

## POLICY AIM

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We aim to provide clear guidelines to educators and families regarding babysitting enrolled children of the Service out of hours, which is a separate arrangement to the care and education we provide.

## RATIONALE

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The Approved Provider and Management are responsible for any actions or activities that staff members may engage in that could breach confidentiality protocols. This applies whether at the Early Childhood Education and Care Service, or in situations that may arise outside of operating hours.

## SCOPE - WHO IS AFFECTED BY THIS POLICY?

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- Staff
- Families
- Children
- Management

## NATIONAL QUALITY STANDARD

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### QUALITY AREA 2 - CHILDREN'S HEALTH AND SAFETY

- Standard 2.2 (Safety) - *Each child is respected*
- Element 2.2.1 (Supervision) - *At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.*
- Element 2.2.2 (Incident and emergency management) - *Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.*
- Element 2.2.3 (Child Protection) - *Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.*

### QUALITY AREA 7 - GOVERNANCE AND LEADERSHIP

- Standard 7.1 (Governance) - *Governance supports the operation of a quality service.*
- Element 7.1.2 (Management Systems) - *Systems are in place to manage risk and enable the effective management and operation of a quality service.*
- Element 7.1.3 (Roles and Responsibilities) - *Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.*

## RELATED POLICIES & LEGISLATION

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### RELATED SWEETPEAS POLICIES:

- Arrival and Departure Policy
- Child Protection Policy
- Child Safe Environment Policy
- Confidentiality Policy
- Ethical Code of Conduct Policy
- Social Media Policy
- Supervision Policy

### RELATED EDUCATION AND CARE SERVICES NATIONAL REGULATIONS:

- 84 Awareness of child protection law
- 145 Staff record
- 147 Staff members

## TERMINOLOGY

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- **Babysitting** - For the purposes of this policy, *babysitting* is taken to mean any private care service provided to a family outside of a Sweetpeas service, where a child's parents/guardians are absent.

## IMPLEMENTATION AND STRATEGIES

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We work to develop a positive and supportive relationship with children and families. We understand that families may request individual educators to babysit or nanny for them. We pride ourselves on employing educators who are suitably qualified, experienced, reliable and suitable for our Service. However, we are unable to provide assurance to families of an educator's suitability to look after a child or children unsupervised in a babysitting environment away from our Service.

Due to possible legal implications, and child protection legislation and privacy, we strongly discourage employees from babysitting enrolled children. However, we acknowledge the educator's right to financial expansion. Therefore, educators undertaking babysitting or nanny positions in their personal time must ensure the following:

- educators must advise the Nominated Supervisor/Management of the Service that a request has been made by a family
- babysitting must not interfere with the educator's job/work, or availability at the Service
- confidentiality must be adhered to at all times
- educators will ensure favouritism does not result in external relationships with children and families outside of the Service
- the Service will not be made accountable for any health and safety issues that may arise within the private arrangement being made
- families understand that our Service has a duty of care to protect children whilst on the premises and in our care; this duty of care does not extend to private arrangements between educators and families outside of the Service. However, educators do have a duty to report any health, safety, and/or wellbeing concerns in and outside of work, including child protection concerns
- educators must understand that an incident whilst babysitting could have an impact on their suitability to work at the Service
- if an educator is to collect a child from the Service, they must be authorised and/or listed as having authority to do so on the child's enrolment form/on HubHello (a record of written authorisation is to be kept in the child's enrolment record)
- educators will ensure privacy and confidentiality is maintained whilst babysitting
- educators and families will complete the *Babysitting Agreement Waiver* acknowledging that they waive the right to hold the Service liable and/or accountable should a child be harmed whilst an educator is in their employment outside of the Service.

## BABYSITTING EXCEPTION

If an employee has a pre-existing relationship prior to the child's enrolment at the Service (i.e., relative, family friend, etc.) babysitting is not discouraged. However, to ensure the children's health and safety employees will:

- disclose the relationship to management
- be authorised or provided with written permission to take a child from the Service
- understand that the Service will not be held responsible for any health, safety, or wellbeing issues that may arise from private arrangements.

## MANAGEMENT WILL:

- keep a record of the *Babysitting Agreement Waiver* in the educator's staff file.

## RELATED SWEETPEAS DOCUMENTS

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- Babysitting Agreement Waiver

## REFERENCES

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- Australian Children's Education & Care Quality Authority.
- Care for Kids: <https://www.careforkids.com.au/child-care-articles/article/59/an-overview-on-babysitting>
- Education and Care Services National Law Act 2010
- Education and Care National Regulations 2011
- NSW Office of the Children's Guardian: <https://ocg.nsw.gov.au/>

- Privacy Act 1988
- Revised National Quality Standard. (2018).

## REVIEW AND AMENDMENTS

This policy will be updated regularly to ensure compliance with all relevant legal requirements. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with *Regulation 172* of the National Regulations, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Version	Amendment(s)	Review Date	Updated By
1.	<ul style="list-style-type: none"><li>• Policy was implemented and put to stakeholders for review.</li></ul>	September 2022	Cassandra Way (Assistant Manager), Janine Evans (Managing Director)

## BABYSITTING AGREEMENT WAIVER FORM

*Due to possible legal implications, child protection legislation and privacy, we strongly discourage employees to engage in private babysitting of children enrolled in our services. However, we acknowledge the educator's right to financial expansion. This waiver has been arranged to permit educators and staff members to babysit children from families enrolled at a Sweetpeas service.*

\_\_\_\_\_ (staff member) is employed by Sweetpeas Kindergarten & Long Day Care Centre, \_\_\_\_\_ (location) and has been asked to provide care in a social relationship with \_\_\_\_\_ (child/ren) outside of the Service. Having read the Sweetpeas *Babysitting Policy*, which outlines the reasoning for this restriction, it is still the desire of the educator/staff member named above and family to enter into an agreement, which protects the Service.

\_\_\_\_\_ (parent/guardian) understands the risk associated with an outside social relationship with an educator/staff member of the Service. Families understand that as an Early Education and Care Service we cannot anticipate or control the situation that may arise as a result of allowing the educator/staff member to engage with children outside of Service operational hours. Sweetpeas is not responsible for any private arrangements or agreements made between families. However, we do expect educators/staff members to inform the Service if they are babysitting or caring for a child/ren who attends the Service. Out of work arrangements must not interfere with the staff member's employment at the Service.

Families understand that we have a thorough staff recruitment process in place to ensure that we employ competent and professional educators/staff members who upheld their duty of care to children and maintain their professionalism. This includes interviews, reference checks, and Working With Children Checks (WWCC) clearance.

Whilst in our employment all educators/staff are subject to ongoing supervision, observation and assessment to ensure that standards of work and behaviour are maintained in accordance with our policies and national legislation requirements. We have no such control over the conduct of staff outside of their position of employment. Parents should make their own checks as to the suitability of a member of staff for babysitting.

Our Service will not be held responsible or accountable for any health and safety issues, conduct, grievances or any other claims arising out of the educator's/staff member's private arrangements outside of service hours. The member of staff will not be covered by the Service's insurance whilst babysitting as a private arrangement.

All staff are bound by contract of the Service's *Confidentiality Policy* which outlines that they are unable to discuss any issues regarding the Service, other employees, families or children.

Parent/Guardian Name:		Sign:		Date:	
Educator/Staff Member Name:		Sign:		Date:	
Management Representative Name:		Sign:		Date:	