assist younger children with pouring water into suitable cups.

Nutrition is important for a child’s development. You must regularly provide food and drinks to children in your care. Thus, if you normally rely on parents to provide food for their children, you may want to discuss children’s nutritional needs with the parents to ensure sufficient food is provided. However, if a child does not bring enough food or brings no food with them to family day care, you must offer food to that child.

You must also provide suitable eating arrangements (such as high chairs) for children.

You should take care to ensure that cleanliness is observed whenever you store, handle or prepare children’s food and drinks. You should make sure that children’s food is protected from contamination by bacteria, parasites, vermin and other contaminants by:

- storing food and drinks in the refrigerator
- washing your hands prior to handling food
- cooking and reheating food at correct temperatures.

You must also make sure that any food you provide for children (other than food that has been brought by the child from home) is nutritious, varied and adequate in quantity. This does not mean that you cannot offer children an occasional biscuit or piece of chocolate (such as when celebrating birthdays or other special occasions), but the food provided must be part of an overall nutritious plan. It must also be appropriate for the individual child, taking into account their culture, growth and developmental needs.

If you provide regular meals for children, you must display a weekly menu in your home or family day care venue of the food that will be provided to children each day.

Food preparation facilities
You must have access to facilities to cook or heat food, washing up facilities and a refrigerator at your home or family day care venue. If you provide regular meals for children, you must display a weekly menu in your home or family day care venue of the food that will be provided to children each day.

63 Regulation 104.
Family day carers’ responsibilities...continued
Smoking

Research shows that exposure to tobacco smoke has damaging effects on a person’s health and wellbeing. Children are especially vulnerable to the damaging effects of passive smoking, which is why your home or family day care venue must be smoke-free at all times when children are in care. This means that outdoor areas, undercover areas, cars and your home or family day care venue should be smoke-free. You and others should also not smoke in your home or venue immediately before children arrive at family day care (as cigarette smoke can linger in the air for some time).

You are not permitted to smoke at any time while you are caring for children (even outside). This is important both because of the harmful effects that passive smoking has on children and because providing a smoke-free environment sends a clear message to children that a healthy lifestyle does not include smoking. You should also take care that children are not exposed to smoking by others during excursions and routine outings. For example, if you take the children in your care for a picnic at a local park, you should try to find a suitable location away from any groups of people that are smoking.

Health of family day carers

You are not permitted to care for children if your health adversely affects your ability to do so. In the event that you fall ill or have another health problem that impacts on your ability to care for children, you should contact your family day care service so that alternative care arrangements can be made for the care of the children.

It is important to note that you may continue to care for children if you have health issues that do not adversely affect your ability to care for children. You may wish to consult your doctor for advice about whether you are able to care for children, or your family day care service may ask you to do so.

You must not be adversely affected by alcohol, drugs (including prescription drugs and over-the-counter medication) or any other deleterious substances whilst caring for or educating children.

Regulation 82(2) provides that a family day carer must ensure that children being cared for or educated by the carer are provided with a smoke-free environment.

Regulation 68(3) provides that a family day carer must ensure that:

- the carer’s health does not adversely affect their ability to care for or educate children; and
- the carer is not adversely affected by alcohol, drugs or any other deleterious substances whilst caring for or educating children.

Regulation 68(5) provides that a family day carer must ensure that alcohol and drugs, except for those required for legitimate medical purposes, are not consumed at the carer’s residence or a family day care venue while the family day carer is caring for or educating children at the residence or venue.
Medication

Parents or guardians may ask you to give medication to their child, including:
- medications prescribed by a doctor
- non-prescription (over-the-counter) medications such as paracetamol or cough mixtures
- mixtures prescribed by complementary health care professionals such as naturopaths or homeopaths.

You may give medication to children in your care if written permission to do so has been provided by the child's parent or guardian (or other person with authority to do so).

The medication that you give a child must come from its original container, which bears the original label with instructions and the use-by date; if it has been prescribed for a child by a doctor, it must bear the child's name on the label. You should carefully read and follow the instructions on the label and any doctor's instructions that may be provided.

In the case of an emergency, permission can be provided over the telephone by the child's parent or guardian or other authorised person if they have previously provided written authorisation for you to obtain their permission in this way.

