

CHILD SAFE ENVIRONMENT AND WELLBEING

QUALITY AREA 2 | ELAA VERSION 1.8



PURPOSE

This policy provides a clear set of guidelines and procedures for Denzil Don Kindergarten to:

- provide a safe environment for all children, ensuring their safety, health, and wellbeing.
- promote the cultural safety of all children.
- identify, reduce, and remove risks of child abuse.
- intervene when a child may be at risk of abuse or neglect.
- involve children in child safety, including listening to them and incorporating their views about providing a safe environment.
- ensure staff understand their legal and duty of care obligations to report child abuse and neglect.
- respond to requests, sharing and requesting information to promote child wellbeing or safety and/or manage the risk of family violence.



POLICY STATEMENT

VALUES

Denzil Don Kindergarten:

- is committed to the rights of all children to feel safe and be safe at all times, including:
 - promoting the cultural safety and wellbeing of Aboriginal children
 - promoting the cultural safety and wellbeing of children from culturally and linguistically diverse backgrounds
 - promoting the safety and wellbeing of children with a disability
 - promoting the (right to) safety and wellbeing of trans and gender-diverse children and their families.
 - ensuring that LGBTIQ+ children and families feel included.
- promotes the culture of child safety and wellbeing within the service.
- values, respects, and cares for children
- fosters opportunities for each child to participate, express their views, learn, and develop.
- always acts in the best interests of each child and has zero tolerance for child abuse.
- takes all reasonable steps to ensure children's health, safety, and wellbeing while promoting learning and development.
- actively manages the risks of abuse or harm to each child, including fulfilling our duty of care (*refer to Definitions*) and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm.
- continuously improves the way our service identifies risks of and responds to child abuse and encourages reporting and improved responses to allegations of abuse.
- proactively sharing information with relevant authorities to promote the wellbeing and/or safety of a child or a group of children, consistent with their best interests.

SCOPE

This policy applies to staff, students, volunteers, visitors, parents/carers, children, and others attending programs and activities at Denzil Don Kindergarten, including offsite excursions.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators, and all other staff	Parents/carers	Contractors, volunteers, and students
R indicates legislation requirements and should not be deleted.					
Ensuring that obligations under the <i>Education and Care Services National Law</i> and <i>National Regulations</i> are met	R	R	√		√
Ensuring that the <i>Child Safe Environment and Wellbeing</i> policy and procedures are implemented, the appropriate risk assessments and action plans are completed, and all identified actions are taken to minimise the risks to children’s health and safety.	R	R	√		√
Taking reasonable steps to ensure that all staff follow the <i>Child Safe Environment and Wellbeing</i> policy and procedures	R				
Ensuring the learning environment considers appropriate child groupings, sufficient space and carefully chosen and well-maintained resources and equipment (<i>Regulations 103</i>) (refer to <i>Injury Trauma and Illness Policy</i>)	R	R	√		√
Creating a culturally safe environment for Aboriginal children	R	R	R		R
Ensuring public commitment to the cultural safety of Aboriginal children is available and displayed for public access (refer to <i>Attachment 5</i>)	R	√			
Supporting and encouraging a child’s ability to express their culture and their cultural rights	R	√	√		√
Understanding children’s diverse circumstances and providing support and care to those who are vulnerable	R	√	√		
Implementing risk assessments of the service environment (physical and online) and equipment (refer to <i>eSafety policy</i>) to ensure risk to safety, health and wellbeing are minimised (<i>National Law: Sections 167</i>) (refer to <i>Occupational Health and Safety and Injury Trauma and Illness Policy</i>)	R	R	√		√
Implementing risk management plans, considering risks posed by service setting, activities, and the physical environment	R	R	√		
Always complying with the legislated educator-to-child ratios (<i>National Law: Sections 169, Regulations 123</i>) (refer to <i>Supervision of Children Policy</i>)	R	R	√		√
Ensuring children are always actively supervised (<i>Regulations 122</i>) (refer to <i>Supervision of Children Policy</i>)	R	R	√		√
Ensuring all staff, contractors, volunteers, and students do not consume or are not under the influence of alcohol or affected by drugs (<i>Regulations 82, 83</i>) (refer to <i>Tobacco, Alcohol and</i>	R	√	√		√

