

# Yarram Early Learning Child Safe Environment Policy

Quality Area: Health and Safety

## PURPOSE

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

- All children attending Yarram Early Learning Incorporated are provided with a safe environment
- All reasonable steps are taken by the Approved Provider, educators and staff to ensure the health, safety and wellbeing of children attending the service
- Timely and effective intervention for children and young people who may be at risk of abuse or neglect.

## POLICY STATEMENT

### VALUES

Yarram Early Learning Incorporated has a moral and legal responsibility to ensure that all children are safe in their care, and will provide training, resources, information and guidance to support this.

Yarram Early Learning Incorporated is committed to:

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

### SCOPE

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

## 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 the law early childhood educators are identified as a "mandatory reporter" "a person who is registered as a teacher or an early childhood teacher under the **Education and Training Reform Act 2006** or has been granted permission to teach under that Act"

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 or neglect. 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, that a child is in need of protection must report their concerns to Child Protection (refer to *Definitions*) (*Protecting the safety and wellbeing of children and young people – refer to Sources*).

The *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011* require that approved services protect children from any harm and hazards, and to adequately supervise children at all times. Adult supervision is a key factor in creating and maintaining child safe environments. Active supervision together with risk minimisation strategies can prevent or reduce the risk of injury to children (refer to *Supervision of Children Policy*).

Risk minimisation strategies, supported by clear policies and procedures for specific areas of child safety, will help ensure the environment and practices at the service are child safe. Policies and procedures must be developed in relation to all matters specified in Regulation 168(2), including emergency and evacuation, water safety, sun protection, delivery and collection of children, and incident, injury, trauma and illness. Risks in the child's physical environment can be minimised by ensuring the safety of buildings, grounds, equipment, materials and furniture used at the service, and the safe storage and use of dangerous substances such as cleaning products and chemicals.

### **Legislation and standards**

Relevant legislation and standards include but are not limited to:

- *Children, Youth and Families Act 2005* (Vic), as amended 2020
- *Child Wellbeing and Safety Act 2005* (Vic), as amended 2020
- *Charter of Human Rights and Responsibilities Act 2006* (Vic), as amended 2020
- *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)
- *Family Law Act 1975* (Cth), as amended 2020

- *National Quality Standard, Quality Area 2: Children's Health and Safety*
  - Standard 2.3: Each child is protected
    - Element 2.3.1: Children are adequately supervised at all times
    - Element 2.3.2: Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury
    - 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
- *National Quality Standard, Quality Area 3: Physical Environment*
  - Standard 3.1: The design and location of the premises is appropriate for the operation of a service
    - Element 3.1.1: Outdoor and indoor spaces, buildings, furniture, equipment, facilities and resources are suitable for their purpose
    - Element 3.1.2: Premises, furniture and equipment are safe, clean and well maintained
- *National Quality Standard, Quality Area 7: Leadership and Service Management*
  - Standard 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community
    - Element 7.1.5: Adults working with children and those engaged in management of the service or residing on the premises are fit and proper
- *Occupational Health and Safety Act 2004 (Vic)*
- *Working with Children Act 2005 (Vic)*
- *Working with Children Regulations 2006 (Vic)*

## 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:** (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.

**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<sup>1</sup>. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance<sup>2</sup>.

**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:** An act or omission by an adult that endangers or impairs a child's physical and/or emotional health and development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (refer to

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[www.bullyingnoway.gov.au](http://www.bullyingnoway.gov.au)

<https://www.education.vic.gov.au/about/educationstate/Pages/antibullying.aspx>

*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<sup>3</sup>.
- **Emotional and psychological abuse:** Involves continuing behaviour by adults towards children, which erodes social competence or self-esteem over time<sup>4</sup>. It occurs when a person engages in inappropriate behaviours, such as rejecting, ignoring, threatening or verbally abusing a child, or allowing others to do so (Office of the Child Safety Commissioner (OCSC), Victoria).
- **Racial, cultural and religious abuse:** Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion (OCSC).
- **Neglect:** Refer to definition below.
- **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).

**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

<https://services.dhhs.vic.gov.au/child-first-and-family-services>

**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 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

<https://providers.dhhs.vic.gov.au/child-protection>

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<https://childsafefhumanrights.gov.au/>

<sup>4</sup> DHS, Office for Children:

<https://providers.dhhs.vic.gov.au/child-sexual-abuse>

Yarram Early Learning Centre Policies and Procedures Manual

Child Safe Environment Policy

Date created April 2020. To be Reviewed: April 2021

**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 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 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:**

Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Mandated staff members must make a report to Child Protection as soon as is practicable after forming a belief, on reasonable grounds, that a child or young person is in need of protection from significant harm as a result of physical injury or sexual 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*).

