



Y WA

**FDC EDUCATORS' RELATIVES IN FDC
PROCEDURE FDC**

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Business Division Owner	Education, Youth and Leisure (EYL)		
Document Owner	Executive Manager EYL		
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v2.1	EM EYL	30/05/2024	14/06/2024





VERSION CONTROL

Version	Description of Revision	Date Effective	Owner
v1.0	First release	01/06/2019	EM SD
v2.0	Reviewed GM CS Manager Resource Centre	01/11/2023	EM EYL
v2.1	The procedure was renamed to <i>FDC Educators' Relatives In FDC Procedure</i> Responsibilities for Resource Centre Manager updated 50% rule added Requirement for FDC educators to ask other parents if they are FDC educators added. Amendment to act re service coordinator to FDC educator ratio Addition of QA 5 Expectations This version combines and so retires <i>Own Child in Care Procedure SD-FDC-03-07-PROD</i> and <i>Relatives in Care Procedure SD-FDC-03-10-PROD</i>	May 2024	EM EYL



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1 PURPOSE

This procedure sets out the expectations for Y WA Family Day Care Service educators when providing care for their own children or relatives, ensuring that all care provided aligns with subsidy requirements and maintains the integrity of the service.

The Y WA effectively manages Family Day Care (FDC) services with a focus on equity and transparency. The Y WA supports FDC providers in maintaining a high standard of care through consistent application of the *Child Care Provider Handbook* and the *Child Care Management System*. To comply with subsidy regulations, the Y WA assists educators in meeting the Child Care Subsidy (CCS) and Additional Child Care Subsidy (ACCS) guidelines.

Notably, care provided within a typical family setting, such as for an educator's own children and siblings, does not qualify for CCS or ACCS. However, FDC services can receive subsidies for caring for extended family members, provided that educators care for more non-relatives than relatives during any CCS fortnight.

2 SCOPE

This procedure applies to the Y WA Family Day Care educators.

There are Ministerial Rules and Legislation in place for claiming Child Care Subsidy (CCS) for Family Day Care and In Home Care educators who care for relatives. The rules do not apply to Centre Based Day Care or Outside School Hours Care educators.

3 DEFINITION OF TERMS

Term	Definition
Extended family	As defined by legislation, include the educator's, or their partner's, niece, nephew, cousin, grandchild or great-grandchild.: <ul style="list-style-type: none">• a niece or nephew; or• a cousin; or• a grandchild (including a great-grandchild).

Commented [MJ1]: Can we add step children in here as well :)

Commented [FD2R1]: @Monica Johnson according to the law any relationships that is not a niece nephew cousin grandchild or great grandchild doesn't get counted in the definition,; and a step child is your partners child. Even if you are not married or you haven't adopted them

Commented [MJ3R1]: @Fay Davidson okay i am happy with that :) Go ahead and leave it at that's :)



	Relatives not listed above are not treated as relatives
Exception	Exceptions as detailed in the Minister's Rules e.g. Some medical conditions, child under disability assessment or living in a remote area, parent working or studying.
Educator	A registered family day care (FDC) educator, within the meaning of the Education and Care Services National Law. or educator to act in place of, the FDC educator.
Child Care Subsidy (CCS).	<ul style="list-style-type: none"> Administered by the Australian Government Department of Education and Services Australia Generally paid to approved providers who pass it on to families as a fee reduction. Legislation is Family Assistance Law (FAL).
Less than 50% rule	<p>It is a condition for continued approval of a Family Day Care service that the provider ensures that less than 50% of the children to whom a Family Day Care educator is providing care within any Child Care Subsidy fortnight are related to the Family Day Care educator as a:</p> <ul style="list-style-type: none"> niece or nephew cousin grandchild (including a great-grandchild). <p>It is important to note that:</p> <ul style="list-style-type: none"> relatives of the children in care not listed above will not be treated as relatives <p>When calculating the 50% rule, you must count all children enrolled in a session of care for the fortnight regardless of whether they attended care.</p>
Own child \ Close family \ Immediate family	<p>As defined by legislation, Family Day Care educator's or their partner's own child or sibling i.e.</p> <ul style="list-style-type: none"> child, foster child, kinship child or any child for which they have legal responsibility, FTB child (See family assistance guide),. brother, sister, half-brother, half-sister, step-brother

