

Child Safe Environment

- Child Protection

Policy Statement

Meerilinga believes it has a responsibility to all children in our contact and therefore advocates their right to care and protection. To support this right the relevant workers will follow the procedures as guided by the Department of Communities Child Protection and Family Support when dealing with any allegations of child abuse, neglect or vulnerability of risk, to ensure the protection of all children.

Policy Purpose

Our focus is to build a child safe environment which is reflected in our service policies and procedures and understood and practiced by Educators and staff.

Meerilinga is committed to the United Nations Rights of the Child, subsequent articles in relation to child protection, the Education and Care Services Law Act and their relevant regulations, the Working with Children (Criminal Record Checking) Act 2004 and their relevant regulations and the National Quality Standards, and reporting of child sexual abuse Act. This policy provides guidance to all Meerilinga workers about the organisations standards and guidelines in relation to child protection and the provision of access to children in our services. Further information can be located at <https://www.dcp.wa.gov.au/Pages/Home.aspx>

This extends to a cyber safe culture which works in accordance with our service philosophy, privacy and legislative requirements to ensure the cyber safety of enrolled children, educators and families.

Scope

This policy applies to the Board of Governors, Executive, all workers, volunteers, students and those employed on a fee for service or contract basis while conducting Meerilinga business.

Exclusions

Policy Review

At least annually or from time to time the organisation may make changes to this policy to improve the effectiveness of its operation.

Implementation

Under the National Law we will ensure all children being educated and cared for are adequately supervised and every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.

Safety checks maintain basic standards of safety within our service. Educators will complete a daily inspection of the physical environment where foreseeable risks may be identified and controlled to prevent harm or injury to service users.

To ensure a child safe environment free from hazards, we have implemented practices and continue to monitor service policies and procedures that uphold Australian Safety Standards.

Chemicals and hazardous equipment are safely stored away from children and handled appropriately. A register of hazardous chemicals used at the service, including Safety Data Sheets.

The premises, all equipment and furniture used within the service are audited to ensure all aspects are safe, clean and in good repair. We understand that hazards are specific to developmental stages; Educators are aware that toys and equipment need to be checked to ensure they are safe and developmentally appropriate for children. Regular checks occur within the service to ensure that all toys, furniture and equipment are in good condition and working order.

The service has a risk management system where hazards are identified and managed within the workplace to ensure a child safe environment. The key principles of risk management include:

1. Identifying all hazards in the environment
2. Assess the risk of each hazard
3. Control or manage the risk
4. Monitor and improve safety

It is the responsibility of all staff and educators at the service to implement the risk management system and to complete a risk assessment where children's safety may be jeopardised and when organising an excursion/incursion.

The service will ensure there is an adequate number of educators employed and on duty to meet ratio and qualification requirements. Appropriate supervision of children must be maintained at all times.

All Meerilinga premises and service venues are smoke free.

Child Protection

Relevant workers are deemed to be all persons engaged through employment or volunteering with Meerilinga. The nominated supervisor and staff members working directly with children are advised of the existence and application of the current Child Protection Law and any obligations that they have under that law.

Our service is committed to the safety, wellbeing and support of all children and young people. Management, Staff and volunteers will treat all children with the utmost respect and understanding.

Our service believes that:

- Children are capable of the same range of emotions as adults.
- Children's emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour.
- Children, who preserve, enhance and better understand their body's response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

All workers, volunteers and students working with children in a Meerilinga supervised program will supply a current Working with Children Clearance and maintain that clearance for their duration. Prior to commencement and on request, Regulation 84 states a working with children check is sufficient. If volunteers or students don't hold a working with children check then a national police clearance is needed and those persons will not provide care or education services directly with children. For workers Meerilinga will maintain records and request updates within the legislated period from original issue. For all other Meerilinga events where children are intended participants but not in direct care or supervision of Meerilinga a written declaration will be required from other persons not included in the above scope.

Meerilinga also believes it has a responsibility to its workers to defend their right to confidentiality, support and legal advice in relation to allegations of abuse against them until substantiated. In the instance of allegations and/or of substantiated claims the following documents and policies will provide guidance: Code of Ethics, Code of Conduct, Confidentiality; Security and Safety; Wellness; Supervision; Grievances, Complaints and Appeals; Employment; Workplace Health and Safety. The Chief Executive Officer may determine that the person/s be suspended (with pay in the instance of a worker) until such allegation is substantiated or otherwise. If substantiated, the person/s will be terminated immediately.

