

(Revised October 2023)

**Policy Statement:**

The safety of students in the care of the Service are of critical concern and consequently this policy and procedures outlines the expectations for the response should a student be declared missing at the Service.

**National Quality Standard (NQS):**

**Quality Area      2: Children’s Health & Safety**  
**7: Governance & Leadership**

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| <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.                         |
| 2.2.2      | Incident and emergency management | Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented. |
| <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**

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| 12  | <p>Meaning of serious incident</p> <p>For the purposes of the definition of serious incident in section 5(1) of the Law, each of the following is prescribed as a serious incident—</p> <p>(a) the death of a child—</p> <p>(i) while that child is being educated and cared for by an education and care service; or</p> <p>(ii) following an incident occurring while that child was being educated and cared for by an education and care service;</p> <p>(b) any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service—</p> <p>(i) which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or</p> <p>(ii) for which the child attended, or ought reasonably to have attended, a hospital;</p> <p>Example. A broken limb.</p> <p>(c) any incident involving serious illness of a child occurring while that child is being educated and cared for by an education and care service for which the child attended, or ought reasonably to have attended, a hospital;</p> <p>Example. Severe asthma attack, seizure or anaphylaxis reaction.</p> <p>(d) any emergency for which emergency services attended;</p> <p>(e) any circumstance where a child being educated and cared for by an education and care service—</p> <p>(i) appears to be missing or cannot be accounted for; or</p> <p>(ii) appears to have been taken or removed from the education and care service premises in a manner that contravenes these Regulations; or</p> <p>(iii) is mistakenly locked in or locked out of the education and care service premises or any part of the premises.</p>   |
| 97  | <p>Emergency and evacuation procedures</p> <p>(1) The emergency and evacuation procedures required under regulation 168 must set out—</p> <p>(a) instructions for what must be done in the event of an emergency; and</p> <p>(b) an emergency and evacuation floor plan.</p> <p>(2) For the purposes of preparing the emergency and evacuation procedures, the approved provider of an education and care service must ensure that a risk assessment is conducted to identify potential emergencies that are relevant to the service.</p> <p>Penalty: \$2000.</p> <p>(3) The approved provider of an education and care service must ensure that—</p> <p>(a) in the case of a centre-based service, the emergency and evacuation procedures are rehearsed every 3 months by the staff members, volunteers and children present at the service on the day of the rehearsal and the responsible person in relation to the service who is present at the time of the rehearsal; and</p> <p>(ab) in the case of a family day care service, the emergency and evacuation procedures are rehearsed every 3 months by each family day care educator and the children being educated and cared for by the family day care educator on that day; and</p> <p>(b) the rehearsals of the emergency and evacuation procedures are documented.</p> <p>Penalty: \$2000.</p> <p>(4) The approved provider of an education and care service must ensure that a copy of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit at the education and care service premises, including a family day care residence and approved family day care venue.</p> <p>Penalty: \$2000.</p> <p>Note.</p> <p>A compliance direction may be issued for failure to comply with subregulation (2), (3) or (4).</p> |
| 105 | Requires each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.  |
| 168 | Education and care service must have policies and procedures   |

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|  | <p>(1) The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in subregulation (2).<br/>Penalty: \$1000.<br/>Note—<br/>These may include policies and procedures prepared by the approved provider in accordance with an education law of the participating jurisdiction.</p> <p>(2) Policies and procedures are required in relation to the following—</p> <ul style="list-style-type: none"> <li>(a) health and safety, including matters relating to— <ul style="list-style-type: none"> <li>(i) nutrition, food and beverages, dietary requirements; and</li> <li>(ii) sun protection; and</li> <li>(iii) water safety, including safety during any water-based activities; and</li> <li>(iv) the administration of first aid; and</li> <li>(v) sleep and rest for children;</li> </ul> </li> <li>(b) incident, injury, trauma and illness procedures complying with regulation 85;</li> <li>(c) dealing with infectious diseases, including procedures complying with regulation 88;</li> <li>(d) dealing with medical conditions in children, including the matters set out in regulation 90;</li> <li>(e) emergency and evacuation, including the matters set out in regulation 97;</li> <li>(f) delivery of children to, and collection of children from, education and care service premises, including procedures complying with regulation 99;</li> <li>(g) excursions, including procedures complying with regulations 100 to 102;</li> <li>(h) providing a child safe environment; <ul style="list-style-type: none"> <li>(i) staffing, including— <ul style="list-style-type: none"> <li>(i) a code of conduct for staff members; and</li> <li>(ii) determining the responsible person present at the service; and</li> <li>(iii) the participation of volunteers and students on practicum placements;</li> </ul> </li> <li>(j) interactions with children, including the matters set out in regulations 155 and 156;</li> <li>(k) enrolment and orientation;</li> <li>(l) governance and management of the service, including confidentiality of records;</li> <li>(m) the acceptance and refusal of authorisations;</li> <li>(n) payment of fees and provision of a statement of fees charged by the education and care service;</li> <li>(o) dealing with complaints.</li> </ul> </li> </ul> <p>Note—<br/>A compliance direction may be issued for failure to comply with subregulation (1).</p> |
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## Education and Care Services National Law