<i>Other Drugs Policy)</i>					
Leading an organisational culture of accountability for child safety, which is open to scrutiny and continuously reviewed and improved	R	√			
Ensuring staff are child-safe champions who can lead discussions, answer questions and support child safety and wellbeing.	R	√			
Advising staff of current legislation and their legal and duty of care obligations (<i>Regulation 84</i>)	R	√			
Undertaking child safety reviews and developing an action plan to maintain Child Safe Standards (<i>refer to Definitions</i>)	R	√	√	√	√
Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.	R	√	√		
Contributing to an organisational culture of child safety	R	√	√	√	√
Ensuring continuous improvement in the implementation of the Child Safe Standards (<i>refer to Definitions</i>) in Denzil Don Kindergarten, promoting an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved (<i>refer to Sources</i>)	R	R	√	√	√
Conducting recruitment and induction processes for staff in line with this policy (<i>refer to Attachment 1</i>)	R				
Screening contractors, volunteers, and students in line with their roles and this policy (<i>refer to Attachment 2</i>)	R				
Ensuring the safety and wellbeing of children attending the service by keeping a visitors' record	R	√	√		√
Ensuring that contractors, volunteers, students, parents/carers, and other visitors to the service are not left with sole supervision of a child/children	R	R	√		
Ensuring contact is prevented or responding if it has occurred when the service has been notified of a court order prohibiting an adult from contacting an enrolled child	R	R	√		
Validating Working with Children Clearance (<i>refer to Definitions</i>) or Victorian Institute of Teaching Registration before staff, contractors, volunteers, and students commence working with children (<i>refer to Staffing Policy</i>)	R	√			
Ensuring all staff, volunteers and students understand current child protection legislation, including mandatory reporting requirements and obligations.	R	R	√		√
Identifying the potential for child abuse at the service and developing and implementing effective prevention strategies	R	R	R		
Following processes for responding to and reporting suspected child abuse (<i>refer to Attachment 3</i>)	R	R	R	√	√
Ensuring appropriate annual training on child safety, including recognising the signs and symptoms of child abuse (<i>refer to Definitions</i>), knowing how to respond, and understanding responsibilities and processes for reporting (<i>refer to Attachment 3</i>)	R	R	R		R

<p>Ensuring systems are in place that cover all aspects of annual child protection training (<i>refer to Source</i>). This includes refresher training and additional professional development where needed. Different roles in the service require specific training:</p> <ul style="list-style-type: none"> • New staff, volunteers and students on placement will need comprehensive induction and training. • Leadership group needs training on their specific responsibilities. • Governance bodies need training on their responsibilities 	R	R	R		R
Ensuring procedures for reporting and responding to suspected child abuse or neglect are promoted across the service and regularly reviewed in partnership with all stakeholders (<i>refer to Attachment 3 and 4</i>)	R	√	√	√	√
Fulfilling legal obligations, including mandatory reporting and duty of care obligations (<i>refer to Definitions</i>) (<i>refer to Attachment 3 and 4</i>)	R	R	R		R
Communicating to staff about their obligations under the Information Sharing Schemes (<i>refer to Definitions</i>) and ensuring they have read and understood the <i>Privacy and Confidentiality Policy</i> .	R	R	√		
Promoting awareness and compliance with the Child Safe Standards (<i>refer to Definitions</i>) when disclosing information to promote the wellbeing and safety of a child/group of children	R	√	√		
Ensuring information sharing procedures abide by the <i>CISS Ministerial Guidelines</i> (<i>refer to Source</i>) and exercising professional judgment when determining whether the threshold for sharing is met, what information to share and with whom to share it (<i>refer to Privacy and Confidentiality Policy</i>).	R	R	R		
Ensuring confidential information is only shared with relevant authorities to the extent necessary to promote the wellbeing or safety of a child/group of children, consistent with the best interests of that child/those children.	R	R	R		
Maintaining cooperative relationships with appropriate services and/or professionals (including Child FIRST/Orange Door) (<i>refer to Definitions</i>) in the best interests of children and their families	√	√	√		
Offering support to the child and their family and to staff in response to concerns or reports relating to the safety, health, and wellbeing of a child at the service	√	√	√		
Ensuring processes for responding to and reporting are followed when there are significant concerns for the safety, health, or wellbeing of a child at the service (<i>refer to Attachment 3 and 4</i>)	R	R	R		
Notifying DE within 24 hours of a serious incident (<i>refer to Definitions</i>) occurring at the service	R	√			
Notifying DE within 24 hours of becoming aware of a notifiable complaint (<i>refer to Definitions</i>) or allegation	R				

regarding the safety, health and/or welfare of a child at the service					
Notifying the nominated head of organisation (<i>refer to Definitions</i>) to the Commission for Children and Young People and maintaining the currency of the information	R				
Notifying the Commission for Children and Young People within three business days of becoming aware of a reportable allegation (<i>refer to Definitions</i>) under the Reportable Conduct Scheme (<i>refer to Definitions</i>) (<i>refer to Attachment 3 and 4</i>)	R				
Investigating an allegation (subject to police clearance on criminal matters or matters involving family violence), advising the Commission for Children and Young People who are undertaking the investigation	R				
Managing the risks to children whilst undertaking the investigation	R	√	√		
Updating the Commission for Children and Young People within 30 calendar days with detailed information about the reportable allegation and any action	R				
Notifying the Commission for Children and Young People of the investigation findings and any disciplinary action taken (or the reasons no action was taken)	R				
Notifying the approved provider or person with management or control immediately when made aware of a concern, complaint or allegation regarding a child's safety, health, and welfare at the service.		R	R	√	√
Always maintaining confidentiality (<i>refer to Privacy and Confidentiality Policy</i>)	R	R	R	√	R
Providing appropriate resources and training to assist staff, contractors, volunteers, and students in implementing this policy (<i>refer to Sources</i>)	R				
Protecting the rights of children and families and encouraging their participation in decision-making	R	√	√	√	
Abiding by the <i>Code of Conduct Policy</i>	R	√	√	√	√
Ensuring an explicit statement of the service's commitment to child safety is included in promotion for the organisation	R				
Being aware of this policy, the <i>Code of Conduct Policy</i> , <i>Privacy and Confidentiality Policy</i> and the <i>Interactions with Children Policy</i> and their ongoing obligations to behave in accordance with the policies	R	R	R	R	R
Ensuring when sharing information, giving precedence to the wellbeing and safety of a child/group of children over the right to privacy when sharing information under the CISS and the FVISS (<i>refer to Privacy and Confidentiality Policy</i>)	R	R	R		
Seeking and considering the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so when sharing information under the CISS and the FVISS (<i>refer to Definitions</i>)	√	√	√		
Being respectful of and having regard to a child's social,	√	√	√		

