



Child Safety and Wellbeing Procedure

Policy

The Child Safety and Wellbeing Procedure falls under the Child Safety and Wellbeing Policy.

Hawthorn Early Years has zero tolerance for child abuse and any harm resulting from discrimination based on disability, race, ethnicity, religion, sex, intersex status, gender identity or sexual orientation.

The Service is committed to the safety and wellbeing of all children and young people. We understand our responsibilities and statutory duty of care to comply with the Victorian Child Safe Standards, Reportable Conduct Scheme and Information Sharing Scheme to build our capacity to prevent and respond to allegations of child abuse. We have a dedicated Child Safety and Wellbeing Procedure which explains our service's approach to meeting the Child Safe Standards.

We are committed to the cultural safety, participation and empowerment of all children including those of Aboriginal and Torres Strait Islander backgrounds, culturally and linguistically diverse backgrounds and those with a disability. We promote diversity and tolerance and aim to form equitable and positive relationships with children. We ensure children participate in decisions affecting them and listen to and respect their suggestions and ideas. All reports of child abuse and child safety concerns will be treated seriously, whether they are made by an adult or a child and whether they are about the conduct of an adult or a child. All complaints and child safety concerns will be responded to promptly, thoroughly and without bias.

The Service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. All employees understand their roles and responsibilities in protecting children from abuse and neglect and maintain up-to-date knowledge of child protection law. Employees undertake child protection awareness training every 12 months, and whenever significant changes are made to the child protection law or reporting requirements. Employees must comply with our Child Safe Code of Conduct at all times.

Application of Procedure

This procedure applies to all employees, students, volunteers, families, children and others attending the programs and activities of Hawthorn Early Years (the Service) and applies to all activities which involve, result in or relate to contact with children.

Key Definitions:

Child abuse: Child abuse means, a sexual offence committed against a child, an offence committed against a child under section 49M(1) of the Crimes Act 1958 (Vic) such as grooming, physical violence against a child, causing serious emotional or psychological harm to a child or serious neglect of a child.



Child FIRST/ The Orange Door: 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 FIRST, as the access point for family services, is progressively transitioning to The Orange Door.

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/Orange Door) 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 Child Safe Code of Conduct).

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

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

Mandatory reporters: The legal obligation of certain professionals (including early childhood service employees) and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm.

Mandated staff members must make a report to Child Protection and/or Victoria Police as soon as 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 and,
- The child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type.

Problem sexualised behaviour: Children with sexual behaviour problems include those children less than 10 years of age demonstrating developmentally inappropriate and/or aggressive sexual behaviour. Concerning sexual behaviour is defined to also include self-focused sexual behaviour, for example frequent public masturbation, or intrusive and/or aggressive sexual behaviour towards other children that may be coercive or forceful. While the term 'sexual' is used, the child's intent or motivation for the exhibited behaviour may be unrelated to sexual gratification. Research identifies a continuum of sexual behaviours from common sexual play through to very concerning sexual behaviour.



Reasonable belief/grounds: A belief on reasonable grounds is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example,

- A child states they have been physically or sexually abused.
- A child states they know someone who has been physical or sexually abused (sometimes the child may be talking about themselves).
- Someone who knows the child states the child has been physically or sexually abused.
- Professional observations of the child's behaviour or development leads the mandated professional to form a belief the child has been abused or is likely to be abused.
- A child shows signs of being physically or sexually abused.

Hawthorn Early Years is committed to:

The safety, wellbeing and support of all children and young people. Management, employees and volunteers take every reasonable precaution to protect children in our care and treat all children with the utmost respect and understanding at all times. We recognise and respect the diverse needs of all children, promoting equity and inclusion. We are dedicated to promoting and maintaining cultural safety for Aboriginal children and their families as well as cultural safety for children and families from culturally and/or linguistically diverse backgrounds. We are committed to providing a safe environment for children with a disability.

