

## Child Safe Environment



### **This policy aims to:**

Ensure participants have access to a safe environment and ensure that staff and OSHC educators are aware of the reporting requirements by law.

### **Definitions:**

**Mandatory Reporting:** The legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.

**Reportable Conduct:** Certain organisations or entities have legal obligations under Reportable Conduct Schemes.

Under these Schemes, certain organisations or entities are required to notify and investigate certain allegations (reportable allegations) of abuse involving a child, when the allegation is against someone they employ, engage or contract in circumstances outlined by the legislation.

**Working directly with children:** A person is working directly with children at a given time if at that time the person:

- Is physically present with the children
- Is directly engaged in providing education and care to the children

### **OSHC@IOE will ensure that:**

- Obligations under the Education and Care Services National Law and National Regulations are met
- All educators and staff have undertaken current child protection legislation training, including on mandatory reporting requirements and obligations in their state/territory. If not, develop a plan to ensure training is undertaken in a suitable timeframe.
- Provide an environment that is free from the use of tobacco, illicit drugs and alcohol and ensure no educators or staff are affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care to children in the service
- Ensure that copies of the policy and procedures are readily accessible to nominated supervisors, co-ordinators, educators and staff, and available for inspection.
- Notify families at least 14 days before changing the policy or procedures if the changes will:
  - affect the fees charged or the way they are collected or
  - significantly impact the service's education and care of children or
  - significantly impact the family's ability to utilise the service.
- Adhere to the Child Safe Standards at all times and ensure policies and procedures are updated at least annually to reflect these. Failure to comply with the standards would result in an investigation and disciplinary action. The Child Safe Standards are:

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- **Child Safe Standard 1** – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued
- **Child Safe Standard 2** – Child safety and wellbeing is embedded in organisational leadership, governance and culture
- **Child Safe Standard 3** – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
- **Child Safe Standard 4** – Families and communities are informed, and involved in promoting child safety and wellbeing
- **Child Safe Standard 5** – Equity is upheld and diverse needs respected in policy and practice
- **Child Safe Standard 6** – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
- **Child Safe Standard 7** – Processes for complaints and concerns are child focused
- **Child Safe Standard 8** – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
- **Child Safe Standard 9** – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
- **Child Safe Standard 10** – Implementation of the Child Safe Standards is regularly reviewed and improved
- **Child Safe Standard 11** – Policies and procedures document how the organisation is safe for children and young people

Furthermore, it is required that one member of the OSHC team is on the Child Safety Committee.

### **Failure to Disclose Abuse:**

Interchange Outer East has zero tolerance towards child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

In 2014, the law in Victoria was changed to create the failure to disclose offence in response to the Betrayal of Trust report (2013).

The law now requires any adult (aged 18 and over) who reasonably believes that a sexual offence has been committed in Victoria by an adult against a child (under the age of 16), disclose that information to police.

Reasonable belief may be formed when:

- A child states that they have been sexually abused
- A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been sexually abused;
- Professional observations of the child's behaviour or development lead you to believe that the child has been sexually abused; or

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- Signs of sexual abuse lead to a belief that the child has been sexually abused (these can vary based on the age of the victim, e.g. inappropriate sexual knowledge for age, inappropriate engagement in sexualised play/behaviours for age, acting out sexual acts in play).

There are no exemptions to IOE staff or volunteers reporting a reasonable belief of child abuse, including:

- Whether the offence occurred whilst being supported by IOE or not;
- If the victim, who is under the age of 16, has requested you not to report it; and
- If the person has an intellectual disability, you are required to report regardless of whether the person is over the age of 16 or not, or when the offence occurred.

The simple rule is: if you have a reasonable belief that a sexual offence has been committed by an adult against a child, or person with an intellectual disability, who receives support from IOE, you must report this immediately to the Project Coordinator or general manager at IOE. If required, you will be supported to make a report to Victoria Police and/or Victorian Child Protection Service. Any disclosure will be documented and/or an incident report completed, and a confirmation document of the report will be provided.

It is important to inform IOE of your concerns first as there may be knowledge of prior disclosure, treatments and supports already in place.

If you fail to report, it can result in charges against you with a possible maximum sentence of three years imprisonment

### **Reportable Conduct Scheme:**

The Victorian Reportable Conduct Scheme exists to oversee the response from organisations to allegations of child abuse and misconduct by their workers or volunteers. Organisations are required to report and investigate all allegations of reportable conduct.

There are five types of reportable conduct:

1. Sexual offences committed against, with or in the presence of a child
2. Sexual misconduct committed against, with or in the presence of a child
3. Physical violence against, with or in the presence of a child
4. Any behaviour that causes significant emotional or psychological harm to a child
5. Significant neglect of a child

If you are unsure whether something needs to be reported, please discuss this with a senior staff member at IOE

### **References:**

**Education and Care Services National Regulations 2011: 82, 84, 172**

**National Quality Standards: 2..2.2, 2.2.3**