



Australian Children's  
Education & Care  
Quality Authority

# SAFE TRANSPORTATION OF CHILDREN IN EDUCATION AND CARE

## YOUR QUESTIONS ANSWERED

On 1 October 2020, new requirements commenced relating to transportation of children other than as part of an excursion (regulations 102A–102D).

The following information responds to sector questions about these requirements, and should be read in conjunction with the Education and Care Services National Law and National Regulations, as well as the ACECQA information sheet: 'Safe transportation of children – 1 October, 2020'

### 1. DO I NEED TO CONDUCT ANOTHER RISK ASSESSMENT AND OBTAIN A NEW WRITTEN AUTHORISATION IF THE TRANSPORT DURATION / PERIOD OF TIME OR THE ROUTE CHANGES? AND HOW DO I RECORD 'DURATION' OR 'PERIOD OF TIME' IN A RISK ASSESSMENT OR WRITTEN AUTHORISATION DOCUMENT?

A new risk assessment will be required where any changes to the proposed route and / or duration of transportation are known *before* it occurs, and they highlight new or additional risks that may affect the safety, health and wellbeing of children being transported.

Similarly, a new written authorisation will be required where any changes to the proposed period of time listed in the authorisation are known *before* the transportation occurs, and they highlight new or additional risks that may affect the safety, health and wellbeing of children being transported.

In all cases, approved providers, nominated supervisors and family day care educators will need to determine whether a new risk assessment and/or new written

authorisation are required. Individuals undertaking the risk assessment should always continue to reflect on whether their risk assessments reflect actual practice.

The risk assessment may use different formats to record the '*duration of the transportation*' (for risk assessments) and '*period of time during which the child is to be transported*' (for written authorisations) – for example by listing the expected pick-up and drop-off times, or the likely length of time that children will spend being transported – provided that the duration and/or period of time can be clearly recorded and understood.

### 2. DO I NEED TO COMPLETE A NEW RISK ASSESSMENT IF THE NUMBER OF CHILDREN CHANGE? AND WHAT DETAILS DO I NEED TO RECORD ABOUT THE ADULTS ASSISTING WITH TRANSPORTATION?

Changes in the *number* of children being transported may mean the circumstances relevant to a risk assessment are no longer *substantially the same* for each occasion on which children are transported – and a new risk assessment will be required. This may depend, for example, on whether greater supervision of additional children is needed.

Conversely, it is unlikely that the absence of one or more children on infrequent occasions due to illness would require a new risk assessment.

In the school age education and care context – where casual and short-notice bookings are more common – risk assessments will likely need to be completed more frequently than in relation to a long day care or family day care setting, where numbers of children may be more stable.

Regulation 102C(2)(f) requires only that the *number* of adults and children involved in the transport is recorded in a risk assessment. The [ACECQA risk assessment template](#) provides for additional detail of the full names of each adult to be recorded. If services choose not to include names of relevant adults, they may refer to a separate record of the names of individuals involved in transport – noting that approved providers must already keep a record of staff working directly with children (regulation 151). Additionally, transport provided or arranged by a service forms part of the service, and broader record-keeping requirements continue to apply.

### **3. SHOULD THE TRANSPORT CHECKLIST ON THE ACECQA RISK ASSESSMENT TEMPLATE BE COMPLETED DAILY OR ANNUALLY WITH THE REST OF THE ASSESSMENT?**

The [ACECQA risk assessment template](#) is a guide only to assist approved providers and their services complete the risk assessment required under regulation 102C. The risk assessment must consider, among other things, whether any items should be readily available during transportation (examples include a mobile phone and list of emergency contacts).

If using the [ACECQA risk assessment template](#) then the checklist included will need to be completed each time a new risk assessment is undertaken. Therefore, completing this once every 12 months will satisfy regulation requirements when it relates to *'regular transportation'*.

### **4. HOW SHOULD I ASSESS RELEVANT STATE OR TERRITORY REQUIREMENTS FOR SEATBELTS OR SAFETY RESTRAINTS IN A RISK ASSESSMENT? WHAT ABOUT THE ROAD WORTHINESS OF A VEHICLE?**

A transport risk assessment must consider jurisdictional requirements for seatbelts or safety restraints (regulation 102C(2)(d)).

While it is the role of relevant law enforcement officers to monitor all passengers' wearing of seatbelts or safety restraints, under the NQF authorised officers may consider this equipment, for example as to age appropriateness and whether seatbelts or safety restraints have been considered as part of risk assessment requirements. Therefore a breach of the National Law might arise independently of any compliance with road safety legislation in each state and territory.

The roadworthiness of the vehicle will also likely be a relevant consideration when identifying all transport risks under regulation 102C(1), as well as ensuring every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury (section 167).

### **5. DOES THE REFERENCE TO TRANSPORTATION UNDER DIVISION 7 (TRANSPORTATION OF CHILDREN OTHER THAN AS PART OF AN EXCURSION) OF PART 4.2 (CHILDREN'S HEALTH AND SAFETY) INCLUDE WALKING WITH CHILDREN?**

No. It was not intended that the requirements under Part 4.2, Division 7 of the National Regulations would apply to scenarios where children may be walking with educators / other staff outside of an education and care service premises, while still in the care of the service. The reference to the need to consider procedures for embarking/disembarking the means of transport in the service's risk assessment (r102C) confirms this position.

However, there are other provisions in the National Regulations that may apply to children arriving/leaving the premises – or moving between external locations – by means of walking.

