

**QUALITY AREA 2:**

**CHILDREN’S HEALTH & SAFETY**

**Providing a Child Safe**

**Environment Policy**

Last Policy Review Date: February 2019

 Next Policy Review Date: February 2021

**POLICY STATEMENT**

Our service has a moral and legal responsibility to ensure that the rights and best interests of the child are paramount and that we will provide training, resources, information and guidance to support this in order to:

* ensure that the health, safety and wellbeing of children at the service is protected at all times;
* ensure that people educating and caring for children at the service act in the best interests of the child;
* protect and advocate the rights of all children to feel safe, and be safe, at all times;
* maintaining a culture in which children’s rights are respected;
* encouraging active participation from families at the service, supporting a partnership approach and shared responsibility for children’s health, safety, wellbeing and development.

**GOALS**

All children have the right to experience quality education and care in an environment that promotes opportunities to thrive with adults who safeguard and advocate for their health, safety, security and wellbeing including the right to:

* be asked to express their views and wishes about matters affecting their lives and to have those views appropriately considered by adults;
* feel and be safe in their interactions with adults and other children and young people; and
* understand, as early as possible, what is meant by ‘feeling and being safe’.

**SCOPE**

This policy applies to the Approved Provider, Nominated Supervisor, Early Childhood Educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Katoomba Leura Preschool, including during offsite excursions and activities.

**RELATED LEGISLATION**

* Education and Care National Law Act 2010: Sections 165, 167
* Education and Care National Regulations 2011: 99, 158-159, 168(f), 176
* Child Protection (Working with Children) Act 2012
* Child Protection (Working with Children) Regulation 2013
* Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013
* Crimes Act 1900
* Ombudsman Act 1974 – Part 3A
* Australian Privacy Principles – www.oaic.gov.au
* Office of the Australian Information Commissioner – www.oaic.gov.a
* Privacy Act 1988 (Privacy Act) – [www.oaic.gov.au/law/act](http://www.oaic.gov.au/law/act)
* Smoke free Environment Act 2000

**RELATED GUIDELINES, STANDARDS, FRAMEWORKS**

 ⊲  National Quality Standard, Quality Area 2 :Children’s Health and Safety− Standard 2.2: Each child is protected

 ⊲  National Quality Standard, Quality Area 3: Physical Environment – Standard 3.1, 3.2

 ⊲  National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1, 7.2

* **DEFINITIONS**
* **Abuse:** (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.
* **At risk of significant harm -** in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of the presence to a significant extent of any one or more of the following circumstances.
* The child’s or young person’s basic physical or psychological needs are not being met or at risk of not being met;
* The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care;
* In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive and education in accordance with that Act;
* The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
* The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
* A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; or
* The child was the subject of a pre-natal report under section 25 of the Children and Young Persons Care and Protection Act 1998 and the birth mother of the child did not engage successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

**Child:**  a person under 18. For the purposes of the Children and Young Persons (Care and Protection Act 1998 (NSW), a ‘child’ is a person under 16 and a ‘young person’ is under 18 but 16 or older.

* **Child abuse:** An act or omission by an adult that endangers or impairs a child’s physical and/or emotional health and 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.
* Emotional and psychological abuse: Involves continuing behaviour by adults towards children, which erodes social competence or self-esteem over time. It occurs when a person engages in inappropriate behaviours, such as rejecting, ignoring, threatening or verbally abusing a child, or allowing others to do so.
* Racial, cultural and religious abuse: Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion.
* Neglect: Refer to definition below.
* **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.
* **ChildStory Reporter:** ChildStory Reporter is an online tool that supports mandatory reporters to decide how to respond to events and access the Mandatory Reporter Guide (MRG), if needed. Reporter guides you through the reporting process, suggesting appropriate actions and linking you to more resources.

**Child Wellbeing and Child Protection - NSW Interagency Guidelines**

The [Child Wellbeing & Child Protection - NSW Interagency Guidelines](http://www.community.nsw.gov.au/kts) (the Guidelines) provide practical guidance on interagency cooperation in child protection. The Guidelines are intended to assist professionals and agency practitioners work together across agency boundaries when responding to child protection concerns.

