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Making Professional Decisions
in Family Day Care

Introduction

Every day, Family Day Care Educators make hundreds of choices. In your practice as Educators these are described as professional decisions. They can be:

- ▶ *Small* everyday decisions that might feel very ordinary such as where to put a child's hat or which piece of fruit to cut up for morning tea.
- ▶ *Big* decisions that change the way you understand your role, work and the experience of care and education for your children and families.
- ▶ *Larger* decisions that have an impact on your everyday practice – moving to a digital platform for program planning that changes how you record children's learning every day or
- ▶ Decisions that lie somewhere in between – small everyday decisions that change things for the long term such as saving your food scraps to add to the compost.

These choices, or professional decisions, are most often about the wellbeing, learning and development of children and their



families. They can also be about yourself as an Educator and the way you run your Family Day Care service. For example, you might decide to work part-time or increase your fees.

While these professional decisions are a lot about what you choose *to do*, e.g. buy a storybook from your local second-hand shop, they are also about what you choose *not to do*, e.g. buy cheap Aboriginal resources from an online store because you are not sure of their authenticity.

Some of these decisions will be required or prescribed. These are the decisions you are obliged to make because Family Day Care (like other regulated Children's Education and Care services) are part of a legal system comprising the [Education and Care Services National Law](#) and the [Education and Care Services National Regulations](#).

Many other decisions you make are decisions that are not prescribed or required but rather are made by you in response to the children and families you are working with and will most likely look different on different days.

This is why researchers have noted just how many decisions Educators make in their daily work. It is also why Educators in children's education and care need to think about these decisions, i.e. how you make them and how you can take care of yourselves, as you carry a significant responsibility of being effective professional decision makers.



“Decision is the spark that ignites action. Until a decision is made, nothing happens... Decision is the courageous facing of issues, knowing that if they are not faced, problems will remain forever unanswered.”

Wilferd Peterson

Decision Making

Decision making is the everyday process of choosing what you will, or will not, do. It is often a multi-step process and, depending on the situation, can be complex or simple. Making decisions involves skills and techniques and is based on the situation, your knowledge and your values and beliefs.

The art of decision making starts early in life – the more you practise, the better you are at making choices. But good decision makers are not always right and nor do they find it easy. Instead, they have a set of habits – skills and

techniques that assist them to make good decisions. They include Identifying, Thinking, Brainstorming, Acting, and Communicating, as shown below.

“You and I need to be the decision makers in our own lives and careers. It is also our responsibility to allow and encourage others to do the same.”

Jay Rifkenbary

Identifying

Examining the situation and naming what is happening – naming the issue or problem

Thinking

Being able to think about what is happening from different perspectives

Brainstorming

Being able to think about possible solutions – using creativity and imagination

Acting

Doing something

Communicating

Sharing your decision with others

Key steps in the decision-making process

1. **Work out the problem:** Identify and label what's happening so that you can understand the problem.
2. **Plan to solve the problem:** Brainstorm solutions – talk about what might happen with each possible solution. This encourages us to consider different solutions before choosing what to do next.
3. **Do something about it:** Sometimes you will need your support to take action, or the reassurance that help is nearby. As you practice, you will become better at problem-solving.

Adapted from the Be You Fact Sheets: [BeYou.edu.au/decision making in early childhood](https://www.beyou.edu.au/decision-making-in-early-childhood)



Professional Decision Making

Making decisions extends to your role as early childhood education and care professionals. Professional decision making is a critical part of your work as a Family Day Care Educator and supports you to act with integrity and purpose. Although different from decision making we all do in our daily lives, it relies on many of the same skills and behaviours. You become more skilled at the art of professional decision making as you learn and practice.

Professional decision making differs from personal decision making in an important way. When you make decisions as a Family Day Care professional, you are drawing on important expectations that define you as a professional, such as:

Just like other professions, you are required to make decisions that uphold the values and purpose of your work in early childhood education and care. In this way, decision making is not just a thing to do – it is what makes us a professional.

**Legal requirements
such as laws and
regulations**

**Agreed practices and
procedures in the form
of policies**

**Knowledge of best
practice in our field,
e.g. National Quality
Standard**

**Evidence – information
gathered by
researchers combined
with local information**

Types of Professional Decisions

When you make professional decisions, they can be broadly categorised in two ways.

