

Motor Vehicle Safety - Guidelines for Child Protection Placement Services

Organisations providing Child Protection Placement Services must provide or support care to children and young people which meets the Statement of Standards (*Section 122, Child Protection Act 1999*). In accordance with the Charter of Rights for a Child in Care (*Schedule 1, Child Protection Act 1999*) children and young people have a right to be provided with a safe (and stable) living environment.

These guidelines cover a range of vehicle safety requirements and will assist organisations in developing their own processes to mitigate risk as a part of ensuring the safety, wellbeing and best interests of children and young people in care. They will also assist in mitigating risk to organisation staff and members of the community.

Unless specified, vehicle safety requirements apply to both family-based care¹ and non-family based care providers and are to be applied to all vehicles present during service delivery, including organisation and privately owned by organisation staff². The vehicle safety requirements detailed below must be addressed in organisational policies and procedures and staff must be trained in them, as per standard process for induction, prior to working in care environments where vehicles are present.

Regular review and monitoring must be undertaken by organisations to ensure vehicle safety requirements are being adhered to e.g., audits on secure storage of vehicle keys, vehicle inspection checklists, environmental safety reviews, maintenance of training registers, review of vehicle safety requirements during team meetings, vehicle maintenance schedules.

The vehicle safety requirements apply to organisation staff² during all aspects of service delivery, including when:

- attending or working within non-family based care premises or foster and kinship care service environments (including carer households)
- transporting children and young people
- accompanying children and young people in the community
- facilitating/attending activities or events where children and young people are present
- children and young people are present in office environments/other organisation environments.

The following vehicle safety requirements will be addressed in these guidelines:

- Secure storage and carriage of vehicle keys
- Vehicle safety and maintenance
- Safe operation of vehicles
- Devices required to support safe transport
- Other safety matters

SECURE STORAGE AND CARRIAGE OF VEHICLE KEYS

A major risk to the safety of children and young people in placements is gaining access to motor vehicles. Vehicle keys must never be left unsecured under any circumstance.

¹ The guidelines apply to organisations, not foster and kinship carers or other household members.

² This includes employees, subcontractors, agency staff, students and volunteers who are engaged by the organisation to provide Child Protection Placement Services

Organisational policies and procedures must address how vehicle keys³ are to be securely stored and carried during service delivery.

Organisation policy/procedure must outline a process for the immediate internal reporting of lost or stolen vehicle keys.

Secure Storage

Vehicle keys that are not in use must be stored securely.

Within non-family based care environments, this means securely storing keys for all organisation and privately owned vehicles (in or adjacent to the care environment) in a safe that has a combination lock and is securely affixed to a floor or wall within a locked office. In situations where the installation of an affixed safe is not possible (e.g., landlord does not agree) organisations must ensure the safe is of a size and quality that cannot be easily tampered with or moved. Alternatively, the safe may be securely affixed to an object within a locked office that cannot be easily detached, picked up, or moved without considerable effort e.g., securely affixed to the top of a heavy filing cabinet. Emergency access keys and codes for digital combination safes must be stored away from the safe in a secure location.

Secure Carriage

For all care service types, vehicle keys that are in use (and are not placed in the ignition with the driver in the driver's seat) must be securely carried on a staff member's person. For example:

- secured in a pocket (preferably buttoned/zipped)
- secured in pouch belt/waist bag
- securely attached to a belt via key clip or key carabiner

Vehicle keys are not to be carried on lanyards or other mechanisms that can easily break or detach.

There may be circumstances where it is not possible for a staff member to carry vehicle keys on their person (e.g., when engaging in activities such as swimming at the beach, public pool, waterhole etc.). Consideration should be given to other mechanisms to ensure vehicle keys are secure, such as a portable vehicle key padlock. For keyless entry/start vehicles, a Faraday cage (pouch/bag) that blocks the electromagnetic signal or disabling the keyless entry function would provide an additional safeguard from entering and starting a vehicle should a child or young person gain possession of the portable vehicle key padlock or transponder.

Within non-family based care environments visitor vehicle keys e.g., keys in the possession of Community Visitors, departmental officers, family members, tradespeople etc. are considered vehicle keys that are in use, therefore the requirements for the secure storage of vehicle keys do not apply. However, organisations must ensure that all visitors are made aware of and adhere to the requirements for the secure carriage of vehicle keys.

The requirements for secure storage of vehicle keys within non-family based care environments may not be feasible for some Supported Independent Living Services e.g., no locked office for a key safe to be installed or housed. In these circumstances the requirements for the secure carriage of vehicle keys must be adhered to by organisation staff.

³ Vehicle keys include traditional, transponder and remote keyless systems.

Within care environments young people may own and operate a private vehicle. Where this is the case in a residential care premises or safe house, the requirements for the secure storage and secure carriage of vehicle keys must be adhered to.

For young people who own and operate a private motor vehicle in any non-family based care environment (including Supported Independent Living Services) appropriate risk assessment needs to be undertaken for each individual circumstance, using a collaborative consultation process (department and organisation), to ensure the safety of the young person, other children and young people placed, staff and members of the community. Associated risk management strategies must be detailed in an organisation's care planning documentation.

VEHICLE SAFETY AND MAINTENANCE

Organisations must ensure that all vehicles (including privately-owned) used to transport children and young people are registered and are appropriately maintained. This includes periodic vehicle safety and serviceability checks and regular servicing to ensure vehicles remain in a roadworthy condition.

