CHILD SAFE ENVIRONMENT AND WELLBEING

QUALITY AREA 2

PURPOSE

This policy provides a clear set of guidelines and procedures for Thomastown West Kindergarten to:

- provide a safe environment for all children which ensures their safety, health and wellbeing
- promote the cultural
- safeguarding of all children
- identify, reduce and remove risks of child maltreatment, abuse and neglect
- intervene when a child may be at risk of maltreatment, abuse and neglect
- involve children in child safety including listening to children and incorporating their views about how to provide a safe environment
- make staff aware of their legal and duty of care obligations to report child maltreatment, abuse and neglect
- responding to requests, sharing and requesting information to promote child wellbeing or safety and/or manage risk of family violence.

POLICY STATEMENT

VALUES

Thomastown West Kindergarten:

- is committed to the rights of all children to feel safe, and be safe at all times, including:
  - promoting the cultural safety and wellbeing of Aboriginal children
  - promoting the cultural safety and wellbeing of children from culturally and linguistically diverse backgrounds
  - promoting the safety and wellbeing of children with a disability
  - promoting the (right to) safety and wellbeing of trans and gender diverse children and their families in ECEC settings
  - ensuring that LGBTIQ+ families and their children feel included
- promotes the culture of child safety and wellbeing within the service
- values, respects and cares for children
- fosters opportunities for each child to participate, express their views and to learn and develop
- always acts in the best interests of each child and has zero tolerance of child maltreatment, abuse and neglect
- takes all reasonable steps to ensure the health, safety and wellbeing of children always, whilst also promoting their learning and development
- actively manages the risks of maltreatment, abuse and neglect to each child, including fulfilling our duty of care *(refer to Definitions)* and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm
- continuously improves the way our service identifies risks of and responds to child maltreatment, abuse and neglect and encourages reporting and improved responses to allegations of child maltreatment, abuse and neglect
- proactively sharing information with relevant authorities to promote the wellbeing and/or safety of a child or a group of children, consistent with their best interests.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children and others attending the programs and activities of Thomastown West Kindergarten, including during offsite excursions and activities.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
R indicates legislation requirement, and should not be deleted					
Governance					
• Ensuring that obligations under the *Education and Care Services National Law* and *National Regulations* are met	R	R	Ö		Ö
• Being aware of this policy, the *Code of Conduct Policy, Privacy and Confidentiality Policy* and the *Interactions with Children Policy* and their ongoing obligations to behave in accordance with the policies	R	R	R	R	R
• Ensuring that the *Child Safe Environment and Wellbeing policy* and procedures are implemented	R	R	Ö		Ö
• Ensuring there is a child safe champion/s who can lead discussions, answer questions and support child safety and wellbeing	R	Ö			
• Ensuring that a public commitment to child safety on the service website and displayed at the service premises ***(refer to Attachment 5A)***	R	√			
• Ensuring an explicit statement of [Service Name]'s commitment to child safety is included in all advertising promotion for the organisation	R				
• Providing leadership for an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved	R	Ö			
• Abiding by the *Code of Conduct Policy*	R	Ö	Ö	Ö	Ö
• Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy	R	Ö	Ö		
• Contributing to an organisational culture of child safety	R	Ö	Ö	Ö	Ö
• Creating an environment where all staff feel supported and encouraged to raise concerns, making it normal to report issues	√	√			
• Promoting awareness and compliance with the Child Safe Standards *(refer to Definitions)* when disclosing information to promote the wellbeing and safety of a child or group of children	R	Ö	Ö		
• Advising staff of current legislation, and their legal and duty of care obligations around child protection *(Regulation 84)*	R	Ö			
• Completing and maintaining the Workforce Register *(refer to Sources)* in Arrival to capture information about all relevant employees at the service (including all current full time, part time and casual/agency) who have direct contact with children as part of their usual duties	R	R			
• Completing and maintaining the National Educator Register *(refer to Sources)* in the National Quality Agenda IT System for all educators, volunteers and students, non-educator staff, teachers (regardless of whether or not they are registered or accredited	R	R			

with a teacher registration body), nominated supervisors and directors/co-ordinators					
• Ensuring all staff, contractors, volunteers and students do not consume or are under the influence of alcohol or be affected by drugs *(Regulations 82, 83) (refer to Tobacco, Alcohol and other Drugs Policy)*	R	Ö	Ö		Ö
• Reviewing this policy in consultation with stakeholders	R	Ö	Ö	Ö	Ö
Risk Assessment and Continuous Improvement					
• Conducting child safe self-assessment and risk assessment *(refer to Sources)* annually to ensure the service is meeting their chid safe obligations	R	R	Ö		Ö
• Implement risk assessments of the service environment, equipment and online environment *(refer to eSafety policy)* to ensure risks to safety, health and wellbeing are minimised *(National Law: Sections 167) (refer to Occupational Health and Safety and Injury Trauma and Illness Policy)*	R	R	Ö		Ö
• Identifying and mitigating risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities *(refer to eSafety for Children Policy)*	R	Ö	Ö		Ö
• Developing risk management strategies that focuses on preventing, identifying and mitigating risks of maltreatment, abuse and neglect of children	R	R	R		R
• Ensuring that risk management plans *(refer to Sources)* list the actions the service will take to prevent or reduce each identified risk of maltreatment, abuse and neglect of children	R	R	√		√
• Actively monitor, review and evaluate risk management plans	R	R	R		R
• Undertaking child safety and wellbeing reviews and developing an action plan to maintain Child Safe Standards *(refer to Definitions)* at Thomastown West Kindergarten	R	Ö	Ö	Ö	Ö
• Ensuring that all child safety and wellbeing incidents are reviewed regularly, and findings are thoroughly documented in reports and include lessons from complaints, concerns and safety incidents	R	Ö	Ö		Ö
• Ensuring continuous improvement in the implementation of the Child Safe Standards *(refer to Definitions)* in Thomastown West Kindergarten, promoting an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved *(refer to Sources)*	R	R	Ö	Ö	Ö
Recruitment, Agency Relief Staff and Volunteers					
• Ensuring child safety is included in all selection criteria's, position descriptions, job advertisements, interview questions and reference checks *(refer to Attachment 1)*	R	R			
• Conducting recruitment and induction processes for new staff and agency staff in line with this policy *(refer to Attachment 1)*	R				
• Screening contractors (agency staff), volunteers and students in line with their roles and this policy *(refer to Attachment 2)*	R				
• Ensuring the safety and wellbeing of children attending the service by keeping a visitors' record, including contact details, signatures and arrival/departure times	R	Ö	Ö		Ö
• Ensuring that contractors, volunteers, students, parents/guardians and other visitors to the service are not left with sole supervision of individual children or groups of children	R	R	Ö		

