

# Serious incidents

Practice Note | July 2011

Last updated May 2015

**The information in this practice note applies to all licensed children's services.**

The proprietor of a licensed children's service **must notify** the Department of Education and Training (the Department) if a **serious incident** occurs in relation to a child being care for or educated by that service (section 29C of the *Children's Services Act 1996* (Act)).

## What is a 'serious incident'?

Section 29C of the Act defines a **serious incident** as:

- the death of a child while being cared for or educated by the service; or
- any incident involving injury or trauma to a child while being cared for or educated by the service requiring the attention of a registered medical practitioner or admission to a hospital; or
- a child appears to be missing or otherwise cannot be accounted for, or appears to have been taken or removed from the service contrary to the regulations; or
- any incident requiring attendance by an emergency service.

If the proprietor is in doubt as to whether a serious incident has occurred, immediate advice should be sought from an authorised officer in the relevant regional office of the Department. Contact details for regional offices are available in the fact sheet *Quality assessment and regulation – regional offices* available at:

[www.education.vic.gov.au/childhood/providers/regulation/Pages/vcspracnotes.aspx](http://www.education.vic.gov.au/childhood/providers/regulation/Pages/vcspracnotes.aspx)

## Notifying the Department about a serious incident

The proprietor of a children's service (licensee, responsible person, primary nominee or any person who manages and controls the service) **must meet** the notification **obligations** prescribed in regulation 90 of the *Children's Services Regulations 2009* (Regulations).

The proprietor **must** notify an authorised officer at the relevant regional office of the Department: The relevant regional office must be notified within 24 hours of the incident, followed by written notification as soon as practicable (regulation 90(1)).

### 1. By telephone within 24 hours of the incident

If there is difficulty contacting an authorised officer by telephone a detailed message should be left on their voicemail stating that this is a notification of a serious incident. Brief details of the incident including the date and time, the name and licence number of the service, a contact number and your name should be provided. This is **sufficient to meet this obligation**.

The Department **would not consider** that the proprietor has met this obligation if the only details left include the proprietor's name, service name and/or number only.

### 2. In writing as soon as practicable

To assist in making the written notification, the Department has developed a *Serious incident notification form* that is available at: [www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx](http://www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx)

It is recommended that this form be used as it provides a guide to the information the Department requires regarding the serious incident including (but not limited to):

- the type of serious incident
- the details of the incident including the child(ren) involved in the incident and any harm experienced by those child(ren)
- immediate actions taken by the service such as calling emergency services or taking the child to a medical practitioner
- the details of staff members who observed, or were involved in, the incident
- any products structures or equipment involved
- any subsequent changes made by the service as a result of the incident.

The Department would not consider this obligation met if the information is provided more than five working days after the serious incident.

## What if I can't meet these obligations?

**The proprietor must meet these obligations. Failure to do so is a serious non-compliance of the Victorian Act and carries a heavy penalty (section 29C of the Victorian Act).**

## Investigation of Serious Incidents

The Department investigates serious incidents that are of a regulatory nature. The type of investigation depends on the level of risk, or potential risk, of hazard or harm to the child(ren) and the actions taken by the service in response to the incident.

The investigation may include an inspection of the service, evidence collection, taking statements from relevant person(s) and/or interviewing persons of interest.

The Department may also contact the child's parent(s) or guardian(s) to inform them of the Department's role during the investigation. This gives parent(s) or guardian(s) the opportunity to provide any information they may have regarding the incident or any concerns about the service.

## Further information

Further information and advice may be sought from an authorised officer in the relevant regional office of the Department.

Contact details for regional offices are available in the fact sheet *Quality assessment and regulation – regional offices* available at:

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For further enquiries please contact the **Quality Assessment and Regulation Division**

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