We acknowledge that employees within an early childhood service are in a unique position to monitor behavioural and emotional changes, physical injuries, and the general wellbeing of a child due to the development of safe environments and trusting relationships with children and families. Our employees are trained to identify signs and behaviours that may indicate child abuse and thoroughly understand their obligations and responsibilities to respond to incidents, disclosures or suspicions of child abuse as mandated reporters. Our Service is committed to raising awareness about the importance of child safety in our environment and the community.

Legislative responsibilities

Our organisation takes its legal responsibilities seriously, including:

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

Any personnel who are mandatory reporters must comply with their duties.



The Board of Governance will:

Delegate operational responsibility and day-to-day management of the Service to the Nominated Supervisor/s. The Centre Director and Centre Manager will act as Nominated Supervisors for the Service.

Monitor the performance of the Association, including responsibilities contained in this procedure, through regular reporting and by ensuring appropriate resources are available to carry out the organisation's functions.

The Nominated Supervisor/s will:

Fulfil all legal and moral obligations to contact authorities when worried about a child's safety and act as the Service's Child Safety Officer/s.

Maintain robust human resource and recruitment practices for all employees, volunteers and students which include clear expectations about their duties and responsibilities regarding child safety and wellbeing.

Comply with the Child Safe Standards to create and maintain child safe environments whilst recognising that some groups of children may be particularly vulnerable (such as those with a disability or from a culturally and/or linguistically diverse background), and may face extra challenges in disclosing abuse.

Ensure all employees, volunteers and students agree to abide by the Child Safe Code of Conduct, which specifies the standards of conduct required when working with children.

Maintain zero tolerance towards racism at the Service and will respond and address instances of racism by following the Code of Conduct, Performance Management Procedure and Complaints and Grievances Procedure.

Recruitment

Take all reasonable steps to employ skilled persons to work with children. This includes developing advertisements, interview questions and position descriptions which clearly demonstrate a commitment to child safety, cultural competence and an awareness of social and legislative responsibilities.

Actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

Ensure that reference checks are conducted and include questions about cultural competence and child safety to ensure that the right people are recruited.



Ensure all people engaged in child-related work, including volunteers hold a current Working with Children (WWC) Check or Victorian Teachers Registration and that all new employees provide a police check.

Training and supervision

Ensure child safe responsibilities including record keeping, information sharing and reporting obligations are included as part of the induction process for all new employees.

Advise all employees of current child protection legislation, and their legal and duty of care obligations.

Ensure contractors, volunteers and students are screened to determine their suitability to perform their duties at the Service.

Ensure contractors, volunteers and students complete a Child Safe Induction and supply a valid Working with Children Check where they will be engaged in 'direct contact' with children, including physical contact, face to face contact and/or other forms of communication.

Ensure employees, and where appropriate, contractors, volunteers and students, undertake appropriate training on child safety, including recognising the signs and symptoms of child abuse, knowing how to respond, and understanding responsibilities and processes for reporting before they start working with children.

Create a culture for all employees, volunteers and students (in addition to parents/carers and children) to feel confident and comfortable and supported in discussing any allegations of child abuse or child safety concerns.

Report any inappropriate behaviour by employees, volunteers or students through appropriate channels, including The Commission for Children and Young Children (CCYP) and Victoria Police, depending on the severity and urgency of the matter (refer to the Reportable Conduct Procedure for further information).

Families and communities

Ensure families are informed about the Service's commitment to child safety and wellbeing through service tours, the HEY website, Family Handbook, information sessions, displays, communications and family publications such as the HEYstack.

Ensure the Service is culturally safe to Aboriginal and Torres Strait Islander people by (as a minimum) displaying the Aboriginal and Torres Strait Islander flags at the entrance of the Service and within each classroom.

Promote the safety of children by facilitating personal safety and protective behaviours education for employees, children and families.



Ensure educators (where possible) are placed strategically with children who speak the same home language to provide additional support and help the child and family feel comfortable within the Service.

Maintain co-operative relationships with appropriate services and/or professionals (including Child FIRST/Orange Door) in the best interests of children and their families.

