



BALWYN EAST KINDERGARTEN INC.

CHILD PROTECTION POLICY

Mandatory – Quality Area 2

PURPOSE

This policy should be read in conjunction with the Child Safe Environment Policy. It provides a clear set of guidelines and procedures to ensure:

- all children attending Balwyn East Kindergarten 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
- service staff are able to identify the indicators of a child who may need protection
- timely and effective intervention for children who may be at risk of abuse or neglect
- service staff understand and comply with their obligations under the law including mandatory reporting obligations.

POLICY STATEMENT

1. VALUES

Balwyn East Kindergarten has a moral and legal responsibility to ensure the health and safety of all children at the service, and will provide training, resources, information and guidance to support this. Balwyn East Kindergarten 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*) and legal obligations to protect 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.

2. 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 Balwyn East Kindergarten, including during offsite excursions and activities.

3. BACKGROUND AND LEGISLATION

Background

“Every child has the right to live a full and productive life. It is up to all of us to ensure our children grow up in environments that build confidence, friendship, security and happiness, irrespective of a person’s family circumstances and background” (*Protecting the safety and wellbeing of children and young people* – refer to *Sources*). The protection of children, one of the most vulnerable groups in society, is a shared community responsibility and involves ensuring that all children are safe, their needs are met and the possibility of child abuse is minimised.

The *Children, Youth and Families Act 2005* (CYFA) 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. Under the *Education and Care Services National Regulations 2011*, the Approved Provider must ensure that all educators and staff are familiar with current policies and procedures with regard to child protection, including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

Under section 182 of the *Children, Youth and Families Act 2005*, a person registered under the *Education Training and Reform Act 2006* (as amended in 2014), or who has been granted permission to teach under that Act, is designated as a mandatory reporter. From 30 September 2015 early childhood teachers were required to be registered with the Victorian Institute of Teaching and are obligated to undertake mandatory reporting (refer to *Definitions*) of any concerns of child abuse and neglect.

“Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds (refer to *Definitions*) that a child or young person is in need of protection from significant harm as a result of abuse [refer to *Definitions* – Child abuse] and the child’s parents are unable or unwilling to protect the child” (*Protecting the safety and wellbeing of children and young people* – refer to *Sources*).

Early childhood educators, in daily contact with children and their families, are well placed to observe when a child appears to be at risk of harm arising from abuse. Services have a duty of care (refer to *Definitions*) to act immediately to protect and preserve the safety and wellbeing of the children in their care. Any person who believes, on reasonable grounds (refer to *Definitions*), that a child is in need of protection may report their concerns to Child Protection (refer to *Definitions*) (*Protecting the safety and wellbeing of children and young people* – refer to *Sources*).

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Children, Youth and Families Act 2005* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Education and Care Services National Law Act 2010* (Vic): Sections 165, 166, 167
- *Education and Care Services National Regulations 2011* (Vic): 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*, Quality Area 2: Children’s Health and Safety
 - Standard 2.3: Each child is protected
 - Element 2.3.4: Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse and neglect
- *Working with Children Act 2005* (Vic)
- *Working with Children Regulations 2006* (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

4. 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.

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

Abuse: see Child abuse definition below

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 persons¹. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Child: In Victoria, under the *Children, Youth and Families Act 2005*, 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 child².
- **Emotional and psychological abuse:** Occurs 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.³
- **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 (Victorian Department of Health and Human Services).
- **Exposure to domestic/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 (adapted from the Australian Medical Association definition).

For a more detailed definition of child abuse refer to Appendix 2: Definitions of child abuse and indicators of harm in *Protecting the safety and wellbeing of children and young people* (refer to *Sources*)

¹ www.bullyingnoway.gov.au

² Child Safety Commissioner, Victoria (now Commission for Children and Young People):
http://www.ccp.vic.gov.au/childsafetycommissioner/downloads/childsafe_organisation.pdf

³ <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/what-is-child-abuse>

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 <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection/how-to-make-a-report-to-child-protection/making-a-referral-to-child-first>

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 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 <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection>

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*).

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.

Domestic/family violence: The repeated use of violent, threatening, coercive or controlling behaviour by an individual against a family member(s) or someone with who they have or have had an intimate relationship, including carers.

Duty of care: A common law concept that refers to the responsibilities of organisations 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 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 CYFA as 'mandatory reporters'. From 30 September 2015 this list included early childhood teachers. Mandated staff members must make a report to Child Protection as soon as is practicable after forming a belief, on reasonable grounds (refer to *Definitions*), that a child or young person is in need of protection from significant harm as a result of abuse (refer to *Definitions – Child abuse*) and the child's parents/guardians are unwilling or unable to protect the child (*Protecting the safety and wellbeing of children and young people – refer to Sources*).

