

NSW Department of Education

# Sleep and rest for children

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Policy guidelines for early childhood education and care services

NSW Early Childhood Education and Care Regulatory Authority

February 2024

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# Purpose

These guidelines are intended to assist approved providers, service leaders and educators in the development of the service's policies and procedures for managing sleep and rest for children in early childhood education and care (ECEC) services.

This document will assist you to:

- understand the main components to be included in your sleep and rest policies and procedures, and considerations for each component
- develop, reflect on and improve your policies and procedures in line with best practice safe sleeping guidelines
- understand the considerations to support better practice in safe sleep and adequate supervision.

Under the Education and Care Services National Regulations (National Regulations), an approved provider must ensure that policies and procedures are in place for managing sleep and rest for children ([regulation 168](#)) and take reasonable steps to ensure those policies and procedures are followed ([regulation 170](#)).

The approved provider, nominated supervisor and family day care educator 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. Your policies and procedures should address these requirements.

Ensuring your policies and procedures are informed by advice from recognised authorities and evidence-based principles is one way to demonstrate that you are taking reasonable steps.

In addition, the National Quality Standard (NQS) sets quality practice and your policies relating to sleep and rest for children and procedures should be directed to achieving that standard.

A guiding principle of the education and care services National Quality Framework (NQF) is that best practice is expected in the provision of ECEC services. Red Nose Australia is the recognised national authority on safe sleeping practices for infants and children.

Approved providers, nominated supervisors and service leaders should consult [Red Nose Early Childhood Educators resources](#) for best practice guidance when reviewing and updating sleep and rest policies and procedures. Resources are developed with children, educators and families at the forefront, to support the implementation of best practice when it comes to safe sleep and rest in ECEC services.

In addition, the Australian Children Education and Care Quality Authority (ACECQA) publishes guidance relating to [sleep and rest legislative requirements](#) and practice on its website.

Safety requirements for relevant equipment, such as cots, mattresses, bedding and evacuation cots, will also need to be considered. How these work in practice should be documented in your procedures.

Every service is different, so it is not sufficient to apply generic policies and procedures to multiple services. You will need to ensure that your policies and procedures are appropriate and adapted to your particular service's operations and its unique context. You should also consider how you will engage with all stakeholders to support regular reviews of policies, procedures and risk assessments.

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## Policy statement

The policy statement will reflect your service's philosophy about sleep and rest for children.

For example:

The purpose of the Sleep and rest for children policy in [name of service] is to ensure the safety, health and wellbeing of children attending our service and appropriate opportunities are provided to meet each child's need for sleep, rest and relaxation.

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# Background

Your policy needs to include a statement of why this policy is in place.

For example:

The Education and Care Services National Regulations requires approved providers to ensure their services have policies and procedures in place for children's sleep and rest.

Our Sleep and rest for children policy means our educators, management, coordinators, other staff, families and the community can be confident that children's needs for sleep and rest are met while attending the service.

It is important to note that, while rare, some instances of death have occurred when a child has been sleeping at an ECEC service. Related Coroners' reports have found that poor sleeping environments, poor sleeping procedures and poor supervision place children at risk. The legislative requirements that commenced 1 October 2023 were informed by the [2019 National Quality Framework \(NQF\) Review](#), research and information that supports safe sleep practices. These legislative requirements aim to ensure the health, safety and wellbeing of children is paramount in all early childhood services.

All children need rest and sleep to be happy and healthy, and this is an area of service policy and procedure that needs to be very carefully considered, monitored and actively reviewed to ensure that these risks are appropriately addressed at all times.

