



Sandhurst
Catholic Early
Childhood Education
& Care Ltd
Peace & Goodness

CHILD SAFETY FRAMEWORK

August 2021

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FRAMEWORK

Child Safety

June 2021

1. Vision

The vision for Sandhurst Catholic Early Childhood Education & Care (SCECE&C Limited) is to create high quality environments, where each child and family is accompanied on their journey of development, supported by the pastoral ministry of our Church as embodied in our Sandhurst communities.

The authentically Catholic nature of Diocesan early childhood education and care, where young children will experience being part of God's family, combined with the awe – inspiring mystery and wonder of creation, will nurture and influence significantly a holistic approach for the development of each child.

Early Childhood Education and Care,

- With a focus on awe, wonder, connectedness and meaning will contribute positively to each child's awareness and development of relationships with self, family, God, school, parish, local community and the wider world.
- Is central to each child's ongoing learning and development, particularly as families are welcomed, acknowledged and respected as the primary educators and carers of their children.
- Will bring out the very best in each child through the development and provision of quality programs, designed by qualified and skilled educators, with play and inquiry central to an integrated approach to learning and teaching.
- Encourages all children to reach their fullest potential by providing safe, positive and trusting environments which support the development of spiritual, resilient, creative, courageous and confident children.
- Ideally provides a holistic wrap around approach to families, which ensures enhanced learning, development and wellbeing opportunities for every child and family and facilitates prevention and early intervention to address family issues which impact on the child.
- Is strengthened by working in close collaboration and partnership with neighbouring Catholic schools, parish communities and Diocesan agencies to ensure a continuity of growth and development for each child and their family.

2. Introduction

SCECE&C Limited is committed to the safety of all children and has 'zero tolerance' for child abuse. SCECE&C Limited recognises the importance of embedding a child safe culture across its early childhood settings and as an organisation and is committed to complying with the requirements of the the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015.

The protection of children who attend Sandhurst Catholic Early Childhood Education & Care settings and while they are in the early childhood environment is the responsibility of the SCECE&C Limited Board and everyone who works at a Sandhurst Catholic Early Childhood Education and Care setting, including its staff, contractors, parents and volunteers. We all share responsibility for promoting the wellbeing and safety of children.

3. Definitions

ACECQA	Australian Children's Education and Care Quality Authority
CCYP	Commission for Children and Young People
CES Ltd Office	The CES Office is the leadership and management arm of CES Ltd
Child	A person who is enrolled in a Sandhurst Catholic Early Childhood Education and Care Service
Child abuse	Child abuse includes <ol style="list-style-type: none">1) Any act committed against a child involving<ol style="list-style-type: none">a) sexual offence orb) an offence under section 49B of the Crimes Act 1958 (grooming) and2) The infliction, on a child, of<ol style="list-style-type: none">a) physical violence orb) serious emotional or psychological harm and3) Serious neglect of a child
Child safety	Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.
Child Wellbeing and Safety Act	<u>Child Wellbeing and Safety Act 2005 (Vic)</u>

Crimes Act	<i>Crimes Act 1958 (Vic)</i>
CYFA	<i>Children, Youth and Families Act 2005 (Vic)</i>
DET	<i>Department of Education and Training (Victoria)</i>
Diocese of Sandhurst	Diocese of Sandhurst is situated in central and north-eastern Victoria and provides Catholic early childhood education and care to children in early childhood settings owned and governed by SCECE&C Ltd
DFFH	<i>Department of Families, Fairness & Health</i>
Duty of care	Employees, including volunteers and contractors working in Early Childhood services, have a duty of care to support and protect the children and young people with whom they are professionally involved
Early Learning Centre community	Existing and prospective Sandhurst Catholic Early Childhood Education and Care staff, parents, guardians, carers, children and other stakeholders
Early Learning Centre staff	An individual working in an Early Learning Centre who is: <ul style="list-style-type: none"> • directly engaged or employed by SCECE&C Ltd • a volunteer • a contracted service provider and their employees • a minister of religion (clergy), and religious personnel (Brother, Sister, Monk)
Employee	A person of or over the age of 18 years who is: <ul style="list-style-type: none"> • an employee of SCECE&C Ltd, whether or not the person is employed in connection with any work or activities of SCECE&C Ltd that relate to children • engaged by SCECE&C Ltd to provide services, including as a volunteer, contractor, office-holder or officer, whether or not the person provides services to children
ETR Act	<i>Education and Training Reform Act 2006 (Vic)</i>
ETR Regulations	<i>Education and Training Reform Regulations 2017 (Vic)</i>
Equal Opportunity Act	<i>Equal Opportunity Act 2010 (Vic)</i>

Executive Director	The person holding the position of Executive Director of Catholic Education in CES Ltd
Failure to disclose offence	The failure to disclose offence requires any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose is a criminal offence.
Failure to protect offence	<p>The failure to protect offence requires a person in a position of authority to reduce or remove the risk of sexual abuse of a child (under the age of 16) by an adult associated with their organisation.</p> <p>A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.</p>
Grooming offence	The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time, whether the adult communicates by words or conduct with child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvements in sexual conduct, either with the groomer or another adult.
Guidelines	Recommendations and guidance to support the implementation of the SCECE&C Ltd Board approved Framework and related Policies
Mandatory reporter	<p>Mandatory reporters include:</p> <ul style="list-style-type: none"> • Early Learning Centre Director • Early Childhood Teachers • Primary Nominee • Approved Provider • Educators • School Principals • teachers • medical practitioners • nurses • school counsellors, ie a person employed or engaged (other than on a voluntary basis), to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing

	<ul style="list-style-type: none"> • registered psychologists • those in religious ministry
The Order	Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse in schools. See: Ministerial Order 870 – Child Safe Standards
Physical violence	Conduct committed against, with, or in the presence of a child, including an act that causes physical injury or pain such as hitting, kicking, punching, pushing, shoving, grabbing, throwing, shaking, hitting or striking with an object or using inappropriate restraint or excessive force.
Policy	A high level principles-based directive by the CES Ltd Board that must be complied with by each Sandhurst Catholic school as detailed in this Framework.
Privacy Act	Privacy Act 1988 (Cth)
Procedure	A step by step instruction for the implementation of a SCECE&C Ltd Framework and related Policies, developed and approved by the Approved Provider of a Sandhurst Catholic Early learning Centre to fulfil the policy requirements in a particular Early Learning Centre in accordance with this Framework.
Reasonable belief	A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.
Reportable allegation	Information that leads a person to form a reasonable belief that a SCECE&C Ltd staff member has committed: <ul style="list-style-type: none"> • reportable conduct; or • misconduct that may include reportable conduct whether or not the conduct or misconduct is alleged to have occurred within the course of the person’s employment
Reportable conduct	Behaviour committed against, with or in the presence of a child that is reportable under the Reportable Conduct Scheme, including: <ul style="list-style-type: none"> • a sexual offence, whether or not a criminal proceeding in relation to the offence has been commenced or concluded • sexual misconduct • physical violence

	<ul style="list-style-type: none"> any behaviour that causes significant emotional or psychological harm to a child significant neglect of a child.
Sandhurst Catholic Early Learning Centre	An Early Learning Centre which operates with the consent of the Bishop of the Catholic Diocese of Sandhurst and is owned, operated and governed by SCECE&C Ltd.
SCECE&C Ltd.	Sandhurst Catholic Early Childhood Education & Care Limited, the owner and operator of Sandhurst Early Childhood Education & Care settings.
SCECE&C Ltd Board	SCECE&C Ltd Board of Directors
Sexual misconduct	Includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching or physical contact, grooming behaviour and voyeurism.
Sexual offence	Includes rape, attempted rape, sexual assault, incest, various sexual offences against or involving a child, persistent sexual abuse of a child, grooming, and the production, distribution or possession of child abuse material.
VIT	Victorian Institute of Teaching
WWCC	Working with Children Check required by all non-teaching staff working in direct child-related work

4. Purpose

The SCECE&C Ltd Child Safety Framework provides the key documents and elements of our approach to protecting the children and young people in our care. All Sandhurst Catholic Early Learning Centres must ensure the child safety policies and procedures that are implemented are consistent with this SCECE&C Ltd Child Safety Framework Policy.

