

Delivery and collection of children

Practice Note 15 | March 2011

Updated August 2013

A fundamental requirement of the *Children's Services Act 1996* (Victorian Act) for operation of a children's service is to ensure that every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury (section 26). Proprietors of children's services and staff members are responsible for the children while they are in their care – from the time that the children are signed into the children's service until they are signed out of the children's service.

Times of the day when children are delivered to and collected from licensed children's services can be challenging for staff members, particularly in services where there are a large number of children coming and going at the same time. Staff members must carefully monitor the arrival and departure of children at these times.

Arrival and departure times provide an ideal opportunity for services to build relationships with families. At these times staff members often take the opportunity to communicate with families about the child's progress and development and to hear from families about their child.

This practice note has been developed to assist licensed children's services to understand their obligations regarding the delivery and collection of children.

Signing in and out

An attendance record must be kept by the service with details as specified in the *Children's Services Regulations 2009* (Victorian Regulations), regulation 29. These include:

- the full name of the child
- the time the child arrives and departs.

The attendance record must be signed by the person who delivers and/or collects the child from the service.

If the person delivering or collecting the child does not sign the attendance record, a staff member may sign in their place (regulation 29(2)).

The attendance record provides confirmation that a child has been left in the care of the service, is being cared for or educated by the service, or has been collected from the service.

An accurate record of child attendance is critical to ensure that there is a record of the children being cared for or educated by the service and that the correct child/staff ratios are being met by the service. It is important for staff members to regularly check the number of children recorded in the attendance record to ensure that it is an accurate record at all times.

Staff members must be aware that a duty of care exists at all times the child is in the care of the service. The duty of care also exists when the child is given into the care of the service and released from the service into the care of another person.

Who can collect a child from a children's service?

A child's enrolment record must identify who is authorised to collect the child from the children's service. A children's service may only give a child into the care of a person who is (regulation 72(1)(a)):

- a parent of the child
- a guardian of the child
- a person who has lawful authority to collect the child; or
- a person who is authorised by the child's parent, guardian or person who has lawful authority to collect the child.

Lawful authority means a power, duty, responsibility or authority conferred in relation to a child at common law or under an Act (including an Act of the Commonwealth) or by an order of a court.

A duty of care exists at all times that the child is in the care of the children's service. Staff members must be diligent in ensuring that they are familiar with the nominated people on individual children's enrolment forms who are authorised to collect children.

If staff members are not able to identify the adult presenting to collect the child it would be reasonable to ask for photo identification or to confirm with parents or guardians who is collecting the child.

Staff members should not rely solely on the child identifying the adult who is there to collect them.

School children leaving the service

The Victorian Regulations allow for a school child to leave the service unaccompanied when there is a written authorisation from the child's parent or guardian for the child to do so (regulation 72(2)). Such authorisation may be to occasionally leave the service for a period, for example to attend sport or a music lesson at the school or nearby, or to go home. When the child leaves the service for a short time he/she must be signed out of the service when they leave and signed back into the service when they return. In addition, it should be made clear to parents that the service is not responsible for the child until the child is signed back into the service.

Siblings or others collecting children

A parent or guardian can provide written authorisation for their child to be collected by a sibling or another child from the service. The service should assess the situation and make a decision if they will allow this or not.

A service is not compelled to agree to a child leaving the service unaccompanied or with another child and may have a policy requiring an authorised adult to collect the child. If this is the case, the policy must be clearly communicated to the parents so that they understand the reasons behind it and the service's responsibilities.

Policies and procedures in children's services

A children's service must have documented procedures for the delivery and collection of children that are clearly understood by parents or guardians and all staff members, including relief staff (regulation 41(f)). To cover instances when a child has not been collected and remains in the service after closing time,

or when persons authorised on the enrolment form cannot collect the child, there must be clearly documented procedures outlining the actions that staff members should take.

Issues that may need to be considered in the policies and procedures include:

- the length of time a children's service will try to contact a parent or guardian who has not collected a child at the end of the day
- who will be contacted to arrange collection after the service has been unable to contact the parent or guardian
- what a service will do if a parent or guardian fails to collect the child and the service is unable to reach the authorised person or persons. These persons are listed in the child enrolment record as persons to be notified of any accident, injury, trauma or illness involving the child and who are authorised to collect the child from the service
- the designated after hours contact for the service authorised to make decisions about the above.

Removal of children from the service

In all instances where children are to be removed from a children's service, whether this is on an organised excursion or a regular outing, staff members must ensure that each child's parent or guardian has provided a written authorisation (regulations 72 and 73). A single authorisation may be provided for any routine outings.

Emergency situations

Regulations pertaining to the collection and removal of children from the service do not apply if the child requires medical attention, needs to be hospitalised, ambulance care is required, or in any other emergency situation (regulation 75).

Concerns for the safety, health and wellbeing of children

If staff members are concerned for the safety of a child or do not consider that a person is in a fit state to take responsibility for a child, they should exercise their duty of care by not allowing the child to be removed from the service by that person.

Situations when this may occur include:

- when a parent or other person who is authorised to collect the child seems to be ill or affected by drugs or alcohol and does not appear to be able to safely care for the child
- when a young person who is authorised to collect the child, for example a sibling, does not seem sufficiently mature to safely care for the child.

It is not always possible to prevent a person from collecting a child. If this is the case, the staff member should inform the proprietor of the children's service. Advice may be sought from an authorised officer at the relevant regional office of the Department if necessary.

The service should have policies and procedures for this type of situation for staff members to follow.

If at any time a staff member has concerns for the health and welfare of a child or concerns that the child is at risk of harm, a referral to Child First or the Department of Human Services (Children, Youth and Families) should be made. Services must make sure that all staff members are familiar with the child protection protocol *Protecting the safety and wellbeing of children and young people* which defines the respective roles and responsibilities of the Department of Human Services, the Department of Education and Training and staff members in licensed children's services and Victorian schools.

Contact details for regional offices are available at: www.education.vic.gov.au/Documents/childhood/providers/regulation/qardregionoffice.pdf.

Protecting the safety and wellbeing of children and young people may be found at: www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx.

Child First:

www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/family-and-parenting-support/how-to-make-a-referral-to-child-first

Department of Human Services (Children, Youth and Families):

www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families

Further information

The Department of Education and Training is the Regulatory Authority in Victoria.

Phone: 1300 307 415

Email: licensed.childrens.services@edumail.vic.gov.au

www.education.vic.gov.au/childhood/providers/regulation