

E.13 Death of a child

13.1 Introduction and Overview

Policy Statement

At LOOSH we strive to maintain a welcoming and safe environment. However, in the case of a serious incident, involving the death of a child, the subsequent document outlines the procedures that the service will follow. This policy ensures compliance with relevant legislation and provides guidance and protection to staff, families, and stakeholders, in the event that such an incident should occur.

Background

The death of a child is classified as a serious incident, and although the likelihood of a child dying whilst in LOOSH care is low, the consequences are catastrophic. LOOSH must be prepared to facilitate a prompt, compassionate, and legally compliant response. The development of this policy is designed specifically to support staff and families at the time of the incident, the immediate aftermath, and any subsequent processes required. All components of this policy are written with the perspective of the LOOSH community in mind.

Guiding Principles

Child Safety and Wellbeing:

- The subject matter of this policy is rare, however deeply traumatic and requires a high level of care to ensure the safety and wellbeing of all children. Therefore, LOOSH aims to protect the physical safety, emotional wellbeing, and dignity of every child as the highest priority, when approaching all situations.

Legal Compliance:

- Unlike other policy and procedures, circumstances involving the death of a child are less reliant on LOOSH procedures but rather, require full legal compliance. LOOSH strictly adheres to all legal obligations, including mandatory reporting and record-keeping in order to keep all parties within the scope of the incident protected and supported.

Transparent Communication:

- LOOSH's Expectations for Communication Policy (C.1) outlines our service's high communication expectations. LOOSH aims to communicate with respect, clarity, compassion and transparency, especially in circumstances involving serious incidences.

Support and Compassion:

- LOOSH is a unique family and child focused care service who puts emphasis on deep connection and supportive uplifting relationships with families and the community. This is extended from behavioural issues to the most extreme of unfortunate serious incident like a death in service. In the event of a serious incident, the service is committed to responding with compassion, professionalism, and urgency to protect all children, minimise harm, and uphold their right to be cared for in a safe, supportive environment. This includes maintaining trauma-informed practices, age-appropriate communication, and safe spaces for processing grief and distress.

Scope

This applies to all children, staff, educators, management, volunteers, families, emergency contacts, relevant authorities, support services, and school executive who work at, utilise or have any form of communication with the Leichhardt Out of School Hours Care Organisation.

13.2 Procedures regarding the death of a child

Immediate Response:

1. Ensure Safety and Contact Emergency Services

- Assess the scene for safety.
- Call 000 immediately and request ambulance and police.
- Do not move the child unless directed by emergency personnel.
- Provide first aid if appropriate and only if it does not interfere with preservation of the scene.
- Ensure other children are removed from the immediate area and remain supervised.

2. Notify the Nominated Supervisor or the Responsible Person

- Immediately inform the Nominated Supervisor or the Responsible Person in charge.

3. Preserve the Scene

- Secure the area where the incident occurred.
- Prevent access except for emergency personnel and regulatory bodies.

Communication and Notification

1. Contact Family

- The child's parents/guardians must be contacted by the Responsible Person or Director.
- Contact must be made **with extreme care, sensitivity, and clarity**. It may be useful to have a support person near or on the phone call with the staff member nominated to make the phone call. I.e., both the RP and Director.
- Only designated individuals may communicate with the family.

2. Notify the Regulatory Authority

- Lodge an SI01 Serious Incident Notification via the NQA ITS portal within 24 hours.

3. Notify Other Relevant Authorities

- NSW Police will attend the site and begin an investigation.
- The NSW Child Death Review Team may become involved depending on the context.
- Notify the insurance provider and Management Committee.
- Notify the school principal.

Documentation and Records

Complete Required Reports

- Fill out the Incident, Injury, Trauma and Illness Record immediately.
- Ensure the report is signed by witnesses and stored confidentially.
- File records by Regulation 183 – keep until the child would have turned 25 years old.

Support and Debriefing

Support for Children and Families

- Notify families of enrolled children with sensitivity and age-appropriate language.
- Provide access to bereavement and trauma counselling (e.g., EAP, Kids Helpline, school counselling).
- Offer ongoing support and flexibility to the affected child's family.

Support for Staff

- Arrange professional psychological support and debriefing as needed.
- Adjust rosters or duties for affected staff where required.
- Facilitate trauma-informed team meetings and wellbeing checks for all levels of staff and stakeholders involved.

Review and Continuous Improvement

1. Internal Review

- Conduct a critical incident review once the situation is stabilised.
- Evaluate:
 - Effectiveness of immediate response
 - Compliance with legal obligations
 - Adequacy of existing risk management strategies

2. Policy Updates

- Update LOOSH relevant risk assessments and policies based on review findings.
- Document and implement improvements to systems, environment, training, and communication.

