UNEXPECTED DEATH OF A CHILD OR STAFF MEMBER AT A SERVICE POLICY

The sudden and unexpected death of a child or staff member at a Service is a traumatic event and can have a profound impact on educators, children and families. As a result of the suddenness of such an event, well-trained and experienced staff can experience strong emotions and traumatic stress responses. The role of our Service is to help restore a sense of safety for all children, educators, and families as soon as possible following a traumatic event. Should a serious incident occur, our Service will ensure mandatory reporting requirements are followed and support is provided to assist all staff, children and families deal with distress, grief and bereavement.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 174	Offence to fail to notify certain information to regulatory authority
12	Meaning of serious incident
85	Incident, injury, trauma and illness policies and procedures
168	Policies and procedures are required in relation to health and safety
176	Time to notify certain information to regulatory authority
183 (c)	Storage of records and other documents The records must be kept- (c) if the record relates to the death of a child while being educated and cared for by the education and care service or that may have occurred as result of an incident while being educated and cared for, until the end of 7 years after the death.

RELATED POLICIES

Administration of First Aid Policy Administration of Medication Policy Anaphylaxis Management Policy Asthma Management Policy Child Protection Policy Epilepsy Management Policy Health and Safety Policy	Incident, Injury, Trauma and Illness Policy Medical Conditions Policy Road Safety Policy Safe Storage of Hazardous Substances Policy Sleep and Rest Policy Water Safety Policy

PURPOSE

Our Service will ensure that management, staff and educators follow the procedures and principles within this policy and that immediate and appropriate action is taken to notify relevant authorities in the event of the death of a child or staff member whilst at the Service. There are a number of legal requirements to adhere to in the tragic event of the death of a child or staff member, at a Service as outlined below.

SCOPE

This policy applies to children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors (including contractors) of the Service.

SERIOUS INCIDENTS

Regulation 12 defines a serious incident involving the death of a child as:

(a) The death of a child –

I. while that child is being educated and cared for by an education and care service, or

II. following an incident occurring while that child was being educated and cared for by an education and care service.

NOTIFICATION OF A SERIOUS INCIDENT

Under the National Law and Regulations [Section 174(2) (a) and Regulation 176 (2) (a)], the approved provider must notify the regulatory authority within **24** hours of any serious incidents. This must be completed by logging into the National Quality Agenda IT System (NQA IT System).

INCIDENT NOTIFICATION- STAFF MEMBER

Within this policy a notifiable incident relates to a fatality in the workplace due to:

- an injury sustained in the course of a work activity
- the result of someone else's work activity or
- natural cases such as heart attacks and strokes.

Under the Work Health and Safety Act (2011) legislation, all businesses are mandated to immediately notify ***SafeWork VIC,*** if a notifiable incident occurs. If the regulator stipulates, the incident site must be preserved until an inspector arrives or directs otherwise. Phone: 13 10 50

Although there is no specific requirement stipulated in the National Law and National Regulations for reporting a death of a staff member, the approved provider must notify the state regulatory body if any circumstance arises at the Service that may pose a risk to the health, safety or wellbeing of a child or children attending the Service [Sec.174(2) (a) and Reg.176 (2) (a)].

The unexpected death of a staff member could be viewed as a serious incident. Notification to the regulatory authority must be made within 24 hours. This must be done by logging into the National Quality Agenda IT System (NQA IT System).

KEEPING CHILDREN'S RECORDS

In the event of the death of a child whilst being cared for at the Service, records must be kept for 7 years from the date of the child's death. [Reg. 183 (c)]

INITIAL ACTION AND IMPLEMENTATION OF POLICY

Management and educators will ensure that immediate and appropriate action is taken in the event of the death of a child or staff member whilst at the Service by following and implementing the following procedures:

1. assess the situation as per service and First Aid procedures for any immediate danger to other children and/or staff
2. provide immediate First Aid and/or CPR in accordance with current First Aid training
3. call emergency services immediately and request an ambulance
4. management/Responsible person will call the parents/guardian of the child and arrange to meet at the hospital (cooperate with emergency services and adhere to their protocols)
5. management/responsible person will call the emergency contact person of the staff member

