

CHILD SAFE ENVIRONMENT POLICY

Mandatory – Quality Area 2

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This policy was adapted from:
ELAA (2013), Policy Works Manual – National Quality Framework, Child Safe Environment Policy

1. PURPOSE

This policy will provide a clear set of guidelines and procedures to ensure:

- all children attending Eltham Woods Preschool are provided with a safe environment
- all reasonable steps are taken by the Approved Provider, educators and staff to ensure the health, safety and wellbeing of children attending the service
- timely and effective intervention for children and young people who may be at risk of abuse or neglect.

2. POLICY STATEMENTS

VALUES

Eltham Woods Preschool has a moral and legal responsibility to ensure that all children are safe in their care, and will provide training, resources, information and guidance to support this. Eltham Woods Preschool is committed to:

- ensuring that the health, safety and wellbeing of children at the service is protected at all times while also promoting their learning and development
- fulfilling its duty of care (refer to *Definitions*) obligations under the law by protecting children from any reasonable, foreseeable risk of injury or harm
- ensuring that people caring for children at the service act in the best interests of the child, and take all reasonable steps to ensure the child's safety and wellbeing at all times
- supporting the rights of all children to feel safe, and be safe, at all times
- developing and maintaining a culture in which children feel valued, respected and cared for
- encouraging active participation from parents/guardians and families at the service, and ensuring that best practice is based on a partnership approach and shared responsibility for children's health, safety, wellbeing and development
- promoting children's development and wellbeing.

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Eltham Woods Preschool, including during offsite excursions and activities.

3. PROCEDURES

The Approved Provider is responsible for:

In relation to child protection matters:

- ensuring that the Nominated Supervisor and staff members at the service who work with children are advised of current child protection legislation, its application, and any obligations that they may have under that law (Regulation 84)
- identifying the potential for and signs of child abuse at Eltham Woods Preschool, and developing and implementing effective prevention strategies in consultation with the Nominated Supervisor and educators/staff (refer to Attachment 1 – Child protection risk assessment and Attachment 4 – Child safety review checklist)
- ensuring recruitment and induction processes for educators, staff and contractors are in line with this policy (refer to Attachment 5 – Guidelines for the recruitment of staff and volunteers)
- screening all educators, staff, contractors, volunteers and students, including undertaking criminal history checks (if required), Working with Children Checks (except for individuals under the age of 18, registered teachers or police officers), reference checks and interviews (refer to *Staffing Policy*)
- ensuring that volunteers/students, parents/guardians and other visitors to the service are not left with sole supervision of individual children or groups of children
- ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises
- ensuring clear procedures are in place for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints and Grievances Policy*)
- ensuring educators, staff, contractors, volunteers and students undertake appropriate training and education on child protection, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – Incident/concern management and reporting guidelines)
- offering support to the child and their family, and to educators and staff in response to concerns or reports relating to the health, safety and wellbeing of a child at Eltham Woods Preschool
- developing co-operative relationships with appropriate services and/or professionals (including Child FIRST) in the best interests of children and their families
- identifying and implementing appropriate programs and practices to support the principles of a child safe organisation, in consultation with the Nominated Supervisor and educators/staff at the service (refer to Attachment 2 – Child safe organisations and the *Safeguarding Children* accreditation program (refer to *Sources*))
- notifying DEECD, in writing, within 24 hours of becoming aware of a notifiable complaint (refer to *Definitions*) or allegation regarding the health, safety and/or welfare of a child at Eltham Woods Preschool
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*).

In relation to providing a child safe environment at the service:

- ensuring children are adequately supervised and that educator-to-child ratios are maintained at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- ensuring parents/guardians have completed the enrolment form including details of authorised nominees, and permission forms for excursions and administration of medication (refer to *Delivery and Collection of Children Policy*, *Excursions and Service Events Policy*, *Administration of Medication Policy* and *Dealing with Medical Conditions Policy*)
- ensuring the physical environment at the service is safe, secure and free from hazards for children (refer to the *Service policies* section of this policy)
- conducting risk assessments for excursions and considering children's safety when leaving the service premises
- ensuring all equipment and materials used at the service meet relevant safety standards (refer to *Service policies* section of this policy)

- ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that the Nominated Supervisor, educators and all staff at the service who work with children are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- implementing and reviewing this policy in consultation with the Nominated Supervisor, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- protecting the rights of children and families, and encouraging their participation in decision-making
- ensuring the Nominated Supervisor, educators, staff, contractors, volunteers and students are kept informed of any relevant changes in legislation and practices in relation to this policy.