▶ **Legal Decisions** that are required of you under the National Law and Regulations – this includes the policies and procedures developed by the Family Day Care service.

▶ **Ethical Decisions** that relate to the way you interact with children, families, our fellow Educators, the community and our profession – in other words, all other decisions you make.



Legal
Decisions that are required of Family Day Care Educators under the National Law and Regulations

Ethical
Decisions that relate to the way we interact with children, families, our fellow Educators, the community and our profession



Understanding Legal Decisions

Legal decisions are those informed by and required of services and individual Educators under the Education and Care Services National Law and the Education and Care Services National Regulations.

These requirements are found in the policies and procedures developed by your Family Day Care service, as well as the expectations of operating a Family Day Care service under the National Law and Regulations.

The National Law and Regulations identify many expectations that you as a Family Day Care educator or Service Leader, and those who support them, need to be aware of. It is not possible to remember every regulation as you make decisions in this space. That's why it's important to check whether the issues that you are considering have legal or regulatory expectations.

The best place to find the answer is to refer to the **Guide to the National Quality Framework** on the ACECQA website, in particular the section in the Guide focused on Operational Requirements (Section 4). It is also important and helpful to

check in with your Service Leaders – Nominated Supervisors, in particular.

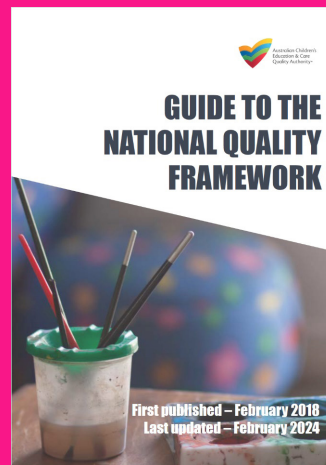
There are, of course, other laws that you are required to abide by that are in place to keep children and adults safe. For example, it's a requirement to wear a seatbelt in NSW. More specifically, it is an offence to drive with a passenger under six months not in a fastened/adjusted/approved child restraint (Road Rules 2014, Rule 266 (1)).

Did You Know?

It is important to note that if a Family Day Care Educator makes a decision that breaches their legal expectations, they can be fined under the National Law and Regulations.



Image source: NSW Government, www.nsw.gov.au.



This guide is available to support you to understand the requirements under the National Quality Framework.

The Guide is regularly reviewed and updated by the Australian Children's

Education and Care Quality Authority (ACECQA) in consultation with regulatory authorities and the Australian Government. Updates are published on the ACECQA website at [Guide to the NQF](#) | [ACECQA](#)

Understanding Ethical Decisions

“Ethics is about answering the question: ‘What ought I to do?’ Whenever you are faced with this question, you are dealing with ethics.”

<http://www.ethics.org.au>

Ethical decisions relate to the way we interact with children, families, our fellow Educators, the community and our profession. They are not decisions that you *should* or *have to* make, they are decisions about what is right to do. These are often referred to using an unusual word we don't hear very often – **ought** – meaning a choice made from duty or correctness. These decisions encompass all the other choices you make in your professional practice that are not directed by the Law, Regulations or the services policies and procedures. These decisions are guided by the [ECA Code of Ethics](#), the service philosophy, best practice in early childhood education and care, and your own values.

Unlike legal decisions, which are either right or wrong (compliant or non-compliant), ethical decisions are less

clear-cut. They can often feel like a choice between two good things. For example, it is good practice to celebrate cultural festivals that respect children's heritage and support children to learn about the world around them. It is also good to listen to families' concerns about their children participating in celebrations that challenge their own values and beliefs, for example, Halloween. You will need to use your professional judgement, your values and professional knowledge, combined with the perspective of others, to decide the right course of action.

Making ethical decisions is supported when you think about how your choices will affect the people you work with (children, families, and colleagues) as well as the community and environments you live in. Using reflective practice processes (for example, meeting and recording notes in a journal) offers a good space for these conversations. The *Guide to the National Quality Framework* on the ACECQA website and the *ECA Code of Ethics* are useful guides and can support you in thinking about ethical choices. It is also

important and helpful to check in with your Service Leaders – Educational Leaders, in particular.

