

11th April 2007

**The Children's Services Regulations Review
Office of Children
Department of Human Services
GPO Box 4057
Melbourne
Vic 3001**

**Re: The Children's Services Regulations Review Response
from Craigieburn & Districts Family Day Care Scheme
(Sponsored by the Brotherhood of St. Laurence)**

On behalf of the Craigieburn & Districts Family Day Care Scheme we wish to thank those responsible for the opportunity to respond to the above Discussion Paper.

Our written response to the Victorian Children's Services Regulations Review Discussion Paper below follows as closely as possible the requested 'Feedback' document format.

Questions for feedback

Chapter 5 - Coverage of the Act and Regulations

Q5.1 In determining which care arrangements should be regulated, what criteria do you believe should be used, and why?

Response Kindergartens, LDC, FDC ,OSHC' and OCC should be regulated children's services. The current definition does not cover FDC or OSHC services. In order to maintain the full range and flexibility of quality children's services in Victoria, Regulations should be uniform except for those areas which are need to be addressed on an individual service 'type' basis.

To maintain the integrity of the Purpose of the Act and Regulations, those private home-based child carers who are operating in Victoria and who are not covered by the Act would need to be included or clearly excluded so that Parent's who opt for this type of care will be able to clearly distinguish between regulated and unregulated services.

We would further comment that In the 'best interest' of all Victorian children we would support a process which requires this group of carers to clearly fall under the Act and Regulations.

Q5.2 What, if any, issues do you have in relation to the current definition of children's service, and why?

Response: The current definition does not fit FDC and OSHC. The age range of the current definition would need to be extended to include children of 0 – 12 yrs. Ofage, which would then cover FDC, In venue FDC, and OSHC. In FDC this should further be based on capacity rather than actual usage, taking into account the Care Providers own children. Eg the current definition states 5 or more children under the age of 6 for fee or reward, whereas a FDC Careprovider could have only 1 child in care for fee or reward, due to the presence her own children eligible to be counted in the total number by age.

Q5.3 What, if any, issues do you have about altering the definition of children's service to accommodate outside school hours care and family day care, and why?

Response: As above

Q5.4 Which, if any, model of regulations do you favour: Service type, locus of care type or service size, and why?

Response: Regulation of Service 'type' would recognise the uniqueness and flexibility of each service. We recommend also having specific FDC/ In venue/In home care regulations. There may be areas of commonality and these could be addressed in a general section, however there are clear areas where the service delivery occurs in other settings where the need to identify these settings and maintain the flexibility of service types, hours of operation and scope of operation. E.g. Family Day Care operates in a 'Home' setting but it's hours of operation and flexibility of care types may call into question the need for regulations to cover care for children over night, weekends, sleeping, bathing, and travelling in vehicles etc.(e.g. currently most Vic. Schemes utilise the Vic Roads Training for FDC Carers, but some don't).

To maintain the flexibility of In-Venue FDC Programs regulations by Service type would allow for specific safety measures to be included for this much needed service model especially in rural and remote settings which are not suitable or sustainable for other forms of care options.

Additional Comments

*In relation to 5.1 It should be noted that a concern has been raised by the FDC Sector that there is a large number of "Minimum CCB registered" carers whose quality and standard of care are not currently being monitored or supervised in any way and of more concern that some of these 'private carers' have been **rejected** as unsuitable by accredited FDC schemes.*

Chapter 6 - Regulatory powers

Q6.1 What, if any, changes to regulatory and enforcement powers and offences do you support or oppose for licensed children's services, and why?

Response: The powers would need to be extended to cover the FDC homes, i.e those residences of registered Care Providers with an Approved FDC Scheme), by first making contact with the relevant FDC Coordination Unit.

Again further consideration by the Office of Children would need to be given as to how this particular part of the Act would relate to those carers currently outside FDC who are registered for minimum CCB.

Q6.2 What, if any, changes to regulatory and enforcement powers and offences in order to accommodate outside school hours care and family day care do you support or oppose, and why?

Response: Not for profit child care organizations should not be classified under the same ruling as large for profit organizations. Careproviders should only be able to be spot checked when actually working and should be able to request a support person from the scheme's coordination unit to be present.

