

# Family day care governance, leadership and staffing policy

This is a mandated policy under the operational policy framework. Any edits to this policy must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

## Overview

The South Australian Department for Education (the department) operates a family day care (FDC) program (the program). FDC services are provided through a network of self-employed FDC educators who are registered with one of the department's 12 FDC services (schemes) to deliver education and care to children in their own home and/or an approved premises.

## Scope

This policy applies to all department FDC staff, registered FDC educators and approved FDC educator assistants.



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# Detail

## The legislative base

As an approved provider of FDC, the department services are governed by the National Quality Framework for Early Childhood Education and Care and School Age Care (NQF). The NQF incorporates and is established by the *Education and Early Childhood Services (Registration and Standards) Act 2011, Schedule 1, Education and Care Services National Law, (South Australia)*, (the National Law) and the *Education and Care Services National Regulations* (the National Regulations) with which the department must comply.

The NQF also includes a *National Quality Standard* (NQS) against which our services are assessed and rated. The NQS comprises 7 quality areas: educational program and practice; children's health and safety; physical environment; staffing arrangements; relationships with children; collaborative partnerships with families and communities and governance and leadership. Educational programs must be based on two approved learning frameworks: *Belonging, Being and Becoming: Early Years Learning Framework (Early Years Learning Framework)* and *My Time Our Place: Framework for School Age Care (Framework for School Age Care)*.

The NQF is administered by the Australian Children's Education and Care Quality Authority (ACECQA). In addition, the state based regulatory authority, the Education Standards Board (ESB) monitors services for compliance with the National Law and National Regulations and assesses them for quality against the NQS.

A series of statutory objectives underpin all aspects of the NQF. Those that particularly apply to individuals and entities involved in the provision of services whether as providers, staff, educators, educator assistants and students, are described in *National Law, Part 1 (3)(2) Objectives and Guiding Principles*). [National Principles for Child Safe Organisations \(PDF 1.4MB\)](#).

- (a) to ensure the safety, health and wellbeing of children attending education and care services;
- (b) to improve the educational and developmental outcomes for children attending education and care services;
- (c) to promote continuous improvement in the provision of quality education and care services

As an approved provider, the department holds overarching responsibility for the achievement of these objectives in our service. Family Day Care is committed to providing children and young people with child safe practices, governance and a culture of safety and wellbeing. The department also holds an obligation to safeguard and promote the wellbeing of children and young people and to meet its child safe environments compliance.

## The service model

Family Day Care is defined by the National Law Part 1, s 5 (1) (a) as an education and care service that is delivered using 2 or more educators to provide education and care to children and operates from 2 or more premises.

Family day care educators are engaged by or registered with a family day care service to provide education and care for children in a residence, or other approved venue. Typically, another approved venue is a residence leased or used for the purpose of providing family day care, such as a rented residence or a residence belonging to a family member of an educator. The department operates 12 approved family day care services (schemes). Each of the department's 12 FDC schemes, is comprised of multiple self-employed educators. FDC educators are small business owners and not employees of the department. Educators must always meet the FDC educator registration conditions in order to maintain registration with the department FDC service.

Coordinators assigned to each group of schemes are responsible to adequately monitor and support each educator registered with the Department to provide education and care to children.

## Overarching policies

To ensure that the department meets its obligations under the National Law and relevant state-based legislation, the department has a suite of three overarching policies comprising:

- Governance, leadership and staffing
- Health and safety
- Programming, physical environment and relationships.

In addition, the department has two procedures comprising:

- Management of complaints, incidents and non-compliance in family day care programs
- Family day care fee and levy charging.

Together, these policies and procedures address the key operating requirements of the NQF making clear how those requirements must be met, the responsibilities of all leaders, educators and staff involved in operating our family day care service, and thereby, transparency for all stakeholders.

A suite of operational guides support the policies and educators are required to adhere to these guides. The operational guides have been developed to reflect current expert advice in respect to the delivery of education and care in a family day care setting. The operational guides are published on the [FDC Programs Hub](#)

## Policy purpose

Effective leadership and governance are critical to well-functioning, quality education and care services.

