

# Reporting to the Regulatory Authority Policy

## **Policy Statement**

Activity Centres Incorporated aims to ensure our Organisation adheres to the Education and Care Services National Regulations and Education and Care Services National Law Act by reporting to the appropriate department as described.

## **Considerations**

- ✓ Education and Care Services National Regulations 2011 (current version 1 February 2018)
  - Regulation 12 Meaning of Serious Incident
  - Regulation 174 Time to Notify Certain Circumstances to Regulatory Authority
  - Regulation 175 Prescribed Information to be Notified to Regulatory Authority
  - Regulation 176 Time to Notify Certain Information to Regulatory Authority
- ✓ Education and Care Services National Law Act 2010 (current version 2018)
- ✓ ACI Policies and Procedures

## **Procedures**

<http://www.acecqa.gov.au/regulatory-authorities1/contact-your-regulatory-authority>

[www.acecqa.gov.au](http://www.acecqa.gov.au) › [Applications and notifications](#)

Under the National Law and Regulations, the Approved Provider/Nominated Supervisor must notify the Regulatory Authority of any:

- ✓ Serious Incident s
  - The death of a child while being educated and cared for by the Service or following an incident being educated and cared for by the Service
  - Any incident involving a serious injury or trauma to a child while that child is being educated and cared for, which:
    - a reasonable person would consider required medical attention from a medical practitioner; or
    - the child attended or ought reasonably to have attended a hospital e.g. broken limb
    - any incident involving serious illness of a child while that child is being educated and cared for by a service for which the child attended, or ought reasonably to have attended, a hospital e.g. severe asthma attack, seizure or anaphylaxis
  - Any emergency for which emergency services attended
    - NOTE: this means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at an education and care service. It does not mean an incident where emergency services attended as a precaution
  - A child appears to be missing or cannot be located for at a service
  - A child appears to have been taken or removed from the service in a manner that contravenes the National Regulations
  - A child is mistakenly locked in or locked out of the service premises or any part of the premises
- ✓ Complaints
  - Notify the Regulatory Authority within 24 hours of any complaint alleging that a serious incident has occurred while the child is educated and cared for or complaints alleging that the Law has been contravened
- ✓ Any circumstances that pose a risk to the health, safety or wellbeing of a child
  - Notify the Regulatory Authority within 7 days of becoming aware of a circumstance arising at a service that poses a risk to the health, safety or wellbeing of a child
- ✓ Prescribed matters- physical and/ or sexual abuse of a child
  - As an Approved Provider you must notify the Regulatory Authority of certain matters occurring while a child or children are being educated and cared for by the Service

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- any incident where the Approved Provider reasonably believes that physical and/or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service
- allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service
- ✓ For the purposes of section 174(1)(b) of the Law, the following matters are prescribed—
  - any change to the address of the approved provider or the principal office of the approved provider, or the contact details of the approved provider;
  - the appointment of receivers or liquidators or administrators to the approved provider or any other matters that affect the financial viability and ongoing operation of the education and care service.
- ✓ For the purposes of section 174(2)(c) of the Law, the following matters are prescribed—
  - any change to the hours and days of operation of the education and care service;
  - any incident that requires the approved provider to close, or reduce the number of children attending the education and care service for a period;  
Example:-
    - A flood or a fire that requires an approved provider to close the Education and Care Service premises (or part of those premises) while repairs are undertaken.
    - any circumstance arising at the Service that poses a risk to the health, safety or wellbeing of a child or children attending the Service;
    - the attendance at the approved Education and Care Service of any additional child or children being educated and cared for in an emergency in the circumstances set out in regulation 123(5), including—
      - a description of the emergency; and
      - a statement by the approved provider that the approved provider had taken into account the safety, health and wellbeing of all the children attending the Education and Care Service when deciding to provide education and care to the additional child or children.
    - change to Nominated Supervisor of Education and Care Service.
    - adding one or more Nominated Supervisors to the Education and Care Service.
    - a Nominated Supervisors name or contact details change.

## **Reporting of a Serious Incident, Injury or Trauma**

- All serious incidents, injury or trauma will be recorded within 24 hours of the event occurring
- The child's parent or emergency contact must be notified of any accident or injury that has involved the child as soon as possible and no later than 24 hours after the event. (as per Regulation 86)
- A Nominated Supervisor is responsible for ensuring that in the event of a serious incident the regulatory authority is advised, as well as the Management Committee.
- A Nominated Supervisor will notify the Regulatory Authority through logging in to and accessing the portal in the National Quality Agenda IT System (NQA IT System) on ACECQA website.
- It may not be until sometime after the incident that it becomes apparent that an incident was serious. If that occurs, a Nominated Supervisor must notify the Regulatory Authority within 24 hours of becoming aware that the incident was serious.

## **How to decide if an injury, trauma or illness is a serious incident?**

- If the advice of a medical practitioner was sought or the child attended hospital in connection with the injury, trauma or illness, the incident is a serious one and the regulatory authority must be notified.
- An injury, trauma or illness will be regarded by the Service as a serious incident if more than basic first aid was needed to manage the injury, trauma or illness and medical attention was sought for the child, or should have been sought, including attendance at hospital or medical facility for further treatment.
- The death of a child while that child is being cared for at the Service or following an incident while that child was being cared for by the Service
- If a child appears to be missing or cannot be accounted for
- If a child appears to have been removed from the Service premises in a way that breaches the National Regulations.
- If a child is mistakenly locked in or locked out of any part of the Service premises.



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- Any emergency for which emergency services attended. NOTE: does not mean an incident where emergency services attended as a precaution.

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Policy is only endorsed if initialled by 2 members of the management committee

**Endorsed by the Management Committee on the 30<sup>th</sup> April 2018**

**Reporting to Regulatory Authority Policy is to be reviewed by the 30<sup>th</sup> April 2020**