

Child Safe Policy

Purpose

This policy details the duty of care that all ECMS staff have to act immediately to protect and preserve the safety and wellbeing of the children in ECMS services. Any person who forms a reasonable belief that a child is in need of protection will immediately implement the procedures detailed in the ECMS Child Safety and Early Childhood Compliance: Reportable Matters Handbook.

The purpose of this policy is also to provide proactive and preventative strategies to keep children safe.

This policy directs ECMS staff to fulfil their legal obligations as set out under all applicable child safety-related legislation, particularly the Child Safe Standards, the National Law and Regulations and to act in accordance with all relevant reporting obligations.

Obligations in relation to the Child Information Sharing Scheme, the Family Violence Information Sharing Scheme, and the Multi-Agency Risk Assessment and Management Framework are set out in the *ECMS Information Sharing Scheme Policy and Procedure* and this should be referred to as relevant.

If you believe a child is at immediate risk of abuse phone 000

Principle

The Principals of this policy are detailed in the ECMS Child Safety Commitment Statement

Scope

This policy applies to all ECMS staff including the Board, Executive, support services, students on placement, volunteers, parents/guardians, and others attending ECMS services, including during off-site excursions and activities.

Definitions

Reasonable Belief

A belief based on information that would lead a reasonable person to think that child abuse may have occurred. The belief must be based on some objective evidence such as a conversation, observations of behaviour, actions, or injuries.

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However, having a reasonable belief does not require the person to be certain and concerns are not required to be proven.

Child Abuse is defined as:

- Sexual abuse and grooming
- Physical abuse or violence (including family violence)
- Significant emotional and/or psychological abuse
- Significant neglect

Legal responsibilities of all ECMS staff

- Take every reasonable precaution to protect children from harm or any hazard likely to cause injury
- Failure to Disclose: Reporting child sexual abuse is a community-wide responsibility. Any adult in Victoria who has a reasonable belief that an adult has committed a sexual offence against a child under 1 must report that information to the police
- Failure to Protect: Whenever a child is or may be under the care, supervision, or authority of ECMS and an ECMS staff member or volunteer forms a reasonable belief that that child is at risk of sexual abuse, then that staff member or volunteer is legally obliged to take steps to reduce or remove that child’s risk of sexual abuse. The negligent failure to act to reduce or remove the risk of sexual abuse of such a child constitutes a criminal offence
- Mandatory Reporting is the legal obligation certain professionals have to report child abuse of any type. Teachers registered with VIT and all Early Childhood educators are mandatory reporters
- Reportable Conduct is conduct committed by an ECMS staff member **within or outside** the course of their employment. Any staff member that has a reasonable belief that reportable conduct has occurred must immediately implement the ECMS Reportable Conduct Policy and Procedure. Reportable conduct is conduct that constitutes one or more of the following types of behaviour:
 - sexual offences (against, with, or in the presence of, a child)
 - sexual misconduct (against, with, or in the presence of, a child)
 - physical violence (against, with, or in the presence of, a child)
 - behaviour that causes significant emotional or psychological harm
 - significant neglect.

Further detailed descriptions of the types of reportable conduct can be found at the Commission for Children and Young People Information sheet 2 [What is reportable conduct?](#)

- Duty of Care: All ECMS staff have a duty of care in relation to children and their safety and wellbeing. This policy requires all ECMS to report any allegation or suspicion of child abuse
- ECMS has an additional legal obligation to ensure, so far as is reasonably practicable, that children are not exposed to risks to their health or safety arising from its conduct.

