

## Information for Schools, Education and Care Services and Child Care Services

### Contagious conditions - *Public Health Act 2005*, Chapter 5 Part 2

For the purposes of this document, all public and private schools and education and care services (family day care services, centre based childcare services and licensed home-based childcare services) will be collectively referred to as “a service” or “the service/s”. Where the terms “person in charge” or “persons in charge” are used it means the person in charge of the service.

The *Public Health Act 2005* and the *Public Health Regulation 2018* provide the legal framework to support persons in charge of a service when there is a need to manage a situation where a child has or may have a contagious condition prescribed under the *Regulation*. These contagious conditions are considered to be serious illnesses that may put children and staff at risk.

Queensland Health public health units are an important source of information on contagious conditions, including prescribed periods for restriction and the management of contacts. A list of public health units in Queensland and their contact details can be found at [www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units](http://www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units)

## 1. What is a contagious condition?

Contagious conditions are infectious diseases that can spread from person to person in a number of ways including:

- through the air by breathing in infectious droplets
- through contact with germs from faeces passed via the hands to the mouth
- through germs on hands from contact with contaminated surfaces, that can be transferred to broken skin, eyes, nose or mouth
- through contact with germs in blood or other body secretions (such as urine, saliva, nasal secretions) onto broken skin, eyes, nose or mouth

Contagious conditions prescribed in the *Public Health Regulation 2018* include:

- chickenpox (varicella)
- diphtheria
- enterovirus 71
- gastroenteritis
- german measles (rubella)
- haemophilus influenzae type b (Hib)
- hepatitis A
- influenza
- measles
- meningococcal disease



- poliomyelitis
- typhoid and paratyphoid
- tuberculosis
- whooping cough (pertussis)

Factsheets for each of these conditions can be found at the Health Conditions Directory website at <http://conditions.health.qld.gov.au/HealthCondition/Home>

## 2. What is the risk from contagious conditions?

Preventing the spread of these conditions among children at school or in child care will not only help to maintain the health of Queensland children but will also help to curtail the spread of these conditions into the broader community.

The contagious diseases referred to in the *Public Health Regulation 2018* can lead to serious illness and even death. Children are at considerable risk of being exposed to a contagious condition when an infectious child attends a service because the services are places where close and prolonged contact often occurs between children through playing, eating and classroom situations.

## 3. What is a vaccine preventable condition?

A vaccine preventable condition is a condition for which a vaccine is available.

While most of the contagious conditions listed above are vaccine preventable, the *Public Health Regulation 2018* currently lists **only measles** as a *prescribed* vaccine preventable condition.

## 4. Prescribed periods. Why do children need to stay away from school, education and care services and/or child care service?

The periods prescribed under the *Public Health Regulation 2018* are based on the minimum exclusion periods recommended by the National Health and Medical Research Council (NHMRC). Keeping children away from a service for these periods will minimise the likelihood of spread of contagious conditions within the service.

A prescribed period is a period of time during which a child must not attend a service. The prescribed period varies depending on the contagious condition involved. Prescribed periods apply to children who have or are suspected of having a contagious condition. Prescribed periods also apply to children who are not vaccinated for a *prescribed* vaccine preventable condition and who may be at risk of contracting and/or transmitting the condition if they continue to attend a service.

## 5. What is a direction?

A direction is a written or verbal (including telephone) instruction given by a person who is recognised under the *Public Health Act 2005* as a person with authority to provide the direction e.g. a Queensland Health public health medical officer or a person in charge of a

school, education and care service, or child care service.

## 6. How can a direction be used?

The person in charge of a service may give a direction to a parent to remove a child from the service and not send that child to any other service during the prescribed period if:

- they have advised the parent about their suspicion that their child may have a contagious condition and
- the child continues to attend the service and
- they believe other children attending the service may be at risk of contracting the condition

The person in charge of a service must consult a doctor or Queensland Health public health medical officer before taking this action.

Information to be included in the direction to the parent/carer includes:

- the suspected contagious condition that led to the direction
- the prescribed restriction period for the condition and
- the process for the child to return to the service.

When directed, parents need to take their child out of the service. The child is to remain away from the service for the period prescribed (as indicated in Schedule 4 of the *Public Health Regulation 2018*) unless they have approval to return to the service earlier, as per section 9 below.

The person in charge of a service can be directed by Queensland Health to take action if Queensland Health becomes aware that a child attending a service may have a contagious condition. The person in charge of a service must comply with that direction. If no action is taken by the person in charge of a service to comply with the direction, then action can be taken against the person in charge of a service and penalties apply.

It is important to keep clear concise records of all directions issued to parents, including details of all conversations.

## 7. Unvaccinated children

The parents of children who are unvaccinated for a *prescribed* vaccine preventable condition (currently limited to measles) can be directed by the person in charge of a service to remove the child from the service and not to send the child to the service during the prescribed period for the relevant condition, if the child is believed to be at risk of contracting that condition.

The person in charge must consult a doctor or Queensland Health public health medical officer before taking this action.

When directed, parents need to take their child out of the service. The child is to remain away from the service for the period prescribed (as indicated in Schedule 4 of the *Public Health Regulation 2018*).

The person in charge of a service can be directed by Queensland Health to take action if Queensland Health becomes aware that an unvaccinated child attending a service may be at risk of contracting a vaccine preventable condition. The person in charge of a service must comply with that direction. If no action is taken by the person in charge of a service to comply with the direction, action can be taken against the person in charge and penalties apply.

