

Transporting Children Safely



Guidance on understanding safe
transport and travel requirements for
education and care service providers



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Introduction

Transporting children is often required as part of providing an education and care service. This might be a regular occurrence such as transporting children to or from the service or a one-off event such as an excursion.

When services provide or arrange the transportation of children it's crucial to ensure compliance with all regulatory requirements, and that policies, procedures and practices are in place to ensure children's health, safety and wellbeing.

This guide is designed to help approved providers, nominated supervisors and educators understand the legal requirements of the [Education and Care Services National Law Act 2010 \(National Law\)](#) and the [Education and Care Services National Regulations 2011 \(National Regulations\)](#) when transporting children. It also provides information to assist services to comply with the [NSW Road Rules 2014](#) and [Road Transport Act 2013](#) along with best practice road safety guidelines when travelling with children.

After accessing this document approved providers, nominated supervisors and educators will be able to:

- Improve their understanding of and compliance with a range of transport-related legislative requirements.
- Improve the service's transport practices in line with best practice guidelines.
- Make practical improvements to existing policies, procedures and risk assessments for transportation and excursions.
- Understand where to seek additional information and assistance on transport and road safety.

This guide is part of the Safe Transport Toolkit which includes a range of resources to support approved providers and their services to meet legislative requirements. Resources include:

- *SAMPLE Safe Transport Checklist*
- *SAMPLE Safe Transportation of Children Policy and Procedures*
- *Transport Risk Assessment and Management Guide*
- *Safe Travel and Transport - Advice for working with children, families, schools and communities.*

In addition to ensuring legislative and other safety requirements are met, services regularly transporting children have many opportunities to enhance children's learning and connections on their journeys. These transitions to and from home, service or school offer opportunities for quality interactions between educators and children, and reflection on and connection with the community around them. Many links can be made to [Belonging, Being and Becoming: The Early Years Learning Framework](#) and [My Time Our Place: The Framework for School Age Care](#) to support children's road safety understandings, learning and development within the contexts of their family, service and community.



Regulatory requirements for transporting children safely

Education and Care Services National Law and Regulations

When services provide or arrange for the transportation of children, consideration must be given to the following sections of the Laws and Regulations:

Development of policies and procedures for transport ([Reg 85](#), [Reg 168](#), [Reg 170](#), [Reg 171](#))

Service providers must ensure policies and procedures are in place for:

- Excursions [Reg 168\(2\)\(g\)](#), including procedures complying with [Reg 100](#), [Reg 101](#), [Reg 102](#) for risk assessment and authorisations and
- Transportation of children provided or arranged by the service other than as part of an excursion [Reg 168\(2\)\(ga\)](#) including procedures complying with [Reg 102B](#), [Reg 102C](#), [Reg 102D](#) for risk assessment and authorisations.

All other policies and procedures required under the Regulations must also be in place when transporting children. Incident, injury, trauma and illness policies and procedures must be followed, including recording and reporting any incident that occurs while transporting children.

Policies and procedures must be:

- specific to the individual service context
- well-documented, maintained and easily accessible to staff members and families
- understood and followed by everyone involved in transporting children
- reviewed and updated regularly
- developed with children, families and communities
- informed by the service's philosophy statement, current research and contemporary views on best practice and advice from other recognised authorities.

Maintaining accurate attendance records showing when children are within the care of the service ([Reg 158](#))

The full name of each child, date and time of arrival/departure must be recorded along with the signature of the person delivering or collecting the child or by the nominated supervisor or educator. Note that services may use manual or electronic systems to maintain attendance records.

Parent/carer written authorisation ([Reg 99](#), [Reg 102](#), [Reg 102D](#), [Reg 160](#), [Reg 161](#))

For excursions, written authorisation to leave the service premises must be obtained from the parent or authorised nominee. The authorisation must include the information specified in [Regulation 102\(4\)](#). If the excursion involves transporting children, the authorisation must include the means of transport and any requirements for seatbelts or safety restraints under NSW law.

For transport provided or arranged by the service other than as part of an excursion, written authorisation for the child to be transported must also be obtained from a parent or authorised nominee. The authorisation must include information in [Regulation 102D\(4\)](#), specifically:

- child's name
- reason for transportation
- for regular transportation, a description of when the child is to be transported
- if not for regular transportation, the date the child is to be transported
- description of the proposed pick-up location and destination
- means of transport
- period of time during which the child is to be transported
- anticipated number of children to be transported
- anticipated number of staff members/other adults who will accompany and supervise the children during the transportation
- any requirements for seatbelts or safety restraints under NSW law
- that a risk assessment has been prepared and is available at the education and care service
- that written policies and procedures for transporting children are available at the education and care service.

Authorisations are to be kept and collected in each child's enrolment record.

If the excursion is a regular outing, or if transportation is regular, authorisation is only required once in a 12 month period.

