



BALWYN EAST KINDERGARTEN INC.

CHILD SAFE (FORMERLY CHILD PROTECTION) POLICY

Mandatory – Quality Area 2

PURPOSE

This policy provides a clear set of guidelines and procedures for Balwyn East Kindergarten to:

- provide a safe environment for all children which promotes their health, safety and wellbeing
- promote an organisational culture of child safety
- identify, reduce and remove risks of child abuse
- intervene when a child may be at risk of abuse or neglect
- make staff aware of their legal and duty of care obligations in reporting child abuse and neglect
- inform all other policies, procedures and activity planning in addition to general occupational health and safety risks.

POLICY STATEMENT

1. VALUES

Balwyn East Kindergarten:

- is committed to the rights of all children to feel safe, and be safe at all times, including:
 - promoting the cultural safety of Aboriginal children
 - promoting the cultural safety of children from culturally and linguistically diverse backgrounds
 - promoting the safety of children with a disability
- develops and maintain a culture in which children feel valued, respected and cared for
- fosters opportunities for each child to participate, express their views and to learn and develop
- always acts in the best interests of each child and has zero tolerance of child abuse
- takes all reasonable steps for each child's safety and wellbeing at all times
- actively manages the risks of abuse or harm to each child, including fulfilling our duty of care (refer to *Definitions*) and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm
- continuously improves the way our service prevents child abuse, and encourages reporting and improved responses to allegations of abuse.

2. SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, staff, contractors, volunteers, students on placement, 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

The Approved Provider, Nominated Supervisor, staff, contractors and volunteers of early childhood services have legal and moral obligations to protect children under their supervision and care.

Duty of care obligations (refer to *Definitions*) relate to the high level of responsibility to protect children in the care of a service. Duty of care obligations apply to the Approved Provider and all staff members within any early childhood service and require that the Approved Provider and staff to take reasonable steps to protect children from injury that is reasonably foreseeable.

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*).

Three **criminal offences** have been introduced in Victoria in the *Crimes Amendment (Protection of Children) Act 2014* to 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 or the Nominated Supervisor, and who know of the substantial risk 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.

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. Early childhood teachers are required to be registered with the Victorian Institute of Teaching and are classified as 'mandatory reporters'.

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.

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 safety and protection, including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

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): 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 – Federal Register of Legislation: <https://www.legislation.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 persons. 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 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.
- **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. 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.

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/family-and-parenting-support/how-to-make-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*).

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.

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

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 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 5: 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 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 DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). Written reports to DET 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 via the ACECQA portal using the appropriate forms at <http://acecqa.gov.au/notifications>. If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

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 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 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.

Serious incident: A serious incident is defined as (regulation 12):

- the death of a child -
 - while being cared for by an education and care service; or
 - following an incident while being educated and cared for by an education and care service
- any incident involving serious injury or trauma to, or illness of, a child while being educated and cared for by an education and care service -
 - which a reasonable person would consider required urgent medical attention from a registered medical practitioner (examples include broken limbs or anaphylaxis reaction) attention of a registered medical practitioner; or
 - for which the child attended, or ought reasonably to have attended a hospital
- any incident where the attendance by emergency services at the education and care service premises was sought, or ought reasonably to have been sought
- any circumstances where a child being educated and cared for by an education and care service appears to be missing or cannot be accounted for;
 - appears to have been taken or removed from the education and care services premises in a manner that contravenes National Regulations;
 - is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

The Regulatory Authority must be notified of a serious incident (section 174(2)(a)) **in writing in the case of:**

- the death of a child, as soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death
- any other serious incident, within 24 hours of the incident or the time that the person becomes aware of the incident.

Written notification of serious incidents must be submitted via the ACECQA portal using the appropriate forms at <http://acecqa.gov.au/notifications>.