6. the Service must not advise parents of the death of their child: medical staff/emergency services will advise families of the situation
7. notify Regulatory Authorities including Police
8. notify the Approved Provider (if not at the service)
9. the Responsible person will complete in detail the Service's *Incident, injury, trauma and illness* form
10. The Approved provider will log the incident on the NQA IT System, within 24 hours attaching incident form and evidence https://www.acecqa.gov.au/resources/national-quality-agenda-it-system
11. notify SafeWork [in your state/territory] within the first hour of the incident/fatality occurring
12. secure the area around where the fatality occurred to prevent further incident or injury and to adhere to any non-disturbance requirements for notification of a notifiable incident under Work Health and Safety Act 2011
13. Management/Approved provider will contact the insurance company.

THE APPROVED PROVIDER/ NOMINATED SUPERVISOR/ MANAGEMENT WILL:

- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy
- transition children away from the area
- follow directions/protocols provided by the regulatory authority/ SafeWork. Request support for protocols when notifying families and children; sharing information with a coordinated and effective response and assistance to manage social media adhering to privacy and confidentiality laws
- ensure parents, families, children and educators receive adequate and appropriate post-incident support
- provide support and comfort to the family of the colleague (phone calls, reassurance, legal advice, workers compensation information etc.)
- demonstrate sensitivity, open mindedness and a balanced approach
- recognise and support cultural needs
- ensure all evidence is preserved
- maintain accurate and detailed record keeping
- contact their legal representative for support and direction
- establish protocols for staff and educators to discuss the traumatic event
- advise staff of social media protocol for the event
- provide professional and sensitive communication with families of the Service

- provide support and comfort to the family of the colleague (phone calls, reassurance, legal advice, workers compensation information etc.)
- engage the services of health care professionals (counselling and support for staff)
- cooperate on an ongoing basis with inter-agencies involved in the investigation

CARING FOR THE WELLBEING OF EDUCATORS, CHILDREN AND FAMILIES

Our Service will engage health professionals who may include child and family counsellors and psychologists to support our educators during this profoundly difficult time. Health professionals will assist educators to be sensitive and mindful of the impact such an event has had on all stakeholders. With professional guidance and support, we will encourage children to express their emotions and feelings and implement strategies to assist and guide children's process of grieving and re-engage children in learning.

Educators will support children's understanding of grief and loss by:

- answering questions simply and honestly
- allowing children to express their emotions and feelings
- provide appropriate comfort
- implement a range of learning experiences to express their thoughts- drawing, movement, play
- create a safe space for time alone when needed

Our Service will seek advice and support from health professionals to provide appropriate materials to send home to families to assist in understanding the effects of trauma on children and possible changes in behaviour following the unexpected death of a child in our Service.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Unexpected Death of a Child or Staff member at the Service Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

SUPPORT SERVICES

beyou	1300 224 636	www.beyou.edu.au
Beyond Blue	1300 224 636	www.beyondblue.org.au
Headspace	1800 650 890	https://headspace.org.au/
Lifeline	131114	www.lifeline.org.au
Kid's Help Line	1800 551 800	https://kidshelpline.com.au
Compassionate Friends of Victoria	1300 064 068	www.compassionatefriendsvictoria.org.au/
National Centre for Childhood Grief	1300 654 556	https://childhoodgrief.org.au/contact-us/

CONTACT DETAILS FOR REGULATORS

To notify a 'notifiable incident' contact your local regulator:

Jurisdiction	Regulator	Telephone	Website
Victoria	WorkSafe Victoria	13 23 60	worksafe.vic.gov.au
Commonwealth	Comcare	1300 366 979	comcare.gov.au

SOURCES

Australia Children's Education & Care Quality Authority. (2024). *Guide to the National Quality Framework.*
Australian Centre for Grief and Bereavement: http://www.grief.org.au
Education and Care National Regulations. (Amended 2023).
Occupational Health and Safety Act 2004.
The Trauma & Grief Network Supporting Families. *(2024). Grief & loss*
Work Health and Safety Act 2011.

REVIEW

POLICY REVIEWED BY	Krystle Hills	Centre Manager	18/11/2024
POLICY REVIEWED	November 2024	NEXT REVIEW DATE	November 2025
MODIFICATIONS	• merged *Unexpected Death of a Staff Member Policy* with this current policy • sources checked for currency		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE