

## Child Safe Environment

### Purpose

This policy will provide a clear set of guidelines and procedures to ensure:

- All children attending an ECMS service are provided with a safe environment
- All reasonable steps are taken by the Approved Provider, educators and staff to ensure the health, safety and wellbeing of children attending the service
- Timely and effective intervention for children and young people who may be at risk of abuse or neglect.

### Policy Statement

#### Values

ECMS, as an approved provider, has a moral and legal responsibility to ensure that all children are safe in their care, and will provide training, resources, information and guidance to support this. ECMS is committed to:

- Ensuring that the health, safety and wellbeing of children at the service is protected at all times while also promoting their learning and development
- Fulfilling its duty of care obligations under the law by protecting children from any reasonable, foreseeable risk of injury or harm
- Ensuring that people caring for children at the service act in the best interests of the child, and take all reasonable steps to ensure the child's safety and wellbeing at all times
- Supporting the rights of all children to feel safe, and be safe, at all times
- Developing and maintaining a culture in which children feel valued, respected and cared for
- Encouraging active participation from parents/guardians and families at the service, and ensuring that best practice is based on a partnership approach and shared responsibility for children's health, safety, wellbeing and development
- Promoting children's development and wellbeing.

### Scope

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of an ECMS service, including during offsite excursions and activities.

## Background & Legislation

“Every child has the right to live a full and productive life. It is up to all of us to ensure our children grow up in environments that build confidence, friendship, security and happiness, irrespective of a person’s family circumstances and background” (Protecting the safety and wellbeing of children and young people – refer to Sources).

The protection of children, one of the most vulnerable groups in society, is a shared community responsibility and involves ensuring that all children are safe, their needs are met and the possibility of child abuse is minimised.

The Children, Youth and Families Act 2005 (CYFA) 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. Under the Education and Care Services National Regulations 2011, the Approved Provider must ensure that all educators and staff are familiar with current policies and procedures with regard to child protection, including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

In response to the Betrayal of Trust report the Victorian Government is strengthening laws to protect our children from sexual abuse and exposure to sexual offenders.

This law applies to organisations who exercise care, supervision or authority over children, whether as part of its primary function or otherwise.

**From 1<sup>st</sup> July 2015 it will be a criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse.**

### **Failing to protect a child. What does this mean?**

The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation.

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 fail to do so.

**This means as employees of ECMS, we are seen to be in a position of authority and we must protect the children in our care from harm. This includes reducing or removing the risk of harm. This law now holds all levels of staffing responsible and we must act and report accordingly where we suspect a child may be at risk of sexual abuse.**

Early childhood educators, in daily contact with children and their families, are well placed to observe when a child appears to be at risk of harm arising from abuse or neglect. Services have a duty of care (refer to Definitions) to act immediately to protect and preserve the safety and wellbeing of the children in their care.

Any person who believes, on reasonable grounds, that a child is in need of protection may report their concerns to Child Protection (refer to Definitions) (Protecting the safety and wellbeing of children and young people – refer to Sources).

The Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011 require that approved services protect children from any harm and hazards, and to adequately supervise children at all times.

Adult supervision is a key factor in creating and maintaining child safe environments. Active supervision together with risk minimisation strategies can prevent or reduce the risk of injury to children (refer to Supervision of Children Policy).

Risk minimisation strategies, supported by clear policies and procedures for specific areas of child safety, will help ensure the environment and practices at the service are child safe. Policies and procedures must be developed in relation to all matters specified in Regulation

168(2), including emergency and evacuation, water safety, sun protection, delivery and collection of children, and incident, injury, trauma and illness.

Risks in the child’s physical environment can be minimised by ensuring the safety of buildings, grounds, equipment, materials and furniture used at the service, and the safe storage and use of dangerous substances such as cleaning products and chemicals.

Legislation and standards relevant legislation and standards include but are not limited to:

- Children, Youth and Families Act 2005 (Vic), as amended 2011
- Child Wellbeing and Safety Act 2005 (Vic), as amended 2012
- Charter of Human Rights and Responsibilities Act 2006 (Vic), as amended 2011
- Education and Care Services National Law Act 2010 (Vic): Sections 165, 166, 167
- Education and Care Services National Regulations 2011 (Vic): Regulations 84, 85, 86, 99, 100, 101, 102, 168(2)(h)
- Family Law Act 1975 (Cth), as amended 2008 and 2011

The providing a Child safe Environment Policy should be read and considered with the following policies:

4.29.1 Attachment Failure to protect children

4.24 Child Protection

4.27 Incident Reporting

4.27.1: Attachment 1: Incident Reporting Timeframe

Policy Created Date	July 2014, Policy, Reviewed September 2015
Policy Review Date	January 2016
Sources and Further Reading	<p>Children’s Youth and Families Act, 2005 Section 184,            Child wise Publication – A parent’s guide to choosing Child Safe Organisations            Betrayal of Trust report from the Victorian Government            Education and Care Services National Regulations 2011            Guide to the Education and Care Services National Law and            Education and Care Services National Regulations 2011  <u><a href="http://www.acecqa.gov.au/links-and-resources/national-quality-framework-resources/">http://www.acecqa.gov.au/links-and-resources/national-quality-framework-resources/</a></u>  <u><a href="#">Protecting the safety and wellbeing of children and young people</a></u> A joint protocol of the Department of Human Services            Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools  <u><a href="http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection">www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection</a></u>  <u><a href="#">A step-by-step guide to making a report to Child Protection or Child FIRST</a></u>  <u><a href="#">Child FIRST fact sheet</a></u>  <u><a href="#">Providing support to vulnerable children and their families: Information sharing authorised by the Children, Youth and Families Act 2005</a></u></p>
Related to NQS Q.A	2.3, 5.1, 5.2, 6.2, 6.3, 7.1.2, 7.5.1, 7.3