individual and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing when sharing information under the CISS and FVISS (refer to Definitions)					
Promoting a child's cultural safety and recognising the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both when sharing information under the CISS and FVISS (refer to Definitions)	√	√	√		
Educating and empowering children to talk about events and situations that make them feel uncomfortable	√	√	√	√	√
Providing support to staff who disclose harm	R	√			
Ensuring that children have access to information, support and handling complaints through processes that are culturally safe, accessible, and easy to understand (refer to Compliments and Complaints Policy)	√	√			
Identifying and mitigating risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities (refer to eSafety for Children Policy)	R	√	√		√
Reviewing this policy in consultation with stakeholders	R	√	√	√	√



PROCEDURES

Refer to **Attachment 3** for: *Making a report/referral to specialised services, Managing a disclosure, Responding to incidents, disclosure, and suspicions of child abuse, Documentation for responding to incidents, disclosure, and suspicions of child abuse and/or Reportable Conduct Scheme.*

Refer to **Attachment 4** for the: *Documentation for responding to incidents, disclosure, and suspicions of child abuse.*

BACKGROUND AND LEGISLATION



BACKGROUND

A key requirement of the *Education and Care Service National Law Act 210* is to ensure every reasonable precaution is taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury (*National Law: Section 167*). The approved provider must also ensure that the Nominated Supervisor(s) and each person in day-to-day charge of the service has completed the child protection training required by the Department of Education (*National Law: Section 162A*).

Under the *Education and Care Services National Regulations 2011*, the approved provider of an education and care service must ensure that the nominated supervisors and staff members at the service who work with children are advised of:

- the existence and application of the current child protection law
- any obligations they may have under that law (Regulation 84).

Under the *National Quality Standards*, management and all staff must understand their roles and responsibilities to identify and respond to every child at risk of abuse or neglect (*element 2.2.3*). At all times, reasonable precautions and adequate supervision must be provided to protect children from harm and hazards (*element 2.2.1*).

Approved providers operating under the *Children's Services Act 1996* must ensure that every reasonable precaution is taken to protect children being cared for and educated by the service from harm and any hazard likely to cause injury (*section 107*).

The approved provider, persons with management control, nominated supervisor, persons in day-to-day charge, educators, staff, contractors, students, and volunteers of early childhood services have legal and duty of care obligations to protect children under their supervision and care.

Duty of care obligations (*refer to Definitions*) require the approved provider, person with management or control, nominated supervisor, persons in day-to-day charge, and staff to take reasonable steps to protect children from injury that is reasonably foreseeable.

In addition, organisations have an organisational duty of care (*refer to Definitions*) to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under its care, supervision, or authority. The Victorian Reportable Conduct Scheme (*refer to Definitions*) seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005 (the Act)* and relates to individuals associated with an organisation, including but not limited to committee members, employees, volunteers, and contractors.

The Children, Youth and Families Act 2005 provides the legislative basis for providing services to vulnerable children, young people and their families and places children's best interests at the heart of decision-making and service delivery.

In line with the Victorian Government's Roadmap for Reform, Education State reforms and broader child safety initiatives, *Part 6A* of the *Child Wellbeing and Safety Act 2005* was proclaimed in September 2018. The Act established the Child Information Sharing (CIS) Scheme, which enables the sharing of confidential information between prescribed information-sharing entities (*refer to Definitions*) in a timely and effective manner to promote the wellbeing and safety of children. Alongside the CIS Scheme, the *Family Violence Protection Act 2008* includes the Family Violence Information Sharing (FVIS) Scheme and the Family Violence Multi-Agency Risk Assessment and Management Framework, which enables information to be shared between prescribed entities to assess and manage family violence risk to children and adults. It also allows professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier and to act on them sooner.

Any person who forms a reasonable belief (*refer to Definitions*) that a child needs protection may report their concerns to Child Protection (*refer to Definitions*).

Early childhood teachers must be registered with the Victorian Institute of Teaching and are mandatory reporters (*refer to Definitions*). In addition, educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service and all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service are mandatory reporters.

All mandatory reporters must make a report to Victoria Police and/or Child Protection (*refer to Definitions*) as soon as practicable if, during their roles and responsibilities, they form a reasonable belief that:

- A child is likely to suffer or has suffered significant harm because of physical abuse and/or sexual abuse, and
- The child's parents have not protected, or are unlikely to protect, the child from harm.