5. Scope

SCECE&C Ltd is required to implement the child safety policy and procedures as prescribed by this Child Safety Framework. This Framework and incorporated Policies and documents apply to all SCECE&C Ltd Early Learning Centres and are applicable to:

- Board of SCECE&C Ltd
- Committees of SCECE&C Ltd

- All employees
- Contractors
- Volunteers
- a minister of religion (clergy), and religious personnel (Brother, Sister, Monk)
- others, including visitors
- Children

6. Policy Statement

As the owner and operator of Sandhurst Catholic Early Learning Centres, SCECE&C Ltd Board is responsible for ensuring that all Early Learning Centres comply with the requirements of The Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 by:

- developing strategies for embedding and monitoring an organisational culture of child safety and zero tolerance for child abuse
- demonstrating a commitment to child safety
- developing, endorsing and make publically available a child safe Environment policy, SCECE&C Ltd Commitment Statement to Child Safety and Child Safety Code of Conduct.
- developing school staff selection, supervision and management practices for a child safe environment developing procedures for responding to allegations of suspected child abuse
- identifying the positions of the persons or people who are responsible for managing responses to an allegation or disclosure of child abuse
- developing and implementing strategies for identifying and reducing or removing risks of child abuse in each Sandhurst Catholic Early Learning Centre and, if considered appropriate, revise those strategies
- developing and implementing strategies to promote child empowerment and participation
- inform its Early Learning Centre communities about these strategies, and allocated roles and responsibilities

SCECE&C Ltd is committed to embedding a child safe culture where people consider, and address, risks to children and young people before, and as they arise, ensuring that all Sandhurst Catholic Early Learning Centres and their communities demonstrate zero tolerance for child abuse.

The SCECE&C Ltd Board is committed to the provision of child safety training during induction, and through ongoing training annually. This commitment exemplifies the Board's vision of having a strong culture when it comes to matters relating to child safety and protection.

The Child Safe Standards are foremost in the key documents, policies and procedures within this Framework.

The Principle of inclusion

SCECE&C Ltd must take account of and make reasonable efforts to accommodate the diversity of all children in implementing the Child Safe Standards, including (but not limited to) Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable.

The Standards

Child Safe Standard 1	Strategies to embed an organisational culture of child safety
Child Safe Standard 2	Child safety policy or statement of commitment to child safety
Child Safe Standard 3	A child safe code of conduct
Child Safe Standard 4	Early Learning Centre staff selection, supervision and management practices for a child safe environment
Child Safe Standard 5	Procedures for responding to allegation of suspected child abuse
Child Safe Standard 6	Strategies to identify and reduce or remove the risks of child abuse
Child Safe Standard 7	Strategies to promote child empowerment and participation

The SCECE&C Ltd Board is also responsible for ensuring:

- implementation of the Child Safe Standards, whereby the standards are communicated via induction and ongoing training to all Board members and SCECE&C Ltd staff annually, including identifying risks of child abuse in the Early learning Centre environment, and articulating their obligations and responsibilities for managing these risks; how to report and respond to child safety incidents.
- the presence of extensive policies and procedures in relation to excursions, ensuring that child safety risks specific to excursions are identified and put in place.
- ongoing, periodic reviews of all physical Early Learning Centre environments to ensure the physical space adheres to the National Law and Regulations including supervision and protection of children from harm and hazard.
- the development of procedures for verifying the [Working with Children Check](#) (WWCC) status of all staff/visitors, who may have direct unsupervised contact with students, to ensure that children remain safe in all Early Learning Centre environments.
- a system of assurance through which risks of child abuse, and actions taken to reduce or remove these risks (risk controls), are recorded, monitored and effectiveness evaluated on a regular basis. These risks are articulated in both the corporate and Early Learning Centre risk registers, where controls are validated to ensure their effectiveness. SCECE&C Ltd ensures that all controls are functional at Early Learning Centres to ensure compliance and align with our Child Safe Standards and our zero tolerance to child abuse.

Legislative requirements

This Framework and the incorporated Policies, Codes of Conduct and Principles are to support compliance by the SCECE&C Ltd Board and the Directors, employees and volunteers at all SCECE&C Ltd Early Learning Centres in relation to the following legislative and regulatory requirements:

- a) Child Safe Standards for managing risk of child abuse in schools as contained in the [Child Wellbeing and Safety Amendment \(Child Safe Standards\) Act 2015](#).
- b) Mandatory reporting obligations of mandated reporters under the [Children, Youth and Families Act 2005 \(Vic\)](#)
- c) the obligation of all adults in Victoria to report a sexual offence against a child under section 327 of the [Crimes Act 1958 \(Vic\)](#) ('failure to report' offence)
- d) the obligation of persons who occupy positions of authority in an organisation to reduce or remove a substantial risk that a child will be sexually abused in that organisation under section 49C(2) of the [Crimes Act 1958 \(Vic\)](#)
- e) the obligation of the Head of a Organisation (Head of Entity) to ensure that all reportable conduct of which they become aware is reported to the Commission of Children and Young People (CCYP) as required by the Reportable Conduct Scheme under the [Child Wellbeing and Safety Act 2005 \(Vic\)](#). For the purposes of the Reportable Conduct Scheme, the Head of Entity has been identified as the Executive Director of CES Ltd.
- f) to ensure that all employees, contractors and volunteers engaged in child-related work obtain and have a valid Working with Children Check (WWCC) in accordance with the [Working with Children Act 2005 \(Vic\)](#) and to maintain a register of employees and volunteers with a WWCC.
- g) to ensure that only teachers registered with the Victorian Institute of Teaching (VIT) or those who have Permission to Teach under Part 2.6 of the Act can be employed as teachers and to maintain a register of their VIT registration details as required under Schedule 4, clause 4 of the Education and Training Reform Regulations 2017.

7. Early Learning Centre specific Procedures and Guidelines

Each Sandhurst Early Learning Centre must develop procedures for maintaining a register of WWCC and teachers registered with the Victorian Institute of Teaching (VIT) in accordance with the Education and Care Services National Law and Regulations.

Any Procedure or Guideline approved in accordance with this Framework must be consistent with this Framework.

Any Procedure or Guideline developed under this Framework must be intended to support the application of this Framework and related Policies in a particular Sandhurst Early Learning Centre.

All Directors of Sandhurst Early Learning Centres are to ensure application of this Framework and

related Policies, Procedures and Guidelines, in compliance with, and within the parameters of, this Framework.

