



2.13 CUSTODY & INTERVENTION ORDERS

Purpose Statement

It is important for all children to be safe within an education and care environment.

Collaborative and transparent relationships with families, Educators and Early Childhood Education and Care Services are fundamental to keeping children safe. Parents and/or guardians are required to keep Windermere Family Day Care informed of any issues relating to access or custody of their child and the status of current court orders (where relevant). Working together and sharing information ensures that children can continue to access care in a secure, safe and supportive environment.

Scope

This policy applies to all salaried full time and part time staff (including casuals), Educators, children, families, visitors (including contractors) and students.

Definitions

Court Order: a legal order that has been issued by a court of law and must be adhered to.

Custody: the duty of care, and legal responsibility for a child, that an individual is appointed to hold.

Intervention Order: a legal order issued by a magistrate to protect the listed individuals.

Authorised Person: a person who has been given permission by a parent or guardian to collect the child from the education and care service.

WFDC: Windermere Family Day Care.

ECECS: Early Childhood Education and Care Service.

EPC: Educational Program Coordinator.

Policy Statement

TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY OBTAINING ALL COURT ORDERS, INTERVENTION ORDERS AND/OR OTHER LEGAL COMMUNICATIONS RELATING TO CHILDREN AND PROTECTED INDIVIDUALS AND SHARING THIS INFORMATION WITH ALL RELEVANT PARTIES.

TO ENSURE THAT EVERY CHILD ARRIVES AND DEPARTS SAFELY TO AND FROM THE EDUCATION AND CARE SERVICE WITH A CLEARLY IDENTIFIED AND AUTHORISED PERSON.

Procedures

Responsibilities of the Approved Provider/Nominated Supervisor/ Responsible Person:

1. To ensure that obligations under the *Education and Care Services National Law and National Regulations* are met.
2. To ensure that staff and Educators have knowledge of and adhere to this policy.



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3. To ensure enrolment records, court orders and any other relevant legal documents are securely kept, for each child enrolled with WFDC, at the Coordination Unit.
4. To provide Educators with a copy of any legal order relating to a child in care.

Responsibilities of the Educator:

1. To be familiar with and adhere to this policy.
2. To ensure enrolment records, court orders and any other relevant legal documents are securely kept, for each child enrolled with WFDC, at the WFDC residence.
3. To always carry a mobile phone (of which parents have the number), when leaving the WFDC environment, during operational hours, in case a parent needs to make contact or access their child.

Responsibilities of Parents/Guardians:

1. To nominate, at least, 2 authorised persons on a child's enrolment form. These must be in addition to the parent/guardian and cannot be a child's WFDC Educator.
2. To inform the Coordination Unit immediately of any changes / amendments to the authorised persons nominated on a child's enrolment form or their contact details.
3. To provide the Coordination Unit with a current copy of any court, custody, or intervention orders related to the custody or protection of an enrolled child.
4. To inform the Coordination Unit immediately of any changes / amendments to court, custody or intervention orders being held by the Service. Documentary evidence of these changes must be provided, including court signatures and proceeding number.

Custody or Court Orders

1. On enrolment of a child, parents/guardians are responsible for providing a current copy of any court, custody, or intervention orders related to the custody or protection of that child, to the Coordination Unit. This document must include court signatures and proceeding number.
2. Where court, custody, or intervention orders are issued, or updated, whilst the child/ren are already engaged in care (i.e. post enrolment), parents/guardians are responsible for informing WFDC and providing a copy of the order to the Coordination Unit. This document must include court signatures and proceeding number.
3. All court orders and any other relevant legal documents relating to custody will be stored in a safe and secure manner, respecting the individual's privacy. The confidentiality of all matters relating to custody, access and court orders will be maintained at all times (refer to *Confidentiality and Privacy* procedure).
4. If at any time a person who is prohibited by a court order from having contact with a child approaches an Educator, who provides education and care to that child, the Educator will:
 - a. Not give that person any information concerning the child.
 - b. Request the individual to leave the premises immediately and attempt to prevent them from entering the environment and having access to or taking the child.
 - c. Contact the police on 000.
 - d. Inform the custodial parent or guardian of the situation ASAP.
 - e. Contact an EPC, the WFDC Team Leader or Manager for help and support. If outside of business hours (9am-5pm Monday-Friday), call the after-hours emergency number: 0408 591 457. If there is no response or call back within 10 minutes, call 0408 755 116.



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- f. Take all reasonable precautions to ensure the safety of all the children in care and of oneself. Under no circumstances should the Educator put themselves or the children in care at risk of harm or injury, whilst negotiations are taking place.

NOTE: If negotiations fail (i.e. a person prohibited by a court demands access to a child and is unwilling to reason with an Educator) then the child must be released. This step will only occur if the situation becomes dangerous.

If a Child is taken by a Non-Custodial Parent/guardian or an Unauthorised Person

1. The Educator will immediately contact:
 - a. The police on 000, advising them of the situation.
 - b. The child's custodial parent/guardian or an authorised emergency contact if the parent/guardian cannot be contacted.
 - c. The ECECS Team Leader or Manager.
2. A WFDC Educator Incident Report form must be completed within 12 hours and submitted to the Coordination Unit (refer to the *Incident Reporting* procedure).

Relevant Legislation/Standards

- National Quality Framework for Early Childhood Education and Care Services including:
 - Education and Care Services National Law 2011 (Amended 2024)
 - Education and Care Services National Regulations 2011 (Amended 2024)
- Occupational Health and Safety Act 2004
- Child Wellbeing and Safety Act 2005 (Vic) (Part 2: Principles for children)
- Privacy Act 1988
- Privacy and Data Protection Act 2014
- Australian Children's Education & Care Quality Authority (2014)

Related Policies & Links

- WFDC Policies/Procedures:
 - 1.08 Enrolment
 - 2.01 Child Safety
 - 2.25 Arrival & Departure
 - 5.02 Rights of a Child
 - 7.03 Incident Reporting
 - 7.04 Record Keeping
 - 7.20 Privacy & Confidentiality for Children & Families