Risk management

Ensure that the Service has risk management strategies in place to identify, assess, and take steps to minimise risks of child harm or abuse, which include risks posed by physical environments (for example, any doors that can lock), and online environments (for example, no employee or volunteer is to have contact with a child on social media).

Responding to allegations, concerns and complaints

Take all allegations, concerns or complaints seriously and investigate these thoroughly, quickly and in line with all policies, procedures and legislation including the Reportable Conduct Scheme Procedure.

Offer support to the child and their family, and to employees in response to concerns or reports relating to the safety, health and wellbeing of a child at the Service.

Ensure 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.

Notify DET within 24 hours of a serious incident occurring at the Service.

Notify DET within 24 hours in writing of becoming aware of a notifiable complaint or allegation regarding the safety, health and/or welfare of a child occurring at the Service.

Ensure that all complaints, concerns and incidents are recorded and managed in line with complaint handling processes and used to inform continuous improvement.

Regular review

Undertake child safety reviews and develop an action plan in consultation with employees, parents/guardians and children to maintain Child Safe Standards.

Ensure this procedure is reviewed at a minimum of every three years and following any significant incidents or 'near misses' if they occur and that the content is in line with legislative requirements.

Ensure that families, educators and children (where appropriate) have the opportunity to contribute to all child safe policies and procedures.



All employees, volunteers and students will:

Child safety

Contribute to an organisational culture of child safety including complying with the Service's Child Safe Code of Conduct, Interactions with Children Procedure and HEY's Respectful Relationships Approach (refer to Pedagogical Strategy).

Fulfill their legal responsibilities and duty of care to protect children and to keep children safe and maintain their rights.

Ensure 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.

Ensure they keep up to date with their current responsibilities as Mandatory Reporters by completing Child Protection and Mandatory Reporting Training annually.

Be able to recognise indicators of abuse (refer to resources section below for links to this information).

Ensure that contact is prevented (or immediately responded to, if contact has occurred), where the Service has been notified of a court order prohibiting an adult from contacting an enrolled child.

Work with and associate families with referral agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through Child FIRST/Orange Door. It is best practice to receive family consent before making referrals to support services including to Child FIRST/Orange Door.

Establish a culturally safe environment

Model and ensure compliance with a zero tolerance for racism within the Service.

Discuss children's culture and individual identity during their orientation process and in an on-going way through the classroom programs and practices.

Ensure environments throughout the Service are consistently representative of children's cultures and of wider community cultures including Aboriginal and Torres Strait Islander cultures.

Be 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.

Promote cultural safety for Aboriginal children by building and strengthening knowledge and understanding of Aboriginal and Torres Strait Islander cultures, histories and perspectives.

Use culturally appropriate ways of asking Aboriginal and Torres Strait Islander children if they feel safe, such as during story time, yarning, cultural activities, or through art.



Ensure our Inclusion, Equity and Anti-Bias Procedure is adhered to, so all children, families, educators and employees are welcomed and treated equitably and with respect.

Children's empowerment and participation

Support children's consent by acknowledging and respecting a child's right to refuse or say no, including never forcing a child to do something against their request. This includes resting, eating or participating in facilitated group experiences.

Actively seek to include children's views and ideas through regular discussions with children (at an age appropriate level), including child-led conversations on what makes them feel safe and unsafe and what they can do if they feel unsafe.

Support children to develop new friendships and encourage children to be supportive and respectful of each other.

Discuss with children how their photos and images will be used within the Service or outside of the Service and where age appropriate, ask the child's permission before taking photos or videos.

Engage in age-appropriate, teacher facilitated conversations with children where they feel safe to share their ideas and opinions.

Respond respectfully and appropriately to children's attempts as they participate within the educational program including empowering children to speak up and raise any concerns in a culturally safe way.