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Roles & Responsibilities

ECMS Board	<p>Individual Board members are accountable for:</p> <ul style="list-style-type: none"> • Strict adherence to the ECMS Board Child Safe Policy • Signing the ECMS Code of Conduct annually • Ensuring that they each maintain a current Working with ChildrenCheck and National Police Check • Ensuring annual review of the ECMS Board Child Safety Policy, ECMS Child Safety Commitment Statement, and Whistleblower Policy.
CEO and Executive Leadership Team	<p>Responsible for:</p> <ul style="list-style-type: none"> • Ensure that there is an effective system in place to support compliance with the Failure to Protect law • Ensuring all aspects of this policy and procedure are adhered to • Overseeing and ensuring the continued implementation of the legislation including the Child Safety Standards • Ensuring that ECMS has a robust system in place to comply with Victoria’s reportable conduct scheme and that this Policy and Procedure are strictly adhered to • Ensuring that ECMS has a robust system in place to comply with Victoria’s Child Information Sharing Scheme and the Family Violence Information Sharing Scheme • Ensuring ECMS has access to adequate resources to respond to child safety matters • Maintaining ongoing assessment and monitoring of organisational risk and developing mitigation strategies • Promoting and facilitating ongoing professional development opportunities relating to child safety for all ECMS staff • Reviewing and authorising the following policies and procedures on an annual basis: Child Safety, Complaints, and Reportable Conduct • Maintaining robust organisational systems that lead and foster a culture of reporting
People and Capability	<p>Responsible for:</p> <ul style="list-style-type: none"> • Implementing the P&C Recruitment and Selection Policy for screening new employees to ECMS: <ul style="list-style-type: none"> ○ Criminal history checks ○ Working with Children Checks (except for individuals under the age of 18 and VIT registered teachers) ○ Reference checks and interviews ○ Ensuring staff undertake appropriate training and education on child protection as a credential for employment for ECMS

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	<ul style="list-style-type: none"> ○ Ensuring completion of Compliance History Statement for Nominated Supervisors or a Person in Day-to-Day Charge prior to commencement ○ Ensuring all new employees undertake corporate induction within the probationary period ● Comply with all relevant delegations under the ECMS Reportable Conduct Policy and Procedure ● Undertake investigations in relation to breaches of this policy in line with the ECMS Disciplinary Policy and Procedure
Child Safety Advisors	<p>Responsible for:</p> <ul style="list-style-type: none"> ● Act as a source of support and advice to staff on matters of child safety and abuse/suspected abuse in line with the ECMS Child Safety Policy and the DET Four Critical Actions for Early Childhood Services ● Act as a source of support and advice to staff on matters of reportable conduct in line with the ECMS Reportable Conduct Policy and Procedure and the Reportable Matters Handbook ● Promote the use of the ECMS Child Safe Policy and Procedure ● Promote the use of the ECMS Reportable Conduct Policy and Procedure ● Promote the use of the ECMS Information Sharing Scheme Policy and Procedure ● Raise awareness to the principles of the Child Safety Standards to the specific needs of vulnerable children, including those from an Aboriginal & Torres Strait Islander background, children with disabilities, and those from culturally and linguistically diverse backgrounds. ● Encourage and lead a staff culture of listening and responding to children and considering personal safety/protective behaviour principles in their day to day practice
Child Safety and Early Childhood Compliance	<p>Responsible for:</p> <ul style="list-style-type: none"> ● Monitoring and managing the processes, systems, information storage, and analysis of child safety and compliance ● Determining whether a complaint or allegation of abuse constitutes or is alleged to involve reportable conduct under Victoria's Reportable Conduct Scheme and implement ECMS Reportable Conduct Policy and Procedure as required ● Provide support and guidance in relation to reporting of child safety, abuse/suspected abuse, and reportable conduct
Area Managers	Responsible for:

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	<ul style="list-style-type: none"> • Ensuring all Nominated Supervisors and staff are aware of their obligations in relation to child safety and reportable conduct matters • Reporting all serious incidents, complaints, and alleged/actual abuse matters to the ECMS Child Safety and Early Childhood Compliance line on 1300 61 51 91 immediately (within 2 hours of allegation/incident) • Responding to all Information Sharing Scheme requests as per the ECMS Information Sharing Scheme Policy and Procedure • Providing direction and support to staff in response to concerns or reports relating to the health, safety, and wellbeing of a child • Developing collaborative relationships with appropriate services and/or professionals (including Child FIRST) • Identifying and implement appropriate training to support child safety principles • Ensuring all staff, contractors, volunteers, and students are kept informed of any relevant changes in legislation and practices in relation to this policy • Leading and fostering a culture of reporting • Providing assistance for staff who have made notifications and offer additional support services as required
<p>Nominated Supervisors and Centre Directors</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> • Ensuring all staff, contractors, volunteers, and students are kept informed of any relevant changes in legislation and practices in relation to this policy • Ensuring staff in the service are supported to report all incidents that infringe upon child safety to the ECMS Child Safety and Early Childhood Compliance line on 1300 61 51 91 (within 2 hours of allegation/incident) • Reporting all incidents that infringe upon child safety to the ECMS Child Safety and Early Childhood Compliance line on 1300 61 51 91 (within 2 hours of allegation/incident) • Support staff in adherence to the Information Sharing Scheme Policy and Procedure • Support staff to create a safe environment for the child in the event of an investigation • Identifying and implement effective prevention strategies in consultation with the ECMS Child Safety and Early Childhood Compliance team and immediate line manager • Ensuring that volunteers/students, parents/guardians, and other visitors to the service are not left with sole supervision of individual children or groups of children (including during incursions/excursions)

