

Nunawading Christian College

ELC & OSHC

Child Safe Environment Policy

Document Control

Revision Number	Implementation Date	Review Date	Prepared By	Approved By
6	November 2021	November 2022	Katherine Darroch	Leanne Munchan

Rationale

Our Service is committed to the safety, wellbeing and support of all children and young people. Management, Staff and volunteers will treat all children with the utmost respect and understanding.

To protect children from abuse, our Service embeds strategies to ensure a culture of child safety by providing a safe environment for the children in our care. We acknowledge that staff within an early childhood service are in a unique position to monitor behavioural and emotional changes, physical injuries, and the general well being of a child due to the development of safe environments and trusting relationships with children and families. Our staff are trained to identify signs and behaviours that may indicate child abuse and thoroughly understand their obligations and responsibilities to respond to incidents, disclosures or suspicions of child abuse as mandated reporters.

We are dedicated to promoting cultural safety for Aboriginal children, cultural safety for children from culturally and/or linguistically diverse backgrounds and to providing a safe environment for children with a disability. Our Service takes every reasonable effort to accommodate the diversity of all children in implementing the Child Safe Standards.

Our Service takes a 'zero' tolerance approach to child abuse and are committed to raise awareness about the importance of child safety in our environment and the community.

'Keeping children safe is everyone's responsibility.'
Victoria State Government- Education and Training (2019).

Our Service believes that:

- Children are capable of the same range of emotions as adults.
- Children's emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour.
- Children, who preserve, enhance and better understand their body's response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

NATIONAL QUALITY STANDARD (NQS)

Quality Area 2: Children's Health and Safety		
2.2	Safety	Each child is respected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

Quality Area 5: Relationships with Children		
5.1.1	Positive educator to child interactions	Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included.

Quality Area 7: Governance and Leadership		
7.1	Governance	Governance supports the operation of a quality service

Education and Care Services National Regulations

Education and Care Services National Regulations and National Law	
84	Awareness of child protection law
155	Interactions with children

168	Education and care service must have policies and procedures
S162(A)	Persons in day to day charge and nominated supervisors to have child protection training
358	Working with children check to be read

Other Relevant Laws

Education and Training Reform Act 2006- Child safe standards- Managing the risk of child abuse in schools. Ministerial Order No. 870
The Commission for Children and Young People Act 2012
Failure to Disclose 2014
Failure to Protect 2015
The Charter of Human Rights and Responsibilities Act 2006 (Vic)
Working with Children Act 2005 (Vic)
Child Wellbeing and Safety Act 2005 (Vic)
Family Law Act 1975
Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015
Children Youth and Families Act 2005 (Vic)

Related policies

Code of Conduct
Governance
Interactions with Children, Families and Staff
Privacy and Confidentiality Policy

Purpose

The Child Safe Environment Policy requires all staff within our Service to create and maintain a child safe organisation where children are safe and feel safe. Our policy framework incorporates the Victorian seven Child Safe Standards and Reportable Conduct Scheme.

We are committed to identify possible and significant risks of harm to children and young people within our Service. We understand our duty of care to protect children from all types of abuse and adhere to our legislative obligations at all times.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our Service will act in the best interest of the child, assisting them to develop to their full potential in a secure and safe environment.

Scope

This policy applies to children, families, staff, management and visitors of the Service.

Our Commitment to Child Safety

Our Service is committed to safety and wellbeing of all children and young people. We understand our responsibilities and statutory duty of care to comply with both the Victorian Child Safe Standards and the Reportable Conduct Scheme to build our capacity as an organisation to prevent and respond to allegations of child abuse.

In our planning, development and implementation of our *Child Safe Environment Policy* we will:

- create and maintain a child safe environment and comply with the Ministerial Order No. 870- Child Safe Standards and Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015
- complete a self-audit to assess our progress in meeting the requirements of the Child Safe Standards (see Further information and support)
- develop a *Child Safety Code of Conduct* specific to our Service

- include child safety as a regular agenda item at staff meetings
- adhere to a zero tolerance for child abuse
- value the input of and communicate regularly with families and carers regarding our Child Safe policy
- embed the seven Child Safety Standards into our policy and procedures
- promote the safety of children at all times
- foster a culture of openness and respect where children and adults feel safe to disclose risk of harm to children
- listen to and act decisively on any child safety concerns or allegations of abuse that are made
- recognise, respect and foster children's rights where their voices and views are listened to and valued
- assess and manage the risk of abuse to children as part of our daily practice
- recognise the vulnerability of particular groups of children including Aboriginal and Torres Strait Islander children, children with a disability, children in out of home care (OOHC) and children from a culturally and/or linguistically diverse background
- ensure effective processes are in place to respond to and report allegations of child abuse to the appropriate authorities
- read and ensure that the approved provider or nominated supervisor, or person in day-to-day charge of the service has read a person's Working with Children Check before the person is engaged as an educator, volunteer or staff member at the Service.
- the approved provider has read a person's Working with Children Check before nominating that person as a nominated supervisor or person in day-to-day charge of the service. (This does not apply to a person who is a registered teacher under the Education and Training Reform Act 2006 and has current registration).
- ensure visitors to our Service implementing professional development are suitable and approved to work with children.

