



## Child Safe Environment Policy

Authorisation	DSCC Management Committee
Review Date	May 2023
Approved Date	30 May 2023
Next Review Date (Frequency)	May 2024 (1 year) or sooner if required.
Relevant Documents	

### AUTHORISATION

This policy was reviewed and adopted by the Dawson Street Children's Co-operative (DSCC), at a committee meeting on the Approved Date defined above.

### POLICY STATEMENT

#### Values

DSCC has a moral and legal responsibility to ensure that all children are safe in its care, and will provide training, resources, information and guidance to support this.

DSCC is committed to:

- the safety, participation and empowerment of all children
- preventing child abuse and identifying risks early, and removing and reducing these risks
- ensuring that the health, safety and wellbeing of children at the Centre is protected, while also promoting their learning and development
- ensuring that educators and staff act in the best interests of the children, and take all reasonable steps to ensure the children's safety and wellbeing at all times
- developing and maintaining a culture in which children, as well as our staff and volunteers, feel valued, respected and cared for
- encouraging active participation from parents/guardians and families and ensuring that best practice is based on a partnership approach and shared responsibility for children's health, safety, wellbeing and development
- promoting children's development and wellbeing
- promoting diversity and tolerance and people from all walks of life and cultural backgrounds
- the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability
- facilitating robust human resources and recruitment practices for all staff and volunteers
- regularly training and educating our staff and volunteers on child abuse risks
- maintaining specific policies, procedures and training that support our leadership team, staff and volunteers to achieve these commitments.

## **Purpose**

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

- all children attending Dawson Street Childcare Cooperative (DSCC) are provided with a safe environment
- all reasonable steps are taken by the Management Committee, the Director, educators and staff to ensure the health, safety and wellbeing of children attending the Centre
- timely and effective intervention for children who may be at risk of abuse or neglect.
- all allegations and safety concerns are treated very seriously and consistently

We meet our legal and moral obligations to contact authorities when we are worried about a child's safety.

## **SCOPE**

This policy applies to DSCC's Management Committee, the Director acting as the Nominated Supervisor, Certified Supervisors, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of DSCC, including during offsite excursions and activities.

## **BACKGROUND AND LEGISLATION**

### **Background**

*"Every child has the right to live a full and productive life. It is up to all of us to ensure our children grow up in environments that build confidence, friendship, security and happiness, irrespective of a person's family circumstances and background"* (Protecting the safety and wellbeing of children and young people – refer to *Sources*).

From 1 January 2016, the Victorian government introduced compulsory minimum child safe standards that apply to all organisations providing regulated or funded services for children. The child safe standards form part of the Victorian Government's response to the Betrayal of Trust Inquiry, which found that more must be done to prevent and respond to child abuse in our community. The purpose of the child safe standards is to drive continuous improvement in the way organisations prevent child abuse, encourage reporting and improve responses to allegations of abuse.

As of 1 July 2022, regulations and reporting obligations concerning the child safe standards changed. All changes to the child safe standards have been implemented under Ministerial Order 1359 (refer *Sources*), constituting legally enforceable commitments to child safety and protection. Among these changes, mandatory reporting has been extended to more roles within the education sector, including early childhood teachers and childcare workers. As such, all DSCC employees have a legal duty of care to protect and preserve the safety and wellbeing of children in their care by disclosing child abuse concerns to the relevant authority. Any person who believes, on reasonable grounds, that a child is in need of protection must report their concerns to Child Protection Services (refer to *Definitions*) (*Mandatory reporting to child protection in Victoria* – refer to *Sources*).

The child safe standards closely align with existing regulatory requirements for early childhood services. The *Children, Youth and Families Act 2005* (CYFA) provides the

legislative basis for services provided to vulnerable children, young people and their families. Under the *Education and Care Services National Regulations 2011*, DSCC must ensure that all educators and staff are familiar with current child protection policies and procedures, including their responsibilities under state and territory law (Regulation 84).

The *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011* require that centres protect children from any harm or hazards, and adequately supervise children at all times. Risk minimisation strategies, supported by clear policies and procedures, will help ensure the environment and practices at DSCC are child safe. Risks in the physical environment must be minimised by ensuring the safety of buildings, grounds, equipment, materials and furniture used at the Centre and the safe storage and use of dangerous substances such as cleaning products and chemicals.