Accusations Against Educators

Accusations of abuse or suspected abuse against educators, staff members, and volunteers, the Nominated Supervisor or Approved Provider are treated in the same way as allegations against other people. Reports will be made according to the procedure where a child is at risk of significant abuse by a person at the Service. If the Supervisor is involved in the abuse then the Approved Provider or most senior educator will assist in reporting.

Educators will:

- Be able to recognise indicators of abuse.
- Respect what a child discloses, taking it seriously and follow up their concerns.
- Allow children to be part of decision-making processes where appropriate.
- Comprehend they are mandatory reporters under the legislation and report any situation where they believe on reasonable grounds a child is at risk of significant harm.
- Contact the police on 000 if there is an immediate danger to a child and intervene instantly if it is safe to do so.
- Associate families with referral agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through Child Health. Family consent will be sought before making referrals.
- Promote the welfare, safety and wellbeing of children at the Service.
- Prepare precise records recording exactly what happened, conversations that took place and what you observed to contribute to the investigations of abuse or suspected abuse by the Child Protection Helpline or dealings with referral agencies.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

Documenting a Suspicion of Harm

If educators have concerns about the safety of a child they will:

- Record their concerns in a non-judgmental and accurate manner as soon as possible.
- Record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).
- Not endeavor to conduct their own investigation.
- Document as soon as possible so the details are accurately apprehended including:
 - Time, date and place of the suspicion
 - Full details of the suspected abuse
 - Date of report and signature

Documenting a Disclosure

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma.

Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm the Service will:

- Remain calm and find a private place to talk
- Not promise to keep a secret
- Tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- Only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- Not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- Document as soon as possible so the details are accurately captured including:
 - Time, date and place of the disclosure.
 - 'Word for word' what happened and what was said, including anything they said and any actions that have been taken.
 - Date of report and signature.

Notifications of abuse

The person making a notification of abuse or suspected abuse will make a record of the answers to the following:

- Give the child or young person your full attention.
- Maintain a calm appearance.
- Don't be afraid of saying the 'wrong' thing.
- Reassure the child or young person it is right to tell.
- Accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult.
- Let the child or young person take his or her time.
- Let the child or young person use his or her own words.
- Don't make promises you can't keep.
- Tell the child or young person what you plan to do next.
- Do not confront the perpetrator.

Confidentiality

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the complaint should not inform the person they have made the complaint about. This ensures the matter can be investigated without prior knowledge and contamination of evidence.

Protection for Reporters

Reports made are kept confidential. However, a law enforcement agency may access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child. Under the *Children and Young Persons (Care and Protection) Act 1998* if the report is made in good faith:

- The report will not breach standards of professional conduct
- The report can't lead to defamation proceedings
- The report is not admissible in any proceedings as evidence against the person who made the report
- A person cannot be compelled by a court to provide the report or disclose its contents
- The identity of the person making the report is protected.

A report is also an exempt document under the *Freedom of Information Act 1989*.

Breach of Child Protection

All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- Does something that a reasonable person in that person's position would not do in a particular situation
- Fails to do something that a reasonable person in that person's position would do in the circumstances
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

Managing a Breach in Child Protection

Executive will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned will be advised of the process
- Giving the educator the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties and the outcome will be recorded
- Ensuring the matters in relation to the breach are kept confidential
- Approaching an appropriate outcome which will be decided based on evidence and discussion

Outcome of a Breach in Child Protection

Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Facilitating between those involved in the incident (where appropriate)
- Disciplinary procedures if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

Educating Children About Protective Behaviour

Our program will educate children

- About acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age appropriate level and understanding
- About their right to feel safe at all times
- To say 'no' to anything that makes them feel unsafe or uncomfortable
- About how to use their own knowledge and understanding to feel safe.
- To identify signs that they do not feel safe and need to be attentive and think clearly.
- That there is no secret or story that is too horrific, that they can't share with someone they trust.
- That educators are available for them if they have any concerns.
- To tell educators of any suspicious activities or people.
- To recognise and express their feelings verbally and non-verbally.
- That they can choose to change the way they are feeling.
- To model and discuss protective behaviours with the children using resources from;
Protective Behaviours
<https://www.protectivebehaviourswa.org.au/catalog/childrens-resources> as well as arranging visitors such as Constable Care and Community Police.