The Governance, Leadership and Staffing Policy outlines the key requirements of:

- Quality Area 7 Governance and Leadership, and
- Quality Area 4 Staffing.

It also outlines how the department meet those requirements.

This policy ensures systems are in place to manage risk and enable the effective management and operation of quality services so that our Schemes meet or exceed the National Quality Standard for these

2 quality areas. It does this by clarifying roles and responsibilities in meeting our legal obligations, including the obligations of staff and educators, in addition to providing the philosophy and the codes of conduct to which they are also accountable.

This policy recognises our responsibility to meet the requirements of National Regulations 168 and 169 for policies and procedures that provide clear direction on specific operational matters. They are mandated as a component part of the Quality Area 7-Governance and Leadership.

The department's [FDC philosophy](#) guides all aspects of our service's operations and outlines the purpose and principles under which our services operate, it is based on the principles set out in the:

- [Early Years Learning Framework \(PDF 25MB\)](#)
- [My Time Our Place: Framework for School Age Care \(PDF 27MB\)](#)
- [National Quality Framework for Early Childhood Education and Care](#)
- [Early Childhood Australia's Code of Ethics](#)

## Service improvement

Consistent with the National Law (regulation 55), recognised best practice and our service philosophy, the department is committed to the continuous improvement of the quality of its services for children and their families. Department FDC staff and educators are expected to meet or exceed the requirements of the National Quality Standard in the delivery of the service and ensure compliance with the National Law and National Regulations.

The department FDC staff and educators will work in partnership to build a work plan that responds to areas for improvement to either meet or exceed the National Quality Standard.

### Quality Improvement Plan

Each scheme has a Quality Improvement Plan (QIP) which is updated annually based on a self-assessment against the National Quality Standard. The QIP identifies the opportunities for quality improvement and includes strategies and a plan to effectively implement improvement. The QIP also identifies the services' strengths and celebrates what is working well. The QIP is part of an ongoing cycle of planning and review involving educators, staff, children, and families.

Educators are encouraged to be involved and contribute to the self-assessment as well as the development and implementation of the quality improvement plan.

### Professional Development Plan

The professionalism of our staff and educators is core to our service quality. A professional development plan must be maintained by each educator and discussed with the department FDC staff. The plan outlines professional development and learning goals, which are based on critical reflection of practice. The department FDC staff must also create a professional development plan, which should be reviewed every six months.

## Educator notifications

Educators are required to notify the department in the following circumstances:

- any serious incident that occurs while a child is being educated and cared for by the educator as part of the service
- any complaints alleging that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the educator or that the National Law has been contravened
- any proposed structural changes, additions or renovations to the approved premises and risk manage any impact the proposed changes may have on the safety of children in care any person aged 18 years or over who resides, or intends to reside, at the educator's family day care residence
- any circumstance relating to a person residing at the family day care residence that may affect whether the person continues to be a fit and proper person to be in the company of children.

## Enrolment and orientation

The enrolment process is an important time for family day care as it is a time for information to be shared about the service operations and philosophy, and for families to discuss their requirements for care to ensure the best possible outcome for their child. The enrolment record contains relevant information about the child and family details, consistent with the requirements of the National Regulations to support the child's health, wellbeing, learning and development. Educators will work with families to discuss orientation strategies for the best approach to support their child settle into the service.

## Policy implementation, availability and updates

The department's policies and operational guides provide documentation that defines expectations and practices.

Operational guides support policies.

Our policies and procedures are available for staff, educators and educator assistants and other stakeholders on the [department's family day care website](#). Operational guides are available to staff, educators and educator assistants on the FDC Programs Hub.

The department takes steps to ensure that policies, procedures and operational guides are followed through processes of induction, ongoing professional development, regular, documented monitoring and supervision meetings and visits. Non-compliance may result in the matter being escalated to the Director, Family Day Care Programs.

A corporate team monitors any national legislative changes, ensuring any changes are communicated to our service and any consequent policy and operational guide changes are made and communicated. Parents and caregivers are provided with 14 days' notice ahead of any changes. All documents are dated and include nominated review dates.