The Nominated Supervisor is responsible for:

In relation to child protection matters:

- ensuring that they are aware of current child protection legislation, its application and any obligations that they may have under that law
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- arranging appropriate training and education for educators and staff on child protection, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – Incident/concern management and reporting guidelines)
- identifying the potential for child abuse at Eltham Woods Preschool, and developing and implementing effective prevention strategies in consultation with the Approved Provider and educators/staff (refer to Attachment 1 – Child protection risk assessment and Attachment 4 – Child safety review checklist)
- ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises
- identifying and implementing appropriate programs and practices to support the principles of a child safe organisation in consultation with the Approved Provider and educators at the service (refer to Attachment 2 – Child safe organisations and the *Safeguarding Children* accreditation program (refer to *Sources*))
- co-operating with other services and/or professionals in the best interests of children and their families
- ensuring that families are made aware of support services available to them (such as Child FIRST), and of the assistance these services can provide
- ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service
- implementing the procedures for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints and Grievances Policy*)
- notifying the Approved Provider immediately on becoming aware of a concern, complaint or allegation regarding the health, safety and welfare of a child at Eltham Woods Preschool
- offering support to the child and their family, and to educators and staff in response to concerns or reports relating to the health, safety and wellbeing of a child at Eltham Woods Preschool

- implementing and reviewing this policy in consultation with the Approved Provider, educators, staff, contractors and parents/guardians
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*).

In relation to providing a child safe environment at the service:

- ensuring that all educators and staff who work with children are aware of this policy, and are supported to implement it in the service
- protecting the rights of children and families, and encouraging their participation in decision-making at the service
- ensuring that all children are adequately supervised at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- ensuring learning environments are established that provide sufficient space, and include carefully chosen and well-maintained resources and equipment that will help enhance the quality of children's learning and experiences
- organising/facilitating regular safety audits of the following:
 - emergency equipment
 - playgrounds and fixed equipment in outdoor environments
 - cleaning services
 - horticultural maintenance
 - pest control
- ensuring that all cupboards/rooms are labelled accordingly, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors and cupboards where contents may be harmful
- ensuring that all contractors/visitors sign in to the visitor's log book
- ensuring the physical environment at the service is safe, secure and free from hazards for children (refer to the *Service policies* section of this policy)
- conducting risk assessments for excursions and considering children's safety when leaving the service premises
- ensuring all equipment and materials used at the service meet relevant safety standards (refer to the *Service policies* section of this policy)
- ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that all educators and staff at the service who work with children are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- implementing and reviewing this policy in consultation with the Nominated Supervisor, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.

Certified Supervisors and other educators/staff are responsible for:

In relation to child protection matters:

- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy

- undertaking appropriate training and education on child protection, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – Incident/concern management and reporting guidelines)
- identifying the potential for child abuse at Eltham Woods Preschool, and developing and implementing effective prevention strategies in consultation with the Approved Provider and the Nominated Supervisor (refer to Attachment 1 – Child protection risk assessment and Attachment 4 – Child safety review checklist)
- ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises
- identifying and implementing appropriate programs and practices to support the principles of a child safe organisation in consultation with the Approved Provider and Nominated Supervisor at the service (refer to Attachment 2 – Child safe organisations and the *Safeguarding Children* accreditation program (refer to *Sources*))
- co-operating with other services and/or professionals (including Child FIRST) in the best interests of children and their families
- informing families of support services available to them (such as Child FIRST), and of the assistance these services can provide
- ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service
- implementing the procedures for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints and Grievances Policy*)
- notifying the Nominated Supervisor or the Approved Provider immediately on becoming aware of any concerns, complaints or allegations regarding the health, safety and welfare of a child at Eltham Woods Preschool
- offering support to the child and their family, and to other educators and staff in response to concerns or reports relating to the health, safety and wellbeing of a child at Eltham Woods Preschool
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*)
- reviewing this policy in consultation with the Approved Provider, Nominated Supervisor, educators, staff, contractors and parents/guardians.

In relation to providing a child safe environment at the service:

- maintaining learning environments that provide sufficient space, and include carefully chosen and well-maintained resources and equipment to ensure a safe environment
- maintaining a regular cleaning schedule for all equipment to avoid cross-infection (refer to *Hygiene Policy*)
- maintaining a clean environment daily, and removing tripping/slipping hazards as soon as these become apparent (refer to *Occupational Health and Safety Policy*)
- conducting a daily check of the building, ensuring all children are signed out of the service, doors and windows are closed and locked, and appliances are switched off etc. A written record of the daily check should be kept, signed by an educator and filed for future reference
- actively supervising children at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- educating and empowering children to talk about events and situations that make them feel uncomfortable
- ensuring children are adequately supervised at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- ensuring the physical environment at the service is safe, secure and free from hazards for children (refer to the *Service policies* section of this policy)

- conducting risk assessments for excursions and considering children's safety when leaving the service premises
- ensuring all equipment and materials used at the service meet relevant safety standards (refer to the *Service policies* section of this policy)
- ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that children at the service are not subjected to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- implementing and reviewing this policy in consultation with the Nominated Supervisor, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- protecting the rights of children and families, and encouraging their participation in decision-making
- keeping up to date and complying with any changes in legislation and practices in relation to this policy.

