

Governance & Management: Notification Requirements

Policy/Procedure Number: D 7

Policy/Procedure Requirement: National Law s 37, 39, 56, 59, 173, 174, 175, ; Regulations 12, 36, 37, 86, 88, 94, 164, 172, 175, 176,

Policy Statement

The operation of the Family Day Care Service is regulated by the National Law and Regulations through the approval of the Provider, the Service and Nominated Supervisor. The Approved Provider has requirements under the National Law and Regulations to notify the Regulatory Authority and/or ACECQA of certain incidents, complaints and changes to information. The Educators are also required to notify the Approved Provider of incidents, complaints and changes to circumstances/ information. Approved providers, educators and other education and care service staff are also required to report on incidents or suspected incidents involving children under other the ACT laws including child protection legislation and reportable conduct scheme.

Rationale

Breach of the provisions of the National Law and Regulations can result in fines, suspensions or cancellation of the Educator's and/or the Service's approval. It is therefore vitally important for the Service to ensure that not only they comply but also the Educators in the Service also comply with all the provisions of the National Law and Regulations at all times.

Strategies and Practices

ACECQA and CECA have provided fact sheets and guidance to assist FDC services and educators to comply with the notification provisions of the National Law and Regulations. This policy has been drawn from the fact sheet "Notification Types and Timeframes".

Approved Provider Notification Requirements:

The types and related timeframes for notifications by Approved Provider to the Regulatory Authority are outlined in the table below:

No	Notification Type	Timeframe
A	Change to information about approved provider	
A.1	Notice of change in name of approved provider	Within 14 days
A.2	Change to address, principal office or contact details of approved provider	Within 7 days
A.3	Any change relevant to approved provider's fitness and propriety	Within 7 days
A.4	Notice of any appointment or removal of a person with management or control of service	Within 14 days
A.5	The appointment of receivers or liquidators to the approved provider or any matters that affect the financial viability and ongoing operation of the service	Within 7 days
A.6	Death of approved provider	Within 7 days
B	Change to information about education and care service	
B.1	Not commencing operations within 6 months (or that agreed with the regulatory authority) of being granted a service approval	Within 14 days
B.2	Any change to the hours and days of operation of the service	Within 7 days
B.3	A change in the location of the principal office of a family day care service	At least 14 days before the change will occur
B.4	Adding nominated supervisor(s)	At least 7 days prior to commencement
B.5	A nominated supervisor is no longer employed at the service, is removed from the role or withdraws consent to the nomination	Within 7 days
B.6	Any proposed change to the premises (other than FDC residence)	Within 7 days
B.7	Intention to transfer service approval	At least 42 days before transfer
B.8	Ceasing to operate the education and care service	Within 7 days
C	Incidents and Complaints	
C.1	Serious incident - Death of a child	ASAP (within 24 hours)
C.2	Serious incident - Any incident involving serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital	Within 24 hours of the incident
C.3	Serious incident - Any incident involving serious injury or trauma to a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital , or a reasonable person would consider that the child would require urgent attention from a registered medical practitioner	Within 24 hours of the incident

C.4	Serious incident - Any emergency for which emergency services attended	Within 24 hours of the incident
C.5	Serious incident - A child is missing or cannot be accounted for or appears to have been removed from the premises by a person not authorised by a parent	Within 24 hours of the incident
C.6	Serious incident - A child is mistakenly locked in or out of the premises or any part of the premises	Within 24 hours of the incident
C.7	Any complaint alleging that a serious incident has occurred or is occurring at FDC service or Educator residence , or the National Law has been contravened (refer to Serious Incidents outlined in table above)	Within 24 hours of the complaint
C.8	Any incident that requires the approved provider to close , or reduce the number of children attending the service for a period	Within 24 hours of the incident
C.9	Any circumstance at the service that poses a significant risk to the health, safety or wellbeing of a child attending the service	Within 7 days
C.10	Any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared	Within 7 days
C.11	Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service	Within 7 days

FDC Educator Notification Requirements:

The types and related timeframes for notifications **by FDC Educator** to the **Approved Provider** are outlined in the table below:

No	Notification Type	Timeframe
D	Information for FDC Educators to report to their Approved Provider	
D.1	Any serious incident while a child is being educated and cared for by the educator	Immediately
D.2	Any complaint alleging that a serious incident has occurred or the National Law has been contravened while a child was being educated and cared for	Immediately
D.3	Renovations or other changes to the FDC residence that create a serious risk to the health, safety and wellbeing of children attending the residence	14 days prior to commencing renovations
D.4	Any new person over 18 years who resides at the FDC residence and any circumstance relevant to whether a resident who is over 18 years is fit and proper	ASAP. Refer Policy A7 on Visitors.

Notification to Parents:

The following notification types and related timeframes apply for information provision to parents.

No	Notification Type	Timeframe
E	Notification to parents	
E.1	Changes to policies or procedures that may have a significant impact on the provision of education and care to any child enrolled at the service; the family's ability to utilise the service ; any change that will affect the fees charged or the way in which fees are collected are notified to parents of children enrolled at the service	At least 14 days prior unless a lesser period is necessary because of a risk
E.2	Approved provider must notify the parents of children enrolled at the services operated by the approved provider of any voluntary suspension of provider approval	At least 14 days prior to application for suspension
E.3	Parent must be notified if a child is involved in any incident, injury, trauma or illness	ASAP, within 24 hours
E.4	FDC Educator must ensure that a parent and emergency services are notified if medication is administered in case of an anaphylaxis or asthma emergency . The approved provider or the nominated supervisor of the service must also be notified.	Immediately (as soon as practical)

Examples of Serious Incidents and Injury:

ACECQA has provided guidance on examples of what could constitute serious incident and injury.

A serious incident can include:

- Death of a child while **in care** or **following an incident** while that child was in care
- **Serious injury** or **trauma** while the child is in care for, which:
 - required **urgent medical attention** from a registered medical practitioner; or
 - the child attended or should have attended a **hospital** (e.g. a broken limb)
- An incident involving **serious illness** at the service, where the child attended, or should have attended a hospital (e.g. **severe asthma** attack, **seizure** or **anaphylaxis**)
- Any circumstance where a child appears to be **missing** or **cannot be accounted for**
- Any circumstance where a child appears to have been **taken** or **removed** from FDC residence by someone **not authorised** to do this
- Any circumstance where a child is **mistakenly locked in** or **locked out** of the FDC residence
- Any emergency for which **emergency services attended** (It does not include an incident where emergency services attended as a precaution)

A serious injury, illness or trauma includes:

- Amputation
- Anaphylactic reaction requiring hospitalisation
- Asthma requiring hospitalisation
- Broken bone/Fractures
- **Bronchiolitis**
- **Burns**
- **Diarrhoea** requiring **hospitalisation**
- Epileptic **seizures**
- **Head injuries**
- **Measles**
- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

Resources and Further Readings

- Education and Care Services National Regulations
- Education and Care Services National Law Act 2010
- ACECQA National; Quality Framework Resource Kit www.acecqa.gov.au
- ACECQA fact sheet “Notification Types and Timeframes”

Related FDC Policies, Procedures & Documents

- Educators & Staff: Assessment of FDC Educators, Educator Assistants and Persons Residing at FDC Residences
- Health & Safety: Administration of First Aid
- Health & Safety: Incident, Injury, Trauma and Illness Procedures
- Health & Safety: Immunisation and Infectious Disease
- Child Safe Environment: Supervision, Child Protection & Hazard Prevention

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