



Australian Children's
Education & Care
Quality Authority

The Education Council has agreed to new requirements under the Education and Care Services National Regulations (National Regulations) for providers of education and care services that offer, or arrange, transportation of children as part of the education and care service.

These new requirements for safe transportation of children relate to:

- policy and procedures;
- risk assessments; and
- written authorisations.

This information sheet explains the new requirements for providers and their services.

WHEN DO THE NEW REQUIREMENTS START?

The new requirements will commence on 1 October 2020 in all states and territories.

*Additional minor technical amendments to clarify the operation of the provisions, including obtaining authorisations and their maintenance in enrolment records, came into effect in all states and territories on 1 October 2021, with the exception of the NT where they came into effect on 31 December 2021, and this information sheet has been updated to include them.

Last updated October 2021

SAFE TRANSPORTATION OF CHILDREN

New requirements for policies and procedures, risk assessment, and written authorisation

From 1 October 2020*

Children are sometimes transported by, or on transport arranged by, children's education and care services. Service providers, nominated supervisors and educators need to take specific steps to ensure the health, safety and wellbeing of children.

Transportation may present additional risks to children depending on how it occurs and how transition between a vehicle and an education and care service premises or other location is managed. These risks apply equally to single trips or during periods of regular transportation.

To manage these risks, all governments have decided to introduce new requirements to strengthen oversight arrangements of transport that occurs when children are under the care of an education and care service.

The new requirements are mainly about transport of children *other than as part of an excursion*, however, some minor amendments have also been made to transport-related requirements for excursion risk assessments and written authorisations.

POLICIES AND PROCEDURES RELATING TO TRANSPORTATION OF CHILDREN

For services that provide or arrange transportation of children, other than as part of an excursion, the approved provider must ensure the service has policies and procedures for transportation. **This**

includes procedures that address all of the same requirements that must be addressed for written authorisations and risk assessments for transporting children (see below).

WHAT IF A SERVICE ALREADY HAS POLICIES AND PROCEDURES IN PLACE?

Approved providers and their services already have in place policies and procedures to meet a range of requirements under the National Quality Framework. In particular, one or more of these may address the delivery of children to, and collection of children from, education and care service premises and other destinations, as well as excursions.

While it may be possible to adapt existing policies and procedures in some form, the new requirements do differ from existing provisions. The service should carefully examine the information below to ensure all requirements are clearly addressed.

RISK ASSESSMENTS FOR TRANSPORTATION

Risk assessments must identify and assess risks that the transportation of a child may pose to the safety, health or wellbeing of the child, and specify how the identified risks will be managed and minimised.

As a minimum, a risk assessment must include assessment of the matters set out below. Risks should be evaluated each time children

are transported, unless the transportation is ‘regular transportation’.

Matters that must be considered in a risk assessment

The proposed route and duration of the transportation

The proposed pick-up location and destination

The means of transport

Any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported

Any water hazards

The number of adults and children involved in the transportation

Given the risks posed by transportation, the number of educators or other responsible adults that is appropriate to provide supervision and whether any adults with specialised skills are required

Whether any items should be readily available during transportation (for example, a mobile phone and list of emergency contact numbers for the children being transported)

The process for entering and exiting the education and care service premises and the pick-up location or destination (as required)

Procedures for embarking and disembarking the means of transport, including how each child is to be accounted for on embarking and disembarking.

To assist providers and their services, ACECQA has developed this [risk assessment template](#) that references these considerations, which services may wish to adapt or incorporate within their own risk assessment material.

If the transportation is ‘regular transportation’, a risk assessment is not required if one has been conducted for the regular transportation of the child within the previous 12 months.

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 *substantially* the same for each occasion on which the child is transported. [An example of a change in circumstances that are *substantially* different might be when the means of transport or the transportation route or destination(s) have altered or the provider of the transportation service has changed].

AUTHORISATIONS FOR TRANSPORTATION

Authorisation for a child to be transported must be given by a parent or other person authorised by the parent and named in the child’s enrolment record as having authority to authorise transportation of a child. The authorisation must state the information listed below.