• Ensuring that contact is prevented or responding if it has occurred, when the service has been notified of a court order prohibiting an adult from contacting an enrolled child	R	R	Ö		
• Validating Working with Children Clearance *(refer to Definitions)* or Victorian Institute of Teaching Registration before staff, contractors, volunteers and students commence working with children *(refer to Staffing Policy)*	R	Ö			
Training					
• Ensuring all ECT's/educators and staff, volunteers and students, are aware of current child protection legislation, including mandatory reporting requirements and obligations	R	R	Ö		Ö
• Providing appropriate resources and training to assist staff, contractors, volunteers and students to implement this policy *(refer to Sources)*	R				
• Ensuring appropriate annual training on child safety, including recognising the signs and symptoms of child maltreatment, abuse and neglect, including grooming and manipulative behaviours *(refer to Definitions)*, knowing how to respond, and understanding responsibilities and processes for reporting *(refer to Attachment 3)*	R	R	R		R
• Ensuring systems are in place that cover all aspects of child protection training each year *(refer to Source)*. This includes refresher training and additional professional development where needed. Different roles in the service require specific training: • New staff, volunteers and students on placement will need comprehensive induction and training • Leadership group needs training on their specific responsibilities in the service • Governance bodies such Committees will also need training on their responsibilities	R	R	R		R
• Developing training actions plans *(refer to Sources)* for staff and volunteers includes training on: • the *Child Safety and Wellbeing Policy* • identifying indicators of child abuse and harm • how to support a person making a disclosure about harm to a child • how to manage a disclosure of maltreatment, abuse or neglect by a child • how to respond to issues of child safety including internal and external reporting requirements, notifying families and carers and managing risks to children • how to support cultural safety.	R	R	√		√
• Ensuring the training register records the completion of training by staff and volunteers.	R	R	√		√
• Identifying the potential for child abuse at Thomastown West Kindergarten, and developing and implementing effective prevention strategies	R	R	R		
• Using the NQF Child Safe Culture Guide and NQF Online Safety Guides *(refer to Sources)*, including questions to guide reflection on practice to inform training and discussions with staff.	√	√			
Culturally Safe Environment					
• Ensuring racism within the service is identified, confronted and not tolerated *(refer to Attachment 6)*	R	R	R	R	R

• Actively discouraging discrimination against children, families and educators on the basis of culture, gender, age, sexuality, disability or religion.	R	R	R	√	R
• Creating a culturally safe environment and meet the needs of Aboriginal children, young people and their families	R	R	R		R
• Strategies are embedded within Thomastown West Kindergarten which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people	R	R	R		R
• Actively supporting and facilitating the participation and inclusion within Thomastown West Kindergarten by Aboriginal children, young people and their families	R	R	R		R
• Ensuring public commitment to the cultural safety of Aboriginal children is available and displayed for public access *(refer to Attachment 5)*	R	Ö			
• Actively supporting and encouraging a child's ability to express their culture and enjoy their cultural rights	R	Ö	Ö		Ö
• Understanding children's diverse circumstances, and providing support and responding to those who are vulnerable	R	Ö	Ö		
• Supporting the needs and rights of children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, who identify as LGBTIQA+ and intersex children	R	R	R		R
Child Safe Pedagogical Practices					
• Developing strategies that help children to understand appropriate interactions between educators and children and know who to report to if they see something wrong or makes them feel uncomfortable *(refer to Interaction with Children Policy)*	√	√	√		√
• Providing children with information and feedback about how the service keeps them safe.	√	√	√		√
• Supporting children to feel comfortable to talk about their sexual development, body safety and to disclose concerns. Teaching them about respect, dignity and safety from an early age.	√	√	√		√
• Offering children access to age-appropriate sexual abuse prevention and protective behaviours programs and to relevant related information	R	R	R		R
• Informing children about all of their rights, including to safety, information and participation	R	R	R		R
• Ensuring that children have access to information, support and handling complaints through processes that are culturally safe, accessible and easy to understand *(refer to Compliments and Complaints policy)*	Ö	Ö			
• Ensuring that staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns	R	R	R		R
• Identifying local support agencies for help that is age-appropriate for children and families.	√	√	√		
Information Sharing Schemes					
• Communicating to staff about their obligations under the Information Sharing Schemes *(refer to Definitions)*, and ensure they have read and understood the *Privacy and Confidentiality Policy*	R	R	Ö		

• Ensuring information sharing procedures abide by the *CISS Ministerial Guidelines (refer to Source)* and exercising professional judgment when determining whether the threshold for sharing is met, what information to share and with whom to share it *(refer to Privacy and Confidentiality Policy).*	R	R	R		
• Ensuring confidential information is only shared with relevant authorities to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children	R	R	R		
• Ensuring when sharing information giving precedence to the wellbeing and safety of a child or group of children over the right to privacy when sharing information under the CISS and the FVISS *(refer to Privacy and Confidentiality Policy)*	R	R	R		
• Seeking and taking into account the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so when sharing information under the CISS and the FVISS *(refer to Definitions)*	Ö	Ö	Ö		
• Being respectful of and have regard to a child's social, individual and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing when sharing information under the CISS and FVISS *(refer to Definitions)*	Ö	Ö	Ö		
• Promoting a child's cultural safety and recognising the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both when sharing information under the CISS and FVISS *(refer to Definitions)*	Ö	Ö	Ö		
Child Safe Reporting					
• Taking all child safety issues seriously, respond quickly, and ensure all staff and volunteers have the resources they need	R	R			
• Ensuring procedures for reporting and responding to suspected child abuse or neglect are promoted across the service and regularly reviewed in partnership with all stakeholders *(refer to Attachment 3 and 4)*	R	Ö	Ö	Ö	Ö
• Following processes for responding to and reporting suspected child abuse *(refer to Attachment 3)*	R	R	R	Ö	R
• Following processes for responding to and reporting suspected family violence *(refer to Family Violence Support policy)*	R	R	R		R
• Ensuring processes for responding to and reporting are followed when there are significant concerns for the safety, health or wellbeing of a child at the service *(refer to Attachment 3 and 4)*	R	R	R		
• Responding to concerns about sexual behaviours, even if they seem typical *(refer to Attachment 3)*	R	R	R		
• Fulfilling legal obligations, including mandatory reporting and duty of care obligations *(refer to Definitions) (refer to Attachment 3 and 4)*	R	R	R		R
• Ensuring that clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse are made and retained *(refer to Attachment 4)*	R	R	R	Ö	R
• Notifying the approved provider or person with management or control immediately on becoming aware of a concern, complaint or allegation regarding the safety, health and welfare of a child at Thomastown West Kindergarten		R	R	Ö	Ö