As identified in the CYFA "a person who is registered as a teacher or an early childhood teacher under the **Education and Training Reform Act 2006** or has been granted permission to teach under that Act"

- 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 physical injury or sexual 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* as amended 2020. Section 182 of the *Children, Youth and Families Act 2005* amended 2020
- 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 authorities<sup>5</sup>, 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:** 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 Human Services).

**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)). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation. 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 using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://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.
- **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 as amended 2020 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.

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

**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.

## SOURCES AND RELATED POLICIES

### Sources

- *Charter of Human Rights and Responsibilities Act 2006* (Vic), as amended 2020
- [www.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/)
- Childsafety Australia: [www.childsafetyaustralia.com.au/](http://www.childsafetyaustralia.com.au/)
- *Choose With Care: Building child safe organisations* – an information and training program: [www.childwise.net](http://www.childwise.net)
- Department of Education and Early Childhood Development (DET): [www.education.vic.gov.au/ecsmanagement/educareservices/csprotocols.htm](http://www.education.vic.gov.au/ecsmanagement/educareservices/csprotocols.htm)
- Victorian Health and Human Services <https://services.dhhs.vic.gov.au/>
- Commission for children and young people : <https://ccyp.vic.gov.au/>
- *Protecting the safety and wellbeing of children and young people* – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools: [www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting\\_children\\_protocol27\\_5\\_10.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting_children_protocol27_5_10.pdf)
- *Safeguarding Children* accreditation program, Australian Childhood Foundation: [www.childhood.org.au](http://www.childhood.org.au)
- Service Agreement Information Kit for Funded Organisations: <http://www.dhs.vic.gov.au/facs/bdb/fmu/service-agreement/1.introduction/1.1-about-the-kit>
- The United Nations Convention on the Rights of the Child: [www.unicef.org/crc](http://www.unicef.org/crc)
- *What is Child Abuse?*: [www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/what-is-child-abuse](http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/what-is-child-abuse)
- <https://www.workingwithchildren.vic.gov.au/>
- Victoria State Government child protection in early childhood: online learning <https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/eonlinelearning.aspx>

### Service policies

- *Administration of First Aid Policy*
- *Administration of Medication Policy*
- *Anaphylaxis Policy*
- *Asthma Policy*
- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Dealing with Infectious Diseases Policy*

- *Dealing with Medical Conditions Policy*
- *Diabetes Policy*
- *Emergency and Evacuation Policy*
- *Enrolment and Orientation Policy*
- *Epilepsy Policy*
- *Excursions and Incursion Policy*
- *Hygiene Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Nutrition and Active Play Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*
- *Sun Protection Policy*
- *Supervision of Children Policy*
- *Water Safety Policy*

## **Responsibilities of different stakeholders**

### **The Approved Provider is responsible for:**

#### **In relation to child protection matters:**

- Ensuring that the Nominated Supervisor and staff members at the service who work with children are advised of current child protection legislation, its application, and any obligations that they may have under that law (Regulation 84)
- Identifying the potential for and signs of child abuse at Yarram Early Learning Incorporated, and developing and implementing effective prevention strategies in consultation with the Nominated Supervisor and educators/staff (refer to Attachment 1 – Child protection risk assessment and Attachment 4 – Child safety review checklist)
- Ensuring recruitment and induction processes for educators, staff and contractors are in line with this policy (refer to Attachment 5 – Guidelines for the recruitment of staff and volunteers)
- Screening all educators, staff, contractors, volunteers and students, including undertaking criminal history checks (if required), Working with Children Checks (except for individuals under the age of 18, registered teachers or police officers), reference checks and interviews (refer to *Staffing Policy*)
- Ensuring that volunteers/students, parents/guardians and other visitors to the service are not left with sole supervision of individual children or groups of children
- Ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises
- Ensuring clear procedures are in place for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints and Grievances Policy*)

- Ensuring educators, staff, contractors, volunteers and students undertake appropriate training and education on child protection, including the annual requirement of the eLearning module provided by the Victoria State Government that covers recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – Incident/concern management and reporting guidelines)
- Offering support to the child and their family, and to educators and staff in response to concerns or reports relating to the health, safety and wellbeing of the child
- Developing co-operative relationships with appropriate services and/or professionals (including Child FIRST) in the best interests of children and their families
- Identifying and implementing appropriate programs and practices to support the principles of a child safe organisation, in consultation with the Nominated Supervisor and educators/staff at the service (refer to Attachment 2 – Child safe organisations and the *Safeguarding Children* accreditation program (refer to *Sources*))
- Notifying DET, 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 Yarram Early Learning Incorporated maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*).