Child Protection Process	
Process Owner	CEO
Effective Date	15 May 2018
Date of Last Revision	1 May 2018

Process Details	
	Description
1.	<p>Concerns about a child's wellbeing should be raised with your immediate Advisor who will guide you through the steps to support the child, your team and yourself. All incidence or allegations relating to care and protection of children are reportable *.</p> <p>Where an Advisor cannot be reached then contact the Central Intake Team on 1800 273 889 or email cpduty@cpfs.wa.gov.au. To report a concern out of business hours please contact our Crisis Care Unit on 9223 1111 or Country free call 1800 199 008.</p> <p>If you believe a child is in immediate danger or in a life-threatening situation, contact the Western Australia Police immediately by dialing 000.</p>

Process Details

	Description
	<p>You can attempt to contact your Advisor as soon as practical who will guide the reporter, communicates and provides all documentation to the CEO. The CEO will direct the persons responsibilities for further actions to be taken, release of records, legal representation, monitoring, and reporting to;</p> <ul style="list-style-type: none"> • Release of further information to DCP and acting on their direction. • Early Education and Care Regulatory body within the legislated timeframe. • Board of Governors as soon as practicable. <p><i>* All verbal reports must be followed by a written report with supporting documentation to the CEO as soon as practicable but no more than 12 hours of the incident.</i></p>
2.	<p>When you contact your Advisor or the Department, they will gather and record information that you provide and decide how best to respond. The type of information that the officer will gather includes:</p> <ul style="list-style-type: none"> • Details about the child/young person and family • The reasons you are concerned • The immediate risk to the child • Whether or not the child or family has support • What may need to happen to make the child safe • Your contact details, so that the officer can call you to obtain further information if required or to provide feedback. <p>You do not need to have all the details about the child or family when you contact the Department.</p>
3.	<p>If you make a report or disclose relevant information to the Department, there is legislative protection for the notifier. These are:</p> <ul style="list-style-type: none"> • Protection of identity – with some exceptions, your identity must not be disclosed without your consent. For further information, refer to section 240 of the <u><i>Children and Community Services Act 2004</i></u>. • Legal protection – you are not subject to legal liability under State law providing the information is provided in good faith. • Professional protection – authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result, you cannot be disciplined by your professional body or incur any formal professional negative consequences at your workplace.
4.	<p>A visual image of an enrolled child taken or recorded at the place for the purpose of monitoring an enrolled child is not to be transmitted on the Internet; provided to <u>any</u> person or removed from the child’s file unless authorised by the CEO. Written consent from a parent does not apply to the taking or recording of a visual image by a licensing officer when exercising a power or performing a duty under the Act; or for the purpose of monitoring an enrolled child. [See Use of Images Guidelines for additions to this policy]</p>

Process Details

	Description	
5.	<p>Mandatory reporting describes the legal obligation of certain professionals and community members to report incidences of child sexual abuse. Mandatory Reporter MUST report to Child Protection Services if they believe on reasonable grounds that a child is in need of protection. Penalties may apply to mandated reporters who fail to report suspected abuse</p> <p>It is a legal requirement in Western Australia for</p> <ul style="list-style-type: none"> - Doctors, - Nurses, - Midwives, - Teachers, - Police officers and - Boarding supervisors to report all reasonable beliefs of child sexual abuse to the Department for Child Protection and Family Support. <p>On 1 January 2009, the legislation that governs mandatory reporting of child sexual abuse became part of the <i>Children and Community Services Act 2004</i>. The legislation requires mandatory reporters to report a belief of child sexual abuse, if they form this belief, based on reasonable grounds, in the course of their paid or unpaid work, to the Department for Child Protection and Family Support.</p> <p>This legislation focuses on child sexual abuse. Other forms of abuse (physical, emotional and neglect) should continue to be reported, but there is no penalty if a report is not made.</p>	
	Reporting Authority	Contact Details
	Department for Child Protection and Family Support Ph. 08 9222 2555 TTY: 08 9325 1232	Mandatory Reporters 1800 708 704