Victorian organisations that provide services to children are required under the *Child Wellbeing and Safety Act 2005* to ensure that they implement compulsory minimum *Child Safe Standards* to protect children from harm. The standards aim to drive continuous improvement in the way services prevent and report child abuse and respond to allegations of child abuse. Standard 2 requires services to have a child safety and wellbeing policy or statement of commitment to child safety and wellbeing.

Three criminal offences in the *Crimes Amendment (Protection of Children) Act 2014* protect children from child abuse:

- Failure to disclose: all adults (not just those working with children) have a legal duty to report information about child sexual abuse to Victoria Police. The offence applies to any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 and fails to report that information to the Victoria Police.

- Failure to protect: applies to people within education and care services who hold positions of authority, such as the approved provider, person with management or control, the nominated supervisor or the person in day-to-day charge and knows of the substantial risk that another adult associated within the organisation may commit a sex offence, and they have the power or responsibility to remove or reduce the risk but negligently fail to do so.
- Grooming offence: targets predatory conduct by an adult with the intent of committing child sexual abuse. Conduct may include communication, including online communication, with a child under 16 or their parents.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Safe Standards (Vic)
- Crimes Amendment (Protection of Children) Act 2014 (Vic)
- Education and Care Services National Law Act 2010 (Vic): including but not limited to Sections 165, 166, 167
- Education and Care Services National Regulations 2011 (Vic): including but not limited to Regulations 84, 85, 86, 99, 100, 101, 102, 168(2) (h), 145, 146, 149, 150
- Education Training and Reform Act 2006 (Vic) (As amended in 2014)
- Family Law Act 1975 (Cth)
- Family Violence Protection Amendment (Information Sharing) Act 2017
- National Quality Standard, including Quality Area 2: Children’s Health and Safety
- Reportable Conduct Scheme administered by the Commission for Children and Young People (Vic)
- Worker Screening Act 2020
- Worker Screen Regulations 2021 (Vic)
- Wrongs Act 1958 (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au



DEFINITIONS

The terms defined in this section relate specifically to this policy. Refer to the definitions file on the kindergarten website for regularly used terms.

Child abuse: (in the context of this policy) refers to an act or omission by an adult that endangers or impairs a child’s physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (*refer to Definitions*) are generic terms used to describe situations in which a child may need protection. It includes the following:

Physical: when a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/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/caregiver or other adult. The injury may include bruises, cuts, burns, fractures, poisoning, internal injuries, shaking injuries or strangulation.

Sexual: 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 behaviours, from

inappropriate touching/fondling and exposing a child to pornography to having sex with a child and grooming with the intent of committing child sexual abuse.

Emotional and psychological: when a child's parent/caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name-calling, put-downs or continual coldness from the parent/caregiver to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

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

Family violence: when children and young people witness or experience the chronic, repeated domination, coercion, intimidation, and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Contrary to popular belief, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

Racial, cultural, or religious abuse: conduct that demonstrates contempt, ridicule, hatred, or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

Bullying: repeated verbal, physical, social, or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person and damage their property, reputation, or social acceptance.

Child FIRST: a Victorian community-based intake and referral service linked with Family Services. Child FIRST ensures that vulnerable children, young people, and their families are effectively linked to relevant services, including Child Protection.

Child Information Sharing Scheme (CISS): enables Information Sharing Entities (ISE) (*refer to Definitions*) to share confidential information about any person to promote the wellbeing and/or safety of a child or group of children. The CISS works in conjunction with existing information-sharing legislative provisions. All Victorian children from birth to 18 years of age are covered. Unborn children are only captured when there has been a report to Child First or Child Protection. Consent is not required from any person when sharing under CISS. The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the *Children, Youth and Families Act 2005*.

Child Safe Standards: promote the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.

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

Child protection: describes the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, protecting the most vulnerable and responding to all forms of abuse.

Child protection notification: a notification to the Child Protection Service by someone who believes a child needs protection.

Child Protection Service (also referred to as Child Protection): the statutory child protection service provided by the Victorian Department of Families, Fairness and Housing 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 other organisations and individuals in the community (*refer to Code of Conduct Policy*).

Contractor: a person or company that undertakes a contract to provide materials or labour to perform a service or do a job

Department of Families, Fairness and Housing (DFFH): is responsible for child protection, prevention of family violence, housing, disability, multicultural affairs, LGBTIQ+ equality, veterans, and the offices for Women and Youth.

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

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

Head of organisation: under the Reportable Conduct Scheme are required to have systems in place to prevent reportable conduct within their organisation and systems to enable staff to make reportable allegations. The head of the organisation has the powers of the employer. At Denzil Don Kindergarten, the head of the organisation is the Coordinator or Nominated Supervisor.

Information Sharing Entities (ISE): are authorised to share and request relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (the Schemes) and must respond to requests from other ISEs. All ISEs are mandated to respond to all requests for information.