### **Legislation and standards**

Relevant legislation and standards include but are not limited to:

- *Children, Youth and Families Act 2005* (Vic), as amended 2011
- *Child Wellbeing and Safety Act 2005* (Vic), as amended 2012
- *Charter of Human Rights and Responsibilities Act 2006* (Vic), as amended 2011
- *Commission for Children and Young People Act 2012*
- Commission for Children and Young People (CCYP) *Child Safe Standards 2016*: <http://www.ccyp.vic.gov.au/child-safe-standards.htm>
- *Education and Care Services National Law Act 2010* (Vic): Sections 165, 166, 167
- *Education and Care Services National Regulations 2011* (Vic): Regulations 84, 85, 86, 99, 100, 101, 102, 168(2)(h)
- *Family Law Act 1975* (Cth), as amended 2021
- *National Quality Standard*, Quality Area 2: Children's Health and Safety
  - Standard 2.3: Each child is protected
    - Element 2.3.1: Children are adequately supervised at all times
    - Element 2.3.2: Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury
    - Element 2.3.4: Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse and neglect
- *National Quality Standard*, Quality Area 3: Physical Environment
  - Standard 3.1: The design and location of the premises is appropriate for the operation of a service
    - Element 3.1.1: Outdoor and indoor spaces, buildings, furniture, equipment, facilities and resources are suitable for their purpose
    - Element 3.1.2: Premises, furniture and equipment are safe, clean and well maintained
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
  - Standard 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community
    - Element 7.1.5: Adults working with children and those engaged in management of the Centre or residing on the premises are fit and proper
- *Occupational Health and Safety Act 2004* (Vic)

- *The Occupational Health and Safety Regulations 2007 (Vic)*
- *Working with Children Act 2005 (Vic)*
- *Working with Children Regulations 2016 (Vic)*
- *Child Safety Standards 2022 (Vic)*

## DEFINITIONS

The terms defined in this section relate specifically to this policy.

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

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

**Bullying:** Repeated verbal, physical, social or psychological aggressive behaviour by a person or group directed towards a less powerful person or group that is intended to cause harm, distress or fear.<sup>1</sup>

**Child:** In Victoria, under the *Children, Youth and Families Act 2005*, a child or young person is a person under 18 years of age.

**Child abuse<sup>2</sup>:** An act or omission by an adult that endangers or impairs a child's physical and/or emotional health and development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (refer to *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.
- **Emotional and psychological abuse:** Involves continuing behaviour by adults towards children, which erodes social competence or self-esteem over time. It occurs when a person engages in inappropriate behaviours, such as rejecting, ignoring, threatening or verbally abusing a child, or allowing others to do so
- **Racial, cultural and religious abuse:** Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion (OCSC).
- **Neglect:** Refer to definition below.
- **Exposure to domestic/family violence:** When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships (adapted from the Australian Medical Association definition).

<sup>1</sup> <http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/what.aspx>

<sup>2</sup> <https://providers.dffh.vic.gov.au/sites/default/files/2018-09/Indicators%20of%20abuse.docx>

**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.<sup>3</sup>

**Child sex offender:** Someone who sexually abuses children, and who may or may not have prior convictions.

**Child protection:** The term used to describe the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

**Child Protection Service** (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services).

**Code of conduct:** A set of rules or practices that establish a standard of behaviour to be followed by individuals and organisations. A code of conduct defines how individuals should behave towards each other, and towards other organisations and individuals in the community (refer to *Code of Conduct Policy*).

**Disclosure:** (In the context of this policy) refers to a statement that a child or young person makes to another person that describes or reveals abuse.

**Domestic/family violence:** The repeated use of violent, threatening, coercive or controlling behaviour by an individual against a family member(s) or someone with who they have or have had an intimate relationship, including carers.

**Duty of care:** A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services to provide children with an adequate level of care and protection against foreseeable harm and injury.

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

**Mandatory reporting:** 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 CYFA as 'mandatory reporters'. Mandated staff members must make a report to Child Protection Services as soon as is practicable after forming a belief, on reasonable grounds, that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents/guardians are unwilling or unable to protect the child (*Mandatory reporting to child protection in Victoria – refer to Sources*).

To have reasonable grounds to believe a child is in need of protection, a mandatory reporter should believe both that there is risk of significant harm as a result of physical injury or sexual abuse, and that the parents/guardians are unwilling or unable to protect the child (Sections 162(c)(d) and 184 of the *Children, Youth and Families Act 2005* (amended in

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<sup>3</sup> <https://services.dffh.vic.gov.au/child-first-and-family-services>

2011)). Section 182 of the *Children, Youth and Families Act 2005* (amended in 2011) lists those who are mandated to report.

Mandatory reporters must report the abuse/neglect to:

- police, by calling 000, if the offence requires immediate police attention, or
- Child Protection authorities<sup>4</sup>, if they suspect, on reasonable grounds, that a child is suffering abuse or neglect, or wish to discuss their concerns about a child or young person.

