

BOARD OF DIRECTORS CHILD SAFE POLICY

QUALITY AREA 2 – CHILDREN’S HEALTH AND SAFETY

PURPOSE

This policy provides the governance and leadership responsibilities of Board members regarding the safety and wellbeing of children and young people at Sparkways.

POLICY STATEMENT

GUIDING PRINCIPLES

Sparkways is committed to the rights of all children and young people to feel safe, and be safe at all times, including:

- promoting the cultural safety of Aboriginal children and young people
- promoting the cultural safety of children and young people from culturally and linguistically diverse backgrounds
- promoting the safety of children and young people with a disability
- promoting the safety of trans and gender diverse children and young people and their families
- ensuring that LGBTIQ+ children and young people and their families feel included

SCOPE

This policy applies to the Sparkways Board of Directors and non-Director Committee Members

RESPONSIBILITIES

The Board of Directors are responsible for:

- Championing a child safe culture within Sparkways
- Having thorough knowledge and understanding of child safe legislation, regulations and standards. Board members will complete annually the [Protecting Children – Mandatory Reporting eLearning module](#) for Early Childhood Services.
- Ensuring that appropriate resources are made available for Sparkways to develop and implement child safety systems, practices and measures to meet the requirements of the relevant legislation, regulations and standards

- Holding the CEO and executive team to account for the development and implementation of child safety measures and practices to ensure the safety and wellbeing of children and young people within Sparkways programs, services and departments
- Acting in accordance with Sparkways' child safety and wellbeing measures and practices, including but not limited to the Sparkways Code of Conduct, maintaining a current Working with Children Check, and consent to undertaking a National Police Check on a three-yearly basis
- Authorising the Sparkways Board Child Safe Policy and ensuring an operational level Child Safe policy is in place
- Accepting the designation of Person with Management or Control, and understanding and accepting the relevant responsibilities under the Educational and Care Services National Law, National Regulations, and the Family Assistance Law (refer to Governance and Management of Service Policy, Attachment 2).

In the event a reportable conduct allegation is made against the CEO, the Board Chair is responsible for acting as the Head of the Organisation and assuming all legal responsibilities under the Reportable Conduct Scheme.



BACKGROUND AND LEGISLATION

BACKGROUND

The new and updated Victorian Child Safe Standards came into force in Victoria on 1 July 2022.

There are 11 standards, each expressed as a statement of an expected outcome that organisations must achieve.

Standard two relates explicitly to the role of Boards, requiring that 'Child safety and wellbeing is embedded in organisational leadership, governance and culture', including that 'governance arrangements facilitate implementation of the Child Safety and Wellbeing Policy at all levels.

The Victorian Reportable Conduct Scheme provides independent scrutiny of organisations' systems and processes to prevent and respond to allegations of child abuse. It enables the identification of individuals who pose a risk to children, enabling them to be excluded from working with children.

Sparkways is required to report allegations of abuse under the Scheme, where the conduct is by a person who is 18 years or older, against, with or in the presence of a child who is under 18 years.

Reportable conduct applies to Sparkways employees, contractors, volunteers, students and office holders.

Both the Victorian Child Safe Standards and the Reportable Conduct Scheme are operated by the Commission for Children and Young People (CCYP).

They complement other child safety initiatives including the Family Violence and Child Information Sharing Schemes (FVISS and CISS) and also the extensive child safety requirements under the Early Education and Care Sector's National Quality Framework (NQF), incorporating the National Law and Regulations.

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 Assistance Act 1999 (Cth)
- 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

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 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.

Reportable Conduct:

Conduct that is reportable under the reportable conduct scheme, by a person who is 18 years or older, against, with or in the presence of a child who is under 18 years, comprising:

1. 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
2. Sexual misconduct committed against, with, or in the presence of a child
3. Physical violence committed against, with, or in the presence of a child
4. Any behaviour that causes significant emotional or psychological harm to a child
5. Significant neglect of a child



SOURCES AND RELATED POLICIES

SOURCES

- Commission for Children and Young People (CCYP): <https://ccyp.vic.gov.au>
- Department of Education and Training Quality Assessment and Regulation Division: <https://www.vic.gov.au/early-childhood-services-child-safe-standards>
- Ministerial Guidelines for the Child Information Sharing Scheme: www.vic.gov.au/guides-templates-tools-for-information-sharing
- Ministerial Guidelines for the Family Violence Information Sharing Scheme: www.vic.gov.au/family-violence-information-sharing-scheme

RELATED POLICIES

- Child Safe and Wellbeing
 - Code of Conduct
 - Governance and Management of a Service
 - Occupational Health and Safety
 - Privacy and Confidentiality
 - Staffing
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EVALUATION

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

- Seek feedback from stakeholders affected by the policy regarding its effectiveness
- 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 policy review cycle, or as required



LINKS

- PROTECT – Early Childhood Mandatory Reporting eLearning Module
<https://elearn.childlink.com.au/login/index.php>



AUTHORISATION

This policy was confirmed by Sparkways on 24/09/2024

REVIEW DUE: September 2026
