

This policy was developed by Early Learning Association Australia in consultation with VicRoads and the early childhood sector as part of the VicRoads Starting Out Safely program.

## **PURPOSE**

To define the responsibilities of Helen Paul Kindergarten to ensure that all children are:

- kept safe while travelling as pedestrians, cyclists or passengers in a vehicle
- able to participate in road safety education to assist them in being and becoming safe and responsible road users.

## **POLICY STATEMENT**

### **1. VALUES**

Helen Paul Kindergarten is committed to:

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

### **2. SCOPE**

This policy applies to the Approved Provider, Person with Management or Control, Nominated Supervisor, Person in day to day charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending Helen Paul Kindergarten, including during excursions and regular outings.

This policy **must** be read in conjunction with the:

- Excursions and Service Events Policy
- Supervision of Children Policy
- Incident, Injury, Trauma and Illness Policy

### **3. BACKGROUND AND LEGISLATION**

#### **Background**

Road safety education can help to reduce the risk of serious injury and death among young children. Road safety education assists children to develop skills, knowledge, behaviours and attitudes that support them to be safer on our roads as passengers, pedestrians and users of bicycles and wheeled toys.

Working collaboratively with families to help children become safe and responsible road users aligns with the learning outcomes of the Early Years Learning Framework (EYLF).

Road trauma is one of the leading causes of death among young Australians. Young children are at risk as passengers in motor vehicles, as pedestrians and as cyclists. They are particularly vulnerable due to:

- their small size and changing needs as they grow
- their cognitive and perceptual skills are still developing.

Under duty of care obligations, services must develop appropriate procedures to guide staff to address situations where a child is observed to be at risk while being transported to or from the early childhood service. This may include instances where a child is observed to be:

- travelling unrestrained
- travelling in an inappropriate restraint
- riding a bicycle or wheeled toy without a helmet
- instances where a parent/guardian is in an unfit state to drive due to intoxication or impairment

### **Legislation and standards**

Relevant legislation and standards include but are not limited to:

#### Acts

- *Road Safety Act 1986*

#### Regulations

- *Education and Care Services National Regulations 2011*: Regulations 99, 100, 101, 102, 159, 160, 161

#### Rules

- *Road Safety Road Rules 2009 (Vic)*

#### Standards

- National Quality Standard (refer to Attachment 2 for road safety links to the NQS)
  - Quality Area 2: Children's Health and Safety
  - Quality Area 6: Collaborative Partnerships with Families and Communities

## **4. DEFINITIONS**

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

**Adequate supervision:** Adequate 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 including during toileting, sleep, rest and transition routines. 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).

**Approved Provider:** An individual or organisation that has completed an application and been approved by the Regulatory Authority as fit and proper (in accordance with Sections 12, 13 and 14 of the National Law) to operate one or more education and care services. The Approved Provider has overall responsibility to ensure that every part of the National Law, Regulations and National Quality Standard are met.

**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)).

**Authorised nominee:** A person who has been given written authority by the parents/guardians of a child to collect that child from the education and care service. These details will be on the child's enrolment form.

**The National Law and National Regulations do not specify a minimum age limit for an authorised nominee. Helen Paul Kindergarten has determined the age of 16 constitutes the minimum acceptable age to be an authorised nominee. A person under the age of 16 is unable to be an authorised nominee.**

**Child restraint:** A device used in conjunction with an adult seatbelt or ISOFIX-compatible lower attachment connectors and a tether strap, to restrain a child passenger of a motor vehicle in the event of a vehicle impact and thus minimise the risk of bodily injury.

**Duty of care:** A common law concept that refers to the responsibilities of organisations and staff to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services and their staff to provide children with an adequate level of care and protection against foreseeable harm and injury.

**Nominated Supervisor:** A person who has been nominated by the Approved Provider of the service under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor with responsibility for the service in accordance with the National Regulations. The Approved Provider must take reasonable steps to ensure

the Nominated Supervisor is a fit and proper person (in accordance with Sections 12, 13 and 14 of the National Law), with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the Nominated Supervisor for the service changes or is no longer employed at the service.

**Persons in day-to-day charge:** A person may be placed in day-to-day charge of a service if:

- the approved provider or nominated supervisor determines they meet the minimum requirements outlined in Regulation 120B of the Education and Care Services National Regulations, and
- the person provides written consent.

**Persons with management or control:** Means:

(a) if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service; or

(b) if the provider of the service is an eligible association, each member of the executive committee of the Part 1—Preliminary Education and Care Services National Law Act 2010 No. 69 of 2010 22 association who has the responsibility, alone or with others, for managing the delivery of the education and care service; or

(c) if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or

(d) in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service; and care service.

