



# 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 whilst working with Nurturing Family Day Care Scheme. We create a culture where every decision, action and practice prioritises the safety and wellbeing of all children to lay the foundation for a proactive, accountable and child-focused organisation. We foster an environment where all children's voices and rights are heard and actively shape outcomes that affect them and are strengthened when families and communities (including Aboriginal and Torres Strait Islander peoples) are informed, engaged and are active partners in promoting safe environments (both culturally, physically, and online).

## Overview

This policy, and all policies and procedures that are associated with the Breach Policy, are implemented at all registered residences and approved venues by educators, staff and visitors who are allied with the scheme. Equity is reflected in every policy, decision and action, ensuring that all children have fair access to a safe, nurturing environment and healthy future and that no child is disadvantaged due to their culture, disability, gender or any other aspect of their identity or context.

This comprises of -

- What steps are followed in the event of 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 The approved provider will determine in collaboration with the associated individual, when the matter is no longer active, and will record this appropriately.
- That we maintain a culture where all children, families, carers, staff and volunteers feel safe and supported to speak up about concerns. Complaints are managed in a timely, transparent, trauma-informed and respectful way, with the child's wellbeing and safety at the centre of every response.

## 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. As an organisation we promote and maintain the knowledge, skills and attitudes to recognise and address biases, stereotypes and tendencies towards racism and discrimination. Nurturing Family Day Care Scheme only recruits and retains individuals who are not only qualified but are deeply committed to upholding all children's rights, safety and wellbeing. 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 happen in the event of a minor breach being observed or by a notification, which can occur by calling, messaging or emailing Nurturing Family Day Care Scheme on 0410 691 709/0434 986 947 or [nurturingfdcs@gmail.com](mailto:nurturingfdcs@gmail.com) –**

- 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 all 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, including providing training and information on how to build safe environments (culturally, physically and online) for children, 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 residence or approved venue where they are 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:
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<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>
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<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 3, Objectives and guiding principles.
- **Section 5, Definitions.**
- Section 165, Offence to inadequately supervise children.
- **Section 167, Offence relating to protection of children from harm and hazards.**
- **Section 174, Offence to fail to notify certain information to Regulatory Authority.**
- **Section 175, Offence relating to requirement to keep enrolment and other documents.**
- **Reg 168, Education and care services must have policies and procedures.**
- **Reg 169, Additional policies and procedures – family day care service**
- **Reg 170, Policies and Procedures to be followed**
- **Reg 171, Policies and Procedures to be kept available**
- **Reg 172, Notification of change to policies and procedures**
- **Reg 175, Prescribed information to be notified to the Regulatory Authority**
- **Reg 177, Prescribed enrolment and other documents to be kept by approved provider.**
- **Reg 178, Prescribed enrolment and other documents to be kept by family day care educator.**
- **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 January 2026)

- 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 regarding child safety, including the need 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 that is child safe.
- 7.1.2, Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.

Early Years Learning Framework

ACECQA

Guidelines for implementing the Universal Principle and Child Safe Standards in Queensland

## Review

The policy will be reviewed at least annually, and the process of reflection is recognised as a journey and will be conducted by seeking consultation with leaders and organisations without adding to the burden of our first nation's peoples to ensure resources are where they are needed most within all communities.

We will seek feedback from different parties including, but not limited to (in no particular order):

- Approved Providers
- Regulatory Authorities



- Employees
- Educators
- Volunteers
- Families
- Carers
- Children
- Interested Parties
- Visitors
- Aboriginal and Torres Strait Islander stakeholders
- Community consultations

Created: May 2017

Reviewed: October 2017

March 2018

October 2018

October 2019

August 2020

August 2021

August 2022

August 2023

August 2024

August 2025

Continuous improvement is a dynamic process where constant reflection on what is working and where challenges or gaps exist is prioritised and the next review will occur in (or sooner if needed)

August 2026