* **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).
* **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.
* **Duty of care:** A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services to provide children with an adequate level of care and protection against foreseeable harm and injury.
* **Mandatory reporting:** Under the Children and Young Persons (Care and Protection) Act 1998, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing. All educators and volunteers of our service are Mandatory Reporters and are required to report to the Child Protection Helpline (Phone: 13 2111) if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work.
* **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.

**Reasonable grounds:** means that you suspect a child may be at risk of significant harm based on:

* Your observations of the child, young person or family; or
* What the child, young person, parent or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report.

**ROLES AND RESPONSIBILITIES**

**Approved Provider is responsible for:**

* ensuring the service operates in line with the Education and Care Services National Law and National Regulations 2011 with regard to the delivery and collection of children at all times.
* ensuring all staff have access to relevant professional development.
* ensuring that the Nominated Supervisor and staff members at the service who work with children are advised of current child protection legislation, its application, and any obligations that they may have under that law (Regulation 84).
* **The Nominated Supervisor is responsible for:**
* Providing all staff and educators working directly with children with a copy of the Mandatory Reporter Guide (How To Guide) to assist them in their reporting.
* Providing all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines.
* Ensuring screening and suitability processes are maintained to meet policy and legislated requirements.
* Identifying and providing appropriate resources and training to assist staff, contractors, visitors, volunteers and students to implement this policy (refer to Sources).
* Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.
* Co-operating with other services and/or professionals in the best interests of children and their families.
* Ensuring that families are made aware of support services available to them and of the assistance these services can provide.
* Ensuring that all staff who work with children are supported to implement this policy in the service.
* Protecting the rights of children and families, and encouraging their participation in decision-making at the service.

 **Early Educators are Responsible for:**

* Acting in accordance with the obligations outlined in this policy.
* Raising concerns when barriers or threats to the protection of children and young people’s safety and wellbeing are identified, including through the conduct of other adults at the site/service.
* Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.
* Following all record keeping requirements.
* Undertaking appropriate training and education on child protection.
* Identifying any potential for risk and harm to a child at the service and developing and implementing effective prevention strategies in consultation with the approved provider and the nominated supervisor.
* Co-operating with other services and/or professionals in the best interests of children and their families.
* Informing families of support services available to them (such as Families NSW), and of the assistance these services can provide.
* Ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service.
* Implementing the procedures for reporting suspected child abuse.
* Notifying the nominated supervisor or the approved provider immediately on becoming aware of any concerns, complaints or allegations regarding the health, safety and welfare of a child at the preschool.
* Offering support to the child and their family, and to other staff in response to concerns or reports relating to the health, safety and wellbeing of a child at the Preschool.
* Maintaining confidentiality at all times.
* Adhering to all service policies.

 **Parents and Guardians are responsible for:**

* Reading and complying with this policy.
* Reporting any concerns, including in relation to potential for child abuse, to the Nominated Supervisor.
* Abiding be the Preschool’ Code of Conduct Policy.

**Volunteers and students, while at the service, are responsible for following this policy and its procedures.**

**STRATEGIES**

**The Physical Environment**

In order to promote a safe physical environment we will:

* Ensure all equipment and materials used at the service meet relevant safety standards.
* Remove, repair or replace worn and damaged buildings, structures equipment and resources, which may provide a safety risk for children in a timely manner.
* Ensure learning environments are established that provide appropriate child groupings, sufficient space, and include carefully chosen and well-maintained resources and equipment.
* Organise indoor and outdoor spaces to ensure risks to the health and safety are minimised.
* Conduct a risk assessment of the service environment on a quarterly basis to determine  any risks to children’s health and safety.
* Analyse and evaluate the risks associated with identified hazards.
* Determine appropriate ways to eliminate or control identified hazards.
* Review risk assessments after any serious incident report is made to the Regulatory Authority.
* Ensure smoking is banned within the grounds of, and within four meters of any entrance of an enclosed public space.