A medical practitioner or paramedic may also give their permission over the telephone for you to give medication to the child if:
- written authorisation has been provided by the child's parent or guardian or other authorised person for you to obtain the permission of a medical practitioner or paramedic
- the parents or guardians or other authorised persons cannot reasonably be contacted in the circumstances.

For example: In an emergency situation it may not be appropriate to delay giving an ill child medicine as directed by the emergency services while you attempt to contact the child's parents or guardians for their permission.

Parents may also request that you use other products on their child, such as sunscreen, barrier cream, nappy cream and moisturisers. It is recommended that you obtain written permission to do this, as some children may be allergic to certain products. It is also good practice to document that these products were used on a child.

See also ‘Record keeping’ page 16.

Sick or injured child

If a child becomes ill, has an accident, is injured or is traumatised at family day care, you must make sure that your family day care service and a parent or guardian with whom the child lives is notified as soon as possible.

Sometimes it will be necessary for a sick or injured child to leave family day care. This will depend on the nature of the illness or injury and your ability to care for that child while continuing to care for or educate any other children in your care. You are required to keep information about dealing with illness and emergency care available for inspection at your home or family day care venue.

If it is necessary to do so for the health, safety or wellbeing of the sick or injured child, or any other child at family day care, you must make arrangements to remove the sick or injured child from family day care as soon as possible. In this situation, you should contact your family day care service immediately.

See also ‘Record keeping’ above and ‘First aid’ page 33.

Section 29B(2) of the Act provides that a family day carer must ensure that medication is not administered to a child in his or her care unless the prescribed authorisation has first been obtained, and the medication is administered in the prescribed manner.

Regulation 88(4) provides that if a child becomes ill, or has an accident, is injured or traumatised as a consequence of an incident while being cared for or educated by a family day carer, the family day carer must ensure that the parent or guardian with whom the child resides is notified as soon as practicable.

Regulation 88(5) provides that the family day carer must ensure arrangements are made as soon as practicable to remove the child who has become ill, had an accident, is injured or is traumatised at family day care from the carer's home or family day care venue if it is necessary in the interests of the health, safety or wellbeing of that child or other children attending the family day care.

64 Regulation 83(3).
65 Regulation 83(1).
66 Regulations 83(1)(b) and (2)(b).
67 Regulation 46(3)(d).
Infectious disease

Infectious diseases are common in children. A child may be infectious before they become unwell, during their illness, or after they have recovered; they may not show any signs of illness at all.

Sometimes there will be an outbreak of an infectious disease that requires you to notify the parents or guardians of all children in your care. These diseases are listed in Schedule 6 to the Health (Infectious Diseases) Regulations 2001 (the ‘School and Children’s Services Exclusion Table’). The table can be found at www.health.vic.gov.au/ideas/regulations/id_regs#exclusion. Your family day care service can advise you whether you need to notify parents or guardians of the occurrence of an infectious disease.

There may also be circumstances where children are required to be excluded from family day care. The Health (Infectious Diseases) Regulations 2001 prescribe the circumstances when children must be excluded. Your family day care service can advise you whether you need to exclude any child or children from your care.

Not all children are fully immunised against infectious disease. When a child attending family day care is diagnosed with an infectious disease, the parents or guardians of a child who has not been immunised against that disease may choose or be encouraged not to send their child to family day care until there is no longer a risk of infection, even if exclusion is not required by the Health (Infectious Diseases) Regulations 2001.

Your service is required to have procedures for dealing with infectious disease at family day care. You are required to keep information about these procedures available for inspection at your home or family day care venue.68

You can help prevent or minimise infectious disease at family day care by:

- discouraging children with infectious diseases listed in the ‘School and Children’s Services Exclusion Table’ from attending family day care
- regularly cleaning equipment, furniture and facilities
- applying and modelling good personal hygiene and encouraging children to practise it
- not sharing personal items
- limiting personal contact with bodily fluids.

Regulation 89(3) provides that if there is an occurrence at family day care of an infectious disease listed in Schedule 6 to the Health (Infectious Diseases) Regulations 2001, the family day carer must notify a parent or guardian of each child cared for or educated by the carer as soon as practicable of the occurrence.

