



Our Approach to being a child safe Organisation

Child Safety, Quality and Compliance Handbook
Thomastown West Kindergarten

Look

Do

Tell

Statements and Acknowledgment

Thomastown West is a child safe organisation. We have zero tolerance for child abuse and are committed to working with our communities and partners to ensure the provision of a safe environment for all children, young people and families.



Thomastown West kindergarten acknowledges the traditional land on which we work, and pay our respects to Elders past and present and to the children and young people as emerging leaders of tomorrow.

Here is the Land
Here is the Sky Here are my friends
and here am I We play today
On traditional Land Our First Nation
people we walk hand in hand We'd like to
say thank you for letting us share the
Land that you love we promise to take
care.



Thomastown West celebrates diversity and the lived experience of people of every ethnicity, faith, age, disability, culture, language, gender identity and sexual orientation.

We are committed to the cultural safety of Aboriginal children and young people, the cultural safety of children and young people from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children and young people with a disability.

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Introduction

This Handbook provides Thomastown West Kindergarten Children’s Services with information and guidance relating to Child Safety and reportable matters.

In an emergency

E.g.: if a child or adult is at immediate risk of harm you must ensure their safety by:

Separate the alleged victim and anyone else involved	Administer First Aid	Call 000 or 112 (mobile) for urgent medical and/or police assistance to respond to immediate health or safety concerns
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What to report

This guide relates to any child safety and compliance matters (Reportable Matters) where Thomastown West Kindergarten

Children’s Services as the Approved Provider is obligated by law to notify the Regulatory Authority -Department of Education and Training (DET), Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT), Child Protection, Department of Health and the Commission for Children and Young People (CCYP).

This procedure involves Educators, Teachers, Centre Directors, Nominated Supervisors, Responsible Persons, Area Managers and Child Safety and Compliance support desk staff.

As a staff member within an early childhood service, you play a vital role in protecting children from abuse by responding to and reporting any incidents, disclosures or suspicions. You are often best placed to identify signs and behaviours that may indicate that a child has been subject to abuse, or that a community member, staff member, contractor or volunteer may be a perpetrator of abuse.

There are four categories of reportable matters that are defined in this guide:

1 Serious Incident	2 Complaints	3 Alleged Abuse	4 Reportable Conduct
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If circumstances indicate that a child attending a service is at immediate or potential risk of harm or an emergency threatens the safety, health or well-being of a child or children emergency action is prioritised above everything else in this procedure.

Matters of alleged child abuse whether it’s within the service or within the child’s family or community, require immediate notification Child Protection (DFFH) and/or Victoria Police (SOCIT). These are criminal matters.

1. Serious Incident

Any incident involving serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital.

Any incident involving serious injury or trauma to a child while being educated or cared for which a reasonable person would consider required urgent medical attention from a registered medical practitioner.

An emergency for which emergency services attended.

Allegation of sexual or physical abuse.

A child is mistakenly locked in or out of the premise or any part of the premise.

Attendance of additional children.

A child is missing or cannot be accounted for or appears to have been removed from the premise by a person not authorised by a parent.

Any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service.

Death of a child.

Closure or reduction of children attending the service.

Incident of sexual or physical abuse.

2. Complaints

What is a complaint:

Any complaint alleging that a serious incident has occurred or is occurring at an education and care service.

Any complaint that the National Law has been contravened.

Complaints can come from a range of stakeholders including parents, guardians, educators, staff members or members of the public. It is important to acknowledge complaints in an impartial manner and focus on reporting the complainants concern as opposed to being the investigator.

It is important that complainants are offered reassurance that their concerns are taken seriously and that Thomastown West Kindergarten values all feedback as an opportunity for improvement, Thomastown West Kindergarten must advise the complainant of our obligation to notify their concern to the Victorian Regulatory Authority (Department of Education and Training) and let them know that they might receive a phone call from an Authorised Officer. Parents are often reassured by this.

Complaints that must be reported to the Regulatory Authority can be anything ranging from a parent expressing their concern about their child's participation in the program to an allegation of a child being unfairly treated.

3. Alleged Abuse

Approved/licensed early childhood services play an important role in the prevention of child abuse and neglect through their access to information about family functioning and the needs of children. There are requirements to protect children under the National Law and Education and Care Services National Regulations 2011 (National Regulations).

National law

A key requirement of the National Law is to ensure the safety, health and wellbeing of children attending education and care services (section 51). Every reasonable precaution must be taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury (section 167).

