

Policy Statement

This policy acts to ensure that:

- The enacting of “Exceptional Circumstances” within the Family Day Care Service meets the needs of Educators, Families and children in the Family Day Care Service, while also maintaining compliance

Definitions

Exceptional Circumstances

Under Regulation 124, exceptional circumstances exist if the ratio is altered due to:

- All the children being educated and cared for by the family day care educator are siblings in the same family; or
- A child to be educated and cared for is determined to be in need of protection under a child protection law, and the family day care educator is determined to be the best person to educate and care for the child; or
- 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

Roles and Responsibilities

Approved Provider

- Ask families seeking “Exceptional Circumstances” to complete the “Request for Exceptional Circumstances Form”, including providing evidence of the need, these could include:
 - Letter for Employer stating hours have been increased
 - Child Protection Letter
 - Letter stating that they are unable to access any other child care service
- Ensure that the request for Exceptional Circumstances are implemented only when there is a genuine need
- Before providing approval conduct a Risk Assessment of the Family Day Care residence or venue
- Provide or decline the approval for a request for Exceptional Circumstances in a timely manner

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February 2020

Policy Last Updated
June 2023

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- Provide approval in writing for a Family Day Care 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, where the circumstances meet Regulation 124 (6)
- Ensure that an Educator is only one child over their ratio at any time that “Exceptional Circumstances” is enacted
- Exceptional Circumstances are only approved for a period of 8 weeks at a time, after this time the position will be reviewed, ensure guardians and educators are aware that this is not a permanent arrangement
- The Approved Provider has the right to cease the use of exceptional circumstances at any time
- Ensure families attending the service are notified and complete a “Exceptional Notification for Families Form”
- Provide support to the Educator and families attending the service

Educators

- Provide information to the Approved Provider to assist them with making an informed decision
- Support families with completing their “Request for Exceptional Circumstances Form”
- Return the signed “Request for Exceptional Circumstances Form” to the Approved Provider as soon as possible
- Understand that going over ratio must be approved by the Approved Provider
- Ensure families attending the service are notified and complete a “Exceptional Notification for Families Form”
- The family and child who are using the Exceptional Circumstances have the right to privacy, and as such the family or reasons for why the exceptional circumstances have been granted will not be disclosed to other families
- The use of Exceptional Circumstances is not automatic, which means that a child cannot automatically move to another Educator and still access Exceptional Circumstances, each individual case needs approval
- Educators cannot fill the position being utilised for “Exceptional Circumstances” if that child is absent from care
- Educators cannot charge the position being utilised for “Exceptional Circumstances” if that child is absent from care

LINKS TO:

- **Education & Care Services National Law**
Section 165, 167
- **Education & Care Services National Regulations**
124, 168, 169, 170
- **National Quality Standards/Elements**
2.2, 6.1, 6.2, 7.1
- **Child Safe Standards**
1, 3, 4, 5, 6, 7, 9, 10

Families

- If requesting for “Exceptional Circumstances”, complete the forms, and provide the Approved Provider with as much information as possible, including:
 - Evidence of increase in works hours
 - Evidence that other child care services are full
 - Evidence of child protection matters
- If attending a service where “Exceptional Circumstances” have been enacted:
 - Complete and return the “Exceptional Notification for Families Form”
- Respect the privacy of the family who is seeking exceptional circumstances

Continual Monitoring and Improvement

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Approved Provider and Coordinators accessing current relevant information
- Approved Provider, Coordinators and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

SOURCES

- Education and Care Services National Regulations - December 2021
- Education and care Services National Law - January 2022
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations - October 2017
- Guide to the National Quality Standard - January 2020
- Implementing the Child Safe Standards: A Guide for Early Education and Outside School Hours Care Services, NSW Department of Education, 2021
- A Guide to the Child Safe Standards, NSW Office of the Children’s Guardian, 2020
- ACECQA – FDC Approved Provider compliance responsibilities – October 2017
- Be You
- My Time Our Place: Framework for School Age Care in Australia
- The Early Years Learning Framework
- ECA Code of Ethics
- United Nations Convention on the Rights of the Child

LINKS TO OTHER POLICIES:

- Child-Safe Environment
- Enrolment & Orientation
- Fraud Prevention
- Governance & Management
- Inclusion & Diversity
- Parent Code of Conduct
- Privacy & Confidentiality
- Staff Code of Conduct