Maltreatment: (in the context of this policy) refers to physical and/or emotional mistreatment and/or lack of care of the child, such as 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 needs protection from harm. A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as ‘mandatory reporters’, including:

- all educators with post-secondary qualifications in children's care, education or minding and employed or engaged in an education and care service or a children's service.
- all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service.
- educators registered with the Victorian Institute of Teaching (VIT).
- mandated staff members must make a report to Victoria Police and/or Child Protection as soon as is practicable if, while acting out their professional roles and responsibilities, they form a belief on reasonable grounds (refer to Definitions) that:
 - a child has suffered, or is likely to suffer, significant harm because of physical and/or sexual abuse (refer to Definitions) and
 - the child's parents/carers have not protected, or are unlikely to protect, the child from harm of that type.

Mandatory reporters must also follow processes for responding to incidents, disclosures, or suspicions of child abuse to fulfil all their legal obligations (*refer to Attachment 3: Processes for responding to incidents, disclosure and suspicions of child abuse*).

Neglect: see Child abuse definition above.

Negligence: doing or failing to do something that a reasonable person would or would not do in a particular situation that causes another person damage, injury, or loss.

Organisational duty of care: the statutory duty organisations must take reasonable precautions to prevent sexual and/or physical abuse of a child.

Orange Door: a free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children.

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

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

Reasonable belief/reasonable grounds: a person may form a belief on reasonable grounds that a child or young person needs protection after becoming aware that the child or young person's safety, health or wellbeing is at risk and the child's parents/carers 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.
- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability or other factors that are impacting 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 actions or behaviour may place them at risk of significant harm and the parents/carers are unwilling or unable to protect the child.

Reportable allegation: any allegation that an employee, volunteer, or student has committed child abuse (*refer to Definitions*)

Reportable Conduct Scheme: aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by their workers and volunteers. There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child.
- sexual misconduct committed against, with or in the presence of a child.
- physical violence against, with or in the presence of a child.
- any behaviour that causes significant emotional or psychological harm to a child.
- significant neglect of a child.

Working with Children (WWC) Check: is a legal requirement under the Worker Screening Act 2020 for those undertaking paid or voluntary child-related work in Victoria.

Working with Children Clearance (WWC): is granted to a person under working with children legislation if: they have been assessed as suitable to work with children; there has been no information that, if the person worked with children, they would pose a risk to those children and they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

SOURCES AND RELATED POLICIES



SOURCES

- Australian Human Rights Commission: www.humanrights.gov.au
- Betrayal of Trust Implementation: www.justice.vic.gov.au
- Charter of Human Rights and Responsibilities Act 2006 (Vic): www.legislation.vic.gov.au
- Child Information Sharing Scheme Ministerial Guidelines: www.vic.gov.au/guides-templates-tools-for-information-sharing
- Commission for Children and Young People (CCYP): [Generic learning or training action plan and training materials](#)
- Commission for Children and Young People (CCYP): <https://ccyp.vic.gov.au>
- Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations: [Keeping our kids safe: Understanding cultural safety in Child Safe Organisations](#)

- Department of Education Mandatory Reporting eLearning Module: <https://www.vic.gov.au/child-protection-early-childhood-online-learning>
- Ministerial Guidelines for the Family Violence Information Sharing Scheme: www.vic.gov.au/family-violence-information-sharing-scheme
- National Children’s Commissioner: <https://humanrights.gov.au/our-work/commission-general/national-childrens-commissioner-anne-hollonds>
- Quality Assessment and Regulation Division’s online guidance: [Early Childhood Guidance on the Child Safe Standards](#)
- Risk Assessment and Management Tool, ACECQA: www.acecqa.gov.au
- Service Agreement Information Kit for Funded Organisations: <https://fac.DFFH.vic.gov.au/service-agreement-requirements>
- Star Health’s ‘Being Equal’ model for change in early childhood services: [Gender Equality and Respect in Early Learning Services](#)
- The United Nations Convention on the Rights of the Child: www.unicef.org
- Victorian Institute of Teaching: www.vit.vic.edu.au
- Working with Children (WWC) Check: www.workingwithchildren.vic.gov.au

RELATED POLICIES

- Acceptance and Refusal of Authorisations
- Behaviour Support
- Code of Conduct
- Compliments and Complaints
- Delivery and Collection of Children
- Safe Arrival of Children
- Information Communication Technologies
- Incident, Injury, Trauma and Illness
- Inclusion and Equity
- Interactions with Children
- Mental Health and Wellbeing
- Occupational Health and Safety
- Participation of Volunteers and Students
- Privacy and Confidentiality
- Staffing
- Supervision of Children



EVALUATION

To assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints, and incidents in relation to this policy.
- keep the policy up to date with current legislation, research, policy, and best practice.
- revise the policy and procedures as part of the service’s policy review cycle or as required.
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to it or its procedures unless a lesser period is necessary due to risk ([Regulation 172 \(2\)](#)).



