



Request to engage or register an existing educator with a swimming pool or outdoor spa

Regulation 373C of the Education and Care Services National Regulations 2012 (WA) restricts approved providers of a family day care (FDC) service from engaging or registering new educators with a swimming pool or outdoor spa. However, the Regulatory Authority may give written approval to an approved provider of a FDC service to engage or register an existing educator in exceptional circumstances.

The Regulatory Authority may consider exceptional circumstances to be present if the approved provider of an existing educator with a swimming pool or outdoor spa:

- has their provider or service approval cancelled or suspended; or
- voluntarily suspends or surrenders their provider or service approval; or
- transfers/sells their service to another provider.

Receiving approved providers wishing to engage or register an existing educator in exceptional circumstances are required to seek written approval before doing so. Please complete the form on the last page and submit via email to ecru@communities.wa.gov.au. For the request to be considered complete, a copy of the risk assessment conducted by the receiving provider for the residence or venue must also be submitted.

Each request received by the Regulatory Authority will be assessed. The approved provider will be advised of the outcome as soon as practicable and no later than 28 days from the receipt of the request. A shorter timeframe may be considered in extenuating circumstances.

More information in relation to improving safety at family day care residences or venues with swimming pools, spas and water features in Western Australia is available [here](#). The additional requirements for approved providers with registered educators with a pool or outdoor spa has been included on the next page.

Should you require further information, please contact the Education and Care Regulatory Unit (ECRU) on (08) 6277 3889 or 1800 199 383 (Freecall).

Information for approved providers with registered educators with a pool or outdoor spa

As an approved provider with registered educators with a pool or outdoor spa, please ensure you are aware of all the additional regulatory requirements that apply to you. This includes monthly inspections of each family day care educators' residence/venue who have swimming pools, spas or water features every month. There are also record keeping and reporting requirements that you should familiarise yourself with including requirements for:

- the approved provider and educators to keep copies of inspection reports and
- reporting any safety issues identified at family day care residences or venues to ECRU.

Training is available to help approved providers understand how to inspect family day care residences/venues with swimming pools, spas or water features. The training can be accessed on the [Royal Life Saving Society of WA \(RLSS WA\) course site](#). The course has been developed by RLSS WA on behalf of the Department of Communities. This course is not publicly available and can only be accessed through the above link. Users will need to register with an email address to undertake the course. It should take up to 45 minutes to complete and can be taken any time. There are some useful resources included with the training. Training is not compulsory but is being provided as part of the Government's commitment to support Approved Providers.

From 1 March 2023, family day care residences with pools or spas are also required to have a safety device installed to alert or deter a child from entering the pool, spa or its surrounds such as a pool alarm or a pool cover. Appropriate types of devices may include:

- gate alarms that alert an educator when a gate is left open
- pool alarms that alert when someone has entered the pool
- personal alarms designed to alert when a child enters a pool
- pool covers that are fixed in such a way that a child may not lift them to gain entry and can support the weight of anyone falling onto them.

Other types of devices that meet the criteria of alert or deter will also be considered. You will be expected to record these and ensure they are operating as part of your monthly inspections.

You may wish to review the Frequently Asked Questions (FAQ) that includes information about the regulations in general and the training program. These FAQ are available on the [Improving safety at family day care residences or venues with swimming pools, spas and water features in Western Australia](#) website.



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Receiving Provider			
Provider Name			
Provider Number		PR-	
FDC Service Name			
Service Number		SE-	
Existing FDC Educator			
Name			
Address of residence or venue			
Current FDC service			
Intended commencement date			
Date of assessment (including risk assessment) of the above residence/venue by the receiving provider (regulation 116)		Please provide a copy of the risk assessment when submitting this request.	
The existing educator detailed above has advised that prior to 1 September 2022			
the swimming pool/spa existed at the residence or venue		Yes <input type="checkbox"/>	No <input type="checkbox"/>
they were engaged by or registered with another FDC service at the residence or venue		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Exceptional circumstances surrounding this request			
The approved provider of the existing educator with a swimming pool or outdoor spa detailed above has:			
<input type="checkbox"/> had their provider or service approval cancelled or suspended; or <input type="checkbox"/> voluntarily suspended or surrendered their provider or service approval; or <input type="checkbox"/> transferred/sold their service to another provider.			
This form must be completed by an individual approved provider or a person with management or control of an approved provider.			
Name			
Position			
Signature			
Date			
ECRU Use Only	Approved <input type="checkbox"/>	Signature	Alert added NQA ITS <input type="checkbox"/>
	Not Approved <input type="checkbox"/>	Date	Letter sent <input type="checkbox"/>