# Legislative requirements

Your policy must be consistent with, and refer to, legislative requirements for sleep and rest for children. The legislation governing education and care services in New South Wales is:

- Children (Education and Care Services) National Law (NSW) (National Law)
- Education and Care Services National Regulations (National Regulations)
- Children (Education and Care Services) Supplementary Provisions Act 2011 (State Law)
- Children (Education and Care Services) Supplementary Provisions Regulation 2019 (State Regulations)

Relevant provisions in that legislation include, but are not limited to:

Table 1: Provisions in the legislation and what they relate to

| Version                              | Change description   |
|--------------------------------------|--|
| <u>Section 165</u><br>(National Law) | Offence to inadequately supervise children                             |
| <u>Section 167</u><br>(National Law) | Offence relating to protection of children from harm and hazards       |
| <u>Regulation 82</u>                 | Tobacco, drug and alcohol-free environment                             |
| <u>Regulation 84A</u>                | Sleep and rest   |
| <u>Regulation 84B</u>                | Sleep and rest policies and procedures                                 |
| <u>Regulation 84C</u>                | Risk assessment for purposes of sleep and rest policies and procedures |
| <u>Regulation 84D</u>                | Prohibition of bassinets   |
| <u>Regulation 87</u>                 | Incident, injury, trauma and illness record                            |
| <u>Regulation 103</u>                | Premises, furniture and equipment to be safe, clean and in good repair |
| <u>Regulation 105</u>                | Furniture, materials and equipment                                     |

| Version                             | Change description   |
|-------------------------------------|--|
| <u>Regulation 106</u>               | Laundry and hygiene facilities   |
| <u>Regulation 107</u>               | Space requirements – indoor space  |
| <u>Regulation 110</u>               | Ventilation and natural light  |
| <u>Regulation 115</u>               | Premises designed to facilitate supervision  |
| <u>Regulation 116</u><br>(FDC only) | Assessments of family day care (FDC) residences and approved FDC venues                  |
| <u>Regulation 168</u>               | Education and care service must have policies and procedures, specifically, 168(2)(a)(v) |
| <u>Regulation 169</u><br>(FDC only) | Additional policies and procedures   |
| <u>Regulation 170</u>               | Policies and procedures to be followed   |
| <u>Regulation 171</u>               | Policies and procedures to be kept available   |
| <u>Regulation 172</u>               | Notification of change to policies or procedures   |

When writing your policy, you will need to explain what is required under each section and regulation and how your service will meet these requirements. The policy must then be put into practice through the procedures you adopt at your service.

Breaking up the Sleep and rest for children policy into separate sections/topics may help staff members to follow the policy and understand their roles and responsibilities. For example, you may wish to have separate sections for:

- safe sleeping bedding and equipment
- safe physical environment for sleeping and rest
- supervision of sleeping children
- sleep and rest risk assessments (this section should detail how the topics above are informed by the considerations outlined in regulation 84B).

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## Regulations to inform your policy

Sleep and rest in early childhood settings are high-risk activities that require ongoing risk assessment and risk mitigation. Under the National Law, the rights and best interests of children are paramount. The NSW Department of Education, as the regulatory authority (NSW ECEC Regulatory Authority) for the ECEC sector in NSW, adopts a risk-based approach in exercising its regulatory functions to help keep children safe while at rest or sleep.

Additional sleep and rest requirements came into effect 1 October 2023. The regulations are based on the findings of the 2019 National Quality Framework (NQF) Review and aim to minimise risks associated with Sudden Unexpected Death in Infancy (SUDI) and reduce infant deaths in ECEC settings. The changes build on the important practices services already have in place to keep children safe during sleep and rest times. Regulation 81 has been replaced by [regulation 84A](#).

Sleep and rest policies and procedures must address the matters set out in [regulation 84B](#), including:

- how children will be protected from any risks identified in a risk assessment conducted under [regulation 84C](#)
- how the sleep and rest needs of children are met, including how the ages, development stages and the sleep and rest needs of individual children are considered
- how adequate supervision and monitoring during sleep and rest periods will be ensured, including the method and frequency of checking the safety, health and wellbeing of children during sleep and rest periods and the documentation of sleep and rest periods.

As each service has its own unique context, it is important to customise your policies and procedures to suit your service environment. Collaborative and regular reviews of these policies and procedures are necessary to ensure they align with current evidence-based guidelines from recognised authorities. Approved providers must take all reasonable steps to ensure that all educators understand and are provided regular and ongoing training to support them to implement these policies effectively in practice. The unique context of



each service may also be considered when developing induction procedures that support safe sleep practices.