Parents/guardians are responsible for:

- reading and complying with this policy
- reporting any concerns, including in relation to potential for child abuse, to the Nominated Supervisor
- abiding by the service's *Code of Conduct*.

Volunteers and students, while at the service, are responsible for following this policy and its procedures.

4. BACKGROUND AND LEGISLATION

Under the *Education and Care Services National Regulations 2011*, the Approved Provider or Person with Management or Control must ensure that all staff are familiar with current policies and procedures with regard to child safety and protection, including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

The Approved Provider, Persons with Management Control, Nominated Supervisor, Persons in Day-to-Day Charge, staff, contractors and volunteers of early childhood services have legal and duty of care obligations to protect children under their supervision and care.

Duty of care obligations (refer to *Definitions*) require the Approved Provider, Person with Management or Control, Nominated Supervisor, Persons in Day-to-Day Charge, and staff to take reasonable steps to protect children from injury that is reasonably foreseeable.

In addition, organisations have a duty of care to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under its care, supervision or authority (refer to Organisational duty of care in *Definitions*).

The duty will relate to individuals associated with an organisation, including but not limited to committee members, employees, volunteers and contractors.

The Children, Youth and Families Act 2005 provides the legislative basis for the provision of services to vulnerable children, young people and their families, and places children's best interests at the heart of decision-making and service delivery.

Any person who forms a reasonable belief (refer to *Definitions*), that a child is in need of protection may report their concerns to the Child Protection (refer to *Definitions*).

Early childhood teachers are required to be registered with the Victorian Institute of Teaching and are mandatory reporters (refer to *Definitions*). All mandatory reporters must make a report to Victoria Police and/or Child Protection (refer to *Definitions*) as soon as practicable if, during the course of their roles and responsibilities they form a reasonable belief that:

- A child is likely to suffer, or has suffered, significant harm as a result of physical abuse and/or sexual abuse, **and**
- The child's parents have not protected, or are unlikely protect, the child from harm of that type.

Victorian organisations that provide services to children are required under the *Child Safety and Wellbeing Act 2005* to ensure that they implement compulsory minimum Child Safe Standards to protect children from harm. The standards aim to drive continuous improvement in the way services prevent and report child abuse and respond to allegations of child abuse. Standard 2 requires services to have a child safe policy or statement of commitment to child safety.

Three **criminal offences** in the *Crimes Amendment (Protection of Children) Act 2014* protect children from child abuse:

- Failure to disclose: All adults (not just those working with children) have a legal duty to report information about child sexual abuse to Victoria Police. The offence applies to any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 and fails to report that information to the Victoria Police.
- Failure to protect: The offence applies to people within organisations who hold positions of authority within an education and care service, such as the Approved Provider, Person with Management or Control, the Nominated Supervisor or the Person in day to day Charge and who know of the substantial risk that another adult associated with the organisation may commit a sex offence and they have the power or responsibility to remove or reduce the risk but negligently fail to do so.
- Grooming offence: The offence targets predatory conduct by an adult with the intent of committing child sexual abuse. Conduct may include communication, including online communication, with a child under the age of 16 or their parents.

Legislation and standards

Relevant legislation and standards include but are not limited to:

Children, Youth and Families Act 2005 (Vic)

Child Safety and Wellbeing Act 2005 (Vic)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Child Safe Standards (Vic)

Crimes Amendment (Protection of Children) Act 2014 (Vic)

Education and Care Services National Law Act 2010 (Vic): including but not limited to Sections 165, 166, 167

Education and Care Services National Regulations 2011 (Vic): including but not limited to Regulations 84, 85, 86, 99, 100, 101, 102, 168(2)(h)

Education Training and Reform Act 2006 (Vic) (As amended in 2014)

Family Law Act 1975 (Cth)

National Quality Standard, including Quality Area 2: Children's Health and Safety

Reportable Conduct Scheme administered by the Commission for Children and Young People (Vic)

Working with Children Act 2005 (Vic)

Working with Children Regulations 2006 (Vic)

5. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

Abuse: see Child abuse definition below.

