

2014 NQF Review – Consultation Regulation Impact Statement Submission

The New South Wales Family Day Care Association was established in 1976 with the aim to promote and support all aspects of Family Day Care within the community. It is with this aim in the forefront of our work that we submit our response to the Regulatory Impact Statement.

This submission is written in response and in support of The NSW Family Day Care Association members who have raised concerns regarding the impact of proposed changes stated in the *Regulation Impact Statement, Section 3.7 Improved oversight of support within FDC services* will have on many Family Day Care services.

NSW Family Day Care Association acknowledges that there has been significant growth due to an enormous amount of service approvals being granted within the past two years resulting in a significant challenge for regulatory authorities to monitor compliance. However, NSW Family Day Care Association believe our members strive for compliance and deliver excellent quality outcomes to children through their individual education and care services and that the proposed changes will hinder their opportunity to grow and may impact significantly of the financial viability of their services. It is important to note that changes to the Community Support Program funding expected to be implemented in July 2015 will create an additional financial burden on many NSW FDC services.

The Regulatory Impact Statement states '*regulatory authorities did not foresee the extent of FDC services operating over multiple jurisdictions*' (RIS, pg 59). Whilst NSW FDC Association acknowledges the necessity to restrict service operators from registering Educators across vast distances that could not adequately be supported or monitored by service providers, it is important to note that some NSW member services currently successfully manage to operate with Educators who reside in close proximity across state borders, one of which has an NQF Exceeding rating. Any proposed change to restrict operations across states would create a barrier to future recruitment for services that are located close to state borders and would immediately affect current Educators registered with services outside of the state they reside in.

3.7.1 Proposal 7.1 – Approval of FDC services across jurisdictions

Option Number	Description	NSW FDC Response
1.7A	No change	NSW FDC does not support 'no change' and believes that some restrictions must be placed to prevent service providers registering Educators who reside in areas that cannot be physically visited and monitored by the provider due to the distance of the Educator premises from the providers principal office.
1.7B	Approved FDC providers be required to hold a service approval in each jurisdiction in which they operate (including paying all fees in each jurisdiction in which they operate an FDC service)	This in principal may restrict 'low quality services' (RIS, pg 60) taking advantage of registering Educators who will not be physically visited and monitored by the service

		<p>provider, however places a further financial burden on existing FDC providers who have successfully managed to monitor compliance of Educators who reside across borders due to the Educators premises being located within close proximity of the service providers principal office. This would also create a barrier to future recruitment of Educators for service providers whose principal office is located near to state borders.</p>
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7.7.2 Proposal 7.2 – Limiting the number of FDC educators in a service

Option Number	Description	NSW FDC Response
7.2A	7.2A No change	<p>A limited number of registered Educators should apply to new services until they have successfully completed an assessment and rating visit that deems they are meeting the National Quality Standards or on a case by case basis for services who fail to meet compliance. A 'blanket' limit of Educators per service would restrict services ability to meet demand in areas of growth and would impact on the financial viability for services that may not be eligible for Community Support Program Funding.</p>
7.2B	Amend the National Law so that a regulatory authority may impose a maximum number of educators approved to be engaged or registered by a FDC service and include this on the service approval	

3.7.3 Proposal 7.3 – Mandating a ratio of FDC co-ordinators to educators

Option Number	Description	NSW FDC Response
7.3A	7.3A No change	<p>Prior to providing a response to these proposed changes NSW FDC Association would like further clarity or definition of 'support' and 'coordinator'.</p>
7.3B	Introduce a 1:10 ratio of FDC co-ordinators to educators AND/OR	
7.3C	Amend the National Law on conditions on service approval to include a duty for the approved provider to ensure that FDC educators are adequately supported, monitored and	<p>Services currently provide professional 'support' to educators in a variety of ways such as home visits, training,</p>

<p>7.3D</p>	<p>trained</p> <p>Introduce a 1:15 ratio of FDC co-ordinators to educators AND/OR Amend the National Law on conditions on service approval to include a duty for the approved provider to ensure that FDC educators are adequately supported, monitored and trained</p>	<p>email and telephone support.</p> <p>Many services use different terms for staff positions and therefore the term 'coordinator' would differ from service to service.</p> <p>It is important to note that <u>ALL</u> FDC staff provides Educators with support, conduct visits, training and professional guidance.</p>
<p>7.3E</p>	<p>Introduce a 1:20 ratio of FDC co-ordinators to educators AND/OR Amend the National Law on conditions on service approval to include a duty for the approved provider to ensure that FDC educators are adequately supported, monitored and trained</p>	<p>NSW FDC Association would support a 1:20 <u>staff</u> (not coordinator) to educator ratio.</p>

3.7.4 Proposal 7.4 – Mandating a minimum Certificate III for FDC educators

Option Number	Description	NSW FDC Response
<p>7.4A</p> <p>7.4B</p>	<p>No change</p> <p>Require all FDC educators to have an approved Certificate III (or equivalent) before being permitted to educate and care for children, rather than working towards the qualification, which is currently the requirement</p>	<p>NSW FDC Association acknowledges the importance of Educators obtaining a minimum Certificate III in Children's services as this has proven to enhance quality outcomes for children. However, we would like the regulation to remain unchanged to allow Educators to become registered and complete orientation with a service provider whilst obtaining their qualification.</p> <p>NSW FDC Association has an extensive professional induction training program available to members and all NSW FDC services have a thorough training and orientation process which often has higher completion requirements than Cert III in Children's Services. Therefore Educators have a greater</p>

		<p>knowledge of quality service delivery, National Regulations and Standards, expectations and requirements prior to registering.</p> <p>If Educators are required to obtain the Certificate III prior to registering with a service this would create a barrier for services to recruit new Educators.</p>
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3.7.5 Proposal 7.5 – FDC educator assistants’ activities

Option Number	Description	NSW FDC Response
7.5A	No change	
7.5B	Create an offence (with attached penalty) that an approved provider must ensure the assistant’s activities are limited to the circumstances set out in Regulation 144(2) (as amended), with the penalty set at \$2,000	NSW FDC Association supports this change.

3.7.6 Proposal 7.6 – Principal office notifications

Option Number	Description	NSW FDC Response
7.6A	No change	
7.6B	<p>A FDC service must notify the regulatory authority of changes to the principal office at least</p> <p>14 days before the change</p> <p>AND</p> <p>The regulatory authority must amend or refuse to amend a new service approval within 14</p> <p>days of the above notification and, if the principal office is also to be a venue or a residence,</p> <p>then the amended service approval must be issued before the commencement of any care at the venue or residence</p> <p>It is proposed that regulatory authorities are notified at least 14 days in advance prior to a</p>	NSW FDC Association supports this change.

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3.7.7 Proposal 7.7 – Powers of entry to FDC residences

Option Number	Description	NSW FDC Response
7.7A	No change	
7.7B	Amend the National Law to allow authorised officers to enter FDC residences where the authorised officer <i>reasonably believes</i> that a service is operating at the residence at the time of entry Section 199 of the National Law provides authorised	NSW FDC Association supports this change