## Financial and risk management

The department must comply with a range of financial management legislation standards and guidelines

to manage income, expenditure, assets, and liabilities.

As an approved provider, the department ensures that each of its registered educators has the required public liability insurance.

## Staffing

Consistent with our philosophy and code of conduct, the department is committed to creating and maintaining a culture of professionalism among management, staff and educators, which values learning, respectful relations and ethical behaviour. This culture drives our focus on achieving and exceeding the NQS for the children we educate and care for in our services.

### Qualifications, experience and compliance history

All staff and educators must obtain a current, not prohibited Department of Human Services (DHS) Working With Children Check (WWCC) prior to appointment/registration, which is then monitored ongoing and must be renewed every five years.

All staff and educators must complete the department approved mandatory child protection training 'Responding to Risk of Harm, Abuse and Neglect – Education and Care (RRHAN-EC)'.

All staff and educators are aware of their obligations in establishing and maintaining child safe environments. See the [safeguarding children and young people policy \(PDF 668KB\)](#).

### Nominated supervisor (Service manager)

The National Law requires that a nominated supervisor:

- is 18 years or over
- has adequate knowledge and understanding of the provision of education and care to children
- can effectively supervise and manage an education and care service
- is appointed based on the history of the person's compliance with -
  - the Law as applying in any participating jurisdiction; and
  - a former education and care services law of a participating jurisdiction; and
  - a children's services law of a participating jurisdiction; and
  - an education law of a participating jurisdiction.
- undertakes child protection training (RRHAN-EC).

The department ensures that it meets these legislated requirements and additionally, requires that nominated supervisors have, as a minimum, an approved Diploma level education and care qualification.

### Educational leader

The National Law requires that an approved provider of an education and care service must appoint, in writing, a suitably qualified and experienced educator, co-ordinator or other individual as educational



leader at the service to lead the development and implementation of educational programs in the service. The department complies with this requirement and additionally requires that its educational leaders have, as a minimum, an approved Diploma level education and care qualification.

## Coordinators

Coordinators are responsible to ensure that each educator is adequately monitored and supported. Coordinators must hold an approved diploma level education and care qualification and satisfy the department's WWCC requirements. Consistent with the National Law the department requires coordinators to hold first aid qualifications.

## Educators

To become an educator, a person must apply to be registered with the department's FDC service. The department must ensure the applicant is fit and proper to deliver a quality program that meets the health, safety, developmental and wellbeing needs of children. Applicants demonstrate their fitness and propriety by meeting a range of statutory and policy requirements, including a WWCC in line with the Department Screening and Suitability – Child Safety Policy and Screening and Suitability – Child Safety Procedure. Educators must hold an approved certificate III level education and care qualification, have a current approved first aid certificate and have completed approved anaphylaxis and emergency asthma management training to be registered. Educators must also hold Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) certificate. All adults over 18 years of age residing on the premises must be fit and proper to be in the company of children.

Individuals must participate in the prospective educator registration process prior to being registered as a FDC educator. The registration process will be determined by the individual's suitability, experience, skills, knowledge, qualifications, and suitability of premises.

Upon registration, the department continues to ensure that our educators have adequate knowledge and understanding of the provision of education and care to children. To maintain registration, educators must comply with conditions detailed in the *Educator Registration Conditions* document which outlines the requirements of FDC educators to comply with the National Law, National Regulations, policies, and guidelines that govern the department's FDC services.

## Educator assistants

Educator assistants must apply to the department and meet a range of statutory and policy requirements to be registered including a current Working with Children's Check (WWCC) and Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) training. Educator assistants must also have a current approved first aid certificate and have completed approved anaphylaxis and emergency asthma management training to be registered.

The department cannot approve an individual as an educator assistant without the consent of a parent of each child being educated and cared for by the educator they will assist.

## Volunteers and students

The department value the important role of students on work experience placements to build expertise in our early childhood education and care workforce. They are provided with the necessary training, support and supervision to ensure they are familiar with our policies, procedures and operational guidelines. An educator can host a student on placement where the student's study is related to an approved early childhood qualification. The student must be 18 years or over, hold a current DHS working with children check and a RRHAN-EC qualification or the equivalent required for volunteers.