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

- Ensuring children are adequately supervised and that educator-to-child ratios are maintained at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- Ensuring parents/guardians have completed the enrolment form including details of authorised nominees, and permission forms for excursions and administration of medication (refer to *Delivery and Collection of Children Policy*, *Excursions and Incursion Policy*, *Administration of Medication Policy* and *Dealing with Medical Conditions Policy*)
- Ensuring the physical environment at the service is safe, secure and free from hazards for children (refer to the *Service policies* section of this policy)
- Conducting risk assessments for excursions and considering children's safety when leaving the service premises
- Ensuring all equipment and materials used at the service meet relevant safety standards (refer to *Service policies* section of this policy)
- Ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- Implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)
- Ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- Ensuring that the Nominated Supervisor, educators and all staff at the service who work with children are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- Implementing and reviewing this policy in consultation with the Nominated Supervisor, educators, staff, contractors and parents/guardians

- Identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- Protecting the rights of children and families, and encouraging their participation in decision-making
- Ensuring the Nominated Supervisor, educators, staff, contractors, volunteers and students are kept informed of any relevant changes in legislation and practices in relation to this policy.

## ***The Nominated Supervisor is responsible for:***

### ***In relation to child protection matters:***

- Ensuring that they are aware of current child protection legislation, its application and any obligations that they may have under that law
- Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- Arranging appropriate training and education on child protection, including the annual requirement of the eLearning module provided by the Victoria State Government that covers recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – Incident/concern management and reporting guidelines)
- Identifying the potential for child abuse at Yarram early learning incorporated, and developing and implementing effective prevention strategies in consultation with the certified supervisor, nominated supervisor and educators/staff (refer to attachment 1 – child protection risk assessment and attachment 4 – child safety review checklist)
- Ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises
- Identifying and implementing appropriate programs and practices to support the principles of a child safe organisation in consultation with the approved provider and educators at the service (refer to attachment 2 – child safe organisations and the *safeguarding children* accreditation program (refer to *sources*))
- Co-operating with other services and/or professionals in the best interests of children and their families
- Ensuring that families are made aware of support services available to them (such as child first), and of the assistance these services can provide
- Ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service
- Implementing the procedures for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints and Grievances Policy*)
- Notifying the Approved Provider immediately on becoming aware of a concern, complaint or allegation regarding the health, safety and welfare of a child
- 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
- Implementing and reviewing this policy in consultation with the Certified Supervisor, Nominated Supervisor, educators, staff, contractors and parents/guardians

- Maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*).

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

- Ensuring that all educators and staff who work with children are aware of this policy, and are supported to implement it in the service
- Protecting the rights of children and families, and encouraging their participation in decision-making at the service
- Ensuring that all children are adequately supervised at all times (refer to *supervision of children policy* and *interactions with children policy*)
- Ensuring learning environments are established that provide sufficient space, and include carefully chosen and well-maintained resources and equipment that will help enhance the quality of children's learning and experiences
- Organising/facilitating regular safety audits of the following:
  - Emergency equipment
  - Playgrounds and fixed equipment in outdoor environments
  - Cleaning services
  - Horticultural maintenance
  - Pest control
- Ensuring that all cupboards/rooms are labelled accordingly, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors and cupboards where contents may be harmful
- Ensuring that all contractors/visitors sign in to the visitor's log book
- Ensuring the physical environment at the service is safe, secure and free from hazards for children (refer to the *service policies* section of this policy)
- Conducting risk assessments for excursions and considering children's safety when leaving the service premises
- Ensuring all equipment and materials used at the service meet relevant safety standards (refer to the *service policies* section of this policy)
- Ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *occupational health and safety policy*)
- Implementing and practising emergency and evacuation procedures (refer to *emergency and evacuation policy*)
- Ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *delivery and collection of children policy*)
- Ensuring that all educators and staff at the service who work with children are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- Implementing and reviewing this policy in consultation with the Certified Supervisor, Nominated Supervisor, educators, staff, contractors and parents/guardians
- Identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.
- **The Supervisors and relevant Room Leader are responsible for ensuring volunteers and students are following this policy and the outlines procedures.**

