



Australian Government

Department of Education, Employment and Workplace Relations

Family Day Care Obligations



Family Day Care

Family Day Care services support and administer a network of Family Day Care educators who provide flexible care and developmental activities generally in their own homes for other people's children.

A Family Day Care service can provide flexible, affordable care, including all-day care, part-time, casual, before and after school care and care during school holidays.



How the session will run

There are 6 modules which will be covered today:

- Managing a Family Day Care Service.
- Quality of Care Provided.
- Reporting and CCMS.
- Fees, Providing Statements and Payments.
- Record Keeping.
- Compliance Activities and Consequences.





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Module 1 – Managing a Family Day Care Service



Operating a Family Day Care Service

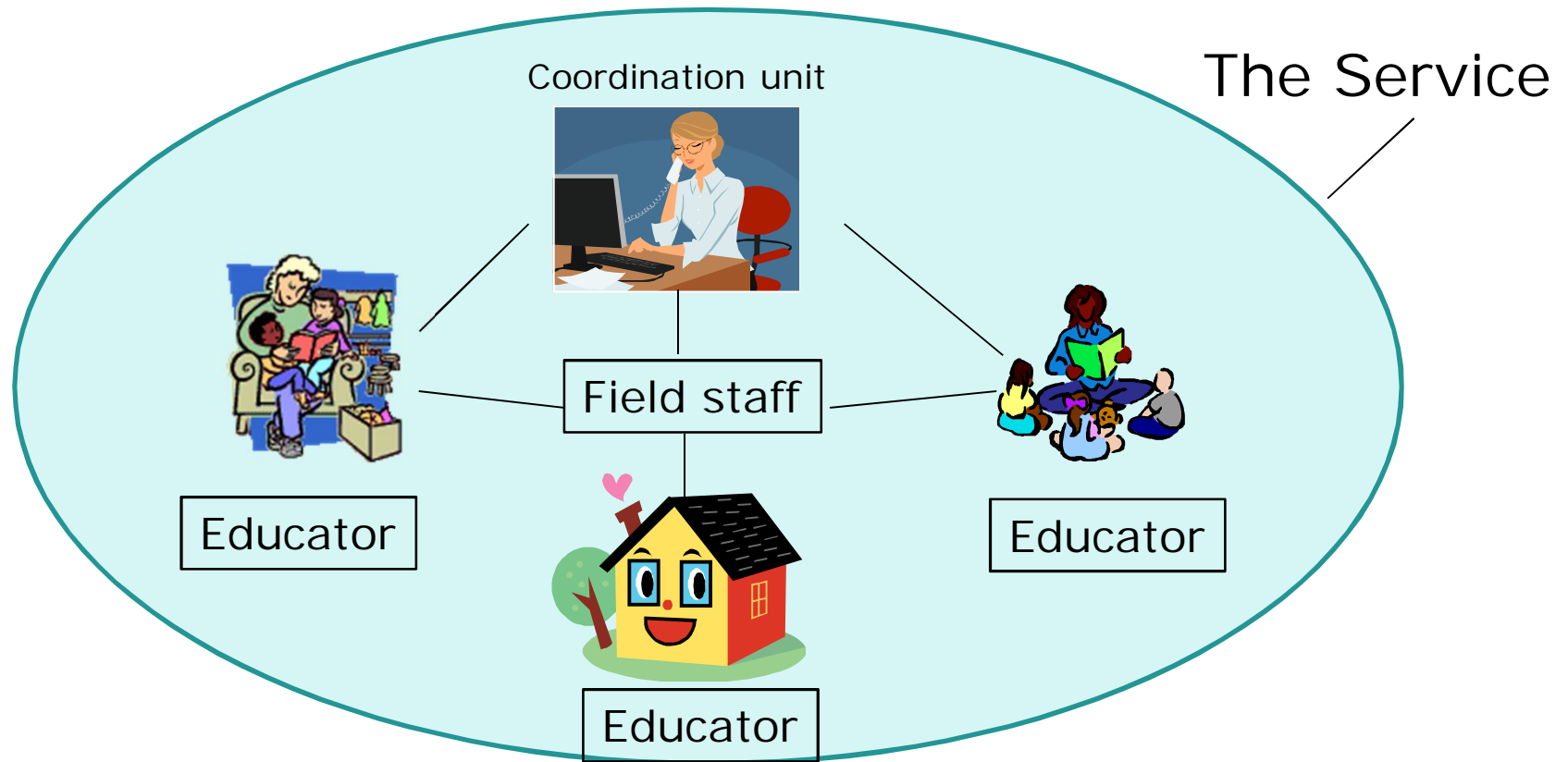


Approved operators of Family Day Care Services are responsible for managing the operations of all areas of the service, including the services provided by educators.

It is a condition of ongoing service approval that everyone involved in the provision of care through a service abides by all national, state and local laws.



FDC Service



Employment Arrangements

Family Day Care Educators can be:

- employees of the Service; or
- self employed contractors engaged by the Service.

Advice on compliance with the Fair Work Act is available from www.fairwork.gov.au. Advice is also available from your Family Day Care Association; or lawyers.



Service compliance with licensing and CCB Approval



Family Day Care Services must have and maintain both 'provider approval' and 'service approval' under National Law.

