

# CHILD SAFE ENVIRONMENT AND WELLBEING

## QUALITY AREA 2 – CHILDREN’S HEALTH AND SAFETY

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### PURPOSE

This policy provides a clear set of guidelines and procedures for Sparkways to:

- provide a safe environment for all children which ensures their safety, health and wellbeing
- promote the cultural safety of all children
- identify, reduce and remove risks of child abuse
- intervene when a child may be at risk of abuse or 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 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

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


- promoting the cultural safety of Aboriginal children
- promoting the cultural safety of children from culturally and linguistically diverse backgrounds
- promoting the safety of children with a disability
- promoting the (right to) safety of trans and gender diverse children and their families in ECEC settings
- ensuring that LGBTIQ+ children and families feel included

Sparkways:

- 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 abuse
- takes all reasonable steps to ensure the health, safety and wellbeing of children at all times, whilst also promoting their learning and development
- actively manages the risks of abuse or harm to each child, including fulfilling our duty of care (*refer to Definitions*) and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm
- continuously improves the way our service identifies risks of and responds to child abuse, and encourages reporting and improved responses to allegations of abuse.
- Supports the proactively sharing of 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 Sparkways., including during offsite excursions and activities.

 <b>RESPONSIBILITIES</b>	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
<b>R</b> indicates legislation requirement, and should not be deleted					
Ensuring the learning environment provided considers appropriate child groupings, sufficient space, and includes carefully chosen and well-maintained resources and equipment ( <i>Regulations 103</i> ) ( <i>refer to Injury Trauma and Illness Policy</i> )	R	R	√		√
Creating a culturally safe environment for Aboriginal children	R	R	R		R
Ensuring public commitment to the cultural safety of Aboriginal children is available and displayed for public access ( <i>refer to Attachment 5</i> )	R	√			
Supporting and encouraging a child’s ability to express their culture and enjoy their cultural rights	R	√	√		√
Understanding children’s diverse circumstances, and providing support and responding to those who are vulnerable	R	√	√		
Implement risk assessments of the service environment and equipment to ensure risks to safety, health and wellbeing are minimised ( <i>National Law: Sections 167</i> ) ( <i>refer to Occupational Health and Safety and Injury Trauma and Illness Policy</i> )	R	R	√		√
Implementing risk management plans, considering risks posed by service setting, activities, and the physical environment	R	R	√		

Complying with the legislated ECT/educator-to-child ratios at all times ( <i>National Law: Sections 169, Regulations 123</i> ) ( <i>refer to Supervision of Children Policy</i> )	R	R	√		√
Ensuring children are actively supervised at all times ( <i>Regulations 122</i> ) ( <i>refer to Supervision of Children Policy</i> )	R	R	√		√
Ensuring all staff, contractors, volunteers and students do not consume or are under the influence of alcohol or be affected by drugs ( <i>Regulations 82, 83</i> ) ( <i>refer to Tobacco, Alcohol and other Drugs Policy</i> )	R	√	√		√
Providing leadership for an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved	R	√			
Ensuring there is a child safe champion/s who can lead discussions, answer questions and support child safety and wellbeing	R	√			
Advising staff of current child protection legislation, and their legal and duty of care obligations ( <i>Regulation 84</i> )	R	√			
Undertaking child safety reviews and developing an action plan to maintain Child Safe Standards ( <i>refer to Definitions</i> ) at Sparkways.	R	√	√	√	√
Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy	R	√	√		
Contributing to an organisational culture of child safety	R	√	√	√	√
Ensuring continuous improvement in the implementation of the Child Safe Standards ( <i>refer to Definitions</i> ) in Sparkways., promoting an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved ( <i>refer to Sources</i> )	R	R	√	√	√
Conducting recruitment and induction processes for staff in line with this policy ( <i>refer to Attachment 1</i> )	R				
Screening contractors, volunteers and students in line with their roles and this policy ( <i>refer to Attachment 2</i> )	R				
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	√		
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	√		
Validating Working with Children Clearance ( <i>refer to Definitions</i> ) or Victorian Institute of Teaching Registration before staff, contractors, volunteers and students commence working with children ( <i>refer to Staffing Policy</i> )	R	√			
Identifying the potential for child abuse at Sparkways., and developing and implementing effective prevention strategies	R	R	R		
Following processes for responding to and reporting suspected child abuse ( <i>refer to Attachment 3</i> )	R	R	R	√	√
Ensuring appropriate annual training on child safety, including recognising the signs and symptoms of child abuse ( <i>refer to Definitions</i> ), knowing how to respond, and	R	R	R		R