It is also a requirement to inform families of any changes or updates you make to your service's safe sleep policies, procedures and practices so that services can work collaboratively with families to support best practice.

When developing your sleep and rest policy and procedures, you must also consider the requirements outlined in regulations [84A](#), [84C](#) and [84D](#). Think about how these relate and might look like in your service context and provide support to educators to manage conversations with families.

## Risk assessment

As part of [regulation 84C](#), approved providers must conduct risk assessments related to sleep and rest as part of the process for preparing sleep and rest policies and procedures.

The risk assessments should occur at least once every 12 months and promptly whenever circumstances arise that may affect the safety, health or wellbeing of children during sleep and rest. They must identify and evaluate sleep and rest-related risks, and detail how these risks will be managed and minimised in line with the requirements of [regulation 84A](#). This requires approved providers to take reasonable steps to ensure that the needs for sleep and rest of children being educated and cared for by the service are met, and have regard for a child's age, capabilities, and developmental or individual needs.

The risk assessment must include assessment of the matters set out below and how risks will be managed and minimised:

- a. the number, ages and developmental stages of children at the ECEC service or for FDC services, each residence and venue
- b. the individual sleep and rest needs of children at the service (including specific health care needs, cultural preferences and requests from families)
- c. the staffing arrangements required to adequately supervise and monitor all children during periods of sleep and rest
- d. the level of knowledge and training of the staff supervising children during periods of sleep and rest

- e. the location of the sleep and rest areas, and the arrangement of the cots and beds within the areas
- f. the safety of cots, beds and bedding equipment and whether they are appropriate for the ages and developmental stages of the children who will use them
- g. any potential hazards in the sleep and rest areas, cots, beds and bedding equipment
- h. any potential hazards on the child, such as clothing or jewellery
- i. the physical safety and suitability of sleep and rest environments, including the temperature, lighting and ventilation of the areas
- j. for FDC residences and venues, including those that provide overnight care, the potential for other children or people (e.g. residents of an FDC residence) to access children during periods of sleep and rest, or for children being educated and cared for to access other parts of the FDC residence.

The risk assessment should be customised for the individual circumstances of the service and proactive steps should be taken to identify and implement any additional risks and mitigation strategies.

Conducting audits, such as [Red Nose's Best practice sleep and rest audit tool](#), may assist in identifying areas to consider in the risk assessment.

Approved providers are responsible for updating policies and procedures, in consultation with all relevant stakeholders, to reflect their current risk assessment processes and maintaining a record of these risk assessments as they change (regulations [84C\(3\)](#) and [84C\(4\)](#)).

## Portacots

A portacot may be called a portable cot, port-a-cot or folding cot. Portacots that are designed to meet Australian standards can be a safe sleeping environment for infants when they are in good condition, set up properly and placed in a safe location. According to [Australian Competition and Consumer Commission \(ACCC\)](#) guidelines portacots are generally less robust than standard cots, so they should be regularly checked for signs of damage and to make sure that the folding and locking mechanisms work correctly. Infants can become trapped and strangled if cots accidentally collapse when they are not properly

assembled and locked into place. Risks associated with using portacots should be addressed in sleep and rest risk assessments.

Visit the [ACCC](#) or [Product Safety Australia](#) for more information on equipment standards and safety.

## Bassinets

With the implementation of [regulation 84D](#), bassinets are now prohibited in NSW ECEC services. Unlike cots and portacots, there are no current mandatory Australian safety standards for bassinets, and they can pose unnecessary risk to young children while sleeping. This includes the use of bassinet-type carriages, such as pram attachments or removeable car seat carriers. These are not safe sleeping environments for children.

There is no specific definition of a bassinet under the NQF. However, [ACECQA](#) has listed some of the common design features and characteristics to help you identify bassinets, for example:

- they are generally smaller than a regular cot
- they may be basket-like, oval or shaped like a regular cot
- the structure may have handles, foldable or fixed legs or casters, and/or ability to glide/rock
- they are easily carried or moved and may be attached to a frame or pram
- they are specifically intended for infants under 4 to 6 months old (before they show signs of rolling) and may be a standalone item or an accessory.