Without this approval a service CANNOT administer Child Care Benefit (CCB) on behalf of families.



Notifiable events

Reporting of notifiable events that should be reported to DEEWR include:

- the physical address, postal address, hours of operation;
- the fee schedule;
- bank account details; and/or
- changes to key personnel.

Services must advise if they become aware of something about a staff member or educator that affects their suitability and must report any serious incident that occurs at the service.



Reporting educator's details

Services are also required to notify DEEWR when an educator:

- commences with a service;
- ceases providing care with a service; and/or
- changes their name, address or phone number.



FDC Insurance



All services must have:

- workers compensation insurance and public liability insurance which should be not less than \$10 million
- professional indemnity insurance which is not less than \$5 million

and ensure that each educator has current public liability insurance of not less than \$10 million.



Suitability of Individuals



The operator and key personnel of a service must be, and continue to be, suitable to operate a child care service.

Service operators must ensure that all staff and educators (including relief educators) are, and continue to be suitable people to provide child care.

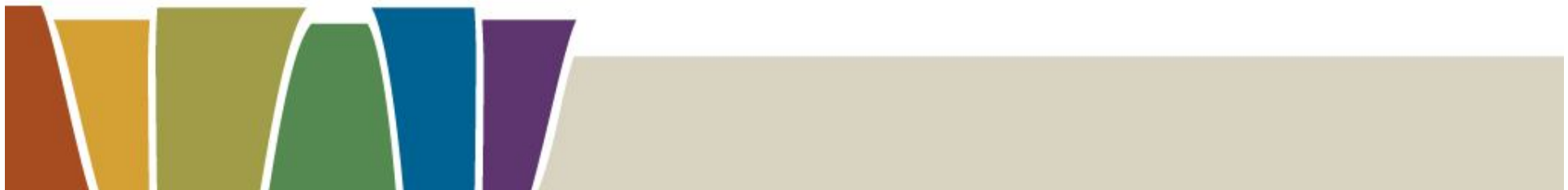


Suitability Requirements National Law



There are certain requirements under National Law which educators must meet:

- First aid training
- Working with children checks
- Certificate III level early childhood education and care qualification



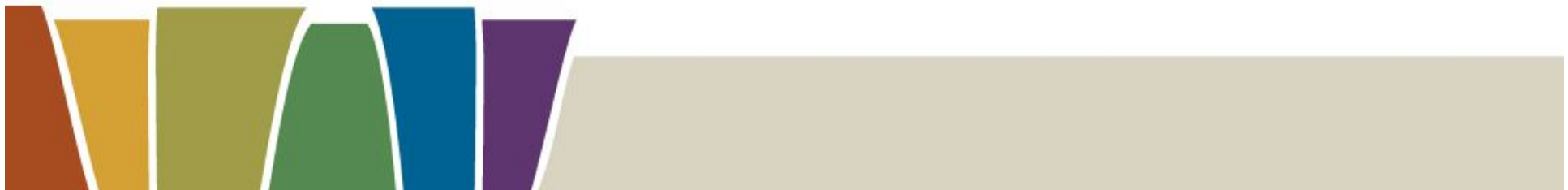
Making a care arrangement with a family



Abide by the Priority of Access Guidelines.