**Staffing and Supervision**

* Ensure that sufficient numbers of educators are employed to ensure adequate supervision of children at all times.
* Manage rosters to not only ensure that adequate numbers of educators are on duty to meet ratio and qualification requirements but that duty of care implications are considered to ensure adequate supervision at all times.
* Ensure screening and suitability of staff, volunteers as per the legislation and policy at the time of employment and as part of an ongoing process.
* Respond proactively to emerging staff performance concerns.
* **Child Protection**
* Refer to the Child Protection Policy.
* All educators and volunteers of our service are Mandatory Reporters and are required to report to the Child Protection Helpline (Phone: 132 111 or eReport at: https://reporter.childstory.nsw.gov.au/s/) if they have reasonable grounds to suspect  a child or young person is at risk of significant harm and have current concern about the safety, welfare or wellbeing of a child or young person.
* The Mandatory Reporter Guide (see resources) will be used, to guide decision making and determine whether or not to report to the Child Protection Helpline under the new risk of significant harm reporting threshold.
* Staff will undertake training in order to effectively:
* make appropriate responses to all disclosures of abuse and any allegation of abuse  against staff members of the service;
* understand the responsibilities and processes as a mandatory reporter;
* be able to recognise the factors that increase a child’s vulnerability to maltreatment;
* be aware of the vulnerabilities which may indicate a need to assess, monitor or curtail the behaviour of individuals in relation to children and young people within organisations.

**SOURCES/USEFUL RESOURCES**

* Australian Children’s Education and Care Quality Authority (ACECQA)– www.acecqa.gov.au
* Mandatory Reporter Guide & training including e-learning presentation – www.keepthemsafe.nsw.gov.au
* eReporting is available at https://reporter.childstory.nsw.gov.au/s/
* Working With Children Check–www.kidsguardian.nsw.gov.au/working-with-  children/working-with-children-check
* Become a ChildSafe Organisation – www.kidsguardian.nsw.gov.au/child-safe- organisations/become-a-child-safe-organisation
* ChildsafetyAustralia–www.childsafetyaustralia.com.au
* United Nations Convention on the Rights of the Child – www.unicef.org.au
* The Supporting young children’s rights: Statement of intent (2015-2018) – www.earlychildhoodaustralia.org.au
* Australian Human Rights Commission – www.humanrights.gov.au
* Australian Childhood Foundation – www.childhood.org.au
* Families NSW - Supporting Families to Raise Children - www.families.nsw.gov.au

 **RELATED SERVICE POLICIES**

* Acceptance and Refusal of Authorisations Policy
* Medication Policy
* Anaphylaxis Policy
* Asthma Policy
* Child Protection Policy
* Code of Conduct Policy
* Complaints and Grievances Policy
* Diabetes Policy
* Emergency and Evacuation Policy
* Enrolment and Orientation Policy
* Epilepsy Policy
* Excursions and Service Events Policy
* First Aid Policy
* Incident, Injury, Trauma and Illness Policy
* Inclusion and Equity Policy
* Interactions with Children Policy
* Medical Conditions Policy
* Participation of Volunteers and Students Policy
* Privacy and Confidentiality Policy
* Staffing Policy
* Sun Protection Policy
* Supervision of Children Policy
* Water Safety Policy.
* **MONITORING, EVALUATION AND REVIEW**

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 2 years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family’s ability to utilise the service; the fees charged or the way in which fees are collected.

*Policy Reviewed by: Alison Staniford Approved by: Management Committee*

*Date: 25th February 2019 Next Review Date: 25th February 2021*

**ATTACHMENT 1**

**Child Protection Risk Assessment**

A child protection risk assessment process helps in the identification of the potential for child abuse in the service, and enables appropriate strategies to be developed to minimise risk.