68 Regulation 46(3)(e).
First aid

You must make sure that first aid that is appropriate and reasonable in the circumstances is administered to a child who becomes ill or is involved in an accident at family day care.

You are also required to have and maintain a first aid kit at your home or family day care venue. A first aid kit that has been specifically designed for the child care industry is available from St John Ambulance Australia (1300 360 455 - www.stjohnvic.com.au).

The first aid kit must be easily recognisable and readily accessible to you (but not to children) so that first aid can be immediately administered to a sick or injured child in an emergency. A first aid kit should also be taken with you on excursions and routine outings.

See also ‘First aid and anaphylaxis management training’ and ‘Record keeping’ above.

Regulation 85(3) provides that a family day carer must ensure that the first aid kit is easily recognisable and readily accessible to the family day carer; and inaccessible to children.

Regulation 86(3) provides that a family day carer must ensure that appropriate first aid that is reasonable in the circumstances is provided to a child in the care of that family day carer.

Regulation 85(2) provides that a family day carer must supply and maintain a suitably equipped first aid kit at his or her home or family day care venue.
Family day carers’ responsibilities...continued

Regulation 85(4) provides that a family day carer must ensure that if a child diagnosed as at risk of anaphylaxis is being cared for or educated by the carer, that the child’s anaphylaxis medication is easily recognisable to the carer, inaccessible to children and stored away from direct sources of heat.

**Anaphylaxis management**

Anaphylaxis is a severe allergic reaction, which can be fatal. While the incidence of death from anaphylaxis is rare, children can die without appropriate intervention.

A child is considered to be at risk of anaphylaxis if the child’s doctor has provided this diagnosis of the child’s severe allergy. The most common allergens in children are eggs, peanuts, cow’s milk, shellfish, wheat, soy, insect stings and medications. Most children diagnosed as being at risk of anaphylaxis are prescribed an adrenaline auto-injection device, which is used to administer adrenaline to the child in the event of an anaphylactic reaction.

An enrolment checklist and other materials designed to assist children’s services to comply with their regulatory obligations regarding children diagnosed as at risk of anaphylaxis are available to download from the Department’s website at www.education.vic.gov.au/anaphylaxis

**Storage of anaphylaxis medication**

You must make sure that a child’s anaphylaxis medication is easily recognisable and readily accessible to you (but inaccessible to children) and stored away from direct sources of heat, which may degrade the medication.

**Anaphylaxis management policy**

Your service is required to have an anaphylaxis management policy. You are required to keep a copy of this policy available for inspection at your home or family day care venue.

This requirement applies whether or not you care for a child who has been diagnosed as being at risk of anaphylaxis. This is important as children may experience their first anaphylactic reaction while in your care and you may need immediate access to the policy.

This policy would usually be developed by your family day care service and provided to you. Your service must also provide this policy to the parents and guardians of any child who has been diagnosed as being at risk of anaphylaxis. You should read this policy carefully, as it will contain important information such as:

- when and how you will be trained in anaphylaxis management and the use of an adrenaline auto-injection device
- how you should communicate with parents and guardians and your service about anaphylaxis management
- how you can meet your legal obligations.

**Anaphylaxis medical management plan**

An anaphylaxis medical management plan is an individual plan for a child who has been diagnosed as being at risk of anaphylaxis. It is developed and signed by the child’s doctor and describes the actions that need to be taken in the event that the child is exposed to something they are allergic to. The plan also contains information about the child’s prescribed anaphylaxis medication (for example, an adrenaline auto-injection device).
A copy of the child’s anaphylaxis medical management plan is required to be included in the child’s enrolment record. It is strongly recommended that a copy of the plan is also kept with the child’s medication.

You must carry a copy of the child’s plan and anaphylaxis medication with you on excursions and routine outings.

Risk minimisation plan
A risk minimisation plan is a plan developed by your family day care service with the parents or guardians of a child who has been diagnosed as being at risk of anaphylaxis. Its purpose is to help minimise the risk of that child being exposed to things that they are allergic to.

