

What can I do if children are still at the programme after closing time?



Staff at OSCAR programmes have a 'duty of care' for children enrolled and attending their programme. The sign in/out process usually determines when the duty of care starts and finishes.

'Duty of care' means that staff will provide reasonable care and protect the child from unnecessary harm. Duty of care continues until that child is safely handed over to a parent or other person nominated by the parent, even if it is well past a programme's closing time.

There may be all manner of reasons why children are not collected and parents have not been able to contact the programme to alert you: miscommunication; time management; car, transport and communication issues; civil defence or weather related issues; accidents and medical emergencies, or a parent may be held up in attending to someone else's emergency. So don't jump to conclusions that parents are taking advantage of your services or being negligent.

Suggested steps

The [MSD Standards for OSCAR](#) require approved programmes to have a written procedure for how they will manage situations where children are not collected. It may include guidance on how long to wait until parents, other emergency contacts and in extreme situations, the police are called. There will usually be some guidance as to who will stay with a child and who has authority to contact police if it is necessary.

Miscommunication is the primary reason for children not being collected, so making contact with a parent is your first port of call. Parents may give permission at this point for children to be collected by someone who is not listed on their enrolment form.

If parents can't be contacted, try the emergency contact numbers and other people authorised to collect the child that parents have given on the enrolment form. There may be issues around custody, access to children and protection orders that may be in place so it is important to only contact people named and authorised on the enrolment information.

It is not OK to take children home to their own house unless there is a designated adult there and it is not OK to take children home to your own house without permission from the parent.

If you do send children home with emergency contacts, remember to leave a message at the centre for the parent and a contact phone number for you.

In extreme cases, the Police and Child Youth and Family are the only agencies that have the legal authority to care for children and/or place the child in appropriate care until they can be returned to their families.

If the Police are called they may be able to determine what is holding up parents and together with Child Youth and Family they have authority to place children in the care of other family and friends that they deem to be safe, until parents can be located. If there are any issues around child safety, the police will contact duty social workers who will help to determine a safe place for children until they can be returned to their families.

Late fees

Many programmes have a “late fee” that may escalate over time, to provide an incentive to collect children before closing time and to cover costs of staff remaining at the programme after closing time.

Parents enter into a contract with the programme when they enrol their children. Repeatedly collecting children late may be a breach of the contract and the programme may have the right to withdraw services for the family concerned. If there is a pattern of late pick-ups, programmes may like to consider whether their closing time is still meeting the needs of their families.

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