Child: A child or young person is a person under 18 years of age.

Child abuse: (In the context of this policy) refers to an act or omission by an adult that endangers or impairs a child's physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (refer to *Definitions*) are generic terms used to describe situations in which a child may need protection. Child abuse includes any and all of the following:

Physical abuse: When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.

Sexual abuse: When a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse.

Emotional and psychological abuse: When a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Neglect: The failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

Family violence: When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Contrary to popular belief, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

Racial, cultural, religious abuse: Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

Bullying: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Child FIRST: A Victorian community-based intake and referral service linked with Family Services. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection.

Child sex offender: Someone who sexually abuses children, and who may or may not have prior convictions.

Child protection: The term used to describe the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

Child protection notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection.

Child Protection Service (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Health and Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services. **Code of conduct:** A set of rules or practices that establish a standard of behaviour to be followed by individuals and organisations. A code of conduct defines how individuals should behave towards each other and towards other organisations and individuals in the community (refer to *Code of Conduct Policy*).

Contractor: A person or company that undertakes a contract to provide materials or labour to perform a service or do a job. Examples include photographer, tradesperson, people contracted to provide an incursion.

Disclosure: (In the context of this policy) refers to a statement that a child or young person makes to another person that describes or reveals abuse.

Duty of care: A common law concept that refers to the responsibilities of organisations and staff to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services and their staff to provide children with an adequate level of care and protection against foreseeable harm and injury.

Maltreatment: (In the context of this policy) refers to physical and/or emotional mistreatment, and/or lack of care of the child. Examples include sexual abuse, the witnessing of family violence and any non-accidental injury to a child.

Mandatory reporting: The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm.

A broad range of professional groups are identified in the *Children, Youth and Families Act 2005* as 'mandatory reporters'. From 30 September 2015 this list includes VIT registered early childhood teachers. Mandated staff members must make a report to Victoria Police and/or Child Protection as soon as is practicable if, during the course of acting out their professional roles and responsibilities, they form a belief on reasonable grounds (refer to *Definitions*) that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to *Definitions*) **and**
- the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type.

Mandatory reporters must also follow processes for responding to incidents, disclosures or suspicions of child abuse to fulfil all their legal obligations (refer to Attachment 4: Processes for responding to and reporting suspected child abuse).

Neglect: see Child abuse definition above.

Negligence: Doing, or failing to do something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury or loss as a result.

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the safety, health or wellbeing of a child at the service may have been compromised. Any complaint of this

nature must be reported by the Approved Provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

Written notification of complaints must be submitted via the ACECQA portal [National Quality Agenda \(NQA\) IT System](#). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

Organisational duty of care: The statutory duty organisations have to take reasonable precautions to prevent sexual and/or physical abuse of a child.

Offender: A person who mistreats and/or harms a child or young person.

Perpetrator: A person who mistreats and/or harms a child or young person.

Reasonable belief/reasonable grounds: A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that the child or young person's safety, health or wellbeing is at risk and the child's parents/guardians are unwilling or unable to protect them. There may be reasonable grounds for forming such a belief if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be referring to themselves)
- someone who knows the child or young person states that the child or young person has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability or other factors that are impacting on the child or young person's safety, stability or development
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's/young person's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

Reportable allegation: any allegation that an employee, volunteer or student has committed child abuse (refer to *Definitions*)

Serious incident: A serious incident (regulation 12) is defined as any of the following:

- the death of a child while being educated and cared for at the service or following an incident at the service
- any incident involving serious injury or trauma while the child is being educated and cared for, which
 - a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
 - the child attended or ought reasonably to have attended a hospital e.g. a broken limb*
- any incident involving serious illness of a child while that child is being educated and cared for by a service for which the child attended, or ought reasonably to have attended, a hospital e.g. severe asthma attack, seizure or anaphylaxis*.
 - *NOTE: In some cases (for example rural and remote locations) a General Practitioner conducts consultation from the hospital site. Only treatment related to serious injury or illness or trauma are required to be notified, not other health matters.
- any emergency for which emergency services attended. NOTE: This means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person/s at an education and care service. It does not mean an incident where emergency services attended as a precaution.
- a child appears to be missing or cannot be accounted for at the service

- a child appears to have been taken or removed from the service in a manner that contravenes the National Regulations
- a child was mistakenly locked in or out of the service premises or any part of the premises.

Examples of serious incidents include amputation (e.g. removal of fingers), anaphylactic reaction requiring hospitalisation, asthma requiring hospitalisation, broken bone/fractures, bronchiolitis, burns, diarrhoea requiring hospitalisation, epileptic seizures, head injuries, measles, meningococcal infection, sexual assault, witnessing violence or a frightening event.