Note: Care would need to be taken to verify the individuals current status, i.e are they still a Registered Family Day Care Provider, are they caring for children privately or are they caring for children of other family members outside of any formal structure. This may require the need to have an identifiable registration record process in place.

Q6.3 what if any, changes should be made to the current penalty structure and why?

Response: The nature and seriousness of the breach should dictate the relevant actions/penalties imposed. Minor incidences should have a warning given with a period given for rectification to occur. Repeat offences should incur a greater penalty. If the same offence is recurrent the penalty should escalate.

The penalty should reflect the seriousness of the offence and any incidences where a child has been placed at risk of injury or harm should result in greatest penalty application ranging from fines to withdrawal of operating license.

Additional Comments

In the FDC situation who will be held responsible for the breach. Situations may arise where a Carer has acted outside of the Scheme's Policies or others where the scheme has failed in its duty of care to the care provider or child.

Chapter 7 - Responsibility for compliance with the Act and Regulations

Q7.1 What if any, issues do you have with how licensees, proprietors and staff are responsible for complying with the Act and Regulations for licensed children's services, and why?

Response: In FDC the sponsor should be the "licensee", the coordinator/manager would be the "proprietor". In addition and for the purposes of the Act the term 'staff' should refer to the Coordination Unit fieldwork and resource staff as well as the individual registered FDC Carers.

Q7.2 What, if any suggestions for accommodating this framework for outside school hours care and family day care do you support or oppose, an why?

Response: The Sponsoring Body of each Individual Scheme would become the "licensee", the scheme manager/coordinator would become the "primary nominee" and other coordination unit fieldwork and resource staff would become "nominees", the elimination of the requirement for the nominee to be present at the premises would need to be recognised for this to be workable in the FDC setting given the number of home sites from which the service is delivered.

Additional Comments

In FDC the Care Provider may be providing care when the primary nominee/ or nominees is/are not working eg. Overnight, weekends, public holidays. It would be therefore be imperative that Carers have access to a rostered on-call FDC Staff 'nominee' in outside hours and weekend care situations.

Additional Comments cont'd

7.5 FDC Fieldwork and Resource Staff and Registered FDC Care Providers should be included in all compliance responsibilities excepting staffing, managing and administration of service, licence compliance & administration and complaint management. (See table commencing Page 44). This would then reflect the current National FDC Guidelines and FDC QA responsibility requirements.

Chapter 8 - Staffing

Q8.1 What, of any, minimum qualification should all staff members in licensed children's services, outside school hours care and family day care hold, and why?

Response: FDC Carers, should have a minimum of Community Services Certificate 3.(Children's Services).

Q8.2 What, if any, qualification level should staff in qualified positions in licensed children's services, outside school hours care and family day care hold, and why?

Response: Currently in the FDC Sector individuals responsible for the general management of the FDC Scheme may have responsibility solely for the FDC Scheme or for a range of other services within the community sector of their organisation. Individuals currently in these positions may hold other qualifications more suitable to their level/range of responsibilities i.e. social work, welfare, nursing, community development, community services management and early childhood. We would agree however that staff in a direct child care supervisory role should have a minimum 2 year diploma in early childhood/children's services. Personal development to a higher qualification would be preferable.

Q8.3 What if any, impact would your organisation experience if staff qualification requirements were to change.

Response: In our organisation the co-ordination unit Staff have a range of qualifications mostly in early childhood to diploma level, community development, and community services management. Over the last 4 years we as a Scheme have been proactive in the delivery of Accredited Training to our Care Providers to Certificate III level. To-date approximately 75% of our Registered Care Providers have achieved Certificate III.

Grandfathering and Transitional arrangements for incumbent Staff, and the availability to access training grants to enable schemes and carers to achieve the appropriate qualification during the transitional phase with a realistic sunset clause.

*In relation to FDC Carers we would strongly encourage the development of recognised ***Traineeships** for all new and existing FDC Care Providers. This would enable new and existing FDC Care Providers to access the same ***Traineeship** opportunities currently available to other new and existing child care workers in other care settings, and open up much broader career pathways beyond Family Day Care. Unless this option is explored many Schemes and individual Carers will find the requirement of a minimum "Certificate III" Qualification costly and prohibitive.*

****Whilst realising that this is one of the issues that requires further discussion and the involvement of a range of government departments to resolve it, that should not preclude it as an issue in this review and subsequent Regulatory Impact Statement (RIS) . This Scheme would welcome the opportunity to discuss and demonstrate our experience in the area of tailored 'Work Place Delivery' of Certificate II and III for New and Existing Family Day Care Providers'.***

Q8.4 Which staff- child ratios do you think are adequate in licensed children’s services, outside school hours care and family day care, and why?