There are many terms that may be used to refer to a bassinet, including:

- Moses basket
- co-sleeper
- bassinette
- cradle
- bedside sleeper
- carry cot

- bassinet fitting (on a pram)
- portable bassinet.

It is important that all services follow Red Nose's recommendations when it comes to safe sleep and ensure that all sleeping environments meet Australian safety standards.

Bassinets must not be found in the approved areas of the service. For centre-based services, bassinets must not be kept on the premises, while in FDC environments, they must not be kept in the approved areas of the residence.

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## Principles to inform your policy

The development and implementation of your procedures should be carried out in accordance with the principles of your service's Sleep and rest for children policy.

Examples of principles could include, but are not limited to:

Our approach to supporting and promoting children's health and physical activity, including safe sleep, is informed by the National Law and Regulations, current recognised guidelines and up-to-date information.

Our service's safe sleep and rest procedures and practice follow Red Nose guidelines (the recognised National authority in this area) and guidance from ACECQA (as the national authority under the NQF) as well as the department as the Regulatory Authority for the early childhood education and care sector in NSW.

Approved providers, nominated supervisors and educators each have a duty of care to ensure children are provided with a high level of safety when sleeping and resting, that adequate supervision is maintained, and that every reasonable precaution is taken to protect them from harm and hazard whilst sleeping and resting.

Our educators, staff and management are required to know and understand how to implement Red Nose best practice guidance and be able to explain this to families. They must also know and understand our service's policy and procedures regarding safe sleep and rest. Providing inductions and regular training is key to ensuring this.

Children sleeping and resting will always be within sight and hearing distance so that educators can monitor children's safety and wellbeing. Exceptional or extenuating circumstances may mean that continuous supervision is not achievable at all times, for example, if an educator working alone is attending to another child's safety needs (providers and service staff should assess and mitigate risks associated with such circumstances). In all cases, safe sleep practices and regular, high-quality physical checks must continue to be implemented.

Educators must physically check the child's breathing and the colour of the child's lips and skin tone regularly from the side of the cot or sleeping space.

Educators will maintain active supervision and will not perform programming or administrative duties that would take their attention away from sleeping and resting children.

Children will be provided safe sleeping equipment and environments, including adequate ventilation and adequate lighting to enable effective supervision.

Effective sleep and rest strategies are important factors in ensuring every child feels secure and is safe at our service.

Opportunities will be provided to meet each child's sleep, rest and relaxation needs and ensure children feel secure and safe.

We will consult with families about their child's routine for sleep and rest at home and carry this out at the service where possible and safe to do so, but noting the prevailing safe sleep practices advocated by Red Nose, ACECQA and the NSW ECEC Regulatory Authority.

Child safety is our first priority. Educators can confidently refer to the service's Sleep and rest for children policy and procedures if families make requests that are contrary to best practice and increase risk to children.

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## Considerations for adequate supervision

The NSW ECEC Regulatory Authority requires the following considerations 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 FDC 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 2 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 ECEC 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. Services should determine the record-keeping requirements for sleep checks by considering individual children's needs, and then include these timeframes in their policy. You may wish to align the record-keeping processes with other prescribed records and consider timeframes outlined in [regulation 183](#). The process for documenting physical checks for children over 3 years old should be outlined in your service policy. You should also consider the needs of the children in care and the service's sleep and rest risk assessment.

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## Considerations for school-aged children in OSHC

- For school-aged children, ensure that any spaces set-up for sleep and rest are within lines of sight and actively supervised by educators, with consideration given to the individual needs of the children in care.
- Provide guidelines for practices that may change over the year. Sleep and rest opportunities may look different at the beginning of the year, when young children commence at the service in vacation care or Term 1 compared to Term 4. These may be informed by and reviewed in line with the sleep and rest risk assessment.
- All children, including children in outside school hours care (OSHC), should have agency and be given choices regarding opportunities for sleep, rest and relaxation to ensure their individual comfort and wellbeing.



