

# Regulatory Guidance: Children's Safe Sleep and Rest

## The department's oversight function

The NSW Department of Education, as the NSW Regulatory Authority, is responsible for effective oversight across all early education and care services (ECEC). Our primary objective is the safety, health and wellbeing of children attending ECEC services with the rights and best interests of children being paramount.

The Regulatory Authority is focused on harm prevention to ensure children's safety as they attend ECEC settings in NSW, with a commitment to working with ECEC providers to ensure they are aware of their obligations.

## Regulatory requirements and obligations of approved ECEC providers

The sleep and rest requirements under the National Law and Regulations aim to prevent harm and ensure the safety, health and wellbeing of all children attending ECEC settings. Implementing safe sleep practices helps educators to ensure children are safe, healthy and protected from risks associated with sleep and rest.

There are several regulatory requirements relevant to children's safe sleep and rest.

Approved providers, nominated supervisors and family day care educators must take reasonable steps to ensure children's needs for sleep and rest are met, having regard to each child's age, developmental stages and needs ([Regulation 81](#)).

## Relevant policy and procedures to support consistent practice in your service

Education and care services must have in place policies and procedures relating to sleep and rest for children. This is the responsibility of the approved provider ([Regulation 168\(2\)\(a\)\(v\)](#)).

Approved providers, nominated supervisors and family day care educators must ensure all children being educated and cared for by the service are adequately supervised at all times ([section 165](#)). This means adequate supervision must be maintained during sleep and rest times. Adequate supervision means:

- that you can respond immediately, particularly when a child is distressed or in a hazardous situation
- knowing where children are at all times and monitoring their activities actively and diligently.

## Considerations for adequate supervision – children's safe sleep and rest

The NSW Regulatory Authority requires the following considerations to be addressed when determining if supervision is adequate, including:

- During periods of children's sleep and rest, active monitoring and supervision with the ability to see and hear the child is best practice in both family day care and centre-based care settings.
- In all service types, adequate supervision requires physical checking of a sleeping child. Physical checking means educators must check that the child is breathing by checking the rise and fall of the child's chest and the child's lip and skin colour from the side of the cot (or floor mattress/toddler bed for children who have moved from a cot).
- To guide better practice in sleep supervision, services should consider conducting **regular** physical checks of all sleeping children, for example, every 10 minutes for children under two years of age. The circumstances and needs of each child in care should be assessed to determine any risk factors that may mean physical checks are required more frequently. For example, babies or children with colds, chronic lung disorders or specific health care needs may require a higher level of supervision and more frequent checks while sleeping.
- The NSW Regulatory Authority does not consider that a service/educator using CCTV, audio monitors or heart monitors instead of physical checks demonstrates adequate supervision. Looking through a window to conduct a check is not adequate. Educators must physically check sleeping children in person at the cot side (or side of the floor mattress/toddler bed for children who have moved from a cot).
- The service should have in place procedures for recording the time and observation of the physical checks. Educators are required to record all checks at the time they occur, not retrospectively.