This plan contains information about:

- the risks to the child at family day care (including during excursions and routine outings)
- how you can minimise those risks
- if relevant to the child, how you can safely handle, prepare and serve food
- how you can ensure that all parents and guardians of children in your care are notified of the allergens that pose a risk to the child, the risks identified in the child’s plan and the strategies for minimising and managing those risks
- how you can identify the child’s allergies
- where you should keep the child’s anaphylaxis medication and anaphylaxis medical management plan
- if relevant to the child, how you can ensure that a child does not attend family day care without their anaphylaxis medication.

If you care for a child who has been diagnosed as being at risk of anaphylaxis, you should read this plan carefully and keep a copy of it at your home or family day care venue.

What can I do to reduce the risks associated with anaphylaxis?
You can help to minimise the risks associated with anaphylaxis by:

- completing training in anaphylaxis management and the use of an adrenaline auto-injection device
- advising parents and guardians if you are caring for a child who has been diagnosed as being at risk of anaphylaxis
- regularly communicating with parents and your family day care service about changes to a child’s anaphylaxis medical management plan or risk minimisation plan
- considering anaphylaxis management when planning excursions or special days
- assessing your home or family day care venue regularly to identify common or known allergens
- making sure that a child’s anaphylaxis medication and anaphylaxis medical management plan is accessible when children are inside, outside and on excursions and routine outings
- labelling food containers with a child’s name and/or the contents of the food container if a child has been diagnosed as at risk of anaphylaxis
- avoiding cross-contamination between foods when preparing a child’s food
- washing hands after handling food that may contain allergens
- washing toys and equipment regularly, including children’s bedding.

See also ‘First aid and anaphylaxis management training’ and ‘Record keeping’.

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71 Regulation 34(f).
72 Regulation 74(4)(d).
Family day carers’ responsibilities...continued

Equipment and facilities

Your home or family day care venue
You are responsible for making sure that children are cared for in a hygienic and safe environment.

This means that your home or family day care venue must be safe, clean, and kept in good condition and repair. You must ensure, for example, that you clean up after pets, keep your home or family day care venue free from a build up of rubbish, and make every effort to keep your home or family day care venue vermin-free. Regular visits from your family day care service can help you ensure that your home or family day care venue remains hygienic and safe for children.

Toilets and washing facilities
Children in family day care must have access to adequate and age-appropriate toilet and hand-washing facilities. For young children, this might mean access to toilet training equipment such as potties, junior toilet seats or a firm non-slip step to assist children’s access to toilets and hand basins.

The location and design of toilets and hand-washing facilities must enable safe use by children. For example, hot water taps should have temperature controls or safety guards fitted to reduce the risk of a child being scalded and young children should be supervised when using the bathroom or toilet.

Your family day care service can assist you to make sure that toilets and hand-washing facilities in your home or family day care venue are safe and appropriate for the children in your care.

Nappy changing facilities
Children who wear nappies must be changed in a safe and hygienic manner. Wet and soiled nappies cause discomfort for children, and can lead to skin inflammation such as nappy rash. Children should be changed in a timely way and, where appropriate, cleaned in a bath or basin.

If you use a change table you should take care to ensure that children are not likely to fall. Change tables should be sturdy and have suitable protections such as a child safety harness and smooth, raised edges at all sides.

Washable changing mats should be cleaned after every use. Soiled and wet nappies should be immediately disposed of or kept in covered storage for later washing. You should also ensure that your hands are thoroughly washed after nappy changing to prevent cross-contamination with food and other items.

Your family day care service can assist you to make sure that your nappy-changing facilities and practices are safe and hygienic.

Sleeping arrangements
Children of all ages need adequate sleep and rest. As sleep is important to the wellbeing and safety of children, appropriate rest areas and sleeping arrangements must be provided to children attending family day care.

Children in care must be provided with an adequate number of suitable cots, beds, stretchers or mattresses, and clean bedding and bed linen. A ‘suitable’ cot or bed is one that complies with the Australian Standards and is appropriate for the child’s size and developmental needs.

Your family day care service can assist you to make sure that bedding is suitable for children in your care.

73 Regulation 101(a).
74 Regulation 101(b).
75 Regulation 102.
76 Regulation 103.
Complaints

Complaints may be made directly to you, to your family day care service, or to the Department.

Your family day care service is required to:

- deal with a complaint as discreetly and as soon as possible
- notify the Department within 48 hours if allegations have been made that the health, safety or wellbeing of a child in care may have been compromised, or that there may have been a contravention of the Act or the Regulations.