ATTACHMENTS

- Attachment 1: Guidelines for incorporation of child safety into the recruitment of contractors, volunteers, and students
 - Attachment 2: Processes for responding to incidents, disclosure, and suspicions of child abuse.
 - Attachment 3: Documenting responses to suspected child abuse: template for all Victorian early childhood services
 - Attachment 4: Public commitment to the cultural safety of Aboriginal children template
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AUTHORISATION

This policy was adopted by the approved provider of Denzil Don Kindergarten on 22/05/2024.

REVIEW DATE: 22 / MAY / 2026

ATTACHMENT 1: PROCESSES FOR THE INCORPORATION OF CHILD SAFETY INTO THE RECRUITMENT AND MANAGEMENT OF CONTRACTORS, VOLUNTEERS AND STUDENTS

The following process for recruiting and managing contractors (*refer to Definitions*), volunteers (*refer to Definitions*), and students demonstrates our commitment to ensuring the safety of children and deterring unsuitable and inappropriate persons from attempting to work, volunteer or be on student placement at our service.

- Assess the nature of the work or task being undertaken by contractors, volunteers and students to determine whether a position description is required
- Consider whether a screening or recruitment process is relevant to the role and the risks to children
- Ensure a valid Working with Children Check, or an exemption applies for people engaged in 'direct contact' in child-related work, including physical contact, face-to-face contact, and oral, written or electronic communication.
- Inform contractors, volunteers and students of policies relevant to their role as part of their orientation to the service
- Provide supervision to ensure clear expectations about the role and responsibilities
- Do not leave contractors, volunteers or students (or visitors) alone with children
- Have conversations about child safety and wellbeing and how the service maintains and responds to safety issues with contractors, volunteers and students.

ATTACHMENT 2: PROCESSES FOR RESPONDING TO INCIDENTS, DISCLOSURE AND SUSPICIONS OF CHILD ABUSE

OVERVIEW

- The approved provider or staff, including those with mandatory reporting responsibilities (*refer to Definitions*), must act when they form a reasonable belief or have a suspicion that a child has been or is at risk of being abused. Regardless of the suspected cause, all concerns about the wellbeing of a child (including an unborn child) should be taken seriously and acted on. This includes concerns about the wellbeing of a child, which does not appear to be the result of abuse.
- Staff must seek advice from the approved provider or person with management or control, DFFH Child Protection, Child First and/or Victoria Police if they are uncertain whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child was or is at risk of being abused, regardless of the advice of the Approved Provider or Person with Management or Control, or any other staff member, they must still make a report to Child Protection and/or Victoria Police.
- The steps outlined in the Department of Education's flowchart, Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions which are to be followed: www.education.vic.gov.au
- Records are kept about all child safety concerns or complaints. These records contain comprehensive descriptions of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with the service's *Privacy and Confidentiality Policy*.
- Privacy is maintained, and information is disclosed when it promotes the safety or wellbeing of a child.
- Permission is not required from parents/guardians of a child to make a report where abuse is suspected.

RESPONDING TO CONCERNS ABOUT THE WELLBEING OF A CHILD

When to report wellbeing concerns to Child FIRST (Family Information, Referral and Support Team)

A referral to Child FIRST or Orange Door (*refer to Definitions*) should be made if the approved provider/staff member has significant concerns for a child's wellbeing and the child is not in immediate need of protection. This may include circumstances when there are:

- significant concern for a child's wellbeing
- parents who lack the skills to support their child's physical, emotional and cognitive development that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance misuse, disability or bereavement
- young, isolated and/or unsupported families
- families experiencing significant social or economic disadvantage that may adversely impact a child's care or development.

WHEN TO MAKE A REFERRAL TO ORANGE DOOR

Orange Door is a free service for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported. Both services ensure that vulnerable children, young people and their families are linked effectively to relevant services, and this may be the best way to connect children, young people and their families with the services they need.

WHEN TO REPORT WELLBEING CONCERNS TO VICTORIA POLICE

In addition to reporting suspected abuse to appropriate authorities, you must contact Victoria Police on 000 if the:

- child's immediate safety is compromised
- child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to their safety or the safety of somebody else.

WHEN TO REPORT WELLBEING CONCERNS TO DFFH CHILD PROTECTION

In addition to reporting suspected abuse to appropriate authorities, you should contact DFFH Child Protection if you have significant protective concerns for the wellbeing of a child but the parents are unable or unwilling to address or resolve these concerns.

This includes all concerns that:

- have a serious impact on a child's safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child)
- are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development
- relate to a parent/carer who cannot or will not protect the child from significant harm
- include believing that the family will likely be uncooperative in seeking assistance.

MANAGING A DISCLOSURE

It is very important to validate a child's disclosure by listening to the child, taking them seriously, responding to and acting on the disclosure, and implementing the service's reporting procedures.

Strategies include:

- let the child talk about their concerns in their own time and their own words
- give them full attention, time and a quiet space in which to do this and be a supportive and reassuring listener
- remain calm and use a neutral, non-judgmental tone
- comfort the child if they are distressed
- record the child's disclosure using the child's words.
- tell the child that telling you is the right thing to do and that what has happened is not their fault
- let them know that you will act on this information and that you will need to let other people know so that they can help the child
- it is the role of DFFH Child Protection and Victoria Police to investigate. DO NOT take any steps to investigate. Avoid asking investigative or invasive questions that may cause the child to withdraw and interfere with an investigation. Avoid going over information repeatedly.