understanding responsibilities and processes for reporting (refer to Attachment 3)					
Ensuring systems are in place that cover all aspects of 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
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	√	√	√	√
Fulfilling legal obligations, including mandatory reporting and duty of care obligations (refer to Definitions) (refer to Attachment 3 and 4)	R	R	R		
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	√	√	√	√	√
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	√		
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	√	√		
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		
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	√	√	√		
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 Sparkways.	√	√	√		
Ensuring processes for responding to and reporting are followed when there are significant concerns for the safety,	R	R	R		

health or wellbeing of a child at the service ( <i>refer to Attachment 3 and 4</i> )					
Notifying DET within 24 hours of a serious incident ( <i>refer to Definitions</i> ) occurring at the service	R	√			
Notifying DET within 24 hours of becoming aware of a notifiable complaint ( <i>refer to Definitions</i> ) or allegation regarding the safety, health and/or welfare of a child at the service	R				
Notifying the nominated head of organisation ( <i>refer to Definitions</i> ) to the Commission for Children and Young People and maintaining the currency of the information	R				
Notifying the Commission for Children and Young People within 3 business days of becoming aware of a reportable allegation ( <i>refer to Definitions</i> ), under the Reportable Conduct Scheme ( <i>refer to Definitions</i> ) ( <i>refer to Attachment 3 and 4</i> )	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	√	√		
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				
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 Sparkways.		R	R	√	√
Maintaining confidentiality at all times ( <i>refer to Privacy and Confidentiality Policy</i> )	R	R	R	√	R
Providing appropriate resources and training to assist staff, contractors, volunteers and students to implement this policy ( <i>refer to Sources</i> )	R				
Protecting the rights of children and families, and encouraging their participation in decision-making	R	√	√	√	
Keeping informed of any relevant changes in legislation and practices in relation to this policy	R	√	√	√	√
Abide by the <i>Code of Conduct Policy</i>	R	√	√	√	√
Ensuring an explicit statement of [Service Name]'s commitment to child safety is included in all advertising promotion for the organisation	R				
Being aware of this policy, the <i>Code of Conduct Policy, Privacy and Confidentiality Policy</i> and the <i>Interactions with Children Policy</i> and their ongoing obligations to behave in accordance with the policies	R	R	R	R	R
Ensuring when sharing information giving precedence to the wellbeing and safety of a child or group of children over	R	R	R		

the right to privacy when sharing information under the CISS and the FVISS ( <i>refer to Privacy and Confidentiality Policy</i> )					
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 ( <i>refer to Definitions</i> )	√	√	√		
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 ( <i>refer to Definitions</i> )	√	√	√		
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 ( <i>refer to Definitions</i> )	√	√	√		
Educating and empowering children to talk about events and situations that make them feel uncomfortable	√	√	√	√	√
Providing support to staff who disclose harm	R	√			
Ensuring that children have access to information, support and handling complaints through processes that are culturally safe, accessible and easy to understand ( <i>refer to Compliments and Complaints Policy</i> )	√	√			
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 ( <i>refer to eSafety for Children Policy</i> )	R	√	√		√
Reviewing this policy in consultation with stakeholders	R	√	√	√	√



## 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
- Documentation for responding to incidents, disclosure and suspicions of child abuse
- Reportable Conduct Scheme

Refer to *Attachment 4* for the following procedures:

- 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 and Training (*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.

