



DAME NELLIE MELBA
KINDERGARTEN
EST 1915

Road Safety and Transport Policy

Manadatory – Quality Area 2



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

PURPOSE

To define the responsibilities of DNМК 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

VALUES

DNМК 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.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of DNМК, including during excursions, regular outings, and transportation.

This policy must be read in conjunction with the:

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

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
R indicates legislation requirement, and should not be deleted					
Ensuring the embedding in the curriculum of road safety education, based on the <i>National Practices for Early Childhood Road Safety Education (refer to Attachment 1)</i> .	√	√	√		

Working in collaboration to develop appropriate strategies to ensure that all children attending the service are included in road safety education.	√	√	√		√
Ensuring early childhood teacher, educators and staff to participate in regular professional development/	√	√			
Participating in training in road safety and ensuring they are kept up to date with current legislation, regulations, rules, standards and evidence informed practice information.		√	√		√
Providing early childhood teachers and educators with access to a broad range of road safety education resources	√	√			
Ensuring the availability (in good condition) and use of bicycle helmets which meet <i>Australian/New Zealand Standard 2063</i> for bicycles and wheeled toys (<i>refer to Definitions</i>).	√	√	√		
Monitoring the correct use of bicycle helmets whenever bicycles or wheeled toys are used.		√	√		√
Ensuring that location-specific road safety information is displayed at the service where relevant (e.g. details about where to park safely when delivering and collecting children and local area speed limits etc.)	√	√	√		
Ensuring that parents/guardians have access to this policy and its attachments.	√	√	√		
Transportation of children for excursion					
Ensuring that a child is not transported without prior written authorisation by the parent/guardian or person named in the child's enrolment record, and that the authorisation includes all details required under <i>Regulation 102 (4)</i>	√	√	√		
Ensuring the risk assessment (<i>refer to Definitions</i>) identifies and assesses the risks, specifies how these will be managed and/or minimised, and includes all details required by <i>Regulation 101, 102</i>	√	√	√		
Ensuring all supervision requirements are met during transportation, including educator to child ratios <i>Regulation 123</i>	R	√	√		√
Ensuring first aid requirements are met during transportation, including the availability of up-to-date, suitably equipped first aid kits (<i>Regulation 89</i>) and that educators or staff with first aid qualifications and training are in attendance (<i>Regulation 136</i>)	R	√	√		
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.	R	√	√		
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 (<i>refer to Incident, Injury, Trauma and Illness Policy</i>).	R	√	√		
Establishing agreed procedures for staff to follow where a child is observed being transported to or from the premises in an unsafe manner (<i>refer to Attachment 2</i>).	√	√	√		√

Implementing the services-agreed procedures when notified or when there has been observation of child/ren being transported in an unsafe manner.	√	√	√		√
Transportation of children to/from the service					
Ensuring that each child's enrolment record (<i>refer to Definitions</i>) provides details of the name, address and telephone number of any person who is authorised to consent to transport the child or arrange transportation (<i>refer to Definitions</i>) of the child <i>Regulation 160 (3) (b)(vi)</i>	R	R			
Ensuring authorisation is provided on the enrolment record (<i>refer to Definitions</i>) for the regular transportation (<i>refer to Definitions</i>) of the child (<i>Regulation 161 (2) (c)</i>)	R	R			
Ensuring that a child is not transported without prior written authorisation (except in an emergency) by the parent/guardian or person named in the child's enrolment record, and that the authorisation includes all details required under <i>Regulation 102D (4)</i>	R	R	√		
Ensuring the risk assessment (<i>refer to Definitions</i>) identifies and assesses the risks, specifies how these will be managed and/or minimised, and includes all details required by <i>Regulation 102B, 102C</i>	R	R	√		
Ensuring that buses/vehicles used for use for the transportation (<i>refer to Definitions</i>) of children have fitted seatbelts that are correctly used by all children for the entire trip.	√	√	√		
Ensuring all supervision requirements are met during transportation, including educator to child ratios <i>Regulation 123</i>	R	√	√		√
Ensuring first aid requirements are met during transportation, including the availability of up-to-date, suitably equipped first aid kits (<i>Regulation 89</i>) and that educators or staff with first aid qualifications and training are in attendance (<i>Regulation 136</i>)	R	√			
Completing any relevant documentation of children's attendance and movement to and from the transportation	R	√	√		√
Implementing the services agreed procedures when notified or when there has been observation of child/ren being transported in an unsafe manner.	√	√	√		√
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 (<i>refer to Incident, Injury, Trauma and Illness Policy</i>)	R	√	√		√