## 8. What does this mean for parents/carers?

Parents/carers are obliged by law not to send a child to a service if they suspect the child could have a contagious condition, as their attendance poses a disease risk to other children who attend the service.

(A) For parents of children who have a contagious condition and receive a direction

Parents must comply with a direction to keep the child or children away from a service for a prescribed period.

(B) For parents of unvaccinated children who receive a direction

Parents must comply with a direction to keep children who are unvaccinated for a *prescribed* vaccine preventable condition away from a service for a prescribed period.

## 9. When can the child return to the school, education and care service, or child care service?

A child who has had or was suspected of having a contagious condition can generally return to the service when they are well and:

- the prescribed period has ended

or

- the parent provides a written clearance from a doctor that the person does not have the condition or is no longer infectious

or

- a Queensland Health public health medical officer approves return.

Prior to readmitting a child to the service following a contagious condition it is strongly recommended that the person in charge contacts the relevant public health unit for advice.

Children who are not fully vaccinated for a *prescribed* vaccine preventable disease and who have been directed to stay away from a service, can return when the public health unit advises that it is safe for them to do so.

However, if a child is not attending because of a direction by a Queensland Health public health medical officer or other authorised Queensland Health officer, the person in charge must comply with any specific readmission criteria included in that direction.

## 10. Teacher, educator or carer responsibilities

If a teacher, educator or carer suspects that a child may have a contagious condition they must alert the person in charge of the service.

## 11. Person in charge of a school, education and care service, or child care service responsibilities

Persons in charge of a service have a duty of care to take quick action to protect the health of children and staff at the service setting.

If a teacher, educator or carer advises a person in charge of a suspicion that a child has a contagious condition, the person in charge may advise the parent of the child of that suspicion and of their obligation not to send the child to the service if the child has the condition.

The person in charge of the service should consult with a public health unit and provide the parent with any information the service has received from the public health unit.

## 12. What can Queensland Health do to manage the spread of a contagious condition?

In exceptional circumstances Queensland Health can arrange for a doctor to examine a child who is suspected of having a contagious condition. A number of prerequisites must be met prior to undertaking an examination, such as gaining parental/carer consent, consulting the person in charge and providing a notice to both the person in charge of the service and parent/carer about the notification.

Additional actions to restricting attendance of children who pose an infection risk to others include:

- A Queensland Health authorised officer can provide a written direction to a person in charge of a service outlining actions that must be taken to minimise the risk of disease transmission in the service.
- In exceptional circumstances the Minister for Health may order the temporary closure of a service for a period of up to one month.

There are a number of conditions that must be met prior to temporary closure of a service including:

- a) there is an outbreak of a contagious condition at the service, or in the community and there is a significant risk of children and staff at the service contracting it
- b) methods of controlling the outbreak will not be effective without the temporary closure of the service
- c) consultation with the Minister who has responsibility for:
  - education or
  - early education and care services

## 13. Confidentiality

The *Public Health Act 2005* contains a number of provisions relating to how confidential information is to be managed. Generally, confidential information must not be disclosed, however there are some exemptions including where the disclosure of confidential

information will be used to help prevent or minimise the transmission of a contagious condition.

A Queensland Health public health medical officer or other authorised officer:

- may require a person in charge of a service to provide certain details, such as a child's name or parent/carer contact details, if a contagious condition is suspected, in order to confirm the diagnosis
- must provide a person in charge of a service with the vaccination status of relevant contacts if there is a case of measles, if the public health unit determines that the person in charge needs this information to carry out their responsibilities under the Public Health Act 2005.

The ability to provide information to a public health unit by a person in charge of a service is not restricted by the confidentiality provisions of other legislation such the *Health Services Act 1991*, *Education and Care Services Act 2013* and *Education (General Provisions) Act 2006*.

A person acting under Chapter 5 Part 2 Contagious Conditions Provisions of the Public Health Act 2005 is protected from civil, criminal or administrative liability if they are acting honestly to provide information to a person to help prevent or minimise transmission of a contagious condition, for example, directing a parent/carer to remove a child from a service.

## 14. Vaccination records

Public health legislation does not require schools or child care services to hold vaccination records of attending children. However, child care services are required by their accreditation body to keep an up to date record of children's vaccination status.

### Summary

- Children with a contagious condition should not attend school or childcare until well and non-infectious
- Unvaccinated children may need to stay away from a service during a measles outbreak if they are determined to be at risk of infection or infecting others
- Persons in charge of a service are able to require children to stay away from the service for a specified period if they have or are suspected to have a contagious condition following consultation with a medical officer
- Queensland Health public health medical officers may direct a person in charge of a service to require a child to stay away from the service for a specified period, if they have or are suspected to have a contagious condition

More information on the provisions of the Public Health Act 2005 and general information on childhood contagious conditions is available by accessing the following websites:

<https://www.legislation.qld.gov.au/view/whole/html/inforce/2018-12-01/act-2005-048>

Staying Healthy: Preventing infectious diseases in early childhood education and care services (5th Edition): <https://www.nhmrc.gov.au/about-us/publications/staying-healthy-preventing-infectious-diseases-early-childhood-education-and-care-services>

For information on contagious conditions and other diseases contact 13 HEALTH (13432584) or your local public health unit. To find your local public health unit please go to [www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units](http://www.health.qld.gov.au/system-governance/contact-us/contact/public-health-units).