If the approved provider is not aware that the incident was serious until sometime after the incident, they must notify the regulatory authority within 24 hours of becoming aware that the incident was serious.

Notifications of serious incidents should be made through the NQA IT System portal (www.acecqa.gov.au). If this is not practicable, the notification can be made initially in whatever way is best in the circumstances.

Volunteer: Parent/guardian, family member or community member who attends the service to assist the service in some capacity.

Young person: In Victoria, under the *Children, Youth and Families Act 2005*, a child or young person is a person under 18 years of age.

6. SOURCES AND RELATED POLICIES

Sources

- *Charter of Human Rights and Responsibilities Act 2006* (Vic), amended in 2011: www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/
- Childsafety Australia: www.childsafetyaustralia.com.au/
- *Choose With Care: Building child safe organisations* – an information and training program: www.childwise.net
- Department of Education and Early Childhood Development (DEECD): www.education.vic.gov.au/ecsmanagement/educareservices/csprotocols.htm
- Victorian Department of Human Services: www.dhs.vic.gov.au
- Office of the Child Safety Commissioner: www.kids.vic.gov.au
- *Protecting the safety and wellbeing of children and young people* – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools: www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting_children_protocol_27_5_10.pdf
- *Safeguarding Children* accreditation program, Australian Childhood Foundation: www.childhood.org.au
- Service Agreement Information Kit for Funded Organisations: <http://www.dhs.vic.gov.au/facs/bdb/fmu/service-agreement/1.introduction/1.1-about-the-kit>
- The United Nations Convention on the Rights of the Child: www.unicef.org/crc
- *What is Child Abuse?*: www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/what-is-child-abuse
- Working with Children (WWC) Check: www.justice.vic.gov.au/workingwithchildren

Service policies

- *Administration of First Aid Policy*
- *Administration of Medication Policy*
- *Anaphylaxis Policy*
- *Asthma Policy*

- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Dealing with Infectious Diseases Policy*
- *Dealing with Medical Conditions Policy*
- *Diabetes Policy*
- *Emergency and Evacuation Policy*
- *Enrolment and Orientation Policy*
- *Epilepsy Policy*
- *Excursions and Service Events Policy*
- *Hygiene Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Nutrition and Active Play Policy*
- *Occupational Health and Safety Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*
- *Sun Protection Policy*
- *Supervision of Children Policy*
- *Water Safety Policy*

7. EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures (Regulation 172(2)).

8. ATTACHMENTS

- Attachment 1: Child protection risk assessment
- Attachment 2: Child safe organisations
- Attachment 3: Incident/concern management and reporting guidelines
- Attachment 4: Child safety review checklist
- Attachment 5: Guidelines for the recruitment of staff and volunteers

9. AUTHORISATION

This policy was adopted by the Approved Provider of Eltham Woods Preschool on 19 September 2018.

10. POLICY CHANGE RECORD

Date	Revision Description	Authority

ATTACHMENT 1

Child protection risk assessment

A child protection risk assessment process helps in the identification of the potential for child abuse in the service, and enables appropriate strategies to be developed to minimise risk.

It is important to create awareness among employees, contractors, visitors and volunteers of possible risks to children from abuse, and how to implement a range of strategies to protect children from these risks.

Risk factors	Level of risk to children	Strategies to reduce risk	Evaluation
e.g. Appointment of a sex offender	High	Recruitment processes	Recruitment processes have been developed that include running all relevant criminal history and working with children related checks.
Opportunities for a child to be isolated within the program/premises			
Opportunities for a child to be taken away from the program/premises			
Close physical contact with an adult other than an educator			
Physical environment			
High staff turnover			
Limited staff turnover (with little outside scrutiny of the program)			
Unauthorised access by other people to the service (such as strangers or non-custodial parents)			
Staff not recognising signs of abusive behaviour			
Staff not raising concerns/suspicions of abuse			
Low levels of awareness of child protection issues			
Low levels of commitment to preventing abuse by management/staff			
Lack of appropriate incident management procedures			
Access to multimedia and information technology			

ATTACHMENT 2

Child safe organisations¹

This table provides some examples of practices that may be implemented to support the principles of a child safe organisation.

