



CHILD SAFE ENVIRONMENT POLICY

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Endorsed by: BoG Chair

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NQR QA 2

POLICY STATEMENT

1. GUIDING PRINCIPLES

This policy is based on the following principles, the Hampton Park Community House (**HPCH**):

- is committed to the rights of all children to feel safe, and be safe at all times, including:
- promoting the cultural safety of Aboriginal children
- promoting the cultural safety of children from culturally and linguistically diverse backgrounds
- promoting the safety of children with a disability
- values, respects and cares for children
- fosters opportunities for each child to participate, express their views and to learn and develop
- always acts in the best interests of each child and has zero tolerance of child abuse
- takes all reasonable steps to ensure the health, safety and wellbeing of children at all times, whilst also promoting their learning and development
- actively manages the risks of abuse or harm to each child, including fulfilling our duty of care (refer to Definitions) and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm continuously improves the way our service identifies risks of and responds to child abuse, and encourages reporting and improved responses to allegations of abuse.
- The safety, welfare and best interests of child are paramount.



2. REGULATION

Quality Area 2 of the National Quality Standard

This policy relates to:

Standard 2.2	Safety Each child is protected.
Element 2.2.3	Child protection Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect
Element 2.3	Each child is protected
Element 2.3.2	Every reasonable precaution is taken to protect Children from harm and any hazard likely to cause injury
Element 2.3.4	Educators, coordinators and educators are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.
<i>Education and Care Services National Regulations (NSW)</i>	
Regulation 168(h)	Providing a child safe environment
Regulation 84	Awareness of child protection law
Regulation 273	Course in child protection

3. PURPOSE

The *Education and Care Services National Regulations NSW (Regulations)* require approved providers to ensure their services have policies in place for providing a child safe environment to minimise the risk of harm and hazard to children attending education and care services.

The purpose of this policy is to provide a clear set of guidelines and procedures for Hampton Park to:

- ensure Hampton Park meets its responsibilities for the safety, protection and wellbeing of children
- create and foster an organisational culture that places child safety at the forefront of Hampton Park's operations
- provide a safe environment for all children which ensures their safety, health and wellbeing
- take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and children who are vulnerable, and make reasonable efforts to accommodate them



- identify, reduce and remove risks of child abuse
- intervene when a child may be at risk of abuse or neglect
- involve children in child safety including listening to children and incorporating their views about how to provide a safe environment
- make staff, including employees, directors, contractors and volunteers, are aware of their responsibilities to prevent and report child abuse and harm to children occurring within all Hampton Park environments
- provide staff, including employees, directors, contractors and volunteers, with information and guidance regarding exercising the judgements involved with reporting risks of significant harm to children and the action that should be taken where a person suspects any child abuse or harm within all Hampton Park Environments;
- establish controls and procedures for preventing child abuse or harm and detecting it when it occurs within all Hampton Park Environments;
- ensure that families participate in decisions affecting their child, and will openly communicate with families and the community about its approach to child safety and ensure that information about child safety including information about making a complaint is readily available and accessible
- provide a clear statement to staff, including employees, directors, contractors and volunteers, forbidding child abuse or harm;
- provide assurance that any and all suspected child abuse or harm will be reported and fully investigated

If any person believes a child is at immediate risk of abuse or harm, telephone 000.

4. SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in day-to-day Charge, staff including employees, directors, contractors and volunteers, parents/guardians, children and others attending the programs and activities of Hampton Park, including during offsite excursions and activities.

This policy applies to all Hampton Park Environments and all interactions with children and young people including:

- (a) physical contact,
- (b) face to face contact;
- (c) contact by post or other written communication;

- (d) contact by telephone or other oral communication;
- (e) contact by email or other electronic communication including online seminars and social media.

5. RESPONSIBILITIES

The Approved Provider will ensure, as far as possible, that staff, including employees, directors, contractors and volunteers are aware of:

- (a) their responsibilities to create and maintain child safe environments, including a culturally safe environment for Aboriginal children and young people;
- (b) their obligations under this policy;
- (c) the appropriate standard of conduct and behaviour that Hampton Park requires; and
- (d) Hampton Park's commitment to empowering children about their rights including the right to feel safe, be informed and participate in decisions affecting them.