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| 167 | <p>Offence relating to protection of children from harm and hazards</p> <p>(1) The approved provider 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.<br/>Penalty: \$10 000, in the case of an individual.<br/>\$50 000, in any other case.</p> <p>(2) A 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.<br/>Penalty: \$10 000.</p>  |
| 170 | <p>Offence relating to unauthorised persons on education and care service premises</p> <p>(1) This section applies to an education and care service operating in a participating jurisdiction that has a working with children law.<br/>Sch. s. 170(4) substituted by No. 9/2017 s. 40(1).</p> <p>(5) In this section—<br/><i>authorised nominee</i>, in relation to a child, means a person who has been given permission by a parent or family member of the child to collect the child from the education and care service or the family day care educator;<br/>Sch. s. 170(5) def. of <i>unauthorised person</i> amended as <i>authorised person</i> by No. 9/2017 s. 40(2).<br/><i>authorised person</i> means a person who is—</p> <ul style="list-style-type: none"> <li>(a) a person who holds a current working with children check or working with children card; or</li> <li>(b) in the case of an emergency, medical personnel or emergency service personnel; or</li> </ul>   |
| 174 | <p>Offence to fail to notify certain information to Regulatory Authority</p> <p>(1) An approved provider must notify the Regulatory Authority of the following information in relation to the approved provider or each approved education and care service operated by the approved provider—</p> <ul style="list-style-type: none"> <li>(a) any change relevant to whether the approved provider is a fit and proper person to be involved in the provision of an education and care service;</li> <li>(b) information in respect of any other prescribed matters.</li> </ul> <p>Penalty: \$4000, in the case of an individual.<br/>\$20 000, in any other case.</p> <p>(2) An approved provider must notify the Regulatory Authority of the following information in relation to an approved education and care service operated by the approved provider—</p> <ul style="list-style-type: none"> <li>(a) any serious incident at the approved education and care service;<br/>Sch. s. 174(2)(b) substituted by No. 9/2017 s. 43(1).</li> <li>(b) any complaints alleging— <ul style="list-style-type: none"> <li>(i) that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or</li> </ul> </li> </ul> |

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|  | (ii) that this Law has been contravened;<br>(c) information in respect of any other prescribed matters. |
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**Objective:**

To outline the required steps for appropriately recording and managing the event of a student being declared as missing. These events are seen as serious and will be reported in detail and forwarded to the necessary authorities for investigation.

**Procedure:**

If a student is identified as missing;

- The Nominated supervisor should be notified.
- The Nominated supervisor should organize the available staff/ security personnel to search the immediate area for a set length of time (eg. 10 mins). Identified hazardous areas should be included in this search.
- The remaining students should be supervised.
- The Nominated supervisor should then meet with staff to develop a further plan of action. The following should be evaluated:
  - conditions of terrain /area;
  - weather conditions;
  - physical and emotional conditions; and
  - experiences of the adults.
- The plan of action should incorporate:
  - time limit for search (eg. 30 mins);
  - communication between searchers and coordinator; and
  - outer limits of area to be searched.
- Accurate information should be obtained in writing on the confirmed movements of those missing before their disappearance, with a clear description of their clothing and footwear, and details of food, water and equipment carried if any.
- If this search is to no avail, the police should be contacted. Control of the search will then be administered by the police.
- The Emergency Management Team should be notified of the situation. (Refer emergency contact numbers below).
- It is critical that all instances are reported using Service incident forms including the length of time the students was unaccounted for even if resolved.
- Reports of the situation should be written as soon as possible, even if the matter was resolved and the student found. All necessary reporting is to be forwarded to the Regulatory authorities as per the regulations.

**Emergency Site Contacts:**

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| College Office:            | 3897 2990           |
| OSHC Nominated Supervisor: | 0429 126 319        |
| College Security:          | 0408 733 405        |
| Fin Hatch:                 | 0403 553 895        |
| Trent Stackman:            | 0449 872 569        |
| Ralph Caldron              | 0413 342 713 (WHSA) |

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## **REFERENCES:**

- Education and Care Services Act, 2013 (Current as at Aug 2020)
- Work Health and Safety Act, 2011
- Education and Care Services National Law Act 2011, Current as at March 2023
- Education and Care Services National Regulations, Current as at October 2023
- Guide to the National Quality Framework, Revised July 2023
- National Quality Standard, Revised 1 February 2018
- Guide to the National Quality Standard, Revised May 2022

## **See also:**

- Mueller OSHC Notifications Required by the Regulatory Authority Policy & Procedure
- Mueller OSHC Record Keeping Policy & Procedure
- Mueller OSHC Managing Crisis and Critical Events Policy & Procedure