RESPONDING TO INCIDENTS, DISCLOSURE AND SUSPICIONS OF CHILD ABUSE

To make a report to child protection, a staff member needs to have formed a reasonable belief (*refer to Definition*) that a child has suffered or is likely to suffer significant harm because of abuse or neglect and that their parent has not protected or is unlikely to protect the child from harm of that type.

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

ACTION 1: RESPONDING TO AN EMERGENCY

If a child has just been abused or is at immediate risk of harm, you must take reasonable steps to protect them.

These include:

- separating the alleged victim and others involved, ensuring a service staff member supervises all parties
- arranging and providing urgent medical assistance where necessary by:
 - administering first aid assistance
 - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics
 - calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person
- you should also identify a contact person at the service for future liaison with police
- taking reasonable steps to preserve evidence, such as the environment, clothing, other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

ACTION 2: REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed, you must report all incidents, suspicions and disclosures of child abuse as quickly as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

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

DFFH CHILD PROTECTION

You must report to DFFH Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed), and the harm has had or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

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

REPORT TO MANAGEMENT

You must report to your approved provider.

NOTIFY THE REGULATOR

The Approved Provider of early childhood services must notify the Quality Assessment and Regulation Division of any serious incidents, circumstances, or complaints that raise concerns about the safety, health and wellbeing of a child being educated and cared for by a service. Notifications may be made at the National Quality Agenda IT System: <https://www.acecqa.gov.au>

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

If the source of suspected abuse is from within the service:

If the source of suspected abuse comes from within the service (this includes any forms of suspected child abuse involving a staff member, contractor, committee member or volunteer):

- you must contact Victoria Police via your local police station (where appropriate, they will refer you to the local Sexual Offences and Child Abuse Investigation Team)
- you must also report internally to the approved provider or person with management or control
- the approved provider must also notify the Quality Assessment and Regulation Division. Notifications made via the National Quality Agenda IT System: <https://www.acecqa.gov.au>
- The approved provider must notify the Commission for Children and Young People (CCYP) within **three** business days of becoming aware of an allegation (*refer to Reportable Conduct Scheme*)
- a contact person must also be identified at the service for future liaison with Child Protection and Victoria Police and seek advice about contacting parents/carers.

ACTION 3: CONTACTING PARENTS/CARERS

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

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and has requested that their parent/carer not be contacted)
- contact the parents/carers and provide the agreed information as soon as possible (for approved providers, 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 children feel safe and supported at all times they are at 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.

THE REPORTABLE CONDUCT SCHEME

The Approved Provider must notify the Commission for Children and Young People (The Commission) of a reportable allegation (*refer to Definitions*) within **three** business days of becoming aware of an allegation. The Approved Provider must provide detailed information about the allegation and their proposed response within **30 calendar days**.

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

The Commission guides the processes and documentation required when making a report: refer to <https://ccyp.vic.gov.au>

CHILD PROTECTION IN EARLY CHILDHOOD: PRIVACY AND INFORMATION SHARING

The Child Information Sharing Scheme and the Family Violence Information Sharing Scheme allow professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier and to act on them sooner.

Following a report to DFFH Child Protection, Victoria Police and/or ChildFIRST, you should:

- consult with your approved provider before disclosing information about the report and the child and their family to another information-sharing entity (except to verified Victoria Police and DFFH Child Protection workers in very urgent situations and/or if the information is required to protect the safety of that child) and/or
- seek consent from a child or their parents/carers before disclosing information about the report and the child and their family to anyone other than authorities and service staff members (provided this does not place the child or another person at risk).

PRIVACY LAWS ALLOW FOR STAFF TO SHARE A CHILD'S PERSONAL AND HEALTH INFORMATION TO ENABLE THE SERVICES TO:

- provide and support the education of the child, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the child
- fulfil duty of care obligations to the child, other children, staff and visitors
- make reasonable adjustments if the child has a disability, including a medical condition or mental illness
- provide a safe and secure workplace.

RESOURCES

Department of Education PROTECT Portal: www.vic.gov.au/protect

The Department of Education's PROTECT portal provides tools and resources to assist professionals and early years services to respond to child abuse or potential child abuse, including:

- Early Childhood Guidance: This section supports early childhood providers to act if they suspect or are witness to any form of child abuse.
- The flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions to take:
- Early Childhood Online Learning: This eLearning Module supports all professionals in early childhood settings in increasing their capacity to respond effectively to children whose safety, health or wellbeing may be at risk.

Commission for Children and Young People: www.ccyp.vic.gov.au

ATTACHMENT 3: DOCUMENTING RESPONSE TO SUSPECTED CHILD ABUSE

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

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

When completing this template, the aim should be to provide as many facts as possible. This information will be critical and may be sought later if the matter is the subject of Court proceedings.

Staff member leading the response.

