

MANDATORY – QUALITY AREA 2

PURPOSE

This policy should be read in conjunction with the *Child Protection Policy*. It provides a clear set of guidelines and procedures to ensure:

- all children attending Helen Paul Kindergarten 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.

POLICY STATEMENT

1. VALUES

Helen Paul Kindergarten 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. Helen Paul Kindergarten 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 (refer to *Definitions*) 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.

2. 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 Helen Paul Kindergarten, including during offsite excursions and activities.

3. BACKGROUND AND LEGISLATION

Background

"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.

New legislation will require early childhood teachers to be registered with the Victorian Institute of Teaching (VIT) from 30 September 2015. They will then be obligated to undertake mandatory reporting of any concerns of child abuse. Please refer to the *Child Protection Policy* for guidelines in relation to mandatory reporting of child related concerns, or child abuse.

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 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)
- *Child Wellbeing and Safety Act 2005* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *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)
- Education Training and Reform Act 2006 (Vic) (As amended in 2014)
- *National Quality Standard*, Quality Area 2: Children's Health and Safety
 - Standard 2.3: Each child is protected
 - Element 2.3.1: Children are adequately supervised at all times
 - Element 2.3.2: Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury
- *National Quality Standard*, Quality Area 3: Physical Environment
 - Standard 3.1: The design and location of the premises is appropriate for the operation of a service
 - Element 3.1.1: Outdoor and indoor spaces, buildings, furniture, equipment, facilities and resources are suitable for their purpose
 - Element 3.1.2: Premises, furniture and equipment are safe, clean and well maintained
- *Occupational Health and Safety Act 2004* (Vic)
- *Working with Children Act 2005* (Vic)
- *Working with Children Regulations 2006* (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of the Policy Folder.

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*).

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.

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation. Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

Serious incident: A children's service is required to notify the Department when a serious incident occurs at the service. A serious incident is defined as:

- the death of a child while being cared for or educated by the service (section 29C(a)).
- any incident involving injury or trauma to a child while being cared for or educated by the service requiring the
 - attention of a registered medical practitioner; or
 - admission to a hospital (section 29C(b))
- a child being cared for or educated by the service appears to be missing or otherwise unaccounted for or appears to have been taken or removed from the service contrary to the regulations (section 29C(c))
- any incident requiring attendance by emergency services (section 29C(d) and regulation 90(2)).

A children's service must notify the relevant regional office by telephone within 24 hours of the incident, followed by written notification as soon as practicable (regulation 90(1)). Written notification is to be provided by using the Serious incident notification form available at:

www.education.vic.gov.au/childhood/providers/regulation/Pages/vcsforms.aspx

5. SOURCES AND RELATED POLICIES

Sources

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)* available at: <http://www.legislation.vic.gov.au/>
- Owens, Angela (2012) *Health Safety and Wellbeing*. Early Childhood Australia, National Quality Standard Professional Learning Program, e-Newsletter no. 29, 2012.
- The United Nations Convention on the Rights of the Child: www.unicef.org/crc

Service policies

- *Acceptance and Refusal of Authorisations Policy*
- *Administration of First Aid Policy*
- *Administration of Medication Policy*
- *Anaphylaxis Policy*
- *Asthma Policy*

- *Child Protection Policy*
- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Dealing with Infectious Diseases Policy*
- *Dealing with Medical Conditions Policy*
- *Diabetes Policy*
- *Emergency and Evacuation Policy*
- *Enrolment and Orientation Policy*
- *Excursions and Service Events Policy*
- *Hygiene Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Nutrition and Active Play Policy*
- *Occupational Health and Safety Policy*
- *Participation of Volunteers and Students Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*
- *Sun Protection Policy*
- *Supervision of Children Policy*
- *Water Safety Policy*

PROCEDURES

The Approved Provider is responsible for:

- ensuring children are adequately supervised and that educator-to-child ratios are maintained at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- 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)
- ensuring parents/guardians have completed the enrolment form including details of authorised nominees, and permission forms for excursions and administration of medication (refer to *Acceptance and Refusal of Authorisations Policy*, *Delivery and Collection of Children Policy*, *Excursions and Service Events Policy*, *Administration of Medication Policy* and *Dealing with Medical Conditions Policy*)
- ensuring the physical environment at the service is safe, secure and free from hazards for children
- conducting risk assessments for excursions and considering children's safety when leaving the service premises
- ensuring all equipment and materials used at the service meet relevant safety standards (refer to *Service policies* section of this policy)
- ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)

- notifying the Victorian Department of Education and Training (DET) if the service premises is in a state of disrepair or is damaged due to a natural disaster (such as fire or flood) and is a risk to children
- ensuring there are appropriate procedures in place for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that the Nominated Supervisor, educators and all staff at the service who work with children are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- notifying DET within 24 hours of a serious incident (refer to *Definitions*) occurring at the service
- notifying , DET in writing, within 24 hours of becoming aware of a notifiable complaint (refer to *Definitions*) or allegation regarding the health, safety and/or welfare of a child at Helen Paul Kindergarten
- implementing and reviewing this policy in consultation with the Nominated Supervisor, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- protecting the rights of children and families, and encouraging their participation in decision-making
- ensuring the Nominated Supervisor, educators, staff, contractors, volunteers and students are kept informed of any relevant changes in legislation and practices in relation to this policy.