• Maintaining co-operative relationships with appropriate services and/or professionals (including Child FIRST/Orange Door) *(refer to Definitions)* in the best interests of children and their families	Ö	Ö	Ö		
• Offering support to the child and their family, and to staff in response to concerns or reports relating to the safety, health and wellbeing of a child at Thomastown West Kindergarten	Ö	Ö	Ö		
• Notifying DE within 24 hours of a serious incident *(refer to Definitions)* occurring at the service	R	Ö			
• Notifying DE within 24 hours of becoming aware of a notifiable complaint *(refer to Definitions)* or allegation regarding the safety, health and/or welfare of a child at the service	R	√			
• Notifying DE within 24 hours of becoming aware of any incident where it is reasonably believed that physical and/or sexual abuse of a child or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service	R	√			
• [this only applies to any kindergartens delivered by school councils on school premises] Ensuring that management and reporting of incidents is in accordance with the 6 stages of the department's management and reporting incidents (including emergencies) process	R	Ö	Ö		Ö
• Ensuring reporting requirements under the *Occupational Health and Safety (OHS) Act 2004* are made to WorkSafe *(refer to Sources)* as soon as is practicable	R				
• Identifying who the head of the organisation *(refer to Definitions)* is for Thomastown West Kindergarten *(refer to Sources)*	R				
• Notifying the nominated head of organisation *(refer to Definitions)* to the Commission for Children and Young People and maintaining the currency of the information	R				
• Ensuring that staff or volunteers that are provided by a labour hire agency or company are also subject to the reportable conduct scheme	R				
• Notifying the Commission for Children and Young People within 3 business days of becoming aware of a reportable allegation *(refer to Definitions)*, under the Reportable Conduct Scheme *(refer to Definitions) (refer to Attachment 3 and 4)*	R				
• Investigating an allegation (subject to police clearance on criminal matters or matters involving family violence), advising the Commission for Children and Young People who is undertaking the investigation	R				
• Managing the risks to children whilst undertaking the investigation	R	Ö	Ö		
• Updating the Commission for Children and Young People within 30 calendar days with detailed information about the reportable allegation and any action	R				
• Notifying the Commission for Children and Young People of the investigation findings and any disciplinary action taken (or the reasons no action was taken)	R				
• Providing support to staff who disclose harm	R	Ö			
• Being aware that staff may have their own trauma, so provide support like an Employee Assistance Program and inform them ahead of meetings about detailed child safety discussions.	√	√			
• Maintaining confidentiality at all times *(refer to Privacy and Confidentiality Policy)*	R	R	R	Ö	R

• Protecting the rights of children and families, and encouraging their participation in decision-making	R	Ö	Ö	Ö	
Physical Environment					
• Ensure the learning environment provided considers appropriate child groupings, sufficient space, lighting, ventilation and includes carefully chosen and well-maintained resources and equipment *(Regulations 103 to 110)*	√	√	√		√
• Implement risk assessments of the service environment and equipment to ensure risks to health and safety are minimised *(National Law: Sections 167) (refer to Occupational Health and Safety and Injury Trauma and Illness Policy)*	√	√	√		√
• Developing strategies to manage times when staff are alone working with children	R	√			
• Complying with the legislated ECT/educator-to-child ratios at all times *(National Law: Sections 169, Regulations 123) (refer to Supervision of Children Policy)*	R	R	Ö		Ö
• Ensuring children are always actively supervised *(Regulations 122) (refer to Supervision of Children Policy)*	R	R	Ö		Ö

PROCEDURES

Refer to *Attachment 3* for the following procedures:

- Making a report/referral to specialised services
- Managing a disclosure
- Responding to incidents, disclosure and suspicions of child abuse
- Reportable Conduct Scheme

Refer to *Attachment 4* or ACECQA- Child Safety Incident Response Template for the following procedure:

- Documentation for responding to incidents, disclosure and suspicions of child abuse

BACKGROUND AND LEGISLATION

BACKGROUND

A key requirement of the *Education and Care Service National Law Act 210* is to ensure every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury *(National Law: Section 167)*. The approved provider must also ensure that each Nominated Supervisor and each person in day-to-day charge of the service has successfully completed the child protection training required by the Department of Education *(National Law: Section 162A)*.

Under the *Education and Care Services National Regulations 2011*, the approved provider of an education and care service 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).

Under the *National Quality Standards*, management, educators and staff are required to be 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 must be provided to ensure children are protected from harm and hazard *(element 2.2.1)*.

Approved providers operating under the *Children's Services Act 1996* must ensure that every reasonable precaution is taken to protect children being cared for or educated by the service from harm and from any hazard likely to cause injury *(section 107)*.

The approved provider, persons with management control, nominated supervisor, persons in day-to-day charge, educators, staff, contractors, students and volunteers of early childhood services have legal and duty of care obligations to protect children under their supervision and care.

Duty of care obligations *(refer to Definitions)* require the approved provider, person with management or control, nominated supervisor, persons in day-to-day charge, and staff to take reasonable steps to protect children from injury that is reasonably foreseeable.

In addition, organisations have an organisational duty of care *(refer to Definitions)* to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under its care, supervision or authority. The Victorian Reportable Conduct Scheme *(refer to Definitions)* seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005 (the Act)* and relates to individuals associated with an organisation, including but not limited to committee members, employees, volunteers and contractors.

The Children, Youth and Families Act 2005 provides the legislative basis for the provision of services to vulnerable children, young people and their families, and places children's best interests at the heart of decision-making and service delivery.