If a complaint of this nature is made to you, whether orally or in writing, you should contact your service immediately.

Your family day care service is required to have a policy for dealing with complaints. This policy should contain information about the way in which your service manages the concerns and complaints of parents, guardians and others, and how a complaint can be made. It may also contain information about:

- your role and responsibilities when you receive a complaint, including how you should respond to the complaint
- how you should record details about a complaint.

You must keep the complaint policy available for inspection at your home or family day care venue.

The majority of complaints can usually be cleared up very quickly. However, the Department will investigate any complaints where it is alleged that the health, safety or wellbeing of a child at family day care may have been compromised, or that there may have been a contravention of the Act or the Regulations. An investigation may involve an unannounced visit to your home. See the section ‘Monitoring and support’ for more information about investigations.

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77 Regulation 105(1).
78 Regulation 105(2).
79 Regulation 46(3)(f).
For more information

This guide provides a broad range of information regarding your obligations under the Act and the Regulations and regarding the roles and responsibilities of the Department, your family day care service and family day carers. If you would like further information regarding any of the topics covered in this guide or any other obligations you may have as a family day carer, please contact your family day care service.

The Department also has further information and resources available regarding children’s services, including family day care services, on its website at www.education.vic.gov.au/licensedchildservices.

Regional Offices

Children’s services advisers are based in nine Departmental regional offices. Family day carers should contact their family day care service for information and advice in the first instance.