## **Certified Supervisors and other educators/staff are responsible for:**

### **In relation to child protection matters:**

- Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- Undertaking appropriate training and education on child protection, including the annual requirement of the eLearning module provided by the Victoria State Government that covers recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – Incident/concern management and reporting guidelines)
- Identifying the potential for child abuse at Yarram early learning incorporated and developing and implementing effective prevention strategies in consultation with the certified supervisor, 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 certified supervisor, nominated supervisor at the service (refer to attachment 2 – child safe organisations and the *safeguarding children* accreditation program (refer to *sources*))
- Co-operating with other services and/or professionals (including child first) in the best interests of children and their families
- Informing families of support services available to them (such as child first), and of the assistance these services can provide
- Ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service
- Implementing the procedures for reporting suspected child abuse and management of complaints (refer to attachment 3 and the *complaints and grievances policy*)
- Notifying the certified supervisor, nominated supervisor immediately on becoming aware of any concerns, complaints or allegations regarding the health, safety and welfare of a child at yarram early learning incorporated
- 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
- Maintaining confidentiality at all times (refer to *privacy and confidentiality policy*)
- Reviewing this policy in consultation with the certified supervisor, nominated supervisor, educators, staff, contractors and parents/guardians.

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

- Maintaining learning environments that provide sufficient space, and include carefully chosen and well-maintained resources and equipment to ensure a safe environment
- Maintaining a regular cleaning schedule for all equipment to avoid cross-infection
- Maintaining a clean environment daily, and removing tripping/slipping hazards as soon as these become apparent

- Conducting a daily check of the building, ensuring all children are signed out of the service, doors and windows are closed and locked, and appliances are switched off etc. A written record of the daily check should be kept, signed by an educator and filed for future reference
- Actively supervising children at all times (refer to *supervision of children policy* and *interactions with children policy*)
- Educating and empowering children to talk about events and situations that make them feel uncomfortable
- Ensuring children are adequately supervised at all times (refer to *supervision of children policy* and *interactions with children policy*)
- Ensuring the physical environment at the service is safe, secure and free from hazards for children (refer to the *service policies* section of this policy)
- Conducting risk assessments for excursions and considering children's safety when leaving the service premises
- Ensuring all equipment and materials used at the service meet relevant safety standards (refer to the *service policies* section of this policy)
- Implementing and practising emergency and evacuation procedures (refer to *emergency and evacuation policy*)
- Ensuring a smoke free environment where smoking of cigarettes or any other substance is not permitted within the grounds of the children's service by staff, parents or visitors.
- Ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *delivery and collection of children policy*)
- Ensuring that children at the service are not subjected to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- Implementing and reviewing this policy in consultation with the nominated supervisor, educators, staff, contractors and parents/guardians
- Identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *sources*)
- Protecting the rights of children and families, and encouraging their participation in decision-making
- Keeping up to date and complying with any changes in legislation and practices in relation to this policy.

### **Parents/guardians are responsible for:**

- Reading and complying with this policy
- Reporting any concerns, including in relation to potential for child abuse, to the nominated supervisor
- Ensuring a smoke free environment where smoking of cigarettes or any other substance is not permitted within the grounds of the children's service by staff, parents or visitors.
- Abiding by the service's *code of conduct*.
- Volunteers and students, while at the service, are responsible for following this policy and its procedures.

# Procedures

## Section 1:

If an educator feels concern for a child's safety or wellbeing and they should immediately discuss their concerns with the Certified Supervisor, Nominated Supervisor in private.

The educator and coordinator should use the *Reporting Concerns about Children or Young People Fact Sheet (Appendix 3)* to help guide their decision-making process.

The worker and the Certified Supervisor, Nominated Supervisor should ensure that all discussions are recorded accurately.

If the Certified Supervisor, Nominated Supervisor feels that the situation needs to be reported, is still unsure if the situation needs to be reported or there is a disagreement between the worker and the nominated supervisor regarding the course of action, they should seek the advice of the **Department of Human Services Child Protection Intake team or Child Protection After Hours on 13 12 78.**

The Child Protection Intake worker will discuss the situation and offer advice on whether a report to Child Protection or a referral to Child First is required.

The Certified Supervisor, Nominated Supervisor must notify the approved provider of the course of action taken. The Certified Supervisor, Nominated Supervisor may also seek support or debriefing for the educator person/self from the committee.

At no time is the educator from Yarram Early Learning Incorporated to take responsibility for dealing with, investigating or communicating concerns with the family unless advised to do so by Child Protection.

## Section 2:

If the concern raised by the educator is in relation to the treatment of a child by another educator, the Certified Supervisor, Nominated Supervisor must immediately contact the Approved provider and discuss the situation.

The Certified Supervisor, Nominated Supervisor and the Approved provider will then make a decision regarding an appropriate course of action. This course of action may include a formal investigation, reporting the matter to the police for investigation, dismissal, standing down of the educator whilst an investigation is conducted or other action determined to be appropriate at the time.