To have reasonable grounds to believe a child is in need of protection, a mandatory reporter should believe both that there is risk of significant harm as a result of abuse, and that the parents/guardians are unwilling or unable to protect the child (Sections 162(c) (d) and 184 of the *Children, Youth and Families Act 2005*). Section 182 of the *Children, Youth and Families Act 2005* lists those who are mandated to report.

Mandatory reporters must report the abuse/neglect to:

- police, by calling 000, if the offence requires immediate police attention, or

- Child Protection authorities⁴, if they suspect, on reasonable grounds, that a child is suffering abuse or neglect, or wish to discuss their concerns about a child or young person.

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 health, safety 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 DEECD within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DEECD for confirmation. Written reports to DEECD must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

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 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 health, safety 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 (see details in Appendix 2 of *Protecting the safety and wellbeing of children and young people* – refer to *Sources*)
- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is 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.

Serious incident: A children's service is required to notify the Department when a serious incident occurs at the service. A serious incident is defined as:

- the death of a child while being cared for or educated by the service (section 29C(a)).
- any incident involving injury or trauma to a child while being cared for or educated by the service requiring the
 - attention of a registered medical practitioner; or
 - admission to a hospital (section 29C(b))

⁴ Child Protection Crisis Line: toll free on 13 12 78, or a regional DHS office.

- a child being cared for or educated by the service appears to be missing or otherwise unaccounted for or appears to have been taken or removed from the service contrary to the regulations (section 29C(c))
- any incident requiring attendance by emergency services (section 29C(d) and regulation 90(2)).

A children's service must notify the relevant regional office by telephone within 24 hours of the incident, followed by written notification as soon as practicable (regulation 90(1)). Written notification is to be provided by using the *Serious incident notification form* available at:

www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx

Voluntary (non-mandated) notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection. Section 183 of the *Children, Youth and Families Act 2005* states that any person who believes, on reasonable grounds, that a child is in need of protection, may notify a protective intervener of that belief and of the reasonable grounds that the belief is based on. Under this part of the Act, notifications are made out of moral obligation, rather than legislative obligation. The person making the notification is not expected to prove the abuse, and the law protects the anonymity of the person making the notification.

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.

5. SOURCES AND RELATED POLICIES

Sources

- *Charter of Human Rights and Responsibilities Act 2006* (Vic) available at: <http://www.legislation.vic.gov.au/>
- *Choose With Care: Child Protection* – an information and training program: www.childwise.net
- Commission for Children and Young People (CCYP): <http://www.ccyp.vic.gov.au/>
- Department of Education and Training (DET – Victoria) : <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>
- Department of Health and Human Services (DHHS - Victoria): www.dhhs.vic.gov.au
- National Children's Commissioner: <http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/national-children-s-commissioner>
- Palfrey, N & Harris, A. *Information for professionals on supporting children and families after a child has been abused*. Tipsheet produced by the Australian Child & Adolescent Trauma, Loss & Grief Network. Viewed at: <http://earlytraumagrieff.anu.edu.au/files/profrespondchildabusetip.pdf>
- *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: <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>
- *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>
- The United Nations Convention on the Rights of the Child: www.unicef.org/crc
- Victorian Institute of Teaching : www.vit.vic.edu.au
- *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

- *Acceptance and Refusal of Authorisations Policy*
- *Child Safe Environment Policy*
- *Code of Conduct Policy*
- *Complaints and Grievances Policy*

- *Delivery and Collection of Children Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*
- *Supervision of Children Policy*

PROCEDURES

The Approved Provider is responsible for:

- ensuring that the Nominated Supervisor, early childhood teachers 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 Balwyn East Kindergarten, 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 or neglect (refer to Attachment 3 – Reporting responsibilities and guidelines)
- 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 responsibilities and processes for reporting (refer to Attachment 3 – Reporting responsibilities and 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 Balwyn East Kindergarten
- 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*))
- implementing reporting procedures and notifications when there are significant concerns for the health, safety or wellbeing of a child at the service (refer to Attachment 3: Reporting responsibilities and guidelines)
- notifying the Department of Education within 24 hours of a serious incident (refer to *Definitions*) occurring at the service
- notifying the Department of Education and Training, 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 Balwyn East Kindergarten
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*)

- 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
ensuring all staff abide by the *Code of Conduct Policy*.

The Nominated Supervisor is responsible for:

- ensuring that they are aware of current child protection legislation, its application and any obligations, including reporting obligations, that they may have under the law
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- working with the Approved Provider to arrange 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 responsibilities and processes for reporting (refer to Attachment 3 – Reporting responsibilities and guidelines)
- identifying the potential for child abuse at Balwyn East Kindergarten, 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 reporting procedures where there are reasonable grounds (refer to *Definitions*) for believing that a child is at risk of child abuse (refer to Attachment 3 – Reporting responsibilities and guidelines)
- notifying the Approved Provider immediately on becoming aware of a concern, complaint or allegation regarding the health, safety and welfare of a child at Balwyn East Kindergarten
- 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 Balwyn East Kindergarten
- 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*)
- 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
- ensuring that all educators, staff and others who work with children are aware of this policy, and are supported to implement it in the service
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)

ensuring all staff abide by the service's *Code of Conduct Policy*.