Educate children about protective behaviours through educational programs that are at an age-appropriate level and understanding such as supporting children to:

- Accurately identify emotions, both their own and in others, and to communicate their emotions to others.
- Identify signs that they do not feel safe (early warning signs).
- Understand fear responses (fight, flight, freeze).
- Say no to anything that makes them feel unsafe or uncomfortable whilst also leaning about 'necessary touch' (assertive communication).
- Understand that educators are available for them if they have any concerns (safe adults).
- Learn about bodily autonomy at an age appropriate level and understanding.
- Understand that there is no secret or story that they cannot share with someone they trust (safe adults).
- Learn about private, personal and public body parts including correctly naming genitals.
- Understand the difference between a surprise and a secret.
- Learn about their right to feel safe at all times.



Online safety

Ensure that children are never left unattended whilst a computer or mobile device is connected to the internet.

Ensure personal mobile phones or devices are not used to take photographs, video or audio recordings of children at the Service.

Ensure that photographs and videos of children are only taken when children are fully clothed.

Only use educational software programs and apps that have been thoroughly examined for appropriate content prior to allowing their use by children.

Provide parents and families with information about the apps or software programs accessed by children at the Service.

Ensure privacy filters and parental control settings are turned on and used when children are accessing digital technologies online.

Responding to sexual behaviour in children

Managers and educators play an important role in making informed professional judgements regarding sexualised behaviour involving children. Not all sexualised behaviour involving children poses a risk to their safety or others and may be age-appropriate and expected sexualised behaviour.

All instances of sexualised behaviour will be documented using the HEY Child Observation Record and the classroom leader and/or educational leader will be notified.

Educators together with their educational leader will make an informed decision as to whether the sexualised behaviour is normative, concerning or very concerning. Informed judgements regarding sexualised behaviour will be determined by understanding detailed information about the context of the behaviour and based on information from resources (refer to Resources).

Instances of sexualised behaviour may or may not be reported to the child's parents depending on the individual circumstances. E.g. swearing may not be reported on every occurrence, however instances of sexualised behaviour which involve another child will be reported to both/all children's parents regardless of whether the behaviour is considered normative or concerning (unless otherwise instructed by child protection services). In these instances, information will be provided about the incident but without identifying the individuals involved.

For children under 10 years of age, the behaviour is referred to as 'sexualised behaviour' or 'problem sexualised behaviours' rather than 'sexually abusive behaviour'. Children under 10 years of age cannot be held criminally responsible for their behaviour.



In instances of occurrences of problem sexualised behaviour between children, the Nominated Supervisor must notify the Department of Education within 24 hours of the relevant event or within 24 hours of becoming aware of the relevant information.

A referral to the Department of Health and Human Services, Child Protection Service will be made where the following is observed:

- Continued sexualised behaviour despite clear and consistent requests to stop by adults.
- Other children complaining about the sexual behaviour because it inflicts physical pain or injury.
- Increased sexualised behaviour over time, becoming repetitive, obsessive or compulsive and representing a pattern rather than an isolated event.

Where problem sexualised behaviour has been identified an individual support plan will be implemented in conjunction with the child's parents/guardians and any involved agencies (where appropriate).

Managing a disclosure

Respect what a child discloses, taking it seriously, and following up with appropriate action. Under no circumstances should employees, students or volunteers investigate an allegation themselves. Employees should only enquire sufficiently to form a reasonable belief that a child may be in need of protection and inform the Child Safety Officer (being the Centre Director).

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. Strategies to use when responding to a disclosure include:

- Letting the child talk about their concerns in their own time and in their own words.
- Giving them your full attention, time and a quiet space in which to do this, and be a supportive and reassuring listener.
- Remaining calm and using a neutral non-judgmental tone.
- Comforting the child if they are distressed.
- Recording the child's disclosure using the child's words.
- Telling the child that telling you is the right thing to do and that what has happened is not their fault.
- Letting 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.
- Avoiding asking investigative or invasive questions, which may cause the child to withdraw and may interfere with an investigation.
- Avoiding going over information repeatedly.

It is the role of DHHS Child Protection and Victoria Police to investigate. DO NOT take any steps to investigate.



Reporting to authorities

Contact the police on 000 if there is an immediate danger to a child and intervene instantly if it is safe to do so.

Contact Child Protection and Victoria Police if there is a suspicion of sexual abuse of a child (including grooming).