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Certified Supervisor, Nominated Supervisor 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: Incident/concern management and reporting guidelines
- Attachment 4: Child safety review checklist
- Attachment 5: Guidelines for the recruitment of staff and volunteers

## **AUTHORISATION**

This policy was adopted by Yarram Early Learning in June April 2020

**REVIEW DATE:** April 2022

## ATTACHMENT 1 – CHILD PROTECTION RISK ASSESSMENT

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

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

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

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

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

## Attachment 3

### *Incident/concern management and reporting guidelines*

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

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

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

### **General guidelines**

- The best interests of the child should always be the primary consideration, with due regard to confidentiality and fairness to the person against who the allegation is made.
- Children should be encouraged to approach any person in the service to express concerns about their treatment and should be made to feel confident that they will be taken seriously.
- Employees and volunteers must be clear about who they are expected/permitted to approach when expressing concerns.
- 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 [Service Name] when determining what action to take
Talk to other agencies about helping the family	Collaborate with or engage community health services, local government services, Child FIRST, regional Department of Human Services/Child Protection officers and disability services. 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.
- To report concerns that are life threatening, ring Victoria Police on 000.
- To report concerns about the immediate safety of a child within their family unit, call the nearest DHS office in your region during business hours. To report concerns after hours or on weekends, call the Child Protection Crisis Line on **13 12 78** (24 hours, 7 days a week and toll free within Victoria). Note: this is an emergency service for weekends and after hours only, and cases reported to the Child Protection Crisis Line will be referred to the relevant DHS office on the following working day.
- Provide the following information:
  - The child's name, age and address
  - The reason for believing that the injury or behaviour is the result of abuse or neglect
  - The reason why the call is being made at this point in time
  - An assessment of immediate danger to the child/ren (the person making the report may be questioned regarding knowledge of the current location of the alleged abuser/s)
  - A description of the injury or behaviour observed
  - The current location of the child
  - Knowledge of other services that support or are involved with the family
  - Any other information about the family
  - Any specific details that will help the child, such as cultural background, need for an interpreter or disability support requirements.
- A notification should still be made, even if the notifier does not have all the necessary information.

## Making a report to Child FIRST

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

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

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

## Making a report to Child Protection

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

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

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

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

- It is not necessary to prove that abuse has taken place, only to provide reasonable grounds for the belief
- Permission from parents/guardians or caregivers is not required to make a notification, nor do they need to be informed that a notification is being or has been made
- If a notification is made in good faith, the notifier cannot be held legally liable for any consequences, regardless of the outcome of the notification
- The identity of the notifier will remain confidential unless the notifier chooses to inform the child and/or family, or if the notifier consents in writing to the disclosure of their identity, or if the court decides that this information must be disclosed
- The notifier may have an ongoing role, including:
  - Acting as a support person in interviews with the child or young person
  - Attending a case conference
  - Participating in case-planning meetings
  - Continuing to monitor the child's behaviour and their interactions with others
  - Observing/monitoring the conditions of a protective court order that may relate to access or contact with a parent/guardian
  - Liaising with other professionals and child protection officers in relation to a child or young person's wellbeing
  - Providing written reports for case-planning meetings or court proceedings in relation to the child's wellbeing or progress.

## Attachment 4

### Child safety review checklist

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.

	<b>Child safe standard question</b>	<b>Yes, describe how</b>	<b>No or only partly, describe what needs to be done</b>	<b>Person responsible for any action required</b>	<b>Timeline and review date</b>
<b>Clear and public commitment to child safety</b>	Is there a child protection policy (such as this <i>Child Safe Environment Policy</i> ) for the service?				
	Have employees, contractors and volunteers read and understood the policy?				
	Are parents/guardians made aware of this policy on enrolment of their child at the service?				
<b>Children's rights to safety and participation</b>	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?				

	<b>Child safe standard question</b>	<b>Yes, describe how</b>	<b>No or only partly, describe what needs to be done</b>	<b>Person responsible for any action required</b>	<b>Timeline and review date</b>
	Are children with additional needs and from different backgrounds encouraged to participate? If so, do they actually participate?				
<b>Employment of staff and volunteers</b>	Are there adequate screening procedures for staff, volunteers and students on placement?				
<b>Support for staff and volunteers</b>	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> )?				
<b>Reporting a child safety concern</b>	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 Yarram Early Learning Incorporated.

Yarram Early Learning Incorporated is committed to the following processes.

#### Preparation for recruitment

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

#### Interview process

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

#### Ongoing management

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

- Training and education with regard to child safety is provided for all employees, contractors and volunteers.
- Resources and support are provided for all employees, contractors and volunteers to ensure a child safe environment.
- Employees, contractors, volunteers and visitors are treated with respect.