The Board of Governance (Approved Provider) of Hampton Park Care Group Inc. has the ultimate responsibility for complying with the relevant Child Safe Standards including:

- (a) preventing and detecting the risk or actuality of child abuse or harm;
- (b) ensuring appropriate and effective internal control systems, including processes to respond to complaints and concerns, and regular reviews;
- (c) modelling and championing a child safe culture and making a public commitment to child safety;
- (d) implementing appropriate policies, procedures and codes of conduct in relation to child safety, including ensuring staff, including HPCH employees, directors, contractors and volunteers, are equipped with knowledge, skills and awareness through ongoing education and training, and ensuring staff, including HPCH employees, directors, contractors and volunteers, are suitable to work with children; and
- (e) Empowering children, young people, families and communities with information about their rights and protections.

Persons with Management or Control are responsible for:

- providing leadership for an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved
- advising staff including employees, contractors and volunteers of current child protection legislation, and their legal and duty of care obligations (Regulation 84)
- undertaking child safety reviews and developing an action plan in consultation with staff including employees, directors, contractors and volunteers, parents/guardians and children to maintain Child Safe Standards at Hampton Park (refer to *Sources*)
- conducting recruitment and induction processes for staff including employees, contractors and volunteers in line with this policy (refer to Attachment 2 – Guidelines for incorporation of child safety into the recruitment and management of staff including employees, directors, contractors and volunteers)
- screening contractors, volunteers and students in line with their roles (refer to Attachment 3 – Guidelines for incorporation of child safety into recruitment and management of contractors, volunteers and students)
- ensuring that contractors, volunteers, students, parents/guardians and other visitors to the service are not left with sole supervision of individual children or groups of children
- ensuring that contact is prevented or responding if it has occurred, when the service has been notified of a court order prohibiting an adult from contacting an enrolled child
- ensuring staff including employees, contractors and volunteers undertake appropriate training on child safety, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding responsibilities and processes for reporting (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- ensuring procedures for reporting and responding to suspected child abuse or neglect are promoted across the service and regularly reviewed in partnership with staff and parents/guardians, and where appropriate contractors, volunteers, students and children (refer to Attachment 4: Processes for responding to and reporting suspected child abuse)
- fulfilling legal obligations, including mandatory reporting and duty of care obligations (refer to *Definitions*) (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- offering support to the child and their family, and to staff in response to concerns or reports relating to the safety, health and wellbeing of a child at Hampton Park
- maintaining co-operative relationships with appropriate services and/or professionals (including Child First/The Orange Door) in the best interests of children and their families

- managing and overseeing the response and investigation of reports of child abuse and harm to children or young people, including wherever possible the appointment of an independent investigator with appropriate skills and qualifications to conduct investigations into allegations of child abuse and harm (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- notifying DET within 24 hours of a serious incident (refer to *Definitions*) occurring at the service
- notifying DET within 24 hours in writing of becoming aware of a notifiable complaint (refer to *Definitions*) or allegation regarding the safety, health and/or welfare of a child at the service
- notifying the Commission for Children and Young People who the nominated head of organisation (refer to *Definitions*) and maintaining the currency of the information
- notifying the Commission for Children and Young People within 3 business days of becoming aware of a reportable allegation (refer to *Definitions*)
- investigating an allegation (subject to police clearance on criminal matters or matters involving family violence), advising the Commission for Children and Young People who is undertaking the investigation
- managing the risks to children whilst undertaking the investigation
- updating the Commission for Children and Young People within 30 calendar days with detailed information about the reportable allegation and any action
- notifying the Commission for Children and Young People of the investigation findings and any disciplinary action taken (or the reasons no action was taken)
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality policy*)
- reviewing this policy in consultation with staff, volunteers, parents/guardians, and children
- providing appropriate resources and training to assist staff, contractors, volunteers and students to implement this policy (refer to *Sources*)
- protecting the rights of children and families, and encouraging their participation in decision-making
- keeping staff including employees, contractors and volunteers informed of any relevant changes in legislation and practices in relation to this policy
- ensuring all staff including employees, contractors and volunteers abide by the *Code of Conduct policy*
- ensuring an explicit statement of HPCH commitment to child safety is included in all advertising promotion for the organisation.
- ensuring appropriate policies and procedures are in place, including effective internal control systems for the detection of child abuse and harm and risks of significant harm to children