13.3 Roles and Responsibilities

Approved Provider
• Ensure all obligations under the Education and Care Services National Law and Regulations are met. • Oversee the implementation of the Death of a Child Procedure and all related policies. • Ensure all records relating to the death of a child are stored securely and retained until the child would have turned 25 years old (as per Regulation 183). • Notify the Regulatory Authority of the death via the NQA ITS portal within 24 hours (Regulation 86 and Section 174). • Ensure policies and procedures are reviewed and updated following the incident. • Support and provide access to trauma counselling and critical incident debriefing for staff, children and families. • Liaise with legal counsel and/or insurance providers where required. • Ensure documentation and communication are kept confidential and compliant with privacy laws
Nominated Supervisor
• Take control of the emergency response on site until emergency services arrive. • Ensure emergency services (000) are contacted immediately. • Contact the child's parent/guardian in a timely and compassionate manner. • Secure the scene and restrict access, preserving the area for investigation. • Coordinate the completion of the Incident, Injury, Trauma and Illness Record and ensure all witness statements are collected and submitted. • Ensure other children are removed from the area, supported emotionally, and supervised. • Liaise with police, regulatory authority, and the Approved Provider throughout the incident. • Support staff and ensure they receive trauma support and debriefing. • Schedule and lead the internal critical incident review.

Educators/Staff
• Immediately assess the situation and commence first aid or life saving measures and CPR only if safe and appropriate. • Notify the Nominated Supervisor or Responsible Person without delay. • Ensure other children are moved to a safe location and are reassured appropriately. • Refrain from moving the child unless instructed by emergency services. • Complete incident documentation as soon as practicable, including any observations or actions taken. • Maintain strict confidentiality and professionalism. • Participate in debriefing sessions and access mental health support if needed. • Continue to support children's emotional wellbeing in the days and weeks following the incident. • Assist with implementing any revised safety procedures following the incident review.
Families/Carers
• Ensure enrolment forms contain accurate emergency contacts and medical authorisations. • Notify the service of any medical conditions or changes in the child's health or behaviour. • Respond promptly to contact from the service in the case of an emergency. • Work with the service in a respectful and cooperative manner during investigation and follow-up. • Provide information, support documentation (e.g., health history), or consent if requested by investigators or medical personnel. • Access bereavement and mental health support services as needed. • Participate in memorials or grief-related practices if initiated by the service or family community (optional)

13.4 Legislation and Related Service Documentation

Legislative and Service documentation:

Education and Care Services National Law Act 2010

- **s 165** – Offence to inadequately supervise children
- **s 167** – Offence relating to protection of children from harm and hazards
- **s 174** – Offence to fail to notify certain information to the Regulatory Authority

Education and Care Services National Regulations

- **r 12** – Meaning of “serious incident” (includes death of a child)
- **r 85** – Incident, injury, trauma and illness policies and procedures
- **r 86** – Notification to parents of incident, injury, trauma, and illness (within 24 hours)
- **r 87** – Incident, injury, trauma, and illness record
- **r 89** – First aid kits must be stocked and accessible
- **r 97** – Emergency and evacuation procedures
- **r 103–104** – Safety of premises, furniture, equipment, and fencing
- **r 136** – Minimum first aid, anaphylaxis, and asthma qualifications for staff
- **r 168** – Approved provider must have relevant policies and procedures in place
- **r 170** – Policies and procedures must be followed
- **r 171** – Policies must be available at the service
- **r 183** – Records (including serious incidents) must be kept for 25 years

National Quality Standard (NQS)

- **2.1.2** – Health practices and procedures
- **2.2.1** – Supervision (active and effective)

- **2.2.2** – Incident and emergency management
- **7.1.2** – Management systems to support compliance
- **7.2.3** – Staff development and training

NSW Children and Young Persons (Care and Protection) Act 1998

- **s 23** – Definition of “risk of significant harm”
- **s 27** – Mandatory reporting obligations (if there are prior risk factors)

NSW Health Guidelines and Procedures

- Procedures for managing the death of a child in a health or care setting
- Includes instructions for contacting emergency services, not moving the child, and reporting
- Bereavement support resources for families and staff
- NSW Child Death Review Team may be notified

13.5 Key Terminology

Term	Definition	Source
Serious Incident	A serious incident includes: the death of a child while being educated and cared for by a service or following an incident that occurred at the service. Any incident resulting in serious injury or trauma requiring urgent medical attention or hospitalisation. A serious illness of a child. An emergency requiring attendance by emergency services. Any circumstances where a child appears to be missing, has been taken in breach of regulations, or is locked in/out of the premises.	Regulation 12, Education and Care Services National Regulations; Section 174, National Law
Mandatory Reporting	A person is legally required to report a child at risk of significant harm. Includes educators in OSHC services in NSW	NSW Children and Young Persons (Care and Protection) Act 1998
Confidentiality	The requirement is to keep personal and sensitive information private and only share it on a need-to-know basis.	Guide to the National Quality Framework
Debriefing	A process where staff involved in a traumatic event discuss the experience, often with a trained facilitator, to reduce psychological stress.	Trauma-informed practice standards
Trauma-informed practices	A strengths-based approach that recognises the prevalence and impact of trauma on children’s development, behaviour, and relationships. It prioritises safety, trust, empowerment, collaboration, and cultural sensitivity. In an education and care setting, this means responding to children with empathy, avoiding re-traumatisation, and embedding supportive practices that promote healing, regulation, and secure relationships.	Australian Childhood Foundation; Be You (Beyond Blue)
Critical Incident Review	An internal review process following a major event to evaluate response effectiveness and improve future practice.	ACECQA and internal service protocols

Date Endorsed	9 July 2025
Date for review and evaluation	9 July 2028