In line with the Victorian Government's Roadmap for Reform, Education State reforms and broader child safety initiatives, *Part 6A* of the *Child Wellbeing and Safety Act 2005* was proclaimed in September 2018. The Act established the Child Information Sharing (CIS) Scheme, which enables sharing of confidential information between prescribed information sharing entities *(refer to Definitions)* in a timely and effective manner in order to promote the wellbeing and safety of children. Alongside the CIS Scheme, the *Family Violence Protection Act 2008* includes the Family Violence Information Sharing (FVIS) Scheme and the Family Violence Multi-Agency Risk Assessment and Management Framework, which enables information to be shared between prescribed entities to assess and manage family violence risk to children and adults. It will allow professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier, and to act on them sooner.

Any person who forms a reasonable belief *(refer to Definitions)*, that a child is in need of protection may report their concerns to the Child Protection *(refer to Definitions)*.

Early childhood teachers are required to be registered with the Victorian Institute of Teaching and are mandatory reporters *(refer to Definitions)*. In addition, all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service and all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service are mandatory reporters.

All mandatory reporters must make a report to Victoria Police and/or Child Protection *(refer to Definitions)* as soon as practicable if, during the course of their roles and responsibilities they form a reasonable belief that:

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

Victorian organisations that provide services to children are required under the *Child Wellbeing and Safety Act 2005* to ensure that they implement compulsory minimum *Child Safe Standards* to protect children from harm. The standards aim to drive continuous improvement in the way services prevent and report child abuse and respond to allegations of child abuse. Standard 2 requires services to have a child safety and wellbeing policy or statement of commitment to child safety and wellbeing.

Three criminal offences in the *Crimes Amendment (Protection of Children) Act 2014* protect children from child abuse:

Failure to disclose: All adults (not just those working with children) have a legal duty to report information about child sexual abuse to Victoria Police. The offence applies to any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 and fails to report that information to the Victoria Police.

Failure to protect: The offence applies to people within organisations who hold positions of authority within an education and care service, such as the approved provider, person with management or control, the nominated supervisor or the person in day to day charge and who know of the substantial risk that another adult associated with the organisation may commit a sex offence and they have the power or responsibility to remove or reduce the risk but negligently fail to do so.

Grooming offence: The offence targets predatory conduct by an adult with the intent of committing child sexual abuse. Conduct may include communication, including online communication, with a child under the age of 16 or their parents.

Adopting the National Model Code is crucial for Early Childhood Education and Care (ECEC) services to ensure the safety and privacy of children. The National Model Code has been designed for voluntary adoption by ECEC services. Under the Code, only service-issued electronic devices should be used for taking photos or recording videos, thereby minimising the risk of unauthorised distribution of images. The Code states that clear guidelines are developed on carrying personal devices for specific essential purposes ensuring that any exceptions are justified and controlled. Additionally, implementing strict controls for storing and

retaining images or recordings of children is vital to protect their privacy and prevent misuse of sensitive information. Adhering to these guidelines not only safeguards children but also fosters trust and transparency between ECEC services and families.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

Children, Youth and Families Act 2005 (Vic)
Child Wellbeing and Safety Act 2005 (Vic)
Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Child Safe Standards (Vic)
Crimes Amendment (Protection of Children) Act 2014 (Vic)
Education and Care Services National Law Act 2010 (Vic): including but not limited to Sections 165, 166, 167
Education and Care Services National Regulations 2011 (Vic): including but not limited to Regulations 84, 85, 86, 99, 100, 101, 102, 168(2) (h), 145, 146, 149, 150
Education Training and Reform Act 2006 (Vic) (As amended in 2014)
Family Law Act 1975 (Cth)
Family Violence Protection Amendment (Information Sharing) Act 2017
National Quality Standard, including Quality Area 2: Children's Health and Safety
Reportable Conduct Scheme administered by the Commission for Children and Young People (Vic)
Worker Screening Act 2020
Worker Screen Regulations 2021 (Vic)
Wrongs Act 1958 (Vic)

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

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the Definitions file of the PolicyWorks catalogue.

Abuse: see Child abuse definition below.

Child abuse: (In the context of this policy) refers to an act or omission by an adult that endangers or impairs a child's physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment *(refer to Definitions)* are generic terms used to describe situations in which a child may need protection. Child abuse includes any and all of the following:

Physical abuse: When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.

Sexual abuse: When a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse.

Emotional and psychological abuse: When a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Neglect: The failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

Family violence: When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Contrary to popular belief, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

Racial, cultural, religious abuse: Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

Bullying: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.

Child Information Sharing Scheme (CISS): enables Information Sharing Entities (ISE) *(refer to Definitions)* to share confidential information about any person to promote the wellbeing and/or safety of a child or group of children. The CISS works in conjunction with existing information sharing legislative provisions. All Victorian children from birth to 18 years of age are covered. Unborn children are only captured when there has been a report to Child First or Child Protection. Consent is not required from any person when sharing under CISS. The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the *Children, Youth and Families Act 2005*.

Child Safe Standards: Promotes the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.

Child sexual exploitation: When a child is manipulated or coerced to participate in a sexual activity in exchange for, or the promise of, an incentive. This can include incentives such as food, accommodation, clothing, drugs, alcohol, cigarette or money. It can also include incentives such as love, affection, or safety. Child sexual exploitation is a distinct form of child sexual abuse because of this notion or exchange or reward.

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 notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection.

Child Protection Service (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Families, Fairness and Housing 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. Code of conduct: A set of rules or practices that establish a standard of behaviour to be followed by individuals and organisations. A code of conduct defines how individuals should behave towards each other and towards other organisations and individuals in the community *(refer to Code of Conduct Policy)*.

Contractor: A person or company that undertakes a contract to provide materials or labour to perform a service or do a job. Examples include photographer, tradesperson, people contracted to provide an incursion.

Department of Families, Fairness and Housing (DFFH): The department is responsible for child protection, prevention of family violence, housing, disability, multicultural affairs, LGBTIQ+ equality, veterans, and the offices for Women and Youth.

Disclosure: (In the context of this policy) refers to a process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. This may take many forms, and might be verbal or non-verbal. Nonverbal disclosures using painting or drawing, gesticulating, or through behavioural changes, are more common among young children and children with cognitive or communication impairments. Children, in particular, may also seek to disclose sexual abuse through emotional or behavioural cues, such as heightened anxiety, withdrawal or aggression.