8. Roles and Responsibilities

Role of the SCECE&C Ltd Board

The SCECE&C Ltd Board will:

- have oversight of the requirements under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015; including the embedding of a child safe culture in all Sandhurst Catholic Early Learning Centres, the development of policies and procedures for child safety and ensuring compliance with The Act.
- ensure that the SCECE&C Ltd Child Safe Standards implementation and action plan is developed, endorsed and reviewed

Role of the Assistant to the Executive Director: Early Childhood Education and Care

The Assistant to the Executive Director: Early Childhood Education and Care will:

- ensure this Child Safe Standard Framework is enacted across all Early Learning Centres and work locations
- provide resources to Early Learning Centres to support review, development, and implementation of the Child Safe Standards
- ensure clear expectations and training is provided to directors in complying with Child Safe Standards
- deal with complaints or potential breaches and report these to the SCECE&C Ltd Board
- receive and assess reports, complaints and potential breaches and report these to the SCECE&C Ltd Board
- keep a record of complaints, reports and investigations
- report to [Commission for Children and Young People](#) (CCYP) on 'reportable conduct' matters as the identified head of entity on behalf of SCECE&C Ltd.
- report to Victorian Institute of Teaching (VIT) on reportable matters

Role of the Early Learning Centre Director

The Early Learning Centre Director is delegated, as the responsible person, to be the leadership and management arm of SCECE&C at a local level.

The Director will:

- ensure that the early childhood service meets the ongoing child safety requirements as specified by Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015.
- ensure that meaningful consultation with staff, the parent advisory council, parents/carers

and children in the review, adoption and development of the Child Safe Environment Policy, procedures and resources

- ensure that all staff are cognisant with the Child Safe Standards, CCYP resources about the safety and wellbeing of children, related ACECQA and DET advice and materials
- ensure relevant Child Safe Standards resources are publicly available and accessible to the early learning centre community
- ensure all staff undertake training and professional learning about the Child Safe Standards, including the training which is mandatory
- seek advice from SCECE&C staff with respect to Child Safe Standard breaches and legal matters
- advise the SCECE&C Ltd Board of any significant matters that may have major pastoral or legal implications in a timely matter
- keep appropriate notes and correspondence with respect to Child Safe Standard breaches

Transparency and Fairness

An up-to-date version of all prescribed key documents, policies and procedures forming part of this Framework must be maintained on the website of each Sandhurst Catholic Early Learning Centre at all times.

9. Review

The Board will review this Framework and incorporated policies and documents on an annual basis or as required as a result of legislative change to ensure that it continues to be suitable, adequate and effective to achieve compliance for the SCECE&C Ltd Board and employees and volunteers in Sandhurst Catholic Early Learning Centres.

The Board must communicate any changes made to this Framework to the Directors of Sandhurst Catholic Early Learning Centres as soon as possible.

10. Child Safety Framework Resource Documents

- | | |
|----------------|--|
| FORM 1: | Commitment Statement to Child Safety |
| FORM 2: | Child Safe Environment Policy |
| FORM 3: | Code of Conduct Policy |
| FORM 4: | Reportable Conduct Scheme Policy |
| FORM 5: | Child Safety Risk Register (To be developed) |

FORM 1

Commitment Statement to Child Safety

July 2021

A safe and nurturing culture for all children in Sandhurst Catholic Early Childhood Education and Care Services

The Statement is intended to provide the central focus for child safety across Sandhurst Catholic Early Childhood education and Care services in the Sandhurst Diocese, built around a unified understanding of the moral imperative and overarching commitments that underpin our drive for improvement and cultural change.

The care, safety and wellbeing of children is a central and fundamental responsibility of Catholic education. This commitment is drawn from and inherent to the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the Gospel.

Sandhurst Catholic Early Childhood Education and Care Services are committed to providing a safe and nurturing culture for all children and young people through:

1. Upholding the primacy of the safety and wellbeing of children

At all times, the ongoing safety and wellbeing of all children and will be the primary focus of care and decision-making, with particular attention paid to the cultural safety of Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

To create and maintain a safe and nurturing culture, SCECE&C Ltd will actively and continually develop and review all policies, processes and practices, informed by emerging thinking and evidence.

2. Empowering families, children, young people and staff to have a voice and raise concerns

SCECE&C Ltd, in partnership with all Sandhurst Catholic Early Childhood Education and Care services and families, will ensure children, are engaged and active participants in decision-making processes, particularly those that have an impact on their safety.

This means that the views of staff (including Early Learning Centre staff, volunteers, contractors, clergy and the CES Ltd Office), children, and families are taken seriously, and their concerns are addressed in a just and timely manner. Children are also provided with the necessary skills and appropriate knowledge to understand and maintain their personal safety and wellbeing.

3. Implementing rigorous risk-management and employment practices

Sandhurst Catholic Early Childhood Education and Care staff will systematically and continually identify and assess risks to child safety and will eliminate (where possible) or reduce all potential sources of harm. Effective risk management will be embedded through effective, transparent and well- understood policies, procedures and practices.

All Sandhurst Catholic Early Childhood Education and Care Services and the CES Ltd Office will employ highly competent and professional staff who are formed and challenged to maintain the safety of all children. The high-quality of staff appointments will be upheld through rigorous employment and staff review processes and practices.

SCECE&C Ltd will stay abreast of current legislation and will meet their legislative duties to protect the safety and wellbeing of children in their care, including the Victorian Child Safe Standards (Victorian Government 2016), mandatory reporting, grooming, failure to disclose, grooming and failure to protect requirements and those requirements of the Reportable Conduct Scheme.

4. References

Congregation for Catholic education 1997, The Catholic School on the Threshold of the Third Millennium, Vatican, Vatican City, accessed 24 February 2016

State of Victoria, Department of Education and Training 2016, Child Safe Standards – Managing the Risk of Child Abuse in Schools Ministerial Order No. 870, Education & Training Reform Act 2006 (Vic), Gazette No. S2, accessed 16 May 2016

FORM 2

Child Safe Environment Policy

Mandatory – Quality Area 2

July 2021

1. Purpose

This policy provides a clear set of guidelines and procedures for [service name] to:

- provide a safe environment for all children which ensures their safety, health and wellbeing
- promote the cultural safety of all children
- identify, reduce and remove risks of child abuse
- intervene when a child may be at risk of abuse or neglect
- involve children in child safety including listening to children and incorporating their views about how to provide a safe environment
- make staff aware of their legal and duty of care obligations to report child abuse and neglect

2. Policy Statement

2.1 Values

[service name]:

- is committed to the rights of all children to feel safe, and be safe at all times, including:
 - promoting the cultural safety of Aboriginal children
 - promoting the cultural safety of children from culturally and linguistically diverse backgrounds
 - promoting the safety of children with a disability
 - promoting the (right to) safety of trans and gender diverse children and their families in ECEC settings
 - ensuring that LGBTIQ+ children and families feel included

- values, respects and cares for children
- fosters opportunities for each child to participate, express their views and to learn and develop
- always acts in the best interests of each child and has zero tolerance of child abuse
- takes all reasonable steps to ensure the health, safety and wellbeing of children at all times, whilst also promoting their learning and development
- actively manages the risks of abuse or harm to each child, including fulfilling our duty of care 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.

2.1 Scope

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children and others attending the programs and activities of [Service Name], including during offsite excursions and activities.