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

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

**Notifiable complaint:** A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the Centre may have been compromised.

Any complaint of this nature must be reported by the Management Committee/Director to the secretary of Department of Education and Training (DET) within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If the Management Committee/Director is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation. Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au)

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

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

**Reasonable grounds** (*Spotting the warning signs of child abuse (Early childhood)* – refer *Sources*): A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that the child or young person's health, safety or wellbeing is at risk and the child's parents/guardians are unwilling or unable to protect them. There may be reasonable grounds for forming such a belief if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be referring to themselves)
- someone who knows the child or young person states that the child or young person has been physically or sexually abused
- a child shows signs of being physically or sexually abused

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<sup>4</sup> Child Protection Crisis Line 13 12 78 (24 hours, 7 days a week, toll free within Victoria)



- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's/young person's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

**Voluntary (non-mandated) notification:** A notification to the Child Protection Service by a person who believes that a child is in need of protection. Section 183 of the *Children, Youth and Families Act 2005* (amended in 2011) states that any person who believes, on reasonable grounds, that a child is in need of protection, may notify a protective intervener of that belief and of the reasonable grounds that the belief is based on. Under this part of the Act, notifications are made out of moral obligation, rather than legislative obligation. The person making the notification is not expected to prove the abuse, and the law protects the anonymity of the person making the notification.

**Young person:** In Victoria, under the *Children, Youth and Families Act 2005*, a child or young person is a person under 18 years of age.

## SOURCES AND RELATED POLICIES

### Sources

- Children's Safety Australia Inc: <http://www.childsafety.org.au/>
- *Choose With Care: Building Child Safe Organisations* – an information and training program: <https://www.childwise.org.au/>
- Commission for Children and Young People (CCYP) *Child Safe Standards 2016*: <http://www.ccyp.vic.gov.au/child-safe-standards.htm>
- Department of Education and Training (DET): <https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/ecguidance.aspx>
- *Mandatory reporting to child protection in Victoria – early childhood factsheet*: <https://providers.dffh.vic.gov.au/mandatory-reporting-child-protection-victoria-early-childhood-factsheet>
- *Spotting the warning signs of child abuse (Early childhood)*: [www.education.vic.gov.au/Documents/about/programs/health/protect/EarlyChildhood\\_FactSheet\\_WarningSigns.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/EarlyChildhood_FactSheet_WarningSigns.pdf)
- Victorian Department of Families, Fairness and Housing: <https://services.dffh.vic.gov.au>
- *Safeguarding Children* accreditation program, Australian Childhood Foundation: [www.childhood.org.au](http://www.childhood.org.au)
- The United Nations Convention on the Rights of the Child: [www.unicef.org/crc](http://www.unicef.org/crc)
- *Child Protection*
- Working with Children (WWC) Check: <https://www.workingwithchildren.vic.gov.au/>

## **DSCC Policies**

- *Administration of Medication and First Aid Policy*
- *Anaphylaxis Policy*
- *Asthma Policy*
- *Child Orientation and Enrolment Policy*
- *Code of Conduct Policy Parents Guardians and Volunteers*
- *Complaints and Grievances Policy*
- *Dealing with Medical Conditions Policy*
- *Delivery and Collection of Children Policy*
- *Diabetes Policy*
- *Emergency Management and Evacuation Policy*
- *Epilepsy Policy*
- *Excursions and Service Events Policy*
- *Food Safety and Hygiene Policy*
- *Governance and Management of the Centre*
- *Illness, Infectious Disease and Emergency Care Policy*
- *Inclusion and Equity Policy*
- *Nutrition and Active Play Policy*
- *Occupational Health and Safety Policy*
- *Privacy and Confidentiality Policy*
- *Staff Conduct Policy*
- *Staff Recruitment and Entitlement Policy*
- *Sun Protection Policy*
- *Supervision of Children Policy*
- *Water Safety Policy*

## **PROCEDURES**

### **DSCCC is responsible for:**

- reviewing and reflecting on the child safe standards
- adhering to a zero tolerance for child abuse
- valuing the input of and communicate regularly with families and carers regarding our Child Safe policy
- embedding the seven Child Safety Standards into our policy and procedures

### **The Management Committee is responsible for:**

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

- ensuring that the Director and staff members who work with children are advised of current child protection legislation, its application and their obligations under the law (Regulation 84) ensuring recruitment and induction processes for educators, staff and contractors are in line with this policy.<sup>5</sup>
- ensuring clear procedures are in place for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints Policy*)
- ensuring educators, staff, contractors, volunteers and students undertake appropriate training and education on child protection, including recognising the signs and

