

(Revised September 2025)

## **Policy Statement:**

Mueller College Outside School Hours Care (OSHC) Service has a duty of care to provide all persons with a safe and healthy environment.

Water play is one of the sensory experiences offered to the children and young people to aid in their development. It offers opportunities for social interaction, physical development and concept development. Water use also allows them to learn about responsible habits surrounding water use and conservation.

## **Background:**

The Education and Care National regulations require Service providers to have Policies and procedures that support the health and safety of children and young people attending the Service.

The Work Health and Safety Act 2011 also requires the employer to identify and control hazards which could harm employees or any other persons at the workplace. Collections of water such as swimming pools, bathtubs, ponds, buckets, sinks, toilet bowls, dams, rivers, lakes, oceans and tanks are all potential drowning hazards for children and young people. The risk can be considerably reduced by supervising children and young people around water at all times.

## **Important terms:**

<b>Children and young people</b>	Refers to the children and young people present in the care environment.
<b>Educator</b>	Refers to the staff employed by the Service to provide care for children and young people attending.
<b>Parent/guardian</b>	Refers to the primary carer/s of the child or young person attending the Service.
<b>Family</b>	Refers to the group of people, including the primary carer which engage daily with the child or young person in the home environment.

## **Legislation:**

### **National Quality Standard (NQS):**

**Quality Area 2: Children's Health & Safety**

**3: Physical Environment**

**7: Governance and Leadership**

<b>2.2</b>	<b>Safety</b>	Each child is protected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
<b>3.1</b>	<b>Design</b>	The design of the facilities is appropriate for the operation of a service.
3.1.1	Fit for purpose	Outdoor and indoor spaces, buildings, fixtures and fittings are suitable for their purpose, including supporting the access of every child.
3.1.2	Upkeep	Premises, furniture, and equipment are safe, clean and well maintained.
<b>7.1</b>	<b>Governance</b>	Governance supports the operation of a quality service.
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.

## **Education and Care Services National Regulations**

84	<p><b>Awareness of child protection law</b></p> <p>(1) The approved provider of an education and care service must ensure that a person specified in subregulation (2) who works with children is advised of—</p> <p>(a) the existence and application of the current child protection law; and</p> <p>(b) any obligations that the person may have under that law.</p> <p>Penalty: \$1100.</p> <p>(2) The following persons are specified—</p> <p>(a) a nominated supervisor of the service;</p> <p>(b) a staff member of the service;</p> <p>(c) a volunteer at the service;</p> <p>(d) a student who participates in the service.</p>
123	<b>Educator to child ratios—centre-based services</b>

	<p>(1) The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios—</p> <p>(a) for children from birth to 24 months of age—1 educator to 4 children;</p> <p>(b) for children over 24 months and less than 36 months of age—1 educator to 5 children;</p> <p>(c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;</p> <p>(d) for children over preschool age, 1 educator to 15 children.</p> <p>(2) If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of subregulation (1) at all times.</p> <p>(3) If an early childhood teacher or a suitably qualified person is required under Division 5 to be in attendance at a centre-based service, subject to regulation 122 that early childhood teacher or suitably qualified person is counted as an educator at the service for the purposes of this regulation.</p> <p>(4) If a centre-based service is required under regulation 130 or 131 to have access to an early childhood teacher for a period, subject to regulation 122 that teacher is counted as an educator at the service for the purposes of this regulation.</p> <p>(5) In subregulations (1) and (2) a reference to children does not include a child who is, or 2 or more children from the same family who are, educated and cared for at a centre-based service in an emergency for a period of not more than 2 consecutive days on which the service operates.</p> <p><b>Examples—</b></p> <p>1 A child is determined to be in need of protection under a child protection order.</p> <p>2 The parent of a child needs urgent health care that prevents them caring for the child.</p> <p>(6) An approved provider of a centre-based service must not permit an additional child or additional children to be educated and cared for at the service in an emergency in the circumstances set out in subsection (5) unless the approved provider is satisfied on reasonable grounds that this will not affect the health, safety and wellbeing of all the children attending the service.</p> <p><b>Note—</b></p> <p>The <i>Education and Care Services National Regulations 2012</i> of Western Australia include an extra subregulation before subregulation (1) as follows—</p> <p>“(1A) In this regulation—</p> <p><b>emergency</b>, in relation to a child, means a serious and unexpected short term care emergency that requires the child to be provided with immediate education and care.</p> <p><b>Examples—</b></p> <p>1 A child is determined to be in need of protection under a child protection order.</p> <p>2 The parent of a child needs urgent health care that prevents them caring for the child.”.</p>
103 (1)	<p>The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.</p> <p>Penalty: \$2200.</p>
274	<p>Swimming pools</p> <p>(1) The approved provider of a centre-based education and care service (other than a school-based service) in New South Wales for children preschool age or under must ensure that there is no swimming pool on the service premises unless the swimming pool existed on the premises before 6 November 1996.</p> <p>(2) The approved provider of a school-based service in New South Wales for children preschool age or under must ensure that there is no swimming pool on the service premises unless the swimming pool existed on the premises and the service was operating before 1 July 2008.</p> <p>(3) The approved provider of a family day care service must ensure that any swimming pool at a family day care residence or approved family day care venue of the service in New South Wales is fenced in accordance with the requirements for fencing a new swimming pool under the <i>Swimming Pools Act 1992</i> of New South Wales.</p> <p>(4) In this regulation—</p> <p><i>school-based service</i> means an education and care service that is conducted by a school within the meaning of the <i>Education Act 1990</i> of New South Wales;</p> <p><i>swimming pool</i> has the same meaning as it has in the <i>Swimming Pools Act 1992</i> of New South Wales.</p>