Educators may enter into a care arrangement with families and involve the Family Day Care Service coordination unit in making the arrangements.

Best practice is for families to approach the Family Day Care Service coordination unit directly.



Privacy



A Family Day Care Service must ensure that information collected through the delivery of education and care is stored securely as it may be considered protected information under the family assistance law and/or personal information under the *Commonwealth's Privacy Act 1988*.

Further information can be found at:

www.oaic.gov.au and www.comlaw.gov.au/



Questions on Managing a Family Day Care Service





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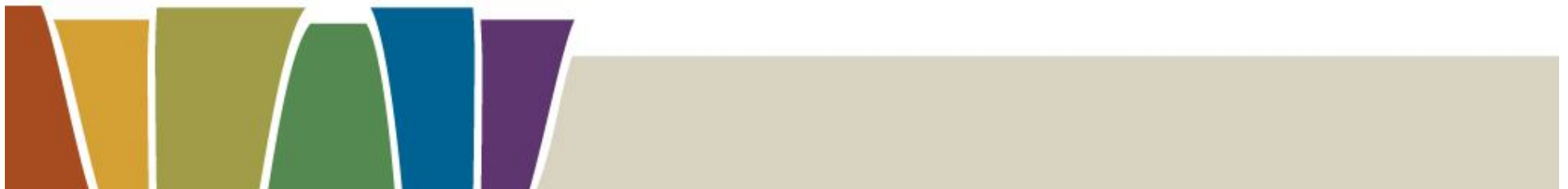
Module 2 – Quality of Care Provided



Family Day Care Service Responsibilities in ensuring suitable care environments

A Family Day Care Service must conduct an assessment, including a risk assessment of each residence and approved family day care venue before care can be provided.

This should be followed-up once a year to ensure the health and wellbeing of children being educated and cared for by the educators.



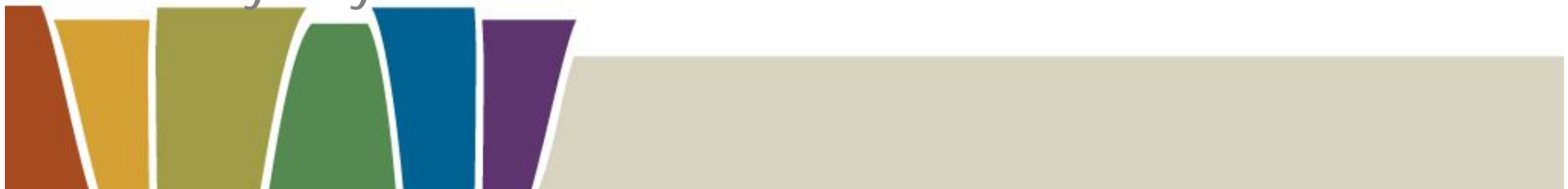
Quality of Care

Educators are part of a Family Day Care Service and the service is responsible for the quality of care that is provided.



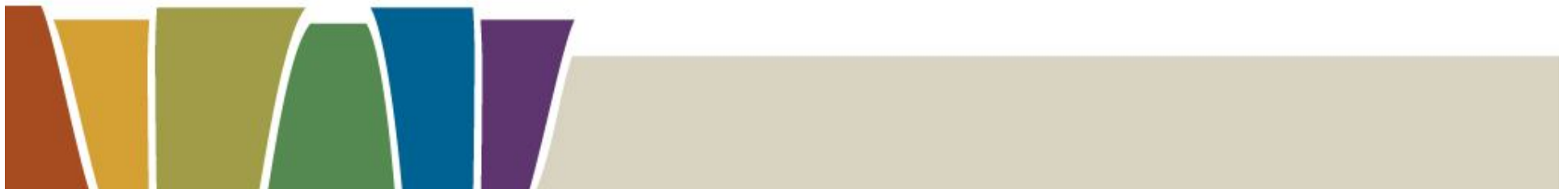
The Family Day Care service is required to ensure that education, support and training is available to educators.