Commented [MJ4]: Step Children in here as well

Commented [FD5R4]: @Monica Johnson See above. A stepchild is your partner's child, which is the same as your child, and the rules for CCS for extended family say niece nephew cousin child or grandchild, but that no other relationships count, So we don't even have to include step-grandchildren,



	or step-sister.
Working directly with children.	Working directly with children means being physically present with the children and directly involved in providing education and care to those children.
Family Assistance Law	<p>The basis for Commonwealth child care fee assistance administered by the Australian Government through the Department of Education.</p> <p>Includes</p> <p>Family Assistance Act: means the A New Tax System (Family Assistance) Act 1999.</p> <p>Family Assistance Administration Act: means the A New Tax System (Family Assistance) (Administration) Act 1999.</p>
Law	<p>National Law means the Education and Care Services National Law (WA) Act 2012</p> <p>Set a national standard for children's education and care across Australia and are administered through state and territory regulatory authorities.</p>
Regulations	Education and Care Services National Regulations, means the regulations made under the Education and Care Services National Law (WA) Act 2012.

4 ROLES AND RESPONSIBILITIES

Role Title	Responsibilities
Educator	<p>Meet the requirements outlined in this procedure.</p> <p>Ensure compliant behaviour.</p> <p>Notify the service if there are changes to arrangements for caring for their relatives or children.</p> <p>All information is kept according to appropriate policies.</p> <p>Required ratios are adhered to at all times.</p>



	check whether any parents at your service, or their partners, are Family Day Care educators. If they are, check whether any of the below exceptions apply to them.
Resource Centre Manager and Staff	Oversee the implementation and service adherence to the procedure. Address any instance of non-compliance with this procedure. Implement strategies to help prevent noncompliance with this procedure. Ensure suitable resources and support systems to enable compliance with this procedure. Collect and retain documentary evidence .

5 PRINCIPLES

1. FDC educators are not eligible to receive CCS or ACCS for providing care for their own children/immediate family, their partner's children, siblings, kinship children, or children for whom they are guardians.
2. Immediate family of the FDC educator under 13 years of age are included in calculating educator-to-child ratios.
3. Immediate family members are not included in calculating the 50% rule.
4. Some extended family members including nieces, nephews, cousins, grandchildren, and great-grandchildren from either the educator's or their partner's family are included in calculating the 50% rule.
5. CCS (Child Care Subsidy) or ACCS (Additional Child Care Subsidy) cannot be claimed for a child provided with care on the same day that their parent, or their parent's partner, works as a Family Day Care educator at anywhere. Exemptions may apply for children with specific medical conditions, awaiting disability assessment, or those living in remote areas.
6. It is a legal requirement for the FDC educator to ask parents (of children enrolled at their service) if they are also FDC educators.



7. FDC Educator will complete a Notification of relative in care form to identify their relatives when providing care to their own children and extended family, and submit the form to the Y WA FDC Service.

6 RATIO REQUIREMENTS

Educators must be working directly with children to be counted in the educator-to-child ratio.

The Y WA FDC Service applies the ratios as set out in Regulation 124.

The calculated FDC ratio includes the educator's own children younger than 13 years of age if there is no other adult to care for them.

If another adult is taking responsibility for the educator's own children, and as such the child/ren is not listed under the ratio requirements, that other adult must at all times be in charge of the health safety and well being of the educator's own child/ren.

7 OWN CHILD IN FAMILY DAY CARE

Educators will maintain the dignity and rights of every child by

- Ensuring that respectful and equitable relationships are maintained with each child, and
- Responding to their own children's behaviour and the behaviour of children using the service in a fair and consistent way.

7.1 Timesheets and Recordkeeping

Educators will:

- Complete an enrolment form for children under 13 years of age for their own children and extended family.



- Sign their own children (listed at 5.1 above) in and out of their care during operating hours on a daily basis if the child is included in their ratios, using the same record-keeping system as for other children.
- Not claim Child Care Subsidy or Additional Child Care Subsidy for their own children. Educators are not required to submit timesheets for these children.