3. Responsibilities

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
Providing leadership for an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved	√	√			
Advising staff of current child protection legislation, and their legal and duty of care obligations (<i>Regulation 84</i>)	√	√			

Undertaking child safety reviews and developing an action plan to maintain Child Safe Standards (<i>refer to Definitions</i>) at [Service Name]	√	√	√	√	√
Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy	√	√	√		
Contributing to an organisational culture of child safety	√	√	√	√	√
Ensuring continuous improvement in the implementation of the Child Safe Standards (<i>refer to Definitions</i>) in [Service Name], 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>)	√	√	√	√	√
Conducting recruitment and induction processes for staff in line with this policy (<i>refer to Attachment 1</i>)	√				
Screening contractors, volunteers and students in line with their roles and this policy (<i>refer to Attachment 2</i>)	√				
Ensuring that contractors, volunteers, students, parents/guardians and other visitors to the service are not left with sole supervision of individual children or groups of children	√	√	√		
Ensuring that contact is prevented or responding if it has occurred, when the service has been notified of a court order prohibiting an adult from contacting an enrolled child	√	√	√		
Identifying the potential for child abuse at [Service Name], and developing and implementing effective prevention strategies	√	√	√		
Following processes for responding to and reporting suspected child abuse (<i>refer to Attachment 3</i>)	√	√	√	√	√
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>)	√	√	√		
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>)	√	√	√	√	√

Fulfilling legal obligations, including mandatory reporting and duty of care obligations (<i>refer to Definitions</i>) (<i>refer to Attachment 3 and 4</i>)	√	√	√		
Being aware of this policy, the <i>Code of Conduct Policy, Privacy and Confidentiality Policy and the Interactions with Children Policy</i> and their ongoing obligations to behave in accordance with the policies	√	√	√	√	√
Communicating to staff about their obligations under the Information Sharing Schemes (<i>refer to Definitions</i>), and ensure they have read and understood the <i>Privacy and Confidentiality Policy</i>	√	√	√		
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 or group of children	√	√	√		
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>).	√	√	√		
Giving precedence to the wellbeing and safety of a child or group of children over the right to privacy when sharing information under the CISS and the FVISS (<i>refer to Definitions</i>)	√	√	√		
Ensuring confidential information is only shared with relevant authorities to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children	√	√	√		
Maintaining co-operative 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 [Service Name]	√	√	√		
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>)	√	√	√		

Notifying DET within 24 hours of a serious incident (<i>refer to Definitions</i>) occurring at the service	√	√			
Notifying DET within 24 hours in of becoming aware of a notifiable complaint (<i>refer to Definitions</i>) or allegation regarding the safety, health and/or welfare of a child at the service	√				
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	√				
Notifying the Commission for Children and Young People within 3 business days of becoming aware of a reportable allegation (<i>refer to Definitions</i>), under the Reportable Conduct Scheme (<i>refer to Definitions</i>) (<i>refer to Attachment 3 and 4</i>)	√				
Investigating an allegation (subject to police clearance on criminal matters or matters involving family violence), advising the Commission for Children and Young People who is undertaking the investigation	√				
Managing the risks to children whilst undertaking the investigation	√	√	√		
Updating the Commission for Children and Young People within 30 calendar days with detailed information about the reportable allegation and any action	√				
Notifying the Commission for Children and Young People of the investigation findings and any disciplinary action taken (or the reasons no action was taken)	√				
Notifying the approved provider or person with management or control immediately on becoming aware of a concern, complaint or allegation regarding the safety, health and welfare of a child at [Service Name]		√	√	√	√
Maintaining confidentiality at all times (<i>refer to Privacy and Confidentiality Policy</i>)	√	√	√	√	√
Providing appropriate resources and training to assist staff, contractors, volunteers and students to implement this policy (<i>refer to Sources</i>)	√				
Protecting the rights of children and families, and encouraging their participation in decision-making	√	√	√	√	

Keeping informed of any relevant changes in legislation and practices in relation to this policy	√	√	√	√	√
Abide by the <i>Code of Conduct Policy</i>	√	√	√	√	√
Ensuring an explicit statement of [Service Name]’s commitment to child safety is included in all advertising promotion for the organisation	√				
Being aware of this policy, the <i>Code of Conduct Policy, Privacy and Confidentiality Policy</i> and the <i>Interactions with Children Policy</i> and their ongoing obligations to behave in accordance with the policies	√	√	√	√	√
Validating Working with Children Clearance (refer to Definitions) or Victorian Institute of Teaching Registration before staff, contractors, volunteers and students commence working with children (<i>refer to Staffing Policy</i>)	√	√			
Ensuring when sharing information giving precedence to the wellbeing and safety of a child or 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>)	√	√	√		
Seeking and taking into account the views of the child and the child’s relevant family members, if it is appropriate, safe and reasonable to do so when sharing information under the CISS and the FVISS (<i>refer to Definitions</i>)	√	√	√		
Being respectful of and have regard to a child’s social, individual and cultural identity, the child’s strengths and abilities and any vulnerability relevant to the child’s safety or wellbeing when sharing information under the CISS and FVISS (<i>refer to Definitions</i>)	√	√	√		
Promoting a child’s cultural safety and recognising the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both when sharing information under the CISS and FVISS (<i>refer to Definitions</i>)	√	√	√		
Educating and empowering children to talk about events and situations that make them feel uncomfortable	√	√	√	√	√
Reviewing this policy in consultation with stakeholders	√	√	√	√	√

4. Procedures

Refer to *Attachment 3* for the following procedures

- Making a report/referral to specialised services
- Managing a disclosure
- Responding to incidents, disclosure and suspicions of child abuse
- Documentation for responding to incidents, disclosure and suspicions of child abuse
- Reportable Conduct Scheme

Refer to *Attachment 4* for the following procedure:

- Documentation for responding to incidents, disclosure and suspicions of child abuse

5. Background and Legislation

5.1 Background

A key requirement of the *Education and Care Service National Law Act 2010* is to ensure every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury (*National Law: Section 167*). The approved provider must also ensure that each Nominated Supervisor and each person in day-to-day charge of the service has successfully completed the child protection training required by the Department of Education and Training (*National Law: Section 162A*).

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

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

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

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

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

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

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

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

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

Any person who forms a reasonable belief (*refer to Definitions*), that a child is in need of protection may report their concerns to the Child Protection (*refer to Definitions*).

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

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

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

- Victorian organisations that provide services to children are required under the *Child Wellbeing and Safety Act 2005* to ensure that they implement compulsory minimum Child Safe Standards to protect children from harm. The standards aim to drive continuous improvement in the way services prevent and report child abuse and respond to allegations of child abuse. Standard 2 requires services to have a child safe policy or statement of commitment to child safety.
- Three criminal offences in the *Crimes Amendment (Protection of Children) Act 2014* protect children from child abuse:
 - Failure to disclose: All adults (not just those working with children) have a legal duty to report information about child sexual abuse to Victoria Police. The offence applies to any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 and fails to report that information to the Victoria Police.
 - Failure to protect: The offence applies to people within organisations who hold positions of authority within an education and care service, such as the approved provider, person with management or control, the nominated supervisor or the person in day to day charge and who know of the substantial risk that another adult associated with the organisation may commit a sex offence and they have the power or responsibility to remove or reduce the risk but negligently fail to do so.
 - Grooming offence: The offence targets predatory conduct by an adult with the intent of committing child sexual abuse. Conduct may include communication, including online communication, with a child under the age of 16 or their parents.

5.2 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)

5.3 Definitions

- The terms defined in this section relate specifically to this policy
- **Abuse:** see Child abuse definition below.
- **Child abuse:** (In the context of this policy) refers to an act or omission by an adult that endangers or impairs a child’s physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (refer to Definitions) are generic terms used to describe situations in which a child may need protection. Child abuse includes any and all of the following:
 - **Physical abuse:** When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.
 - **Sexual abuse:** When a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse.
 - **Emotional and psychological abuse:** When a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.
 - **Neglect:** The failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child’s health and development is, or is likely to be, significantly harmed.
 - **Family violence:** When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Contrary to popular belief, witnessing episodes of violence between people they love can affect young children as much as if they were the

victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

- **Racial, cultural, religious abuse:** Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.
- **Bullying:** Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.
- **Child FIRST:** A Victorian community-based intake and referral service linked with Family Services. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection.

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

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

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

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

Child protection notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection.

Child Protection Service (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Health and Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services. Code of conduct: A set of rules or practices that establish a standard of behaviour to be followed

by individuals and organisations. A code of conduct defines how individuals should behave towards each other and towards other organisations and individuals in the community (refer to Code of Conduct Policy).