## Monitoring, support and supervision for staff and educators including educator assistants

Our commitment to governance and leadership is enabled through our service philosophy, policies and procedures. Coordinators monitor FDC educators to ensure that their practices are in alignment with the policies, procedures and philosophy.

Our management, coordinators, FDC educators, FDC educator assistants and other staff members are key to the service's effective operation. Clear expectations are in place in relation to their different roles and responsibilities. All staff are provided with regular supervision from their direct line manager, with a focus on staff wellbeing and service quality and compliance. All educators are provided with a dedicated Coordinator who visits them at a minimum of every 8 weeks to support their wellbeing, learning and development and support quality and compliance.

Children's safety, health and wellbeing is paramount to our service. Coordinators monitor the safety of the FDC premises by undertaking regular announced and unannounced visits and completing an annual property assessment. Should any hazards or risks be identified coordinators support FDC educators (including in remote locations) to address these in a timely manner.

Quality educational outcomes for children and their families are a priority for our service. We support and monitor our educators with their education planning, programming and professionalism, and are committed to developing and assisting our educators with their professional development and training, including mentoring and support.

New educators receive comprehensive onboarding and induction.

The department staff are available to provide support and assistance to all educators in all locations at any time they are providing education and care as part of one of our services.

The department provides training and regular reflection for our staff and educators on our code of conduct and service philosophy. Our management systems ensure that staff and educators have an up to date WWCC, first aid qualifications and state mandated child protection training (RRHAN-EC).

The department provides professional learning in areas identified for improvement or new information to support our staff and educators meet the learning and development needs of all children we educate and care for. While the department require the implementation of program wide policy and guidelines, the department encourage the use of professional judgement and local knowledge about the most effective implementation approaches for our diverse settings and communities.

## Staffing arrangements to meet the needs of children, families and educators

The continuity and strength of educator relationships with children and their families is a unique feature of family day care that supports children's attachment, confidence and development.

### Ratios

Research confirms that number of children educated and cared for by an educator at one time and the number of educators that one coordinator supports is vital to providing quality education and care for children and is a pillar of the NQF.

The National Law prescribes the number of children able to be educated and cared for by an educator at one time at a FDC premises, and the number of educators that one coordinator can support.

#### Educators to Children

- 1:7 educator to child ratio
- maximum of four children preschool age or under
- ratio includes the educator's own children younger than 13 years of age if there is no other adult to care for them.

In the event of exceptional circumstances, the department may approve, in writing, a family day care educator to educate and care for more than 7 children.

### Coordinators to educators

The National Law prescribes a minimum of one full time coordinator to monitor and support 25 educators. In the interests of quality and to support the state-wide nature of our FDC service, the department exceeds the minimum coordinator to educator ratio requirement.

The department seeks to maximise the benefits of relationships between coordinators and educators and between educators, children and families, by the way in which the department place children with educators, allocate coordinator support to educators and have processes in place in the event of educator illness or leave.

### Concerns and complaints

The principles that guide the management of concerns and complaints are:

- the safety and wellbeing of children and young people is the department's first priority
- families, educators, staff and members of the community have the right to raise concerns and complaints about the department FDC services and are supported to do so
- families, educators, members of the community and staff have the right to be treated with respect and dignity
- wherever possible, concerns and complaints should be addressed with the person concerned
- complaints will be considered in a confidential, timely and impartial manner and in accordance with due process and principles of natural justice

- the rights and responsibilities of all parties should be considered
- complaints are monitored and their management evaluated so as to inform and drive FDC system and performance improvement.

The department's [complaint management policy \(PDF 360KB\)](#) promotes and values feedback and works to manage complaints to improve performance, systems and service delivery.

The policy aims to:

- ensure an open, accessible and transparent complaint management system
- ensure feedback, suggestions and complaints are managed effectively, fairly, confidentially and objectively
- inform and identify where service improvements can be made
- provide guidance on key principles and concepts of the complaint management system.