Failure to Disclose: Failure to disclose is when an adult does not report information they have about child sexual abuse to the police. In Victoria, all adults have a legal obligation to report this information, not doing so is a criminal offence.

Failure to Protect: *Failure to protect is when someone in a position of authority (such as a staff member or leader in an organisation) knows that a child is at risk of sexual abuse and has the power to reduce or remove that risk but does not take reasonable action.*

Family Violence Information Sharing Scheme (FVISS): *enables the sharing of relevant information between authorised organisations to assess or manage risk of family violence.*

Grooming: *Grooming is when an adult builds a relationship with a child, their family, or community to gain trust for the purpose of sexually abusing the child. It often involves manipulation, secrecy, and gradual boundary-breaking to make the child (and sometimes others) less likely to recognise or report the abuse.*

Head of organisation: *The heads of organisations under the Reportable Conduct Scheme are required to have systems in place to prevent reportable conduct within their organisation, and systems to enable staff to make reportable allegations. The head of organisation has the powers of the employer. A CEO or Principle Officer is a head of organisation. For stand-alone kindergartens, the head of organisation will usually be the president or another office bearer who consents to the nomination.*

Information Sharing Entities (ISE): *are authorised to share and request relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (the Schemes) and required to respond to requests from other ISE's. All ISE's are mandated to respond to all requests for information.*

Maltreatment: *(In the context of this policy) refers to physical and/or emotional mistreatment, and/or lack of care of the child. Examples include sexual abuse, the witnessing of family violence and any non-accidental injury to a child.*

Mandatory reporting: *The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm. A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as 'mandatory reporters', including:*

- *all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service*
- *all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service.*
- *educators registered with the Victorian Institute of Teaching (VIT).*
- *Mandated staff members must make a report to Victoria Police and/or Child Protection as soon as is practicable if, during the course of acting out their professional roles and responsibilities, they form a belief on reasonable grounds (refer to Definitions) that:*
- *a child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to Definitions) and*
- *the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type.*

Mandatory reporters must also follow processes for responding to incidents, disclosures or suspicions of child abuse to fulfil all their legal obligations (refer to Attachment 3: Processes for responding to incidents, disclosure and suspicions of child abuse).

Neglect*: see Child abuse definition above.*

Negligence*: Doing, or failing to do something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury or loss as a result*

Organisational duty of care: *The statutory duty organisations have to take reasonable precautions to prevent sexual and/or physical abuse of a child.*

Orange Door: *A free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children*

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

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

Reasonable belief/reasonable grounds: *A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that the child or young person's safety, health 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
the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability or other factors that are impacting on the child or young person's safety, stability or development
the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
a child's/young person's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

Reportable allegation: *any allegation that an employee (including agency/relief staff or contractor provided by a labour hire agency), volunteer or student has committed child abuse (refer to Definitions)*

Reportable Conduct Scheme*: aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by their workers (including agency/relief staff or contractor provided by a labour hire agency), and volunteers. There are five types of 'reportable conduct':*

sexual offences committed against, with or in the presence of a child
sexual misconduct committed against, with or in the presence of a child
physical violence against, with or in the presence of a child
any behaviour that causes significant emotional or psychological harm to a child
significant neglect of a child.

Working with Children (WWC) Check: *is a legal requirement under the Worker Screening Act 2020 for those undertaking paid or voluntary child-related work in Victoria.*

Working with Children Clearance*: A WWC Clearance is granted to a person under working with children legislation if:*

they have been assessed as suitable to work with children
there has been no information that, if the person worked with children, they would pose a risk to those children
they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

SOURCES AND RELATED POLICIES

SOURCES

ACECQA: National Model Code - Taking images in early childhood education and care
ACECQA: Risk Assessment and Management Tool
ACECQA: NQF Child Safe Culture Guide self-assessment and risk assessment: www.acecqa.gov.au
AECEQA: Child Safety Incident Response Template
ACECQA: NQF Child Safe Culture Guide
ACECQA: NQF Online Saft Guide
ACECQA - New national educator register
Australian Human Rights Commission: National Children's Commissioner
Australian Human Rights Commission: www.humanrights.gov.au
Betrayal of Trust Implementation: www.justice.vic.gov.au
Charter of Human Rights and Responsibilities Act 2006 (Vic): www.legislation.vic.gov.au
Child Information Sharing Scheme Ministerial Guidelines: www.vic.gov.au/guides-templates-tools-for-information-sharing
Commission for Children and Young People (CCYP): Generic learning or training action plan and training materials
Commission for Children and Young People (CCYP): Head of organisation
Commission for Children and Young People (CCYP): Risk Assessment and Management template
Commission for Children and Young People (CCYP): Sample learning or training action plan
Commission for Children and Young People (CCYP): Short Guide to the Child Safe Standards
Commission for Children and Young People (CCYP): www.ccyp.vic.gov.au
Department of Education: Mandatory Reporting eLearning Module
Department of Education: Early Childhood Workforce Register
Early Learning Association Australia: Child Safe Reporting Guide
Quality Assessment and Regulation Division: Early Childhood Guidance on the Child Safe Standards
SNAICC: Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations:

The United Nations Convention on the Rights of the Child: www.unicef.org
Victorian Government: DE Service Agreement Requirements 2024-2028
Victorian Government: Family Violence Information Sharing Scheme
Victorian Institute of Teaching: www.vit.vic.edu.au
Working with Children (WWC) Check: www.workingwithchildren.vic.gov.au
WorkSafe Victoria: Guide to Incident Notification: www.worksafe.vic.gov.au

RELATED POLICIES

Acceptance and Refusal of Authorisations
Behaviour Support
Code of Conduct
Compliments and Complaints
Delivery and Collection of Children
eSafety for Children
Incident, Injury, Trauma and Illness
Inclusion and Equity
Safe Use of Digital Devices and Online Environment
Interactions with Children
Mental Health and Wellbeing
Occupational Health and Safety
Participation of Volunteers and Students
Privacy and Confidentiality
Safe Arrival of Children
Staffing
Supervision of Children

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk *(Regulation 172 (2)).*

ATTACHMENTS

Attachment 1: Guidelines for incorporation of child safety into recruitment and management of staff
Attachment 2: Guidelines for incorporation of child safety into recruitment of contractors, volunteers and students
Attachment 3: Child Safety Reporting Process
Attachment 4: Documenting responses to suspected child abuse: template for all Victorian early childhood services
Attachment 5: Public commitment to the cultural safety of Aboriginal children template
Attachment 5A: Public commitment to the child safety
Attachment 6: Procedure for Addressing Racism

AUTHORISATION

This policy was adopted by the approved provider of Thomastown West Kindergarten on [Date].