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

Voluntary (non-mandated) notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection and is not mandated to make the notification. 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

- Australian Human Rights Commission: <https://www.humanrights.gov.au/>
- Betrayal of Trust Implementation: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/betrayal+of+trust+implementation>
- Better Health Channel: <https://www.betterhealth.vic.gov.au/>
- *Charter of Human Rights and Responsibilities Act 2006* (Vic): <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>
- 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://earlytraumagrief.anu.edu.au/files/profresponchildabusetip.pdf>
- *Protecting children and young people from abuse is our responsibility* Department of Education and Training resources: <http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx>
- *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 Training, early childhood services and Victorian schools: <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>
- Safe Supportive Schools Community Working Group <http://www.bullyingnoway.gov.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*

RESPONSIBILITIES

The Approved Provider is responsible for:

- providing leadership in the development of an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved
- advising staff of current child protection legislation, and their legal and duty of care obligations (Regulation 84)
- undertaking child safety reviews to identify the potential for and respond to signs of child abuse at Balwyn East Kindergarten in consultation with staff, parents/guardians and children (refer to Attachment 1 – Child safety review checklist)
- identifying and implementing appropriate programs and practices to support the implementation of the Child Safe Standards in consultation with staff, parents/guardians and children (refer to Attachment 2 – Implementation of Child Safe Standards)
- conducting recruitment and induction processes for staff in line with this policy (refer to Attachment 3 – Guidelines for the incorporation of child safety into staff recruitment and management)
- screening contractors, volunteers and students in line with their roles (refer to Attachment 4 – Guidelines for the incorporation of child safety into recruitment of contractors and volunteers)
- putting processes in place so that contractors, volunteers, students, parents/guardians and other visitors to the service are not left with sole supervision of individual children or groups of children
- developing and implementing procedures to prevent contact from occurring or responding if it has occurred, when the service has been notified of a court order prohibiting an adult from contacting an enrolled child
- ensuring educators, staff, and where appropriate, contractors, volunteers and students undertake appropriate training on child safety, 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 5 – Processes for responding to and reporting suspected child abuse)
- developing and monitoring procedures for reporting and responding to suspected child abuse or neglect which are promoted across the service and regularly reviewed in partnership with staff and parents/guardians, and where appropriate contractors, volunteers, students and children (refer to Attachment 5: Processes for responding to and reporting suspected child abuse)
- offering support to the child and their family, and to 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
- 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 5 – Processes for responding to and reporting suspected child abuse)
- notifying DET within 24 hours of a serious incident (refer to *Definitions*) occurring at the service
- notifying DET within 24 hours in writing of becoming aware of a notifiable complaint (refer to *Definitions*) or allegation regarding the health, safety and/or welfare of a child at the service
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*)
- implementing and reviewing this policy in consultation with staff, volunteers, parents/guardians, and children
- identifying and providing appropriate resources and training to assist staff, contractors, 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 staff, contractors, parents/guardian, volunteers and students informed of any relevant changes in legislation and practices in relation to this policy
- ensuring all staff, students, contractors, parents/guardians, volunteers and visitors abide by the *Code of Conduct Policy*

- ensuring an explicit statement of Balwyn East Kindergarten's commitment to child safety is included in all advertising promotion for the organisation.

The Nominated Supervisor is responsible for:

- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- supporting the implementation of the Child Safe Standards in Balwyn East Kindergarten
- promoting the development of an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved
- identifying the potential for child abuse at Balwyn East Kindergarten, and developing and implementing effective prevention strategies in consultation with the Approved Provider and staff (refer to Attachment 1 – Child safety review checklist and Attachment 2 – Implementation of Child Safe Standards)
- developing programs and supporting the implementation of the Child Safe Standards in consultation with the Approved Provider and other staff at the service (refer to Attachment 1 – Child safety review checklist and Attachment 2 – Implementation of Child Safe Standards)
- identifying and providing appropriate resources and training to assist staff, contractors, volunteers and students to implement this policy (refer to *Sources*)
- 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 5 – Processes for responding to and reporting suspected child abuse)
- 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
- making all staff aware of this policy, the Code of Conduct Policy and the Interactions with Children Policy and holding them to account for the behavioural expectations identified.
- implementing and reviewing this policy in consultation with the Approved Provider, educators, staff, contractors and parents/guardians and children
- planning so that no child is left alone (or is out of sight) with a contractor, volunteer, student, parent/guardian or visitor, at the service.