## Raising a concern or complaint

Families may raise a concern or complaint and have an expectation that the department will actively manage and investigate to ensure any matters of non-compliance with relevant legislation, department policies, procedures, guidelines, and standards to ensure the health, safety and wellbeing of children in FDC are addressed.

The department will follow the [management of complaints, incidents and non-compliance in Family Day Care Programs procedure \(PDF 756KB\)](#) when addressing a concern or complaint about an educator.

An educator can raise a concern or complaint by following the department's complaint management policy.

# Governance structures within Family Day Care Programs

## Management Committee

This committee consists of the key staff members within the Family Day Care program. The committee meets regularly to review and monitor key performance indicators and drive improvement priorities. The committee also reviews and provides feedback to service policies and operational guides. The committee reviews legislative changes and ensures implementation across the service.

## Educators and Care Provider Reference Group

The group consists of Director Family Day Care Programs, Assistant Director Family Day Care Programs and self-nominated Family Day Care Educators. This group provides educators with a formalised feedback opportunity on key issues directly affecting educators.

# Roles and responsibilities

## The department

The department provides leadership and management to each scheme through a structure that clearly defines roles and responsibilities and levels of decision making in accordance with the National Law.

This policy supports the legislated responsibilities detailed in the National Law and Regulations; such as the statutory positions of approved provider, responsible person, nominated supervisor, educational leader, persons delegated in day-to-day charge, coordinator, educator, and educator assistant.

## Executive Director, Preschools and Early Childhood Services

Delegate under the National Law as the Approved provider representative elected as the Person with management or control (PMC) of the FDC services.

Ensure the safety, health and wellbeing of the children attending our family day care services.

Promote the continuous improvement of the quality of our service provision.

Determine the permanent removal of an FDC educator from the Department for Education FDC register.

Delegate the approval of educator registration.

## Director, Family Day Care Programs

Oversee the efficient management of the FDC program and compliance with associated legislation.

Endorse FDC policies and operational guides to ensure the efficient management of the program that meets the strategic direction of the department.

Responsible for temporary removal of a FDC educator from the department's FDC register.

## Assistant Director, Family Day Care Programs

Line manages Service manager and Quality Manager.

Oversee service quality and compliance.

## Quality Manager

Develop FDC policy, procedures and operational guides in accordance with the department's policy framework requirements.

Implement appropriate controls to minimise risks in accordance with the department's risk management policy and procedures.

Provide advice and support to Service Manager and department staff around National Quality Framework and Approved Learning Frameworks.

Support schemes to develop and implement Quality Improvement Plans.

Provide advice and support around legislative changes and develops relevant professional development plans to implement changes.

## Service Manager

Be the designated nominated supervisor for their allocated group of schemes acting as the responsible person

Monitor compliance and quality of services against legislation and policy

Respond to feedback, including complaints and care concerns, including responding to risk and recommending actions.

Supervise scheme staff in their delivery of consistent quality support to educators.

Approve the registration of an educator in a department FDC scheme (on delegation of the approved provider).

Approves department FDC educator assistants.

Maintain a register of educators, educator assistants and staff with each FDC scheme.

Fulfill the role of the designated nominated supervisor under the National Law.

## Incident and Compliance Leader

Manage and responds to care concerns, complaints and alleged incidents across the Family Day Care service.

Provide oversight to all scheme care concerns and tracks progress until resolution.

Provide support and advice to Service Manager, Quality Manager, department staff and educators around legislative requirements and required responses to any complaints and/or incident.

Responsible for system management of all complaints and concerns and ensures these are reported to ESB in a timely manner.

## Educational Lead

Lead the development and implementation of educational program supports as the educational leader

Fulfill the role of the educational leader under the National Law.

Provide advice and direction to coordinators and educators in relation to quality and compliance.

## Coordinator

Monitor and support educators registered with the department's family day care service to provide education and care to children.

Support onboarding new educators.

## Business and Customer Support Centre

Manage the administration processes for FDC services, including payment of Child Care Subsidy (CCS) to educators and providing a customer service point for educators and families.

