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|  | <p style="text-align: center;"><b>Procedure</b></p> <p style="text-align: center;"><b>Family Day Care Grounds for Suspension of an Educators Name from Register</b></p> |  |
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## Procedure

### Purpose & Scope

Lake Macquarie Family Day Care has a responsibility to protect the dignity, safety, and welfare of children in care and ensure children have opportunity to learn and develop in a stimulating environment with positive adult interactions.

Educators with Lake Macquarie Family Day Care must ensure education and care is provided in accordance with regulatory and legislative requirements.

Lake Macquarie Family Day Care needs to establish grounds for suspension of an educator's name from the Register of Educators to maintain care standards and deal with complaints about education and care provision fairly and equitably.

### Process

Where an education and care service, provided by a registered educator, does not comply with The National Quality Framework, policies or procedures, the Nominated Supervisor, or delegate will recommend the Approved Provider suspend an educator's name from the Lake Macquarie Family Day Care Register of Educators, either:

- immediately when, in the professional judgement of the Nominated Supervisor, or delegate, the actions of an educator have placed a child in imminent physical, emotional or moral danger, or the educator has demonstrated intentional disregard for regulatory requirements, policies or procedures
- when an educator has not fulfilled, or refuses to fulfil, the requirements of an educator action plan developed in response to a complaint
- when an educator, in the professional judgement of the Nominated Supervisor, or delegate, has not demonstrated adequate change of practices, as a result of resolution of prior complaints
- when an educator, in the professional judgement of the Nominated Supervisor, or delegate has not demonstrated, or refuses to demonstrate, quality practice improvement in accordance with the requirements of The National Quality Framework

All action to review a complaint relating to education and care provision or to suspend an educator's name from the Register of Educators will be in accordance with Lake Macquarie Family Day Care Complaints Handling Procedure.

## Controlled Document Information

### Authorisation Details

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| <b>Folder No:</b>                         | F2004/12276-03  | <b>TRIM Record No:</b>             | D08422329     |
| <b>Audience:</b>                          | Departmental - Family Day Care Staff, Educators and Stake holders   |                                    |               |
| <b>Department:</b>                        | Community Planning  |                                    |               |
| <b>Officer:</b>                           | Service Manager - Jan Morgan  |                                    |               |
| <b>Review Timeframe:</b><br>Max < 4 years | 3 Years   | <b>Next Scheduled Review Date:</b> | 3 August 2020 |
| <b>Authorisation:</b>                     | Acting Manager - Community Planning - Andrew Bryant - 3 August 2017 |                                    |               |

### Related Document Information, Standards & References

|  |  |                        |
|--|--|------------------------|
| <b>Related Legislation:</b>  | Ombudsman Amendment (Child Protection and Community Services) Act 1998<br>Children (Education and Care Services) National Law<br>Education and Care Services National Regulations<br>Education and Care Services National Regulations Amendment 2014<br>Child Protection (Working with Children) Act 2012<br>Child Protection (Working with Children) Regulation 2013<br>Ombudsman's Act 1974<br>Work Health and Safety Act 2011 | (Relationship/Context) |
| <b>Related Policies (Council &amp; Internal):</b>  | Council internal Policy and Procedure Supporting and Protecting Children and Young People  | (Relationship/Context) |
| <b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b> | Lake Macquarie Family Day Care Complaints Handling Procedure<br>Council's Code of Conduct  | (Relationship/Context) |
| <b>Standards COP's &amp; Other References</b>  | Child Care Services Handbook, Department of Education  | (Relationship/Context) |

### Definitions

| Term / Abbreviation                     | Definition   |
|---|--|
| <b>Approved Provider</b>                | Lake Macquarie City Council, for the operation of the approved service, Lake Macquarie Family Day Care   |
| <b>Nominated Supervisor or delegate</b> | Authorised Supervisor of Lake Macquarie Family Day Care, Nominated Supervisor – responsible (along with the Approved Provider) for ensuring the scheme is following the Law and the Regulations, Certified Supervisor – a person with a supervisor certificate placed in day to day charge of an education and care service. |
| <b>Educator</b>                         | (a) a person actually involved in educating, minding or caring for children at his or her residence or venue and whose name appears on a current Lake Macquarie  |

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|                               | <p>Family Day Care Register of Educators (a primary educator) ; and</p> <p>(b) a person whose name appears on a current Lake Macquarie Family Day Care Register of Educators and who is engaged as a relief educator to educate, mind or care for children in the residence or venue of a primary educator</p> <p>(c) a person whose name appears on a current Lake Macquarie Family Day Care Register of Educators and who is engaged as an educator assistant to educate, mind or care for children in the residence or venue of a primary educator for no more than 4 hours</p> |
| <b>Regulatory requirement</b> | State and Federal government regulations that are relevant to the provision of Family Day Care services in NSW   |

**Consultation (update for each version created)**

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| <b>Key Departments, Teams, Positions, Meetings:</b> | Family Day Care Staff, Educators and Stakeholders |
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**Version History**

| Version No | Date Changed | Modified By | Details and Comments  |
|------------|--------------|-------------|---|
| 2          | 08/03/2006   | J. Wade     | Removed reference to Family Day Care & Home Based Care Regulations 1996, updated key resources  |
| 3          | 11/11/2008   | J. Wade     | Inclusion of failure to demonstrate, or refusal to demonstrate, quality practice improvement as grounds for removal   |
| 4          | 05/10/2010   | J. Morgan   | Change carer title to educator  |
| 5          | 07/12/2011   | S. Vickers  | Update reference NCAC to The National Quality Framework, home to residence or venue, childcare to education and care, update definition of Authorised Supervisor, update terminology of Licensee to Approved Provider |
| 6          | 30/07/2012   | J. Morgan   | Update title to suit new terminology of removal to suspension, authorised supervisor to nominated supervisor and reference to legislation   |
| 7          | 15/09/2014   | J Morgan    | Updated legislation   |
| 8          | 02/08/2017   | J Morgan    | No changes  |