

<h1>CHILD SAFETY AND WELLBEING</h1>	Date Adopted:	10/02/2023
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	Responsible Officer:	Children's Services Team Leader
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## PURPOSE

This policy outlines how the family day care service prioritises the safety and wellbeing of children and what steps we will take to do this. The service has a duty of care to protect children from all types of abuse and to adhere to our legislative obligations.

## INTRODUCTION

The Standards are a compulsory framework that support organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse and harm. The standards are designed to drive cultural change and embed a focus on child safety by placing children's rights and wellbeing at the forefront of everything done within an organisation.

The standards are supported by the Reportable Conduct Scheme and are administered by the Commission of Children and Young People (the Commission), who oversee and monitor compliance with the schemes.

## ABOUT THE CHILD SAFE STANDARDS

The Standards require organisations to have:

1. A culturally safe environment that respects and values the diverse identities and experiences of Aboriginal children and young people;
2. Strategies to embed child safety and wellbeing through organisational leadership, governance and culture;
3. Strategies to ensure children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously;
4. Strategies to ensure families and communities are informed and involved in promoting child safety and wellbeing;
5. Practices in which equity is upheld and diverse needs are respected;
6. Strategies to ensure people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice;

7. Processes for complaints and concerns to be child-focused;
8. Strategies to ensure staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training;
9. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed;
10. Processes to ensure the implementation of the Child Safe Standards is regularly reviewed and improved;
11. Policies and procedures document how the organisation is safe for children and young people.

## STATEMENT OF COMMITMENT TO CHILD SAFETY

The Reportable Conduct Scheme aims to improve organisations' responses to allegations of certain types of misconduct involving children, committed by their workers and volunteers. It imposes legal obligations on heads of organisations to have systems in place to prevent child abuse, and if child abuse is alleged, to ensure allegations are brought to the attention of appropriate persons for investigation and response.

The Commission must be notified and given periodic updates on the organisation's response to the allegation. The legislation allows the Commission to appropriately share information with the Working with Children Check Unit, relevant regulators, and Victoria Police to better prevent and protect children from abuse, and to trigger an assessment of whether that person is suitable to continue to work or volunteer with children.

## APPLICATION AND SCOPE

This policy applies to children, families, staff, educators, management, students, volunteers and visitors to Southern Grampians Shire Council Family Day Care.

*The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their **workers and volunteers** but the Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.*

## DEFINITION OF KEY TERMS

**Aboriginal child** refers to a person under the age of 18 years who identifies as Aboriginal and/or Torres Strait Islander.

**Child** means a person who is under the age of 18 years, including the unborn child. It is not intended to diminish any emphasis on risks to adolescents by not using the term 'young people'.

**Child abuse** is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident or a number of different incidents that take place over time. In Victoria abuse is classified into seven types:

1. Physical abuse
2. Sexual abuse

3. Grooming
4. Emotional or psychological harm
5. Neglect
6. Family violence
7. Children exhibiting inappropriate sexual behaviour.

**Child from a culturally and/or linguistically diverse background** means a child who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of their parents' identification on a similar basis.

**Child with a disability** refers to any physical, sensory, cognitive, neurological disability, acquired brain injury or developmental delay that affects a child's ability to undertake everyday activities.

**Child protection** means any responsibility, measure or activity undertaken to safeguard children from harm.

**Child in need of protection** refers to the legal definition of a child in need of protection as defined in the Children Youth and Families Act 2005.

**Child safety** in the context of this policy means measures to protect a child from abuse.

**Child safe organisation** is defined by the Commission for Children and Young People as one that recognises cultural differences and does not reduce a child's right to be safe, or the organisation's responsibility to protect the child from harm.

**Child sexual abuse** is used to define this type of abuse from others and is used in the context of criminal offences and reporting duties specifically related to child sexual abuse.

**Child sexual assault** - Is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understandings or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

**Concern** refers to any potential issue that could impact negatively on the safety and wellbeing of children.

**Complaint** is an expression of dissatisfaction made to one or more of the following:

- Our service or dealings with individuals.
- Allegations of abuse or misconduct by an educator, staff member, a volunteer or another individual associated with our service.
- Disclosures of abuse or harm made by a child or young person.
- The conduct of a child or young person at our service.
- The inadequate handling of a prior concern.
- General concerns about the safety of a group of children or activity.

**Cultural safety** refers to the positive recognition and celebration of cultures. In the context of the Child Safe Standards, cultural safety encompasses the child being provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spiritual and belief systems, and they are supported by the adults in their lives. This relates particularly to (but not exclusively) to Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds.