All staff are responsible for:

- fulfilling their legal responsibilities and duty of care to protect children safe and to maintain children's rights
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- contributing to an organisational culture of child safety
- 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 safety review checklist and Attachment 2 – Implementation of Child Safe Standards)
- following processes for responding and reporting suspected child abuse (Attachment 5: Processes for responding to and reporting suspected child abuse)
- undertaking appropriate training 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 5 – Processes for responding to and reporting suspected child abuse)
- identifying and implementing appropriate programs and practices to support the implementation of Child Safe Standards in consultation with the Approved Provider and Nominated Supervisor at the service (refer to Attachment 1 – Child safety review checklist and Attachment 2 – Implementation of Child Safe Standards)

- 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 in response to concerns or reports relating to the health, safety and wellbeing of a child at Balwyn East Kindergarten
- 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
- conducting activities so that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service
- following the Balwyn East Kindergarten's processes where the service has been notified of a court order prohibiting an adult from contacting an enrolled child
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*)
- implementing and reviewing this policy in consultation with the Approved Provider and Nominated Supervisor
- 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
- using appropriate resources and undertaking training to assist with the implementation of this policy (refer to *Sources*)
- abiding by the service's *Code of Conduct Policy* and *Interactions with Children 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*.

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

EVALUATION

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 safety review checklist
- Attachment 2: Implementation of Child Safe Standards
- Attachment 3: Guidelines for the incorporation of child safety into staff recruitment and management
- Attachment 4: Guidelines for the incorporation of child safety into recruitment of contractors and volunteers

- Attachment 5: Processes for responding to and reporting suspected child abuse

AUTHORISATION

This policy was adopted by the Approved Provider of Balwyn East Kindergarten on 15 November 2016.

REVIEW DATE: 15/11/2019

ATTACHMENT 1

Child safety review checklist

This checklist assists services to assess important areas of child safety in line with the seven Child Safe Standards. The outcomes of the checklist should inform a plan to address policies and practices to ensure children's safety and wellbeing.

Child safety element	Yes/No	What does the service do well?	What improvements can be made?	Who, when and review date
1. Strategies to embed an organisational culture of child safety, through effective leadership arrangements				
Do you have appropriate governance arrangements in place?				
Is the commitment to child safety modelled by your leadership?				
Do you welcome all children and acknowledge that some children are particularly vulnerable?				
Do you recognise, respect and promote the belief that cultural identity is fundamental to a child's safety and wellbeing, and provide training for staff on this?				
Do you encourage children with special needs and from different backgrounds to participate, and do they participate?				
Do you raise awareness about child abuse?				

Child safety element	Yes/No	What does the service do well?	What improvements can be made?	Who, when and review date
2. A Child Safe Policy				
Do all staff members know about this Child Safe Policy and their responsibilities to uphold it?				
Has the Child Safe Policy been adapted to address the risks that have been identified in your risk assessment?				
Do you undertake regular Child Safety Reviews to inform your policy?				
Are children consulted about how safe they feel and what ideas they might have to promote safety in your organisation?				
Do staff know their responsibilities about Failure to Disclose and Failure to Protect legislative requirements?				
3. A Code of Conduct that establishes clear expectation for appropriate behaviour with children				
Is the Code of Conduct well known by staff, volunteers, children and families and are they required to comply with it?				
Do staff know how concerns regarding breaches of the Code of Conduct can be raised and how they will be responded to?				
Are parents/guardians and visitors aware of the Code of Conduct?				

Child safety element	Yes/No	What does the service do well?	What improvements can be made?	Who, when and review date
4. Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel				
Do you have clear duty and position statements (job descriptions?)				
Have you determined which employee or volunteer positions require Working with Children Checks and have those checks been undertaken?				
Does your organisation follow the recruitment procedures outlined in Attachment 3 including interview processes, referee checks, Working with Children Checks and other screening requirements and record the procedures taken?				
Does the service have a staff development strategy to maintain and develop skills and capabilities, including understanding the risk of harm to children, the different types of harm, how to identify child abuse and relevant legislative requirements?				
Does the service have robust staff and volunteer performance management strategies in place?				
5. Processes for responding to and reporting suspected child abuse				
Do your staff know and understand the process for reporting and acting on disclosures or concerns about child safety?				