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<sup>5</sup> <https://providers.dffh.vic.gov.au/sites/default/files/2017-10/Recruitment-practices-for-child-safe-organisations-resource-five.docx>



symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – *Incident/Concern Management and Reporting Guidelines*)

- acting fairly and justly to personnel, in ensuring that decisions made when recruiting, assessing incidents, and undertaking disciplinary action are always thorough, transparent, and based on evidence.
- offering support to an affected child and their family, and to educators and staff who raise or report concerns about the health, safety and wellbeing of a child at DSCC developing co-operative relationships with appropriate services and/or professionals (including Child FIRST) in the best interests of children and their families
- identifying and implementing appropriate programs and practices to support the principles of a child safe organisation, in consultation with the Director and educators/staff at the Centre
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*).

In relation to providing a child safe environment at the Centre:

- ensuring the physical environment of the Centre is safe, secure and free from hazards for children (refer to the Centre *Policies* section of this policy)
- ensuring the Centre is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that the Director, educators and staff at the Centre who work with children are aware that it is an offence to subject a child to any form of corporal punishment or any discipline that is unreasonable or excessive
- supporting the Director, educators, staff and volunteers to promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.
- implementing and reviewing this policy in consultation with the Director, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- protecting the rights of children and families, and encouraging their participation in decision-making
- ensuring the Director, educators, staff, contractors, volunteers and students are kept informed of any relevant changes in legislation and practices in relation to this policy.

**The Director is responsible for:**

In relation to child protection matters:

- ensuring that they are aware of current child protection legislation, its application and any obligations that they may have under that law
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- arranging appropriate training and education for educators and staff on child protection, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and

managing concerns/incidents (refer to Attachment 3 – *Incident/Concern Management and Reporting Guidelines*)

- ensuring recruitment and induction processes for educators, staff and contractors are in line with this policy<sup>6</sup> and employing staff who are not only approved to work with children through the Working with Children Check, (WWCC) or Victorian Institute of Teaching but those who value child safety
- screening all educators, staff, contractors, volunteers and students, including undertaking criminal history checks (if required), Working with Children Checks (except for individuals under the age of 18, registered teachers or police officers), reference checks and interviews (refer to *Staffing Policy*)
- acting fairly and justly to personnel, in ensuring that decisions made when recruiting, assessing incidents, and undertaking disciplinary action are always be thorough, transparent, and based on evidence
- identifying the potential for child abuse at DSCC, and developing and implementing effective prevention strategies in consultation with the Management Committee and educators/staff (refer to Attachment 1 – *Child Protection Risk Assessment*)
- ensuring that where the Centre has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the premises
- identifying and implementing appropriate programs and practices to support the principles of a child safe organisation in consultation with educators/staff
- co-operating with other services and/or professionals in the best interests of children and their families
- ensuring that families are made aware of support services available to them (such as Child FIRST), and the assistance these services can provide
- ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the Centre
- implementing procedures for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints Policy*)
- notifying DET, in writing, within 24 hours of becoming aware of a notifiable complaint (refer to *Definitions*) or allegation regarding the health, safety and/or welfare of a child at DSCC
- offering support to the affected child and their family, and to educators and staff in response to concerns or reports relating to the health, safety and wellbeing of a child at DSCC
- implementing and reviewing this policy in consultation with the Management Committee, educators, staff, contractors and parents/guardians
- maintaining privacy and confidentiality at all times (refer to *Privacy and Confidentiality Policy*).

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

- ensuring that all educators and staff who work with children are aware of this policy, and are supported to implement it protecting the rights of children and families and encouraging their participation in decision-making ensuring children are adequately

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<sup>6</sup> <https://providers.dffh.vic.gov.au/sites/default/files/2017-10/Recruitment-practices-for-child-safe-organisations-resource-five.docx>

supervised and that educator-to-child ratios are maintained at all times (refer to *Supervision Policy* and *Interactions with Children Policy*)

