

# OUT OF HOURS BABYSITTING POLICY

[IMPORTANT – PLEASE READ THIS POLICY CAREFULLY AND AMEND TO YOUR OWN SERVICES' PHILOSOPHY AND PHYSICAL ENVIRONMENT BEFORE SHARING WITH PARENTS.]

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 Childcare Service, or in situations that may arise outside of operating hours.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is respected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
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.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
84	Awareness of child protection law
145	Staff record
147	Staff members
168	Education and care service must have policies and procedures

## RELATED POLICIES

Arrival and Departure Policy Child Protection Policy Code of Conduct Policy	Privacy and Confidentiality Policy Supervision Policy
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## PURPOSE

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.

## SCOPE

This policy applies to staff, families, children and management of the Service.

## IMPLEMENTATION

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 outside the Service hours of operation. 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 and privacy legislation, we strongly discourage employees from babysitting children outside of work hours. 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
- any babysitting arrangements must be recorded in a 'Babysitting log' (Service to create a suitable log)
- 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
- families must be made aware that other adults who may accompany the babysitter may not have the relevant working with children checks, which may render them inappropriate persons to care for children
- 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 (a record of written authorisation is to be kept in the child's enrolment record)
- educators will complete a private agreement with families in regard to expectations and use of personal mobile phones and devices, and photography to ensure privacy and confidentiality is maintained whilst babysitting
- educators and families will complete the '*Out of Hours 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 (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/ APPROVED PROVIDER WILL:

- keep a record of the babysitting arrangement on the educator's staff file

### SOURCE

Australian Children's Education & Care Quality Authority. (2014).

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*. (Amended 2018).

Education and Care National Regulations. (2011).

NSW Office of the Children's Guardian [https://www.kidsguardian.nsw.gov.au/Privacy Act 1988](https://www.kidsguardian.nsw.gov.au/Privacy-Act-1988).

Revised National Quality Standard. (2018).

## REVIEW

POLICY REVIEWED	DECEMBER 2020	NEXT REVIEW DATE	DECEMBER 2021
MODIFICATIONS	<ul style="list-style-type: none"> <li>• minor punctuation edits</li> <li>• additional source added</li> <li>• Appendix added: Out of Hours Babysitting Agreement Waiver</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
DECEMBER 2019	Minor formatting Inclusion of Management/Nominated Supervisor role References checked for currency	DECEMBER 2020	
DECEMBER 2018	Further information added to 'purpose'. Additional information added to points. Sources/references corrected and alphabetised.	DECEMBER 2019	
OCTOBER 2017	New policy created Updated the references to comply with the revised	OCTOBER 2018	

## Appendix 1:

## OUT OF HOURS BABYSITTING AGREEMENT - WAIVER

Due to possible legal implication, child protection legislation and privacy, we strongly discourage employees to babysit children outside of work hours. However, we acknowledge the educator's right to financial expansion. This waiver has been arranged to permit educators and staff members to babysit children/families enrolled at the Service outside of normal operating hours.

[Enter educator/staff member's Name] is employed by [Service Name] and has been asked to provide care in a social relationship with [Enter Child/children's Full Name] outside of Service operating hours. Having read the Service's *Out of Hours Babysitting Policy*, which outlines the reasoning for this restriction, it is still the desire of the educator/staff member named above and parents [Insert Parent's Name] to enter into an agreement, which protects the Service.

[Insert Parent's Name] 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. [Name of Service] 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/children who attends the Service. Out of hours work arrangements must not interfere with the staff member's employment at the Service.

Families understand that we have a thorough recruitment and suitability 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 *Privacy and Confidentiality Policy* which outlines that they are unable to discuss any issues regarding the Service, other employees, families or children.

Parent Name	Signature	Date
Educator's Name	Signature	Date
Management Name	Signature	Date