



Anaphylaxis Legislation 14 July 2008

June 2008

The Victorian Government has recently passed legislation to improve the safety of children at risk of anaphylaxis when they attend a licensed children's service. The new legislation also covers children and young people in schools.

The Children's Services and Education Legislation Amendment (Anaphylaxis Management) Act 2008 will commence on 14 July 2008 and will amend the *Children's Services Act 1996* and the *Education and Training Act 2005*.

New legal requirements

From 14 July 2008, all proprietors of licensed children's services will be required to have an anaphylaxis management policy in place (under the new section 26A of the *Children's Services Act 1996*).

The Department of Education and Early Childhood Development has developed a number of resources to help you develop an appropriate policy (page 2 of this Update).

Related changes to the Children's Services Regulations 1998

Importantly, these changes to the *Children's Services Act 1996* also enable new regulations to be added to the Children's Services Regulations 1998. It is proposed that regulatory changes will be introduced later in the year which will prescribe policies, plans, procedures and training related to anaphylaxis.

A Regulatory Impact Statement on the proposed new regulations (including a draft of the actual regulations) will shortly be available for public comment at:

www.office-for-children.vic.gov.au/earlychildhood

You will be invited to examine the proposed amendments and provide feedback to the Department of Education and Early Childhood Development in July.

Continuing requirements: reasonable precautions

In the March 2008 update, we reminded proprietors of their responsibilities to ensure that every reasonable precaution is taken to protect all children from any hazards likely to cause injury (section 26 of the *Children's Services Act 1996*).

In particular, we noted the reasonable precautions to take where a child at risk of anaphylaxis is enrolled. You should continue with these reasonable precautions as well as developing a formal anaphylaxis management policy (the new legal requirement).

Reasonable precautions involve the following:

- A current anaphylaxis medical management action plan (prepared and signed by the child's medical practitioner) should be attached to the child's enrolment record.
- A risk minimisation plan should be developed in consultation with parents/guardians.
- All staff members on duty should have undertaken accredited anaphylaxis management training (and the date of that training should be recorded).
- Staff should be able to identify all children at risk of anaphylaxis and should know where each child's EpiPen[®] is located.
- Each EpiPen[®] at the premises should be within its expiry date.
- All staff should practise using an EpiPen[®] at least once a year.

Training and resources

Free training in anaphylaxis management

Where there is a child diagnosed at risk of anaphylaxis enrolled in a licensed children's service, all staff members on duty must have accredited anaphylaxis management training.

Over 7,000 children's services staff have now received free anaphylaxis management training funded by the Department of Education and Early Childhood Development.

Information about the free training, including updated frequently asked questions, is at: www.office-for-children.vic.gov.au/earlychildhood

Refreshing your skills: Anaphylaxis Resource Kit

An Anaphylaxis Resource Kit was distributed to all licensed children's services in September 2007. The kit allows staff to regularly practise with an EpiPen[®] and to refresh the skills and knowledge gained through formal anaphylaxis management training. We encourage staff to use the CD Rom and trainer EpiPen[®] in the kit and to regularly practise how to use the EpiPen[®].

Developing an anaphylaxis management policy

The website www.office-for-children.vic.gov.au/earlychildhood includes a model anaphylaxis policy, risk minimisation plan, check list and updated practice note. As well, it gives links to other useful allergy and anaphylaxis websites.

Contact the licensed children's services enquiry line on 1300 307 415 if you have any questions or require further information