Adhering to maximum numbers of children according to the service approval ([s51\(4\)\(a\)](#))

The maximum number of children approved for a service applies no matter where the children are located, including when they are being transported by the service. The service approval requires the approved provider to ensure the number of children being educated and cared for by the service at any one time does not exceed the maximum number of children specified. For example, if the maximum number of children specified on the service approval is 40, the total number of children being educated and cared for by the service including those being transported cannot exceed 40.

Conducting risk assessments ([Reg 100](#), [Reg 101](#), [Reg 102B](#), [Reg 102C](#))

A risk assessment must be carried out before authorisation of any excursion or transportation of children is requested. Risk assessments must identify and assess risks and outline steps to manage and minimise them.

For excursions, risk assessments must consider factors specified in [Regulation 101\(2\)](#). If the excursion involves transporting children, the risk assessment for the excursion must consider:

- means of transport
- any requirements for seatbelts or safety restraints under NSW law
- processes for entering and exiting the education and care service premises and the pick-up location or destination (as required)
- procedures for embarking and disembarking the means of transport, including how each child is to be accounted for.

For transport provided or arranged by the service other than as part of an excursion, a separate risk assessment is required. The risk assessment must consider factors in [Regulation 102C\(2\)](#), specifically:

- proposed route and duration of the transportation
- proposed pick-up location and destination
- means of transport
- requirements for seatbelts or safety restraints under NSW law
- any water hazards
- number of adults and children involved in the transportation
- the number of educators or other responsible adults that is appropriate to provide supervision and whether any adults with specialised skills are required
- whether any items should be readily available during transportation (for example, a mobile phone and list of emergency contact numbers for the children being transported)
- processes for entering and exiting the education and care service premises and the pick-up location or destination (as required)
- procedures for embarking and disembarking the means of transport, including how each child is to be accounted for on embarking and disembarking.

If the excursion is a regular outing, or if the transportation is regular, risk assessments are required to be conducted once in a 12 month period.

Ensuring adequate supervision (s165)

Approved providers and nominated supervisors must ensure there is adequate supervision when children are being transported. Simply meeting ratio requirements may not always mean there is [adequate supervision](#). When determining if supervision is adequate consider:

- the number, age and ability of children
- the number and physical positioning of educators
- each child’s current activity
- visibility and accessibility
- risks related to the mode of transportation including travel on foot
- risks in the environment, location and while travelling
- any previous risk assessment
- the experience, knowledge and skill of each educator.

For centre-based services - Maintaining educator to child ratio requirements (Reg 13, Reg 122, Reg 123, Reg 271, Reg 388)

The following ratios apply and must be met whenever and wherever the service is operating, including when children are being transported as part of the service activity.

Age of children	Educator to child ratio
Birth to 24 months	1:4
Over 24 months and less than 36 months	1:5
Over 36 months up to and including preschool age	1:10
Over preschool age	1:15

Ratios are applied across the service. Where a service has children under their care across different locations, including in transit, the number of educators required will be calculated by using the total number of children across the service. Only educators **working directly** with children can be included in educator to child ratios. This means an educator on a scheduled break, undertaking administrative tasks or driving a vehicle **cannot** be counted in ratios as they are not directly engaged in providing education and care to the children.

Ensuring children are protected from harm and hazards ([s167](#))

When providing an education and care service, including when transporting children, the approved provider and nominated supervisor must ensure every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury. Transportation exposes children to additional hazards such as road crash trauma. Children have also died or been seriously injured as a result of being left unattended in a vehicle for an extended period of time.

Failure to take reasonable precautions to protect children from harm and hazards may give rise to an offence under [Section 167](#). Similarly, a failure to adequately supervise children may give rise to an offence under [Section 165](#).

Both offences attract maximum fines of \$10 000 in the case of an individual or \$50 000 in any other case.

Preparations for responding to a first aid incident ([Reg 136](#))

Approved providers must ensure the following qualified people are **at all times in attendance at any place** where children are being educated and cared for including when being transported by the service and must be **immediately available** in an emergency:

- at least one staff member or one nominated supervisor of the service who holds a current approved first aid qualification, and
- at least one staff member or one nominated supervisor of the service who has undertaken current approved anaphylaxis management training, and
- at least one staff member or one nominated supervisor of the service who has undertaken current approved emergency asthma management training.

Telephone or other communication equipment ([Reg 98](#))

When providing education and care, including when transporting children, nominated supervisors and staff members must have access to an operating telephone or other similar means of communication to communicate with the service, parents/carers and emergency services.

The [Guide to the National Quality Framework](#) (Australian Children's Education and Care Quality Authority) provides additional support for understanding the requirements of the Education and Care Services National Law and Regulations in relation to transporting children, supervision and managing harm and hazards.

Remember that when transporting children as part of service provision other relevant legislation and obligations should also be followed including:

[Child Protection \(Working with Children\) Act 2012](#)

[Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2017](#)

[Child Safe Standards](#)

[NSW Road Rules 2014 and Road Transport Act 2013](#)



NSW Road Rules 2014 and Road Transport Act 2013

When travelling with children as part of an education and care service the [NSW Road Rules 2014](#) and [Road Transport Act 2013](#) must be adhered to. These include rules for pedestrians, cyclists, drivers, riders and passengers.