## Additional supervision considerations for family day care

- 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 FDC environments. It is crucial that an FDC educator conducts regular, effective physical checks that focus on the child's breathing, skin colour, and implements other safe sleep practices and risk mitigation strategies to ensure adequate supervision.
- An FDC service should have a documented practice for the supervision of sleeping children, tailored to the unique layout and safety considerations of each FDC residence or venue, as well as the ages and developmental stages of the children in care.
- For example, the service should ensure that children are not placed in a bedroom if they would not be adequately supervised or would have access to medication or other dangerous items.
- An FDC educator must consider and have a documented procedure for the manner in which they will supervise and conduct physical checks of sleeping children, while also maintaining adequate supervision of other children in their care.
- To guide better practice in sleep supervision, an FDC educator should consider conducting regular physical checks of all sleeping children, for example, every 10 minutes for children under 2 years of age. However, 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 than this.

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# Considerations for overnight or extended care

Services providing overnight or extended care must develop sleep and rest policies and procedures specific to this type of care (or incorporate overnight care into overarching policies and procedures), as overnight practices will differ to those used during the day.

Policies and procedures for overnight or extended care should align with regulatory requirements and consider:

- the risks and physical safety of the child's sleeping environment, for example, does the sleeping space have:
  - a safe cot/bed, safe mattress, and safe bedding
  - adequate lighting to enable physical checks, and removal of potential hazards
  - adequate ventilation
- in addition to plans for the supervision of the child while they are sleeping, including how they will be monitored during the night
  - access the child may have to other parts of the house during the night
  - access other people may have to the child's sleeping environment
  - night-time emergency evacuation/lockdown procedures (e.g. in the case of a fire, intruder, etc).

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## Considerations for the physical environment

The policy/procedure will need to address suitable bedding equipment and how the service/educator will meet the relevant Australian Standards that govern the use and maintenance of such equipment. These standards include:

- Mandatory Australian Standard for cots (AS/NZS 2172)
- Mandatory Australian Standard for children's portable folding cots (AS/NZS 2195)
- Voluntary Australian Standard for sleep surfaces – test for firmness (AS/NZS 8811.1:2013).

Providers and services should not use any equipment or products in a way that was not originally intended, do not meet relevant safety standards or have been recalled.

All services should follow the Red Nose safe sleep recommendations to create safe sleeping spaces. This includes removing any soft items from the cot, such as loose blankets, pillows and soft toys. Service policies may also contain information for families to support respectful conversations when a service cannot comply with a requested sleep practice.

Children should be clothed appropriately and not be wearing or have items that are loose and could get tangled and restrict breathing, such as bibs.

All children, including children in OSHC, should have agency and be given choices regarding opportunities for sleep, rest and relaxation to ensure their individual comfort and wellbeing. Services need to consider how they will ensure that the physical environment caters for non-resting children as well as resting/sleeping children. For example, consider separate resting spaces and incorporating quiet activities into the program.

The policy will also need to address how quality, age-appropriate practices are put in place for every child in care.

The policy will need to reflect inclusion and families' cultural practices, with consideration to how these may influence the physical environment. If there is a possible conflict with your safe sleeping guidelines, you will need to establish how that conflict will be addressed to ensure risks are managed and the physical safety of the child's sleeping environment is not compromised.

## Key terms

To make it easier for your audience, provide definitions of key terms that may not be used every day. For example:

Table 2: Definitions of key terms

| Term   | Meaning  | Source   |
|--|--|--|
| <b>Australian Children's Education and Care Quality Authority (ACECQA)</b> | The independent national authority that works with all regulatory authorities to administer the NQF, including the provision of guidance, resources and services to support the sector to improve outcomes for children.   | <a href="http://acecqa.gov.au">acecqa.gov.au</a> |
| <b>Infant</b>  | A young child between the ages of birth and 12 months.   |  |
| <b>Rest</b>  | A period of inactivity, solitude, calmness or tranquillity, and can include a child being in a state of sleep.   |  |
| <b>Relaxation</b>  | Recreation or other activity for bringing about a feeling of calm in your body and mind.   |  |
| <b>Adequate supervision</b>  | <p>Adequate supervision means:</p> <ul style="list-style-type: none"> <li>that an educator can respond immediately, particularly when a child is distressed or in a hazardous situation</li> <li>knowing where children are at all times and monitoring their activities actively and diligently.</li> </ul> | <a href="#">Guide to the NQF</a>                 |