- supporting educators, staff and volunteers to promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.
- ensuring parents/guardians have completed the enrolment form including details of authorised nominees, and permission forms for excursions and administration of medication (refer to *Delivery and Collection of Children Policy*, *Excursions Policy*, *Administration of Medication Policy* and *Dealing with Medical Conditions Policy*)
- ensuring learning environments provide sufficient space and include carefully chosen and well-maintained resources and equipment that enhance the quality of children's learning and experiences
- organising/facilitating regular safety audits of the following:
  - emergency equipment
  - playgrounds and fixed equipment in outdoor environments
  - cleaning services
  - horticultural maintenance
  - pest control
- ensuring that all cupboards/rooms are clearly labelled, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors and cupboards where contents may be harmful
- ensuring that all contractors/visitors sign in to the visitor's log book
- ensuring the physical environment at the Centre is safe, secure and free from hazards for children (refer to the *Centre policies* section of this policy)
- conducting risk assessments for excursions and considering children's safety when leaving the Centre premises
- ensuring all equipment and materials used at the Centre meet relevant safety standards (refer to the *Centre policies* section of this policy)
- ensuring the Centre is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency Management Policy*)
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that all educators and staff at the Centre who work with children are aware that it is an offence to subject a child to any form of corporal punishment or any discipline that is unreasonable or excessive in the circumstances
- implementing and reviewing this policy in consultation with the Management Committee, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.

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

*In relation to child protection matters:*

- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- undertaking appropriate training and education on child protection, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding processes for reporting and managing concerns/incidents (refer to Attachment 3 – *Incident/Concern Management and Reporting Guidelines*)
- identifying the potential for child abuse at DSCC, and developing and implementing effective prevention strategies in consultation with the Director (refer to Attachment 1 – *Child Protection Risk Assessment*)
- ensuring that where the Centre has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the Centre premises
- identifying and implementing appropriate programs and practices to support the principles of a child safe organisation in consultation with the Management Committee and Director
- co-operating with other services and/or professionals (including Child FIRST) in the best interests of children and their families
- informing families of support services available to them (such as Child FIRST), and of the assistance these services can provide
- ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian
- implementing the procedures for reporting suspected child abuse and management of complaints (refer to Attachment 3 and the *Complaints and Grievances Policy*)
- notifying the Director immediately on becoming aware of any concerns, complaints or allegations regarding the health, safety and welfare of a child at DSCC
- offering support to the affected child and their family, and to other educators and staff in response to concerns or reports relating to the health, safety and wellbeing of a child
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality Policy*)
- reviewing this policy in consultation with the Management Committee, Director, other educators/staff, contractors and parents/guardians.

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

- maintaining learning environments that provide sufficient space, and include carefully chosen and well-maintained resources and equipment to ensure a safe environment
- maintaining a regular cleaning schedule for all equipment to avoid cross-infection (refer to *Hygiene Policy*)
- maintaining a clean environment daily, and removing tripping/slipping hazards as soon as these become apparent (refer to *Occupational Health and Safety Policy*)
- conducting a daily check of the building, ensuring all children are signed out of the Centre, doors and windows are closed and locked, and appliances are switched off etc. A written record of the daily check should be kept, signed by an educator and filed for future reference

- actively supervising children at all times/ensuring children are adequately supervised at all times (refer to *Supervision Policy* and *Interactions with Children Policy*)
- educating and empowering children to talk about events and situations that make them feel uncomfortable
- promoting the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.
- ensuring the physical environment at the Centre is safe, secure and free from hazards for children (refer to the *Centre policies* section of this policy)
- conducting risk assessments for excursions and considering children's safety when leaving the Centre premises
- ensuring all equipment and materials used at the Centre meet relevant safety standards (refer to the *Centre policies* section of this policy)
- abiding by the code of conduct which specifies the standards of conduct required when working with children (refer to *Staff Conduct Policy*)
- ensuring the Centre is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency Management and Evacuation Policy*)
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that children at the Centre are not subjected to any form of corporal punishment or any discipline that is unreasonable or excessive in the circumstances
- implementing and reviewing this policy in consultation with the Management Committee, Director, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- protecting the rights of children and families, and encouraging their participation in decision-making
- keeping up to date and complying with any changes in legislation and practices in relation to this policy.

**Parents/guardians are responsible for:**

- reading and complying with this policy
- reporting any concerns, including in relation to potential for child abuse, to the Director
- abiding by the Centre's *Code of Conduct Policy for Parents Guardians and Volunteers*

**Volunteers and students, while at the Centre, are responsible for following this policy and its procedures.**

**Allegations, Concerns and Complaints**

All staff, educators, parents and volunteers have a responsibility to report an allegation of abuse if they have a reasonable belief that an incident has taken place.