IMPLEMENTATION

Our Service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. All staff understand their roles and responsibilities in protecting children from abuse and neglect and maintain up-to-date knowledge of child protection law (Reg 84). Staff will undertake child protection awareness training every 12-24 months, and whenever significant changes are made to the child protection law or reporting requirements. Staff will comply with our Code of Conduct at all times.

We acknowledge that the review of the Victorian Child Safe Standards (2019) will result in amending the Victorian Child Safe Standards to align with the National Principles for Child Safe Organisations. Our Service is committed to comply with the Victorian Standards and will ensure to remain up to date with any changes to legislative requirements as communicated by the Commission for Children and Young People and the Victorian Government.

Reportable Conduct Scheme

The Reportable Conduct Scheme seeks to improve organisation's responses to allegations of child abuse and neglect by their employees and volunteers. The Approved Provider must notify the Commission for Children and Young People (the Commission) about any allegations of misconduct involving a child. Reportable conduct applies to all employees, volunteers, students (over the age of 18) and contractors at our Service.

The Approved Provider is obligated to implement the requirements of the Reportable Conduct Scheme which include:

- ensuring our Service has systems in place to prevent reportable conduct from being committed by a staff member or volunteer within the course of their employment
- enable any person to notify the Approved Provider of a reportable allegation
- respond to a reportable allegation made against a worker or volunteer from our Service, by ensuring that allegations are appropriately investigated
- report allegations which may involve criminal conduct to the police
- notify the Commission for Children and Young People within 3 business days of becoming aware of a reportable allegation
<https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>
- investigate an allegation (subject to police clearance on criminal matters or matters involving family violence)

- advise the Commission who is undertaking the investigation
- manage risks to children
- provide the Commission with detailed information about the reportable allegation and any action that has taken place within 30 calendar days
- notify the Commission of the investigation findings and any disciplinary action the head of entity has taken (or the reasons no action was taken).

Reportable conduct

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005

- sexual offences (against, with or in the presence of a child)
- sexual misconduct (against, with or in the presence of a child)
- physical violence (against, with or in the presence of a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect

A reportable allegation is made where a person makes an allegation, based on a *reasonable belief* that an employee, volunteer or contractor has committed reportable conduct or misconduct that may involve reportable conduct.

A person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred or
- received information from another credible source (including another witness).

(Commission for Children and Young People)

Victorian Child Safe Standards

[Standard 1: Governance and leadership](#)

[Standard 2: Clear commitment to child safety](#)

[Standard 3: Code of conduct](#)

[Standard 4: Human resource practices](#)

[Standard 5: Responding and reporting](#)

[Standard 6: Risk management and mitigation](#)

[Standard 7: Empowering children](#)

Child Protection

All educators, staff and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the Service. We comprehend our duty of care and responsibilities to protect children from all types of abuse and neglect.

NOTE: The reporter is not required to prove that abuse has occurred.

The Director/Nominated Supervisor will ensure that:

- staff have completed approved child protection training
- they have read each person's Working with Children Check before engaging educators, staff or volunteers in the Service
- all staff members at the Service maintain up-to-date knowledge of child protection law and any obligations that they may have under that law
- all staff members and volunteers are familiar with the Reportable Conduct Scheme and the types of reportable conduct
- human resource procedures within our Service ensure all employees and volunteers recruited display the right personal qualities, skills and experience to provide high quality supervision and care to children in addition to holding a validated Working with Children Check (WWCC)
- all staff members who work with children:
 - o understand and are confident implementing our *Child Safe Environment Policy*

- o know how to identify, assess and minimise risks of child abuse
- o are aware of their role as mandated reporters to immediately report cases where they believe a child is at risk of significant harm
- o promote the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds and safety for children with a disability
- educators understand the reporting procedures and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- access to relevant acts, regulations, standards and other resources are provided to help educators, staff and volunteers meet their obligations
- Victoria Police is contacted immediately if a child is at risk of harm
- **DFFH Child Protection** is contacted as soon as practicable of any incident reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- **DFFH Child Protection** is notified as soon as practicable of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- the Quality Assessment and Regulation Division (QARD) are notified of any serious incidents or concerns about the wellbeing of a child within our Service
- clear and comprehensive documentation related to actions taken in response to incidents, disclosures and allegations of child abuse are kept securely and confidentially in line with our Privacy and Confidentiality policy.