BACKGROUND AND LEGISLATION

BACKGROUND

Road safety education can help to reduce the risk of serious injury and death among young children by assisting them to develop skills, knowledge, and behaviour about the safe use of roads.

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 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:

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011: Regulations 99, 100, 101, 102, 102B, 102C, 102D, 158, 159, 160, 161
- National Quality Standard
 - Quality Area 2: Children’s Health and Safety
 - Quality Area 6: Collaborative Partnerships with Families and Communities
- Road Safety Act 1986
- Road Safety Road Rules 2009 (Vic)

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

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to Attachment 3: General Policy Definitions

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.

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 the same for each occasion on which the child is transported

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, 102B, 102C*). 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:

www.acecqa.gov.au/resources/applications/sample-forms-and-templates

Transportation: Transportation forms part of an education and care service if the service remains responsible for children during the period of transportation. The responsibility for, and duty of care owed to children applies in scenarios where 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.

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.

SOURCES AND RELATED POLICIES

SOURCES

- Early Learning Association Australia: www.elaa.org.au
- Starting Out Safely: www.childroadsafety.org.au
- Department of Transport: www.vicroads.vic.gov.au
- Car Seats Save Lives: www.carseatssavelives.com.au
- Best practice guidelines for the safe restraint of children travelling in motor vehicles. www.neura.edu.au/crs-guidelines
- ACECQA Safe Transportation of Children: <https://www.acecqa.gov.au/sites/default/files/2020-08/Infosheet-SafeTransportationOfChildren.pdf>

RELATED POLICIES

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

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
 - notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk (*Regulation 172 (2)*).
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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
 - Attachment 3: General Policy definitions
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AUTHORISATION

This policy was adopted by the approved provider of DNМК on Aug 2022

REVIEW DATE: Aug 2022

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:

www.roadsafetyeducation.vic.gov.au/teaching-resources/early-childhood

The eight national practices are as follows:

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. SAMPLE 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.

ATTACHMENT 3: GENERAL POLICY DEFINITIONS

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. Where the applicant is an organisation, each person with management and control (see definition below) of that organisation must complete a separate application form. (Note: Under the Education and Care Services National Law Act 2010, Section 5, Definitions: "person with management or control, in relation to an education and care service, means – (b) if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service".)

Australian Children's Education and Care Quality Authority (ACECQA): The national authority established to oversee the National Quality Framework and guide its implementation in a consistent way throughout Australia.

Department of Education and Training (DET): The Victorian State Government department with Primary responsibility for the approval, monitoring and quality assessment of services in Victoria in accordance with the national legislative framework and in relation to the *National Quality Standards*

Early childhood teacher: A person with an approved early childhood teaching qualification as listed on the ACECQA website www.acecqa.gov.au

Educational Leader: The Approved Provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, coordinator or other individual to lead the development and implementation of education programs at the service (Regulation 118). This person must have a thorough understanding of the Early Years Learning Framework (or other approved learning framework), be able to guide other educators in their planning and reflection, and mentor colleagues in their implementation practices.

Educator: An individual who is qualified to provide education and care for children as part of an education and care service.

Learning frameworks: Under the National Quality Framework (NQF), education and care services are required to ensure that the program delivered to all children being cared for and educated by the

service is based on and delivered in a manner that accords with an approved learning framework. In Victoria, the approved frameworks are:

- ☐ *Early Years Learning Framework (EYLF)*
- ☐ *Victorian Early Years Learning and Development Framework (VEYLDF)*
- ☐ *My Time, Our Place: Framework for School Age Care in Australia.*

National Law: Refers to the *Education and Care Services National Law Act 2010*: the national law regulating education and care services for children.