Information that must be included in an authorisation

The child’s name

The reason the child is to be transported

If the authorisation is for regular transportation, a description of when the child is to be transported

If the authorisation is not for regular transportation, the date the child is to be transported

A description of the proposed pick-up location and destination

The means of transport

The period of time during which the child is to be transported

The anticipated number of children likely to be transported

The anticipated number of staff members and any other adults who will accompany and supervise the children during the transportation

Any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported

That a risk assessment has been prepared and is available at the education and care service

That written policies and procedures for transporting children are available at the education and care service.

If the transportation is ‘regular transportation’, the authorisation is only required to be obtained once in a 12-month period.

EXCURSIONS INVOLVING TRANSPORTATION OF CHILDREN – MINOR AMENDMENTS

If an excursion involves transporting children, the **risk assessment** must now also consider:

- the means of transport
- any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported
- the process for entering and exiting the education and care service premises and the pick-up location or destination (as required)
- procedures for embarking and disembarking the means of transport, including how each child is to be accounted for.

To assist providers and their services, ACECQA has developed this [risk assessment template](#) that references relevant considerations for excursions including those involving transport, which services may wish to adapt or incorporate within their own risk assessment material.

The **written authorisation** given by a parent or other person named in the child's enrolment record must now also state:

- if the authorisation is for a **regular outing**, a description of when the child is to be taken on the regular outings
- if the authorisation is for an excursion that is **not a regular outing**, the date the child is to be taken on the excursion
- if the excursion involves transporting children,
 - i. the means of transport
 - ii. any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported.

Additionally, the meaning of '**regular outing**' has been amended slightly to align with the definition of '**regular transportation**'. A regular outing now means a walk, drive or trip to and from a destination–

- a. that the service visits regularly as part of its educational program; and
- b. where the circumstances relevant to the risk assessment are *substantially* the same on each outing.

TRANSPORTATION PROVIDED BY OR ARRANGED BY AN EDUCATION AND CARE SERVICE FORMS PART OF THE SERVICE

Children are considered to be under the care of an education and care service at the point the service is taken to assume responsibility for their care and wellbeing. The National Law and National Regulations then apply. Approved providers are taken to assume responsibility under the National Law for the safety, health and wellbeing of all children at all times that children are in the care of the service/s.

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

Examples of transport **not** forming part of an education and care service include:

- Private transport provided by families and carers (i.e. carers not engaged by / registered with an education and care service)
- Transport provided and/or arranged by an entity other than the education and care approved provider, for example a school bus, and the children are not under the care of the approved provider
- Transport where the education and care approved provider is providing the transport service in a capacity

other than as the education and care approved provider – e.g. a government department that provides an education and care service, provides school education, and provides a school bus to school students, on which the children who attend the education and care service also travel for practical reasons (such as in a remote or rural location)

- When a disability service picks up children and transports them to school or to an activity.

New and amended provisions within the National Regulations – commencing from 1 October 2020

New provisions

Definition regular transportation – regulation 4(1)

Transport risk assessment must be conducted before service transports child – regulation 102B

Conduct of risk assessment for transporting of children by the education and care service – regulation 102C

Authorisation for service to transport children – regulation 102D

Education and care service must have policies and procedures (transportation) – regulation 168(2)(ga)

Amended provisions

Definition regular outing – regulation 4 (1)

Risk assessment must be conducted before excursion – regulation 100

Conduct of risk assessment for excursion – regulation 101(2)(d)

Authorisation for excursions – regulation 102(4)

Amended provisions within the National Regulations – commencing from 1 October 2021 (or 31 December 2021 in the NT)

Children leaving the education and care service premises - regulation 99(4)

Authorisations for excursions 102(4)

Authorisations for service to transport children 102D(4)

Child enrolment records to be kept by approved provider and family day care educator - regulation 160(3)(b)

Authorisations to be kept on enrolment record - regulation 161(1) and 161(2)