If an adult has a reasonable belief that an incident has occurred then they must report the incident following the procedures outlined in Attachment 2 (*Flowchart: Child Safety*)

*Reporting Process*) and Attachment 3 (*Incident/Concern Management and Reporting Guidelines*). Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed<sup>7</sup>
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

### **Legislative Responsibilities**

DSCC takes its legal responsibilities seriously, including:

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.<sup>8</sup>
- **Failure to protect**<sup>9</sup>: People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

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<sup>7</sup> For example behaviour, please see An Overview of the Victorian Child Safe Standards: <https://providers.dffh.vic.gov.au/sites/default/files/2018-10/An%20overview%20of%20the%20Victorian%20Child%20Safe%20Standards.docx>

<sup>8</sup> A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed. Further information about the failure to disclose offence is available at <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

<sup>9</sup> Further information about the failure to protect offence is available at <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>



## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, DSCC 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 Centre's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures (Regulation 172).

Date Reviewed	Details of Changes (if any)	Date of Next Review
May 2023	Updated sections on changes to child safe standards introduced 1 July 2022, including information on Ministerial Order 1359; and updated mandatory reporting requirements for all early childhood workers.  Updated invalid hyperlinks and redirected expired information to new webpages.  Review frequency changed to annual.	May 2024
November 2016	Updated in line with recommendations of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, effective 1 January 2016.	November 2019
November 2013	New policy	November 2016

## ATTACHMENTS

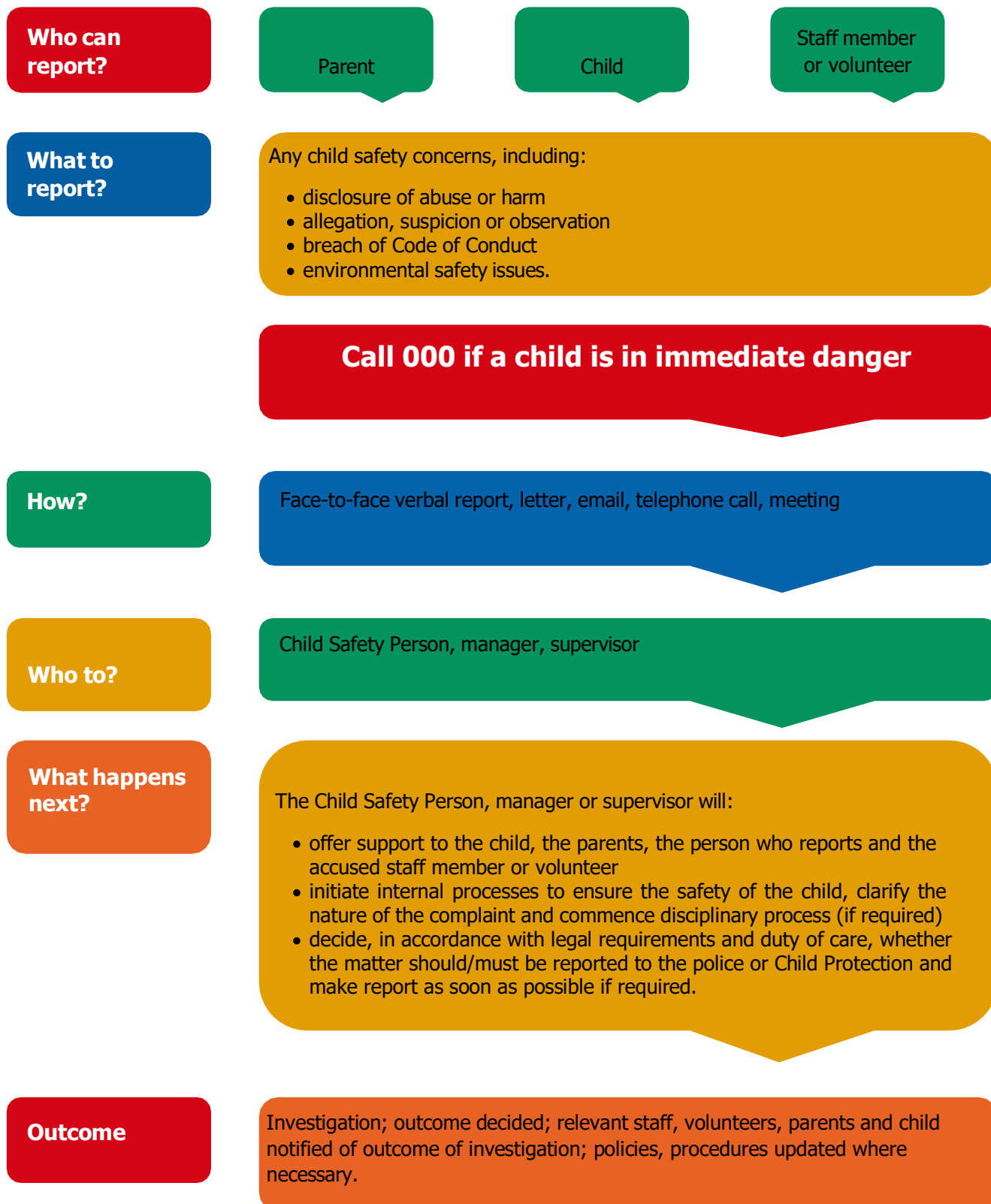
- Attachment 1: Child Protection Risk Assessment
- Attachment 2: Flowchart: Child Safety Reporting Process
- Attachment 3: Incident/Concern Management and Reporting Guidelines
- Attachment 4: What to do when an allegation of child abuse is made
- Attachment 5: Incident Report Form