Child safe principle	Practices
The organisation welcomes children, their parents/guardians and families	<ul style="list-style-type: none"> • Educators, staff, volunteers and students readily interact with children in an age-appropriate and respectful way • Children are treated as individuals: educators and volunteers strive to understand each child's particular interests and needs • Educators, staff, students and volunteers listen to children and encourage their participation
The organisation recognises that children are vulnerable	<ul style="list-style-type: none"> • Educators, staff, students and volunteers accept it is their role to protect children involved with their organisation • Educators, staff, students and volunteers accept there is a difference in power between a child and an adult • The service maintains appropriate educator-to-child ratios • Policies are in place to minimise risk involved in one-to-one situations between a child and an adult • Equipment and activities are appropriate for the ability and age of the children • Children are supported and comforted in an appropriate way, consistent with the child's wishes • Information about children is treated confidentially
The organisation recognises and responds to children with additional needs, including disabilities	<ul style="list-style-type: none"> • The service is accessible to all children • Educators, staff, students and volunteers relate to all children in a respectful and developmentally-appropriate manner • Policies are in place to guide the physical and psychological care requirements of all children
The organisation actively encourages the participation of Aboriginal children	<ul style="list-style-type: none"> • Educators, staff, students, volunteers and other children acknowledge and show respect for Aboriginal culture • Policies acknowledge that an Aboriginal child's cultural identity is fundamental to their overall wellbeing
The organisation recognises, and responds to, the particular needs of children from diverse cultural, linguistic and religious backgrounds	<ul style="list-style-type: none"> • Cultural diversity is welcomed and celebrated • Activities offered are representative of the cultural and religious mix of the local community • Educators, staff, students, volunteers and other children acknowledge and show respect for diversity

¹ Attachment 2 is based on principles for creating child safe organisations, as developed by the Office of the Child Safety Commissioner, Victoria.

Child safe principle	Practices
The organisation encourages children to participate in decision-making	<ul style="list-style-type: none"> • Children are asked their views, and these views are respected and taken into consideration in decision-making • Children are involved in discussing appropriate behaviour
The organisation carefully recruits and manages its employees, contractors and volunteers	<ul style="list-style-type: none"> • The service has policies on staff and volunteer recruitment and management, covering: <ul style="list-style-type: none"> – recruitment processes, including skills and qualifications required – background-checking and screening processes for all employees, contractors and volunteers – Working with Children Checks and police checks • The service has a <i>Code of Conduct</i> that outlines acceptable behaviour by educators, staff, students, volunteers and contractors • There is a clear and accessible complaints procedure for use by children, parents/guardians and employees • Parents/guardians can access the service policies on request
The organisation ensures that its commitment to child safety is clear and shared by all	<ul style="list-style-type: none"> • A child protection policy (such as this <i>Child Safe Environment Policy</i>) is in place and accessible • Educators, staff, students, volunteers, contractors and parents/guardians are aware of the service's child protection policy
The organisation ensures employees, contractors and volunteers are informed about child safety and receive training, where appropriate	<ul style="list-style-type: none"> • The service has a clear staff development policy that includes areas of child development, child protection, risk management and safety

ATTACHMENT 3

Incident/concern management and reporting guidelines

Individuals working with children or young people have a duty of care to support and protect them. Where there is a belief, on reasonable grounds, that a child/young person has been harmed or is at risk of harm, adults in contact with or working with that child/young person are ethically bound to act to maintain their safety and wellbeing. For some professionals, there is also a legal obligation to report the concern to the appropriate authorities.

Acting on a belief that child abuse has occurred, or is occurring, can be the first important step in stopping the abuse and protecting the child from further harm.

It is a Child Protection worker's role to investigate and prove significant harm, so other professionals need only provide reasonable grounds for their belief.

General guidelines

- The best interests of the child should always be the primary consideration, with due regard to confidentiality and fairness to the person against who the allegation is made.
- Children should be encouraged to approach any person in the service to express concerns about their treatment, and should be made to feel confident that they will be taken seriously.
- Employees and volunteers must be clear about who they are expected/permitted to approach when expressing concerns.
- The responsibility of investigation into instances of suspected child abuse does not fall upon the service.
- Records must be kept about any child safety concern or complaint, and stored in accordance with the service's *Privacy and Confidentiality Policy*. These records must contain information about the action taken, including any internal investigation and any reports made to statutory authorities or professional bodies.
- Everyone at the service must be made aware of the need to report serious matters involving child protection to external authorities.
- Privacy must be maintained, and information must only be disclosed on a need-to-know basis.
- Instances of physical and sexual abuse of children are crimes and must be reported to the police. If a child discloses any such abuse, the service must listen, respond and report to both the police and child protection authorities.
- A report to the appropriate authorities can be made even if educators/staff and others working with children at the service do not have all the necessary information.
- Permission is not required from parents/guardians of a child where abuse is suspected, and parents/guardians do not need to be notified that a report has been made.

