

# Update



## children's services regulations

### Amendments to the Children's Services Regulations 1998 Anaphylaxis Management and Criminal History Checks

October 2008

#### **Amendments to the Children's Services Regulations 1998**

The Victorian Government has passed legislation to improve the safety of children when they attend a licensed children's service.

The Children's Services Regulations 1998 (Regulations) were amended on 14 October 2008 to:

- protect children diagnosed at risk of anaphylaxis attending children's services
- streamline the criminal history check requirements for children's services.

#### **Anaphylaxis Management – regulatory requirements**

Regulations have been amended to include practices and procedures related to anaphylaxis management, staff training and matters to be included in the anaphylaxis management policy.

The amended regulations require that:

- Details of allergies including whether a child is diagnosed at risk of anaphylaxis are inserted in the child's enrolment records (r. 16(m)).
- If a child diagnosed at risk of anaphylaxis is enrolled at a service, the current anaphylaxis medical management plan signed by a registered medical practitioner is inserted in the child's enrolment records (r. 16(p)).
- Anaphylaxis training (including the administration of the EpiPen®) undertaken by staff members is recorded in the staff record (r. 19(1)(e),(f)).
- The anaphylaxis policy is available for parents/guardians (r. 20(2)(j)).
- All staff in children's services whether or not they have a child diagnosed at risk of anaphylaxis attending the service undertake training in the administration of the EpiPen®, at least every 12 months (r. 26(2)).
- Where there is a child diagnosed at risk of anaphylaxis at the service all staff members on duty when that child is being cared for or educated have undertaken anaphylaxis management training that is recognised by the Secretary and published in the Victorian Government Gazette (r. 26(3),(4),(5)).
- If a child diagnosed at risk of anaphylaxis is taken outside the premises of the children's service, the proprietor must ensure that the staff member accompanying the child carries the anaphylaxis medication and the anaphylaxis medical management plan (r31(2)(c)).
- The anaphylaxis medication is stored appropriately (r. 37(2)(b)).

#### **The Anaphylaxis Policy – prescribed matters**

The prescribed matters to be included in the policy are specified in the new Schedule 3 of the Regulations. The policy must include reference to the relevant regulations and at a minimum, practices and procedures related to:

- management of anaphylaxis medical management action plans
- development of a risk minimisation plan
- implementation of a communication plan
- training requirements for staff.

## Training

The following accredited courses meet the regulatory requirement for anaphylaxis management training:

- First Aid Management of Anaphylaxis (21659VIC)
- Course in Anaphylaxis Awareness (21827VIC)

The Department of Education and Early Childhood Development website at:

[www.education.vic.gov.au/anaphylaxis](http://www.education.vic.gov.au/anaphylaxis) has further information about training and additional resources to assist services meet these requirements.

## Criminal History Checks

Criminal History Checks are required to assess the suitability of a person before they become a member of the staff of a children's service. This requirement sets in place a safeguard that ensures that people working with children are suitable for the role, having regard to the security, health, safety and welfare of children.

Regulation 27 has been amended to allow licensees and primary nominees to read and consider a Notification of Criminal History (Police Records Check) (issued within 6 months immediately before becoming a member of the staff) **or** read a current Working with Children Check assessment notice before a person becomes a member of the staff.

The Working with Children Check has a five year currency and can be verified as current through the Department of Justice working with children check on-line facilities.

<https://online.justice.vic.gov.au/wwc/wwc-online-check>.

### *Volunteers*

Under Regulation 27, volunteers in a children's service that are under the immediate supervision of the proprietor or a qualified staff member are not required to have a Criminal History Check, that is, either a Criminal History Notification or a Working with Children Check. For example, a parent volunteer helping out at their children's service.

### *Restricted Licence Services*

A volunteer working as a staff member in a restricted children's service as part of the child/staff ratios is required to have either a Criminal History Notification or a Working with Children Check assessment notice that is not a volunteer assessment notice.

### *Staff Record*

Regulation 19 outlines the recording requirements for these checks, including:

- reading, considering and recording a current Criminal History Notification
- reading and recording a current Working with Children Check assessment notice for staff.

Practice notes covering all aspects of Criminal History Check requirements and frequently asked questions are at: [www.education.vic.gov.au/csguidelines](http://www.education.vic.gov.au/csguidelines).

### *Licensing Requirements*

There is no change to the requirement that licensees, licensee representatives and primary nominees submit a Criminal History Notification as part of licensing requirements. A Working with Children Check assessment notice is not suitable for this purpose. However, when the licensee assesses that the nominees of the children's service are fit and proper the licensee may consider the nominees current Working with Children Check assessment notice **or** read and consider their Criminal History Notification as part of this assessment.

**Contact the Licensed Children's Services enquiry line on 1300 307 415 if you have any questions or require further information**