| Term   | Meaning  | Source   |
|--|--|--|
| <b>Sudden Unexpected Death in Infancy (SUDI)</b> | A broad term used to describe the sudden and unexpected death of a baby.   | <a href="#"><u>What does Sudden Unexpected Death in Infancy (SUDI) mean?</u></a> |
| <b>Sudden Infant Death Syndrome (SIDS)</b>       | The sudden and unexpected death of an infant under one year of age with an onset of a fatal episode occurring during sleep that remains unexplained after a thorough investigation, including performance of a complete autopsy and review of the circumstances of death and the clinical history. | <a href="#"><u>What is Sudden Infant Death Syndrome (SIDS)?</u></a>              |

## Links to other policies

Refer to related policies and procedures, for example:

- the administration of first aid
- enrolment and orientation
- interactions with children
- providing a child safe environment
- staffing
- emergency and evacuation.

## Induction and ongoing training

The policy should require that induction and ongoing training on safe sleep and the contents of the service's Sleep and rest for children policy and procedures be provided to educators and that a record is kept of all such training.

The policy should set out how the policy and procedures will be used in induction training and the frequency of ongoing training and information sharing to assist nominated supervisors, responsible persons, coordinators, educators and other staff (including relief/casual educators, volunteers and FDC educator assistants) fulfil their roles effectively.

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## Policy created/reviewed

Include the date the policy was created, reviewed or changes were made.

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## Monitoring, evaluation and review

State when the policy will be reviewed and who will be responsible for this.

Update the policy as required and document your service's strengths and areas for improvement in your Quality Improvement Plan (QIP), Self-assessment Working Document or the Self-assessment and Quality Improvement Planning Portal.

# Checklist

- Have you referenced the relevant regulations and are these reflected in the policy?
- Does the title provide a clear and concise statement identifying the intent of the policy?
- Have you checked the policy requirements and referenced relevant legislation that applies to your service type?
- Does your policy statement provide a framework for decision-making and ensure consistent practice?
- Does your policy statement reflect your service philosophy?
- Is it clear why this policy exists?
- Are best practice principles for sleep and rest for children reflected in your policy?
- Are the most up-to-date sleep and rest policies and procedures from Red Nose (the recognised national authority) and ACECQA (the national authority under the NQF) reflected throughout your policy and procedures?
- Does the policy reflect age-appropriate practices that meet the needs of a wide age range of children that access your service?
- Does your policy align with practices? Have you considered induction procedures and plans for how you will regularly maintain educator knowledge of best practices?
- Have you considered how you will involve families in the policy development process and navigate conversations regarding family requests that may conflict with safe sleeping guidelines?

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# Approval

Approved by: Sharon Gudu

Designation: Executive Director, NSW Early Childhood and Care Education Regulatory Authority

**Dated: 4 April 2024**

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## Document history

Table 1: Document information

|                        |   |
|------------------------|---|
| <b>Document title</b>  | Sleep and rest policy guidelines for NSW services   |
| <b>Current version</b> | 2.0   |
| <b>Document number</b> | DOC24/1760860   |
| <b>Approved by</b>     | Executive Director, NSW Early Childhood Education and Care Education Regulatory Authority |
| <b>Approval date</b>   | 4 April 2024  |
| <b>Audience</b>        | External/publicly available   |

Table 2: Document version history

| <b>Version</b> | <b>Date</b>  | <b>Author</b>  | <b>Change description</b>    |
|----------------|--------------|--|------------------------------|
| 2.0            | 4 April 2024 | Louisa Coussens, Manager Quality Practice & Regulatory Support | New legislation and branding |



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