Contractor: A person or company that undertakes a contract to provide materials or labour to perform a service or do a job. Examples include photographer, tradesperson, people contracted to provide an incursion.

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

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

Head of organisation: The heads of organisations under the Reportable Conduct Scheme are required to have systems in place to prevent reportable conduct within their organisation, and systems to enable staff to make reportable allegations. The head of organisation has the powers of the employer. A CEO or Principle Officer is a head of organisation. For stand-alone kindergartens, the head of organisation will usually be the president or another office bearer who consents to the nomination.

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

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

Mandatory reporting: The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm.

A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as 'mandatory reporters', including:

- all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service
- all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service.
- educators registered with the Victorian Institute of Teaching (VIT).

Mandated staff members must make a report to Victoria Police and/or Child Protection as soon as is practicable if, during the course of acting out their professional roles and responsibilities, they form a belief on reasonable grounds (refer to Definitions) that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to Definitions) and

- the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type.

Mandatory reporters must also follow processes for responding to incidents, disclosures or suspicions of child abuse to fulfil all their legal obligations (refer to Attachment 4: Processes for responding to and reporting suspected child abuse).

Neglect: see Child abuse definition above.

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

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

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

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

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

- a child or young person states that they 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 on the child or young person's safety, stability or development
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's/young person's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

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

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

- sexual 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: A WWC Clearance is granted to a person under working with children legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

6. SOURCES AND RELATED POLICIES

6.1 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): <https://ccyp.vic.gov.au>
- Department of Education and Training Mandatory Reporting eLearning Module: <https://educationvic.elmotalent.com.au>
- 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>
- Service Agreement Information Kit for Funded Organisations: <https://fac.dhhs.vic.gov.au/service-agreement-requirements>
- 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

6.2 Related Policies

- Acceptance and Refusal of Authorisations
- Code of Conduct
- Complaints and Grievances
- Delivery and Collection of Children
- Incident, Injury, Trauma and Illness
- Inclusion and Equity
- Interactions with Children
- Participation of Volunteers and Students
- Privacy and Confidentiality
- Staffing
- Supervision of Children

7. Attachments

- **Attachment 1:** Guidelines for incorporation of child safety into recruitment and management of staff
- **Attachment 2:** Guidelines for incorporation of child safety into recruitment of contractors, volunteers and students
- **Attachment 3:** Processes for responding to incidents, disclosures and suspicions of child abuse.

8. EVALUATION

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

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required

9. Authorisation

This policy was adopted by the Approved Provider of [service name] on [Date].

10. Review date:

[DAY] / [MONTH] / [YEAR]

ATTACHMENT 1:

Guidelines for incorporation of child safety into the recruitment and management of staff

The following guidelines and processes for the incorporation of child safety into the recruitment and management of staff demonstrate [Service Name]'s commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work at our service.

Preparation for recruitment

- Include a statement of [Service Name]'s commitment to maintaining a child safe environment in the job description
- Job description clearly outlines responsibilities and accountability
- Job advertisements clearly state our commitment to child safety
- Include requirement for a current Working with Children Check (WWCC) or Victorian Institute of Teaching registration
- The template letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety.

Selection process

- At least three people are on the interview panel including, where possible, a gender mix and a person external to the service or someone with human resource/interviewing experience
- Questions are behaviour-based and ask the interviewee to provide examples of their past behaviour in specific situations relevant to the job being applied for
- Questions regarding relationships with children are values-based and include a consideration of issues such as professional boundaries, resilience and motivation, teamwork, accountability and ethics
- Questions are based on key selection criteria
- More detail is asked for when answers seem incomplete
- Confirm identity by sighting (and taking a copy of) a driver's licence or a passport
- Verify qualifications and, where relevant, Working with Children Clearance or Victorian Institute of Teaching registration
- Thorough reference checks:
 - at least two referees are contacted (including the current or most recent employer or direct line manager) in person or via telephone
 - all referees must have observed the applicant working with children first-hand
 - referees are asked about the candidate's past behaviour including relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics.

- Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment
- Information provided to the new staff member on commencing work at the service includes *Child Safe Environment Policy, Code of Conduct Policy, Complaints and Grievances Policy and Staffing Policy*
- Regular meetings are held between staff members and the approved provider or the person with management or control
- A mentoring or buddy system for staff members is in place
- Training and education with regard to child safety and child protection is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment.

Ongoing Management

- Regular meetings are held between staff and the approved provider or person with management or control and child safety is a regular item on the agenda
- Provide supervision to ensure clear expectations about the role, adequate support as well as on-the-job monitoring of their performance
- Performance reviews consider the staff member's contribution to creating a child safe environment
- Regular training and education with regard to child safety, child protection and inclusive practices is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment
- Have a process to ensure that the registration of all early childhood teachers with Victorian Institute of Training remains current
- Maintain a register of all staff with a WWCC card and regularly check the status of the WWCC cards of all staff to ensure that no one has been given a Negative Notice or had their card revoked or suspended or that it has expired
- Develop processes to deal with a staff member who is given a Negative Notice including ensuring that they do not do any child-related work.

ATTACHMENT 2:

Guidelines for incorporation of child safety into the recruitment and management of contractors, volunteers and students

The following guidelines and processes for the recruitment and management of contractors (*refer to Definitions*), volunteers (*refer to Definitions*) and students demonstrates [Service Name]'s commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work, volunteer or be on student placement at our service.

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

ATTACHMENT 3:

Processes for responding to incidents, disclosures and suspicions of child abuse

Overview

- The approved provider or staff, including those with mandatory reporting responsibilities (*refer to Definitions*) must act when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused. Regardless of the suspected cause, all concerns about the wellbeing of a child (or an unborn child) should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which does not appear to be the result of abuse
- Staff must seek advice from the approved provider or person with management or control, DHHS Child Protection, Child First and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the Approved Provider or Person with Management or Control, or any other staff member, they must still make a report to Child Protection and/or Victoria Police.
- The steps outlined in the Department of Education and Training's flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions which are to be followed: www.education.vic.gov.au
- 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 on 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 into 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 DHHS child protection

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

This includes all concerns that:

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

Managing a disclosure

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

Strategies include:

- let the child talk about their concerns in their own time and in their own words
- give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener
- remain calm and use a neutral non-judgmental tone

- comfort the child if they are distressed
- record the child's disclosure using the child's words.
- tell the child that telling you is the right thing to do and that what has happened is not their fault
- let them know that you will act on this information and that you will need to let other people know so that they can help the child
- it is the role of DHHS Child Protection and Victoria Police to investigate. DO NOT taking any steps to investigate. Avoid asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation. Avoid going over information repeatedly.

Responding to incidents, discloser and suspicions of child abuse

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

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

ACTION 1: RESPONDING TO AN EMERGENCY

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

These include:

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

ACTION 2: REPORTING TO AUTHORITIES

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

If the source of suspected abuse is from within the family or community:

DHHS CHILD PROTECTION

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

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

VICTORIA POLICE

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

REPORT TO MANAGEMENT

You must report to your approved provider.

NOTIFY THE REGULATOR

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

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

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

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

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

ACTION 3: CONTACTING PARENTS/CARERS

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

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and has requested that their parent/carer not be contacted)
- to contact the parents/carers and provide agreed information as soon as possible (for approved provider's, it is a requirement that parents/carers are notified within 24 hours if the suspected abuse occurred at the service).

ACTION 4: PROVIDING ONGOING SUPPORT

Your service should take reasonable steps to make a child feel safe and supported whilst they are attending your service.