Forming a professional judgement

Forming an objective and professional judgement can be based on:

- warning signs (or indicators) of harm or potential harm, that have been observed or inferred
- knowledge of child development
- knowledge of cultural backgrounds
- knowledge of any difficulties experienced or support currently being received by a family
- consultation with colleagues and other professionals
- professional obligations and duty of care responsibilities
- established service protocols
- individual service procedures
- legal requirements, such as mandatory reporting.

Gathering information

Action	Details
Make notes	Record your observations, and date and sign the entries
Continue to observe	Record your observations, and date and sign the entries
Consult colleagues	Access support and advice from your colleagues, compare notes and brainstorm possible strategies to address areas of concern
Develop action plans based on service procedures	Understand and consult the policies and procedures of Eltham Woods Preschool when determining what action to take
Talk to other agencies about helping the family	Collaborate with or engage community health services, local government services, Child FIRST, regional Department of Human Services/Child Protection officers and disability services.
Talk to the child	Do this with respect for the child or young person's need for privacy and confidentiality
Talk to the parents/guardians	Only do this when it will not jeopardise the safety of the child or young person

Signs or indicators of harm

- Physical signs of abuse or neglect may include, but are not limited to, bruises, burns, sprains, bites, cuts, fractures, frequent hunger, malnutrition, poor hygiene and inappropriate clothing.
- Behavioural signs of abuse (physical, sexual and emotional) or neglect may include, but are not limited to, wariness or distrust of adults, fear of parents/guardians and of going home, fear when other children cry/shout, excessive friendliness to strangers, being very passive and/or compliant, having/claiming to have headaches and/or stomach pains, displaying sexual behaviour that is unusual for the child's age, frequent rocking, sucking and biting, having difficulty sleeping, being withdrawn, aggressive and/or demanding, being highly anxious, having delayed speech, acting like a much younger child, and often being tired and falling asleep.
- Disclosures by the child concerned, or by other parties.

Reporting

- There are two types of notifications to be made in relation to significant concerns for the safety or wellbeing of a child: a referral to Child FIRST (Family Services) or a report to Child Protection.
- To report concerns that are life threatening, ring Victoria Police on 000.
- To report concerns about the immediate safety of a child within their family unit, call the nearest DHS office in your region during business hours. To report concerns after hours or on weekends, call the Child Protection Crisis Line on 13 12 78 (24 hours, 7 days a week and toll free within Victoria). Note: this is an emergency service for weekends and after hours only, and cases reported to the Child Protection Crisis Line will be referred to the relevant DHS office on the following working day.
- Provide the following information:
 - the child's name, age and address
 - the reason for believing that the injury or behaviour is the result of abuse or neglect
 - the reason why the call is being made at this point in time
 - an assessment of immediate danger to the child/ren (the person making the report may be questioned regarding knowledge of the current location of the alleged abuser/s)

- a description of the injury or behaviour observed
 - the current location of the child
 - knowledge of other services that support or are involved with the family
 - any other information about the family
 - any specific details that will help the child, such as cultural background, need for an interpreter or disability support requirements.
- A notification should still be made, even if the notifier does not have all the necessary information.

Making a report to Child FIRST

A report to **Child FIRST** should be considered if, after taking into account the available information, the staff member forms a view that raising their concerns will have a low-to-moderate impact on the child, and that the immediate safety of the child will not be compromised. This may include circumstances when there are:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure, due to a family member's physical or mental illness, substance misuse, disability or bereavement
- young, isolated and/or unsupported families
- families experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

Child FIRST provides a consolidated intake service to Family Services within sub-regional catchments. Child FIRST ensures that vulnerable children, young people and their families are linked effectively into relevant services, and this may be the best way to connect children, young people and their families with the services they need.

Making a report to Child Protection

A report to **Child Protection** should be considered if, after taking into account all of the available information, the staff member forms a view that the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability and/or development
- the harm or risk of harm is persistent and entrenched, and is likely to have a serious impact on the child's safety, stability and/or development
- the child's parents/guardians are unwilling or unable to protect the child or young person from harm.

Upon receipt of a credible report, Child Protection will seek further information, often from professionals who may already be involved with the child or family, to determine whether further action is required. In determining what steps to take, Child Protection will also consider any concerns previously reported with regard to the child or young person. In most circumstances, Child Protection will inform the notifier of the outcome of investigations.