Certified Supervisors, early childhood teachers, other educators and staff are responsible for:

- 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 responsibilities and processes for reporting (refer to Attachment 3 –Reporting responsibilities and guidelines)
- identifying the potential for child abuse at Balwyn East Kindergarten, 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 reporting procedures where there are reasonable grounds (refer to *Definitions*) for believing that a child is at risk of child abuse (refer to *Definitions* and to Attachment 3 – Reporting responsibilities and guidelines).

Early childhood teachers must mandatorily report concerns of child abuse, however any person can report if they have reasonable grounds for doing so.

- 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 Balwyn East Kindergarten
- 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 Balwyn East Kindergarten
- 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
- educating and empowering children to talk about events and situations that make them feel uncomfortable
- 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 Approved Provider, Nominated Supervisor, educators, staff, contractors and parents/guardians
- using appropriate resources and undertaking training to assist with the implementation of 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
- abiding by the service's *Code of Conduct Policy*.

Parents/guardians are responsible for:

- reading and complying with this policy
- reporting any concerns, including in relation to potential child abuse, to the appropriate child protection authorities or the police if immediate police attention is required
- abiding by the service's *Code of Conduct*

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

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)).

ATTACHMENTS

- Attachment 1: Child protection risk assessment
- Attachment 2: Child safe organisations
- Attachment 3: Reporting responsibilities and guidelines
- Attachment 4: Child safety review checklist
- Attachment 5: Guidelines for the recruitment of staff and volunteers

AUTHORISATION

This policy was adopted by the Approved Provider of Balwyn East Kindergarten on 22 February 2016.

REVIEW DATE: 01/03/2019

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 to implement a range of strategies to protect children from these risks. Services are encouraged to adapt this template to suit their particular circumstances.

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 organisations⁵

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

⁵ Attachment 2 is based on principles for creating child safe organisations outlined in *A Guide for Creating A Child Safe Organisation*, available from the Commission for Children and Young People (refer to *Sources*).

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 one) 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

Reporting responsibilities and guidelines

This attachment is based on information from: *Protecting the safety and wellbeing of children and young people* (refer to *Sources*).

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 (refer to *Definitions*), 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.

Mandatory reporting

Under section 182 of the *Children, Youth and Families Act 2005*, a person registered under the *Education Training and Reform Act 2006*, or who has been granted permission to teach under that Act, is designated as a mandatory reporter. From 30 September 2015 early childhood teachers were required to be registered with the Victorian Institute of Teaching and are obligated to undertake mandatory reporting (refer to *Definitions*) of any concerns of child abuse and neglect.

Non-mandated staff members

Section 183 of the *Children, Youth and Families Act 2005*, states that **any person** who believes on reasonable grounds (refer to *Definitions*) that a child is in need of protection may report their concerns to Child Protection. This includes non-mandated licensed children's services staff.

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.

The Department of Health and Human Services has a statutory responsibility to provide Child Protection services for all children and young people in Victoria. It is a Child Protection worker's role to investigate and prove significant harm, so other professionals need only provide reasonable grounds (refer to *Definitions*) 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.
- Any investigation undertaken by the service must ensure procedural fairness and natural justice for a person suspected of abusing a child.
- 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 Balwyn East Kindergarten 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 Health and Human Services/Child Protection officers and disability services. You may wish to instigate a case meeting
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 (see below).
- To report concerns that are life threatening, ring Victoria Police on 000.
- If there is an allegation of abuse by a proprietor, staff member or visitor at a licensed children's service, the matter must be immediately reported directly to Victoria Police for investigation by telephoning the emergency number 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 referral to Child FIRST

A referral 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.

When reporting concerns of child abuse and/or neglect, it is important to remember that:

- a failure to notify the Department of Health and Human Services is an offence under section 182 of the *Children, Youth and Families Act 2005*
- the Department must be notified as soon as practicable
- it is not necessary to prove that abuse has taken place, only to provide reasonable grounds (refer to *Definitions*) 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.

Notifying the Department of Education

An Approved Provider should notify the Regulatory Authority of any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service (Regulation 175 (2) (c) including:

- occurrences of sexualised play between children
- where children are being or may be at risk of being subjected to physical, emotional or sexual abuse including instances where children are observed displaying concerning behaviour that may indicate they are being subject to abuse.

ATTACHMENT 4

Child safety review checklist⁶

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 one) 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?				

⁶ Attachment 4 is based on a checklist from *A Guide for Creating A Child Safe Organisation*, available from the Commission for Children and Young People (refer to *Sources*)

	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 Balwyn East Kindergarten. Balwyn East Kindergarten 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 Protection Policy*, *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 protection and 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.