**Risk assessment:** A risk assessment must identify and assess any hazard that poses a risk to a child's health, safety and/or wellbeing while on an excursion, and specify how these risks will be managed and/or minimised (Regulation 101). Risk assessments must consider:

- the proposed route and location of the excursion
- any water hazards
- any risks associated with water-based activities
- transport to and from the proposed location of the excursion
- the number of adults and children participating in the excursion
- the number of educators or other responsible adults who will be providing supervision given the level of risk, and whether or not specialised skills are required (e.g. lifesaving skills)
- the proposed activities, and the impact of this on children with varying levels of ability, additional needs or medical conditions
- the proposed duration of the excursion, and the impact of this on children with varying levels of ability, additional needs or medical conditions
- any items/information that should be taken on the excursion e.g. first aid kit, emergency contact details for children, medication for children with known medical conditions (such as asthma, anaphylaxis and diabetes) and a mobile phone.

ACECQA provides a sample Excursion Risk Management Plan at:  
<https://www.acecqa.gov.au/resources/applications/sample-forms-and-templates>

**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.

## 5. SOURCES AND RELATED POLICIES

### Sources

- Early Learning Association Australia: [www.elaa.org.au](http://www.elaa.org.au)
- Road Safety Education Victoria: [www.roadsafetieducation.vic.gov.au](http://www.roadsafetieducation.vic.gov.au)
- VicRoads: [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)
- Child Road Safety: [www.childroadsafety.org.au](http://www.childroadsafety.org.au)
- Transportation of Children with Additional Needs: [www.rch.org.au/tocan](http://www.rch.org.au/tocan)
- Car Seats Save Lives: [www.carseatssavelives.com.au](http://www.carseatssavelives.com.au)

### Service policies

- *Acceptance and Refusal of Authorisations Policy*
- *Child Safe Environment Policy*
- *Curriculum Development Policy*
- *Delivery and Collection of Children Policy*
- *Excursions and Service Events Policy*
- *Inclusion and Equity Policy*
- *Occupational Health and Safety Policy*
- *Supervision of Children Policy*

## PROCEDURES

### The Approved Provider or Persons with Management and Control is responsible for:

- Ensuring the provision of road safety education, based on the National Practices for Early Childhood Road Safety Education (Attachment 1).
- Ensuring that all children attending the service are included in road safety education.
- Ensuring access of educators and staff to regular professional development/training in road safety and ensuring they are kept up to date with current legislation,
- Ensuring the provision of location-specific road safety information (e.g. details about where to park safely when delivering and collecting children and local area speed limits etc.) to parents/guardians and visitors.
- Ensuring the provision of general road safety information about transporting children to and from the service (which might include using the 'safety door' (the rear kerbside door), driveway safety, child restraint information and role modelling safe road use) to parents/guardians.
- Ensuring that parents/guardians have access to this policy and its attachments.

- Ensuring that buses hired for use on excursions have fitted seatbelts that are correctly used by all children, staff and volunteers for the entire trip.
- 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).
- Establishing agreed procedures for staff to follow where a child is observed being transported to or from the premises in an unsafe manner (refer to Attachment 2 for a sample procedure).

**The Nominated Supervisor or Persons in Day to Day Charge is responsible for:**

- Ensuring the embedding in the curriculum of Road safety education, based on the National Practices for Early Childhood Road Safety Education (Attachment 1).
- Working with teachers and educators to develop appropriate strategies to ensure all children attending the service are included in road safety education
- Organising access of teachers, educators and staff to regular professional development/training in road safety and are kept up to date with current legislation, regulations, rules, <https://childroadsafety.org.au/professional-development/standards> and best practice information.
- Providing teachers and educators with access to a broad range of road safety education resources
- Ensuring that teachers and educators provide parents/guardians and visitors with location-specific road safety information.
- Ensuring that location specific road safety information is displayed at the service where relevant.
- Ensuring that teachers and educators provide parents/guardians with information about road safety.
- Ensuring that general road safety information is displayed at the service where relevant.
- Ensuring that parents/guardians have access to this policy and its attachments.
- Ensuring that buses hired for use on excursions have fitted seatbelts for use by all children, staff and volunteers.
- Ensuring that teachers and educators understand and follow appropriate procedures 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 that teachers and educators understand and follow the service's procedures where a child is observed being transported to or from the premises in an unsafe manner.
- Implementing the services agreed procedures when notified by a teachers or educator regarding their observation of children being transported in an unsafe manner.

**Educators and other staff are responsible for:**

- Providing road safety education, based on the National Practices for Early Childhood Road Safety Education (Attachment 1).
- Including all children attending the service in road safety education.
- Participating in regular professional development/training in road safety to keep up to date with current legislation, regulations, rules, standards and best practice information.
- Using a broad range of resources to support the delivery of road safety education.
- Providing parents/guardians and visitors with location-specific road safety information.