**Direct contact** refers to either physical contact, face-to-face-contact, written, oral and/or electronic communication with children.

**Failure to disclose** refers to the failure of an adult to disclose information to police when they have formed a reasonable belief that a sexual offence has been committed by an adult against a child (aged under 16) in Victoria.

**Failure to protect** - Refers to a person of authority in a relevant organisation who has the power or responsibility, but who negligently fails to reduce or remove a substantial risk that a child (aged under 16) will become a victim of a sexual offence committed by an adult who is associated with the organisation., and knows that there is a substantial risk that the person will commit a sexual offence against a child.

**Grooming** – Individuals who communicate, including via online communication, with a child under the age of 16 or their parents, with the intent of committing sexual abuse.

**Information Sharing Obligations** refers to the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme.

**Mandated reporters** refers to selected classes of people who are legally required to report concerns for a child's safety to Government authorities.

**Non-mandated reporters** refer to all other people who form a reasonable belief that a child has suffered, or is likely to suffer abuse or harm, has an ethical and professional duty to report their concerns to the appropriate authorities.

**Negligently failing to reduce or remove risk** refers to inaction knowing there is substantial risk.

**Reasonable belief** is formed when a reasonable person in the same position would have formed the belief on the same grounds that a child may be at risk of abuse and neglect. For example:

- A child states that they have been abused.
- A child states that they know someone who has been abused (they might be referring to themselves).
- Someone who knows the child states that the child has been abused.
- Professional observations of a child's behaviour or development leads that person to form the belief that the child has been abused.
- Signs or indicators of abuse leads to a belief that the child has been abused.

**Reasonable excuse** is when a person has formed a reasonable belief that abuse has, or will, occur, and they do not disclose their concerns because:

- They fear for the safety, either to themselves, the victim, or another person because of the disclosure.

- The information has already been disclosed to police (for example, because a mandatory report has been made to child protection).

Reasonable excuse does not include a concern for 'perceived interests' such as reputation, legal liability or financial status.

**Other exemptions from the offence for not reporting child abuse include:**

- The victim requests confidentiality (exemption does not apply if the victim is under 16 at the time of disclosing the abuse or has an intellectual disability and is unable to make an informed decision about the disclosure).
- The person is a child when they formed a reasonable belief.
- The information would be privileged (for example, client legal privilege).
- The information is in the public domain.

**Risk Management** – Processes to identify, assess, and take steps to eradicate or minimise risks, which include risks posed by physical environments and online environments.

**Significant Harm** is damage to the health, safety, welfare and wellbeing of a child or young person, including because of child abuse by adults or the conduct of other children. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. Significant harm includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

**Substantial risk** refers to the likelihood a child will become a victim.

## GENERAL PROVISIONS

### SUPPORTING DOCUMENTS:

The following policies and procedures work together to support child safety and wellbeing across all of our operations:

- Child Safety and Wellbeing Policy
- Child Safe Code of Conduct
- Dealing with Complaints Policy
- Engagement of Family Day Care Educators Policy
- Students and Visitors Policy
- The Provision of Information, Assistance and Training to Family Day Care Educators Policy
- Child Safe Training and Learning Plan

### SUPPORTING LEGISLATION:

- Education and Care Services National Regulations 2011; Reg. 84
- Education and Care Services National Regulations 2011; Reg. 168 (2)(h)
- Child Wellbeing and Safety Act 2005 (Vic) (including Child Safe Standards)
- Children, Youth and Families Act 2005 (Vic) (including reporting to Child Protection)
- Crimes Act 1958 (Vic) (including Failure to Protect and Failure to Disclose offences)
- Wrongs Act 1958 (Vic) (including Part XIII – Organisational liability for child abuse)

## COMMITMENT TO CHILD SAFETY AND WELLBEING

Southern Grampians Shire Council Family Day Care has a zero-tolerance approach to child abuse and is committed to creating and maintaining a child safe and child friendly organisation where all children are valued and protected from abuse.

Our service will demonstrate this commitment by:

- Providing clear standards to staff, educators and their family members, students and volunteers.
- Embedding child safety and wellbeing in our service's leadership, governance, and culture.
- Empowering children through engagement and involvement when making decisions.
- Advocating for children to understand personal safety, take action and speak out when they feel unsafe.
- Informing and involving families in promoting child safety and wellbeing.
- Adhering to information sharing and record keeping requirements.
- Establishing a culturally safe environment in which the diverse and unique identities of children and young people from a culturally diverse, linguistically diverse, and/or LBGTQI+ background are respected and valued.
- Having a zero tolerance approach to racism and identifying and addressing any instances of racism.
- Providing a safe and welcoming environment for children living with a disability.
- Inclusion of child safe practices during recruitment processes.
- Regular review and auditing of child safe practices.
- Providing physical and online environments, which promote safety and wellbeing and minimise the risk of harm.