Understand mandatory reporting requirements and report any situation where they believe on reasonable grounds a child is at risk of significant harm.

Understand the role of Child FIRST/Orange Door, which can also help mandatory reporters identify the level of risk to a child and whether to report the risk to the Child Protection Service.

Make a report to the local Child Protection office on 1300 360 391 and/or Police on 000 if, after taking into account the available information, the employee forms a view that the child is in need of protection because:

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

Where possible provide the following information when making a report to child protection services:

- The child's name, age and address.
- The reason for believing that the injury or behaviour is the result of abuse or neglect.
- An assessment of immediate danger to the child/ren (the person making the report may be questioned regarding knowledge of the current location of the alleged abuser/s).
- A description of the injury or behaviour observed and the current location of the child.
- Knowledge of other services that support or are involved with the family.
- Any other information about the family including any specific details that will help the child, such as cultural background, need for an interpreter or disability support requirements.

Make a new report on each occasion that they become aware of any further reasonable grounds that a child is in need of protection.

Only contact parents/guardians to advise them that a notification has been made after discussion with DHHS Child Protection or Victoria Police to determine what, if any, information can be shared.

Report all instances of observed abuse or inappropriate behaviour by other employees, students, volunteers or visitors at the Service to the Nominated Supervisor and/or Person in day to day Charge. If an adult has a reasonable belief that an incident has occurred then they must report the incident.



Record keeping

Document any injuries noticed on children that may have occurred at home.

Document instances of sexualised behaviour in children using the 'HEY Child Observation Record' and seek assistance from the Child Safety Officer (being the Centre Director) and/or other members of management to determine whether this behaviour is age appropriate or concerning and the appropriate response.

Prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation.

Keep records of all child safety complaints, concerns, incidents and near misses through the incident reporting system (refer also to Reportable Conduct Scheme Procedure).

Confidentiality of reporter's identity

The identity of a person who makes a report to Victoria Police, DHHS Child Protection or Child FIRST should not be disclosed to other parties.

Information Sharing

Share information with other relevant employees at the Service for the purpose of, and to the extent necessary, to provide education, care and support for a child in their care. Such information sharing is consistent with the duty of care owed to children in their care and is not a breach of privacy laws.

Request and share relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (Refer to Information Sharing Procedure).

Parents/guardians will:

Read and comply with this policy, procedure and the Service's Child Safe Code of Conduct.

Have the opportunity to participate in decisions affecting their child and be involved in the review of policies and procedures.

Report any concerns, including in relation to potential child abuse, to the Service or the Child Safety Officer at HEY. Complaints or concerns can be emailed to info@hey.org.au or alternatively by contacting the Service directly on 9819 2326.

See also:

1. Child Safety and Wellbeing Policy
2. Child Safe Code of Conduct



3. Complaints and Grievance Procedure
4. Information Sharing Procedure
5. Interactions with Children Procedure
6. Recruitment and Induction Procedure
7. Reportable Conduct Scheme Procedure
8. Code of Conduct
9. Performance Management Procedure

Supporting Legislation and Resources:

Child Safe Standards - [Child Safe Standards](#)

Commission for Children and Young People (CCYP) - [CCYP | Resources and support for the Child Safe Standards](#)

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 year's 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.*
- *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.*

Children with problem sexual behaviours and their families (Victorian Department of Human Services specialist practice resource) - [Children with problem sexual behaviours and their families 2012 \(cpmanual.vic.gov.au\)](#)

The [United Nations Convention on the Rights of the Child](#)

The [Child Wellbeing and Safety Act 2005 \(Vic\)](#) (including Child Safe Standards)

Children, Youth and Families Act 2005 (Vic) (including reporting to Child Protection)

Crimes Act 1958 (Vic) (including Failure to Protect and Failure to Disclose offences)

Wrongs Act 1958 (Vic) (including Part XIII – Organisational liability for child abuse)

South Eastern Centre Against Sexual Assault (SECASA) - Age Appropriate Sexual Behaviours in Children and Young People [Resources > SECASA](#)