

7.5 Duty of Care, Supervision and Risk Management Policy

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Reviewed by: Child Care Team

This policy relates to	
Family Day Care/Venue Care/In Home Child Care	
National Quality Standards Early Childhood Education & Care	2.2 Each child is protected 2.2.1 Supervision- at all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard 3.1.1 Fit for purpose

Purpose

Educators need to maintain their duty of care at all times when caring for children and follow sound risk management practices as part of their daily routine.

Policy

Duty of Care is a legal responsibility to care for the safety and well-being of the other party. It is required that an educator, whether at home or elsewhere, will always fulfil their ‘duty of care’ and ensure the ongoing safety and wellbeing of each child. Educators need to actively supervise children at all times. Supervision is critical to the safety of children.

Active supervision allows an educator to quickly respond to potential risks to children including when a child is distressed or in a hazardous situation. Active supervision also requires educators to be actively involved with children. Every child should always be monitored actively and diligently. The educator needs to know where each child is at all times. The level of supervision should be determined by a range of factors, including:

- Number, ages and abilities of children;
- Each child’s current activity;
- Areas where children are playing, in particular the visibility and accessibility of these areas;
- Potential risks in the environment and experiences provided to children;
- The educator’s knowledge of each child.

Active Supervision

Educators effectively supervise children by positioning themselves to actively and effectively monitor the environment. Educators should ensure that they do not carry out actions that draw their attention away from active supervision. If educators are required to move away from actively supervising children, they should make sure they are replaced by an approved educator assistant. Children often challenge their own abilities but are not always able to recognise the potential risks involved. While thoughtful playground and building design can prevent or reduce the severity of injuries, active supervision enables educators to prevent injuries from occurring.

Active supervision can ensure that children's play is enjoyable and their learning opportunities are promoted. Through careful observation, educators can identify opportunities for supporting and building on children's play experiences and identify and respect when children wish to play independent of adult involvement or in individual spaces.

Active supervision is achieved through careful positioning of educators to allow them to observe the maximum area possible. By moving around the areas, educators can ensure the best view possible and that they are always facing the children. Scanning or regularly looking around the areas to observe all the children in the vicinity is useful when educators are supervising a larger group of children. Listening closely to children near and far will assist educators to supervise areas that may not be in the educator's direct line of sight. This is particularly useful when listening out for sleeping babies through a monitor or when supervising more stimulating areas where children may be playing in corners, behind trees or on play equipment.

Observing children's play and anticipating what may happen next will allow educators to assist children as difficulties arise and to respond or intervene in response to risks

Risk Management

Procedure

A critical step in supervising children is assessing the risk through the following Risk Management procedures:

- (1) Identify the hazard;
- (2) Assess the risk caused by the hazard;
- (3) Decide on control measures;
- (4) Implement control measures;
- (5) Monitor and review the effectiveness of the measures.

Risk Assessment and Management

Use the following guidelines with the **Risk Matrix** to assess, categorise and manage risks. Risks should be managed based on the categorisation:

- *High or Extreme* – Requires immediate action.
- *Moderate* – Requires children to avoid the risk area until action plan is implemented.
- *Low* – Requires a documented action plan with a time frame for completion.

Risk Matrix

Risk Matrix		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood	Almost Certain	Moderate	High	High	Extreme	Extreme
	Likely	Moderate	Moderate	High	Extreme	Extreme
	Possible	Low	Moderate	High	High	Extreme
	Unlikely	Low	Low	Moderate	High	High
	Rare	Low	Low	Low	Moderate	High

Educators are responsible for conducting and documenting a daily risk assessment of their environment prior to children attending care, which should be monitored throughout the day. Any hazards identified should be recorded on the back of the Daily Safety Audit, along with steps taken to rectify or minimise the risk. The risk assessment needs to be consistent with service policies and educator safety audit checklist.

Risk assessment and supervision must also take into consideration special factors including:

- Developmental levels of children;
- Familiarity of children with the environment and the expectations of limitations/boundaries;
- Behavioural and risk variances within children;
- The makeup of the group and the group dynamics;
- Individual interest levels and abilities of children;

- The challenges or risks that the environment and activities offer;
- The children's routines;
- The amount of space available and clear sight lines that allow viewing of all areas.

