

Portfolio Procedures

Department of Communities

Disability Services Queensland

Title: Reporting of Serious Injury or Death
Related Policy No.: 465-1
Policy Category: Child care and family support > child care

Date of approval: 23 February 2006
Date of operation: 19 June 2006
Date to be reviewed: 1 July 2007

Office: Program Management Directorate
Help Contact: Office for Children – 3224 4557

Purpose:

These procedures detail the steps that must be undertaken in those circumstances where serious injury or death is reported.

Process:

1. What steps must the Department take when it receives a report?

Contact with Juvenile Aid Bureau (JAB) (Queensland Police)

This would usually occur when the alleged incident is suspected to have been caused by a staff member of the child care service or by another child attending the service. The Authorised Officer will immediately contact the JAB and provide all relevant information including:

- a copy of Child Care Form 27 (*if applicable*)
- file note detailing the incident and any other information received
- copy of and other information (eg email, letter, photos) from notifier (*if applicable*).

JAB will advise the Department if the matter will be investigated and if criminal charges will proceed.

Contact with or referrals to other relevant agencies

Section 168 (d), of the *Child Care Act 2002* allows an Authorised Officer, where appropriate to contact other relevant agencies. This can include but is not limited to:

- Department of Industrial Relations, Workplace Health and Safety Unit: This would usually occur when the alleged incident was a result of hazards or risks in the workplace; and
- Department of Health: This would usually occur when the alleged incident may have been the result of inappropriate food handling or other hygienic/health practices.
- Department of Child Safety. This would usually occur when the allegations are in relation to serious injury to a child caused by a family member or another person who resides in the household of the child, or in cases where the Chief Executive of the Department of Child Safety or another person has been granted custody or guardianship of a child attending the child care service under a child protection order.

Serious Injury or death of a child caused by another child at the child care service

“Serious injury” means an injury for which treatment from a doctor has been sought or ought reasonably to have been sought (see *section 81(5) of the Child Care Act 2002*).

Where a child attending a child care service is alleged to have caused serious injury or death of another child at the child care service, the following steps must be undertaken:

- Licensee must report the incident using the appropriate form (Form 27) as required under section 81 of the Act.
- The Authorised Officer must follow up by seeking additional information to establish if the injury was an accident (eg one off arising from play or a centre equipment being used to cause injury) or if there is a pattern of aggressive or inappropriate behaviour from a particular child and/or if the seriously injured child has been targeted by another child/children over a period of time.
- Where necessary, an Authorised Officer will report the matter to JAB and other appropriate authorities (eg Department of Health, Industrial Relations) for further investigation.

1. Follow up procedure

Where necessary, an Authorised Officer will visit the child care service where the alleged incident took place within three to four working days of receiving the report. However, where the alleged incident resulted in the death of a child, an Authorised Officer will visit the child care service as soon as possible after the report is received.

In the case of a home based service, an Authorised Officer will meet with the licensee within three to four working days of receiving the report (where necessary). Where the alleged incident resulted in the death of a child, an Authorised Officer will meet with the licensee as soon as possible after the report is received. The Authorised Officer may also visit the home where the child was being provided with care at the time of the incident.

An Authorised Officer may conduct whatever examination, search or inspection necessary at a child care service to establish whether the provisions of the Act are being complied with. See *Policy Number 352-1 Enforcement options for licensed child care services* and *Policy Number 357-1 Power of entry and other powers under the Child Care Act 2002* for further information.

2. Information regarding incident

In addition to the information about the incident provided by the licensee in the approved form (Form 27), under sections 9 and 75 of the Act, an Authorised Officer can request further information from a licensee and require the licensee to produce documents under section 137 of the *Child Care Act 2002*. (These must be documents required to be kept under the Act). See *Policy Number 352-1 Enforcement options for licensed child care services* and *Policy Number 357-1 Power of entry and other powers under the Child Care Act 2002* for further information.

When an incident has been reported to JAB, the Authorised Officer must inform JAB prior to visiting the service. However, the officer may conduct standard monitoring visits to the service while a matter is being investigated by JAB. During a monitoring visit, officers may not discuss the matter being investigated by JAB unless approval has been granted.