They are also responsible for the provision of advice, support and information for parents accessing the Family Day Care service.



Early Years Learning Framework & My Time, Our Place Framework

It is important that all services implement the Early Years Learning Framework and the My Time, Our Place framework which is a set of principles, practices and outcomes that underpin the National Quality Agenda.



Quality Improvement Plans



Under the National Law, services must develop and submit a Quality Improvement Plan within three months of becoming an Approved Provider for the purposes of the National Law.

The Quality Improvement Plan must be reviewed and revised having regard to the National Quality Standards at least annually, and at any time when directed by the Regulatory Authority.

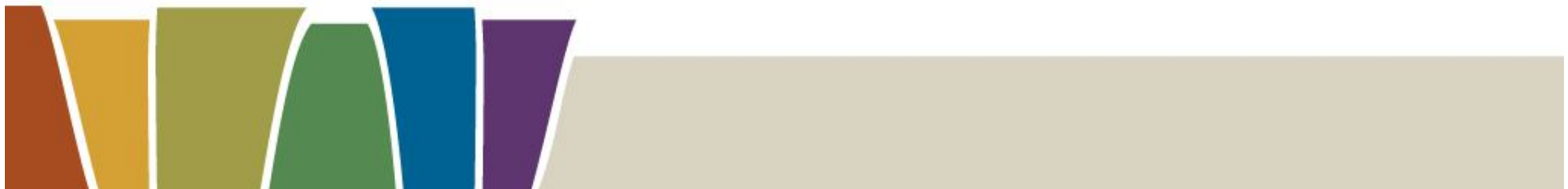


Number of children in care

Educators may not provide approved care for more than 7 children at a time.

Educators own children under 13 count towards the 7 child limit.

Educators must not provide care to more than 4 children pre-school age and under at one time.



Questions on Quality of Care





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Module 3 – Reporting and CCMS



Reporting attendance



Family Day Care Service responsibilities include:

- submitting attendance reports to DEEWR.
- checking the accuracy of the time sheets.
- ensuring the accuracy of the data submitted to the Child Care Management System

There can be serious consequences for incorrect or false reporting and this responsibility is with the Family Day Care Service.



Reporting attendance



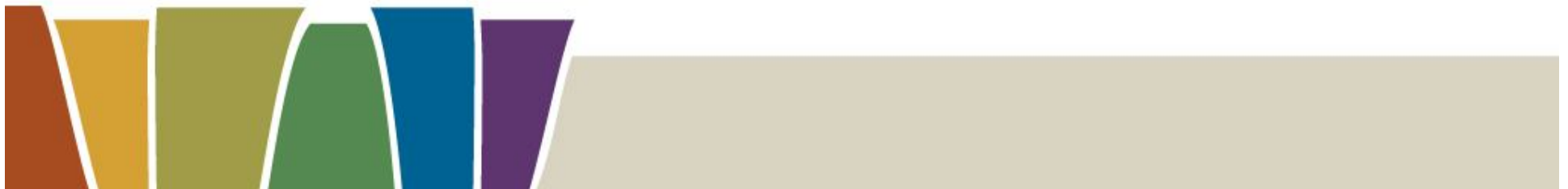
If an educator provided false time sheets to their service and gained a financial advantage, this could be a crime and they could be subject to criminal prosecution for fraud.

DEEWR has successfully prosecuted educators who have committed fraud.



Enrolments

Services must notify the enrolment of a child for care at their service within seven days of the child starting care and this must be done through the CCMS.



Absences

Services CANNOT report absences:

before the service starts providing care to a child

OR

after the service stops providing care to a child regardless of notice periods given to the service by families.

CCB may only be paid for absences on public holidays if the family has been charged a fee and the child would normally be in care.



Providing care for the full session

A Family Day Care Service charges an individual a fee for providing a session of care.