Associated Documents

- Personnel Records of Child protection Training
- Confidentiality and Privacy Policy
- Medical and Emergency Policy and Procedures
- Supervision Policy
- Observation and Anecdotal Records of Children (including Images)
- Cyber Safety Policy
- IT Acceptable Use Policy

Guidelines for Quality Advisor

- The Nominated Supervisor of the service and all appointed Responsible Persons in day-to-day charge of the service have successfully completed an approved child protection training course.
- All employees and volunteers are:
 - Clear about their roles and responsibilities regarding child protection.
 - Aware of their requirements to immediately report cases where they believe a child is at risk of significant harm.
 - Aware of the indicators showing a child may be at risk of harm or significant risk of harm.
- To provide training and development for all educators, staff and volunteers in child protection
- To provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- To validate a Working with Children Check for all educators, staff and volunteers unless the person meets the criteria for exemption from a WWCC. See exemption factsheet at <https://workingwithchildren.wa.gov.au/>
- To provide access to relevant acts, regulations, standards and other resources to help educators, staff and volunteers meet their obligations.
- Records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- Where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for at the service or outside the service, the Regulatory Authority must be notified (within 24 hours) of the serious incident or time that the person becomes aware of the incident.
- The Regulatory Authority must be notified (within 24 hours) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- Conduct Child Safe Audit annually and report finding to the CEO for remedial or improvement actions.

Records Management

Title	Location	Responsible Officer	Minimum Retention Period
Incident/accident/near misses form	CFC	CEO	Until a child (0-18 yrs) reaches an age of 24 years 7 years from the date of the record for adults
Police/DCP Report	CFC	CEO	Until a child (0-18 yrs) reaches an age of 24 years 7 years from the date of the record for adults
Staff Misconduct Record	WLEED	CEO	7 yrs from exit
Staff Development	WLEED	CEO	3 yrs from exit

Reference

- Education and Care Services National Law Act (WA) 2012 - *October 2018*
- Education and Care Services National Regulations (WA) 2012 - *October 2018*
- ACECQA - National Quality Standards - *February 2018*
- Family Assistance Law
- Children and Community Services Act 2004
- Privacy Act 1988
- Code of Ethics - *Meerilinga*
- Code of Conduct - *Meerilinga*

Definitions

Term	Definition
Advisor	A person who is part of the Advisory team, each having specialised skills and knowledge in specific areas. Their role is to provide guidance and advice to assist Directors.
Nominated Supervisor	A person (Director) with responsibility for the day to day management of an approved service. The Nominated Supervisor has a range of responsibilities under the Law and Regulations that govern the operation of education and care service.
Responsible Person	A person who is physically at the service and has the role of Nominated Supervisor or duly appointed person (Lead Educator). The Responsible Person has consented to be placed in day to day charge of the Service but does not take on the responsibilities of the Nominated Supervisor rather they ensure the consistency and continuity in practices.

Mapping Policy and Processes

Education and Care Services National Law (WA) Act 2012	
Section	165, 165A, 166, 167, 169, 170, 174(1)(2).

Education and Care Services National Regulations (WA) 2012	
Regulations	84, 99(165a Law Act), 158, 160, 161, 168(h), 170, 176(2)(a)(ii), 177, 181

Policy Area	Standards for RTOs 2015	National Quality Standards Early Childhood	National Standards for Volunteering Involvement 2015	Standards to Community Services	Standards to Family Support
Children's Programs	NA - The individual cultural / health needs are considered.	QA 1 QA 2 - 2.2, 2.2.1, 2.2.2, 2.2.3 QA 3 - 3.1, 3.1.1, 3.1.2, 3.2, 3.2.3. QA 4 - 4.1, 4.1.1. QA 7 - 7.1, 7.1.1, 7.1.2, 7.1.3, 7.2, 7.2.1, 7.2.3.	NA - The individual cultural / health needs are considered.	NA - The individual cultural / health needs are considered.	NA - The individual cultural / health needs are considered.