National regulations

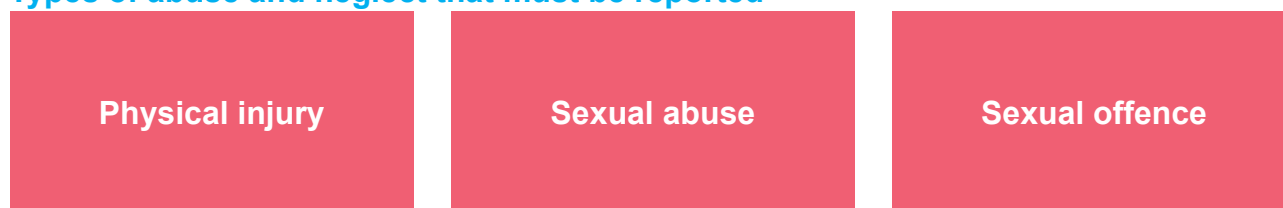
Thomastown West Kindergarten as an approved provider of education and care services must ensure that the nominated supervisors and staff members at the service who work with children are advised of:

- the existence and application of the current child protection law
- any obligations that they may have under that law (regulation 84).

National Quality Standard

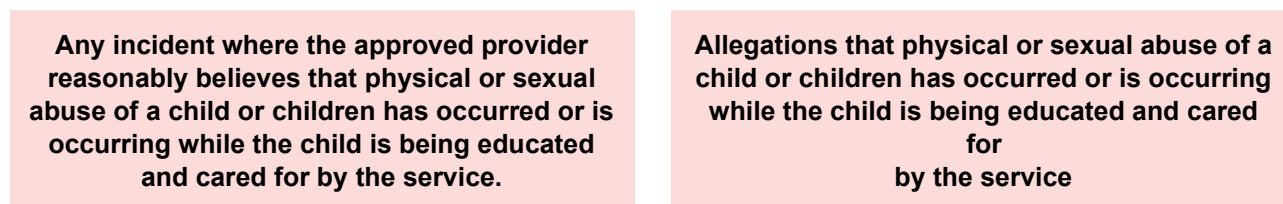
Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect (element 2.2.3). At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard (element 2.2.1).

Types of abuse and neglect that must be reported



What is alleged abuse?

Alleged Abuse within the service (Victoria Police and DET)



Mandatory Reporting within a child’s family or community (DFFH/Child Protection and/or Victoria Police. Belief on reasonable grounds that

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

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

A reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so unless the person has a reasonable excuse for not doing so. Failure to disclose the information to the police is a criminal offence

Mandatory reporting and other obligations for the early childhood sector

Guidance

The PROTECT guidance has been developed to support staff and educators in Victorian early childhood services to take action if they suspect or are witness to any form of child abuse.

This includes all persons working within approved and licensed services including in Outside School Hours Care (OSHC).

The PROTECT guidance incorporates the Multi-Agency Risk Assessment and Management Framework (MARAM), inclusive of the Family Violence and Child Information Sharing Schemes (FVISS and CISS). Training.

Training

There is also an online eLearning module for staff in early childhood services called, Protecting Children – Mandatory Reporting and other Obligations for the Early Childhood Sector (PROTECT training). This module aims to support all early childhood professionals to understand the law and their role and responsibilities when responding to children whose safety, health or wellbeing may be at risk. For instructions on how to access the PROTECT training and set up an account, go to child protection in early childhood: online learning.

To log-in or create an account, go directly to the Information Sharing and MARAM Online Learning System.

The online training is hosted by a third-party provider. If you previously completed this training prior to 1 July 2021, and have not used the MARAM system before, you must register and create a new account.

Duty of care obligations - all staff

Duty of care is a common law concept that refers to your responsibility to adequately protect children in your care from harm. It applies to all staff members within any Victorian early childhood service and it is usually expressed as a duty to take reasonable steps to protect children from injury that is reasonably foreseeable.

The courts will objectively determine what constitutes “reasonable steps”. This will depend on the individual circumstances of each case, including the nature of the service and your role within it. The courts have found that the standard of care owed by early childhood service providers to children is high. You may breach your duty of care towards a child if you fail to act in the way a reasonable or diligent professional would have acted in the same situation.

In relation to suspected child abuse, examples of “reasonable steps” within an early childhood service will vary depending on the nature of the service, but at a minimum would likely include:

- acting on concerns and suspicions of abuse quickly and in the child's best interests
- seeking appropriate advice or consulting when unsure
- reporting suspected child abuse to Department of Families, Fairness and Housing (DFFH) Child protection and/or Victoria Police
- sharing information, upon request, to assist DFFH Child Protection or Victoria Police to investigate the suspected child abuse and protect and/or promote the wellbeing and development of a child
- notifying regulator where appropriate or required.

