



Frequently Asked Questions (FAQs)

Applied Law FAQs – Working with Children Screening checks including for residents at a Family Day Care residence

FAQ 2026-02

Family members of a person providing Family Day Care services in their residence

1. Under the ‘applied’ law that commenced in Western Australia (WA) on 1 May 2026 will there be a change to the requirements for Working With Children Screening in Family Day Care services?

No. **Section 170** of the National Law will apply under the ‘applied’ Education and Care Services National Law (WA) in the same way section 170 of WA’s ‘corresponding’ law has operated.

This section provides for persons at an education and care service in WA to meet the requirements for engaging in child-related employment under the *Working with Children (Screening) Act 2004*.

The *Working with Children (Screening) Act 2004* (Section 22(4)) prohibits an employer employing a person in child-related employment in connection with a child care service if the person does not have a current assessment notice and has not made an application for an assessment notice that is pending. Child-related employment includes voluntary work.

2. Do relatives who live at a Family Day Care residence need to hold a Working with Children (Screening) Act 2004 assessment notice?

Only a person who is engaging in child-related ‘work’ can apply for an assessment notice.

A person who resides at the Family Day Care residence where early childhood education and care services are being provided but is not engaged in the service provision is not engaging in that child-related work. Under the *Working with Children (Screening) Act 2004* they are unable to apply for an assessment notice or be given one.

3. What requirements apply to residents at a Family Day Care service?

Regulation 163 of the National Regulations will apply under the 'applied' *Education and Care Services National Law Regulations (WA)* in the same way regulation 163 of WA's 'corresponding' regulations has operated.

Regulation 163 requires the approved provider of a Family Day Care service to take reasonable steps to 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.

To comply with this requirement, an approved provider must consider, in respect of the person, a criminal history record check issued not more than 6 months before it is considered, a Working with Children Screening assessment issued in WA or a current teacher registration.

Regulation 164 of the National Regulations will apply under the 'applied' *Education and Care Services National Law Regulations (WA)* in the same way regulation 164 of WA's 'corresponding' regulations has operated.

Regulation 164 requires a Family Day Care educator to notify the approved 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 residence that may affect whether the person is a fit and proper person to be in the company of children.

Regulation 153(1) of the National Regulations will apply under the 'applied' *Education and Care Services National Law Regulations (WA)* in the same way regulation 153(1) of WA's 'corresponding' regulations has operated.

Regulation 153(1) requires the approved provider's register of a Family Day Care service to contain a record of the identifying number of the current Working with Children Screening assessment or criminal history record check of each person who resides at the Family Day Care residence. The approved provider is required to provide the assessment, card or check under regulation 163 and the date of expiry of that assessment, card or check.

4. Does a Working with Children Check or Card issued in another jurisdiction meet the requirements for engaging in child-related employment in WA?

No.