REVIEW DATE:

ATTACHMENT 1: GUIDELINES FOR INCORPORATION OF CHILD SAFETY INTO THE RECRUITMENT AND MANAGEMENT OF STAFF

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

Preparation for recruitment

- Include a statement of Thomastown West Kindergarten's commitment to maintaining a child safe environment in the job description
- Job description clearly outlines responsibilities and accountability ACECQA - Position descriptions tools
- Job advertisements clearly state our commitment to child safety – ACECQA - Job advertisements tool
- Include requirement for a current Working with Children Check (WWCC) or Victorian Institute of Teaching registration and a criminal history check
-

Selection process

- Do face-to-face interviews or video calls, a quick phone call isn't enough
- At least three people are on the interview panel including, where possible, a gender mix and a person external to the service or someone with human resource/interviewing experience
- Questions are behaviour-based and ask the interviewee to provide examples of their past behaviour in specific situations relevant to the job being applied for
- Questions regarding relationships with children are values-based and include a consideration of issues such as professional boundaries, resilience and motivation, teamwork, accountability and ethics – ACECQA - Types of questions to ask during an interview tool
- Questions are based on key selection criteria
- More detail is asked for when answers seem incomplete
- Confirm identity by sighting (and taking a copy of) a driver's licence or a passport
- Verify qualifications and, where relevant, Working with Children Clearance or Victorian Institute of Teaching registration
- Thorough reference checks:
    - at least two referees are contacted (including the current or most recent employer or direct line manager) in person or via telephone ACECQA - Referee checks tool
    - all referees must have observed the applicant working with children first-hand
    - referees are asked about the candidate's past behaviour including relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics
    - look for unexplained gaps in employment history
    - use the NQA IT System public portal to check if an applicant is a prohibited person
    - undertake criminal history check after offering the job but before the applicant starts working
- The template letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety.

Induction

- Whenever possible, make sure new staff finish all aspects of their induction before working with children unsupervised
- Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment
- Information provided to the new staff member on commencing work at the service includes *Child Safe Environment and Wellbeing Policy, Code of Conduct Policy, eSafety for Children, Use of Digital Technologies and Online Environment, Interaction with Children, Compliments and Complaints Policy and Staffing Policy.* Check their understanding of these documents in follow-up conversations.
- New staff must update their organisation details with the Victorian Government Service Victoria online portal https://service.vic.gov.au/find-services/work-and-volunteering/working-with-children-check/update-your-working-with-children-check-details and provide proof of update upon commencement.
- Regular meetings are held between staff members and the approved provider or the person with management or control
- A mentoring or buddy system for staff members is in place
- Training and education with regard to child safety and child protection is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment.

Ongoing Supervision and Management

- Regular meetings are held between staff and the approved provider or person with management or control and child safety is a regular item on the agenda
- Provide supervision to ensure clear expectations about the role, adequate support as well as on-the-job monitoring of their performance

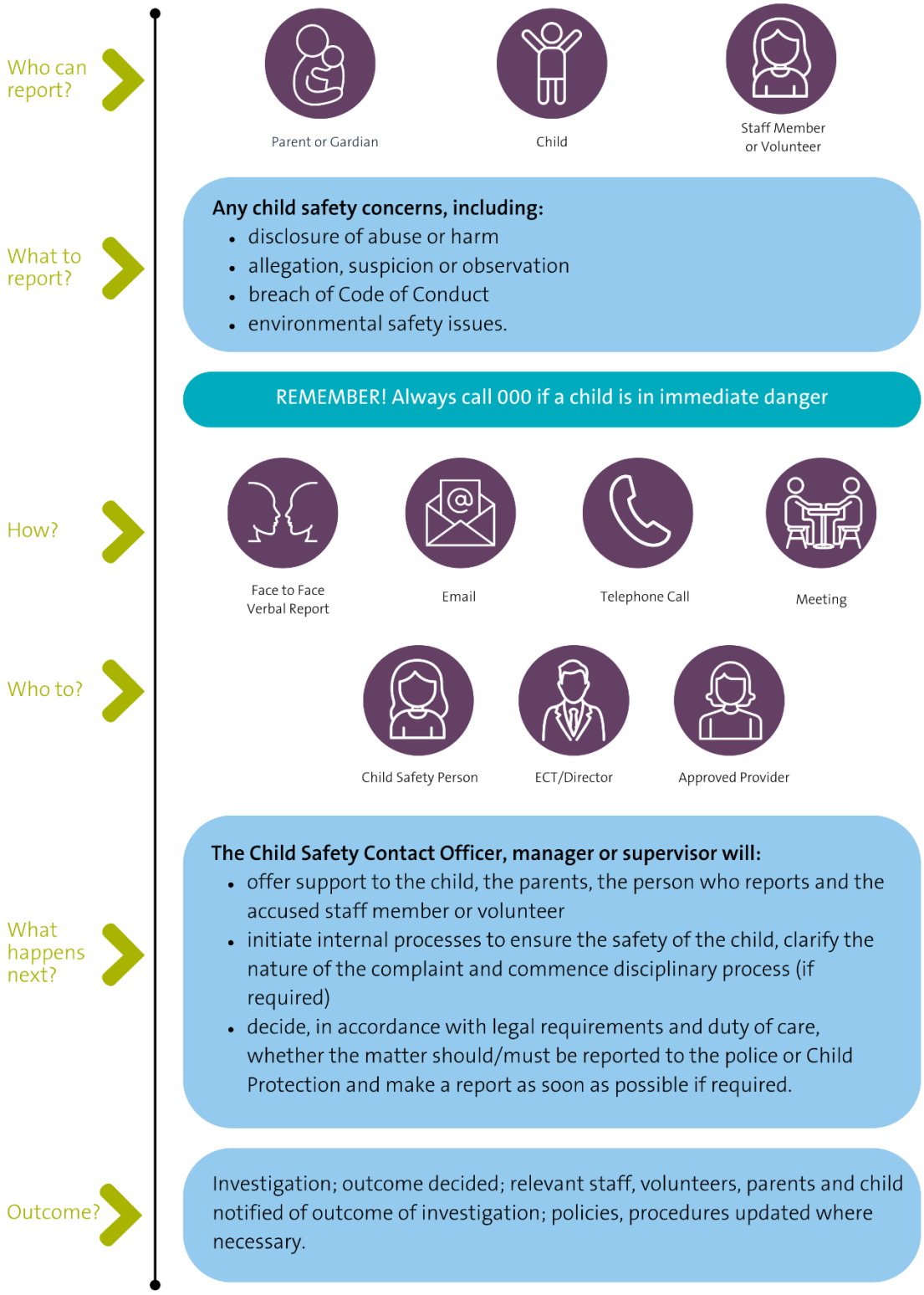
- Performance reviews consider the staff member's contribution to creating a child safe environment
- Regular training and education with regard to child safety, child protection and inclusive practices is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment
- Have a process to ensure that the registration of all early childhood teachers with Victorian Institute of Training remains current
- Maintain a register of all staff with a WWCC card and regularly check the status of the WWCC cards of all staff to ensure that no one has been given a Negative Notice or had their card revoked or suspended or that it has expired
- Develop processes to deal with a staff member who is given a Negative Notice including ensuring that they do not do any child-related work.