To ensure that you fulfil your duty of care obligations for all children who are involved in, or affected by, the suspected child abuse, it is strongly recommended that you follow Four critical actions for early childhood services.

For services working with children 10 years and over you must also be aware that your duty of care extends to children who may engage in a sexual offence.

For more advice, see Problem sexual behaviour.

4. Reportable Conduct Scheme

What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme came into effect in January 2019 and improves organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme was established by the *Child Wellbeing and Safety Act 2005*.

It has been designed to ensure that the Commission for Children and Young People (CCYP) will be aware of every allegation of certain types of employee misconduct involving children in relevant organisations that identified in the schedules below.

The Commission will also share information where appropriate, including with the Working with Children Check Unit relevant regulators and Victoria Police, to prevent and protect children from abuse.

What is reportable conduct?

There is an allegation of 'reportable conduct' where a person has a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing)
- sexual misconduct
- physical violence committed against, with or in the presence of a child
- behaviour causing significant emotional or psychological harm
- significant neglect of a child
- misconduct involving any of the above.

The scope of 'reportable conduct' is wide and is not limited to criminal conduct. This means that reportable conduct includes:

- sexual abuse
- grooming
- sexting
- inappropriate physical contact • sexualised behaviour with a child.

Reportable conduct includes information about something that is alleged to have occurred outside the course of the person's employment or engagement with the Department.

There are five types of reportable conduct:

Any behaviour that causes significant emotional or psychological harm to a child

Sexual misconduct committed against, with, or in the presence of a child.

Physical violence committed against, with, or in the presence of a child

A sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded.

Significant neglect of a child

What is misconduct that may involve reportable conduct?

This refers to behaviour that breaches a professional code of conduct or workplace expectation, (such as a departure from accepted standards that was deliberate or seriously negligent and where the employee was indifferent to the welfare of those affected), and also involves one or more of the five types of reportable conduct (as described above).

Under the scheme, heads of organisations must notify the Commission for Children and Young People (CCYP) about allegations of certain types of conduct involving a child by their workers or volunteers.

Allegations must be reported about workers and volunteers even if:

- they do not have direct contact with children as part of their work
- the conduct occurred within or outside the course of their employment

Criminal offences - all adults

In response to the Betrayal of Trust Report, the Victorian Government has introduced new criminal offences to protect children from sexual abuse. Under these reforms a failure to report, or act in relation to suspected child sexual abuse can now constitute a criminal offence, including the following failures.

Failure to disclose

This offence applies to all adults (not just professionals who work with children) who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age and fail to report this information to Victoria Police.

Failing to disclose a sexual offence based on concerns for the interests of the perpetrator or organisation (concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.

Failure to protect

This offence applies to a person in a position of authority within an organisation who:

- knows of a substantial risk that a child who is under 16 years and in the care and supervision of the organisation may become the victim of a sexual offence committed by an adult associated with that organisation (an employee, contractor, volunteer or visitor)
- fails to take reasonable steps to remove or reduce the risk.

Within an early childhood service, a position of authority includes local service managers and staff in management positions within licensed or approved services.

For further information on these offences, see:

- Failure to protect offence

- Failure to disclose offence
- Government's responses to the recommendations of the Betrayal of Trust report

As part of the Victorian Government's commitment to implementing the recommendations of the betrayal of Trust report, which found that more must be done to prevent and respond to child abuse in our community, there is a regulatory landscape surrounding child safety, underpinned by the Child Safe Standards.

The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools, to ensure they are well prepared to protect children from abuse and neglect.

The Child Safe Standards:

- aim to drive continuous improvement in the way organisations prevent child abuse, encourage reporting and improve responses to allegations of abuse

Child Safe Standards

The child Safe Standards

Form part of the Victorian Government's response to the Betrayal of Trust Inquiry, which found that more must be done to prevent and respond to child abuse in our community.

<p>Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.</p> <p>Strategies to promote the participation and empowerment of children.</p>	<p>Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.</p> <p>Processes for responding to and reporting suspected child abuse.</p>	<p>A code of conduct that establishes clear expectations for appropriate behaviour with children.</p> <p>Strategies to identify and reduce or remove risks of child abuse.</p>
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The Child Safe Standards closely align with the existing regulatory requirements set out in the *National Quality Framework and the Children's Services Act 1996* and will be regulated as far as possible under the existing regulatory framework. The Department's Quality Assessment and Regulation Division (QARD) will have primary responsibility for ensuring that services meet the new standards.

Why the Child Safe Standards are important

Child Safe Standards raise awareness and help early childhood services become child safe environments.

