

CHILD SWAPPING & NEAR RELATIVES

FAMILY DAY CARE

QUALITY AREA 7

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PURPOSE

This policy provides a clear set of guidelines and procedures for:

- Family Day Care Educator Child Swapping at Whittlesea Family Day Care
- near relative care arrangements for children at Whittlesea Family Day Care



POLICY STATEMENT

VALUES

Whittlesea Family Day Care is committed to:

- complying with Family Day Care Legislation Changes around Child Swapping
- ensuring that less than 50 per cent of the children to whom any Family Day Care educator is providing care within a Child Care Subsidy fortnight at the service is related to the educator as a niece, nephew, cousin, grandchild or great grandchild.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, educators, students, volunteers, parents/guardians, children and others attending the programs and activities of Whittlesea Family Day Care.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Educators	Parents/guardians	
	Ensure Family Day Care Educators do not engage in child swapping unless they meet the eligibility criteria	R	√	√	
	Whittlesea Family Day Care must comply with the child swapping policy, and the outlined in the procedures below within this policy	R	√	√	
	Whittlesea Family Day Care needs to record when one of its educators cares for a child whose parent or partner's child is simultaneously receiving care from another Family Day Care educator, regardless of the service they belong to	R			

Families and educators confirm their compliance with child swapping policies and verify, through registrations and new educator applications	R	√	√	√
Families confirm that they are not providing Education and Care to children as a Family Day Care Educator during the child registration process, and any change in circumstance will be communicated to the Coordination Unit				R
All applications for Educator's near relatives for care must be communicated to the Coordination Unit	√	√	√	
All applicants will be placed on a waiting list, and will be offered care with the selected Educators in accordance with the Australian Government's "Priority of Access" guidelines (<i>refer to Enrolment and Orientation policy</i>)	R	√	√	
Whittlesea Family Day Care service must comply with the Near Relative procedures outlined in this policy	R		R	

PROCEDURES

CHILD SWAPPING



The key steps Whittlesea Family Day Care service must take to comply with the changes are:

1. Ask all eligible individuals whether they, or their partner, is a Family Day Care educator
2. If the eligible individual or their partner is an Family Day Care educator, ask if a specified circumstance applies (*refer to Definitions*) – if the answer is yes, then follow steps 3 to 9. If the answer is no, that no child care payments will be payable for the child's care
3. Ask the eligible individual for information and documents
4. Ask the eligible individual for authorisation to provide information and documentary evidence to the Department
5. Ask the individual to advise of change of circumstances within 7 days
6. Use the approved Register to record information obtained from the individual and record the date the service obtains documentary evidence
7. Keep the information and documentary evidence for 36 months
Report the sessions of care correctly to the CCMS
8. Report the Centrelink Customer Reference Number (CRN) of educators on CCMS
9. Family registration form and New educator applications have been adjusted to comply with step 1

Near Relatives

In all cases of near relative care arrangements the following must be met by Educators:

1. All requests for care must be approved through the FDC Coordination Unit **BEFORE** care can commence.

CHOICE OF CARE ARRANGEMENT

2. Educators must elect to provide care under either of the following arrangements:
 - Provide care under the Education and Care Services Regulations and Law and all Whittlesea Family Day Care Policies and Procedures.
 - Maintain a charge for care, which includes parent/guardian payment and childcare subsidy reduction.
 - Ensure the family has registered in the service by completing a FDC Family Registration Form together with the payment of the annual Service Fee.

OR

- Treat the child/ren as a grandchild/ren arrangement (like their own child).

- At all times count the child/ren in their numbers if they are aged between 0-12 years of age (until the child reaches their 13th birthday).
- Do not charge the family for care.
- The child/ren are not signed in and out of care.
- FDC does not resource the Educator in relation to the child/ren.
- Public Liability Insurance does not protect the child/ren or Educator in this arrangement.
- Emergency Contact Details form must be completed and signed by the parent/guardian before care can commence.

BACKGROUND AND LEGISLATION



BACKGROUND

Child Swapping

Child swapping is a practice where a Family Day Care educator, or their partner, receives childcare payments for a session of Family Day Care provided to their child on the same day that they themselves provide Family Day Care.

This means that no childcare payments will be payable for the child's care unless under specified circumstances which are:

- the child has been diagnosed as having a particular disability or medical condition
- the family day care service is receiving payment of Inclusion Support Subsidy because the child is undergoing continuous assessment of a disability
- the child lives in a remote or very remote part of Australia
- on the same day as the child receives care through a family day care service, the family day care educator is required to work (other than as a family day care educator) or attend particular education or training.

Near Relatives

Family Assistance Law limits the number of children to whom a Family Day Care educator can provide care at the service if they are related to the Family Day Care educator.

More specifically, the rule states that it is a condition for continued approval of a Family Day Care service that the provider ensures that less than 50 per cent of the children to whom any Family Day Care educator is providing care within any Child Care Subsidy fortnight at the service are related to the Family Day Care educator as a:

- niece or nephew
- cousin
- grandchild (including a great-grandchild).

It is important to note that:

- relatives of the children in care not listed above will not be treated as relatives
- relatives of a Family Day Care educator's partner (by either de facto or marriage) will be considered relatives of the Family Day Care educator
- the ratio of 'less than 50 per cent' is applied to the number of children cared for at the service across the whole Child Care Subsidy fortnight and not to one session of care.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Child Care Subsidy Minister's Rules 2017
- Education and Care Services National Law Act 2010
- Federal Register of Legislation (Legislation Act 2003)

- National Quality Standard, Quality Area 6 & 7

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS



The terms defined in this section relate specifically to this policy.

Child swapping: Child swapping is a practice where a family day care educator, or their partner, receives child care payments for a session of family day care provided to their child on the same day that they themselves provide family day care.

Centrelink: The agency that delivers payments and services to individuals and parents/guardians on behalf of the Australian Government.

Child Care Subsidy (CCS): A Commonwealth Government means tested subsidy to assist eligible parents/guardians with the cost of child care. Payments are paid directly to approved child care providers (*refer to Definitions*). Further information can be found at: www.dese.gov.au/child-care-package/child-care-subsidy

Enrolment/Registration: An enrolment occurs when the provider has an arrangement with an individual or organisation to provide care to a child and the provider submits an enrolment notice in the Child Care Subsidy System. It is a requirement under Family Assistance Law for all children who attend child care (or have an arrangement for care) to have an enrolment notice regardless of their Child Care Subsidy eligibility status

Enrolment/Registration record: the collection of documents which contains information on each child as required under the National Regulations (*Regulations 160, 161, 162*) including but not limited to parent details; emergency contacts; authorised nominee; transportation authorisations, details of any court orders; and health information including immunisation status. Enrolment records are stored securely in the service due to their confidential nature.

Near relative: niece, nephew, cousin, grandchild or great grandchild.

SOURCES AND RELATED POLICIES



SOURCES

- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2011: www.acecqa.gov.au
- Guide to the National Quality Standard: www.acecqa.gov.au
- Priority of Access Guidelines for child care service: www.dese.gov.au
- The Family Assistance Law as the basis for Commonwealth child care fee assistance including the Child Care Subsidy (CCS) and Additional Child Care Subsidy (ACCS): www.dese.gov.au
- Child Care Provider Handbook: [Child Care Provider Handbook.pdf](#)

Related Policies

- Fees
- Inclusion and Equity
- Enrolment and Orientation

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:



- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk.

ATTACHMENTS



- NIL

AUTHORISATION



This policy was adopted by the approved provider of Whittlesea Family Day Care on 30 October 2024

REVIEW DATE: 30 October 2025