- your service should also consider providing support for children impacted by abuse. Eg. Referral to wellbeing professionals.
- you must follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

The reportable conduct scheme

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

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

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

Child protection in early childhood: Privacy and information sharing

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

Following a report to DHHS 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 DHHS Child Protection workers in very urgent situations and/or if the information is required to protect the safety of that child) and/or
- seek consent from a child or their parents/carers before disclosing information about the report and the child and their family to anyone other than authorities and service staff members (provided this does not place the child or another person at risk).

Privacy laws allow for staff to share a child's personal and health information to enable the services to:

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

Resources

Department of Education and Training PROTECT Portal: www.education.vic.gov.au

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

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

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

ATTACHMENT 4:

Responding to suspected child abuse: template for all Victorian Early Childhood Services

This template has been adapted from the Department of Education and Training; Responding to Suspected Child abuse: Template for all Victorian Early Childhood Services

Under the National Quality Framework, the approved provider of an education and care service must ensure that an incident, injury, trauma and illness record is kept (*Regulation 87*). This template aligns with this requirement and it is strongly recommended that all early childhood service staff utilise this template for incidents, disclosures and suspicions of child abuse.

Completing this template 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 much factual information as possible. This information will be critical and may be sought at a later date if the matter is the subject of Court proceedings.

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 on 000

INFORMATION OF THE ALLEGED VICTIM

Child's personal details	
Name:	Gender:
Relationship to service: (eg 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 know): <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 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/children are 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 they 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"/> DHHS 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 approved provider	
Time:	Date:
Name:	
Discussion outcomes:	
Notification to the regulator: All approved providers must notify the quality assessment and regulatory division if there is an incident at the service and/or the health safety or wellbeing of a child 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/cares (if appropriate): You must consult with Victoria police and/or DHHS 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 DHHS child protection or Victoria police? <input type="checkbox"/> yes <input type="checkbox"/> no Is it appropriate to contact parent/carer: <input type="checkbox"/> yes <input type="checkbox"/> 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 to continue to protect children in your care and to reflect on your process and then need for any follow up action.

Safety and wellbeing

Current safety and wellbeing of the child
Is the child safe from abuse and harm? <input type="checkbox"/> yes <input type="checkbox"/> no
If not consider the need to make a further report
Does a child have any wellbeing issues that are not currently being addressed? <input type="checkbox"/> yes <input type="checkbox"/> 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? <input type="checkbox"/> yes <input type="checkbox"/> no
If so have their wellbeing needs being met? <input type="checkbox"/> yes <input type="checkbox"/> 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? <input type="checkbox"/> yes <input type="checkbox"/> no
If so has this been received? <input type="checkbox"/> yes <input type="checkbox"/> 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?

<p>Was an appropriate decision made in relation to when to act?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Could the suspected abuse have been detected earlier?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Action 1</p> <p>Did the stop take appropriate actions in an emergency?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Action 2</p> <p>Was a report made to the appropriate authorities and internally?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>What where subsequent reports made if necessary?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p>	<p>Action 3</p> <p>Did the service contact the parent carers as soon as possible?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Have the parents continued to engage if appropriate?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Action 4</p> <p>Has the service provided adequate ongoing support for the child?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Have any complaints been received?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Have the complaints been resolved?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p>
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FORM 3

Child Safety Code of Conduct

July 2021

SCECE&C Ltd is committed to the safety of all children and has 'zero tolerance' for child abuse.

SCECE&C Ltd recognises the importance of embedding a child safe culture across the organisation and is committed to ensuring each Sandhurst Catholic Early Childhood Education and Care service operates in compliance with the requirements of the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015.

SCECE&C Ltd is responsible for leading and guiding Sandhurst Catholic Early Childhood Education and Care services.

1. Vision

The vision for Sandhurst Catholic Early Childhood Education and Care Limited (SCECE&C Ltd) is to create high quality environments, where each child and family is accompanied on their journey of development, supported by the pastoral ministry of our church as embodied in our Sandhurst communities. At the heart of this vision is our commitment to the ongoing duty of care that we have for the safety, wellbeing, and inclusion of all children.

2. Purpose

A Child Safety Code of Conduct has a specific focus on promoting child safety at SCECE&C Ltd and safeguarding children against all forms of abuse as defined under Ministerial Order 870. Child abuse is defined in section 3 of the *Child Wellbeing and Safety Act 2005* (Vic) as including:

- any act committed against a child involving a sexual offence or a grooming offence under section 49M(1) of the *Crimes Act 1958* (Vic)
- the infliction of physical violence or serious emotional or psychological harm
- the serious neglect of a child.

A child is defined by the *Child Wellbeing and Safety Act 2005* (Vic) as a person who is under the age of 18 years.

The purpose of the Child Safety Code of Conduct is to identify appropriate and inappropriate behaviour with children in an Early Childhood Education and Care environment. The objective is to guide all SCECE&C Ltd staff in identifying and regulating their own behaviour and the behaviour of other staff, and to protect children from abuse in the Early Childhood Education

and Care environment.

The Code should be read in conjunction with the SCECE&C Ltd Commitment Statement to Child Safety and other child safety policies and procedures.

The Code is intended to complement child protection legislation, mandatory reporting and other reporting requirements and the Victorian Institute of Teaching (VIT) Codes of Conduct as these apply to staff and personnel.

3. Scope

This Code applies to all SCECE&C Ltd staff who are:

- directly engaged or employed by SCECE&C Ltd (includes Board, Committees, and Early Childhood Education and Care service and Parent Advisory Committee members)
- a volunteer or a contracted service provider
- a minister of religion (clergy), and religious personnel (Brother, Sister, Monk)

It applies to all aspects of a staff member's engagement with SCECE&C children at any Sandhurst Catholic Early Childhood Education and Care service.

This Code applies regardless of:

- the location of where an interaction occurs, whether during or outside Early Childhood Education and Care service grounds or during or outside Early Childhood Education and Care service hours
- whether the interaction occurs in person or online
- a child's age
- a child's consent
- the consent of parents/guardians and families
- circumstances in which a child initiates an interaction or relationship between the Worker and the student.

4. Acceptable and Unacceptable Behaviours

Acceptable behaviours

All staff are responsible for supporting the safety of children by:

- adhering to and upholding the SCECE&C Ltd Commitment Statement to Child Safety and other child safety policies and procedures at all times
- taking all reasonable steps to protect children from abuse
- treating everyone in the SCECE&C Ltd community with respect (modelling positive and respectful relationships and acting in a manner that sustains a safe, educational and pastoral environment)

- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that staff are not alone with a child
- reporting any allegations of child abuse to the SCECE&C Ltd Executive Leadership Team, a Kindergarten Director, or a Child Safety Officer in accordance with Responding and Reporting Obligations Policy, and Procedures
- understanding and complying with all reporting obligations as they relate to mandatory reporting and also reporting under the *Crimes Act 1958* (Vic)
- reporting any child safety concerns to the SCECE&C service leadership or a Child Safety Officer
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe
- being vigilant and taking all reasonable steps to protect the children in SCECE&C's care from abuse or harm
- abiding by professional boundaries, acknowledging that interactions with students by their very nature are open to scrutiny
- respecting the language, customs, religions and cultures of a student
- reporting any suspected breach of this Code by any other staff to the Director or another member of the Early Childhood Education and Care service leadership team
- if an allegation of child abuse is made, ensuring as quickly as possible that the children are safe, in accordance with the SCECE&C Ltd policies and procedures
- respecting the confidentiality and privacy of children and acting in accordance with the SCECE&C Limited Privacy Policy
- immediately notifying SCECE&C Ltd if they become the subject of any child safety investigation or become charged with any offence related to child safety
- complying with their professional and employment obligations, including any other relevant professional or occupational code of conduct such as the VIT or ECA Code of Conduct

- complying with any lawful and reasonable direction by SCECE&C Ltd
- cooperating with any child safety investigation by SCECE&C Ltd or any regulatory authority.