Our service recognises that all stakeholders have a shared responsibility to accept the *Child Safety and Wellbeing* policy as a high priority. All stakeholders are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted in our *Child Safe Code of Conduct*.

## COMMITMENT TO THE CULTURAL SAFETY OF ABORIGINAL CHILDREN

Southern Grampians Shire Council is committed to providing a culturally safe environment where the unique and diverse identities and experiences of Aboriginal children are respected and valued.

Our service will demonstrate this commitment by:

- Encouraging and supporting children to share their cultural identity, express their culture and enjoy their cultural rights and **actively seek feedback on their experience**
- Actively supporting and facilitating participation and inclusion within the organisation by Aboriginal children and their families.
- Consulting with families, members of the Aboriginal community and the relevant Aboriginal organisations to identify opportunities to promote and embed Aboriginal culture and practices within our service environment, program and practices.
- Having a zero tolerance approach to racism and identifying and addressing any instances of racism.

- Investigating and responding to reported instances in accordance with Council’s Codes of Conduct and Performance and Discipline Policy.
- Acknowledging, appreciating and understanding the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children.
- Celebrating and acknowledging significant and culturally important events, including NAIDOC Week, National Sorry Day and National Reconciliation Week.
- Acknowledgement of Country at all meetings and events.
- Actively participating in the *Reconciliation Action Plan* process.
- Developing reciprocal relationships with members of the local Aboriginal community to enhance understanding, knowledge and collaboration.
- Supporting children who wish to explore their culture, including consulting with their family and relevant Aboriginal organisations.
- Acknowledging, appreciating and understanding the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children.
- Recognising the importance of our vital role in empowering and sharing the cultural histories and traditions of Aboriginal people with the children, families, educators, and the wider community.
- Advocating for Aboriginal peoples voices, stories and truths to be heard through respectful collaboration as the foundation for guiding practice to embed cultural awareness within our community.

## IMPLEMENTATION

Our service will prioritise the safety of children in their care, build child safety into everyday thinking and practice and support the diversity of children’s needs.

Our service will regularly monitor and improve performance against all the standards and encourage openness to talk about difficult subjects and decisions, to identify mistakes and learn from them.

## THE ROLE OF THE COORDINATION UNIT

The Coordination Unit has the role of making sure our service prioritises children’s safety and that action is taken when a concern is raised about children’s safety.

Our service recognises that all stakeholders have a role in identifying and managing risks of child abuse and harm. The Coordination Unit will endeavour to develop a positive culture around reporting so that everyone feels comfortable to raise concerns.

To demonstrate this, the Coordination Unit will:

- Champion and model a child safe culture at the service and encourage all stakeholders to report child safety concerns.
- Ensure application and interviewing processes include robust recruitment and screening practices.
- Provide access to relevant acts, regulations, standards, and other resources to help educators meet their obligations.
- Provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff, students and volunteers.

- Ensure appropriate child safety training for staff, educators, students and volunteers is completed prior to commencement, and updated annually.
- Ensure any incidents of suspected abuse are reported to relevant bodies and authorities within required timeframes.
- Engage with relevant cultural and educational networks and support services.
- Encourage children and families to voice their opinions on services and matters that directly affect them.
- Empower children and families to report by providing information about the processes to follow if they feel unsafe or have a concern or complaint.
- Refer families to Child FIRST (Orange Door) where concerns of harm do not meet the threshold of significant harm. Family consent will be sought prior to making a referral.
- Make sure that staff and volunteers conduct risk assessments and take action to manage risks in accordance with this policy.
- Conduct annual reviews of how effectively our service is delivering child safety and wellbeing, and will seek the feedback from all stakeholders during the review process.
- Ensure that students, volunteers, contractors, and any other visitor to the service are supervised at all times when around children and are never left alone with a child.
- Make sure that educators provide high levels of supervision of children at all times.
- Ensure all service stakeholders comply with the *Child Safety and Wellbeing* policy and *Child Safe Code of Conduct* at all times.
- Make sure educators and Coordination Unit staff understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

## EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our service recognises the important role educators have in promoting the safety and wellbeing of the children in their care. Educator will use intentional teaching practices to educate children:

- About acceptable and unacceptable behaviour. Children will learn about what is appropriate and inappropriate contact at a level appropriate to each child's development level and understanding.
- About their right to always stay safe.
- About their right to say 'no' to anything that makes them feel unsafe or uncomfortable.
- How to use their own knowledge and understanding to feel safe.
- How to listen to their intuition and trust their 'gut' feelings, and encourage them to act on these feelings so they can stay safe.
- How to identify signs that they do not feel safe and help them to develop strategies to help them remain attentive and think clearly when in an unsafe situation.
- That there is no secret or story that is too horrific that they cannot share with one of their trusted persons.
- About how to tell the difference between a 'secret' and a 'surprise'.
- That educators and Coordination Unit staff are available to provide support if they have any concerns.
- To tell educators about any suspicious activities or people.
- How to recognise and express their feelings verbally and non-verbally.
- That they have a right to choose to change the way they are feeling.
- The correct anatomical names for their body parts.



- The process for making a complaint.

## CHILDREN'S EMPOWERMENT AND PARTICIPATION

Our service respects the rights of children and will provide them with information about their rights, including the right to be safe. We will actively seek to understand what makes children feel safe in our organisation and regularly communicate with children about what they can do if they feel unsafe.

Our service will support children's participation by actively seeking children's views and ideas about matters that affect them, as well as involving families and communities to participate in decisions affecting their children.

Our service recognises that children benefit from having strong friendships and feeling a sense of belonging. We encourage children to develop new friends and encourage children to be supportive/accepting of similarities and differences. We are committed to intentionally teaching children to be able to identify, and challenge racism.

To support children's empowerment and participation, our service will:

- Value all children and young people.
- Recognise and respond appropriately to the strengths and vulnerability of children and young people.
- Ensure curriculum development is based on the principles of empowering all children to participate fully in their environment.
- Provide professional development opportunities to develop staff and educator awareness, knowledge and skills.
- Develop strategies that support and encourage an empowering culture throughout our service.
- Inform children about their rights, and encourage children to speak up if they feel unsafe.
- Have regular discussions with all children about what makes them feel safe and unsafe.
- Consult with children about any proposed significant changes to the physical environment, policies, procedures, programs or staffing. Children's views will be documented and carefully considered throughout the decision-making process.
- Provide opportunities for children and families to provide feedback and offer suggestions to influence change e.g. digital suggestion and feedback form.
- Ensure to communicate to children and families the outcomes of decisions made, including the reasoning behind why/why not their contributions were used.

## FAMILIES AND COMMUNITIES

Our service recognises the important role of families when making significant decisions about their child, and will endeavour to actively seek input from families and parents/guardians, who know their child best.

We encourage families to provide feedback at any time via phone call: (03)5572 8484 or 0418 227 126, email: [fdc@sthgrampians.vic.gov.au](mailto:fdc@sthgrampians.vic.gov.au), text message: 0418 527 126, or by submitting an online Feedback and Suggestions form:

<https://www.cognitofirms.com/SouthernGrampiansShireCouncil/FeedbackAndSuggestions>

We provide information about our child safe policies and practices to families using a variety of methods. Parents/Guardians will receive a copy of the *Child Safety and Wellbeing policy, Code of Conduct*, and *Information Handbook* upon enrolment.

Articles and information about child safety and wellbeing, and reminders about our policies and procedures will be included in news items distributed via the *Harmony Web Parent Portal*.

## EQUITY AND INCLUSION

All children shall have equal access to Council's services and facilities, will always be treated with fairness and respect and will not be subjected to discrimination based on disability, race, ethnicity, religion, sex, intersex status, gender identity or sexual orientation.

Educators and Coordination Unit staff will endeavour to gain relevant information and guidance about children's diverse circumstances to be able to respond to individual vulnerability and provide child centred support. In collaboration with both parents/guardians and children (where appropriate), we will endeavour to seek specialist support for children with disability.

## VALUING DIVERSITY

Our service values diversity and equity for all children. To achieve this, we:

- Provide professional development opportunities for all educators and Coordination Unit staff on understanding diversity and how to support inclusion and cultural safety.
- Welcome and support the participation of all children, including children with disability, children from culturally and linguistically diverse backgrounds, children who are unable to live at home, LGBTIQ+ children and Aboriginal children and their families.
- Upon enrolment, provide opportunities for children and families to provide information about themselves, including any specific needs to allow full participation at our service.
- Provide opportunities for children and families to express their ideas and culture, and provide feedback and suggestions about things that affect them and how our service can improve our policies and practices.
- Endeavour to reflect the diversity, interests and cultures of the children and families at our service within our educational programs, physical and online environments.
- Acknowledge and celebrate significant cultural dates.
- Aim to ensure our facilities and online activities promote the inclusion of children of all abilities.