Educators will:

- comprehend their legal obligation as mandated reporters under the legislation (effective March 2019)
- report any situation where they believe on reasonable grounds a child is at risk of significant harm to Child Protection and/or local Child Protection office (see end of policy for contact details) as appropriate
- contact the Victorian Police on 000 if there is an immediate danger to a child and intervene instantly if it is safe to do so
- understand their duty of care to take reasonable steps to protect children at all times
- be able to recognise indicators of abuse
- be aware of the **Four Critical Actions** for responding to Incidents, Disclosures and suspicions of child abuse
- https://www.education.vic.gov.au/Documents/about/programs/health/protect/EarlyChildhood_FourCriticalActions.pdf
- respect a child's disclosure, taking it seriously and respond to their disclosure immediately
- document any incident, disclosure or suspicion that a child has been, or is at risk of being abused using the PROTECT template
https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- associate families with referral agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through Child FIRST. Family consent will be sought before making referrals.

Mandatory Reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In Victoria, mandatory reporting is regulated by the *Children, Youth and Families Act 2005* (Vic) ss. 162, 182, 184 (CYFA). Effective from March 1, 2019 all early childhood educators and other persons employed or engaged in an education and care service or a children's service are mandatory reporters. This also includes all proprietors, nominees of a children's service, approved providers and nominated supervisors of an education and care service.

According to the CYFA, mandated reporters must respond to an emergency **immediately** if the child is at immediate risk of harm or has just been abused. Mandated reporters must respond to an incident, disclosure or suspicion of child abuse as soon as they witness or form a belief based on *reasonable grounds* that a child is in need of protection because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care

- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- the child has been or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm
- the child has stated they have been abused
- the child has evidence of abuse

To form a belief on reasonable grounds, the reporter may have witnessed behaviour, have a suspicion or received a disclosure of child abuse.

Responding to a parent, carer or guardian of a child

- *If a parent, carer or guardian says their child has been abused in our Service or raises concern we will:*
- ensure all abuse allegations are taken very seriously
- explain our procedures as mandatory reporters
- allow the parent, carer or guardian to talk through the incident in their own words
- ask about the safety and wellbeing of the child
- explain that an educator will be taking notes during the discussion to capture all details.
- provide them with any incident reports
- explain our Service's reporting processes which include informing Victoria Police, Child Protection office
- report and provide ongoing support as per our procedure of child abuse allegations

DEFINITIONS

Maltreatment refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission. Specifically *abuse* refers to acts of commission while *neglect* refers to acts of omission. Note that in practice the terms child abuse and child neglect are used more frequently than the term child maltreatment.

Significant Harm refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

Reasonable grounds refer to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- firsthand observation of the child or family
- what the child, parent, or other person has disclosed
- what can reasonably be inferred based on observation, professional training and/or experience that causes the mandated reporter to believe the child has been abused or is likely to be abused or,
- signs of physical or sexual abuse leading to the belief that the child has been abused.

Failure to disclose refers to the failure of a mandated reporter who has reasonable belief that a child under 16 has had a sexual offence committed to them by an adult to make a report to the police.

Failure to protect refers to a person of authority in the organisation who has the power or responsibility, but who negligently fails to reduce or remove the threat of substantial risk of child sexual abuse.

DOCUMENTING A SUSPICION OF HARM

If educators have concerns about the safety of a child they will:

- Record their concerns in a non-judgmental and accurate manner as soon as possible.

- Record his or her own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).
- Not endeavour to conduct their investigation.
- Document as soon as possible so the details are accurately apprehended including:
 - Time, date and place of the suspicion
 - Full details of the suspected abuse
 - Date of report and signature

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm the Service will:

- Remain calm and find a private place to talk
- Reassure the child or young person it is right to tell
- Let the child or young person take his or her time.
- Let the child or young person use his or her own words.
- Accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult.
- Not promise to keep a secret
- Tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- Only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- Not attempt to conduct their own investigation or mediate an outcome between the parties
- Document as soon as possible so the details are accurately captured including:
 - Time, date and place of the disclosure
 - 'Word for word' what happened and what was said, including anything they said and any actions that have been taken
 - Date of report
 - Signature.
- Do not confront the perpetrator.

Confidentiality

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the complaint should not inform the person they have made the complaint about. This ensures the matter can be investigated without prior knowledge and contamination of evidence.

Protection for reporters

Reports made to Child Protection Services are kept confidential. However, a law enforcement agency may access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child. Under the Children Youth and Families Act 2005 (s. 189), if the report is made in good faith:

- It does not constitute unprofessional conduct or a breach of professional ethics,
- The reporter cannot be held legally liable
- It does not constitute a breach of s. 141 of the *Health Services Act 1988*, or s. 346 of the *Mental Health Act 2014*.
- The reporter is not liable for the eventual outcome of any investigation.

