



MEDIA BRIEFING – ABC NEWS

ABC NEWS QUESTION 1

Given the high proportion of Family Day Care (FDC) services failing to meet national standards — more than double the rate of long day care — what accountability does the sector take for this performance, and what reforms do you support to lift safety and quality?

FDCA BRIEFING NOTE

Commitment to Safety and Quality

As the national peak body for family day care, we are unwavering in our commitment to safety and quality in family day care, but we should add, we are not a regulator, and we do not fulfil a regulatory function. As such, in relation to some questions posed herein, it may be more appropriate to direct the questions to state and territory regulatory authorities.

It would be remiss of us not to state that there are thousands of dedicated and professional educators and approved services who, day in and day out, dedicate their lives to supporting the very diverse early childhood education and care needs of children, families and communities across the country, for some of whom, family day care is their only choice, but for many more, it is their option of choice.

The NQF Rating System

In terms of NQS assessment and rating levels, the family day care sector has seen significant and ongoing improvement over recent years. Quality improvement remains a key priority across the sector; however, there are specific Quality Areas that family day care generally performs less well in than centre-based models, those being *Quality Area 1: Educational Program and Practice* and *Quality Area 7: Governance and Leadership*. Family day care does, however, perform comparably to the national average in Quality Areas 4, 5 and 6.

While the NQS rating system is integral to the National Quality Framework, it is complex, and we would suggest that a more nuanced and detailed look at the data is appropriate in making comparisons between care types.

For example, it is, in our view, inaccurate to say that a service rated “Working Towards NQS” is “failing” to meet NQS standards or that a service with that rating is necessarily a poor-quality service. There are many examples of very good services with “Working Towards NQS” ratings, and of course, those that need to do better.

The terminology “Working Towards NQS” as appropriate nomenclature has been a matter of contention since the inception of the NQF, we believe the current focus on the ECEC sector probably heightens the need for expedited reconsideration.

Under the NQF, services are assessed and rated against 7 Quality Areas, 15 Standards, and 40 Elements. The NQS rating system is hierarchical, with specific criteria required to achieve each level, particularly the “Meeting NQS” rating. The framework is as follows:

- To receive an overall rating of "Meeting NQS" service must be rated Meeting NQS or above in all 7 Quality Areas. If even one Quality Area is rated below "Meeting", the overall service rating will reflect the lowest rating across those areas. For example, if one area is rated "Working Towards NQS", the overall rating will be "Working Towards NQS".
- To be rated "Meeting NQS" in a Quality Area, a service must be rated Meeting NQS or above for all Standards within that Quality Area and each Quality Area contains between 2–3 Standards.
- To be rated "Meeting NQS" for a Standard, a service must be rated Meeting NQS or above for all Elements within that Standard, which contain 2-3 Elements each. As outlined above, there are 40 Elements in total across the 15 Standards. If even one Element within a Standard is not met, that Standard will be rated "Working Towards NQS".

The Quality Areas, Standards and the Elements within them vary dramatically and have a significant degree of variability in the extent to which they are direct measures of child safety.

The Application of the Ratings System to the FDC Context

FDCA has a long-held position that, despite its importance, the assessment and ratings system holds several inherent misalignments with the family day care model. In 2019 FDCA commissioned independent research to investigate this position. The report found:

"While there was substantial variation in the experience of those participating in the assessment and rating process, this variation was experienced within as much as between jurisdictions. There was also no evidence uncovered by the review of systematic bias against certain types of family day care providers in the assessment and rating process. However, the assessment and ratings process appear to provide long day care services with a greater opportunity to perform well in an assessment than family day care services.

The variation may be the result of the diversity of skills, experience and resource pressures on individual Authorised Officers and their teams. Further research on the experience of Authorised Officers and turnover in the sector is required to deliver greater certainty that this is the primary cause of variation in the quality of the experience of participating in the NQS ratings and assessment process.

The review has concluded that there are several ways in which the assessment and rating system may be enhanced to provide a fairer and more accurate assessment of family day care to support consumers with more accurate information on which to make decisions about the care of their children."

Unlike centre-based care, family day care is not a 'homogenous model'; it is, by contrast, a rich tapestry of unique care environments, reflective of its communities and the needs of the children and families it supports. While this underpins its strengths, it can on occasion, also impact the sector's alignment with the A&R process.