## 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](http://www.legislation.vic.gov.au)

Commonwealth Legislation – Federal Register of Legislation: [www.legislation.gov.au](http://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 Sparkways policy 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 FIRST:** A Victorian community-based intake and referral service linked with Family Services. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection (all Child FIRST services have transitioned or are currently transitioning to The Orange Door).

**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 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 Health and Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services. 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 statement that a child or young person makes to another person that describes or reveals abuse.

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

**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
- a child or young person states that they have been physically or sexually abused

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 4: Processes for responding to and reporting suspected child abuse).

**Neglect:** see Child abuse definition above.

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

**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 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, 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 and volunteers. There are five types of ‘reportable conduct’:

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  
sexual offences committed against, with or in the presence 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

- Australian Human Rights Commission: [www.humanrights.gov.au](http://www.humanrights.gov.au)
- Betrayal of Trust Implementation: [www.justice.vic.gov.au](http://www.justice.vic.gov.au)
- Charter of Human Rights and Responsibilities Act 2006 (Vic): [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)
- Child Information Sharing Scheme Ministerial Guidelines: [www.vic.gov.au/guides-templates-tools-for-information-sharing](http://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): <https://ccyp.vic.gov.au>
- Cultural safety for Aboriginal children and combatting racism: [Keeping our kids safe: Understanding cultural safety in Child Safe Organisations](#)
- Department of Education and Training Mandatory Reporting eLearning Module: <https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/eonlinelearning.aspx>
- Ministerial Guidelines for the Family Violence Information Sharing Scheme: [www.vic.gov.au/family-violence-information-sharing-scheme](http://www.vic.gov.au/family-violence-information-sharing-scheme)
- National Children's Commissioner: <https://humanrights.gov.au>
- Quality Assessment and Regulation Division's online guidance: [Early Childhood Guidance on the Child Safe Standards](#)
- Service Agreement Information Kit for Funded Organisations: <https://fac.DFFH.vic.gov.au/service-agreement-requirements>
- Star Health's 'Being Equal' model for change in early childhood services: [Gender Equality and Respect in Early Learning Services](#)
- The United Nations Convention on the Rights of the Child: [www.unicef.org](http://www.unicef.org)
- Victorian Institute of Teaching: [www.vit.vic.edu.au](http://www.vit.vic.edu.au)
- Working with Children (WWC) Check: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

### RELATED POLICIES

- Acceptance and Refusal of Authorisations
- Code of Conduct
- Compliments and Complaints
- Delivery and Collection of Children

- Safety for Children
  - Information Communication Technologies
  - Incident, Injury, Trauma and Illness
  - Inclusion and Equity
  - Interactions with Children
  - Mental Health and Wellbeing
  - Occupational Health and Safety
  - Participation of Volunteers and Students
  - Privacy and Confidentiality
  - 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)*).

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## 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: Processes for responding to incidents, discloser and suspicions of child abuse
  - Attachment 4: Responding to suspected child abuse: template for all Victorian early childhood services
  - Attachment 5: Public commitment to the cultural safety of Aboriginal children template
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## AUTHORISATION

This policy was adopted by Sparkways on 25/11/2022.

