

Education and Care Services National Regulations	
Regulation	Description
99	Children leaving the education and care service premises
86	Notification to parents of incident, injury, trauma and illness
87	Incident, Injury, trauma and illness record
168 (f)	Policies required relating to delivery of children to, and collection from, education and care premises.
National Quality Standards for Children's Education and Care Services	
Quality Area QA 2	Description Children's Health and Safety
2.3	Each child is protected
2.3.1	Children are adequately supervised at all times
2.3.2	Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.

## Related Policies and Procedures

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CE Family Law Policy  
CE Legal Responsibility and Authority Policy  
CE ELC Mandatory Reporting

## Purpose

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This policy outlines the legal requirements and responsibilities for ELC educators regarding allowing a student to leave the centre. All ELC educators are required to be aware of both their duty of care obligations, as well as how to correctly identify whether an individual has the authority to collect students at the end of the day, if the student is unwell, or in emergency situations.

## Definitions

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### Duty of Care

a legal obligation which is imposed on an individual requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others. It is the first element that must be established to proceed with an action in negligence. Whenever an educator-student relationship exists and the individual is in the educator's care, there is an automatic duty of care.

### Court Order

an order issued by the court requiring an individual to do or refrain from doing something. If an individual or organisation is mentioned in a court order they are obliged to comply with the orders, and must not impede another from performing their obligations.

### **Domestic Violence Order (DVO)**

are granted in cases where there is sufficient evidence to suggest that an individual has been the victim of domestic violence. The courts may order an individual to refrain from contacting an individual (or individuals), stipulate locations that the respondent must not approach, or set a distance between two individuals which must be maintained at all times.

### **Interim Personal Protection Order (IPPO)**

as DVOs are the result of an official court hearing, and as such may take weeks or months to come into effect, in extreme situations IPPOs can be implemented in the interim when there is an immediate recognised danger to the applicant. IPPOs carry the same legal weight as DVOs, and individuals are legally required to comply with them.

## **Signing In and Out Procedure**

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As Students are delivered to the centre, their parent or carer is required to sign the signing in and out sheet. In the event that a parent or carer is unable to sign the student in, the certified supervisor may do this upon consultation.

As individuals arrive to collect their child from the centre, they are required to sign the signing in and out sheet to indicate the time that they collected their child. At this time, educators are required to inform parents/carers of any incidents, injuries or illnesses that have occurred, ask parents/carers to sign the Student Incident, Injury, Trauma and Illness Record if applicable, and inform them of other important details.

Students may not be collected by any individual unless:

- i) they are a parent/carer of the student
- ii) they are an authorised nominee named in the student's enrolment record, or
- iii) they have been approved by a parent as an authorised nominee
- iv) they are an individual for whom a parent (or other authorised nominee) has provided written permission to the centre authorising for them to collect the student.

In the event that a parent or carer requests for an individual under the age of 16 to collect a student, it should be at the discretion of the centre whether this person is deemed suitably responsible to collect the child. All student absences must be recorded according to the School's absence policy.

## **Obligations Arising from Court Orders**

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In cases where a student's parents have separated, divorced, or there is an existing custody dispute with additional parties, ELCs may be provided with court orders relating to custody or parenting arrangements. Parents have a responsibility to provide the ELC with copies of any existing court order which may impact the relationship between the school and centre. If the ELC has not viewed or been provided with a copy of a court order, there is an assumption that both parents have equal parental rights and responsibilities. ELCs are required to comply with these orders at all times. In the event that an issue arises which contravenes the order, the Principal should be contacted immediately. In instances of separation or divorce, unless otherwise stipulated within court orders, both parents should be provided with copies of all reports, permission notes and newsletters; and both parties should be

invited to attend school functions and parent teacher meetings.

ELCs may also receive DVOs or IPPOs which refer to students. In the event that a DVO or IPPO is received, ELCs are required to take all possible measures to ensure that conditions are observed. DVOs and IPPOs should be treated with priority, and supersede any other existing court or parental orders. If a student is mentioned in the DVO or IPPO, parents, carers and emergency contacts who are restrained by a DVO or IPPO should not be allowed access to the student in question under any circumstances.

All Court Orders, Parental orders, IPPOs and DVOs should be stored securely by the school, in accordance with the privacy requirements for sensitive information. If an ELC staff member has any concerns regarding a court order, IPPO or DVO, they should contact the Child Protection and Legal Services Officer in Human Resource Services immediately.

### Reporting Requirements

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In the event that a court order is contravened, parents should be informed immediately. If the breach poses an imminent threat to the student or another party, the police should be contacted immediately. ELC staff should also complete and submit a CE School Incident Recording, Notification and Management form.

### References

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*Family Law Act 1975 (Cth)*

### Forms

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CE ELC Student Incident, Injury, Trauma and Illness Record.

Approved by:	Service Area Leadership Team
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