Unacceptable behaviours

All staff must not:

- engage in any form of child abuse, including behaviour that could constitute grooming
- ignore or disregard any suspected or disclosed child abuse
- put children at risk of abuse (for example, by locking doors)
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- have any online contact with a child (including by social media, email, instant messaging etc.) or their family (unless necessary for work purposes e.g. by providing families with e-news letters)
- photograph or video a student without the consent of the parent or guardians;
- engage in conduct towards or in the presence of a child that suggests contempt, ridicule or intolerance, including because of the child's or another person's race, culture, religion, gender, sexuality or disability
- share or request any photographs, videos, recordings or personal information about children without SCECE&C Ltd consent
- work with a child while under the influence of alcohol or illegal drugs or consume alcohol or drugs at a SCECE&C Early Childhood Education and Care service or at SCECE&C Early Childhood Education and Care service events in the presence of children.

Teachers

Teachers are also required to abide by the principles relating to relationships with students as set out in the Victorian Teaching Profession Code of Conduct published by the Victorian Institute of Teaching. These principles include:

- knowing their students well, respecting their individual differences and catering for their individual abilities
- work to create an environment which promotes mutual respect
- model and engage in respectful and impartial language
- protect students from intimidation, embarrassment, humiliation and harm
- respect a student's privacy in sensitive matters

- interact with students without displaying bias or preference
- do not violate or compromise the unique position that a teacher holds of influence and trust in their relationship students.

Policy Compliance

All staff at Insert Early Childhood Education and Care service name receive a copy of this Code when they are appointed to SCECE&C Ltd. They are expected to read and be familiar with its content. The Code will be included in the Induction program for new staff and all staff will be briefed on the Code during staff meetings during the year.

A copy of the Code will be included in the Insert location e.g. staff handbook, intranet, etc..

Breach of this Code

Staff that breach this Code may be subject to disciplinary action, including and up to termination of their employment or engagement.

Individuals that are aware of a suspected breach of this Code should refer to Responding and Reporting Obligations Policy, and Procedure, and can make a report to the appropriate member of the SCECE&C Ltd Executive Leadership Team or Sandhurst Catholic Early Childhood Education and Care Service in the first instance. All reports will be treated confidentiality.

The appropriate member of the SCECE&C Ltd Executive Leadership Team is also required to report to the VIT any charges, committals for trial or convictions concerning in relation to a sexual offence by a registered teacher or certain allegations or concerns about a registered teacher.

I, _____, confirm I have been provided with a copy of the above Code of Conduct and will abide by it.

Signed: _____ Date: _____

FORM 4

Reportable Conduct Scheme Policy

June 2021

1. Purpose

From 1 July 2017, the Victorian Government legislated the introduction of a Reportable Conduct Scheme (RCS) to improve how organisations, including early learning centres, respond to allegations of child abuse and child-related misconduct by employees, volunteers and contractors.

The Reportable Conduct Scheme is focussed on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. **Insert Service Name** must ensure that it maintains systems that:

- prevent reportable conduct by employees of the early learning centre within the course of their employment
- ensure reportable allegations are made to the Nominated Supervisor or made directly to the CES Ltd Assistant Director: Early childhood Education and Care if the reportable allegation concerns the Nominated Supervisor
- ensure reportable allegations that involve employees, volunteers, contractors are reported to the CCYP.

2. Scope

This policy applies to all SCECE&C Ltd employees, volunteers and contractors and those listed in the *Victorian Child Wellbeing & Safety Act 2005, Children's Legislation (Reportable Conduct) Act 2017*.

3. Definitions

Who is an Employee?

For the purposes of the Act, employee is defined as a person aged 18 years or over who is:

- employed by SCECE&C whether or not that person is employed in connection with any work or activities of the Early Learning Centre that relate to children; or

- engaged by the service to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.

Early Learning Staff means an individual working in an early learning centre environment who is:

- directly engaged or employed by SCECE&C Ltd
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) such as members of committees, contractors or cleaners
- a minister of religion (clergy, and religious personnel (Brother, Sister, Monk)).

4. Policy Statement

Insert service name will abide by the requirements of the Reportable Conduct Scheme in dealing with allegations of misconduct or child abuse, based on a reasonable belief, that relate to employees, volunteers and contractors in the early learning centre. This includes where a reportable allegation is made against the Nominated Supervisor.

The Nominated Supervisor, or in the case of an allegation about the Nominated Supervisor, another person in charge, will ensure the reporting of any reportable allegation made about an employee, volunteer or contractor to the CES Ltd Office, Assistant to the Director: Early Childhood Education and Care, who is required to report the matter to the Executive Director, CES Ltd as the head of entity for reportable conduct matters.

The Nominated Supervisor does not have to agree with or share the belief that the alleged conduct has occurred. However, they must notify the CES Ltd Office, Assistant to the Director: Early childhood Education and Care for further advice as to whether the allegation is reportable to the CCYP by the CES Ltd Executive Director.

The CES Ltd Executive Director, will then report the alleged misconduct to the CES Ltd Board and the CCYP within three days of becoming aware of the allegation and update CCYP of progress of the investigation within 30 calendar days. The actual notification to CCYP can be made by the Assistant to the Director: Early childhood Education and Care on behalf of the Executive Director.

5. Policy Implementation

The CES Ltd Executive Director as Head of Entity, in consultation with the Executive Director: Early Childhood Education and Care and Nominated Supervisor, will report the alleged misconduct to the CCYP within the three (3) days. In the event that an allegation of reportable conduct is made about the Nominated Supervisor, the matter must be reported to the CES Ltd Office Assistant to the Director: Early childhood Education and Care who will then notify the Executive Director of CES Ltd.

What is Reportable Conduct?

Table 1: Reportable conduct categories

Sexual Abuse	Sexual Misconduct	Physical Abuse	Psychological or Emotional Harm	Significant Neglect
<ul style="list-style-type: none"> • Rape or Sexual Assault • Sexual activity with or in the presence of a child • Grooming or encouraging a child to engage in sexual activity • Offences relating to child abuse material 	<ul style="list-style-type: none"> • Behaviour, physical contact, speech or other communication of a sexual nature • physical contact without valid reason • Crossing professional boundaries • Voyeurism 	<ul style="list-style-type: none"> • Hitting, kicking, punching • Pushing, shoving, grabbing, throwing, shaking • Use of an object • Inappropriate restraint, excessive force 	<ul style="list-style-type: none"> • Exposure to violence or threats of violence • Anti-social behaviour • Self-destructive behaviour • Persistent hostility or rejection • Humiliation or belittling • Scapegoating 	<ul style="list-style-type: none"> • Deprived from the following: • Clothing or food • Medical Attention or care • Shelter • Supervision • Access to drugs or alcohol.

Any reportable allegation listed above will be immediately reported by the Nominated Supervisor.

It is important to note that existing Mandatory Reporting obligations have not changed. The early learning centre will report any allegation of abuse to DFFH Child Protection.

If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.

Where the allegation falls under the Mandatory Reporting domain, the reporting to CCYP is in addition to reporting to Police and DFFH.