National Quality Framework (NQF): This framework for the early childhood education and care sector helps providers to improve the quality of services in areas that impact on a child's development. The framework includes:

- ☐ a National Law – the Education and Care Services National Law Act 2010
- ☐ National Regulations – the Education and Care Services National Regulations 2011 (please check online to ensure the most current version is being used)
- ☐ the National Quality Standard

☐ an assessment and rating system

☐ a Regulatory Authority in each state and territory with primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the national legislative framework and in relation to the National Quality Standard

☐ the Australian Children’s Education and Care Quality Authority (ACECQA). The national body responsible for providing oversight of the system and ensuring consistency of approach.

National Quality Standard (NQS): The NQS sets a National benchmark for the quality of children’s education and care services. The NQS is comprised of guiding principles, quality areas, standards and elements. There are seven quality areas which capture aspects critical to the provision of quality education and care.

National Regulations: Refers to the *Education and Care Services National Regulations 2011*: the regulations or rules under which education and care services must operate. The regulations are the way in which the law is applied.

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 that 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.

Person 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 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 (Note: Under the *Education and Care Services National Law Act 2010*, Section 5).

Person in day-to-day charge: A person is in day-to-day charge if (a) the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the education and care service after meeting the definition for a service supervisor certificate: and (b) the person consents to the placement in writing (Regulation 54)

Policy: A formal statement of principles which provides a framework for decision-making and indicates the course of action to be taken in specific circumstances. Policies provide services with an approved way of operating in relation to particular matters and improve the management of risk. They reflect the values and beliefs of a service, current thinking, national standards and community expectations, and are relevant in terms of current laws and regulations.

Procedures: The steps required to implement and comply with a policy. Procedures specify how to achieve the necessary result by outlining who does what and when. Procedures are succinct, factual and to the point, and are generally expressed as a list.

Program: The group/activity in which a child is enrolled and which has specific hours of attendance.

Regulatory Authority: see definition for the Department of Education and Training.

Responsible Person: The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or person who has been placed in day-to-day charge of the service in accordance with the National Regulations.

Service Supervisor Certificates: On 1st November 2016 the National Regulations were amended to expand the classes of people who may be covered by a prescribed class supervisor certificate.

The new prescribed classes are set out in regulation 238A, and include a person who is:

- ☐ *responsible for day to day management of the service, or*
- ☐ *exercising supervisory and leadership responsibilities for part of the service, or*
- ☐ *a family day care coordinator*

Certificates issued for people working in one of these roles are referred to as “*service supervisor certificates*”.

Service supervisor certificates will not be issued to a particular person. Instead they may apply to any person working at the service who has been identified by the approved provider as working in one of the above roles.

For example, if the service director is responsible for day to day management of the service, they can be covered under the service supervisor certificate. Similarly, a room leader who is responsible for supervising part of the service can also be covered by the service supervisor certificate.

With this new flexibility, most individuals do not need to apply to the regulatory authority for a supervisor certificate.

Under these arrangements, a person is covered under the service supervisor certificate and may be a nominated supervisor if:

- ☐ the approved provider identifies that they meet the definition for a service supervisor certificate and
- ☐ they give their written consent to be the nominated supervisor (required under sections 35, 44 and regulation 56).

Nominated supervisors have specific obligations under the National Law (See Nominated Supervisors above).

A person is covered and may be placed in day to day charge of the service if:

- ☐ the approved provider or the nominated supervisor identifies that they meet the definition for a service supervisor certificate and
- ☐ they give their written consent to be placed in day to day charge of the service (required under regulation 54).

These arrangements apply for centre based and family day care services, and make it easier for providers to meet the requirements to ensure that:

- ☐ for centre based services, either the approved provider, nominated supervisor or certified supervisor in day to day charge is present at the service at all times the service is educating and caring for children (section 162) and
- ☐ for family day care services, either the approved provider, nominated supervisor or a certified supervisor in day to day charge is available at all times to support family day care educators

Staff: Any individual (other than the Nominated Supervisor or a volunteer) employed, appointed or engaged to work in or as part of an education and care service.