Child safety element	Yes/No	What does the service do well?	What improvements can be made?	Who, when and review date
Are your staff and volunteers aware of their responsibility to report concerns of harm?				
Do you have policies and procedures concerning record keeping requirements and confidentiality and privacy?				
Do you have a complaints process that is accessible for children and families?				
Do you have child friendly processes in place to ensure children know who to talk to if they feel unsafe or have a concern?				
6. Strategies to identify and reduce or remove risks of child abuse				
Do you undertake risk assessments and have an organisational Risk Management Plan?				
Is undertaking, monitoring and reviewing the risk management plan the designated responsibility of a specific staff member?				
In undertaking your risk assessment, do you specifically consider the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability?				

Child safety element	Yes/No	What does the service do well?	What improvements can be made?	Who, when and review date
7. Strategies to promote the participation and empowerment of children				
Do you consult with children about decisions that affect them?				
Do you create opportunities for participation that incorporates planning, preparation, action and feedback?				
Do you inform children of their rights and tell them how to raise any concerns?				

ATTACHMENT 2

Implementation of Child Safe Standards¹

This table provides some examples of practices that may be implemented to support compliance with the Child Safe Standards. Services must include the following principles as part of each standard:

- Promoting the cultural safety of Aboriginal children
- Promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- Promoting the safety of children with a disability.

Child safe standard	Examples of practices
1. Strategies to embed an organisational culture of child safety, including through effective leadership arrangements	<ul style="list-style-type: none"> • The Approved Provider has responsibility for ensuring child safety review is conducted and implemented • Strategic direction, vision and philosophy include child safety • Induction/training for recognising and responding to child abuse for all personnel including leadership • Service welcomes all children and acknowledges that some children are vulnerable • Service supports children's cultural identity • Child safety is a regular agenda item at leadership and staff meetings • Child safe policies and procedures are communicated to all staff, volunteers, children and families.
2. A child safe policy or statement of commitment to child safety.	<ul style="list-style-type: none"> • Have a child safe policy (such as this one) which provides an approach to being child safe, such as recruitment processes, reporting procedures and guides to managing child abuse risks • Have a plan to address the risks identified in the child safety review • Public statements to raise awareness of the organisation's commitment to child safety.
3. A code of conduct that establishes clear expectations for appropriate behaviour with children	<ul style="list-style-type: none"> • Clear and specific standards of conduct for interactions with children, such as in different situations • Require staff to sign a code of conduct • Clear explanation of appropriate relationships with children for staff, volunteers, parents and children • Policies clearly explain how concerns regarding the Code of Conduct are raised and will be responded to • Instruction on how to respond to risks adults may pose to children or that children may pose to each other.
4. Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel	<ul style="list-style-type: none"> • Embed child safety into performance arrangements and position descriptions • Ensure existing and newly recruited staff and volunteers understand the importance of child safety and are aware of the policies and procedures

¹ Attachment 2 is based on *A Guide for Creating A Child Safe Organisation* Version 2.0 December 2015, available from the Commission for Children and Young People (refer to *Sources*) and on *Child Safe Standards and Criminal Law Reform for Early Childhood Services* presentation by Centre for Excellence in Child and Family Welfare Inc.