## CHILD SAFE CODE OF CONDUCT

Our service has a *Child Safe Code of Conduct*. Staff, educators, students and volunteers must comply with the *Child Safe Code of Conduct* at all times. Breaches of the *Child Safe Code of Conduct* may result in disciplinary action including termination of a person's involvement with the organisation. It is expected that all third-party contractors and visitors to the service will abide by the *Child Safe Code of Conduct*, and must sign an agreement to comply with the code prior to spending any length of time at the service.

Staff, educators, students and volunteers must sign our *Child Safe Agreement* form prior to commencement, and renew this agreement annually.

As part of the enrolment process, parents/guardians must acknowledge in *their Compliant Written Agreement Enrolment* form that they have read, understand, and agree to abide by the *Child Safe Code of Conduct*.

## RISK MANAGEMENT

Our service recognises the importance of identifying and managing risks of child harm and abuse within all physical and online environments.

We endeavour to review and update our *Child Risk Minimisation Plan* regularly, which supports our staff, educators, students and volunteers to address the risk of child abuse and harm at our service. The *Child Safe Risk Management Plan* has been developed in consultation with staff, educators, students, volunteers, parents/guardians and children.

Students, volunteers, parents/guardians and visitors to our service will be supervised by educators and/or Coordination Unit staff at all times while working or visiting educator's homes/venues to ensure child safety.

## CUSTODY AND ACCESS

Educators will only release children to authorised persons and will not withhold a child from a parent or guardian unless:

- instructed by a Parenting Order (Contact Order) or
- they hold a reasonable belief that allowing the child to go would place the child at risk of harm.

A child may be released to unauthorised persons in exceptional circumstances, such as:

- when a threat to the safety of the educator, members of the educator's family or other children in their care has been made and/or
- the child has been forcibly taken

Where a child has been released under an exceptional circumstance educators will follow the steps outlined in the *Emergency and Evacuation* and *Incident, Injury, Trauma and Illness* policies.

Educators are advised not to become involved in private court proceedings over custody and access for either parent/guardian. However, if a matter is brought before the Family Law Court, the educator may be subpoenaed and will be required by law to attend the court.

Educators are advised not to supervise access for non-custodial parents or allow parents/guardians to use the family day care residence/venue as a visitation venue.

All legal documentation is kept at the Coordination Unit in the custodial parent/guardian's file, in line with our *Governance, Management and Confidentiality of Records* policy and the *Southern Grampians Shire Council Privacy and Data Protection* policy.

## DIGITAL TECHNOLOGY AND ONLINE ENVIRONMENTS

Our service acknowledges the importance of identifying and managing potential risk to children when children engage with online environments as well as physical environments. We understand that sometimes the risks in physical environments and online environments intersect.

Our service aims to provide safe physical and online environments for children, endeavouring to balance the need to manage the risk of harm and abuse against the benefits to children when engaging in a particular activity.

In relation to digital and online environments, our service will:

- Ensure all digital devices within the family day care environment are made inaccessible to children with either a password or a child lock and ensure parental control settings are on.
- Limit children's access to digital technology to the recommended screen times as specified by the Department of Health and Aged Care in the *Physical Activity Guidelines for Infants, Toddlers, and Pre-schoolers and Children and Young People*.
- Assess all content accessed by children to ensure it is safe for child viewing, and selecting content according to the age, needs and developmental levels of each child.
- Assessing the physical environments in conjunction with the online environments for potential risks when children are engaging with digital technology and online environments, and actively removing or reducing potential risks to the safety of children.
- Limit experiences involving screen use to those that have an educational component or include movement, fine motor and gross motor activity.
- Make sure that children do not have access to social media platforms at any time.
- Document all digital use within the program.
- Consider the rights of each child and family at all times.
- Obtain parental permission prior to children using computers, laptops, iPads, tablets, mobile phones, iPods, or any other digital device.
- Provide close supervision whenever a child is using digital technology.
- Never leave children unattended while a computer or mobile device is connected to the internet.
- Intentionally teach children about responsible use of digital technology and involve children in developing strategies to increase children's safety when engaging with online environments.
- Provide professional development opportunities for educators and staff to increase knowledge and skills for providing safe digital and online environments for children.
- Where possible, not use personal mobile phones to take photographs, video or audio recordings of children. Where this is unavoidable, educators must delete the image or audio recording from their personal mobile phone as soon as practicable.
- Provide parents/guardians with information about the apps and/or software programs accessed by children at the service.
- Provide parents/guardians with information about online safety.