Set minimum and maximum hourly fees for standard and non-standard hours, overnight and weekend care.

Endorse educator fee charging schedules.

Submit accurate and timely information through the Child Care Management System (CCMS).

Provide families a fortnightly statement of childcare usage, fees and CCS paid.

End the submission of claim forms/attendance records through the CCMS if fraudulent practice is suspected and investigate further.

Report suspicious or fraudulent behaviour to the Incident Management Directorate, Australian Government Department of Education, Skills and Employment and the Education Standards Board of SA.

## Employee

All FDC staff are responsible for:

- complying with this policy and any associated operational guidelines
- abiding by the [Public Sector Values](#) and the [Code of Ethics for the South Australian Public Sector](#).

## Educator

Comply with conditions of FDC educator registration, the [FDC Code of conduct](#) and the overall responsibility for the delivery of quality education and care service provided to children. Educators have a responsibility to safeguard children in their care by following the [safeguarding children and young people policy \(PDF 668KB\)](#).

## Educator Assistant

Responsible for assisting a registered Family Day Care educator to educate and care for children in particular circumstances.

# Definitions

## governance

The systems in place to support the effective management and operation of the service, considering all relevant legislative requirements and policy direction.

## service philosophy

A statement from the approve provider that outlines the purpose and principles under which the service operates.

# Supporting information

[Being, Belonging and Becoming: Early Years Learning Framework \(PDF 25MB\)](#)

[Guide to the NQF](#)

[My Time Our Place: Framework for School Age Care \(PDF 27MB\)](#)

[National Quality Standard](#)

## Related legislation

[Education and Early Childhood Services \(Registration and Standards\) Act 2011 \(SA\)](#)

[Education and Care Services National Regulations](#)

Family Assistance Law is a broad term that encompasses the following legislation:

- [A New Tax System \(Family Assistance\) Act 1999 \(Cth\)](#)
- [A New Tax System \(Family Assistance\) \(Administration\) Act 1999 \(Cth\)](#)
- Any other instruments (including regulations) made under the [A New Tax System \(Family Assistance\) Act 1999 \(Cth\)](#) and the [A New Tax System \(Family Assistance\) \(Administration\) Act 1999 \(Cth\)](#)
- Schedules 5 and 6 to the [A New Tax System \(Family Assistance and Related Measures\) Act 2000 \(Cth\)](#).
- [Child Care Subsidy Minister's Rules 2017 \(Cth\)](#) (Minister's Rules)
- [Child Care Subsidy Secretary's Rules 2017 \(Cth\)](#) (Secretary's Rules)

## Related policies

[Complaint management policy \(PDF 360KB\)](#)

[Family day care fee and levy charging procedure \(PDF 422KB\)](#)



[Family day care health and safety policy \(PDF 295KB\)](#)

[Family day care programming, physical environment and relationships policy \(PDF 225KB\)](#)

[Financial management and compliance framework \(PDF 659KB\)](#)

[Management of complaints, incidents and non-compliance in family day care programs procedure \(PDF 756KB\)](#)

[Safeguarding children and young people policy \(PDF 668KB\)](#)

[SA Treasurer's Instructions](#)

[South Australian Information Sharing Guidelines for promoting safety and wellbeing \(PDF 1.5MB\)](#)

## Related operational guides

[Approved numbers of children in care \(PDF 140KB\)](#)

Assessment and registration of family day care educators

Educator assistants (under development)

Incidents, illness and injury records and reporting (under development)

Maintaining a register of family day care educators, coordinators and educator assistants

Visitors

## Record history

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## Approvals

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Policy officer: Quality Manager

Policy sponsor: Director, Family Day Care Programs

Responsible Executive Director: Executive Director, Preschools and Early Childhood Services

Approved by: Director, Family Day Care Programs

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## Revision record

Version: 1.1

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Amendment(s): Minor edit to update recent structural changes within FDC Programs.

Version: 1.0

Approved by: Head, Office for the Early Years

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Amendment(s): New policy.

## Contact

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