**ATTACHMENT 1**  
**Child Protection Risk Assessment**

A child protection risk assessment process helps in the identification of the potential for child abuse in the Centre, and enables appropriate strategies to be developed to minimise risk. It is important to create awareness among employees, contractors, visitors and volunteers of possible risks to children from abuse, and how to implement a range of strategies to protect children from these risks.

<b>Risk factors</b>	<b>Level of risk to children</b>	<b>Strategies to reduce risk</b>	<b>Evaluation</b>
e.g. Appointment of a sex offender	High	Recruitment processes	Recruitment processes have been developed that include running all relevant criminal history and working with children related checks.
Opportunities for a child to be isolated within the program/premises			
Opportunities for a child to be taken away from the program/premises			
Close physical contact with an adult other than an educator			
Physical environment			
High staff turnover			
Limited staff turnover (with little outside scrutiny of the program)			
Unauthorised access by other people to the Centre (such as strangers or non-custodial parents)			
Staff not recognising signs of abusive behaviour			
Staff not raising concerns/suspicious of abuse			
Low levels of awareness of child protection issues			
Low levels of commitment to preventing abuse by management/staff			
Lack of appropriate incident management procedures			
Access to multimedia and information technology			

**ATTACHMENT 2**  
**Flowchart: Child Safety Reporting Process**



Source: <http://www.ccyp.vic.gov.au/child-safe-standards/index.htm>

## **ATTACHMENT 3**

### **Incident/Concern Management and Reporting Guidelines**

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

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

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

#### **General guidelines**

- The best interests of the child should always be the primary consideration, with due regard to confidentiality and fairness to the person against who the allegation is made.
- Children should be encouraged to approach any person in the Centre to express concerns about their treatment, and should be made to feel confident that they will be taken seriously.
- Employees and volunteers must be clear about who they are expected/permitted to approach when expressing concerns.
- Any investigation undertaken by the Centre must ensure procedural fairness and natural justice for a person suspected of abusing a child.
- Records must be kept about any child safety concern or complaint, and stored in accordance with the Centre's *Privacy Policy*. These records must contain information about the action taken, including any internal investigation and any reports made to statutory authorities or professional bodies.
- Everyone at the Centre must be made aware of the need to report serious matters involving child protection to external authorities.
- Privacy must be maintained, and information must only be disclosed on a need-to-know basis.
- Instances of physical and sexual abuse of children are crimes and must be reported to the police. If a child discloses any such abuse, the Centre must listen, respond and report to both the police and child protection authorities.
- A report to the appropriate authorities can be made even if educators/staff and others working with children at the Centre do not have all the necessary information.
- Permission is not required from parents/guardians of a child where abuse is suspected, and parents/guardians do not need to be notified that a report has been made.

#### **Forming a professional judgement**

Forming an objective and professional judgement can be based on:

- warning signs (or indicators) of harm or potential harm, that have been observed or inferred

- knowledge of child development
- knowledge of cultural backgrounds
- knowledge of any difficulties experienced or support currently being received by a family
- consultation with colleagues and other professionals
- professional obligations and duty of care responsibilities
- established service protocols
- individual service procedures
- legal requirements, such as mandatory reporting.