- Make sure that no child's image or information are never published to online digital environments without written parental permission, and in accordance with our *Social Media* policy and the *Southern Grampians Shire Council's Social Media* policy.
- Ensure that procedures for the use of online digital environments are adhered to, as outlined in our *Social Media* policy.

## RECORD KEEPING

Our service is committed to making and keeping full and accurate records about all child-related complaints or safety concerns.

Records should include a precise account of what happened, including any conversations that took place and what was observed which would contribute to the investigation of abuse or suspected abuse by authorities. When taking notes and compiling information, educators may request assistance from the Coordination Unit.

All records must be stored in a manner that always ensures confidentiality.

Records which may assist with the investigation of a complaint or safety concern will be identified and kept as part of the record of an investigation. Records will be kept even if an investigation does not substantiate a complaint.

We will record and keep the outcome of any investigations, and the resolution of any complaints. This includes findings made, reasons for decisions and actions taken.

Records will be stored securely and kept in line with the relevant Retention and Destruction Authority issued by the Public Records Office Victoria (PROV).

All legal documentation will be kept at the Coordination Unit, in-line with the service *Governance, Management and Confidentiality of Records Management Policy* and the *Southern Grampians Shire Council Privacy and Data Protection Policy*.

## CONFIDENTIALITY AND INFORMATION SHARING

Staff, educators, students and volunteers must respect confidentiality when dealing with a case of suspected child abuse and neglect and may only discuss case details and the identity of the child and their family with those directly involved in the management of the child's situation.

If a child who is involved with DFFH Child Protection or Child FIRST transitions either from the service or to the service, information regarding the child can and should be shared between the service and DHFH Child Protection and/or Child FIRST. Otherwise, services are guided by the usual confidentiality and privacy procedures, as outlined in our *Governance, Management and Confidentiality of Records Policy*.

## RECRUITMENT

Our service puts child safety and wellbeing at the centre of recruitment and screening processes for educators, students and volunteers, as outlined in our *Engagement or Registration of Family Day Care Educators*, and *Participation of Volunteers and Students* policies. We only recruit educators, students and volunteers who are appropriate to engage with children.

Our practices include, but are not limited to:

- Considering if the applicant is a fit and proper person to be providing education and care to children, as outlined in our *Fit and Proper Assessment of Family Day Care Educators and Adults Residing at Family Day Care Residences* policy.
- Requiring applicants to have or obtain a current Working with Children Check before commencement. Validation of Working with Children Checks will occur for all educators, educators' applicable family members, staff, students and volunteers prior to commencement, and regularly throughout each calendar year, unless the person meets the criteria for exemption from a WWCC. See exemption information at: <https://www.workingwithchildren.vic.gov.au/about-the-check/when-you-dont-need-a-check>
- Conducting a National Police Check.
- Conducting reference checks.
- Ensuring any indictments/convictions are disclosed.
- Including a statement of commitment to child safety in job advertisements.
- Including child safe questions in pre-interview screening, interview and referee checks.

## SUPPORTING STAFF AND VOLUNTEERS

The Coordination Unit is committed to ensuring that all staff, educators, students and volunteers receive training to ensure they understand their responsibilities in relation to child safety, and to support their engagement with children.

The Coordination Unit supports the implementation of Child Safe Standards throughout the service and will assist staff, educators, students and volunteers to incorporate child safety considerations into decisions and to promote a safe environment where children are empowered to speak up about issues that affect them.

The Coordination Unit will:

- Ensure educators are provided with the opportunity to complete annual child protection training – including new educators as part of their orientation.
- Ensure educators are:
  - Clear about their roles and responsibilities regarding child protection.
  - Aware of their requirements to immediately report cases where they believe a child is at risk of significant harm to the appropriate authority.
  - Aware of the indicators that a child may be at risk of harm or significant risk of harm.
- Provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff, students and volunteers.
- Provide educators' family members with child protection information during the orientation process.
- Provide access to relevant acts, regulations, standards and other resources to help educators meet their obligations.

- Support educators to engage in the professional development process.
- Engage with relevant cultural and educational networks and support services.

## COMPLAINTS AND REPORTING

All reports of child abuse and child safety concerns will be treated seriously, whether they are made of by an adult or a child and whether they are about the conduct of an adult or a child. All complaints and child safety concerns will be responded to promptly and thoroughly.

Our service's *Dealing with Complaints Policy* includes information about how a complaint or a child safety concern will be responded to. An easy-to-understand complaints information sheet will be provided for children, families, and visitors to our service to know about the complaint process and the supports available to those making a complaint and those involved in the complaints process.