ATTACHMENT 2: GUIDELINES FOR INCORPORATION OF CHILD SAFETY INTO THE RECRUITMENT AND MANAGEMENT OF CONTRACTORS, VOLUNTEERS AND STUDENTS

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

- Assess the nature of the work or task being undertaken by contractors, volunteers and students to determine whether a position description is required
- Consider whether a screening or recruitment process is relevant to the role and the risks to children
- Ensure a valid Working with Children Check or an exemption applies for people engaged in 'direct contact' in child-related work, including physical contact, face to face contact, oral, written or electronic communication.
- Inform contractors, volunteers and students of policies relevant to their role as part of their orientation to the service
- Provide supervision to ensure clear expectations about the role and responsibilities
- Do not leave contractors, volunteers or students (or visitors) alone with children
- Have conversations about child safety and wellbeing and how the service maintains and responds to issues of safety with contractors, volunteers and students.

ATTACHMENT 3: CHILD SAFETY REPORTING PROCESS



This flowchart is adapted from the Commissioner for Children and Young People, Victoria, Flowchart: Child Safety Reporting Process, Flowchart: Child Safety Reporting Process.

PROCESSES FOR RESPONDING TO INCIDENTS, DISCLOSURE AND SUSPICIONS OF CHILD ABUSE

Use ELAA's **easy-to-use, comprehensive** Child Safe Reporting Guide alongside this policy for clear steps on child safety reporting

OVERVIEW

- The approved provider or staff, including those with mandatory reporting responsibilities *(refer to Definitions)* must act when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused. Regardless of the suspected cause, all concerns about the wellbeing of a child (or an unborn child) should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which does not appear to be the result of abuse
- Staff must seek advice from the approved provider or person with management or control, DFFH Child Protection, Child First and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the Approved Provider or Person with Management or Control, or any other staff member, they must still make a report to Child Protection and/or Victoria Police.
- The steps outlined in the Department of Education's flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions which are to be followed: www.education.vic.gov.au
- Records are kept about all child safety concerns or complaints. These records contain comprehensive descriptions of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with the service's *Privacy and Confidentiality Policy.*
- Privacy is maintained, and information is disclosed when it promotes the safety or wellbeing of a child.
- Permission is not required from parents/guardians of a child to make a report where abuse is suspected.

RESPONDING TO CONCERNS ABOUT THE WELLBEING OF A CHILD

When to report wellbeing concerns to Child FIRST (Family Information, Referral and Support Team)/Orange Door

A referral to Child FIRST or Orange Door *(refer to Definitions)* should be made if the approved provider/staff member has significant concerns for a child's wellbeing and the child is not in immediate need of protection. This may include circumstances when there are:

- significant concern for a child's wellbeing
- parents who lack the skills to support their child's physical, emotional and cognitive development 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.

WHEN TO MAKE A REFERRAL TO ORANGE DOOR

Orange Door is a free service for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported. Both services ensure 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.

WHEN TO REPORT WELLBEING CONCERNS TO VICTORIA POLICE

In addition to reporting suspected abuse to appropriate authorities, you must contact Victoria Police on 000 if the:

- child's immediate safety is compromised
- child is partaking in any risk taking activity that is illegal and extreme in nature or poses a high risk to their safety, or the safety of somebody else.

WHEN TO REPORT WELLBEING CONCERNS TO DFFH CHILD PROTECTION

In addition to reporting suspected abuse to appropriate authorities, you should contact DFFH Child Protection if you have significant protective concerns for the wellbeing of a child, but the parents are unable or unwilling to address or resolve these concerns.

This includes all concerns that:

- have a serious impact on a child's safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child)
- are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development
- relate to a parent/s who cannot or will not protect the child from significant harm
- include a belief that the family is likely to be uncooperative in seeking assistance.

RESPONDING TO CONCERNS ABOUT SEXUAL BEHAVIOURS

Approved providers, early childhood teachers and educators play an important role in making informed professional judgements regarding sexualised behaviour involving children.

Not all sexual behaviour involving children poses a risk to their safety. It may be age-appropriate and expected sexualised behaviour.

Informed judgements regarding sexualised behaviour help to ensure the health, safety and wellbeing of children by:

- supporting healthy sexual development (age-appropriate sexualised behaviour)
- protecting them from harm or abuse (inappropriate or problem sexualised behaviour).

In some cases, problematic sexualised behaviour involving children may fall within reporting requirements.