A report is also an exempt document under the *Freedom of Information Act 1989*.

Confidentiality for reporters

Under ss. 190 and 191 of the CYFA confidentiality is provided for reporters, and prevents the name or any information likely to lead to the identification of the reporter to be disclosed unless in very specific circumstances.

The identity of the reporter must remain confidential unless;

- The reporter chooses to inform the child or family of the report
- The reporter consents in writing to their identity as the reporter being disclosed
- A court or tribunal decides it need this information in order to ensure the safety and wellbeing of the child
- A court or tribunal decides that in the interests of justice the evidence needs to be given.

BREACH OF CHILD PROTECTION POLICY

All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- Does something that a reasonable person in that person's position would not do in a particular situation
- Fails to do something that a reasonable person in that person's position would do in the circumstances
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

MANAGING A BREACH IN CHILD PROTECTION POLICY

Management will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned will be advised of the process
- Giving the educator the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties and the outcome will be recorded
- Ensuring the matters in relation to the breach are kept confidential
- Approaching an appropriate outcome which will be decided based on evidence and discussion

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Facilitating between those involved in the incident (where appropriate)
- Disciplinary procedures if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

Relevant Authorities

Department of Health and Human Services (DHHS)	Child Protection Crisis Line (after hours) Ph. 13 12 78
Victoria Police Sexual offences and child abuse Investigation Team	000
National Child Abuse Helpline:	1800 99 10 99 (9am-5pm AEST)
DET Quality Assessment and Regulation Division (QARD)	1300 307 415

Jurisdictional Contacts	Contact Details
East Division Alpine, Benalla, Boroondara, Greater Shepparton, Indigo, Knox, Manningham, Mansfield, Maroondah, Mitchell, Moira, Monash, Murrindindi, Strathbogie, Towong, Wangaratta, Whitehorse, Wodonga, Yarra Ranges.	1300 360 391

Source

- Australian Children's Education & Care Quality Authority. (2014).
- Belonging, Being and Becoming: The Early Years Learning Framework for Australia. (2009).
- *Child Protection (Working with Children) Act 2012*
- [Child safe standards page](http://providers.dhhs.vic.gov.au/child-safe-standards) of the Department of Health and Human Services' Service Providers: <http://providers.dhhs.vic.gov.au/child-safe-standards>
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children, Youth and Families Act 2005* (as amended 2014) (Vic)
- Commission for children and young people *Being a child safe organisation* <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/>
- Community and Disability Services Ministers' Conference. (2005). Creating safe environments for children: Organisations, employees and volunteers: National framework.
- [Creating child safe organisations page](http://providers.dhhs.vic.gov.au/creating-child-safe-organisations) of the Department of Health and Human Services' Service Providers: <http://providers.dhhs.vic.gov.au/creating-child-safe-organisations>
- Early Childhood Australia Code of Ethics. (2016).
- Education and Care Services National Regulations. (2011).
- Failure to Disclose 2014
- Failure to Protect 2015
- *Family Law Act 1975*
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
- National Comparison of Child Protection Systems: <https://aifs.gov.au/cfca/publications/national-comparison-child-protection-systems>
- Reporting abuse and neglect: <https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>
- Revised National Quality Standard. (2018).
- State of Victoria (Department of Education and Training). (2017). Early childhood guidance: Identifying signs of child abuse: www.education.vic.gov.au
- *The Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *The Commission for Children and Young People Act 1998*
- *The Commission for Children and Young People Act 2012*
- *Working with Children Act 2005* (Vic)

Review

Date Reviewed	Modifications	Review Due
January 2018	New policy draft	August 2018
January 2018	Included references and sources to the Child Safe Standards. VIC	August 2018
March 2019	Updated person titles that are mandated to report any suspected child abuse cases. Included where to access the required Child Protection eLearning professional development training and certificate.	March 2020
October 2019	Updated procedures for when a child is in need of a shower. Parents to be immediately notified concerning this need and whether they would like to come to the centre and shower their child, or would they give educators consent to proceed to shower their child. Two educators to be present, and in open door shower complex. Parents to give consent by verbal communication and written documentation.	October 2020
November 2020		November 2021
November 2021	<p>Review of policy and sources to ensure currency</p> <p>Sections deleted:</p> <ul style="list-style-type: none"> - What is abuse? - Mandatory Reporters - Protect Child Safe Standards - Indicators of Abuse - Educating Children about Protective Behaviours <p>Updated Sources</p> <p>Updated Reporting Authorities and Jurisdictional Contacts</p> <p>Added 'Other Related Laws'</p> <p>Updated 'Related Policies'</p> <p>Added 'Our Commitment to Child Safety'</p> <p>Added 'Reportable Conduct Scheme'</p>	November 2022