

# Information sharing under Chapter 16A

Exchanging information relating to the safety, welfare and wellbeing of children attending early childhood education and care services in NSW.

This information has been prepared for agencies that are listed as a prescribed body under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998. This includes the NSW Police Force and the Department of Communities and Justice (DCJ).

The NSW Department of Education is the Regulatory Authority (NSW Regulatory Authority) for the early childhood education and care (ECEC) sector in NSW and is a prescribed body per Chapter 16A.

Information can be requested from or released to the NSW Regulatory Authority, using the provisions under Chapter 16A, as it relates to services. ECEC services include long day care, preschool, family day care, outside school hours care, vacation care, occasional care, and mobile education and care services.

All information received by the NSW Regulatory Authority via Chapter 16A is reviewed, triaged and allocated for the most appropriate action, including further investigation by Authorised Officers who are delegated responsibility within the Children (Education and Care Services) National Law (NSW) 2010 (National Law).

## NSW Regulatory Authority

The NSW Regulatory Authority regulates, monitors and supports over 6,000 ECEC services, driving quality outcomes for children and communities through early childhood education and care to ensure all children get the best start in life.

The health, safety and wellbeing of children is the highest priority of the NSW Regulatory Authority, which has the power to:

- immediately suspend the operation of an education and care service if there is an immediate risk to the health, safety and wellbeing of children attending the service.
- enforce compliance with the National Law and Education and Care Services National Regulations (NSW) 2011 (National Regulations). This includes investigating serious incidents that occur at ECEC services, such as injuries, assaults or death.
- direct an Approved Provider to exclude an individual from an education and care service premises during times that children are being educated and cared for if there are concerns about that individual.
- issue a prohibition notice that prohibits an individual from being engaged in services that provide education and care, including working as an educator either at a centre-based service or as a family day care educator.

The NSW Regulatory Authority also has broad powers of entry (without consent<sup>1</sup>) to search and inspect, as well as coercive powers that require an individual at a premise to provide evidence that may support an investigation.

<sup>1</sup>(Sections 199, 200A and 201 of the Children (Education and Care Services) National Law)

## Sharing or requesting information under Chapter 16A

### NSW Police Force Investigations

The NSW Police Force may ask the NSW Regulatory Authority for or to share information when investigating an individual involved in the ECEC sector. The NSW Regulatory Authority may be able to support the investigation and remove immediate risks to children. For example, the NSW Regulatory Authority can issue a Prohibitions or Direction to Exclude an employee deemed a risk to children from the service premises.

### Allegations

Prescribed bodies may seek or share information with the NSW Regulatory Authority relating to an incident at an ECEC service, or about an individual who is employed, owns or is actively involved in the provision of education and care. Sharing this information will assist the NSW Regulatory Authority to manage any risk to a child/ren and to initiate or conduct an investigation where required.

### Intelligence

Prescribed bodies can share concerns about activities, incidents or events at a location where education and care is provided. This includes concerns identified during the execution of a search warrant, arrest or attendance due to domestic violence at a location that is identified as a place delivering early childhood education and care, including family day care residences.

### NSW Regulatory Authority

Investigations Prescribed bodies can share information requested by the NSW Regulatory Authority under Chapter 16A in support of an investigation or compliance activity. The NSW Regulatory Authority will request information that has been deemed necessary to inform further enquiries to ensure the health, safety and wellbeing of children attending ECEC services. Delays in provision of information can potentially increase the risk of harm to children.

### How to contact us

To release or request information under Chapter 16A in relation to matters pertaining to Early Childhood Education and Care sector, please email [ECECRA.InfoSharing@det.nsw.edu.au](mailto:ECECRA.InfoSharing@det.nsw.edu.au).

For all other enquiries, please contact the Information and Enquiries Team NSW ECEC Regulatory Authority on 1800 619 113 or email [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au).

For more information on [\*Chapter 16A, visit the Children and Young Persons \(Care and Protection\) Act 1998 No 157 website.\*](#)