Ethical decision making can be challenging but also very rewarding. Doing what's right and making choices, especially in challenging circumstances that support the rights and best interests of children and their families, helps you find deeper meaning in your work. It takes courage and, at times, vulnerability. While legal decisions are important, ethical decisions are where you will find your purpose as an Educator.

Remember, if you make a decision in your work that you feel is unethical or not right, the most important thing to do is to speak up and work with your Leaders to find a way to make things right.

“Vulnerability sounds like truth and feels like courage. Truth and courage aren't always comfortable, but they're never weaknesses.”

Brene Brown





The ECA Code of Ethics is a set of statements about appropriate and expected behaviour of early childhood professionals.

Designed especially for early childhood education and care environments and based on the principles of the

United Nations Convention on the Rights of the Child (1991) the ECA Code of Ethics reflects current pedagogical research and practice, providing a framework for reflection about the ethical responsibilities of early childhood professionals who work with or on behalf of children and families in early childhood settings.

Early Childhood Australia recognises that Aboriginal and Torres Strait Islander people have been nurturing and teaching children on this land for thousands of years. The ECA Code of Ethics acknowledges Aboriginal and Torres Strait Islander traditional ways of being and caring for children.

This Code is not intended to, and could not possibly provide easy answers, formula, or prescriptive solutions for the complex issues early childhood professionals face in their work. As an aspirational document, it does provide a basis for critical reflection, a guide for professional behaviour, and principles to inform individual and collective decision making.

Early Childhood Australia, 2023



Practice Expectations

Being a professional decision maker is an expectation in your work as an ECEC professional. [The Guide to the National Quality Framework](#) details these expectations throughout with specific reference to the action both individual Educators and the Family Day Care service must take to comply with Law and Regulations.

When you first become a Family Day Care Educator your leadership team – Coordinators, Educational Leader, etc. – will work through these expectations and support you to make both legal and ethical decisions in your everyday practice.

It is helpful to regularly think about your role as a professional and discuss what this means in practice, even if this is not a word you use very often. The *Early Years Learning Framework V2.0* talks about professional judgements like this:

Educators' professional judgements are central to their active role in facilitating children's learning. In making professional judgements, they intentionally weave together their:

- ▶ professional knowledge and skills
- ▶ contextual knowledge of each child, their families, and communities
- ▶ understanding that relationships with children and families are critical to creating safe and trusting spaces
- ▶ awareness of how their beliefs and values impact children's learning and wellbeing
- ▶ knowledge and understanding of Aboriginal and Torres Strait Islander perspectives
- ▶ personal styles and past professional experiences
- ▶ use of all components in the planning cycle.

Alongside their professional knowledge Educators draw on their creativity, intuition and imagination, and adjust their practice to suit the learners, the time, place and context of learning.

Australian Government Department of Education, 2022a, p.12

All Educators exercise aspects of leadership in their daily work with children, families and colleagues. Educators lead their own ethical practice as they take professional and personal responsibility for their actions and the decisions they make.

Collaborative leadership and teamwork are built on a sense of shared responsibility and professional accountability for children's learning, development and wellbeing. It is a view of leadership that empowers all members of the team to use their professional knowledge and skills in ways that assist everyone to do the best they can for children, families and colleagues in their setting.

Australian Government Department of Education, 2022b



Making Ethical and Legal Decisions

In reality, you are never just making a legal or ethical decision. You are usually making both at the same time and many decisions we have to make have both legal and ethical aspects.

The following example gives you a sense of how this works in practice.



Making decisions about children's sleep and rest

Legal

- ▶ Comply with new legislative requirements (regulation 168) from 1 October 2023 including to follow policies and procedures in place relating to sleep and rest.
- ▶ For example, conduct a sleep and rest risk assessment at least once every 12 months, and as soon as practicable after becoming aware of any circumstance that may affect the safety, health or wellbeing of children during sleep and rest.

Ethical

- ▶ Discussions with families about sleep preferences and practices, for example, carrying children to sleep or the timing of sleep?
- ▶ Responding to families' request to limit children's sleep – or wake children up?