Another contributing factor to this misalignment is the variability in notice periods afforded to centres. Centres (and family day care services) are provided 5 days' notice in advance of assessment and rating, it is not uncommon however that the educators included as part of the assessment in the family day care context are provided no notice. This places immense distress on participating educators and has a material impact on their ability to showcase their practice.

Support for Reform to Improve ECEC Quality

FDCA supports considered, evidence-based and proportionate regulatory reform to improve child safety across all ECEC sector types. For detailed positions, please see <https://www.familydaycare.com.au/representing-you/submissions>

In terms of the most recent regulatory reforms under consideration as a result of ACECQA's Child Safety Review, which subsequently culminated in the Child Safety Review Consultation Regulation Impact Statement, FDCA's submission (and subsequent engagement with the Child Safety Working Group leading the development of the DRIS) outlines support for a range of the regulatory amendments being considered by the Review, including (but not limited to), in summary, the following:

- Broadened requirements for child protection training
- Strengthened regulatory authority powers
- Improved information sharing to enhance regulatory authorities' ability to share information with approved providers
- Tighter controls for digital devices
- Stronger penalties for inappropriate conduct and expansion of regulatory responses to educator and staff member conduct
- Broadened requirements for WWCCs and associated notifications
- Expanded premises assessment requirements

FDCA also supports a number of improved child safety measures that sit outside the scope of the Child Safety Review including (but not limited to):

- Measures enacted through the Early Childhood Education and Care (Strengthening Regulation of Early Education) Bill 2025
- Nationally consistent and improved WWCC systems
- A centralised national Educator Register
- A national quality uplift program, similar to the ACECQA and NSW Government Quality Support Program.

FDCA Statement

Family day care has seen significant improvement in Services meeting or exceeding the national standard over recent years, but ongoing improvement is at the core of quality practice in early childhood education and care and needs to remain a focus.

Family day care is a rich tapestry of dedicated early education professionals supporting the unique needs of children and families across Australia. It is not a homogenous, one size fits all model, it is often the case, as evidenced by research, that the framework is not well applied in the process of assessment and rating for family day care.

The National Quality Framework is robust regulatory framework but the Working Towards rating needs to be re-examined, there are many great Services rated Working Towards and others that need to do more – it is not a good guide for parents.

We support many of the formal and informal proposals to improve child safety across the sector, but with the caveat of sufficient nuancing to be effective and meaningful across different care types.

We believe proposals like national working with children checks, a national educator register, enhanced IT capabilities and integration, and a national quality uplift program could be significant enhancements and should be expedited.

ABC NEWS QUESTION 2

Does Family Day Care Australia acknowledge that the rise of for-profit providers in the FDC sector has contributed to regulatory breaches and compromised child safety? If not, how do you explain the trend?

FDCA BRIEFING NOTE

An important distinction should be made here between the “corporatisation” of the centre-based care, and “for profit” providers in family day care. “For-profit” providers in family day care are not large chains, corporate conglomerates, or entities backed by multinational private equity firms; they are almost exclusively single service entities who are small business operators.

In family day care there are high quality dedicated providers that operate as private providers and not-for-profits; equally there are those in both categories where improvements could be made.

The growth of for-profits is a misnomer in the family day care context. The proportion of for-profit vs not-for-profits is more a product of the unfortunate exit of many of the sector's oldest and most established providers, mostly as a result of viability strain, as opposed to a proliferation of private providers into the market. In fact, in the last five and a half years, in the entire country, there have been only 15 new family day care services that received CCS approval to operate.

In family day care services, the service fulfils a co-regulatory function that, in our view and as evidenced by the overall decline in provider numbers, is dramatically underfunded. In some cases, not-for-profit providers are local government services or are an arm of a larger not-for-profit organisation that cross subsidises the service. On occasions this may mean that the service is more adequately resourced to fulfil this co-regulatory function. FDCA believes that better resourced services will support better outcomes for children. Overall, FDC services are doing an incredible job of supporting children and families with the limited resources at their disposal.

Additionally, there is a distinction between regulatory breaches and serious incidents that should be noted.