*Response: Currently in FDC the carer: child ratio is *1: 4 under school age and 1:7 children in total. Our Scheme like many others has a policy which further limits the number of children under 18 months of age (including the Care Provider’s own) which are included in the care mix.*

There is an argument to increase this number to 5 children under school age, and this would resolve the current inequities in child care ratios for those FDC Schemes providing across border child care services i.e. Carers on both sides of the border e.g. Mildura, Swahill, Echuca etc. We would support this only with the application of other conditions in place e.g. no more than 2 children under 18 months of age (excluding multiple birth families), FDC Registered Care Provider has minimum Certificate III qualification, and maintain the maximum of 7 children in total. These figures would be inclusive of Care Providers own children up to the age of 12 years Due to the 0 -12yrs scope of FDC services, the ability of the Carer to safely transport children also provides a further limiting factor into this discussion.

If the current ratio of 1:4 under school age were to be maintained FDC would require an “exception “clause for emergency situations.

Q8.5 What, if any, impact would your organisation experience if staff-child ratios were to change?

Response: This would possibly attract new applicants and increase the pool of FDC Care Providers. This would particularly assist those FDC schemes which are across borders and/or who are facing inequity and sustainability issues in relation to maintaining Care Provider numbers.

Chapter 9 - Programming

Q9.1 What, if any improvements can be made to the requirements for educational or recreational programs for the purposes of licensed children’s services, outside school hours care and family day care, and why?

Response: In FDC, programming is done on an individual and daily basis, recognising spontaneity and incidental learning opportunities. The FDCQA process already requires Careproviders to plan, observe, reflect and evaluate children’s learning and experiences. The new regulations would need to reflect similar flexibility in the manner in which it is recorded/reported/captured in FDC eg verbal, photos, field staff home visits.

Chapter 10 - Facilities

Q10.1 Which, if any of the options for performance-based approaches to facilities requirements do you support or oppose, and why?

Response: Recommend that the regulations recognise the different settings child care is provided whilst maintaining a performance based approach.

Q10.2 What, if any, issues do you have with facilities requirements relating to the outdoor environment and space?

Response: FDC requires a review and development of a uniform assessment tool for all FDC Schemes in relation to Home and Vehicle Safety Checks. Many Schemes have developed a variety of assessment tools based on the Kidsafe Home Safety Check List for FDC Homes, this has been in place for at least ten years. This document would need to be developed to reflect the requirements of the National Guidelines for FDC and FDCQA.

Chapter 11 - Health and Safety

Q11.1 What, if any, issues do you have with the health and safety provisions in the Act and Regulations and their application to outside school hours care and family day care?

Response: In relation to FDC this area should clearly take into consideration the requirements already placed on Schemes and Care Providers by the National Guidelines for FDC and FDCQA and support these.

Maybe this is an opportunity to again develop uniform policies for Vic FDC Schemes. This is something which Schemes in other regulated States and Territories have found useful both in practice and in assisting them to meet accreditation standards for Health and Safety.

Under current FDC National Guidelines and FDCQA requirements all Registered Care Providers homes should have a working telephone on the premises. Most FDC Care Providers carry a mobile phone to remain contactable when off the premises. This may need to be regulated. It should be noted that some country areas do not have mobile phone coverage; however emergency excursion plans should therefore be in place.

The requirement that all services must provide food is inappropriate for FDC. Most schemes include a flexible option for the provision of food either by the Care Provider or by the Parents of the child in care. Scheme nutrition policies reflect this and the provision of nutritious meals/snacks is included whether provided by care provider or parent.

Chapter 12 - Information collection: records and notifications

Q12.1 What, if any, changes to records/parts of record do you support or oppose, and why?

Response: Due to the multi-site delivery of FDC and the current confidentiality requirements of FDCQA the following list of documents have an equivalent in the day to day practise of FDC as shown;

An Attendance Book/ FDC Individual Timesheets for each child in care.