Specifically, transporting children in vehicles requires services to comply with child restraint legislation. Child restraint rules vary depending on the type of vehicle being used. If the driver or any passenger is not restrained in accordance with the law, the driver can be penalised with demerit points and fines.

For vehicles built to carry 12 or fewer people (including the driver)

Wearing of seatbelts by drivers and passengers ([Rule 264](#), [Rule 265](#), [Rule 266](#))

The driver of a motor vehicle must wear a properly adjusted and fastened seatbelt when the vehicle is moving or stationary but not parked.

The **driver must ensure** that each passenger, 16 years old and older:

- Occupies a seating position fitted with an approved seatbelt and wears the seatbelt properly adjusted and fastened.
- Does not occupy the same seating position as another passenger.

The **driver must ensure** that each passenger under 16 years old is restrained in accordance with the law. Child restraints and booster seats must be Australian Standards (AS/NZS 1754) approved, suitable for the child's age and size, properly fastened to the vehicle and adjusted to fit the child using the seat.

- Children **less than 6 months old** must be restrained in a rearward facing child restraint.
- Children **6 months to under 4 years old** must be restrained in a rearward facing restraint (where they still fit) or in a forward facing child restraint.
- Children **4 years to under 7 years old** must be restrained in a forward facing child restraint (where they still fit) or in a booster seat
- Children **7 years to under 16 years old** must be restrained in a booster seat (where they still fit) or in a suitable forward facing child restraint for older children or in a suitable approved seatbelt. They must not occupy the same seat as another passenger.

Children under the age of 4 years must not occupy the front row of a vehicle that has two or more rows of seats. Children 4 years to under 7 years old must not be in the front row of seats unless there is no available seating position behind the front row of seats.

Child restraints and booster seats must be:

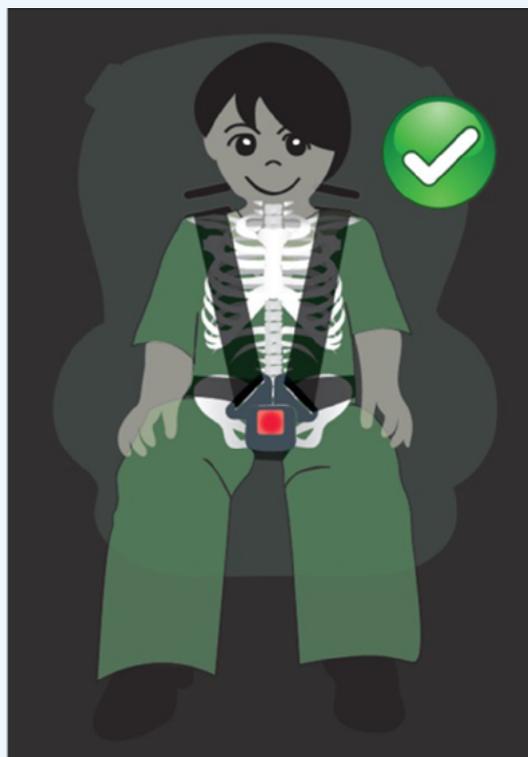
- Australian Standards (AS/NZS 1754) approved
- Fitted to the vehicle correctly
- Suitable for the child's age and size
- Adjusted to fit the child using the seat.

Seatbelts should be free from twists and sit firm and flat.

Seatbelts give the best protection when they cross the bones, the strongest part of the child's body. If the child restraint or booster seat isn't suitable for the child's age and size or if the seatbelts aren't adjusted properly, the lap belt may sit across the abdomen and the sash belt or harness may sit against the neck. This poor seatbelt positioning can result in life threatening injuries to the internal organs and spine in a crash.

For more information about how seatbelts protect the body in a crash take a look at these teaching and learning resources for children, families and educators:

- KU Grevillea Preschool [Science, Maths and Road Safety Project](#)
- [But Why?](#) and ['EveryBODY Buckle Up'](#) activities on [Safety Town](#)
- [Buckle up safely](#) video



For vehicles built to carry more than 12 people (including the driver)

Under the Road Rules ([Rule 266\(1\)](#)), the driver of a vehicle designed to seat more than 12 people is not required to ensure all passengers have seatbelts. However, best practice should be followed to transport children safely and ensure they are protected from harm and hazards. Only certain buses are exempt from having seatbelts; where seatbelts are fitted passengers are required to wear them. Contact *Kids and Traffic* for further information and advice on transporting children in buses not fitted with seatbelts.

When transporting children under the age of 4 years:

Investigate the capacity of the vehicle to be fitted with child restraints. For this to be possible, the vehicle must have seatbelts and anchorage points to attach the child restraint's top tether strap. This is to ensure all children under 4 years can be safely transported in rearward or forward-facing child restraints. Some vehicles have seatbelts but do not have anchorage points. In this case, authorised restraint fitting stations can install anchor points in vehicles. Visit [Child Car Seats](#) for advice and to find out where your nearest authorised restraint fitting station is located.

