



Australian Children's
Education & Care
Quality Authority

KEY CHANGES TO NOTIFICATIONS, INCIDENTS AND COMPLAINTS

FROM 1 OCT 2017*

*In all states and territories except Western Australia which will commence by 1 Oct 2018

The Australian, state and territory education Ministers have agreed to changes to the National Quality Framework (NQF).

This information sheet explains some of the changes and continuing requirements around notifications, incidents and complaints for approved providers, services and family day care educators.

WHEN DO THE CHANGES START?

Most changes will commence 1 October 2017 in all states and territories (except Western Australia which will commence by 1 October 2018).

The revised National Quality Standard (NQS) and some related changes will commence 1 February 2018.

WHERE CAN I GET FURTHER INFORMATION?

Visit acecqa.gov.au/nqf-changes

Visit your regulatory authority website acecqa.gov.au/contact-your-regulatory-authority

FOR ALL APPROVED PROVIDERS

NOTIFICATIONS

Approved providers have existing obligations to notify the regulatory authority and should continue to submit notifications online using the National Quality Agenda IT System or by contacting the regulatory authority. Related requirements to have and follow policies and procedures continue, as well as requirements for record keeping.

However, several changes will apply to notifications to regulatory authorities for approved providers of centre-based and family day care services.

Nominated supervisors

From 1 October approved providers are responsible for assessing if a person is suitable to be a nominated supervisor and/or in day-to-day charge.

The regulatory authority must be notified if:

- you wish to add one or more nominated supervisors to the service (including the person's written consent) or
- a nominated supervisor changes, or
- a nominated supervisor name or contact details change.

Current nominated supervisors and persons in day to day charge, who have previously consented to the role and been notified to the regulatory authority, do not need to provide consent again, come 1 October 2017.

Change to incident and allegation notification

As an approved provider you must notify the regulatory authority of certain incidents and allegations while a child or children are being educated and cared for by the service.

From 1 October this must include:

- any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service
- any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.

Visit the ACECQA website for more information on child protection related reporting requirements acecqa.gov.au/nqf-changes/information-sheets-and-resources.

COMPLAINTS

Complaint notification

From 1 October you are required to notify the regulatory authority of a complaint that alleges:

- a serious incident has occurred or is occurring while a child is being educated and cared for by a service
- the National Law and/or National Regulations have been contravened.

SERIOUS INCIDENTS

Serious incident and emergency

Changes have been made to the definitions of 'serious incident' and 'emergency' for notification purposes to regulatory authorities.

The notification of a serious incident to a regulatory authority is needed where emergency services attended an education and care service in response to an emergency, rather than as a precaution or for any other reason.

An emergency is defined as an incident, situation or event where there is an imminent or severe risk to the health, safety and wellbeing of any person present at a service.

There is a summary of all notifications and timeframes on the ACECQA website:

acecqa.gov.au/nqf-changes/information-sheets-and-resources

Notify the regulatory authority through the NQA IT System

From 1 October 2017, complaints, incidents and serious incidents must be notified to the regulatory authority through the National Quality Agenda IT System (NQA IT System). Log in to access the portal where you can select the incident or complaint type and enter the required information.

Paper-based forms including SI01 and NL01 have been removed. If you are unable to access the NQA IT System for events that require notification under the National Law within a 24 hour period, please contact your regulatory authority.

EXAMPLES OF SERIOUS INCIDENTS TO NOTIFY

A serious incident can include:

- the death of a child while that child is being educated and cared for at the service or following an incident while that child was being cared for by the service
- a serious injury or trauma while the child is being educated and cared for, which:
 - required urgent medical attention from a registered medical practitioner; or
 - the child attended or should have attended a hospital (e.g. a broken limb)*
- any incident involving serious illness at the service, where the child attended, or should have attended a hospital (e.g. severe asthma attack, seizure or anaphylaxis)*
- any circumstance where a child appears to be missing or cannot be accounted for
- any circumstance where a child appears to have been taken or removed from the service premises by someone not authorised to do this
- any circumstance where a child is mistakenly locked in or locked out of the service premises or any part of the premises
- any emergency for which emergency services attended. NOTE: It does not mean an incident where emergency services attended as a precaution.

***NOTE: In some rural or remote locations a General Practitioner conducts consultations from a hospital site. Only treatment related to serious injury, trauma or illness is required to be notified.**

A serious injury, illness or trauma includes:

- Amputation
- Anaphylactic reaction requiring hospitalisation
- Asthma requiring hospitalisation
- Broken bone/Fractures
- Bronchiolitis
- Burns
- Diarrhoea requiring hospitalisation
- Epileptic seizures
- Head injuries
- Measles
- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

FOR FAMILY DAY CARE

NOTIFICATIONS

Changes have also been made to notifications for family day care providers and family day care educators.

Principal office

As a family day care provider, you must notify the regulatory authority of a change of location of your service's principal office at least 14 days in advance.

Proof of address

You are required to provide proof of the principal office address in your service approval application. This includes providing documentary evidence that the applicant has the right to occupy and use the premises as a principal office, for example a lease.

Notifications to approved providers

Family day care educators must notify their approved provider of any renovations or other changes to the residence or approved venue that create a serious risk to the health, safety and wellbeing of children attending or likely to attend.

Educators are required to notify approved providers of:

- a serious incident
- any complaint alleging a serious incident has occurred or is occurring at the service
- any complaint alleging the National Law or National Regulations have been contravened
- any new person aged 18 and over residing at the residence
- any circumstance that may affect whether a person residing at the residence continues to be fit and proper to be in the company of children
- any renovations or other changes to the family day care residence or venue that create a serious risk to the health, safety and wellbeing of children attending or likely to attend.

There are no legislated timeframes for educators to notify approved providers, however approved providers must comply with timeframes to notify their regulatory authority. There is a summary of all notifications and timeframes on the ACECQA website:

acecqa.gov.au/nqf-changes/information-sheets-and-resources

Acknowledgment

The information in this publication is accurate pending the Australian, state and territory education Ministers' agreement to amended regulations.