

EDUCATORS - DUTY OF CARE

POLICY

All Educators and Coordination Unit staff come under the National Law and Regulations 2011. Implicit in this document is the concept of Duty of Care towards all children in the service. Duty of Care covers a range of activities and expectations including health and welfare of the child and the requirement to act responsibly, legally and ethically in all circumstances that might impact on the child or family, or upon the standing of the scheme. Family Day Care is not mandated to report suspicions of child abuse, but the concept of Duty of Care puts a moral imperative on all educators and Coordination Unit staff to be proactive in responding to indications that a child might be being abused.

PROCEDURE

DEECD is responsible for monitoring the activities of the scheme at all levels through the mechanism of the National Law and Regulations. They can investigate any instance where the scheme may have failed in Duty of Care towards a child, and would initiate formal proceedings as laid out in the National Law. These investigations could result in legal action and/or fines if breaches to law or regulation are suspected.

DEEWR, who fund Family Day Care Schemes through sustainability grants and the CCMS system, is responsible for the funding and access guidelines, and monitor compliance. These guidelines are administered by the Co-ordination Unit. They require Educators to be accountable for care time and be able to produce timesheets of care signed by parents.

Definition of DUTY OF CARE:

All child care workers have a duty of care for the children in their care. This duty is embodied in the regulations, guidelines and policies of the Scheme and is more generally expressed as the following:

- a duty to ensure the health of the child.
- a duty to ensure the safety of the child.
- a duty to ensure the well-being of the child.

It is expected that a Educator, whether at home or elsewhere, will always fulfil the 'Duty of Care' required in the role of Educator to ensure the ongoing safety and welfare of the children in care.