8 EXTENDED FAMILY IN FAMILY DAY CARE

Extended family includes a child or young person related to the FDC educator, or FDC educator's partner as:

- a niece or nephew; or
- a cousin; or
- a grandchild (including a great-grandchild).

9 LESS THAN 50% RULE

The FDC educator will ensure that within any CCS fortnight less than 50% of the children to whom they are providing care (excluding their own children) are extended family (See definitions 7.1 above).

It is important to note that relatives of the children in care not listed at 7.1 above will not be treated as relatives

It is important to note that the 50% rule is applied across the whole fortnight and not to one particular session of care. That is, more than 50% of the individual children cared for in any CCS fortnight must not be extended family of the educator,

10 RELATED LEGISLATION AND STANDARDS

Legislation/Standard



A New Tax System (Family Assistance) (Administration) Act 1999
A New Tax System (Family Assistance) Act 1999
Child Care Subsidy Minister's Rules 2017
Child Care Subsidy Secretary's Rules 2017
Education and Care Services National Law (WA) Act 2012:
Education and Care Services National Regulations, WA 2012
Family Assistance Law
Family Assistance Legislation Amendment (Cheaper Child Care) Act 2022
Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017
Guides to Social Policy Law: Family Assistance Guide
National Quality Standards

11 Y WA AND OTHER SUPPORTING DOCUMENTS

Refer to the YConnect and educator portal for the documents listed below.

Document ID	Document Title
	Harmony Web tip sheets
EYLF-012	Own Child in Care Form
EYLF-011	Relative in Care Form
	Child Care Provider Handbook
SD-FDC-03-07-PROD	Caring for your own children or siblings FDC

12 CONSIDERATIONS

Regulation 124	Ratios children to educators
Regulation 122	Educators must be working directly with children to be counted in the ratio
Minister's Rules Part 4. Division 5 47	Provision of care by an FDC educator to relatives



Family Assistance Administration Act section 195E	Less than 50% of the children to whom any FDC educator is providing care within any CCS fortnight at the service are related to the FDC educator as: (a) a niece or nephew; or (b) a cousin; or (c) a grandchild (including a great-grandchild).
Ministers Rules Part 2 Div 1 8(1)(d)	Where the session occurs on a day that the FDC educator provides care at an FDC service Division 2 85BA Federal Register of Legislation - A New Tax System (Family Assistance) Act 1999
Eligibility of Child Care Services for Approval and Continued Approval Amendment Determination 2017	Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000Child Care Benefit 10A Family day care services: additional requirements

13 BREACHES

Compliance with this procedure is a condition for continued approval of FDC service.

14 FEEDBACK

Feedback on this procedure must be directed to the Executive Manager EYL.

The Executive Manager EYL is responsible for maintaining the currency of this document.



Notification of Relative Form (Extended Family)

Educator Name: _____

Parent/Guardian Name: _____

Child's Name:	Relationship to Educator and/or Partner:
	<ul style="list-style-type: none"> • Niece/Nephew • Cousin • Grandchild or Great Grandchild

I understand that It is a condition for continued approval of a Family Day Care service that the provider ensures that less than 50% of the children to whom a Family Day Care educator is providing care within any Child Care Subsidy fortnight are related to the Family Day Care educator as a:

- niece or nephew
- cousin
- grandchild (including a great-grandchild).

Relatives of the children in care not listed above will not be treated as relatives

Signed: _____ Date: _____

Name: _____

Office use only

- Document saved to Y Connect
- Noted in Educators Harmony
- Copy attached to child's enrolment
-

Staff Name: _____

Date: _____



Notification of Own Children in FDC Form

Educator Name: _____

Parent/Guardian Name: _____

Child's Name:	Relationship to Educator and/or Partner:
	child, foster child, kinship child or any child for which they have legal responsibility, FTB child. brother, sister, half-brother, half-sister, step-brother or step-sister.

I understand that my child/ren count towards the educator to child ratio and must be enrolled and signed into and out of care each day that I am caring for my child while working as an FDC Educator.

- niece or nephew
- cousin
- grandchild (including a great-grandchild).

Relatives of the children in care not listed above will not be treated as relatives

Signed: _____ Date: _____

Name: _____

Office use only

- Document saved to Y Connect
- Noted in Educators Harmony
- Copy attached to child's enrolment

Staff Name: _____

Date: _____