Practice Story

Gurdeep has been a Family Day Care Educator for 15 years and works mostly with children aged 12 months to three years old. Over the years, Gurdeep has always supported families in sharing children's important celebrations and incorporated many opportunities into the program. These celebrations have often included festive foods full of sugar brought in by the families, especially birthdays.

While birthdays have always been a success with children, and families seem to enjoy the opportunity to do something special, a couple of families have begun to ask questions about sugary foods and how the celebrations might impact their children's well-being. Another family has recently shared with Gurdeep that their children might have an allergy or intolerance that their specialists are investigating. Gurdeep has also recently attended a professional learning session focused on children's nutrition and how Educators in Family Day Care can be more responsive to children's health and medical needs.

Gurdeep realised she needed to make some decisions about how celebrations, particularly birthday celebrations, would be practised in her family daycare program.

She started by asking herself some important questions.

- ▶ What are the medical requirements of each child in the program?
- ▶ What do the policies, procedures and regulations say about how food is managed in Family Day Care?
- ▶ What responsibilities do Family Day Care Educators have to keep children safe from harm?
- ▶ How can birthdays still be fun and special without compromising children's health?

Gurdeep also realised it was too hard to try and work this out by herself. She called the coordination team, and together, they thought through Gurdeep's responsibilities – both legal and ethical – and came up with a plan.

After careful thought, Gurdeep shared with the families that she would be doing things a bit differently because of her legal responsibilities to children under the Regulations (particularly in relation to managing food allergies) and the value that many families place on their children's birthdays. She proposed to the families that she would work with the children to prepare special fruit-based ice cream (with no sugar) that children would enjoy together for their birthdays. That way, she would comply with the expectations of the law in terms of children's allergy management and still value these important celebrations.

The families agreed and birthdays with special ice cream are now a feature in Gurdeep's Family Day Care program. Gurdeep also has a special wooden cake she adds candles too so the children can still blow out their birthday candles.



Using a Decision-Making Cycle

Making professional decisions is supported when you have a clear process supported by professional knowledge and systematic thinking.

The following decision-making cycle is based on the **ECA Ethical Decision-Making Cycle** featured in their publications *Ethics in Action* (Barblett et al., 2018). This cycle draws on the practice wisdom of researchers and practitioners alike and supports Educators to make stronger professional decisions.

The steps are outlined below.

► Identify

- Identify the problem or issue – or what you are wanting to make a decision about.
- Identify if this is a **legal** or **ethical** decision using the descriptions in this booklet.
- If the decision is a **legal** matter refer to the relevant legislation, regulations, policies or procedures and follow this advice.

- If the decision is ethical, proceed through the next steps.

► Consider positions and perspectives

- Consider the ways others may think about this issue or problem.
- How might they understand it from their perspective?
- What might others say about this if they were asked?
- Put yourselves in other people's shoes – as much as you can.

► Form a response using the *Code of Ethics*

- Refer to the ECA *Code of Ethics* and consider the core principles and statements.
- Which one relates to the decision you are considering?
- What might you do if these principles and statements guided your response?

Discuss

- Decisions are stronger and more effective if they are discussed with those you trust and support you.
- Seeking out people to reflect with – talk through your thinking and test out possible ways forward.

Decide

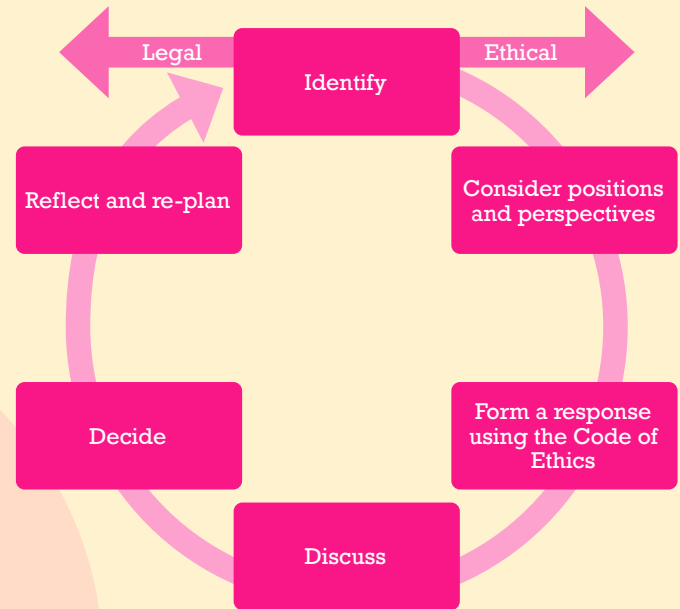
- Make a decision. It might be a short term or initial decision that supports further action later. Educators rely on their professional knowledge and what they understand about best practice to help them decide. Remember deciding to take no action is also a decision and lack of decisiveness can cause further problems.

