

Early Years Services - QA2.28 Safe Transportation of Children and Road Safety

TRIM Reference: D18/125865 Due for Review: 31 January 2025
Responsible Officer: Coordinator Early Years

Purpose

This policy outlines Surf Coast Shire Council's commitment to provide evidence-based guidelines and procedures to ensure that all children attending Surf Coast Shire Early Years Services are:

- safe while travelling as passengers in a vehicle
- safe as pedestrians and cyclists
- adequately supervised at all times when being transported, including on excursions and regular outings
- participating in road safety education to assist them in being and becoming safe and responsible road users.

Policy Principles

Evidence of link to National Quality Standards: 3.2.1, 4.1

Evidence of link to Education and Care Services National Regulations: 101, 102, 107

Scope

Applies to all Early Years staff, students on placement, volunteers, parents/guardians, children and others attending Surf Coast Shire Early Years Services, including during transportation, excursions and regular outings.

Policy

Surf Coast Shire's Early Years Services are committed to the Guiding Principles of the National Quality Framework, and to:

- The rights of children to travel safely as road/ footpath users inclusive as passengers, pedestrians and bike riders.
- The rights of children to be active citizens in the community.
- The role of parents/guardians and families as children's first and most influential teachers.
- An evidence-based approach in the provision of road safety education and practice.

National Law and Regulations

Under the Education and Care Services National Law Act 2010 (Section 167), early childhood services are required to protect children from harm and hazards likely to cause injury.

Approved providers are responsible under the National Law and regulations for the safety, health and wellbeing of all children at all times that children are booked into the education and care of the service/s.

Transportation forms part of an education and care service if the service remains responsible for children during that period. The responsibility for, and duty of care owed to, children applies in scenarios where education and care services are transporting children, or have arranged for the transportation of children, between an education and care service premises and another location, for example their home, school, or a place of excursion.

The Approved provider is not responsible for transportation of a child outside of their documented booked hours.

Examples of transport not forming part of an education and care service include:

- Private transport provided by families and carers (i.e. carers not engaged by/registered with an education and care service)
- Transport provided and/or arranged by an entity other than the education and care approved provider, for example a school bus, and the children are not under the care of the approved provider

Transport where the education and care approved provider is providing the transport service in a capacity other than as the education and care approved provider – e.g.

- a government department that provides an education and care service, provides school education, and provides a school bus to school students, on which the children who attend the education and care service also travel for practical reasons (such as in a remote or rural location)
- when a disability service picks up children and transports them to school or to an activity.

Approved Providers are responsible for:

- Ensuring a notification is made to the regulatory authority if regular transportation starts or ceases being provided or arranged by the service (regulation 175(2)(f) and 175(2)(g))
- Ensuring a nominated supervisor or staff member (other than the driver) is present as children embark and disembark a vehicle at the education and care service premises during regular transportation (regulations 102E and 102F)
- Ensuring the nominated supervisor or staff member (other than the driver) who is present must account for each child and conduct a check of the interior of the vehicle to confirm no children remain on the vehicle (regulation 102F)
- Ensuring records that include specific details about children embarking and disembarking and the check of the vehicle (regulations 102E and 102F) are made immediately and kept for a period of 3 years after the last date on which the child was educated and cared for by the service (regulations 177 and 183)

Mandatory Notifications Include:

It is mandatory to notify the regulatory authority that your service provides or arranges regular transportation. The notification is to be lodged through the NQA IT System.

- The approved provider must notify the regulatory authority in a service approval application, or if the service is already approved, within seven (7) days of regular transportation being provided or arranged by the service.
- The approved provider must notify the regulatory authority within seven (7) days if the service starts or stops providing or arranging regular transportation.

All Surf Coast Shire Early Years Staff/Educators are responsible for:

- ensuring that educators/staff only allow a child to participate in an excursion with the written authorisation of a parent/guardian or authorised nominee including details required under Regulation 102(4). If the excursion is a regular outing, the authorisation is required to be obtained once every 12 months and kept with the child's enrolment record (refer to *Excursions and Service Events Policy*).
- ensuring that a written risk assessment is undertaken prior to conducting excursions, including details of the safest route for travel and safety aspects for the chosen mode of transport e.g. motor vehicle, bus, train, tram and pedestrian..
- Ensuring that the *Bus Transportation – Safety Checklist - Transportation Record Form (D23/82013)* is completed and saved accordingly when using a BUS.
- Ensuring that educators/staff have an up to date attendance list to account for children embarking and disembarking a bus.
- ensuring that all children are adequately supervised at all times, including while on excursions and regular outings.
- ensuring that road safety education, based on the *National Practices for Early Childhood Road Safety Education* is provided to children.
- ensuring that educators and staff have access to regular information in road safety and are kept up to date with current legislation, regulations, rules, standards and best practice information.