## RESPOND

Our service will provide a clear and succinct procedure for staff, educators, students and volunteers to be able to respond in an appropriate and timely manner if they hold a reasonable belief that a child has been harmed or is in danger.

This procedure will include but is not limited to:

- How to identify the type of abuse.
- Who to report the incident or disclosure to.
- What information needs to be documented and where it needs to be stored.
- Where to access support if needed.

Our service will immediately act on the allegation as per our *Child Safety and Wellbeing Policy and Procedure*, the Council's *Child Safety and Wellbeing Policy and Procedure*, *Child Safe Standards*, and the *Child Wellbeing and Safety Act 2005*. All staff, educators, students, and volunteers are required to prioritise children's safety in any response and to report all potentially criminal conduct to Victoria Police.

## REPORT

Our service will set out clear guidelines for staff, educators, students and volunteers in its *Child Safety and Wellbeing Procedure* in regard to:

- Who can report.
- Who to report an alleged incident to.
- When to report.
- What to do if a report is made against a staff member, educator, student or volunteer, contractor or councillor.

## NON-COMPLIANCE WITH THIS POLICY AND THE CODE OF CONDUCT

Compliance with this policy is mandatory.

Staff and educators must bring any instances of non-compliance to the attention of the *Children's Services Team Leader* or *Community Services Coordinator*. Behaviour that endangers children or is in contravention of this policy is taken seriously and is considered as serious misconduct and non-compliance with Council's Codes of Conduct.

Potential breaches by anyone will be investigated and may result in restriction of duties, suspension or termination of employment or engagement or other corrective action in line with Council's Performance and Discipline Policy.



## CHILD SAFE REPORTING PROCEDURE

The Child Safe Standards are a framework to prevent, respond to and report child abuse. Council is required under Victoria's Reportable Conduct Scheme to respond to allegations of child abuse (and other child related misconduct) **made against their employees, contractors and volunteers** and to notify the Commission for Children and Young People (the Commission) of any allegations.

### Please Note:

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

In addition, to the obligations of organisations under the Reportable Conduct Scheme, there are pieces of legislation that contain reporting obligations in regard to Child Safety, including:

- *Crimes Act 1958*
- *Children, Youth and Families Act 2005*

To understand your obligations under these Acts, please refer to 'Other Reporting Obligations' at the end of this procedure.

## WHAT DO I REPORT?

Any concerns about the safety and welfare of children should be reported. These can range from uncomfortable feelings through to direct observation of child abuse.

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a **staff member, educator, student or volunteer has committed reportable conduct or misconduct** under the *Reportable Conduct Scheme* (the Scheme).

Under the Scheme **an allegation can be made against a staff member, educator, student or volunteer regardless of whether the alleged conduct or misconduct occurred** before, during, or outside the worker or volunteer's role with the organisation.

A reasonable belief is more than a suspicion; there must be some objective basis for the belief. A reasonable belief does not require proof and does not require certainty.

There are five types of reportable conduct.

The first three are reportable if committed **against, with or in the presence of a child:**

- Sexual offences – (against, with or in the presence of a child).
- Sexual misconduct - (against, with or in the presence of a child).
- Physical violence - (against, with or in the presence of a child).

The following two types are reportable if they are significant and there is a clear link between the behaviour and the harm:

- Significant emotional or psychological harm.
- Significant neglect.

Descriptions of the five types of reportable conduct can be found here: [Information Sheet 2 - What is Reportable Conduct under the Reportable Conduct Scheme](#)

As well as reportable conduct allegations, staff members, educators, students and volunteers should report any child safety concerns, including:

- Direct or indirect disclosure of child abuse.
- Allegation, suspicion or observation of child abuse.
- Breach of Child Safe Policy or reportable conduct.
- Environmental risks that could increase the likelihood of abuse occurring.

Child safety concerns can also include:

- Inappropriate or special relationships developing between staff and children.
- Inadequate staff/educator-child supervision ratios.
- Feelings of discomfort about interactions between a staff member, educator, student, or volunteer and a child.
- Suspicions or beliefs that children are at risk of harm.
- Observations of concerning changes in behaviour.
- Concerns about a physical environment that may pose a risk to children including health and hygiene issues.
- Children's disclosure of abuse or harm. This must be reported to the police, DFFH Child Protection, the Commission and where appropriate, any other regulator.