For example, regulation 99 (children leaving the education and care service premises) details obligations for approved providers, nominated supervisors and family day care educators in relation to children leaving an education and care service premises.

Additionally, where a child or children leave the education and care service premises in the company of an educator for an outing organised by the service or family day care educator – including by walking in the company of those educators – requirements to conduct risk assessments and obtain written authorisations for excursions under regulations 100–102 will apply. These scenarios may include, but are not limited to, walking to or from a service to (or walking between) the following:

- collecting or dropping off children who attend the service
- walking children to and from school
- going shopping
- visiting the local library
- attending a park or playground
- attending a playgroup.

Walking to or from a service premises is also expressly recognised under the definition of a regular outing (regulation 4), which includes a walk to and from a destination – where the destination is visited regularly as part of the service’s educational program, and the circumstances relevant to the risk assessment are the same on each outing. Requirements for conducting risk assessments and obtaining written authorisations under regulations 100–102 will again apply in these scenarios.

## **6. REGULATION 102C(2)(E) REQUIRES THAT RISK ASSESSMENTS CONSIDER ANY WATER HAZARDS IN RELATION TO THE TRANSPORTATION OF CHILDREN. IF CHILDREN ARE INSIDE A VEHICLE, WHAT IS THE INTENT OF IDENTIFYING WATER HAZARDS EXTERNAL TO THE VEHICLE? AND WHAT IS A ‘WATER HAZARD’?**

‘Water hazard’ is not defined in the National Regulations. Providers and their services should consider how the risk of water hazards may arise in their specific transport context. The examples of water hazards listed in the [ACECOA risk assessment template](#) are intended to be a guide only.

For example, in some contexts there may be a need to consider the possibility of flooding along the proposed transport route. Although unlikely, it is also possible that water hazards may become relevant in the context of vehicle breakdown or other circumstances where children may need to exit a vehicle for periods of time, in areas close to bodies of water such as creeks, rivers, or coastal roads.

More generally, the purpose of the risk assessment is to identify and assess risks that transporting children may pose to their safety, health or wellbeing. Regulation 102C(2) highlights specific factors that *must* be considered, however, providers and their services should always give appropriate consideration to a broad range of risks, whether they be inside or outside the vehicle.

## **7. THE SCHOOL OUR SERVICE PICKS UP / DROPS OFF CHILDREN FROM DOES NOT HAVE A DESIGNATED PLACE FOR ME TO PARK AND SAFELY GET ALL CHILDREN IN/ OUT OF THE VEHICLE AND ESCORT CHILDREN TO / FROM THE SCHOOL GROUNDS. WHAT SHOULD WE DO?**

The approved provider, nominated supervisor and family day care educator must ensure all children being educated and cared for by the service are adequately supervised at all times, and that every reasonable precaution is taken to protect children being educated and cared for from harm and hazards likely to cause injury. This includes during excursions and on transportation provided or arranged by the service, and extends to drop-off/pick-up times when a child is in the care of the service.

Any particular circumstances around drop-off / pick-up and the risks they may raise must be addressed in the transport risk assessment. Where relevant, an effective approach may include the education and care service provider working collaboratively with the relevant school(s) to assist in mitigating such risks, particularly given individual schools may have specified requirements such as drop off/collection times and/or duty teacher provisions.

## **8. HOW DO SIGN IN / SIGN OUT PROCESSES APPLY WHERE A CHILD IS NO LONGER PHYSICALLY AT A SERVICE PREMISES, BUT STILL UNDER THE SERVICE’S CARE (E.G. ON A SERVICE’S BUS BEING DRIVEN HOME)?**

Where applicable, sign in / sign out processes will need to reflect situations where a child has left a service premises but is still in the care of the service – for example, due to being transported home or to another location by the service.

Signing in and out should correspond with the start and end of a service's duty of care in relation to a child – that is, at all times the service is providing education and care – and will not necessarily correspond with a child's physical presence at a service premises. This may require adjustments to sign in / sign out procedures for the service to include, for example, a method of indicating that a child is no longer physically in the service building but is still in the service's care.

## **9. REGULATION 102C(2)(J) REQUIRES RISK ASSESSMENTS TO CONSIDER HOW CHILDREN ARE ACCOUNTED FOR IN THE PROCESS OF EMBARKING AND DISEMBARKING THE MEANS OF TRANSPORT. SOME SERVICES COMPLETE MULTIPLE DROP-OFFS AND PICK-UPS TO HOMES AND SCHOOLS THROUGHOUT THE DAY, AND DOCUMENTING A 'LOG' OR 'ROLL CALL' OF CHILDREN ACCOUNTED FOR CAN BE BURDENSOME IN THESE SCENARIOS.**

The risk assessment must address how children are accounted for when embarking / disembarking transport. This may include through a roll call or checklist. In a transport context, the potential consequences of an error can be extremely serious, and it is important to follow risk management procedures and maintain reliable records, despite any burden they may entail.

Providers and their services can rely on their experience in this area in relation to excursions, as the requirement to account for children applies to both circumstances, and therefore this may not be an unfamiliar imposition upon service providers who decide to offer transportation.

## **10. HOW LONG DO WE NEED TO KEEP RELEVANT RECORDS FOR INSPECTION BY REGULATORY AUTHORITIES?**

Regulation 183(2) sets out the length of time various records and records in general need to be retained. In the case of the various records that may relate to transport (e.g., written authorisations, risk assessments, checklists etc), regulation 183(2)(d) and (g) may apply and both require records to be maintained for a period of 3 years.