When transporting children aged 4 to under 7 years:

Investigate the capacity of the vehicle to be fitted with child restraints or booster seats. Use booster seats with lap sash seatbelts and the top tether strap anchored to the vehicle anchorage point for boosters with this feature. Do not use seats that have lap only seatbelts. If seats are fitted with lap only seatbelts, investigate the capacity of the vehicle to be retrofitted with lap sash seatbelts so that all children between 4 and 7 years can be transported safely in full booster seats with lap sash seatbelts. Authorised restraint fitting stations can retrofit lap sash seatbelts in most vehicles. Visit [Child Car Seats](#) for advice and to find out where your nearest authorised restraint fitting station is located.

When transporting children aged 7 years and over:

Investigate the capacity of the vehicle to be fitted with booster seats and lap sash seatbelts. Children should use a booster seat until they are big enough to be well protected by a lap sash seatbelt alone. Booster seats have shoulder height markings to indicate size limits.

In addition, follow the [Five Step Test](#) to check when children are ready to move from a booster seat:

1. Can the child sit with their back against the vehicle seat back?
2. Do the child's knees bend over the front of the seat?
3. Does the sash belt cross the collarbone and sit between the neck and shoulder?
4. Does the lap belt sit low across the hips and top of the thighs?
5. Can the child stay seated like this for the duration of the trip?

If children pass the Five Step Test they can use a lap sash seatbelt. In addition, 145cm is the suggested minimum height required for children to use a lap sash seatbelt without a booster seat.



If hiring buses or coaches for transporting children, hire vehicles fitted with lap sash seatbelts wherever possible. Seatbelts should be worn on buses and coaches when they are available.

Further to child restraint legislation, services must ensure drivers comply with the [Road Rules 2014](#) and [Road Transport Act 2013](#), specifically those focused on driver behaviour impacting on the safety of passengers. When transporting children, drivers should understand their responsibilities to adhere to legislation including those relating to:

- Driver licensing ([Road Transport Act section 53](#), [Road Transport \(Driver Licensing\) Regulation 2017](#))
- Vehicle registration ([Road Transport Act sections 68-71](#))
- [Road Transport \(Vehicle Registration\) Regulation 2017](#)
- Speeding and dangerous driving ([Road Transport Act sections 115-118](#))
- Mobile phone use ([Road Rules, Rule 300](#))
- Alcohol and other drug use ([Road Transport Act sections 110-112](#))
- [General road rules](#)

Pedestrian and bicycle rider legislation and guidance

When travelling with children, educators and staff must also understand and comply with NSW Road Rules that apply to pedestrians and cyclists.

[Road Rules for pedestrians and users of wheeled recreational devices](#) and [pedestrian safety advice](#).

[Road Rules for bicycle riders](#) and [safe bicycle riding advice](#).

For more information about how these rules apply to travelling with children on regular outings and excursions contact [Kids and Traffic](#).

Guidelines for safe transport and travel

When transporting children educators have a duty of care to keep them safe and protect them from harm. All elements of the journey need to be planned. Consideration should be given to the risks associated with children walking to and from the vehicle as well as when in the vehicle.

Before travelling, educators should talk with children about how they can keep safe when walking, when in the vehicle and when embarking and disembarking.

When walking to and from the vehicle, embarking and disembarking

- **Hold children's hands and supervise them** – children need adults to keep them safe as pedestrians. They are still developing the skills and understandings they need to be independent pedestrians. Hold their hands until they're at least 8 years old and continue to [actively supervise](#) older children to ensure they are recognising and reacting to risks appropriately.
- **Avoid walking near other vehicles** – park the vehicle as close as possible to the venue/location. Use paths and walkways that are away from other vehicles, driveways and car parks where possible. Young children are at increased risk of low speed vehicle run-overs, particularly when vehicles are reversing.
- **Use marked crossings** – always try to park the vehicle on the same side of the road as the service or other venue. If it's necessary to cross a road always use pedestrian crossings, like pedestrian traffic lights or marked pedestrian crossings where available. When crossings aren't available, choose a place with good visibility and low traffic volumes. Avoid crossing between parked cars or at the front or back of buses and large vehicles and at intersections where vehicles could be turning.
- **Position an educator to assist** – getting in and out of the vehicle can be challenging for young children. Have an educator there to help children get up and down any steps safely. Ensure children who are more mobile enter the vehicle first and exit last as they are safer when being supervised in the stationary vehicle than waiting outside it. When waiting to embark or after disembarking, children should stand with a supervising adult, away from the kerb.
- **Talk Traffic with Kids** – talk with children about all the things you are doing together to keep safe, like holding hands or staying close to an adult, looking and listening for vehicles and using safer places to cross driveways and roads. The complex skills and judgements we use to keep safe around vehicles are invisible to children unless we *Talk Traffic* with them.
- **Check all children have left the vehicle** – have procedures in place to ensure children are never left unattended in the vehicle. Check children's names on the roll when getting in and out of the vehicle and conduct headcounts, recording the date and time. Always check under seats and in storage areas.