### Gathering information

Action	Details
Make notes	Record your observations, and date and sign the entries
Continue to observe	Record your observations, and date and sign the entries
Consult colleagues	Access support and advice from your colleagues, compare notes and brainstorm possible strategies to address areas of concern
Develop action plans based on service procedures	Understand and consult the policies and procedures of Dawson Street Childcare Cooperative when determining what action to take
Talk to other agencies about helping the family	Collaborate with or engage community health services, local government services, Child FIRST, regional Department of Human Services/Child Protection officers and disability services. You may wish to instigate a case meeting
Talk to the child	Do this with respect for the child or young person's need for privacy and confidentiality
Talk to the parents/guardians	Only do this when it will not jeopardise the safety of the child or young person

### Signs or indicators of harm

- Physical signs of abuse or neglect may include, but are not limited to, bruises, burns, sprains, bites, cuts, fractures, frequent hunger, malnutrition, poor hygiene and inappropriate clothing.
- Behavioural signs of abuse (physical, sexual and emotional) or neglect may include, but are not limited to, wariness or distrust of adults, fear of parents/guardians and of going home, fear when other children cry/shout, excessive friendliness to strangers, being very passive and/or compliant, having/claiming to have headaches and/or stomach pains, displaying sexual behaviour that is unusual for the child's age, frequent rocking, sucking and biting, having difficulty sleeping, being withdrawn, aggressive and/or demanding, being highly anxious, having delayed speech, acting like a much younger child, and often being tired and falling asleep.

- Disclosures by the child concerned, or by other parties.

### **Reporting**

- There are two types of notifications to be made in relation to significant concerns for the safety or wellbeing of a child: a referral to Child FIRST (Family Services) or a report to Child Protection.
- To report concerns that are life threatening, ring Victoria Police on 000.
- To report concerns about the immediate safety of a child within their family unit, call the nearest DFFH office in your region during business hours. To report concerns after hours or on weekends, call the Child Protection Crisis Line on 13 12 78 (24 hours, 7 days a week and toll free within Victoria). Note: this is an emergency service for weekends and after hours only, and cases reported to the Child Protection Crisis Line will be referred to the relevant DFFH office on the following working day.
- Provide the following information:
  - the child's name, age and address
  - the reason for believing that the injury or behaviour is the result of abuse or neglect
  - the reason why the call is being made at this point in time
  - an assessment of immediate danger to the child/ren (the person making the report may be questioned regarding knowledge of the current location of the alleged abuser/s)
  - a description of the injury or behaviour observed
  - the current location of the child
  - knowledge of other services that support or are involved with the family
  - any other information about the family
  - any specific details that will help the child, such as cultural background, need for an interpreter or disability support requirements.
- A notification should still be made, even if the notifier does not have all the necessary information.

### **Making a report to Child FIRST**

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

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

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



## **Making a report to Child Protection**

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

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

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

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

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

## ATTACHMENT 4

### What to do when an allegation of child abuse is made

*This resource is designed to provide guidance on what to do if a child discloses an incident of abuse, or if a parent/carer raises a concern or allegation of abuse which may have taken place in your organisation. More information can be found at DFFH:*

*<https://providers.dffh.vic.gov.au/what-do-when-allegation-child-abuse-made-word>*

#### If a child discloses an incident of abuse to you:

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form (Attachment 5 – *Incident Report Form*) to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your manager or your organisation's child safety officer/champion,<sup>10</sup> police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.

#### If a parent/carer says their child has been abused in your organisation or raises a concern:

- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form (Attachment 5 – *Incident Report Form*) to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.

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<sup>10</sup> A child safety officer/champion is a person in your organisation who has knowledge of child safety issues, and could be a point of contact for other who have questions or concerns or want to report an allegation of child abuse.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community-controlled organisations to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on communicating with people with a disability can be found on the Department of Families, Fairness and Housing website: <https://providers.dffh.vic.gov.au/communicate-and-consult-people-disability>.

**ATTACHMENT 5**

**Incident Report Form**

*This form is to be provided to a child or their family if they disclose an allegation of abuse or safety concern. Staff can also use this form to record disclosures.*

*All incident reports are stored securely.*

**INCIDENT DETAILS**

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

If you believe a child is at immediate risk of abuse phone 000.

**DOES THE CHILD IDENTIFY AS ABORIGINAL OR TORRES STRAIT ISLANDER?**

*(Mark with an 'X' as applicable)*

No

Yes, Aboriginal

Yes, Torres Strait Islander

**PLEASE CATEGORISE THE INCIDENT**

Physical violence

Sexual offence

Serious emotional or psychological abuse

Serious neglect


**PLEASE DESCRIBE THE INCIDENT**

When did it take place?	
Who was involved?	
What did you see?	
Other information	

**PARENT/CARER/CHILD USE**

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

**OFFICE USE:**

Date incident report received:	
Staff member managing incident:	
Follow-up date:	
Incident ref. number:	

**HAS THE INCIDENT BEEN REPORTED TO THE FOLLOWING?**

Child protection	
Police	
Another third party (please specify):	

**INCIDENT REPORTER WISHES TO REMAIN ANONYMOUS?**

*(Mark with an 'X' as applicable)*

Yes  No

