

(Revised September 2025)

Policy Statement:

The Mueller College Outside School Hours Care (OSHC) Service recognises that our duty of care applies to all people who are providing care to a child or young person who is attending our Service. Duty of care is defined as an obligation to take reasonable steps to prevent foreseeable harm and therefore may include processes outlined in our Child Protection and Reporting Policy.

On the rare occasion, children and young people not enrolled into the OSHC Service or attending the OSHC Service may seek assistance from the OSHC educators or management. If for whatever reason, the child seeks assistance from the OSHC Service, the OSHC employees will at all times be required to observe both their duty of care and statutory obligations to the best of their knowledge and capacity.

Background:

The Education and Care National regulations require Service providers to have Policies and procedures that support child safe practice, understanding their obligations and duty to protect children from harm.

Important terms:

Children and young people	Generally, refers to the children and young people present in the care environment.
Educator	Refers to the staff employed by the Service to provide care for children and young people attending.
Parent/guardian	Refers to the primary carer/s of the child or young person attending the Service. In this policy, it also refers to the person who is dropping off or collecting the child or young person.
Family	Refers to the group of people, including the primary carer which engage daily with the child or young person in the home environment.
Duty of care	Refers to the obligation to take reasonable steps to prevent foreseeable harm to children and young people.

Legislation:

National Quality Standard (NQS):

Quality Area 2: Children's Health & Safety
7: Governance and Leadership

2.1	Health	Each child's health and physical activity is supported and promoted.
2.1.2	Health practices and procedures	Effective illness and injury management and hygiene practices are promoted and implemented.
2.2	Safety	Each child is protected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
7.1	Governance	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	Awareness of child protection law (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— (a) the existence and application of the current child protection law; and (b) any obligations that the person may have under that law. Penalty: \$1100. (2) The following persons are specified— (a) a nominated supervisor of the service; (b) a staff member of the service; (c) a volunteer at the service; (d) a student who participates in the service.
123	Educator to child ratios—centre-based services (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— (a) for children from birth to 24 months of age—1 educator to 4 children;

	<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>Examples—</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>Note—</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>emergency, 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>Examples—</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>

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.
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:

This policy is recommended as guidance in making appropriate decisions which are in the best interests of preserving the safety and wellbeing of all. At any point that an educator has concern of a child's safety and wellbeing due to suspicion of abuse or neglect, the Service Child Protection and Reporting Policy must be followed. Failure to take reasonable steps to protect a child or young person, could result in negligent claims and a breach of educator duty of care.

When balancing children in the care environment and other children or young people that may be in the space, it is important educators maintain their commitment to their role and its expectations as educators to the children and young people enrolled at the Service. When this occurs however, educator duty of care may become challenging. Situations that may occur could include:

- The Service is using an area of the school grounds and another child or young person, not enrolled in the Service is also in the space. You ask the child to return to their parent/guardian but they fall and hurt themselves. You cannot see the parent/guardian.
- A child or young person comes to the Service to seek help after not being collected or missing a bus. This child or young person may be a current child or young person who is not booked in the session, a past child or young person or a child or young person on campus that has never used the Service.
- A sibling or a child or young person attending the Service is present during collection or drop off the child or young person. The parent/guardian is outside talking to another parent and they enter the space and start playing without parent/guardian supervision.

Procedure:

Parents/guardians and visitors will:

- Be responsible for their own children when attending the Service.
- Siblings should not enter the play area without constant parent/guardian supervision and it is expected that they would not play at length in the space.
- Once children or young people are signed out by their parent/guardian, they are the responsibility of their parent/guardian and should no longer play in the Service area.
- Adhere to Educators request to move from play spaces dedicated to children and young people attending the Service.

Educators will:

- When using equipment throughout the school OSHC educators must ask students not participating in the Service to vacate areas the Service is using. This is critical if students are unsupervised by a parent/ guardian.
- If a student not enrolled in the Service is, notably injured, educators with first aid training may need to provide assistance. This however, is not to be at the expense of Service ratios and supervision requirements. Wherever possible contact school administration or groundmen to support the injured child.
- Report all concerns of child abuse or neglect as per the Service Child Protection and Reporting Policy. This may include concerns for the children and young people not currently attending the Service.

Lead educators will:

- In addition to the above, observe the following procedure when recording students as attending who are currently enrolled at the Service and who are not booked in:
 - Make reasonable attempts to call parents or authorised persons.
 - Ensure the Service licensed capacity is appropriate.
 - Ensure adherence to ratios and other legislative guidelines.
 - Make every effort to keep the student visible, safe and secure to OSHC educators until speaking with their parent/ guardian.
- If the office is unattended the Lead educator will observe the following procedure when observing their duty of care for students who are not currently enrolled in the OSHC Service:
 - Make reasonable attempts to call parents or authorised persons (including the School Principal or Administration) known to the student.
 - Ensure the student is safe and secure but not participating in the licensed activities of the Service.
 - Call the police for support when a reasonable time has passed without any notification.

Approved provider & Nominated Supervisor will:

- Endeavour to establish a mutually beneficial relationship and with the school to ensure that the duty of care is upheld by all parties involved. To this extent the Service will:
 - Follow OSHC procedure by sending students to the front school office if they are not enrolled in OSHC.
 - Communicate with the office by telephone or in person that the student has been referred to the office for collection by parents/ guardians.
 - Contacting school administration or grounds teams to support when managing children or young people not attending the service.

- Take reasonable steps to ensure that nominated supervisors, educators and staff follow these policies and procedures.
- Share the 'Managing Duty of Care 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 Child Protection and Reporting Policy & Procedure
- Mueller OSHC Supervision Policy & Procedure
- Mueller OSHC Provision of a Child Safe Environment Policy & Procedure

REFERENCES:

- 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
- Child Protection Act 1999 (Current as at 20 September 2025)
- Guide to the National Quality Framework, Revised September 2025
- National Quality Standard, Revised 1 February 2018
- Guide to the National Quality Standard, Revised May 2022
- 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

REVIEW

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"> • Updated references 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	PAST REVIEW DATE	
	<ul style="list-style-type: none"> • Updated references • Addition of review table 	JAN 2025	
	<ul style="list-style-type: none"> • Format update, including definitions • Added guidance • Refer to Child protection policy 	MAY 2025	