- ensuring that bicycle helmets are available, in good condition and meet Australian/New Zealand Standard 2063 where bicycles or wheeled toys are used.
- ensuring that parents/guardians and visitors to the service are provided with location-specific road safety information (e.g. details about where to park safely when delivering and collecting children and local area speed limits etc.)
- ensuring that parents/guardians are provided with general road safety information about transporting children to and from the service
- ensuring that educators follow the service's procedures and exercise duty of care if a child is observed to be at risk while being transported to or from the service
- ensuring that appropriate procedures are followed in the event of a vehicle crash or transport-related injury involving any children, staff or volunteers from the service (refer to Incident, Injury, Trauma and Illness Policy).
- ensuring parents/guardians have access to this policy
- Vehicle Safety Check: Ensuring that vehicles used in the transportation of children have correct restraints installed.
- Ensuring that buses hired for use on excursions have seatbelts fitted, and are correctly used by all children, staff and volunteers for the entire trip.

Risk Assessments for Transportation of children (including Excursions involving transportation of children)

Risk Assessments must identify and assess potential risks that the transportation of a child may pose to the safety, health or wellbeing of the child, and specify how the identified risks will be managed and minimised. Risks are evaluated on each occasion children are transported, unless the transportation is a '**regular transportation**'.

If the transport is 'regular transportation', a risk assessment is required every 12 months.

Mandatory risk assessment must include:

- The proposed route and duration of the transportation
- The proposed pick-up location and destination
- The means of transport
- Any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported
- Any water hazards
- The number of adults and children involved in the transportation
- Given the risks posed by transportation, the number of educators or other responsible adults that is appropriate to provide supervision and whether any adults with specialised skills are required
- Whether any items should be readily available during transportation (for example, a mobile phone and list of emergency contact numbers for the children being transported)
- The process for entering and exiting the education and care service premises and the pick-up location or destination (as required)
- Procedures for embarking and disembarking the means of transport, including how each child is to be accounted for on embarking and disembarking.

Authorisations for Transportation

Authorisation for a child to be transported must be given by a parent or other person named in the child's enrolment record as having authority to authorise transportation of a child. The authorisation must state the information listed below:

If the transportation is 'regular transportation', the authorisation is only required to be obtained once in a 12-month period.

Information that must be included in an authorisation:

- The child's name
- The reason the child is to be transported
- If the authorisation is for regular transportation, a description of when the child is to be transported
- If the authorisation is not for regular transportation, the date the child is to be transported
- A description of the proposed pick up location and destination
- The means of transport

- The period of time during which the child is to be transported
- The anticipated number of children likely to be transported
- The anticipated number of staff members and any other adults who will accompany and supervise the children during the transportation
- Any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported
- That a risk assessment has been prepared and is available at the education and care service
- That written policies and procedures for transporting are available at the education and care service

Road Safety Act

According to the *Road Safety Act 1986*, by law, drivers are responsible for the safety of all passengers and ensuring that all passengers comply with the law, for example, wearing seat belts and keeping limbs within the car.

Definitions

The terms defined in this section relate specifically to this policy.

Excursion: An outing organised by an education and care service or family day care (FDC) educator, but does not include an outing organised by an education and care service provided on a school site if:

- (a) the child or children leave the education and care service premises in the company of an educator; and
- (b) the child or children do not leave the school site.

Regular Outing: In relation to an education and care service, means a walk, drive or trip to and from a destination:

- (a) that the service visits regularly as part of its educational program; and
- (b) where the circumstances relevant to the risk assessment are the same on each outing

Regular transportation: in relation to an education and care service, means the transportation by the service or arranged by the service (other than as part of an excursion) of a child being educated and cared for by the service, where the circumstances relevant to a risk assessment are *substantially* the same for each occasion on which the child is transported. [An example of a change in circumstances that are *substantially* different might be when the means of transport or the transportation route or destination(s) have altered or the provider of the transportation service has changed.