“Not all confirmed breaches represent a risk to children's health and safety, and the degree of risk varies according to the individual circumstances of the breach. For example, a breach may relate to a failure to display prescribed information at the service premises. It is also important to note that multiple confirmed breaches can be the result of a single event and the same service can be the subject of several confirmed breaches.” (Source: Australian Children's Education and Care Quality Authority (ACECQA) (2024), *National Quality Framework Annual Performance Report*, p.23)

While ACECQA data from the *National Quality Framework Annual Performance Report* (2024) in 2023/24 indicates that the rate of confirmed breaches is higher in FDC, the proportion of FDC services with one or more confirmed breaches (45%) is considerably lower than long day care, at 57%.

Additionally, in terms of serious incidents, in the same year the proportion of FDC services reported one or more serious incidents was 40% compared to 67% in long day care. However, as with all statistics of this nature, caution must be applied as noted in the report:

“It is also very challenging to make robust comparisons of the rate of reported serious incidents across service types or financial years for a number of reasons. In common with

other sectors, dealing with both the likely 'over' and 'under' reporting of serious incidents from different parts of the sector is particularly difficult. For example, an approved provider might report a relatively high number of serious incidents because of one or more of the following factors:

- Robust and comprehensive reporting mechanisms
- Overly cautious reporting procedures
- Unique child cohorts and service circumstances
- Lack of understanding of what constitutes a serious incident
- Poor health and safety standards."

(Source: Australian Children's Education and Care Quality Authority (ACECQA) (2024), *National Quality Framework Annual Performance Report*, p.19)

FDCA Statement

"For-profit" providers in family day care are not large chains, corporate conglomerates, or entities backed by multinational private equity firms; they are almost exclusively single service entities who are small business operators. The sector has not been "corporatised".

In our case, the increasing proportion of private providers is the unfortunate result of many of the sector's oldest and most established providers existing the sector because of viability strain, as opposed to a proliferation of private providers into the market. In fact, in the last five and a half years, in the entire country, there have been only 15 new family day care services that received CCS approval to operate.

There are fantastic Services providing incredible support for children and families, both private and not for profit. Many not-for-profit Services, like councils or community organisations, are supported by cross subsidised back of house functions that support their viability, governance and their resource intensive role as sector co-regulators. On the whole however, in our sector, these important functions are dramatically underfunded.

Governments continue to pour hundreds of millions into building new Centres while funding for Services in our Sector has been depleted. Better, more tailored funding of Services in our sector will support better outcomes for children. Overall, FDC services are doing an incredible job of supporting children and families with the limited resources at their disposal.

ABC NEWS QUESTION 3

What position does Family Day Care Australia take on calls for mandatory, ongoing safe sleep training for all FDC educators, and why hasn't this already been implemented as a national requirement?

FDCA Statement

FDCA has consistently supported mandatory safe sleep training for family day care educators, as indicated in our submission to the 2019 Review of the National Quality Framework Consultation Regulation Impact Statement.

The question as to the reasons for delays in implementing this as a national requirement is one for state and territory regulatory authorities.

ABC NEWS QUESTION 4

In light of repeated cases where children have been injured, neglected, or exposed to serious risk in FDC environments — including cases involving unvetted household members, expired Working With Children Checks, and drug or weapon offences on site — do you believe the current regulatory system is fit for purpose? If so, why are these failures continuing?

FDCA BRIEFING NOTE

There is always room for improvement in the regulatory system and associated frameworks to improve child safety in all ECEC settings and FDCA actively engages with all major national regulatory reform reviews and forums with the fundamental objective of supporting improved child safety. While the NQF is a robust regulatory framework, as indicated by the ongoing formal reviews since the initial 2014 NQF Review considerable amendments are required at each iteration to strengthen child safety measures.

Failures that result in the exposure of children to serious risks can arise from a wide variety of situations or factors; through gaps in regulatory frameworks, inadequate oversight, failures in practice and/or unforeseen external influences. Some of the contributing factors may be sector-type specific or apply across all ECEC settings. As such, a range of risk mitigation strategies are required across the broad risk spectrum.

Better IT system integration, information sharing, improved nationally consistent/coordinated approaches between regulatory authorities and WWCC structures are necessary to prevent and act on risks and incidents and should be key priorities in the national child safety reform agenda.

FDCA Statement

The National Quality Framework is a robust regulatory framework but there is always room for improvement, and we've seen this through several formal review process since its inception - these processes can and do address and improve broader systemic issues.

Discrete incidents occur at times and can be the result of practice and policy gaps, individual failings and, on occasion, unforeseen external influences.