Reportable conduct, Mandatory reporting and reporting to VIT

Reportable conduct allegations as listed above are referred to CCYP

Any alleged conduct that is regarded to be of a criminal nature is to be dealt with as mandatory reporting and referred to Victoria Police and DFFH according to Attachment One

If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the Nominated Supervisor must notify VIT immediately under *Conduct that is Reportable to the Victorian Institute of Teaching.*

Responsibilities of the Nominated Supervisor/CES Ltd Office

The Nominated Supervisor is responsible for the initial notification of any reportable conduct matter arising from their service and for participating in the investigation of any reportable allegation, in consultation with the appointed representative from the CES Ltd Executive Leadership Team.

Insert service name staff are not required to make a report directly to the CCYP. It is the responsibility of the Nominated Supervisor to notify CES Ltd Office Assistant to the Director: Early Childhood Education and Care.

In the event of a reportable allegation against the Nominated Supervisor, this must be reported to the CES Ltd Office Assistant to the Director: Early Childhood Education and Care who will then notify the Executive Director of CES Ltd who is ultimately responsible for reporting to the CCYP.

Reporting to CCYP

Upon becoming aware of alleged misconduct **Insert service name** will commit to meeting the following milestones and reporting to the CCYP as included in Table 2: Reporting to CCYP at the end of this document. The head of an organisation (Head of Entity) is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme. For the purposes of the Reportable Conduct Scheme, the Head of Entity has been identified as the Executive Director of CES Ltd. While heads of organisations are responsible for ensuring their organisations comply with the Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf. While heads of organisations can seek internal support and assistance from within their organisations, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

Investigating Reportable Allegations

Insert service name will ensure procedural fairness throughout the entire investigation process.

NOTE: It is anticipated that any investigation will be undertaken by a suitably qualified, third party engaged in consultation with CES Ltd Office Assistant to the Director: Early Childhood Education and Care.

The service will however, ensure that all relevant policies and procedures are used to guide the investigation including Codes of Conduct, processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution and employee welfare and support.

Procedural Fairness

Insert service name acknowledges that the procedures used to conduct an 'initial investigation' into 'reportable conduct' are fair and reasonable. This will usually include ensuring that, before any findings are made or disciplinary action is taken, the subject of an allegation:

- is notified of any adverse information that is credible, relevant and significant
- has a reasonable opportunity to respond to that information.

Procedural fairness; however, *does not* require the Nominated Supervisor to notify the subject of the allegations when the CES Ltd Office Assistant to the Director: Early Childhood Education and Care or CCYP are first notified or when the reportable allegations are deemed to be unsubstantiated.

The Nominated Supervisor will give consideration to when the subject of the reportable allegation should be first told about an allegation, in order to ensure the investigation is not compromised, but remains procedurally fair.

Initial Investigation

Upon receipt of a reportable allegation the Nominated Supervisor will immediately contact the CES Ltd Office Assistant to the Director: Early Childhood Education and Care for advice and counsel. Subsequent to this the Nominated Supervisor will commence an initial investigation into the alleged misconduct to determine if it can be substantiated.

When participating in an initial investigation into reportable conduct the Nominated Supervisor in consultation with the Assistant to the Director: Early Childhood Education and Care will apply the balance of probabilities as the standard of proof. This means that all preliminary enquiries will consider whether it is more likely than not that reportable conduct has occurred.

To establish the balance of probabilities the Nominated Supervisor will gather information by conducting and documenting interviews with the alleged victims, their parents or guardians and any other witness or individual identified as having knowledge of the misconduct.

Time will be taken to compare versions of events given by different witnesses in order to decide which version is the more probable. However, investigations will not undertake a mathematical or mechanical assessment of probabilities. Rather, the person conducting the investigation must be persuaded, based on the information available, that reportable conduct has occurred and must be further investigated.

Upon the conclusion of the initial investigation into the reportable allegation, the Nominated Supervisor will provide a written brief to CES Ltd Office; Assistant to the Director: Early Childhood Education and Care for further advice and counsel to ensure the service meets its legislative obligations.

If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.

Record Keeping and Privacy Act

The Service maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

The Service must not publish information that would enable the identification of:

- a person or who notified the Commission
- a child in relation to whom a reportable allegation was made or a finding of reportable

conduct was made.

The Act provides more information on the meaning of publish, which includes making the information publicly available in writing or email.

Table 2: Head of Entity (Executive Director) Reporting to CCYP

Within 3 Business Days	Within 30 Calendar Days	Advice on Investigation	Outcomes of Investigation	Additional Documents
<ul style="list-style-type: none"> •Service Contact Details •Name of the employee, volunteer or contractor •Their date of birth •Initial advice on the nature of the allegation •Any Police Report 	<ul style="list-style-type: none"> •Details of the allegation •Details of the service's response •Details regarding disciplinary or other action proposed •Any written response from the employee, volunteer or contractor regarding the allegation, proposed disciplinary or other action 	<ul style="list-style-type: none"> •As soon as is practical: •Name of the investigator •Their contact details 	<ul style="list-style-type: none"> •Copies of the investigation findings •Details regarding disciplinary or other action proposed •Reasons for taking or not taking action 	<ul style="list-style-type: none"> •Promptly providing any further information to the CCYP as requested

RELEVANT LEGISLATION

Child Wellbeing & Safety Act 2005 (Vic)

Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)

[Protecting Children — Reporting and Other Legal Obligations, Victorian Department of Education, 2020](#)

EVALUTION

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

- regularly seek feedback from educators, staff, parents/guardians, children, management and all affected by the policy regarding its effectiveness
- monitor the implementation, compliance, 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
- notify parents/guardians at least 14 days before making any change to this policy or its procedures.

ATTACHMENTS

Early years Reporting Flowchart

AUTHORISATION

This policy was adopted by the Approved Provider of [the service] on [Date].

REVIEW DATE: [DAY]/[MONTH]/[YEAR]

1300 782 978

contact@ooyp.vic.gov.au

ooyp.vic.gov.au

Early Years obligations and the Reportable Conduct Scheme



I am concerned about a child's safety. What should I do?

Follow the PROTECT guidelines: the Four Critical Actions for Early Childhood Services in responding to incidents, disclosures and suspicions of child abuse



Call Victoria Police on 000 if you have immediate concerns for a child's safety

Victoria Police

You must notify Victoria Police immediately if you have reasonable belief that a child has been abused or that criminal behaviour has occurred. Failure to notify Victoria Police that an adult may have committed a sexual offence against a child is a criminal offence.

DFFH Child Protection

You must report to DFFH Child Protection if you have significant concern for a child's safety and wellbeing and the child's parent/carer has not protected or is unlikely to protect the child from harm.

Department of Education and Training/Victorian Institute of Teaching

You must notify your regulatory body (such as DET) of any incidents, circumstances or complaints which raise concerns about the safety and/or wellbeing of children using your service. This includes notifying the Victorian Institute of Teaching if the source of suspected harm is an early childhood teacher.

Reportable Conduct

The Reportable Conduct Scheme (the Scheme) operates alongside other reporting obligations. The scheme applies to all Victorian early childhood services from 1 January 2019. All workers, volunteers and contractors are covered by the Scheme and the Scheme captures allegations about reportable conduct and misconduct that may include reportable conduct which occurs both within and external to your organisation.

There are five categories of Reportable Conduct:

Against, with, or in the presence of a child

Physical violence

Sexual offences

Sexual misconduct

Behaviour that causes significant emotional or psychological harm

Significant neglect

Report to the Commission

If you, or anyone else, forms a reasonable belief that reportable conduct has taken place, you should follow your organisation's reporting procedures and should notify your Head of Organisation. The Head of Organisation must notify the Commission within 3 business days of becoming aware of the allegation(s) of reportable conduct and must wait for clearance from Victoria Police before commencing an internal investigation. If you form reasonable belief that a person associated with another organisation who is covered by the Scheme has committed reportable conduct, you may make a public notification to the Commission through its website.