Prior to visiting the service the Authorised Officer will examine the departmental file/s to determine whether there is a pattern of serious injury or death in a particular service/s under the licensee's control. This will enable the Authorised Officer to be fully informed about the service and may assist the Authorised Officer in making a decision about whether enforcement action needs to be taken.

3. Informing parent or guardian

Where a licensee has reported the serious injury or death of a child/children at the child care service, the licensee must ensure that the parent/guardian of the child are informed as soon as practicable after a child is injured at the child care service as required under section 99 of the *Child Care Regulation 2003* (the Regulation). If an Authorised Officer became aware that the parent or guardian of the child has not been informed, the Authorised Officer may request the licensee to notify the parent or guardian of the child to comply with section 99 of the Regulation immediately.

4. Contact with licensee

The Authorised Officer will maintain contact with the licensee throughout the department's follow up. This may involve the provision of relevant information to assist in preventing similar incidents from occurring in the future (for example, review of the service's policies, programming, and referral information).

5. Outcome Report

When the incident is alleged to have been caused by a person who is engaged by, or who conducts the child care service, and where this person is still engaged by, or conducting the service, the Department will require the licensee to demonstrate how the licensee will conduct the service in a way that ensures the safety of the children in care at all times and promotes their wellbeing, in accordance with section 75 of the *Child Care Act 2002*.

The Authorised Officer will request the licensee to provide details of actions to be implemented to prevent similar incident/s from occurring and to ensure the safety and well being of children at the centre in compliance with section 75 of the Act. Details of actions taken at the time of incident and/or further actions to be implemented must be provided to the Authorised Officer in writing (in form of a letter or notes) signed by the licensee. Alternatively a licensee may choose to complete the outcome report form provided by the department.

6. Child Care Information System

The Authorised Officer will update the Child Care Information System to record the, serious injury or death within five (5) working days of submitting the memorandum on the incident to the Regional Director.

7. Critical Incident Reporting

Authorised Officers will comply with Critical Incident Reporting Policy and procedures (refer to Policy 363-3 *Critical Incident Reporting*) in cases where a child dies or is seriously injured while in attendance at a child care service, and/or when an incident within a child care service has or will possibly result in media attention to the Department.

In such circumstances, when departmental staff become aware of such a situation, staff members must complete a *Critical Incident Report Form*, identifying the appropriate critical incident level in accordance with the *Critical Incident Level Definitions (Attachment 1)*.

8. Report of incident

Once the department has conducted their follow up regarding the incident, the Authorised Officer will prepare a memo on the incident for the Regional Director. This will include:

- relevant details of the incident, including a chronology of events leading up to the incident (eg complaints to the department, detail of service visit, observations at the visit/statements by licensee/employees;
- recommendations regarding monitoring and/or enforcement actions to be taken against the licensee and the reasons why this action is necessary (see *Policy Number 352-1 Enforcement options for licensed child care services* and *Policy Number 357-1 Power of entry and other powers under the Child Care Act 2002* for further information) including links to legislation; and
- information regarding the outcomes of JAB's investigation or continuing investigation (*if applicable*).

9. Coordination with the Statewide Quality Team for child care licensing

The Authorised Officer will advise the Manager, Statewide Quality Team for child care licensing at all times when a Critical Incident Report has been developed in relation to a serious injury or death of a child/children in a child care service. They should maintain contact with the Statewide Quality Team regarding policy advice and support to ensure the service continues to comply with the legislation and minimise risk of serious injury to children.

Delegations:

There are no decisions under the *Child Care Act 2002*.

Related legislation or standards:

[Criminal Code Act 1899](#)

[Food Act 1981](#)

[Juvenile Justice Act 1992](#)

[Workplace Health and Safety Act 1995](#)

Related departmental policy:

Enforcement options for licensed child care services (352-2)

Power of entry and other powers under the Child Care Act 2002 (357-1)

Critical Incident Reporting (Policy and Procedures)

Forms:

[Reporting of a Serious Injury or Death to a child receiving care in a child care service licensed under the Child Care Act 2002.](#)