**REVIEW DUE:** November 2023

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## ATTACHMENT 1:

### GUIDELINES FOR INCORPORATION OF CHILD SAFETY INTO THE RECRUITMENT AND MANAGEMENT OF STAFF

The following guidelines for the incorporation of child safety into the recruitment and management of staff demonstrate Sparkways' 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 Sparkways' commitment to maintaining a child safe environment in the job description
- Job description clearly outlines responsibilities and accountability
- Job advertisements clearly state our commitment to child safety
- Include requirement for a current Working with Children Check (WWCC) or Victorian Institute of Teaching registration
- The template letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety

#### Selection process

- An interview panel that includes, where possible, diversity representation and a person external to the service or someone with human resource/interviewing experience
- Questions are behaviour-based and ask the interviewee to provide examples of their past behaviour in specific situations relevant to the job being applied for
- Questions regarding relationships with children are values-based and include a consideration of issues such as professional boundaries, resilience and motivation, teamwork, accountability and ethics
- Questions are based on key selection criteria
- More detail is asked for when answers seem incomplete
- Confirm identity by sighting (and taking a copy of) 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
  - all referees must have observed the applicant working with children first-hand
  - referees are asked about the candidate's past behaviour including relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics
- Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment
- Information provided to the new staff member on commencing work at the service includes *Child Safe Environment and Wellbeing Policy, Code of Conduct Policy, Compliments and Complaints Policy and Staffing Policy*
- 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 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 Sparkways' 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:

### PROCESSES FOR RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

#### 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 and Training'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](http://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

A referral to Child FIRST or The 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 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

## 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 Sparkways' 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, disclosure 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.

### **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 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 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. 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:

- not to contact the 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 has requested that their parent/carer not be contacted)
- to contact the parents/carers and provide agreed information as soon as possible (for approved provider's, it is a requirement that parents/carers are notified within 24 hours if the suspected abuse occurred at the service)

### **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.

- your service should also consider providing support for children impacted by abuse. Eg. Referral to wellbeing professionals.
- 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

## **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**.

The approved provider must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The service must also respond to the Commission when contacted for information.

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 Child FIRST 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 and Training PROTECT Portal: [www.education.vic.gov.au](http://www.education.vic.gov.au)

The Department of Education and Training'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.cryp.vic.gov.au](http://www.cryp.vic.gov.au)

## ATTACHMENT 4:

### RESPONDING TO SUSPECTED CHILD ABUSE: INCIDENT FORMS

Under the National Quality Framework, the approved provider of an education and care service must ensure that an incident, injury, trauma and illness record is kept (*Regulation 87*).

Sparkways has two forms for reporting suspected abuse, dependant on the circumstances:

- Alleged Abuse Form – for reports made as per mandatory reporting obligations
- Reportable Conduct Form – for reports to the CCYP (complete in consultation with Area Manager / Centre Director; or the Sparkways Compliance Desk)

Completing these forms should not impact on reporting times. If a child is in immediate danger staff should immediately contact Victoria Police on 000.

When completing these forms, the aim should be to provide as much factual information as possible. This information will be critical and may be sought at a later date if the matter is the subject of Court proceedings.

**NOTE:** Completion of these forms should be done through clicking on the following links. The links will take you to the online form, which when submitted, will be sent directly to the Sparkways Quality and Compliance Team.

<https://www.cognitofrms.com/TryAustralia1/AllegedAbuseFormForReportsMadeAsPerMandatoryReportingObligations>

<https://www.cognitofrms.com/TryAustralia1/ReportableConductFormForReportsToTheCCYP>

## ATTACHMENT 5:

### PUBLIC COMMITMENT TO THE CULTURAL SAFETY OF ABORIGINAL CHILDREN TEMPLATE

Sparkways is committed to the cultural safety of Aboriginal children

We are committed to:

- actively supporting and facilitating participation and inclusion of Aboriginal children, young people and their families within our service
- the safety, participation and empowerment of Aboriginal children
- providing an educational program that strengthens Aboriginal children's culture and identity
- actively supporting and encouraging Aboriginal children to express their culture and enjoy their cultural rights
- supporting Aboriginal children and their families to identify as Aboriginal without fear of retribution or questioning
- supporting Aboriginal children to maintain connection to their kinship ties, land and country
- supporting Aboriginal children to be taught their cultural heritage by Elders
- facilitating regular training and education on Aboriginal cultural and cultural safety
- establishing policies, procedures, systems and processes to create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families