	<ul style="list-style-type: none"> • A staff development strategy is in place to maintain and develop skills including understanding responsibilities and how to identify child abuse and reduce the risk • Undertake consistent recruitment and selection processes that identify and respond to indicators of risk • Have a process for management of allegations, negative police checks and other checks relevant for staff positions.
5. Processes for responding to and reporting suspected child abuse	<ul style="list-style-type: none"> • Ensure staff and volunteers are aware of their responsibility to report signs of risk and concerns of harm • Have a complaints process that is accessible for children and families and publicise this • Ensure children know who to talk to if they feel unsafe or have a concern • Maintain adequate record keeping of child safety issues which respect privacy • Establish feedback processes for staff, volunteers, children and families on policies and procedures
6. Strategies to identify and reduce or remove risks of child abuse	<ul style="list-style-type: none"> • Complete the Child Safety Review Checklist (Attachment 1) and develop an improvement plan • Ensure risk assessment takes into consideration the needs of Aboriginal children and children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability • Develop, record and communicate processes for removing risks to children • Encourage early identification and awareness raising of risks • Learn from past lessons such as through training and policy review
7. Strategies to promote the participation and empowerment of children	<ul style="list-style-type: none"> • Consult children about decisions which affect them • Inform children of their rights and tell them how to raise safety concerns • Gather feedback from children about what would help them to raise safety concerns and implement improvements • Train staff and volunteers on methods of empowering children and encouraging their participation • Raise awareness in the organisation and community about children's rights

ATTACHMENT 3

Guidelines for incorporation of child safety into the recruitment and management of staff

The following guidelines and processes for the incorporation of child safety into the recruitment and management of staff demonstrate Balwyn East Kindergarten's commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work at our service.

Preparation for recruitment

- Assess whether the role includes direct and unsupervised contact with children and whether a Working with Children Check (WWCC) or Victorian Institute of Teaching registration is required
- Include a statement of Balwyn East Kindergarten's commitment to maintaining a child safe environment in the job description
- Job description clearly outlines responsibilities and accountability
- Job advertisements clearly state our commitment to child safety
- The template letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety.

Selection 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 human resource/interviewing experience
- Questions are behaviour-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 are values-based and include a consideration of issues such as professional boundaries, resilience and motivation, teamwork, accountability and ethics
- Questions are based on key selection criteria
- More detail is asked for when answers seem incomplete
- Confirm identity by sighting (and taking a copy of) an original birth certificate or extract, a driver's licence or a passport
- Verify qualifications and, where relevant, Working with Children Check or Victorian Institute of Teaching registration
- Thorough reference checks:
 - at least two referees are contacted (including the current or most recent employer or direct line manager) in person or via telephone
 - all referees must have observed the applicant working with children first-hand
 - referees are asked about the candidate's past behaviour including relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics.
- Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment
- Information provided to the new staff member on commencing work at the service includes: the *Child Safe (formerly Child Protection) Policy*, *Child Safe Environment Policy*, *Code of Conduct Policy*, *Complaints and Grievances Policy* and *Staffing Policy*
- Regular meetings are held between staff members and the Approved Provider
- A mentoring or buddy system for staff members is in place
- Training and education with regard to child safety and child protection is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment.

Ongoing Management

- Regular meetings are held between staff and the Approved Provider and child safety is a regular item on the agenda
- Provide supervision to ensure clear expectations about the role, adequate support as well as on-the-job monitoring of their performance
- Performance reviews consider the staff member's contribution to creating a child safe environment
- Regular training and education with regard to child safety, child protection and inclusive practices is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment
- Have a process to ensure that the registration of all early childhood teachers with Victorian Institute of Training remains current
- Maintain a register of all workers with a WWCC card and regularly check the status of the WWCC cards of all staff to ensure that no one has been given a Negative Notice or had their card revoked or suspended or that it has expired
- Develop processes to deal with a worker who is given a Negative Notice including ensuring that they do not do any child-related work.

ATTACHMENT 4

Guidelines for incorporation of child safety into the recruitment and management of contractors, volunteers and students

The following guidelines and processes for the recruitment and management of contractors (refer to *Definitions*), volunteers (refer to *Definitions*) and students demonstrates Balwyn East Kindergarten's commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work, volunteer or be on student placement at our service.