Prior to transporting children in the vehicle

- Ensure child restraints and booster seats are fitted to the vehicle correctly and seatbelts are in good working order – an authorised restraint fitter is the best person to install child restraints as they will know how best to position and fit the different types of seats into the vehicle. Educators can also undertake [child car restraint training](#). This may be useful if seats are regularly moved in and out of the vehicle. Children with additional needs might require specific types of seats. Check with the child’s family and specialists for further advice.
- **Know the history of the child restraints and boosters being used** – all seats must be Australian Standards (AS/NZS 1754) approved and should be less than 10 years old – check the date of manufacture stamped on the seat. Ideally, new restraints should be used but if using second hand restraints, ensure they are in good working order, have all parts, accessories and instructions and have not been involved in a crash.
- **Conduct a driver and vehicle check** – anyone driving a vehicle to transport children must have and carry a valid, current driver licence correct for the vehicle class. The driver must be alcohol and drug free before and while driving the vehicle. Vehicle condition should also be periodically checked with attention given to tyre pressure, brakes, lights, indicators, windscreen wipers and air conditioning.



When transporting children in the vehicle

- **Ensure all children are buckled up properly** – educators should buckle children up in the right seat for their age and size and make sure all seatbelts are adjusted and fitted correctly. Children must occupy their own seat and remain seated for the duration of the trip. Check they are buckled up before starting the trip and continue to monitor throughout the journey. Be mindful that children can reposition or remove seatbelts quickly and quietly. If this happens pull over in a safe place and help buckle the child back up.
- **Store children’s bags and any other cargo securely for the journey** – place children’s bags under the seats or in a designated cargo area. Ensure first aid kits and any other necessary equipment for transporting children in vehicles are also secured. Any unused free-standing booster seats should be buckled up to prevent movement. Unsecured items may cause injury to passengers if there is a sudden stop or crash.
- **Use travel time to strengthen relationships and learning outcomes** – routine journeys to and from school or home provide opportunities for quality interactions with children and to co-construct knowledge and support connections to the community. When children are actively engaged in conversations and interactions they are also less likely to behave in ways that distract the driver. A travel routine that includes a special song or rhyme is also a good way to help children transition from one setting to another and to settle during the journey.

When transportation of children is complete

- **Ensure all children are accounted for and no child is left unattended in the vehicle** – leaving children in a vehicle can result in serious injury or death. The temperature in a parked vehicle can reach dangerous levels extremely quickly. The impact on a child’s body is almost immediate and can be fatal.
- **Conduct a roll check and head count** – ensure your records are up to date and children’s names are marked off as they enter and leave the vehicle, include the time and date. Conduct a head count as children get in and out of the vehicle. Repeat the roll check and head count when children enter the service and have another staff member verify the records.
- **Thoroughly check the vehicle** – physically inspect the vehicle including under the seats and in storage areas. A second educator should repeat this check to make sure no child is left in the vehicle.
- **Park the vehicle in a safe place** – if possible, park under cover or in the shade so the vehicle interior temperature can be better regulated. Ensure windows and doors are not left open to allow entry by a child and always lock the vehicle and store the keys out of reach of children.



Safe transport and travel scenarios

Here are some examples of how services meet the requirements of legislation and best practice guidelines to ensure the safety of children when being transported. These scenarios are explored further in the *Transport Risk Assessment and Management Guide*.

*Services referred to in these scenarios are hypothetical only and do not reflect any real education and care services.

Scenario 1 – Transport by the service to and from home

The service’s context

Gumtree Early Learning Centre is located in a rural river town in south western NSW. The centre runs a pick-up and drop-off program for families who have difficulty accessing the service. The service conducts a morning pick-up run and afternoon drop-off run. They use their own 12 seater minibus to transport children from home to the centre and back again.

Gumtree’s service approval is for 30 children aged three to five years (Section 51). The service requires three educators who are directly working with children in order to meet the ratio requirement specified in regulation 123 of 1:10. The service employs an additional educator to support high needs children, including a four year old child with cerebral palsy who is transported using the minibus.

How the service complies with requirements under the National Law and Regulations during periods of transportation

Requirement	National Law/ Regulations reference	Service practices
Educator to child ratios	Regulations 13, 122, 123	<ul style="list-style-type: none"> ✓ On each transport run, there are two educators and 10 children. One of the educators drives the minibus while the other supervises and interacts with the children. The two educators working at the service and one of the educators on the minibus meet the 1:10 ratio requirement for the TOTAL 30 children across the service (at the service premises AND in transit). The driver is not counted in the ratios for the period of the transportation because they are not working directly with children, and as such do not meet the requirement of Regulation 122.
Transportation policy and procedures	Regulation 168(2)(ga)	<ul style="list-style-type: none"> ✓ Gumtree Early Learning Centre has developed <i>Safe Transportation of Children Policy and Procedures</i>.
Other service policies and procedures	Regulations 85, 168, 170, 171	<ul style="list-style-type: none"> ✓ All other policies and procedures required under the Regulations are in place when transporting children. ✓ <i>Emergency and incident, injury, trauma and illness</i> policies and procedures are followed. ✓ All involved in transporting children as part of the service understand and follow these policies and procedures.