## Education and Care Services National Law

167	Requires The approved provider and Nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.
Section 301 (3,f)	Requirements and standards to be complied with for safety, security, cleanliness, comfort, hygiene and repair of premises, outdoor spaces, fencing, gates, resources and equipment used for providing education and care services;

## Principals:

Mueller College Outside School Hours Care service aims to protect the health and safety of all children and young people in its care by ensuring all educators comply with safety procedures when children and young people are engaged in water play or are in proximity to water.

## Procedure:

### Educators and Lead educators will:

- Understand that during planned water play experiences the safety of the children and young people is paramount.
- Not leave children and young people unattended while playing with water.

- Ensure all water receptacles used for water play will be filled to a safe level. Receptacles larger than a bucket should not be used without discussion with the Nominated Supervisor.
- Conduct outdoor safety checks that include ensure existing fences are in good repair before allowing children and young people to enter the space.
- Comply with all risk assessments and Policies set out by the Service with regard to the use of water and bodies of water.

### **Educational leaders will:**

- Ensure that children and young people are encouraged to safely explore the properties of water and will build water safety messages into programs as appropriate.
- Ensure that programs reflect the appropriate environmental water-wise message when water play activities are planned.

### **Approved provider & Nominated Supervisor will:**

- Ensure that there is no swimming pool or large body of water on the education and care service premises that is not fenced in accordance with safety regulations.
- Ensure fences around site water bodies are maintained to the level and standards required.
- If children and young people are near any body of water e.g. pond, fountain, creek – The Nominated supervisor will complete a risk assessment to ensure adequate supervision of children and young people near the body of water, and will outline the measures required to minimise risks.
- Take reasonable steps to ensure that nominated supervisors, educators and staff follow these policies and procedures.
- Share the 'Water Safety Policy and Procedure' with all employees upon their induction and ensure that copies of the policy and procedures are readily accessible to nominated supervisors, co-ordinators, educators and staff, and available for inspection.
- Additional professional development will be provided as needed and during review processes.
- All Service policy will be reviewed annually through consultation with all stakeholders or sooner should there be identified changes or updates to legislative requirement.

### **See also:**

- Mueller OSHC Providing a Child Safe Environment Policy & Procedure
- Mueller OSHC Supervision Policy & Procedure

### **REFERENCES:**

- Workplace Health and Safety Act 2011 (Current as at 29 Nov 2024)
- Kidsafe – Childhood Drowning – KIDSAFE QLD Inc
- Water Safety – Kids Health
- Water Safety for Children – Better Health Channel
- Education and Care Services National Law Act 2010, Current as at October 2024
- Education and Care Services National Regulations, Current as at September 2025
- Education and Care Services National Law Act (QLD) 2011, Current as at September 2025
- Guide to the National Quality Framework, Revised September 2025
- My Time, Our Place – Framework for School Age Care in Australia – Produced by the Australian Government Department of Education, Employment and Workplace Relations for the Council of Australian Governments. Ver2.0, Revised 2022
- National Quality Standard, Revised 1 February 2018
- Guide to the National Quality Standard, Revised May 2022

### **REVIEW**



## WATER SAFETY POLICY & PROCEDURE

POLICY REVIEWED BY:	Rachel Rose	OSHC Director	23/09/25
POLICY REVIEWED	SEPT 2025	NEXT REVIEW DATE	JAN 2026
VERSION NUMBER	V2.3		
MODIFICATIONS	<ul style="list-style-type: none"><li>Updated references</li></ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	PAST REVIEW DATE	
	<ul style="list-style-type: none"><li>Updated references</li><li>Addition of review table</li></ul>	JAN 2025	
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