The Child Safe Standards were introduced in response to recommendations from the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other non-government Organisations. The Inquiry found that more must be done to prevent and respond to child abuse. The Child Safe Standards apply to all organisations that provide services for children, including early childhood services.

Compliance with the Child Safe Standards is a requirement of the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*.

The Commission for Children and Young People (CCYP) has powers to oversee and enforce compliance with the Child Safe Standards. CCYP may also refer allegations of non-compliance to relevant authorities such as the Quality Assessment and Regulation Division (QARD) in the Department of Education and Training (DET).

The Victorian Government has announced that the new Standards will commence on 1 July 2022, giving organisations time to plan, prepare and comply.

The eleven new Standards will replace Victoria's current seven standards and principles.

Key changes include new requirements:

- to involve families and communities in organisations' efforts to keep children and young people safe
- for a greater focus on safety for Aboriginal children and young people
- to manage the risk of child abuse in online environments

for greater clarity on the governance, systems and processes to keep children and young people safe.

The new Standards provide greater clarity for organisations on actions required to meet minimum standards. Victoria has over five years' experience of mandatory Child Safe Standards, so many organisations will have well developed child safety frameworks.

Organisations will need to get to know the new Standards, identify what changes they need to make and plan to comply by 1 July 2022. Until then, organisations will need to continue complying with the current Standards.

If the source of suspected abuse is from within the family or community You **must** report to DFFH Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DFFH Child PROTECTION or Victoria Police.

Frequently Asked Questions

1. Why do I have to notify parent/guardians promptly after their child has suffered an incident, injury, trauma or illness regardless of how minor it was?

The Law states that parents must be notified as soon as practicable however Thomastown West Kindergarten prefers that parents/guardians are informed promptly. Promptly means as soon as other priorities have been managed.

What constitutes a minor or major injury can be subjective. Parents and Educators may have different perspectives on what constitutes a minor versus serious injury. Thomastown West Kindergarten policies support its educators in implementing the legislation which states “parents must be informed as soon as practicable”.

In adhering to Thomastown West Kindergarten policies of promptly informing parents, Thomastown West Kindergarten does not expect that any of the following regulatory requirements are compromised. For every scenario consider:

- First Aid administration
- The safety of all children and staff
- Maintenance of educator to child ratios
- Maintenance of adequate supervision of children

2. What happens if I don't notify a complaint to the Regulatory Authority?

If complaints are not managed at the service level and not notified to the DET it is highly likely that the complainant (E.g., parent) will phone the DET directly. This scenario usually prompts the DET to open an assessment/investigation, compliance visit to the service or create an escalation.

3. If I make a notification to DFFH Child Protection about my concerns for a child and the source of my concern is within the child's family or community, do I need to notify the Regulatory Authority (DET)?

No, because the source of your concern is coming from outside of the Education and Care Service.

Important Numbers

Victoria Police, Sexual Offences and Child Abuse Investigation Team (SOCIT)

North- West Metropolitan

Brimbank: (03) 9313 3460

Mernda: (03) 9216 1310

Fawkner: (03) 9355 6100

Footscray: (03) 8398 9860

Melbourne: (03) 8690 4056

Child Protection (Department of Families, Fairness and Housing) contact numbers for Local Government Area

Northern and Western Suburban LGA

Northern

Whittlesea

Wyndham

Yarra

Victorian Early Years Development and Framework

Outcome 1: Children Have A Strong Sense Of Identity

Secure attachments are critical for all children from birth and link to positive mental health outcomes. Attachment means having attentive, affectionate, consistent, available, attuned adults as a source of comfort and reassurance. When children from birth have positive experiences of relationship and place, they can develop a strong sense of security, identity and belonging. They can construct a positive image of themselves, and behave as secure, significant, respected individuals. As children build self-identity and a sense of belonging they reach out and communicate the need for comfort, assistance and companionship.

Outcome 2: Children Are Connected With And Contribute To Their World

Children are citizens with equal rights and are consulted meaningfully, with families and communities, about issues that affect them. Consulting with families and children in order to understand their cultural and everyday traditions and routines informs practice. Providing equitable opportunities for children with diverse capabilities and life circumstances supports engagement and connection, enabling them to contribute positively to their world.

Outcome 3: Children Have A Strong Sense Of Wellbeing

From birth and throughout early childhood, the foundations for physical, social, emotional and spiritual wellbeing are laid. Wellbeing means having good mental and physical health, including attachment, positive affect and self-regulation. This means being able to manage emotions productively and build resilience and persistence, being adaptable and confident, and experiencing feelings of satisfaction and happiness. Early childhood professionals, individually and together, play a key role with families in promoting healthy life practices and children's sense of wellbeing.

