

POLICY: 2.3. Types of Care and Limited Number of Children

Procedure: 2.9. Limited Number of Children

There are limits to the number of children Educators can care for at any given time. This procedure guides Educators to meet the prescribed obligations of the Education and Care Services National Law and Regulation.

2.9.1 Linking to Policy

This procedural guidance should be read in conjunction with the My Place **2.3. Types of Care and Limited Number of Children Policy**. The procedure outlines the roles and responsibilities of the Service, staff, Educators, Educator Assistants and parents/guardians concerning the number of children an approved Educator can provide education and care for at any given time. The procedure outlines the following aspects:

[2.9.2 Limited Numbers of Children](#)

[2.9.3 Caring for Children not Registered with the Service](#)

2.9.2 Limits on Numbers of Children

The maximum number of children an Educator can provide education and care for at any one time must not exceed seven (7) children.

This total includes no more than four (4) children under school age (including the Educator's own children who have not started school).

An Educator's own children under the age of 13 years will be counted in numbers of children being provided with education and care unless they are not present or are being cared for by another adult.

A child is deemed to be 'school-age' if the child is enrolled to attend school.

The Service will:

1. Discuss the legislative requirements around limits to the number of children, inclusive of an Educator's own children, in the induction process and again when any child referral is being made.
2. Determine the number of children being provided with education and care at any one time by each of the Educators approved with the service. In considering the number of children being educated and cared for staff will:
 - consider the space available for children at the Educator's residence or approved venue; and
 - the skills, knowledge, and capacity of the Educator to provide education and care to children; and

- any decision will be made in consultation with the Educator concerned and could result in fewer than seven (7) children
3. Provide a Certificate of Registration to each Educator on commencing with the service and annually thereafter outlining the number of children being educated and cared for by the Educator.
 4. Ensure coordinators check the attendance records at each Educator's residence when undertaking a monitoring and support visit to ensure children present are signed into the care of the Educator.
 5. Ensure when processing attendance records for each Educator staff have processes in place to check the booking and actual hours and report to the Nominated Supervisor any occurrence of sessions overlapping.
 6. Collect information and keep a register of each of the Educator's own children who are residing at the residence where education and care is being provided.
 7. Refer to the register when considering the Educator's availability to provide education and care.

The Service Acknowledges:

In certain circumstances, the Educator's own under school/school-age children may not be counted in their numbers when their children are not physically present, or there is another adult caring for them in the home.

This vacancy may be utilised by another Family Day Care (FDC) child.

This may occur at the discretion of the Service with prior approval given after an assessment of the situation in collaboration with the educator is undertaken, and a Risk Management Plan is completed.

Educators will ensure:

1. At all times they adhere to the agreed number of children (preschool and school-age, inclusive of their own children under 13 years of age) noted on their Certificate of Registration.
2. All children other than their own children are noted on the attendance records, and their parent/guardian or Educator has recorded the actual time and signed the child in/out.
3. Where a child present is being cared for by another adult, the adult is always in the company of the child. Meaning the child must not be left unattended with the Educator.
4. Where a vacancy is being utilised as a result of their own child not being present the Educator has a backup emergency contact if the child is unwell or requires emergency attention.

2.9.3 Caring for Children not Registered with the Service

When Educators have a full complement of children in their care, they cannot care for other children under 13 years of age, whether or not on the basis of fee or reward, at the same time as the FDC children.

In exceptional circumstances (noted below) the co-ordinator, following consultation with the nominated supervisor, may approve in writing, for an FDC Educator to educate and care for more than 7 children, or more than 4 children who are preschool age or under, at any one time.

Exceptional circumstances exist if:

- a. All the children being educated and cared for by the FDC Educator are siblings in the same family; or
- b. A child to be educated and cared for is determined to be in need of protection under a child protection law and the FDC Educator is determined to be the best person to educate and care for the child.
- c. The family day care residence or approved family day care venue is in a rural or remote area, and no alternative education and care service is available.

Educators who do not have a full complement of FDC children:

1. While FDC children are in care, an Educator must not accept fee or reward for caring for children not registered with the Service and must count these children in the number of children being cared for by the Educator.
2. Educators, who are caring for a child not registered with the Service, must notify the office before the care occurs.

Review

	Date	Details
Revision 00	07/2015	Original Policy Issued
Revision 01	12/2016	Reviewed
Revision 02	08/2017	Reviewed
Revision 03	12/2020	Reviewed and separated from Policy

Related Documents

Policies

2.5 Type of Care Arrangement and Limited Number Policy

Forms

Child Enrolment Form

Additional Child Details Form

References

Refer to 2.5 Type of Care Arrangement and Limited Number Policy