Requirement	National Law/ Regulations reference	Service practices
Conduct of risk assessment for transporting of children	Regulations 102B, 102C	<ul style="list-style-type: none"> ✓ The service undertakes an annual risk assessment of its transport run with consideration given to all factors specified in Regulations 102B and 102C. ✓ Consideration is also given to the needs and abilities of the children being transported, road conditions and educators' experience and capacity to adequately supervise children. ✓ A new risk assessment is conducted as any of these factors change.
Authorisation for service to transport children	Regulation 102D	<ul style="list-style-type: none"> ✓ Authorisation is obtained from parents/carers for children to be transported. The written authorisation states the information in Regulation 102D.
Children's attendance record	Regulation 158	<ul style="list-style-type: none"> ✓ Educators record the full name of each child, the date and time of arrival/departure and have parents/carers sign when delivering or collecting children on the minibus.
First aid	Regulations 89, 136	<ul style="list-style-type: none"> ✓ A first aid kit is taken on each pick-up and drop-off run. ✓ Educators hold current approved first aid, anaphylaxis and emergency asthma management qualifications.
Telephone or other communication equipment	Regulation 98	<ul style="list-style-type: none"> ✓ Educators ensure a satellite phone is available to contact the service, parents/carers or emergency services.
Adequate supervision	Section 165	<ul style="list-style-type: none"> ✓ The educator who is not driving the vehicle is able to provide adequate supervision, leaving the driver to focus on the road. The supervising educator is positioned in the middle of the vehicle to have good visibility of the children while engaging with them regularly throughout the trip. The child with cerebral palsy sits next to the educator in a child car seat specific to the child's needs.

Requirement	National Law/ Regulations reference	Service practices
<p>Protection of children from harm and hazards</p>	<p>Section 167</p>	<ul style="list-style-type: none"> ✓ Educators ensure all children are accounted for when getting on and off the minibus by recording names, dates and times of pick-up and drop-off and conducting headcounts: <ul style="list-style-type: none"> • children’s parents/carers sign them on to the minibus recording the date and time. This is checked and verified by the driver. The procedure is repeated when children are dropped home. • on arrival at Gumtree the driver signs the children off the minibus, records the date and time and conducts a headcount. An educator repeats the process when children enter the service from the minibus. ✓ An educator thoroughly checks the minibus at the end of each transport run and a second educator repeats this process to ensure no child is left in the vehicle. ✓ Before transit, educators store bags and equipment securely in the cargo area or under seats. This includes the driver securing the mobility aid of the child with cerebral palsy in the cargo area. ✓ Children are safely restrained on the journey – children under four years old in child restraints and children four years and older in booster seats.

How the service complies with requirements under the NSW Road Rules 2014 and Road Transport Act 2013

Requirement	NSW Road Rules / Road Transport Act reference	Service practices
Seatbelts and child restraints	Road Rules (Rule 264, 265, 266)	<ul style="list-style-type: none"> ✓ As Gumtree Early Learning Centre uses its own 12 seater minibus to transport children from home to the centre and back again, the driver has a responsibility to ensure all passengers are restrained according to the Road Rules (Rule 264, 265, 266) and that all other Road Rules are adhered to. ✓ Educators restrain each child in an Australian Standards (AS/NZS 1754) approved seat that is fitted to the vehicle correctly and properly adjusted to fit the child using the seat. Seats are correct for children’s age and size according to the law. In addition, the child with cerebral palsy has a child car seat that is specific to the child’s needs.
Driver licensing	Road Transport Act section 53 Road Transport (Driver Licensing) Regulation 2017	<ul style="list-style-type: none"> ✓ The driver has a current and valid Class C (car) driver licence.
Vehicle registration	Road Transport Act sections 68-71 Road Transport (Vehicle Registration) Regulation 2017	<ul style="list-style-type: none"> ✓ The service ensures the vehicle is registered.

How the service follows guidelines for safe transport and travel

To minimise risk, educators:

- ✓ Hold children’s hands and physically supervise them when walking to and from the service, the minibus and where required, their homes.
- ✓ Plan the walking journey to and from the vehicle to avoid other vehicles, driveways and car parks. The bus is parked next to the entrance gate of the service for drop off and collection of children.
- ✓ Maximise opportunities for children to develop their road safety understanding while out and about through regularly *Talking Traffic with Kids* and encourage families to do the same.

Scenario 2 – Transport by the service from school

The service’s context

Sunshine After School Care is located at Sunshine Primary School but also services Blue Bay Primary School nearby. The service has 25 children enrolled for the afternoon, 20 from Sunshine and five from Blue Bay. The service is approved for a maximum of 30 children (section 51).

Two educators meet the 20 children from Sunshine Primary School onsite at the after school care building. Another educator drives the service’s 18 seater minibus to pick up the five children from Blue Bay Primary School.