Bettors resourcing and training are important. Better IT system integration, information sharing, improved nationally consistent/coordinated approaches between regulatory authorities and WWCC structures are all necessary to prevent and act on risks and incidents. These should be key priorities in the national child safety reform agenda.

ABC NEWS QUESTION 5

Cases have emerged where convicted sex offenders or high-risk individuals were found living at or frequenting FDC residences. What is Family Day Care Australia doing to prevent predators from having access to children in these settings — and do you support mandatory vetting of all adult residents and regular unannounced inspections?

FDCA BRIEFING NOTE

FDCA is not a regulator; however, FDCA does provide training and resources to the sector to minimise the risk of harm to children. Additionally, in 2018, FDCA became an accredited body with the Australian Criminal Intelligence Commission (ACIC) which means that FDCA has been assessed and approved by the ACIC to have access to the National Police Checking Service to request police checks on behalf of individuals.

In terms of mandatory vetting of adult residents, FDCA of course supports such measures which are currently in place. Under regulation 163 of the Education and Care Services National Regulations, approved providers of family day care services must ensure that a person aged 18 years or over who resides at a family day care residence is a fit and proper person to be in the company of children. They must also ensure that family day care educator assistant at a family day care residence or approved family day care venue is a fit and proper person to be in the company of children.

However, the means by which approved providers ensure that the above persons are fit and proper varies between jurisdictions. For example:

- In South Australia, Western Australia, the Northern Territory and the ACT the approved provider must consider one of the following in respect of the person:
 - a criminal history record check issued not more than 6 months before it is considered;
 - a current working with children check, working with children card or working with vulnerable people check issued on the basis of a criminal history record check;
 - a current teacher registration.
- In New South Wales or Queensland, the approved provider must consider the person's current working with children check or working with children card.

- In Victoria, the approved provider must consider the person's current working with children check or current teacher registration.
- In Tasmania, the approved provider must consider the person's current working with vulnerable people registration.

It should also be noted that regulation 169 requires that approved providers must ensure that the family day care service has in place policies and procedures in relation to the assessment of family day care educators, family day care educator assistants and persons residing at family day care residences, including the matters required under regulation 163.

Additionally, regulation 164(1) states that the approved provider of a family day care service must require each family day care educator to notify the provider of:

- any new person aged 18 years or over who resides, or intends to reside, at the educator's family day care residence; and
- any circumstance relating to a person who resides, or intends to reside, at the educator's family day care residence that may affect whether the person is a fit and proper person to be in the company of children.

FDCA Statement

While FDCA is not a regulator we do provide professional development, training and support to the sector to build skills and capabilities to protect children from risk and harm, we are also an ACIC accredited National Police Checking System provider, a service we offer to our members at cost.

There are already strict mandatory vetting requirements, and 'fit and proper' assessments in place for all adults residing in family day care residences. We support these measures and potential amendments that can enhance the efficacy of these requirements.

FDCA supports proposals like national working with children checks, a national educator register, enhanced IT capabilities and integration, and improved nationally consistent/coordinated approaches between regulatory authorities. The work in this space should be expedited.

ABC NEWS QUESTION 6

A child died earlier this year in a family day care setting, following on from another baby, Jack Loh who died in a family day care setting. What is being done to ensure safe sleep is adopted by educators?

FDCA Statement

In response to Reviews of the NQF in 2014 and 2019 a raft of amendments were made to the National Regulations that bolstered the regulatory obligations of Services regarding safe sleep and rest. There have also been a variety of jurisdictionally based regulatory activities focussed on safe sleep practice and ACECQA has released policy and practice guidance for Services.

FDCA has consistently supported mandatory safe sleep training for family day care educators, as indicated in our submission to reviews of the National Quality Framework.

In recent years, FDCA has put forward several proposals to state and territory regulatory authorities to partner with FDCA develop FDC specific sleep and rest resources, training and practical tools, as recently as June 2025, these proposals were not progressed.