- A child enrolment record/ FDC enrolment form sometimes referred to as Care Contract.*
- Medication book/ FDC Medication Record sheet for each child.*
- Accident, Illness and injury book/ FDC Accident, injury and illness form for each child*
- A staff record/ FDC Care Provider application forms, medical forms, police checks, WWCC etc. are held at the coordination unit.*
- A staff record/FDC Coordination Unit Staff records are held by the HR departments of the various Sponsor Organisations.*

Q12.2 What, if any, changes to the notification requirements do you support or oppose, and why?

Response: All fine

Chapter 13 - Information release: sharing information with parents and other governments

Q13.1 What, if any, compliance information should be provided to parents, who should provide that information (the service or the Regulator), and why?

Response: A similar achievement record as per NCAC Service Accreditation Certificate to be displayed by the service and/or individual Care Providers.

Q13.2 What, if any, effort is expended by your organisation in preparing information for parents required by regulation?

Response: Due to the flexibility of service delivery In FDC, information is currently prepared and distributed to all stakeholders through a variety of ways either directly to the families or via the care providers. Most services have developed regular contact mechanisms with all stakeholders through regular meetings, training opportunities, newsletters, surveys etc.

Q13.3 What, if any, information should be shared across government, with what limits and why?

Response: Any opportunity that streamlines and doesn't duplicate data collection and assists in information gathering, knowledge building and identification of developing trends and possible areas of risk.

Chapter 14 - Streamlining licensing processes

Q14.1 What, if any, changes to licensing process (including removal or changes to the approval in principle processes, retention of a short term licence, removal of provision for licence transfer) do you support or oppose, and why?

Response: Previously assessed documents should not have to be reassessed on continuous basis unless changes to individuals, ownership, etc and only the documents related to that area of change should need to be substantiated.

Q14.2 What, if any effort is expended by your organisation in complying with licensing processes under the Regulations?

Response: As an individual FDC Scheme we welcome the opportunity to have the service recognised as a State Regulated Children's Service. We are pleased with the level of consultation taken by the Victorian State Government in this review proces

Chapter 15 - Relationship between the criminal history check and the Working with Children Check

Q15.1 Given the introduction of the Working with Children Check, do you think there are any circumstances when criminal history checks are also required in the new children's services legislation?

Response: In relation to FDC both types of checks will need to be maintained for FDC Care providers and families. To streamline the process it would be useful if all FDC Staff, Care Providers, and relevant family members required to have a WWC Check could be linked and flagged on the National Criminal check Register thereby streamlining at least one of these to a one-off criminal record check at the commencement of employment. Currently these are undertaken by Services on a regular basis e.g. annually.

Q15.2 If you think criminal history checks continue to be necessary for licensed children's services, outside school hours care and family day care, why are they necessary and for whom are they necessary?

Response: Criminal record checks are necessary for all adults (over 17 years of age) living, residing or regularly visiting a registered care environment and for all staff. As sole workers FDC Careproviders are required to complete timesheets and other documentation which is attached to the payment of government funding, and maintenance of confidential or legal records for the children in care. Therefore, it is imperative that areas of fraud or dishonesty are picked up in the police checks. In addition, because of the flexible delivery of FDC it is imperative that all adult members of the Care Provider's family are screened for fraud, violence, drug or drink driving related offences e.g. someone charged for drink driving offences residing in the FDC home may impact on the safe delivery of care.

Chapter 17 – Next steps

Q17.1 What, if any, other issues do you have with the Act or Regulations for licensed children's services?

Response: This would be an opportunity for community education of the Act and Regulations and how they should impact and support the delivery of quality services.

Q17.2 What, if any, other issues do you have with the extension of the Act and regulations to include outside school hours care?

Response: None other than those previously mentioned.

Q17.3 What, if any, other issues do you have with the extension of the Act and Regulations to include family day care?

Response: The regulations for FDC need to recognise and not limit the flexibility and uniqueness of this service type whilst supporting the goal for the provision of quality childrens' services in Victoria..

We thank you again for the opportunity to comment on the Children's Services Regulation Review Discussion paper. Should you require further verification or clarification of any of the comments above please ring me on 9308.2366.

Yours sincerely,

**Eileen Buckley – Manager
Craigieburn & Districts Family Day Care**