If you have formed a reasonable belief that the child is displaying problematic sexualised behaviour, you must take reasonable steps to protect them by following the **Four Critical Action** listed below

MANAGING A DISCLOSURE

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

Strategies include:

- let the child talk about their concerns in their own time and in their own words
- give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener
- remain calm and use a neutral non-judgmental tone
- comfort the child if they are distressed
- record the child's disclosure using the child's words.
- tell the child that telling you is the right thing to do and that what has happened is not their fault
- let them know that you will act on this information and that you will need to let other people know so that they can help the child
- it is the role of DFFH Child Protection and Victoria Police to investigate. DO NOT taking any steps to investigate. Avoid asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation. Avoid going over information repeatedly.

RESPONDING TO INCIDENTS, DISCLOSER AND SUSPICIONS OF CHILD ABUSE

To make a report to child protection a staff member needs to have formed a reasonable belief *(refer to Definition)* that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent has not protected or is unlikely to protect the child from harm of that type.

It is strongly recommended that ALL early childhood service staff follow the **Four Critical Actions** as soon as they witness an incident, discloser or form a reasonable belief that a child has or is at risk of being abused.

FOUR CRITICAL ACTIONS

ACTION 1: RESPONDING TO AN EMERGENCY

If a child has just been abused or is at immediate risk of harm you must take reasonable steps to protect them.

These include:

- separating the alleged victim and others involved, ensuring all parties are supervised by a service staff member
- arranging and providing urgent medical assistance where necessary by:
    - administering first aid assistance
    - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics
    - calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person
- you should also identify a contact person at the service for future liaison with police

- taking reasonable steps to preserve evidence, such as the environment, clothing, other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

ACTION 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.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM 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 had, 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.

REPORT TO MANAGEMENT

You must report to your approved provider.

NOTIFY THE REGULATOR

The Approved Provider early childhood services must notify the Quality Assessment and Regulation Division within **24 hours** of the incident or the time the person becomes aware of the incident 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 National Quality Agenda IT System: https://www.acecqa.gov.au

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.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SERVICE:

If the source of suspected abuse comes from within the service (this includes any forms of suspected child abuse involving a staff member, contractor, committee member or volunteer):

- you must contact Victoria Police via your local police station (where appropriate they will refer you on to the local Sexual Offences and Child Abuse Investigation Team)
- you must make a report to DFFH Child Protection if you're a mandatory reporter.
- you must also report internally to the approved provider or person with management or control
- the approved provider must also notify the Quality Assessment and Regulation Division within 24 hours of the incident or the time the person becomes aware of the incident. Notifications made via the National Quality Agenda IT System: https://www.acecqa.gov.au
- the approved provider must notify the Commission for Children and Young People (CCYP) of within **three business days** of becoming aware of an allegation *(refer to Reportable Conduct Scheme)*
- a contact person must also be identified at the service for future liaison with Child Protection and Victoria Police and seek advice about contacting parents/carers.

ACTION 3: CONTACTING PARENTS/CARERS

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

You will be advised not to contact the parents in circumstances where:

- the parents are alleged to have engaged in the abuse
- a disclosure to the parent/carer may subject the child to further abuse
- the notification is likely to adversely affect the investigation of the incident by the relevant authorities.

Where advised to be appropriate, your service should make sensitive and professional contact with parents as soon as possible on the day of the incident, disclosure or suspicion.

In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/carers are notified as soon as practicable. This enables parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse.

- ensure that their child receives the support that they require.

It's also a requirement under the National Quality Framework that parents be contacted within 24 hours, if the suspected abuse occurs whilst a child is at an education or care service.

However, there are some circumstances where contacting parents/carers may place a child at greater risk

ACTION 4: PROVIDING ONGOING SUPPORT

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

Where appropriate, consider:

- establishing regular communication with the child's parent/carer to plan support strategies and discuss a child's progress, and the success of any support strategies
- engage allied health professionals with expertise in addressing child abuse and trauma to support the service to design and implement support strategies
- establish a safety plan, in instances where the abuse has been led by a person within the service, and/or visiting the service to mitigate risk of further abuse.

THE REPORTABLE CONDUCT SCHEME

The Approved Provider must notify the Commission for Children and Young People (The Commission) of a reportable allegation *(refer to Definitions)* within **three** business days of becoming aware of an allegation. The Approved Provider must provide certain detailed information about the allegation and their proposed response within **30 calendar days**.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
•Name of the worker or volunteer •Date of birth •Police report •Organisation contact details •Head of organisation's name •Inital advice on the nature of the allegation	•Details of the allegation •Details of your response to the allegation •Details about any disciplinary or other action proposed •Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other	•Name of investigator •Contact details •As soon as practicable	•Copy of findings and reasons for the findings •Details about any disciplinary or other action proposed •Reasons for taking or not taking action •As soon as practicable	•The Commission may request further documents from the head of the organisation

The Commission provides guidance on the processes and documentation required when making a report: refer to https://ccyp.vic.gov.au

CHILD PROTECTION IN EARLY CHILDHOOD: PRIVACY AND INFORMATION SHARING

The Child Information Sharing Scheme, and the Family Violence Information Sharing Scheme allow professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier, and to act on them sooner.

Following a report to DFFH Child Protection, Victoria Police and/or ChildFIRST you should:

- consult with your approved provider before disclosing information about the report and the child and their family to another information sharing entity (except to verified Victoria Police and DFFH Child Protection workers in very urgent situations and/or if the information is required to protect the safety of that child) and/or
- seek consent from a child or their parents/carers before disclosing information about the report and the child and their family to anyone other than authorities and service staff members (provided this does not place the child or another person at risk).

PRIVACY LAWS ALLOW FOR STAFF TO SHARE A CHILD'S PERSONAL AND HEALTH INFORMATION TO ENABLE THE SERVICES TO:

- provide and support the education of the child, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the child

- fulfil duty of care obligations to the child, other children, staff and visitors
- make reasonable adjustments if the child has a disability, including a medical condition or mental illness
- provide a safe and secure workplace.

RESOURCES

Department of Education PROTECT Portal: www.vic.gov.au/protect

The Department of Education's PROTECT portal provides tools and resources to assist professionals and early years services to respond to child abuse or potential child abuse, including:

- Early Childhood Guidance: This section supports early childhood providers to take action if they suspect, or are witness to, any form of child abuse.
- The flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions to take:
- Early Childhood Online Learning: This eLearning Module supports all professionals in early childhood settings to increase their capacity to respond effectively to children whose safety, health or wellbeing may be at risk.

Commission for Children and Young People: www.ccyp.vic.gov.au