Name:

Occupation:

Service address:

Relationship to the child:

CRITICAL ACTION 1: IMMEDIATE RESPONSE TO AN INCIDENT

Responding to an emergency

Did the child require first aid? If YES, provide details.

Who administered First aid? (Name and Title)

Did the child require further immediate medical assistance?

Current location and safety status: e.g. are all impacted children safe and not in any immediate danger? If a child is in immediate danger, staff should report immediately to Victoria police at 000

INFORMATION OF THE ALLEGED VICTIM

Child's details

Name:

Gender:

Relationship to service: (e.g. 2 days, 3 year old kinder)

Date of Birth:

Residential Address:

Parent/Carer Name:

Parent/Carer contact number:

Language(s) spoken by child:

Disabilities, mental or physical health issues:

Child's background

Cultural status and religious background:

Previous history or indicators of suspected abuse:

Family background
Family composition (if known): <i>List parenting or carer arrangements and siblings' names and ages</i>
Any other people living with their child (if known):
Family background
Disability, mental or physical health issues in the family (if known):
Likely reaction to report being made (if known):

DETAILS OF THE INCIDENT DISCLOSURE OF SUSPICION

Grounds for your belief that a child has been or is at risk of abuse	
Indicators or instances which led you to believe that a child(ren) is subject to child abuse or at risk of abuse: <i>Detail any disclosures or incidents or suspicion, including names, times and dates documenting a child's exact words as far as possible, include specific detail here on what led you to form a reasonable belief that a child has been or is in risk of being abused</i>	
Any physical indicators of abuse:	
Any behavioural indicators of abuse:	
Any pattern of behaviour or prior concern leading up to an incident, disclosure or suspicion:	
Details of person alleged to have committed the abuse if known.	
Name:	
Gender:	Date of birth (if known):
Relationship to child:	
Address:	
Contact details:	

CRITICAL ACTION 2: REPORTING

Reporting to authorities	
Tick the authority you have reported to: <input type="checkbox"/> Victoria police <input type="checkbox"/> Child first <input type="checkbox"/> DFFH child protection <input type="checkbox"/> Decision not to report If you have decided not to report, list your reasons here also include any follow-up actions undertaken by you below:	
Provide your report:	
Date:	Time:

Authority:	
Name of the person spoken to:	
Outcomes from the report:	
Reporting internally	
Provide details of your discussion with the approved provider.	
Time:	Date:
Name:	
Discussion outcomes:	
Notification to the regulator: All approved providers must notify the quality assessment and regulatory division if an incident at the service and/or a child's health, safety, or wellbeing has been compromised while attending the service.	
Time:	Date:
Names:	
Discussion outcomes:	

CRITICAL ACTION 3: CONTACTING PARENTS/CARERS

Actions taken (alleged victim)

Provide details of your discussion with parents/carers (if appropriate): You must consult with Victoria police and/or DFFH child protection to determine if it is deemed appropriate; parents must be contacted as soon as possible (within 24 hours of the incident, disclosure or suspicion)

Have you sought advice from DFFH child protection or Victoria police? yes no

Is it appropriate to contact parent/carer: yes no

List reasons if it is not appropriate to contact parent/carer:

If contacting parent/carer, provide the following details:

Name of staff member making the call:

Name of parent/carer receiving the call:

Discussion outcomes:

CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT

Planned actions: Include details on what follow-up actions have occurred to support that child, for example, referral to specialised services:

Follow-up actions:

Support:

Referrals:

PROCESS OF REVIEW

Complete this section between four to six weeks after an incident, suspicion or disclosure of abuse in conjunction with the approved provider. This will support you and your service in continuing to protect children in your care, reflect on your process, and then any follow-up action needed.

Safety and wellbeing

Current safety and wellbeing of the child

Is the child safe from abuse and harm? yes no

If not, consider the need to make a further report

Does a child have any wellbeing issues that are not currently being addressed? yes no

If so, consider how these can be addressed and captured within a child support plan.

Current wellbeing of other children who may be impacted by the abuser

Are there any other children who may be impacted by the abuser? yes no

If so have their wellbeing needs being met? yes no

Current wellbeing of impact staff members

Does the staff member who made the report/witnessed the incident, formed a suspicion or received a disclosure require any support? yes no

If so, has this been received? yes no

Review of actions taken

Have the staff followed the four critical actions for early childhood services: responding to incidents disclosure for suspicion of child abuse?

Was an appropriate decision made in relation to when to act?

yes no

Could the suspected abuse have been detected earlier?

yes no

Action 1

Did the stop take appropriate actions in an emergency?

yes no

Action 2

Was a report made to the proper authorities and internally?

yes no

What were subsequent reports made if necessary?

yes no

Action 3

Did the service contact the parent carers as soon as possible?

yes no

Have the parents continued to engage if appropriate?

yes no

Action 4

Has the service provided adequate ongoing support for the child?

yes no

Have any complaints been received?

yes no

Have the complaints been resolved?

yes no

ATTACHMENT 4: PUBLIC COMMITMENT TO THE CULTURAL SAFETY OF ABORIGINAL CHILDREN

Denzil Don Kindergarten is committed to the cultural safety of Aboriginal children

We are committed to:

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