Organisations must have processes for reporting breakdowns, other performance issues and damage to vehicles. Queensland Government advice on periodic vehicle safety and serviceability checks, including maintenance of vehicles is outlined at <https://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/buying-products-and-services/buying-services/vehicle-services/maintain-your-vehicle>

SAFE OPERATION OF VEHICLES

Organisations must implement processes which ensure that safety risks for children and young people, staff and members of the public are considered and guarded against prior to transporting individual children and young people.

Organisations must ensure that each driver has a valid Queensland, interstate, or international driver licence of a class appropriate to the vehicle they will be transporting children or young people in. Processes must be in place that require staff who may transport children or young people to disclose to the organisation if they have been disqualified/suspended from driving, if conditions have been imposed on their licence, or if they are not in a fit state to safely operate a vehicle.

Prior to transporting a child or young person individual risk must be considered to identify whether the needs, known behaviours of the child/young person or any other circumstances may pose a safety concern during transport. Considerations may include but are not limited to:

- potential triggers during travel that may lead to escalations, and associated preventative strategies
- strategies to respond if a child or young person becomes agitated, aggressive, is distracting the driver, or is not remaining seated
- strategies to respond if a young person attempts to exit a moving vehicle
- the most suitable place to seat children and young people
- whether a second staff member is required to assist during transport
- ensuring the driver has access to a mobile/satellite phone in case of an emergency.

Organisations should ensure that children and young people are supported to develop the skills to be safe in a vehicle and these expectations should be reinforced through regular discussion (e.g., the need to wear a seatbelt and remain seated etc).

Vehicles must be parked safely and remain locked when not in use. The engine must not be left running at any time when the driver has exited the driver's seat. Vehicles must be turned off and keys carried securely by the driver when vehicles are being refuelled.

DEVICES REQUIRED TO SUPPORT SAFE TRANSPORT

It is a legal requirement in Queensland that all persons wear a correctly fitted seatbelt or child restraint when in a vehicle that is moving or stationary (not parked). When driving with children up to 7 years of age, they must be restrained in a properly fastened and adjusted Australian Standards (AS) approved child restraint which is appropriate to their age and the restraint's height markers. Current Queensland child restraint requirements are available at: <https://www.qld.gov.au/transport/safety/rules/children>.

Drivers are responsible for ensuring that all passengers are safely restrained in cars and should follow the relevant guidance around types of child restraints. Organisations must ensure staff are capable of correctly installing, adjusting, and fastening any child restraint that is to be used.

The following types of devices required to support safe transport are appropriate and are not considered restrictive practices under the *Managing high risk behaviour* (646) policy:

- use of a device or harness to support the safe transport of a child with a physical disability. These should be prescribed by an appropriate professional and adhere to the appropriate legal requirements.
- the use of standard safety features within cars including the 'child lock' option on a door or the 'window lock' option.

Vehicles must never be used to contain or seclude a child or young person.

OTHER SAFETY MATTERS

Organisations may opt to install immobilisers as an additional safety measure; however, this is not a mandatory requirement.

Children under 12 years must not be left unattended in vehicles and organisations must implement routines to avoid this occurring. This can have catastrophic consequences as the temperature of a vehicle can reach dangerous levels in as little as 5 minutes.

Young people 12 years and over must not be left unattended in vehicles where this may create a risk to themselves or others due to their developmental needs or known behaviours.

Staff must know how to respond should keys accidentally be locked inside the vehicle when children or young people are inside.

Smoking (including e-cigarettes and vaping) is not permitted within a vehicle that is transporting children and young people.

HOW DO I FIND FURTHER INFORMATION?

To obtain further information about implementation contact the relevant Child Safety Regional Office and speak to your regional Investment & Partnerships Team or Placement Services Unit. Contact details can be found at:

<https://www.cyjma.qld.gov.au/about-us/our-department/regions>

To obtain further information about how requirements are monitored for licensed child protection placement services, contact the Child Safety Licensing team on phone 07 3097 5905 or by email: CS_Licensing@cyjma.qld.gov.au

For further information regarding *Positive Behaviour Support* and *Managing High Risk Behaviour* policy requirements, please refer to the following:

- [Positive Behaviour Support \(cyjma.qld.gov.au\)](http://cyjma.qld.gov.au)
- [Managing High Risk Behaviour \(cyjma.qld.gov.au\)](http://cyjma.qld.gov.au)
- CSPM - Respond to the use of prohibited or restrictive practices for a child in the guardianship of the chief executive: <https://cspm.csyw.qld.gov.au/procedures/support-a-child-in-care/meet-a-child-s-health-and-wellbeing-needs>
- CSPM - Positive behaviour support and managing high risk behaviour (practice guide): <https://cspm.csyw.qld.gov.au/resources/resource/Positive-behaviour-support-and-managing-high-risk/56ee33da-bc91-4ecf-892f-255f83a36a72>

For further information about the precautions required to maintain safety when transporting young people in vehicles, please refer to Section 6 of the following:

- Practice Guidelines - Reducing Preventable Police Call-outs to Residential Care Services: <https://www.dcssds.qld.gov.au/resources/dcsyw/about-us/partners/child-family/practice-guidelines-residential-care-workers.pdf>