

Avoiding big problems for little people.

Early learning services are dynamic, continually changing environments. This is important so children are stimulated and always learning. However, this also presents challenges and potential risks for both children and staff that need to be managed.

Guild Insurance has many years of experience insuring early learning businesses; this means we understand your industry. The following information provides case examples of common incidents that lead to insurance claims reported to Guild. Following this are risk mitigation tips for running a safer early learning service.

Case examples

- > A child scaled an almost 2 metre high fence, with the assistance of nearby play equipment, and left the setting. The child was intending to go after his parent who had just dropped him off. The child was found by a member of the public on a busy road about a hundred metres away, fortunately unharmed.
- > A child was climbing up some play equipment when she lost her footing and slipped. As she fell, she bumped her mouth on the equipment, fracturing her tooth and splitting her lip.

- > A child was running outside and tripped over some play equipment. As she landed, she fractured her wrist.
- > A child was closing a door not realising there was a child on the other side of the door. This child's finger was caught in the closing door and the tip of his finger was amputated.
- > Following complaints about an employee's unprofessional conduct towards children, the employer investigated the matter and subsequently decided to terminate the employee. The employee then lodged an unfair dismissal claim with Fair Work Australia.

Tips to mitigate risks

Identify and act on hazards

There are many hazards in an early learning service which could lead to children suffering an injury or experiencing an incident which could lead to harm. Staff need to be continually vigilant looking for these hazards. And this applies to all staff, this isn't a job just for senior staff. All staff have a responsibility to maintain a safe environment and this means staff should be encouraged to speak up if they see something that concerns them.

When hazards are identified, it's important they're acted on immediately. It's not uncommon for Guild to see cases

where identified hazards are put on the back-burner due to a lack of funds or time to address it. This isn't ok. All services need to have a process for how identified hazards are reported and recorded, with the person responsible for ensuring it's rectified clearly noted. This person needs to have an appreciation for what could go wrong if the matter isn't addressed and ensure the required focus and urgency is applied. It's also important to have a maintenance budget to allow the business to deal with unexpected yet urgent maintenance issues. Waiting till more money becomes available could be more costly in the long term, if there's a serious incident.

Ensure there is appropriate supervision

All services would be aware of the required levels of supervision and ratios. However, supervision is about much more than numbers. Staff need to understand what they need to be looking at and for when supervising children. They need to know where to place themselves. They need to be sure their attention is on the children and not allow themselves to be distracted.

Adequate supervision assists in several ways. It means potential risks may be detected before there's a serious incident. Take the earlier case of the child using play equipment to climb the fence. Not only should appropriate supervision have

meant the child was seen climbing over the fence, but it's possible that staff may have seen children attempting this on previous occasions. This risk could have been dealt with by moving equipment away from the fence. Appropriate supervision also means that if there's an incident, such as a child has fallen and injured themselves, staff will be able to respond quickly and provide an accurate report of what occurred.

Create a safe place of employment

All staff want to work in an environment where they feel safe and valued.

Unfortunately, Guild sees many varied cases where staff claim they've been treated unfairly. This may be because they've not been provided their full entitlements, such as salary or leave, or they may feel they've been bullied or not given promotion opportunities.

Managers and directors within early learning services need to be sure their focus isn't solely on the children but also on their staff, remembering that staff play a crucial role in the success of any business. There needs to be open conversations and clear expectations regarding how staff are to treat and interact with each other. Managers need to also be sure their expectations in terms of behaviour and work performance are clear.

It's important to create a workplace where staff feel comfortable speaking with managers if they have any issues or concerns. Too often we see cases where the managers are quite surprised a staff member has lodged a formal complaint as they were unaware of how the staff member was feeling. It's much easier and quicker to deal with an issue in its early stages.

Understand employment law

Employment related disputes are an ongoing theme in early learning claims reported to Guild. These claims indicate that some employers may not be aware

of their obligations and the laws governing them as an employer. There are laws surrounding salaries and awards, leave entitlements and terminating employment. Employers can't simply do as they please, no matter how their employee behaves, which unfortunately, it seems they sometimes do.

The following two websites contain a great deal of easy-to-follow information to assist employers, and employees, understand their obligations.

- > www.fairwork.gov.au (Fair Work Ombudsman)
- > www.fwc.gov.au (Fair Work Commission)

If you find yourself in a difficult situation regarding an employment matter and you hold a Guild Insurance Early Learning Business Insurance policy, you're entitled to receive free legal advice with our expert legal advisers, Meridian Lawyers. You

can access three free telephone advice sessions (each session is capped at two hours). This advice can assist you to deal with a matter correctly and fairly while it's still in its early stage, which may prevent the situation escalating into a more serious legal matter.

Don't think it won't happen to you

It's easy to read case examples such as those at the start of this article and think that wouldn't happen to you and your service. However, Guild's claims records suggest these incidents can happen to anyone. Thinking you won't face these risks can actually put you at an increased risk. This is because when risks and hazards aren't taken seriously, the necessary risk mitigation strategies are likely to not be implemented. Therefore, acknowledge what could happen, and do what you need to do to prevent them.



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Don't go it alone