Contact details for regional offices may be found at www.education.vic.gov.au/licensedchildservices.
### Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>accident, injury, trauma and illness record</td>
<td>A record that details any accidents, injuries, traumas or illnesses involving children at family day care. Family day carers must keep this record.</td>
</tr>
<tr>
<td>Act</td>
<td>Children's Services Act 1996 (Vic).</td>
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<tr>
<td>adequate</td>
<td>Meeting the minimum health and safety needs of children.</td>
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<tr>
<td>adrenaline auto-injection device</td>
<td>A device that injects adrenaline into the body of a person who has gone into anaphylactic shock as a result of being exposed to something that they are allergic to.</td>
</tr>
<tr>
<td>advisory visit</td>
<td>A visit by a children's services adviser to a family day care service or a family day carer's home or family day care venue for the purposes of providing advice and support to the service or carer.</td>
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<tr>
<td>age-appropriate</td>
<td>Appropriate for an individual child, having regard to their age.</td>
</tr>
<tr>
<td>anaphylaxis</td>
<td>A severe allergic reaction that can be fatal.</td>
</tr>
<tr>
<td>anaphylaxis management policy</td>
<td>A policy that outlines the family day care service's approach to anaphylaxis management. Family day carers must keep this policy available for inspection at their home or family day care venue.</td>
</tr>
<tr>
<td>anaphylaxis medical management plan</td>
<td>An individual plan for a child diagnosed as being at risk of anaphylaxis.</td>
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<tr>
<td>approved service</td>
<td>A children's service that satisfactorily participates in the National Child Care Accreditation Council's quality assurance system.</td>
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<tr>
<td>attendance record</td>
<td>A record that records details of children arriving at or departing family day care. Family day carers must keep this record available for inspection.</td>
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<tr>
<td>authorised officer</td>
<td>A Department staff member (usually a children's services adviser) who has been appointed by the Secretary to enforce the Act and the Regulations.</td>
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<tr>
<td>behaviour guidance</td>
<td>Strategies to guide and manage children's behaviour, including responding to challenging behaviour.</td>
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<tr>
<td>behaviour guidance policy</td>
<td>A policy that outlines the family day carer’s approach to behaviour management. Family day carers must keep this policy available for inspection at their home or family day care venue.</td>
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<tr>
<td>child enrolment record</td>
<td>A record that contains information about each child enrolled at family day care. Family day carers must keep this record.</td>
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<tr>
<td>child health record</td>
<td>A record that contains information about a child's health, including information about the child's development assessments and immunisations.</td>
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<tr>
<td>children's services adviser</td>
<td>Staff employed by the Department to manage the licensing process and to monitor and support children's services. Children's services advisers are authorised officers under the Act.</td>
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<tr>
<td>complaints policy</td>
<td>A policy that outlines the family day care service's approach to dealing with complaints. Family day carers must keep this policy available at their home or family day care venue.</td>
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<tr>
<td>criminal history notification</td>
<td>A notification of any criminal history of a person within Australia issued by or on behalf of a duly authorised officer of the police force of Victoria, the Commonwealth, another State or a Territory.</td>
</tr>
<tr>
<td>current assessment notice</td>
<td>Also known as a Working with Children Check, which is applied for, assessed and awarded under the Working With Children Act 2005 (Vic). All family day carers and all adults who live with the family day carer must have a current assessment notice or be a teacher registered with the Victorian Institute of Teaching before the family day carer can be approved by a family day care service.</td>
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<tr>
<td>the Department</td>
<td>The Department of Education and Early Childhood Development.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>educational or recreational program</td>
<td>A series of planned and unplanned activities or experiences that are designed to enhance each child's development.</td>
</tr>
<tr>
<td>emergency plan/procedures</td>
<td>Procedures that outline what should happen in the event of an emergency at family day care. Family day carers must keep these procedures available for inspection at their home or family day care venue, and practise these procedures on a regular basis.</td>
</tr>
<tr>
<td>excursion</td>
<td>A one-off or infrequent outing. For example, a trip to the zoo.</td>
</tr>
<tr>
<td>family day care venue</td>
<td>A community or other venue (other than a residence) approved by the Secretary to be used by a family day carer to care for children.</td>
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<tr>
<td>family day carer</td>
<td>A person approved by a family day care service to provide care or education to children primarily at the person's residence or at a family day care venue.</td>
</tr>
<tr>
<td>field worker</td>
<td>A staff member of a family day care service whose role is to monitor and support family day carers.</td>
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<tr>
<td>full licence</td>
<td>A licence held by a family day care service, under which the service and family day carers must comply with all requirements under the Act and the Regulations.</td>
</tr>
<tr>
<td>hazard</td>
<td>Activities that are potentially unsafe and any dangerous items that could injure a child.</td>
</tr>
<tr>
<td>illness and emergency care procedures</td>
<td>Procedures that outline the family day care service's approach to dealing with illness and emergency care at family day care. Family day carers must keep information about these procedures available for inspection at their home or family day care venue.</td>
</tr>
<tr>
<td>infectious disease</td>
<td>An infectious disease listed in Schedule 6 of the Health (Infectious Diseases) Regulations 2001 (Vic).</td>
</tr>
<tr>
<td>medication</td>
<td>Includes prescribed, non-prescribed and homeopathic medication.</td>
</tr>
<tr>
<td>medication record</td>
<td>A record that details any medication that is given, or will be given, to a child at family day care. Family day carers must keep this record.</td>
</tr>
<tr>
<td>primary residence</td>
<td>The home at which the family day carer lives.</td>
</tr>
<tr>
<td>provisional licence</td>
<td>A licence held by a family day care service, under which only some of the requirements under the Act and the Regulations apply. A provisional licence expires 12 months after the day it is granted.</td>
</tr>
<tr>
<td>record of family day carers</td>
<td>A record kept by a family day care service that details information about family day carers registered with that service.</td>
</tr>
<tr>
<td>Regulations</td>
<td>Children's Services Regulations 2009 (Vic).</td>
</tr>
<tr>
<td>relief carer</td>
<td>A person who cares for children in the family day carer's home in the event that the family day carer is unable to.</td>
</tr>
<tr>
<td>risk minimisation plan</td>
<td>A plan to help minimise risks to a child who has been diagnosed as being at risk of anaphylaxis from being exposed to something that they are allergic to.</td>
</tr>
<tr>
<td>routine outing</td>
<td>A regular outing. For example, trips to collect other children from school.</td>
</tr>
<tr>
<td>Secretary</td>
<td>The Secretary of the Department of Education and Early Childhood Development.</td>
</tr>
<tr>
<td>serious incident</td>
<td>An incident involving a child at family day care that requires the family day care service to notify the Department within 24 hours.</td>
</tr>
<tr>
<td>Working with Children Check</td>
<td>See current assessment notice.</td>
</tr>
</tbody>
</table>