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	<ul style="list-style-type: none"> Ensuring implementation of any court or intervention orders relating to authorised persons and contact with children at the service in line with the ECMS Delivery and Collection of Children Policy and Procedure Identifying and providing appropriate resources and training to support staff, contractors, visitors, volunteers, and students to implement child safety strategy, policy, and procedure Leading and fostering a culture of reporting
All ECMS employees (including casual, relief staff, and students)	<p>Responsible for:</p> <ul style="list-style-type: none"> Protecting children from harm or hazard, read and comply with this policy, relevant procedures and follow the ECMS Child Safety and Early Childhood Compliance: Reportable Matters Handbook Complying with ECMS Reportable Conduct Policy and Procedure Complying with ECMS Information Sharing Scheme Policy and Procedure Immediately report any concerns relating to alleged child abuse or neglect to your Nominated Supervisor /ECMS Child Safety and Early Childhood Compliance line on 1300 61 51 91 (within 2 hours of allegation/incident) Abiding by the organisations Code of Conduct and Child Safety Commitment Statement Creating a safe environment for children in the event of an investigation Undertaking annual Child Safety training as directed by the Nominated Supervisor Leading and fostering a culture of reporting with educational teams and with parents/guardians
Parents/Guardians	<p>Responsible for:</p> <ul style="list-style-type: none"> Complying with the ECMS Code of Conduct and Parent Family Charter during attendance at ECMS services Reading and adhering to the conditions set out in the ECMS Parent and Family Handbook Adherence to legislation on Failure to Disclose

Sources

Related Policy and Procedure	<p>Acceptance or refusal of Authorisation Policy and Procedure Child Safe Culture Policy Code of Conduct Medical Conditions Policy and all associated Medical Procedures Emergency and Evacuation Management Policy Excursion Policy Incident Reporting Policy and Procedure</p>
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	<p>Infectious Diseases Policy and Procedure</p> <p>Information Sharing Scheme Policy and Procedure</p> <p>Interactions with Children Policy and Procedure</p> <p>Medication Policy and Procedure</p> <p>Nutrition, Food Beverages and Dietary Requirements Policy and Procedure</p> <p>Reportable Conduct Policy and Procedure</p> <p>Sun Protection Policy</p> <p>Supervision of Children Policy</p> <p>Use of Images of Children</p> <p>Participation of Volunteers and Students Policy and Procedure</p> <p>Water Safety Policy</p> <p>Whistleblower Policy</p>
Relevant Legislation	<p>Child Safe Standards</p> <p>Children, Youth, and Families Act 2005 (Vic)</p> <p>Child Wellbeing and Safety Act 2005 (Vic)</p> <p>Charter of Human Rights and Responsibilities Act 2006 (Vic)</p> <p>Education and Care Services National Law Act 2010 (Vic): Sections 165, 166, 167</p> <p>Education and Care Services National Regulations 2011 (Vic): Regulations 84, 85, 86, 99, 100, 101, 102, 168(2)(h)</p> <p>Education Training and Reform Act 2006 (Vic)</p> <p>Occupational Health and Safety Act 2004 (Vic)</p> <p>Working with Children Act 2005 (Vic)</p> <p>Working with Children Regulations 2006 (Vic)</p>
Sources and Further Reading	<p>Child Protection in Early Childhood (PROTECT)</p> <p>Child Information Sharing Scheme</p> <p>https://www.vic.gov.au/child-information-sharing-scheme</p> <p>ECA Code of Ethics</p> <p>Guide to the National Quality Framework</p>

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