FDCA BRIEFING NOTE

Additional comments about Family Day Care:

- Family day care is a unique and essential part of the ECEC landscape in Australia. Parents and guardians with children in family day care often choose this form of care because of the type of service offered. That is, they highly value the home-based, small group environment provided by family day care.¹ Furthermore, as highlighted above, the family day care sector provides much needed ECEC for families living in less advantaged areas and is preferred by families who come from a culturally and linguistically diverse (CALD) background.²
- Over 40 years ago the family day care sector pioneered the 'sharing economy', leveraging the capacity and capabilities of communities to deliver a unique and innovative approach to supporting the diverse ECEC needs of Australian children and families. What evolved was a thriving network of early childhood education professionals, mostly women in small business, that became the global benchmark in home-based ECEC approaches.
- Unlike long day care where a large, casualised and transient educator workforce is commonplace, family day care is characterised by small, highly personalised early education and care environments where strong, lasting and meaningful parent child and educator relationships underpin quality outcomes for children.
- The family day care sector provides care for a significant proportion of households in areas of less advantage, with approximately 72% of children who attend family day care services in 2023 located in areas that are ranked in the 5 deciles of least advantage.³

¹ Australian Consumer and Competition Commission, (June 2023): Childcare Inquiry, Interim Report.

² Department of Education, Skills and Employment (August 2022), 2021 ECEC National Workforce Census, prepared by the Social Research Centre.

³ Australian Competition and Consumer Commission (ACCC), December 2023: Childcare Inquiry, Final Report: p.185.

- Family day care services are slightly more concentrated in areas of less advantage, with around 19% of services located in the most disadvantaged area, compared with around 4% in the most advantaged area, in the September 2023 quarter.⁴
- 23.5% of educators providing family day care in areas that are ranked in the two highest deciles on the SEIFA index.⁵
- 26.1% of family day educators operate in regional and remote areas of Australia.⁶
- Family day care is more common in regional and remote areas, as a share of total number of the type of service, than centre-based day care and outside school hours care.⁷
- 30.1% of children attending family day care are from regional and remote areas, compared to 22.6% of those attending centre-based care and 17.9% of those attending outside school hours care.⁸
- As referenced in the ACCC Childcare Inquiry Final Report, family day care is important for many culturally and linguistically diverse households, providing an alternative choice to centre based day care that may be more flexible or better able to cater to particular cultural and linguistic needs (p.173)
- The Australian Education Research Organisation (AERO) found that *“family day care may be an important complement to preschool for emerging multilingual children. When we analysed children’s pathways from one ECEC setting to another, we found that emerging multilingual children had better outcomes when they participated in family day care in the early years (between 2013 and 2016), followed by standalone preschool in the year before school (2017) ... family day care followed by standalone preschool was associated with an increase in Language and Cognitive Skills (school-based) scores between 1.2 to 2 times larger than for those children using long day care followed by standalone preschool.”*⁹
- Evidence also shows that family day care is playing a significant role in supporting children from CALD backgrounds and their families. Indeed, the latest *ECEC National Workforce Census* (2021) revealed that around half (n= 4,590) of the total number of children attending child care services (n=9,248) during the reference week from (or had parents/guardians from) a refugee or special humanitarian program background, attended family day care services. This compared to only 3,343 in centre-based services, a sector over 10 times the size of family day care.¹⁰
- Data from the *AIFS Child Care Package Evaluation: Early monitoring report*¹¹ indicates that the family day care sector offers significantly higher levels of flexible sessions than centre-based day care. For example:
 - 84.7% of family day care services offer shorter sessions (up to 6 hours) compared to only 17.2% of long day care services.
 - 94% of family day care services also offer longer sessions (7-12 hours).
 - 65.3 % allow for the swapping of days/sessions or sessions to be added or changed at short notice, compared to 51% and 50.2% of long day care services respectively.

⁴ Ibid. p.98

⁵ FDCA internal member data.

⁶ FDCA internal member data.

⁷ Australian Competition and Consumer Commission (ACCC), December 2023: Childcare Inquiry, Final Report: p.31.

⁸ Department of Education, Child Care in Australia report, September Quarter 2023.

⁹ Lampe, B., Healey, B., Collier, L., & Jackson, J. (2023) *Promoting equity for multilingual children in early childhood*. Australian Education Research Organisation. From <https://www.edresearch.edu.au/resources/promoting-equity-multilingual-childrenearlychildhood-research-report>

¹⁰ Department of Education, Skills and Employment (August 2022), 2021 ECEC National Workforce Census, prepared by the Social Research Centre.

¹¹ Baxter, J., Budinski, M., Carroll, M., Hand, K., Rogers, C., Smart, J., Bray, J.R., Gray, M., Blaxland, M., Katz, I., & Skattebol J. (2019) *Child Care Package Evaluation: Early monitoring report*. (Research Report). Melbourne: Australian Institute of Family Studies.