## WHO CAN MAKE A REPORT?

**Who can report an allegation?**

Children, parents/guardians, community members, staff members, contractors, students and volunteers can make an allegation based on a reasonable believe that **a staff member, educator, student or volunteer** has committed a reportable conduct or misconduct, breached the *Child Safety and Wellbeing Policy* or the *Child Safe Code of Conduct*.

**Who to report to:**

Physical or sexual abuse is a crime and must be reported to Victoria Police. **If a child is in immediate danger, call 000 without delay and make a report to the *Children's Services Team Leader*.**

Any other form of reportable conduct or child safety concerns should be reported to the *Children's Services Team Leader*, who will act according to our *Child Safety and Wellbeing Policy and Procedures* and the Council's *Child Safety and Wellbeing Policies and Procedures*.

## HOW TO REPORT (FOUR CRITICAL ACTIONS)

**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.**
- Notify the Children's Services Team Leader.
- 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 comes from within a child's family or the community,** 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.

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

**If the source of suspected abuse comes from within the service,** you must report all instances of child abuse which involve a staff member, educator, student or volunteer to Victoria Police.

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 (Orange Door) (in circumstances where the family are open to receiving support) or DFFH Child Protection or Victoria Police.

## **ACTION 3: CONTACTING PARENT/GUARDIANS**

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

- Not to contact the parents or guardians (eg in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent or guardian to be contacted).
- To contact the parents or guardians and provide agreed information. This must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion.

## **ACTION 4: PROVIDING ONGOING SUPPORT**

Where appropriate, support should be provided for children impacted by abuse.

This could include the development of a support plan in consultation with wellbeing professionals. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

Support should also be provided to educators who have been involved in making a child abuse notification. Strategies may include direct support and referral to wellbeing professionals.

#### NOTIFICATION TO THE QUALITY ASSESSMENT AND REGULATION DEPARTMENT

The Coordination Unit must also notify the Quality Assessment and Regulations Children's Services Department of any child abuse allegation or referral at the Barwon South West regional office on (03)5215 5136 within 24 hours. A follow-up report must also be submitted online via the National Quality Agenda IT System: <https://www.acequa.gov.au/resources/national-quality-agenda-it-system>

#### ACCUSATIONS AGAINST STAFF AND EDUCATORS, STUDENTS AND VOLUNTEERS

Accusations of abuse or suspected abuse against staff, educators, students and volunteers, are treated in the same way as allegations against other people, by following the *Four Critical Actions*. If the *Children's Services Team Leader* is involved in the abuse, then reports should be made to the *Coordinator of Community Services*.

Where the offence requires immediate police action, the police must be called on 000.

In addition to following the *Four Critical Actions*, the *Children's Services Team Leader* or *Coordinator of Community Services* must contact the *Manager of Organisational Development (MOD)*, who will be responsible for oversight and coordination of the report and investigation.

The *Children's Services Team Leader* or *Coordinator of Community Services* will assist the reporter of the allegation in the completion of an incident report form to be submitted to the MOD.

If a staff member, educator, student or volunteer is unsure how to proceed, they can contact the Commission for Children and Young People or Victoria Police for guidance:  
Commission for Children and Young People: <https://ccyp.vic.gov.au/contact-us/>  
Victoria Police: <https://www.police.vic.gov.au/homepage>

If the allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified (the CEO is to notify the Commission via their online form).

If Council becomes aware that Victoria Police will investigate a reportable allegation, they must not begin or continue their own investigation until they have been advised by Victoria Police that their investigation may be conducted simultaneously.

## CONTACTS AND ADDITIONAL INFORMATION

ORGANISATION	CONTACT DETAILS
Department of Families, Fairness and Health	West Division Intake Unit – Rural and regional only Ph. 1800 075 599  Child Protection Crisis Line (urgent concerns) Ph. 13 12 78  National Child Abuse Helpline: Ph. 1800 991 099 (9am-5pm AEST)
Child FIRST	South West Child FIRST located at Warrnambool City Council Child and Family Services Ph. 1300 543 779
Victorian Police	In an emergency call '000' Hamilton Police Station Ph. (03) 5551 9100

Department of Education and Training's [Child Protection in early childhood homepage](#) also lists a number of counselling and support organisations.

[An Overview to the Victorian child safe standards](#) has information to help organisations understand the requirements of each of the child safe standards, including examples of measures organisations can put in place, a self-audit tool and a glossary of key terms.

[Creating child safe organisations page](#) of the Department of Health and Human Services' Service Providers.

Mandatory Reporting: <https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect>

Reporting abuse and neglect: <https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>

## REVIEW

This policy will be reviewed at least every two years or in-line with legislative change.

END