Outcome 5: Children are effective communicators

Children's wellbeing, identity and sense of agency and capacity to makes friends is connected to the development of communication skills and strongly linked to their capacity to express feelings and thoughts and to be understood.

FOUR CRITICAL ACTIONS FOR EARLY CHILDHOOD SERVICES

Responding to Incidents, Disclosures and Suspicions of Child Abuse

It is strongly recommended that **ALL** early childhood service staff follow these **Four Critical Actions** as soon as they witness an incident, or form a reasonable belief that a child has, or is at risk of being abused. This means acting even when you're not sure and have not directly witnessed the abuse (e.g.; if another person tells you about the abuse). A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

Following these actions will support you to:

- best protect children in your care
- meet your legal obligations and Duty of Care.*
- It is also strongly recommended that you use the **Responding to Suspected Child Abuse Template** to keep clear and comprehensive notes. MCH services may opt to use this form, but **must** still utilise their existing information management systems.

1

RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm, go to **Action 2**.

If the child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victim and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the service for future liaison with police

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

*In Victoria there are a range of legal obligations which set out the actions you **must** take if you suspect a child has, or is at risk of being abused. Some of these obligations apply differently across the range of licensed, approved and other early child services and can vary depending on your role within the service. For further information on how these obligations apply to you see the **Identifying and Responding to All Forms of Abuse in Early Childhood Services**.

2

REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you **must*** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SERVICE

VICTORIA POLICE

You must report all instances of child abuse which are led by a staff member, contractor or volunteer, or child* to Victoria Police.

REPORT TO MANAGEMENT

You must report to your approved provider or licensee.

NOTIFY THE REGULATOR

Licensed or approved early childhood services* must also report to their Quality Assessment and Regulation Division.

Notifications may be made at www.acecqa.gov.au/nationalquality-agenda-it-system or by contacting **1300 307 415**.

*Sexual offending, involving children 10 years and over.

*Licensed services operate under the Children's Services Act 1996 and approved services operate under Education and Care Services National Law Act 2010.

WITHIN THE FAMILY OR COMMUNITY

DFFH CHILD PROTECTION

You **must** report to DFFH Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has, or is likely to have a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You **must also*** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

WITHIN THE FAMILY OR COMMUNITY

REPORT TO MANAGEMENT

You **must** report to your approved provider or licensee.

NOTIFY THE REGULATOR

Approved and licensed early childhood services **must*** notify the Quality Assessment and Regulation Division of any serious incidents, circumstances, or complaints which raise concerns about the safety, health, and wellbeing of a child being educated and cared for by a service. Notifications may be made at www.acecqa.gov.au/nationalquality-agenda-it-system or by contacting **1300 307 415**.

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DFFH Child Protection or Victoria Police.

3 CONTACTING PARENTS/CARERS

You **must** consult with DFFH Child Protection or Victoria Police to determine what information can be shared with parents/ carers. They may advise:

- **not to contact** parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- **to contact** the parents/carers and provide agreed information as soon as possible (for licensed and approved services it is a requirement that parents/ carers are notified within 24 hours if the suspected abuse occurred at the service)

4 PROVIDING ONGOING SUPPORT

Your service **should*** take reasonable steps to make a child feel safe and supported whilst they are attending the service.

Your service should also consider providing support for children impacted by abuse. E.g. referral to wellbeing professionals.

MCH nurses should follow the MCH Service Practice Guidelines to determine appropriate support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

Contact

DFFH CHILD PROTECTION

Area

North Division: 1300 664 9777

South Division: 1300 655 795

East Division: 1300 360 391

West Division (Rural): 1800 075 599

West Division (Metro): 1300 664 9777

After Hours

After hours, weekends, public holidays: 13
12 78

Child FIRST / The Orange Door

www.services.dffh.vic.gov.au

Victoria Police

000 or your local police station

QUALITY ASSESSMENT AND REGULATION DIVISION

North Western

Loddon Mallee: (03) 5440 3111

Northern Metropolitan: (03) 8397 0372

South Eastern

Gippsland Area: (03) 5127 0400

Southern Metropolitan: (03) 8765 5787

North Eastern

Eastern Metropolitan: 1300 651 940

Hume: (03) 8392 9500

South Western

Barwon South West: (03) 5225 1001

Western Metropolitan: (03) 8397 0246

Grampians: (03) 5337 8444

PROTECT

**THE
EDUCATION
STATE**

VICTORIA
State
Government | Education
and Training