In considering a duty of care to report concerns of child abuse and/or neglect, it is important to remember that:

- it is not necessary to prove that abuse has taken place, only to provide reasonable grounds for the belief
- permission from parents/guardians or caregivers is not required to make a notification, nor do they need to be informed that a notification is being or has been made
- if a notification is made in good faith, the notifier cannot be held legally liable for any consequences, regardless of the outcome of the notification
- the identity of the notifier will remain confidential unless the notifier chooses to inform the child and/or family, or if the notifier consents in writing to the disclosure of their identity, or if the court decides that this information must be disclosed

- the notifier may have an ongoing role, including:
 - acting as a support person in interviews with the child or young person
 - attending a case conference
 - participating in case-planning meetings
 - continuing to monitor the child's behaviour and their interactions with others
 - observing/monitoring the conditions of a protective court order that may relate to access or contact with a parent/guardian
 - liaising with other professionals and child protection officers in relation to a child or young person's wellbeing
 - providing written reports for case-planning meetings or court proceedings in relation to the child's wellbeing or progress.

ATTACHMENT 4

Child safety review checklist²

This checklist will assist organisations to identify risks and issues in relation to the protection of children, and the requirements for appropriate amendments to be made to a service's policy and practices, or training and support for staff.

	Child safe standard question	Yes, describe how	No or only partly, describe what needs to be done	Person responsible for any action required	Timeline and review date
Clear and public commitment to child safety	Is there a child protection policy (such as this <i>Child Safe Environment Policy</i>) for the service?				
	Have employees, contractors and volunteers read and understood the policy?				
	Are parents/guardians made aware of this policy on enrolment of their child at the service?				
Children's rights to safety and participation	Are children welcomed, consulted and respected at the service?				
	Are the indoor and outdoor environments physically safe?				
	Is a safety assessment conducted for all activities?				
	Do service programs stimulate children and meet their physical, emotional, intellectual, social and recreational needs?				

² Attachment 4 is based on a checklist created by the Office of the Child Safety Commissioner (OCSC). The OCSC checklist can be downloaded at www.kids.vic.gov.au/downloads/childsafes_organisation.pdf

	Child safe standard question	Yes, describe how	No or only partly, describe what needs to be done	Person responsible for any action required	Timeline and review date
	Are children with additional needs and from different backgrounds encouraged to participate? If so, do they actually participate?				
Employment of staff and volunteers	Are there adequate screening procedures for staff, volunteers and students on placement?				
Support for staff and volunteers	Is there a code of conduct policy that explains the acceptable and unacceptable behaviours of parents/guardians, volunteers and students at the service?				
	Are employees aware of the risk of harm to children and the different types of harm (refer to <i>Definitions</i>)?				
Reporting a child safety concern	Do staff understand and feel confident about the process for reporting and acting on concerns about child safety?				
	Have staff identified any other support, assistance and resources they feel they need to assist in providing a child safe environment?				

ATTACHMENT 5

Guidelines for the recruitment of staff and volunteers

The processes for the recruitment and selection of employees, contractors and volunteers demonstrate our commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work at Eltham Woods Preschool. Eltham Woods Preschool is committed to the following processes.

Preparation for recruitment

- An explicit statement of our commitment to child safety is included in all advertising promotion for the organisation.
- Job advertisements clearly state our commitment to child safety.
- Job descriptions include a statement about our commitment to maintaining a child safe environment and clearly outline responsibilities and accountability.
- The selection process includes:
 - consideration of a Working with Children Check (and a criminal history record check, where appropriate)
 - confirmation of identity, which involves sighting an original birth certificate or extract, a driver's licence or a passport
 - verification of qualifications
 - thorough reference checks: at least two referees are contacted (including the current or most recent employer) in person or via telephone and all referees must have observed the applicant working with children first-hand.

Interview process

- At least three people are on the interview panel including, where possible, a gender mix and a person external to the service or someone with HR/interviewing experience.
- Questions are behavioural-based and ask the interviewee to provide examples of their past behaviour in specific situations relevant to the job being applied for.
- Questions regarding relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics are values-based.
- Questions are based on key selection criteria.
- Candidates are asked about their attitudes, aspirations and motivations.
- More detail is asked for when answers seem incomplete.

Ongoing management

- Information provided to the employee on commencing work at the service includes the *Child Safe Environment Policy*, *Code of Conduct Policy*, *Complaints and Grievances Policy* and *Staffing Policy*.
- The letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety.
- Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment.
- Regular meetings are held between employees, volunteers and the Approved Provider.
- A mentoring or buddy system between employees is in place.
- Training and education with regard to child safety is provided for all employees, contractors and volunteers.
- Resources and support are provided for all employees, contractors and volunteers to ensure a child safe environment.
- Employees, contractors, volunteers and visitors are treated with respect.