It is important to create awareness among employees, contractors, visitors and volunteers of possible risks to children from abuse, and how to implement a range of strategies to protect children from these risks.

|  |  |  |  |
| --- | --- | --- | --- |
| Risk Factors | Level of risk to children | Strategies to reduce risk | Evaluation |
| Opportunities for a child to be isolated within the program/premises | Low | Supervision of childrenAdditional recruitment of staff | Preschool staff members ensure that all children on the premises and within the program are supervised at all times.Additional staff members have been recruited to facilitate this. |
| Close physical contact with an adult other than a staff member | Low | Supervision of children | Preschool staff members ensure that all children on the premises and within the program are supervised at all times, particularly when visitors, students or parents area visiting the centre. |
| Physical Environment | Low | Child safe equipment & furniturePerimeter checks | Preschool staff members ensure that all equipment & furniture is safe prior to children entering the indoor or outdoor environment.Preschool staff members conduct daily perimeter checks to ensure that the outdoor playground is free of any items that may cause harm to children. |
| High staff turnover | Low | Staffing – support staff rostersProfessional Development | Preschool Administration ensures that all staff are adequately supported through a detailed roster of relief and assistant teaching staff.All Preschool Staff members are provided with opportunities for Professional Development to enhance their skill and knowledge base of early childhood. |
| Unauthorised access by other people to the service (such as strangers or non- custodial parents) | Low | Gates and fencingAuthorisation FormsSupervision of Children | Preschool Staff members ensure that the gates and fencing are in good order and communicate with staff, parents, visitors and students if there are any potential hazards or risks regarding.Preschool Staff members are aware of each child’s Parents/Guardians and persons authorised to collect/drop off the child.Preschool staff members ensure that all children on the premises and within the program are supervised at all times, particularly when visitors, students or parents area visiting the centre. |
| Staff not recognising signs of abusive behaviour | Low | Interactions with children and parents | Preschool Staff ensure that the relationships and interactions they have with children at the service are meaningful and that close attention is paid to those children who are displaying signs of abusive behaviour. Preschool Staff implement child assessment for neglect/abuse where applicable and contact the Child Protection Agency when necessary. |
| Low levels of awareness of child protection issues | Low | Policy Development | All Preschool Staff have been provided with a copy of the Providing a Child Safe Environment Policy. Staff are given the opportunity to further develop their knowledge of child protection issues via training. |

**ATTACHMENT 2**

**Guidelines for the recruitment of staff and volunteers**

The processes for the recruitment and selection of employees, contractors and volunteers demonstrate our commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work at the Preschool. The Preschool is committed to the following processes.

***Preparation for recruitment***

* An explicit statement of our commitment to child safety is included in all advertising promotion for the organisation.
* Job advertisements clearly state our commitment to child safety.
* Job descriptions include a statement about our commitment to maintaining a child safe environment  and clearly outline responsibilities and accountability.

***The selection process includes:***

* consideration of a Working with Children Check (and a criminal history record check, where appropriate)
* confirmation of identity, which involves sighting an original birth certificate or extract, a driver’s licence or a passport
* verification of qualifications
* thorough reference checks: at least two referees are contacted (including the current or most recent employer) in person or via telephone and all referees must have observed the applicant working with children first-hand.

***Interview process***

* Questions are behavioural-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, professional boundaries, resilience and motivation, teamwork, accountability and ethics are values-based.
* Questions are based on key selection criteria.
* Candidates are asked about their attitudes, aspirations and motivations.
* More detail is asked for when answers seem incomplete.
* ***Ongoing management***
* Information provided to the employee on commencing work at the service includes the Providing a Child Safe Environment Policy, Code of Conduct for Staff Policy, Complaints Handling and Feedback Policy and Staffing Policy.
* The letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety.
* Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment.
* Regular meetings are held between employees, volunteers and the Approved Provider’s representative (Director).
* A mentoring or buddy system between employees is in place.
* Training and education with regard to child safety is provided for all employees, contractors and volunteers.
* Resources and support are provided for all employees, contractors and volunteers to ensure a child safe environment.
* Employees, contractors, volunteers and visitors are treated with respect.