



## Child-Safe Environment

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### **Purpose of this Policy**

To ensure we as a service provider are committed to child protection, ensuring timely and effective intervention for children or young people who may be at risk of abuse or neglect, providing clear actions to follow in cases where individuals are required to respond to incidents, disclosures and suspicions of child abuse. As an approved provider for OSHC all reasonable steps are taken to ensure the health, safety and wellbeing of the children attending the service, ultimately providing a child safe environment.

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### **School Support Services is committed to:**

School Support Services has a moral and legal responsibility to ensure that all children are safe in care at our OSHC services, and will provide training, resources, information and guidance to support this.

- ensuring that the health, safety and wellbeing of children at the OSHC service is protected at all times while also promoting their learning and development
- fulfilling its duty of care (refer to Definitions) obligations under the law by protecting children from any reasonable, foreseeable risk of injury or harm
- ensuring that people caring for children at the service act in the best interests of the child, and take all reasonable steps to ensure the child's safety and wellbeing at all times
- supporting the rights of all children to feel safe, and be safe, at all times
- developing and maintaining a culture in which children feel valued, respected and cared for
- ensuring effective supervision is maintained at all times whilst educating and caring for children
- encouraging active participation from parents/guardians and families at the service, and ensuring that best practice is based on a partnership approach and shared responsibility for children's health, safety, wellbeing and development
- promoting all children's development and wellbeing.
- Ensure service educators and staff understand and comply with their obligations under the law including mandatory reporting. As part of the induction process School Support Services educators will complete the online

training [www.elearn.com.au/det/earlychildhood/](http://www.elearn.com.au/det/earlychildhood/) Protecting Children – Mandatory Reporting and other Obligations for the Early Childhood Sector **School Support Services staff, educators, students and volunteers should follow these Four Critical Actions in cases they form a reasonable belief that a child has, or is at risk of being abused.**

## Responding to Incidents, Disclosures and Suspicions of Child Abuse

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

This means acting even when you're not sure and have not directly witnessed the abuse (e.g. if another person tells you about the abuse). A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

Following these actions will support you to:

- best protect children in your care
- meet your legal obligations and duty of care\*
- it is also strongly recommended that you use the Responding to Suspected Child Abuse Template to keep clear and comprehensive notes (attachment to this policy)

### **ACTION 1: RESPONDING TO AN EMERGENCY**

If there is no risk of immediate harm go to ACTION 2.

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

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

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

### **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 SERVICE:**

##### VICTORIA POLICE

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

##### REPORT TO MANAGEMENT

You must\* report to your operations manager who will report it to the approved providers. As an approved early childhood services# we must also report to our Quality Assessment and Regulation Division.

Notifications will be made at [www.acecqa.gov.au/national-quality-agenda-it-system](http://www.acecqa.gov.au/national-quality-agenda-it-system) or by contacting **1300 307 415** by School Support Services Management.

**IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY:**

**DHHS CHILD PROTECTION**

You **must\*** report to DHHS 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 or licensee.

**NOTIFY THE REGULATOR**

Approved and licensed early childhood services<sup>#</sup> must notify the Quality Assessment and Regulation Division of any serious incidents, circumstances, or complaints which raise concerns about the safety, health and wellbeing of a child being educated and cared for by a service.

Notifications may be made at [www.acecqa.gov.au/national-quality-agenda-it-system](http://www.acecqa.gov.au/national-quality-agenda-it-system) or by contacting **1300 307 415**.

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

**ACTION 3: CONTACTING PARENTS/CARERS**

You **must** consult with **Victoria Police** or **DHHS 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 licensed and approved services 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. E.g. 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.

\*in Victoria there are a range of legal obligations which set out the actions you must take if you suspect a child has, or is at risk of being abused. Some of these obligations apply differently across the range of licensed, approved and other early child services and can vary depending on your role within the service. For further information about how these obligations apply to you, see the *Identifying and Responding to All Forms of Abuse in Early Childhood Services*. [http://www.education.vic.gov.au/Documents/about/programs/health/protect/EarlyChildhood\\_Guidance.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/EarlyChildhood_Guidance.pdf)

^Sexual offending, involving children 10 years and over

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

### **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). The protection of children, is a shared community responsibility and involves ensuring that all children are safe, their needs are met and the possibility of child abuse is minimised.

The Children, Youth and Families Act 2005 (CYFA) 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. Under the Education and Care Services National Regulations 2011, the School Support Services (Approved Provider) must ensure that all educators and staff are familiar with current policies and procedures with regard to child protection, including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

Under section 182 of the Children, Youth and Families Act 2005, a person registered under the Education Training and Reform Act 2006 (as amended in 2014), or who has been granted permission to teach under that Act, is designated as a mandatory reporter. From 30 September 2015 early childhood teachers are required to be registered with the Victorian Institute of Teaching and will be obligated to undertake mandatory reporting (refer to Definitions) of any concerns of child abuse and neglect.

“Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds (refer to Definitions) that a child or young person is in need of protection from significant harm as a result of abuse [refer to Definitions – Child abuse] and the child’s parents are unable or unwilling to protect the child” (Protecting the safety and wellbeing of children and young people – refer to Sources).

Early childhood educators, in daily contact with children and their families, are well placed to observe when a child appears to be at risk of harm arising from abuse or neglect. Services have a duty of care (refer to Definitions) to act immediately to protect and preserve the safety and wellbeing of the children in their care. Any person who believes, on reasonable grounds, that a child is in need of protection may report their concerns to Child Protection, Child FIRST (refer to Definitions) (Protecting the safety and wellbeing of children and young people – refer to Sources).

The Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011 require that approved services protect children from any harm and hazards, and to adequately supervise children at all times. Adult supervision is a key factor in creating and maintaining child safe environments. Active supervision together with risk minimisation strategies can prevent or reduce the risk of injury to children.

Risk minimisation strategies (listed on the service Emergency Management Plan), supported by clear policies and procedures for specific areas of child safety, will help ensure the environment and practices at the service are child safe. Policies and procedures must be developed in relation to all matters specified in Regulation 168(2), including emergency and evacuation, water safety, sun protection, delivery and collection of children, and incident,

injury, trauma and illness. Risks in the child's physical environment can be minimised by ensuring the safety of buildings, grounds, equipment, materials and furniture used at the service, and the safe storage and use of dangerous substances such as cleaning products and chemicals. School Support Services will report to the school if there is a building or maintenance issue by recording it on the maintenance register and emailing it to [jordan@schoolsupportservices.com.au](mailto:jordan@schoolsupportservices.com.au) – Jordan will communicate with the responsible person at the School to resolve the identified issue promptly.

### **Definitions:**

**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 a 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 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:** 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:** 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 (Office of the Child Safety Commissioner (OCSC), Victoria).

**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). For a more detailed definition of child abuse refer to Definitions of child abuse and indicators of harm in Protecting the safety and wellbeing of children and young people (refer to Sources)

**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 <http://www.dhs.vic.gov.au/for-service-providers/children,youth-and-families/child-protection/how-to-make-a-report-to-child-protection/making-a-referral-to-childfirst>

**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 (DHS), 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 (<http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/childprotection>)

**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

**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. Office of the Child Safety Commissioner, Victoria: [http://www.kids.vic.gov.au/downloads/childsafes\\_organisation.pdf](http://www.kids.vic.gov.au/downloads/childsafes_organisation.pdf) DHS, Office for Children: [http://www.dhs.vic.gov.au/data/assets/pdf\\_file/0019/574210/child-sexual-abuse-understanding.pdf](http://www.dhs.vic.gov.au/data/assets/pdf_file/0019/574210/child-sexual-abuse-understanding.pdf)

**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'. From 30 September 2015 this list includes early childhood teachers. Mandated staff members must make a report to Child Protection 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 (Protecting the safety and wellbeing of children and young people – 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). Section 182 of the Children, Youth and Families Act 2005 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, 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 (DHS).

**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 service may have been compromised. Any complaint of this nature must be reported by School Support Services Management, to DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

**Child Protection Crisis Line:** toll free on 13 12 78, or a regional DHS office. 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) and uploaded to the ACECQA NQA ITS portal if necessary. Please speak to School Support Services Management who can assist with this as the service log in will be required.

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

**Out of School Hours Care (OSHC):** Outside school hours' care (OSHC) programs are usually located at or close to primary schools, providing care for primary school age children outside school hours and during school holiday periods. Outside school hours' care services are centre-based education and care services operating under the National Quality Framework.

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

**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 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 (see details of Protecting the safety and wellbeing of children and young people – refer to Sources)
- 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.

**Serious incident:** A children's service is required to notify the Department when a serious incident occurs at the service. A serious incident is defined as:

- the death of a child while being cared for or educated by the service (section 29C(a)).
- any incident involving injury or trauma to a child while being cared for or educated by the service requiring the – attention of a registered medical practitioner; or – admission to a hospital (section 29C(b))
- a child being cared for or educated by the service appears to be missing or otherwise unaccounted for or appears to have been taken or removed from the service contrary to the regulations (section 29C(c))

- any incident requiring attendance by emergency services (section 29C(d) and regulation 90(2)). A children's service must notify the relevant regional office by telephone within 24 hours of the incident, followed by written notification as soon as practicable (regulation 90(1)). Written notification is to be provided by using the Serious incident notification form available at: [www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx](http://www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx) and uploaded on the ACECQA NQA ITS portal by School Support Services Management.

**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 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:

- Charter of Human Rights and Responsibilities Act 2006 (Vic), amended in 2011: [www.austlii.edu.au/au/legis/vic/consol\\_act/cohrara2006433/](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/) Child safety Australia: [www.childsafetyaustralia.com.au/](http://www.childsafetyaustralia.com.au/) Choose with Care: Child Protection – an information and training program: [www.childwise.net](http://www.childwise.net)
- Department of Education and Training (DET – Victoria) : <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>  
<http://www.education.vic.gov.au/about/programs/health/protect/Pages/eccritmustact.aspx>
- Department of Health and Human Services (DHHS - Victoria): [www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)
- National Children's Commissioner: <http://www.dss.gov.au/our-responsibilities/families-andchildren/publications-articles/national-children-s-commissioner>
- Palfrey, N & Harris, A. Information for professionals on supporting children and families after a child has been abused. Tip sheet produced by the Australian Child & Adolescent Trauma, Loss & Grief Network. Viewed at: <http://earlytraumagriev.anu.edu.au/files/profrespondchildabusetip.pdf>  
Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and

Victorian Schools:

<http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>

- Safeguarding Children accreditation program, Australian Childhood Foundation: [www.childhood.org.au](http://www.childhood.org.au)
- Service Agreement Information Kit for Funded Organisations: <http://www.dhs.vic.gov.au/facs/bdb/fmu/service-agreement>
- The United Nations Convention on the Rights of the Child: [www.unicef.org/crc](http://www.unicef.org/crc)
- Victorian Institute of Teaching : [www.vit.vic.edu.au](http://www.vit.vic.edu.au)
  - What is Child Abuse?: [www.dhs.vic.gov.au/for-individuals/children,-families-and-youngpeople/child-protection/what-is-child-abuse](http://www.dhs.vic.gov.au/for-individuals/children,-families-and-youngpeople/child-protection/what-is-child-abuse)
  - Working with Children (WWC) Check: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)