Reflect and re-plan.

Monitor the impact of the decision. Take time to reflect on the decision and how it supports the best interest of those the decision related to. If the decision needs to be changed this reflection process will help to make sure the next steps are more effective.

Using a strong decision-making process builds Educators

confidence and the effectiveness of their practice which in turn leads to higher quality Family Day Care.



(Barblett et al., 2018)

Some practical ideas

There are many things you can do to assist you to be, and become, stronger professional decision makers. Taking action and learning as you try new ideas will help build your confidence and your capacity to support children and families.

- ▶ Learning about your legal responsibilities
- ▶ Build your understanding of your legal responsibilities by connecting to the updates provided by ACECQA through their newsletter.
- ▶ Learning about your ethical responsibilities
- ▶ Read and re-read the ECA *Code of Ethics* and check out the resources available at the ECA website: earlychildhoodaustralia.org.au/ECA Code of Ethics

Slow Down

Making professional decisions is supported when you slow down. Even when you need to make rapid decisions to maintain children's safety, try and make sure these decisions

are responsive, not reactive. In other words, they are supported by the regulations, policies and procedures, and your Leaders support these actions.

Signing up for further learning

Commit to continuing your learning by participating in ongoing professional learning opportunities. Talk to your Educational Leader about what options might be available.

Talk to your colleagues

Being an effective professional decision maker is not something you do alone. Talk to your colleagues and Leaders about the ethical challenges you face and the decisions you make that concern or worry you.

Think – use critical reflection

Join with others to think about what you know and why. Critical reflection helps uncover different ways of knowing and being and in turn helps you make better decisions.

Beware of social media

Social media is not a reliable, professional decision-making resource. Be careful of what you read and the responses offered by others on these platforms. Always go to the source of truth and check with your Leaders.

Practice. Practice. Practice.

The more you make professional decisions the stronger professional decision maker you will become.

“The way to make decisions is to start right where you are, with the very next questions you face.”

Napoleon Hill



Useful Resources and Links

Many resources and knowledge are available for you, as you strengthen your skills as a professional decision maker.

Australian Children's Education and Care Authority (ACECQA)

Information that supports the legal and ethical decisions Family Day Care Educators can be found on the ACECQA's website, especially the information on the NQF.

▶ www.acecqa.gov.au/national-quality-framework

ACECQA e-Learning Modules

To learn more about the ECS Law and Regulations and how they can support you in making decisions you might like to hop into the NQF Induction Modules.

▶ [eLearning resources | ACECQA](#)

ACECQA Newsletter

Gain more insight via the ACECQA Newsletter, which provides quality insights based on NQF news.

▶ campaign.acecqa.gov.au/h/i/47B5A4A700F070B5

ACECQA Information Sheet

This Information Sheet invites you to include children in making decisions. Sharing the power that adults hold, and trusting that children are competent decision makers can support children's agency.

▶ [SupportingAgencyInvolvingChildreninDecisionMaking.pdf](#)

The Spoke Article: Ethics in Action by Early Childhood Australia

This article focuses on ethics in everyday practice in every setting, whether it be a decision or situation. It explores applying ethics in early childhood education and care.

▶ [Ethics in Action – The Spoke – ECA's Blog](#)

NSW Department of Education

Information about regulation and compliance in NSW.

▶ education.nsw.gov.au/early-childhood-education/regulation-and-compliance

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This booklet is part of the PD In Your Pocket professional development program.

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This topic – **Making Professional Decisions in Family Day Care** – has an accompanying webinar and video, both of which can be viewed as videos or listened to as podcasts.

There is also a Facebook Group where you can discuss the topic with other Family Day Care educators in NSW.

For more information about PD In Your Pocket, go to:

www.nswfdc.org.au/pdinyourpocket



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