Adequate supervision: Supervision entails all children (individuals and groups) in all areas of the service, being in sight and/or hearing of an educator at all times.

Services are required to comply with the legislative requirements for educator-to-child ratios at all times. Supervision contributes to protecting children from hazards that may emerge in play, including hazards created by the equipment used.

Adequate supervision refers to constant, active and diligent supervision of every child at the service.

Adequate supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include:

- number, age and abilities of children
- number and positioning of educators
- current activity of each child
- areas in which the children are engaged in an activity (visibility and accessibility)
- developmental profile of each child and of the group of children
- experience, knowledge and skill of each educator
- need for educators to move between areas (effective communication strategies).

Attendance record: Kept by the service to record details of each child attending the service including name, date and time of arrival and departure, signature of person delivering and collecting the child or of the Nominated Supervisor or educator (Regulation 158(1)).

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

Informed consent: (In relation to this policy) a written agreement to do something or to allow something to happen, only after all the relevant facts, including the alternatives and the possible consequences of the action/s, are known.

Risk assessment for transporting of children: A risk assessment must be carried out in accordance with Regulation 101, 102. ACECQA provides a sample *Excursion Risk Management Plan*. Details of the safest route for travel, type of vehicle and required restraints can be included under *Method of transport, including proposed route*. The plan can be downloaded at:

<http://www.acecqa.gov.au/library>

Authorisation for service to transport children – regulation 102

Wheeled toy: A child's pedal car, skateboard, scooter (other than a motorised scooter) or tricycle or a similar toy, but only when it is being used by a child who is under 12 years old

Related Procedure

Nil.

References

Related Surf Coast Shire Council and Early Years Services Policies

D15/42541	Acceptance and Refusal of Authorisations Policy
D15/35312	Child Safe Environment Policy
D14/94973	Delivery and Collection of Children Policy
D14/70705	Excursions Policy
D14/105413	Incident, Injury, Trauma and Illness Policy
D15/16286	Access & Inclusion Policy
D15/38696	Occupational Health and Safety Policy
D15/33004	Supervision of Children Policy

Related Surf Coast Shire Council and Early Years Services Work Instructions and Forms

D19/24712	Kindergarten Excursion Authority Form
D17/23578	Kindergarten Regular Outing Authority Form
D21/221509	Bush Kinder Regular Outing Form
D14/87971	WHS2.2 Early Years Risk Assessment Management Plan
D19/65026	Road Safety and Safe Transport – where a child is observed to be at risk while being transported to or from the premises work instructions
D23/82013	Bus Transportation – Safety Checklist - Transportation Record Form

Other References

Early Learning Association Australia: www.elaa.org.au
Road Safety Education Victoria: www.roadsafetyeducation.vic.gov.au
VicRoads: www.vicroads.vic.gov.au

Legislation and standards

Relevant legislation and standards include but are not limited to:

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Child Wellbeing and Safety Act 2005 (Vic) – Part 2: Principles for Children

Children Youth and Families Act 2005 (Vic)

Education and Care Services National Law Act 2010: Section 167

Road Safety Act 1986

AS/NZS 1754 Australian/New Zealand Standard: Child restraint systems for use in motor vehicles

AS/NZS 4370 Australian/New Zealand Standard: Restraint of children with disabilities, or medical conditions, in motor vehicles

AS/NZS 8005 Australian/New Zealand Standard: Accessories for child restraints for use in motor vehicles

AS/NZS 2063 Australian/New Zealand Standard: Bicycle helmets

National Quality Standard

- Quality Area 2: Children’s Health and Safety
 - Quality Area 6: Collaborative Partnerships with Families and Communities
- Notices

Competition and Consumer Act 2010 – Consumer Protection Notice – Safety standard: Child restraint systems for use in motor vehicles

Victorian Government Gazette, Approval of Child Restraints, Booster Seats and Child Safety Harnesses

Regulations

Education and Care Services National Regulations 2011: Regulations 4, 99, 100, 101, 102, 159, 160, 161, 165, 167, 168

Road Safety (Drivers) Regulations 2009

Road Safety (General) Regulations 2009

Road Safety (Vehicles) Regulations 2009

Rules

Road Safety Road Rules 2009 (Vic)

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au>

Commonwealth Legislation – ComLaw: <http://comlaw.gov.au>

Document History

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1	Approved	Manager Community Strengthening – 24 May 2019
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