- Providing parents/guardians with information about road safety and actively communicating this information to families.
- Providing parents/ guardians with access to this policy and its attachments and actively communicating this information to families.
- Ensuring the correct use of seatbelts in buses hired for excursions by all children, staff and volunteers for the entire trip.
- Following appropriate procedures 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), including notifying the Nominated Supervisor and Approved Provider as soon as possible after the event.
- Implementing the service's agreed procedures where a child is observed being transported to or from the premises in an unsafe manner.

### **EVALUATION**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from parents/guardians, children, educators, management and all affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures (this is a requirement under Regulation 172 of the National Regulations for policies mandated by law and would be considered best practice for all policies and procedures).

### **ATTACHMENTS**

- Attachment 1: *National Practices for Early Childhood Road Safety Education*
- Attachment 2: Sample procedure when a child is observed to be at risk of harm while being transported to or from an early childhood premises

### **AUTHORISATION**

This policy was adopted by the Approved Provider of Helen Paul Kindergarten on **3 August 2020**.

**REVIEW DATE:**            **August 2021**

Annual or more frequently in response to legislative and/or other changes.

### **ACKNOWLEDGEMENT**

This policy was developed by Early Learning Association Australia in consultation with VicRoads and the early childhood sector as part of the VicRoads Starting Out Safely program.



## **ATTACHMENT 1: National Practices for Early Childhood Road Safety Education**

The *National Practices for Early Childhood Road Safety Education* have been developed by early childhood education and road safety experts across Australia and New Zealand. The eight national practices are based on research and are aligned with the Early Years Learning Framework.

The national practices guide early childhood educators and policy makers to develop, implement and evaluate evidence-based road safety programs that support children's and families learning about road safety. Refer to:

<http://roadsafetyeducation.vic.gov.au/resources/early-childhood.html>

### **Holistic approaches**

Recognise that children's learning is integrated and interconnected when making curriculum decisions about road safety education.

### **Responsiveness to children**

Deliver road safety education which is responsive to individual children and extends children's strengths, knowledge and interests.

### **Learning through play**

Through play-based learning seek opportunities to address road safety in a way that expands children's thinking and encourages problem solving.

### **Intentional teaching**

Engage in intentional teaching which extends and expands children's learning about road safety.

### **Learning environments**

Provide opportunities in the learning environment, including the local community, for safe and meaningful interaction with children, parents and carers about road safety.

### **Cultural competence**

Implement road safety education that is culturally relevant for the diversity of children, their families and the community.

### **Continuity of learning and transitions**

Use the opportunity of transitions, in active partnership with children, families and the local community, for road safety education.

### **Assessment for learning**

Together with children and families, reflect on each child's learning and application of road safety to plan for future learning.

**ATTACHMENT 2:** HPK Procedure when a child is observed to be at risk of harm while being transported to or from an early childhood premises

Service providers have a duty of care to ensure the safety of children is paramount. Service providers must also comply with their obligations under state or territory child protection laws.

Where a parent/guardian or authorised nominee (refer to *Definitions*) is observed not using a child restraint, using the wrong child restraint, using a child restraint inappropriately or engaging in other unsafe behaviours such as parking illegally or not using a bicycle helmet, the **early childhood educator should:**

- talk with the parent/guardian/authorised nominee about the importance of safe transport procedures, including the correct use of child restraints and/or relevant road safety behaviours
- provide/refer the parent/guardian/authorised nominee to relevant information regarding safe transport
- inform the Nominated Supervisor or Approved Provider (where relevant).

If the parent/guardian or authorised nominee persists with unsafe road use behaviours, the early childhood educator must notify the **Nominated Supervisor or Approved Provider, who should:**

- contact the parent/guardian/authorised nominee directly and discuss the importance of child restraint use and/or safe road user behaviour, including legal requirements and implications
- provide the parent/guardian/authorised nominee with a copy of the *Road Safety and Safe Transport Policy*
- offer/provide assistance to the parent/guardian/authorised nominee with the choice/purchase/installation/fitment of the correct restraint or bicycle helmet for their child
- follow up with the parent/guardian/authorised nominee, where required, to ensure that they have the most appropriate restraint for their child and that it is being used correctly.

If a parent/guardian or authorised nominee appears to be impaired or intoxicated when arriving to collect their child, the **early childhood educator should:**

- encourage the parent/guardian or authorised nominee to use an alternative form of transport or contact another authorised person to collect the child. If the parent/guardian or authorised nominee is not willing to use an alternative form of transport, the educator cannot prevent the parent/guardian or authorised nominee from taking the child
- notify the police and/or child protection authorities immediately if the educator is of the opinion that the child may not be safe in the care of the parent/guardian or authorised nominee.