How the service complies with requirements under the National Law and Regulations during periods of transportation

Requirement	National Law/ Regulations reference	Service practices
Educator to child ratios	Regulations 13, 122, 123	<ul style="list-style-type: none"> ✓ Although the educator to child ratio for children over preschool age is 1:15 (Regulation 123), the service understands they must have three educators employed in order to meet this ratio requirement during periods of transport. ✓ The service employs the third educator to drive the bus as they understand the educator CANNOT be included in ratios while driving the bus, as they are not considered to be directly engaged in providing education and care to the children (Regulations 13, 122). ✓ Two educators remain at the service with the 20 children from Sunshine Primary while the third educator drives the service’s 18 seater minibus to pick up five children from Blue Bay. ✓ The two educators working directly with children at the service meet the 1:15 ratio requirement for the TOTAL 25 children across the service (at the service premises AND in transit). Although the driver is not counted in the ratios, the service complies with ratio requirements under Regulations 13, 122, 123.
Transportation policy and procedures	Regulation 168(2)(ga)	<ul style="list-style-type: none"> ✓ Sunshine After School Care has <i>Safe Transportation of Children Policy and Procedures</i> in place.

Requirement	National Law/ Regulations reference	Service practices
Other service policies and procedures	Regulations 85, 168, 170, 171	<ul style="list-style-type: none"> ✓ All other policies and procedures required under the Regulations are adhered to when transporting children. ✓ <i>Emergency and incident, injury, trauma and illness</i> policies and procedures are followed. ✓ Policies and procedures in relation to providing a child safe environment are in place and followed. This includes ensuring the driver has a valid Working with Children Check and risk mitigation strategies are implemented. ✓ All involved in transporting children as part of the service understand and follow these policies and procedures. Staff and management include transporting children and road safety as standing agenda items at staff meetings and new staff are familiarised with all policies and procedures.
Conduct of risk assessment for transporting of children	Regulations 102B, 102C	<ul style="list-style-type: none"> ✓ The service undertook a thorough risk assessment, including matters specified in Regulation 102C. ✓ Consideration was given to the needs and abilities of the five children aged between six and 11 years old being transported, the direct route, short distance travelled, good road conditions and the educator’s experience and capacity to adequately supervise the children while driving. ✓ If any considerations change such as an increase in the number of children being transported, younger children or children with additional needs, the route travelled or the experience and capacity of the educator driving the vehicle, the service would conduct a new risk assessment.
Authorisation for service to transport children	Regulation 102D	<ul style="list-style-type: none"> ✓ Authorisation is obtained from parents/carers for children to be transported from the school to the service. The written authorisation states the information in Regulation 102D.
Children’s attendance record	Regulation 158	<ul style="list-style-type: none"> ✓ Educators record the full name of each child, the date and time of arrival when collecting children on the bus.
First aid	Regulations 89, 136	<ul style="list-style-type: none"> ✓ A first aid kit is taken on each pick-up and drop-off run. ✓ The educator driving the vehicle meets all first aid qualification requirements including anaphylaxis and emergency asthma management qualifications. ✓ It was also assessed that the route travelled allowed for the educator to safely pull over in case of an emergency to provide immediate assistance.

Requirement	National Law/ Regulations reference	Service practices
Telephone or other communication equipment	Regulation 98	<ul style="list-style-type: none"> ✓ The educator driving the vehicle carries a mobile phone to communicate with the service, parents/carers or emergency services.
Adequate supervision	Section 165	<ul style="list-style-type: none"> ✓ The service determines that seating the five children at the front of the minibus allows for adequate supervision.
Protection of children from harm and hazards	Section 167	<ul style="list-style-type: none"> ✓ Educators ensure all children are accounted for when getting on and off the bus by recording names, dates and times of pick-up and drop-off and conducting headcounts, repeating this process on arrival at the centre. Children are actively engaged in the headcount process and marking the roll. ✓ An educator thoroughly checks the minibus at the end of each transport run and a second educator repeats this process to ensure no child is left in the vehicle. ✓ Before transit, an educator secures bags and equipment securely in the cargo area or under seats. ✓ The service fits booster seats for two children under the age of seven years and use lap sash seatbelts for the three older children.

How the service complies with requirements under the NSW Road Rules 2014 and Road Transport Act 2013

Requirement	NSW Road Rules / Road Transport Act reference	Service practices
Seatbelts and child restraints	Road Rules (Rule 264, 265, 266)	<ul style="list-style-type: none"> ✓ As the 18 seater minibus used to transport children to Sunshine After School Care is fitted with seatbelts these must be worn by all passengers during transit. Due to the seating capacity of the bus, however, the Road Rules do not place responsibility on the driver for ensuring children under seven years of age are restrained in suitable child restraints or booster seats. ✓ The service still restrains each child in the safest way possible taking into consideration the age and size of children and the capacity of the bus to be fitted with appropriate restraints. The two children aged six years use booster seats, while the remaining children aged eight to 11 years use the existing lap sash seatbelts in the minibus. If any of the children don't meet the 'Five Step Test', however, the service ensures the children use a booster seat with the lap sash seatbelt to provide optimal protection and minimise the risk of injury in a crash.
Driver licensing	Road Transport Act section 53 Road Transport (Driver Licensing) Regulation 2017	<ul style="list-style-type: none"> ✓ The driver has a current and valid LR (Light Rigid) driver licence.
Vehicle registration	Road Transport Act sections 68-71 Road Transport (Vehicle Registration) Regulation 2017	<ul style="list-style-type: none"> ✓ The service ensures the vehicle is registered.