The Nominated Supervisor is responsible for:

- ensuring that all educators and staff who work with children are aware of this policy, and are supported to implement it in the service
- protecting the rights of children and families, and encouraging their participation in decision-making at the service
- ensuring that all children are adequately supervised at all times (refer to *Supervision of Children Policy* and *Interactions with Children Policy*)
- ensuring they are aware of current child protection legislation, its application and any obligations that they have under the law
- ensuring learning environments are established that provide sufficient space, and include carefully chosen and well-maintained resources and equipment that will help enhance the quality of children's learning and experiences
- organising/facilitating regular safety audits of the following:
 - emergency equipment
 - playgrounds and fixed equipment in outdoor environments
 - cleaning services
 - horticultural maintenance
 - pest control
- ensuring that all cupboards/rooms are labelled accordingly, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors and cupboards where contents may be harmful
- ensuring that all contractors/visitors sign in to the visitor's log book
- ensuring the physical environment at the service is safe, secure and free from hazards for children
- conducting risk assessments for excursions and considering children's safety when leaving the service premises
- ensuring all equipment and materials used at the service meet relevant safety standards (refer to the *Service policies* section of this policy)

- ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to *Occupational Health and Safety Policy*)
- implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)
- ensuring that educators, staff, parents/guardians follow procedures for the safe delivery and collection of children (refer to *Acceptance and Refusal of Authorisations Policy, Delivery and Collection of Children Policy*)
- implementing and reviewing this policy in consultation with the Nominated Supervisor, educators, staff, contractors and parents/guardians
- identifying and providing appropriate resources and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy (refer to *Sources*)
- informing the Approved Provider of any serious incident (refer to *Definitions*) at the service
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.

Certified Supervisors and other educators/staff are responsible for:

- actively supervising children at all times (refer to *Supervision of Children Policy and Interactions with Children Policy*)
- undertaking appropriate training and education on child protection, including recognising the signs and symptoms of child abuse, knowing how to respond, and understanding responsibilities and processes for reporting and managing concerns/incidents (refer to *Child Protection Policy*)
- maintaining learning environments that provide sufficient space, and include carefully chosen and well-maintained resources and equipment to ensure a safe environment
- maintaining a regular cleaning schedule for all equipment to avoid cross-infection (refer to *Hygiene Policy*)
- maintaining a clean environment daily, and removing tripping/slipping hazards as soon as these become apparent (refer to *Occupational Health and Safety Policy*)
- conducting a dynamic risk assessment of the building, ensuring all children are signed out of the service, doors and windows are closed and locked, and appliances are switched off
- educating and empowering children to talk about events and situations that make them feel uncomfortable
- ensuring the physical environment at the service is safe, secure and free from hazards for children
- conducting risk assessments for excursions and considering children's safety when leaving the service premises (refer to *Excursions and Service Events Policy*)
- ensuring all equipment and materials used at the service meet relevant safety standards
- implementing and practising emergency and evacuation procedures (refer to *Emergency and Evacuation Policy*)
- following procedures for the safe delivery and collection of children (refer to *Delivery and Collection of Children Policy*)
- ensuring that children at the service are not subjected to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances
- 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 Helen Paul Kindergarten
- informing the Approved Provider of any serious incident (refer to *Definitions*) at the service
- implementing and reviewing this policy in consultation with the Approved Provider, Nominated Supervisor, contractors and parents/guardians
- undertaking appropriate training and using relevant resources to implement this policy (refer to *Sources*)

- protecting the rights of children and families, and encouraging their participation in decision-making
- keeping up to date and complying with any changes in legislation and practices in relation to this policy.

Parents/guardians are responsible for:

- reading and complying with this policy
- reporting any concerns regarding child safety or wellbeing to the Nominated Supervisor
- abiding by the service's *Code of Conduct*

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

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures (Regulation 172(2)).

ATTACHMENTS

N/A

AUTHORISATION

This policy was adopted by the Approved Provider of Helen Paul Kindergarten on 6 June 2016.

REVIEW DUE: 2019