Risk management strategies for high risk activities shall be documented and reviewed annually. Hazards and risks identified by coordinators on home visits shall be documented on a Hazard Identification form, discussed with the educator and a risk rating and plan of action including time frames documented. When the action has been completed, the educator will note on the form and return a copy to the service. If hazards are not resolved, an Action Plan will be implemented with specific time-frames for completion. Non-compliance with an Action Plan is a breach of service policies and may lead to suspension of service. The service will suspend a service where there is evidence of serious risk to children, if the hazard is not able to be resolved, or if the educator is not willing to resolve the situation.

Risk assessment needs to occur as part of planning for experiences, prior to outings or prior to significant changes in the routine and environment (refer to risk assessment & management plan).

Educators must carry out a risk assessment in accordance with Regulation 101 before an authorisation is sought for an outing. This assessment must identify and assess risks that the outing may pose to the safety, health or wellbeing of any child being taken on the outing, and specify how the identified risks will be managed and minimised.

Risk assessment must occur for all environments that will be used for care prior to children arriving each day. There needs to be documentation to show that risk assessment has occurred prior to children arriving for care (refer to Daily Safety Audit for Educators). Educators will implement risk management strategies to ensure that children remain safe and will use risk management when planning excursions or higher risk care such as overnight care.

Risk management plans for high risk activities and special events are to include changes to the care environment and renovations identified that may pose a risk to children. It is the responsibility of the educator to provide the service with prior notice of:

- Any proposed renovations to their residence or venue, e.g. installing a pool;
- Any changes in their residence or venue that vary the documented safety audit and have the potential to pose a risk to children, e.g. acquiring a pet;
- Any other significant changes to the residence or venue that will affect the education and care provided to children as part of the service.

High Risk Management Plans

All educators prior to starting must have completed a High risk management plan this will be part of induction training with new educators. The plan will have a variety of situations that could occur, where risk assessment will be required to minimise risks to children, some of these will be general risks and others will be specific to the educator and environment. The High risk management plans may change and will be reviewed yearly.

Educators will need to consider possible risks in their area including:

- **Flood**
- **Bushfire**
- **Snakes or possible dangerous animals**
- **Bomb threats**
- **Violence from others**
- **Severe storms**
- **Unknown alarms in the area- school lockdown**

Relevant Legislation

Education Care Services National Law Act 2010 167
Education and Care Services National Regulations 2011
51(1)(a) Conditions on service approval (safety, health and wellbeing of children)
165 Offence to inadequately supervise children
167 Offence relating to protection of children from harm and hazards
169 Offence relating to staffing arrangements
170 Offence relating to unauthorised persons on education and care service premises
100 Risk assessment must be conducted before excursion
101 Conduct of risk assessment for excursion
102 Authorisation for excursions
116 Assessment of family day care residences and approved family day care venues
161 Authorisations to be kept in enrolment record
168 Education and care service must have policies and procedures

Child Protection Act 1999

Standards Australia: *Risk Management Guidelines Companion to AS/NZS 4360:2004*

<http://www.standards.org.au/Pages/default.aspx>

Key Resources

Commission for Children & Young People and Child Guardian: Working with Children Kit

www.ccypcg.qld.gov.au/pdf/media/WWCKit070704.pdf

Commission for Children & Young People and Child Guardian: Risk Management Strategy Toolkit

www.ccypcg.qld.gov.au/pdf/risk/risk_management_info_sheet.pdf

Child Safe Risk Management System

www.childsafe.org.au

Kid safe QLD

www.kidsafeqld.com.au

Community Services QLD Government

www.communityservices.qld.gov.au

http://ww2.rch.org.au/emplibrary/ecconnections/CCH_Vol9_No1_March2006.pdf

www.rch.org.au/ecconnections/publications/index.cfm?doc_id=11283

Family Day Care Australia

www.fdca.com.au

Related Policies

[Appendix F QIP and Compliance](#)

[Appendix H Safe Work Practice](#)

[Appendix I Child Protection](#)