How the service follows guidelines for safe transport and travel

Further, to minimise risk:

- ✓ Educators supervise children when walking to and from the school, the minibus and the service, holding the hands of younger children including when crossing roads, driveways or car parks. This is particularly crucial if the driver is unable to secure a parking spot on the same side of the road as the school.
- ✓ Educators plan the walking journey to and from the vehicle to avoid high traffic areas where possible.
- ✓ Educators maximise opportunities for children to develop their road safety understanding and skills while out and about through regularly *Talking Traffic with Kids*.
- ✓ Educators and management from Sunshine After School Care communicate with Blue Bay Primary School's Principal to negotiate parking and collection and delivery arrangements but this can be problematic with no onsite parking available.

Scenario 3 – Excursion by public bus

The service’s context

Greenmount Preschool undertakes a monthly excursion to the local library using a public bus.

The service is approved for a maximum of 28 children (s51). On a regular day the service has 28 three to five year old children and employs three educators therefore meeting the required ratio of 1:10 (Reg 123, 271). All 28 children attend the excursion.

How the service complies with requirements under the National Law and Regulations relating to the excursion

Requirement	National Law/ Regulations reference	Service practices
Excursion policy and procedures	Regulation 168(2)(g)	<ul style="list-style-type: none"> ✓ The service has an <i>Excursion Policy and Procedures</i> in place. ✓ Everyone involved in the regular outings understands and follows these policies and procedures.
Other service policies and procedures	Regulations 85, 168, 170, 171	<ul style="list-style-type: none"> ✓ The service ensures all other policies and procedures required under the Regulations are followed when conducting excursions and regular outings.
Conduct of risk assessment for excursion	Regulations 100, 101	<ul style="list-style-type: none"> ✓ Greenmount Preschool undertook a risk assessment, including matters specified in Regulation 101. ✓ The service reviews the risk assessment before each library excursion, taking into account any changes in children’s needs or abilities or additional risks related to the route, transport or venue. ✓ The library is in a 40km/h high pedestrian area, however the library entrance is located in the car park of a shopping centre, so the service ensures ongoing risk assessment and management when walking to and from the bus stop.
Authorisation for excursion	Regulations 99, 102	<ul style="list-style-type: none"> ✓ The preschool has obtained authorisation from parents/ carers for children to attend the regular outing and provided families with all the required information under Regulation 102, including how and when children will be transported.
First aid	Regulations 89, 136	<ul style="list-style-type: none"> ✓ A first aid kit is taken on the excursion. ✓ Educators hold current approved first aid, anaphylaxis and emergency asthma management qualifications.
Telephone or other communication equipment	Regulation 98	<ul style="list-style-type: none"> ✓ A charged mobile phone is available to contact the service, parents/carers or emergency services.

Requirement	National Law/ Regulations reference	Service practices
Adequate supervision	Section 165	<ul style="list-style-type: none"> ✓ In their risk assessment, the service determined that in order to ensure adequate supervision, an additional staff member will be employed for the excursion. ✓ They also invite parents/carers to come along on their regular visits to the library to increase supervision.
Protection of children from harm and hazards	Section 167	<ul style="list-style-type: none"> ✓ To ensure children are protected from harm and hazards on the public bus journey as part of the excursion, educators ensure: <ul style="list-style-type: none"> • children are seated close to educators and supervised at all times – additional child protection risks arise when sharing the bus with members of the public. • bags and equipment are stored securely under seats. • children’s names are marked off and a head count is conducted with the date and time recorded as they get on and off the bus to ensure all children are accounted for. The procedure is repeated when entering and leaving the library. • contact has been made with the bus company to inform them of the date, time, route number and bus stops for boarding and alighting. Educators carry the bus company’s phone number should any preparation or follow up be required with the driver.

Requirements under the NSW Road Rules 2014 and Road Transport Act 2013

As the library visits are conducted using a public bus the driver-related Road Rules are the responsibility of the bus company and not the service. The public bus is exempt from requiring seatbelts so child restraints and booster seats are not legally required.

How the service follows guidelines for safe transport and travel

To minimise risk, educators:

- ✓ Hold children’s hands and physically supervise them when walking to and from the service, the bus and the library with particular vigilance around the shopping centre car park. Parent/carer volunteers enable increased supervision.
- ✓ Plan walking routes that include footpaths and walkways that are away from vehicles where possible.
- ✓ Use a marked pedestrian crossing to cross the road from the bus stop to the car park.
- ✓ Maximise opportunities for children to develop their road safety understanding while out and about through regularly *Talking Traffic with Kids*.