- Assess the nature of the work or task being undertaken by contractors, volunteers and students to determine whether a Working with Children Check is required
- Assess the nature of the work or task being undertaken by contractors, volunteers and students to determine whether a position description is required
- Consider whether a screening or recruitment process is relevant to the role and the risks to children
- Inform contractors, volunteers and students of policies relevant to their role as part of their orientation to the service
- Provide supervision to ensure clear expectations about the role and responsibilities
- Do not leave contractors, volunteers or students (or visitors) alone with children
- Have conversations about child safety and wellbeing and how the service maintains and responds to issues of safety with contractors, volunteers and students.

ATTACHMENT 5

Processes for responding to and reporting suspected child abuse

Overview

The following requirements are observed at Balwyn East Kindergarten:

- Early childhood staff **must act** when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused.
- The flowchart: *Processes for responding to incidents, disclosures and suspicions of child abuse*, outlines the steps which must be followed. For more detailed information see Early Childhood Guidance available at <http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx>
- Staff must report a reasonable belief that a child has been, or is at risk of being abused to external and to internal authorities:
 - External authorities:
 - In an emergency, where a child may have been sexually abused (including grooming) or where the suspected abuse is coming from within the service, the report must be made to the Victoria Police
 - Where the suspected abuse is from within the community and the child is in need of protection or the risk has had or is likely to have serious impact on the child's safety, stability or development, it is to be reported to DHHS Child Protection. Where sexual abuse or grooming is suspected, staff must also report to the Victoria Police.
 - Internal authorities:
 - Suspected abuse must be reported to the Approved Provider
 - The Approved Provider must report to DET.
- Staff **must seek advice** from the Approved Provider (or licensee) or DHHS Child Protection and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the Approved Provider, they must **still** make a report to Child Protection and/or Victoria Police.
- Records are kept about any child safety concern or complaint. These records contain comprehensive description of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with the service's Privacy and Confidentiality Policy.
- Privacy is maintained, and information is only disclosed on a need-to-know basis.
- 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.

Strategies for managing a disclosure

It is very important to validate a child's disclosure, by listening to the child, taking them seriously and responding and acting on the disclosure by implementing the Balwyn East Kindergarten's reporting procedures.

Strategies include:

- Let the child talk about their concerns in their own time and in their own words
- Give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener
- Remain calm and use a neutral non-judgmental tone
- Comfort the child if they are distressed

- Record the child's disclosure using the child's words.
- Tell the child that telling you is the right thing to do and that what has happened is not their fault
- Let them know that you will act on this information and that you will need to let other people know so that they can help the child
- AVOID asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation
- AVOID going over information repeatedly
- Follow the process outlined in the flowchart: Processes for responding to incidents, disclosures and suspicions.

Indicators of abuse

Below are some of the indicators of harm or abuse. This is not a comprehensive list and if in doubt staff must always seek advice.

- 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 behaviour, being highly anxious, having delayed speech, acting like a much younger child, and often being tired and falling asleep.
- Other indicators are family violence, parental substance abuse, psychiatric illness or intellectual disability which is impacting on the child's safety, stability or development.

Reporting to external authorities

- If a child is in immediate danger ensure their safety and call emergency services on 000 for urgent medical and/or police assistance
- If there is a suspicion of sexual abuse of a child (including grooming) contact Victoria Police
- If there is an allegation of abuse by a proprietor, staff member, contractor, volunteer, student or visitor within the service, the matter must be immediately reported directly to Victoria Police
- To report concerns about the immediate safety of a child within their family or the community, call the nearest DHHS office in your region during business hours or after hours 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
 - 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 be made, even if the notifier does not have all the necessary information
- 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).

Reporting to internal authorities

- Staff must notify the Approved Provider of all incidents, suspicions and disclosures of child abuse
- The Approved Provider must notify DET <http://www.acecqa.gov.au/national-quality-agenda-it-system> 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.

Making a referral to Child FIRST

A referral to **Child FIRST** should be considered if, after taking into account the available information, the Approved Provider/staff member has significant concerns for a child's wellbeing and the child is not in immediate need of protection. 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 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*
- Child Protection 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 and following Balwyn East Kindergarten's procedures where the conditions are breached
 - 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.

Flowchart: Processes for responding to incidents, disclosures and suspicions of child abuse

