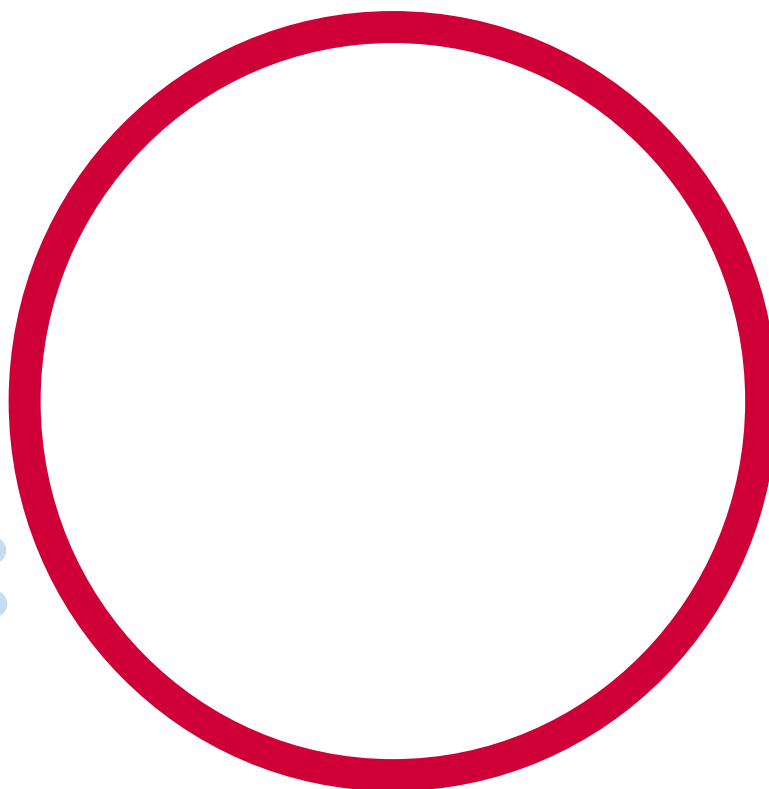
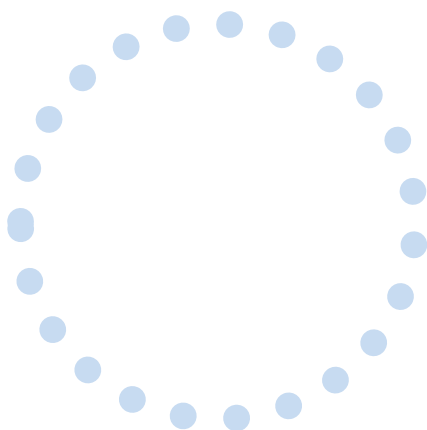
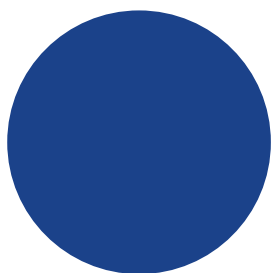


Policy: Engaging with and supporting families whose child is involved in a serious incident

Early Childhood Education Quality Assurance and Regulatory Services Directorate



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1. Purpose

The NSW Department of Education, as the NSW Regulatory Authority for early childhood education and care services and outside school hours care (ECEC) services, has responsibility for investigating serious incidents that occur in services.

This policy outlines the NSW Regulatory Authority's position with regard to engaging with, and supporting, families whose child is involved in a serious incident that is being investigated.

2. Scope

The NSW Regulatory Authority exercises its regulatory functions under the following legislation:

- *Children (Education and Care Services National Law) (NSW) No 104a (National Law)*
- *Education and Care Services National Regulations (NSW) (National Regulations)*
- *Children (Education and Care Services) Supplementary Provisions Act 2011 (State Law)*
- *Children (Education and Care Services) Supplementary Provisions Regulation 2019 (State Regulations)*

This policy applies to any serious incident notification received by the NSW Regulatory Authority in relation to both in-scope and out-of-scope approved and unapproved providers and services in NSW.

In-scope services are regulated under the National Quality Framework, which consists of the National Law and National Regulations, the Approved Learning Frameworks and the National Quality Standard. In-scope services include centre-based services, such as long day care services, outside school hours care services, preschools, and family day care services.

Out-of-scope services (or State-regulated services) are regulated under the *Children (Education and Care Services) Supplementary Provisions Act 2011* (the State Law). Mobile and occasional care services are the only service types regulated under the State Law.

3. Policy

The NSW Regulatory Authority receives more than 17,000 serious incident notifications a year from the more than 5,800 ECEC services in NSW. All services are required to notify the Regulatory Authority of serious incidents that occur, such as illness, trauma or the need for medical treatment.

The fact that a service reports a serious incident does not necessarily mean there is a problem with their quality or care. Despite regulatory standards and regular monitoring, accidents can and do happen.

The Regulatory Authority assesses any incident notification, no matter how minor. In most instances these accidents occur through no fault of the service or its staff. However, there are some cases where the Regulatory Authority will follow up the serious incident with an investigation. In these cases, which may relate to a serious injury to a child, the Regulatory Authority recognises that families benefit from clear expectations on how this incident will be handled.

In carrying out its investigation, the Regulatory Authority will be guided by the following principles with regard to the family of the child:

- a) Respectful treatment
- b) Good communication
- c) Accountability
- d) Timeliness

a) Respectful treatment

Our Commitment

The Regulatory Authority will treat all families with courtesy, respect and understanding. This includes understanding the needs of the family with respect to additional support for mental health and wellbeing.

b) Good Communication

Our Commitment

The Regulatory Authority will keep families informed about the status of the investigation of a serious incident that relates to the safety, health and wellbeing of a child or children. This will be done by:

1. advising the affected family about the initiation of an investigation into the serious incident within 24 hours of the receipt of the serious incident notification
2. providing information to the family about the process involved in the investigation
3. providing information on support resources that are available for the family

4. providing a contact point for enquiries
5. providing an expected timeframe to finalise the investigation
6. providing updates on the investigation at regular intervals in accordance with internal procedures
7. communicating the outcome of the investigation (to the extent possible, given privacy and confidentiality constraints) and the reasons for the outcome
8. providing information about internal and external avenues of review or access to information where available.

c) Accountability

Our Commitment

The Regulatory Authority will ensure that staff who conduct investigations are appropriately trained and skilled. One person and/or a team will be responsible for managing the investigation, and their contact details made available to the family. We will inform the family if the investigation is transferred to another person or team.

d) Timeliness

Our Commitment

The Regulatory Authority undertakes to deal with the investigation of a serious incident as soon as possible. We set expected timeframes for finalising investigations, which recognise the differing levels of seriousness, urgency and complexity of matters received. If there are unavoidable delays in dealing with an investigation we will inform the family and explain the reasons.

4. Enquiries

If you have any enquiries about this policy, please contact:

Quality Assurance and Regulatory Services ECE
Information and enquiries team
1800 619 113 (toll free)
ececd@det.nsw.edu.au

5. Document Version Control

| Policy owner | Version | Approved by | Date last reviewed |
|--|---------|---|--------------------|
| Director, Regulatory Strategy, Policy and Practice | 1.0 | Executive Director, Quality Assurance and Regulatory Services | 11 May 2021 |