The service must, therefore, be able to provide care for that whole session.

CCB is not paid for school age children during school hours even if care is provided before and after school.



Questions on Reporting to CCMS





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Module 4 – Payments, Fees and Providing Statements



Family Day Care Service Fee Charging Responsibilities

Services are responsible for setting their fee charging policies.

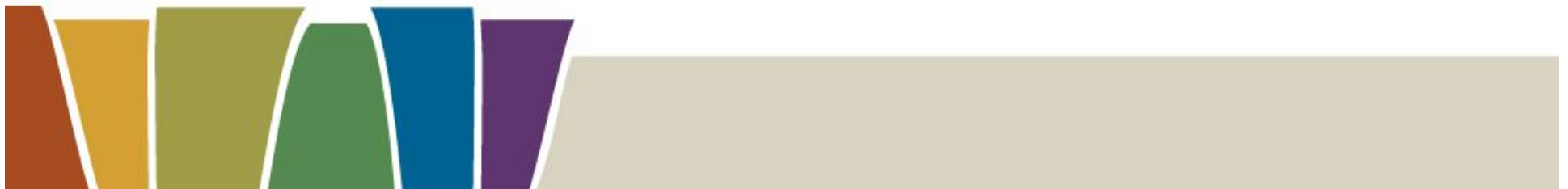
There must be a direct commercial relationship between the family that is paying for the care, and the family day care service.

The fee the service charges a family must be a real fee – that is, it must be the fee that the family is actually liable to pay.



Charging fees for JETCCFA, SCCB and GCCB

Family assistance law does not allow services to charge a family a higher fee than would have charged to this family if they were not eligible to receive one of the above mentioned payments.



Claiming Jobs, Education, Training Child Care FEE Assistance

Family Day Care Service sights a copy of the family's JETCCFA eligibility letter

The fees charged for JETCCFA must be the same as they would be if the family was not receiving JETCCFA

Changes to JETCCFA

- Time-limited assistance
- Targeted at Cert II to Graduate Diploma
- New Work Training Study tests
- Changes to the co-contribution from 10 cents to \$1 per hour



Claiming Special Child Care Benefit

Services cannot charge a higher fee because a family is accessing SCCB

Services can approve up to the first 13 weeks of SCCB for a child in a financial year

Services must keep documentation for every SCCB period it approves

Children receiving SCCB for being at risk are not eligible for 24 hour care



24 Hour Care

Responsibilities of the FDC Service:

- approve all 24 hour care period prior to the care occurring.
- keep supporting evidence for the care period and complete a 24 hour care certificate.
- do not allow a family to claim more than 14 periods of 24 hour care irrespective of the services they use.

24 Hour care is primarily for work related care and can be approved for short term emergencies, under exceptional circumstances. It is not for respite care.



Passing on Fee Reductions

The Family Day Care Service must pass on the full amount of fee reductions amounts to families.

It is an offence not to pass on the amounts within 14 days.



Statements

The Family Day Care Service must regularly provide each family with a statement about their child care usage, fees and Child Care Benefit paid to families.



Questions on Payments, Fees and Providing Statements





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Module 5 – Record Keeping



Keeping Records

There are various record keeping rules which both Family Day Care Services and Educators must abide by.

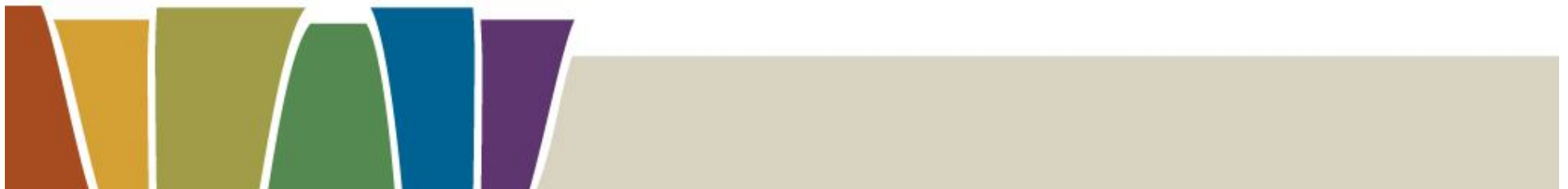
You must keep all records in accordance with National Law, Insurance, Australian Taxation Law, and Family Assistance Law.



