

(Reviewed October 2023)

Policy Statement:

As part of a responsible approach to identifying and managing risks, The Mueller College Outside School Hours Care Service will endeavour to have adequate insurance protection at all times. Educators, students, parents and Management committee members will be protected from the financial repercussion of public liability.

National Quality Standard (NQS)

Quality Area **3: Physical Environment**

7: Governance and Leadership

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.
2.2.2	Incident and Emergency Management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.
3.1	Design	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.
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

29	Condition on service approval—insurance A service approval is granted subject to a condition that the approved provider must hold the following insurance in respect of the education and care service— (a) a current policy of insurance providing adequate cover for the education and care service against public liability with a minimum cover of \$10 000 000; or (b) a policy of insurance or an indemnity against public liability provided by the Government of a State or Territory in respect of the education and care service.
103 (1)	Requires all equipment and furniture used in providing the education and care service are safe, clean and in good repair.
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.
180	Evidence of prescribed insurance (1) The approved provider of an education and care service must keep evidence of the current prescribed insurance at the education and care service premises, or in the case of a family day care service, at the principal office of the service, and must make the evidence available for inspection by the Regulatory Authority or an authorised officer under the Law. (2) A family day care educator must keep evidence of the educator’s current public liability insurance at the family day care residence or family day care venue and must make the evidence available for inspection by the Regulatory Authority or an authorised officer under the Law. (3) Subregulation (1) does not apply if the prescribed insurance for the education and care service is a policy of insurance or an indemnity provided by the Government of a State or Territory.

Education and Care Services National Law

167	Offence relating to protection of children from harm and hazards (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. Penalty: \$10 000, in the case of an individual. \$50 000, in any other case. (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. Penalty: \$10 000.
301 (3f)	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;
51 (4)	A service approval is granted subject to a condition that the approved provider must hold the prescribed insurance in respect of the education and care service.

Objective:

To ensure that the Service, at all times, complies with the necessary insurance to appropriately manage risk and support accident or injury should it occur.

Procedure:

- Responsibility rests with the Management Committee to take out and keep current adequate public liability, building and contents and other insurances.
- All insurance will be purchased through a reputable broker or agent.
- The Management Committee will request the Nominated supervisor each year to gather such information as necessary to enable the Management Committee to make an informed assessment and make decisions on the insurance needs of the Service.
- The Management Committee is responsible to ensure that the Service has adequate Worker's Compensation Insurance for all educators including volunteers.
- The Nominated supervisor in conjunction with the Accountant will provide the Insurer with relevant details of activities and excursions undertaken.

Claims:

- In the event of a claim being made the Nominated supervisor will notify the Management Committee immediately.
- If directed by the Management Committee, the Nominated supervisor will notify the Insurance Company, ensure that the Service follows all directions of the Insurance Company and in the case of material or significant claims, seek legal advice for the Service.

REFERENCES:

- 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
- Associations Incorporation Act, 1981 (Current as at May 2017) or Corporations Act, 2001
- Australian Standard on Risk Management - AS/NZ:4360
- Australian Standard on Compliance - AS/NZ:3806

See Also:

- Mueller OSHC Risk Management Policy & Procedure
- Mueller OSHC Workplace Health & Safety Policy & Procedure