



Breach Policy

Covers

- A Minor Breach Procedure
- Breach Report Procedure

Intention

Nurturing Family Day Care Scheme endeavours to ensure that all associated individuals adhere to the National Quality Framework, the scheme's policies and procedures, the Australian Government Child Care Management System Guidelines and all relevant laws and acts at all times whilst working with Nurturing Family Day Care Scheme.

Overview

This policy, and all policies and procedures that are associated with the Breach Policy, are implemented at all registered residences and venues by educators, staff and visitors who are allied with the scheme.

This comprises of -

- What steps are followed in the event a minor breach occurring.
- The Breach Report.

The approved provider of the service will ensure -

- That all associated individuals work within their requirements, and that any minor deviation will be addressed within 24 hours of the occurrence becoming known or being witnessed.
- That all notifiable offences result in the immediate suspension of an individual until the situation can be investigated or resolved.
- That all relevant documentation is completed, and the individual is placed on probation until the minor breach is resolved. The approved provider will determine in collaboration with the associated individual, when the matter is no longer active, and will record this appropriately.



A Minor Breach Occurring Procedure

The approved provider will ensure that all individuals associated with, or working at, a registered residence or approved venue will adhere to the relevant and required laws, regulations, standards, and acts and that, if a minor deviation occurs, relatable consequences unfold to ensure that it is not repeated. All breaches that are a reportable offence to the regulatory authority as listed in the Governance and Management Policy will see the individual immediately suspended until further investigation occurs.

To ensure that all associated individuals abide to the highest quality of standards, the following will occur in the event of a minor breach –

- The approved provider will meet with the associated individual to discuss the information surrounding the minor breach and will request in writing the listed requirements as per the Breach Report Procedure.
- The information discussed as well as the Breach Report, will be documented in the individual's electronic folder.
- The associated individual will be forwarded all information in regard to the breach/es. This will include this policy, what is required to be rectified and the time frame for the resolution (the approved provider will take into serious consideration the type of breach and the risk to children).
- If the associated individual continues to act in a manner that is in a minor breach of requirements, which could include new areas being breached, then deliberation will be given to termination of the individual from Nurturing Family Day Care Scheme and the Resignation or Termination of an Educator Procedure as stated in the Assessment, Enrolment and Continued Coordination of an Educator Policy will come into immediate effect.
- After a Breach Report has been issued the individual will move into a probational period where they will be monitored closely to ensure continued success in their role occurs, participate in additional training to further assist professional conduct, and continue to meet the requirements as stated in the Breach Report.

Breach Report Procedure

The approved provider will ensure that in the event of a minor breach occurring of the individual's requirements, they will receive, after an open and honest discussion about the issues that have been observed or identified, the following Breach Report. This report will be stored on the individual's electronic folder for the remaining time that they are associated with Nurturing Family Day Care Scheme.



Breach Report

Individual's name:
Address of the registered resident or venue where working:
Date of minor breach occurring:
Children in care (if applicable):

Area of concern

Safety
Hygiene
Administration
Policy
National Standard
Other

Action to be taken by the associated individual to rectify the minor breach:
Time frame to be resolved:
Additional comments:

<p>I ... (insert name) understand that I have performed a minor breach of my requirements with Nurturing Family Day Care Scheme and will rectify this within the time frame stipulated, or my enrolment with the scheme may be terminated.</p> <p>Signature:</p> <p>Date:</p>

<p>Name of approved provider:</p> <p>Signature of approved provider:</p>
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Sources



Education and Care Services National Law and Regulations 2011 (Updated October 2023)

- **Section 5, Definitions.**
- **Section 167, Offence relating to protection of children from harm and hazards**
- **Reg 170, Policies and procedures to be followed.**
- **Reg 171, Policies and procedures to be kept available.**
- **Reg 176, Time to notify certain information to Regulatory Authority.**
- **Reg 181, Confidentiality of records kept by approved provider.**
- **Reg 182, Confidentiality of records kept by family day care educator.**
- **Reg 183, Storage of records and other documents.**

National Quality Standard (Updated February 2018)

- **2.2, Each child is protected.**
- **2.2.1, At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.**
- **2.2.3, Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.**
- **4.1, Staffing arrangements enhance children's learning and development.**
- **7.1, Governance supports the operation of a quality service.**
- **7.1.2, Systems are in place to manage risk and enable the effective management and operation of a quality service.**

Early Years Learning Framework
ACECQA

Review

The policy will be reviewed annually.

The review will be conducted by:

- Approved Provider
- Employees
- Educators
- Families
- Interested Parties

Created: May 2017

Reviewed: October 2017

March 2018

October 2018

October 2019



August 2020
August 2021
August 2022
August 2023
August 2024
Next review: August 2025