Keeping Records relating to Child Care Benefit

Records need to be retained for at least 36 months from the end of the calendar year in which the care was provided to which the record relates.

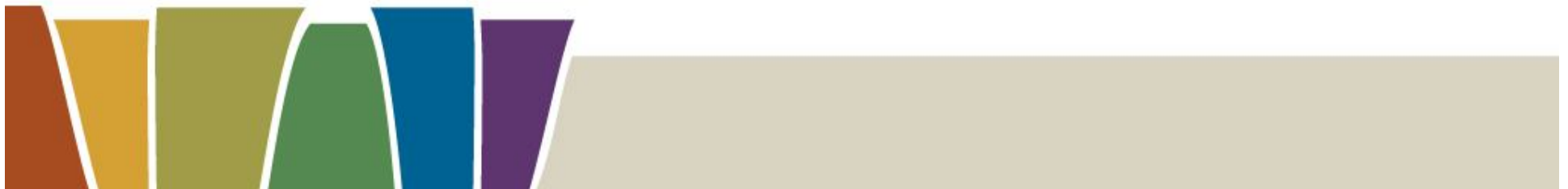
These records must be securely stored to meet privacy laws in a form which maintains their integrity. They must also be accessible for future audits



What records to keep for CCB Purposes

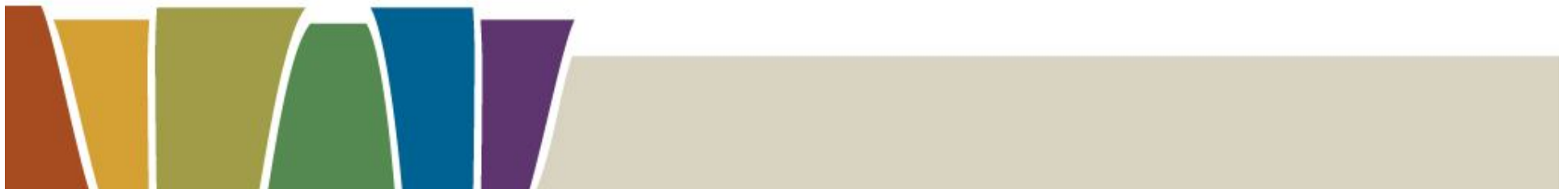
Records services need to keep include:

- enrolment forms;
- attendance records;
- additional absence documentation;
- Special Child Care Benefit (SCCB) and 24-hour care supporting documentation;
- copies of receipts;
- educator information; and
- insurance policies.



SCCB Documentation

A service can approve the first 13 weeks of Special Child Care Benefit (SCCB), in approving the first 13 weeks the service must complete a SCCB form and collect supporting documentation.



Questions on Record Keeping





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Module 6 - Compliance Activities and Consequences

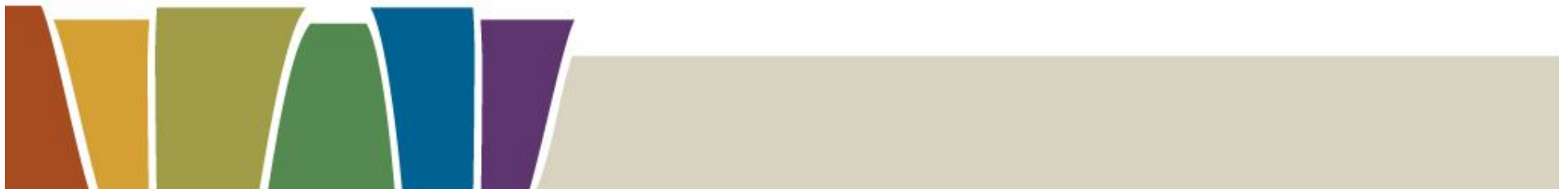


Education

All Family Day Care Services are responsible for their own educators.

This includes informing educators of their obligations and responsibilities.

There are a range of education materials on DEEWR's website including the Child Care Services Handbook, fact sheets and information for families.



Compliance Reviews

All services are subject to periodic reviews to test their compliance with operational, contractual and legal obligations.

Details of DEEWR's compliance strategy can be found on the department's website.



Consequences of non-compliance

Services have to fix any non-compliance.

A range of different penalties may be imposed:

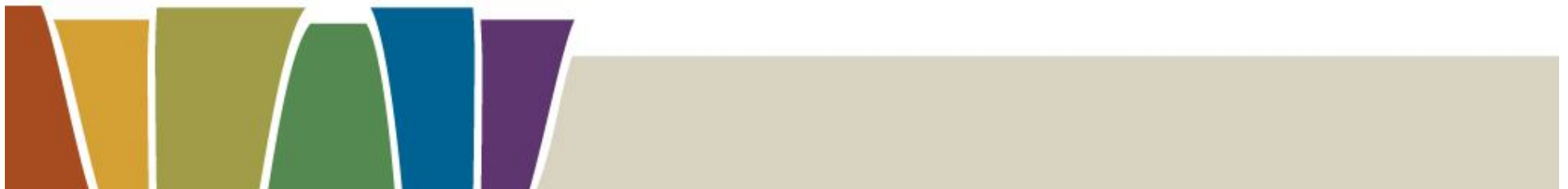
- infringement notices (fines)
- sanctions including suspension or cancellation of CSP funding, and removal of a service's ability to approve SCCB
- cancellation of CCB Approval



Definition of Fraud

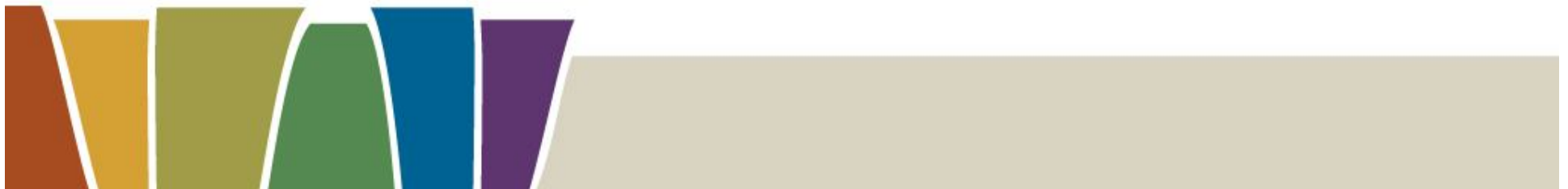
Fraud is a criminal offence.

Fraud is defined as 'dishonestly obtaining a benefit, or causing a loss, by deception or other means'.



What a service should do when they suspect an educator is acting fraudulently

- Investigate
- Amend any incorrect CCMS reports
- Report the matter

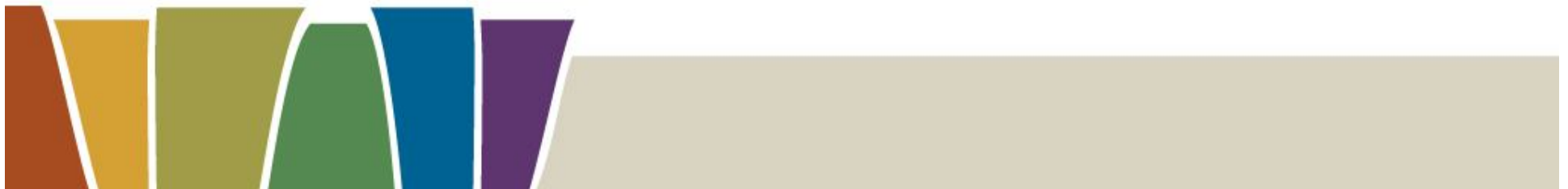


Reporting suspicions of fraudulent behaviour

DEEWR's Child Care Support
Line

1800 664 231

ccms@deewr.gov.au



Questions on Compliance Activities and Consequences





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