- ensuring that this Child Safe Environment policy and the Codes of Conduct is reviewed and updated every year and after every child safety incident; and
- monitoring compliance with the Child Safe Environment policy and the Codes of Conduct

The Nominated Supervisor and Persons in Day-to-Day Charge are responsible for:

- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- ensuring continuous improvement in the implementation of the Child Safe Standards in Hampton Park promoting an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved (refer to *Sources*)
- ensuring the implementation of strategies to prevent child abuse in consultation with the Approved Provider and staff including employees, contractors and volunteers
- providing appropriate resources and training to assist including employees, contractors and volunteers to implement this policy (refer to *Sources*)
- ensuring processes for responding to and reporting are followed when there are significant concerns for the safety, health or wellbeing of a child at the service (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- fulfilling legal obligations, including mandatory reporting and duty of care obligations (refer to *Definitions*) (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- report any risks to child safety to the Persons with Management or Control or the Board Chair as soon as possible.
- notifying the Approved Provider or Person with Management or Control immediately on becoming aware of a concern, complaint or allegation regarding the safety, health and welfare of a child at Hampton Park
- offering support to the child and their family, and to educators and staff including employees, contractors and volunteers in response to concerns or reports relating to the safety, health and wellbeing of a child at Hampton Park
- making all staff including employees, contractors and volunteers aware of this policy, the Code of Conduct policy and the Interactions with Children policy and holding them to account for the behavioural expectations identified.
- implementing and reviewing this policy in consultation with the Approved Provider or Person with Management or Control, educators, staff including employees, contractors and volunteers and parents/guardians and children

- planning so that no child is left alone (or is out of sight) with a contractor, volunteer, student, parent/guardian or visitor, at the service.
- promote and model child safety at all times;
- assess the risk to child safety, including the risk of child abuse or harm, within their area of control and take steps to reduce or eliminate any risk to the extent possible;

All staff, including employees, directors, contractors and volunteers are responsible for:

- take all reasonable steps to maintain an environment that prevents child abuse or harm to children;
- keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy
- contributing to an organisational culture of child safety
- identifying the potential for child abuse at HPCH, and developing and implementing effective prevention strategies in consultation with the Approved Provider and Person with Management or Control and the Nominated Supervisor and Person in day to day Charge
- fulfilling their legal responsibilities, including mandatory reporting (refer to *Definitions*) and duty of care obligations (refer to *Definitions*) (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- following processes for responding to and reporting suspected child abuse (Attachment 4: Processes for responding to and reporting suspected child abuse)
- undertaking appropriate training on child protection, including recognising the signs and symptoms of child abuse (refer to *Definitions*), knowing how to respond, and understanding responsibilities and processes for reporting (refer to Attachment 4 – Processes for responding to and reporting suspected child abuse)
- supporting the maintenance of Child Safe Standards in HPCH in consultation with the Approved Provider and Person with Management or Control and Nominated Supervisor and Person in day to day Charge at the service
- notifying the Nominated Supervisor, Person in day to day Charge, the Approved Provider or the Person with Management or Control immediately on becoming aware of any concerns, complaints or allegations regarding the safety, health and welfare of a child at HPCH
- offering support to the child and their family in response to concerns or reports relating to the safety, health and wellbeing of a child at Hampton Park
- co-operating with other services and/or professionals (including Child FIRST/The Orange Door) in the best interests of children and their families
- informing families of support services available to them (such as Child FIRST/The Orange Door), and of the assistance these services can provide

- conducting activities so that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service
- following the HPCH processes where the service has been notified of a court order prohibiting an adult from contacting an enrolled child
- maintaining confidentiality at all times (refer to *Privacy and Confidentiality policy*)
- contributing to a review of this policy in consultation with the Approved Provider, Person with Management or Control, Nominated Supervisor and Person in day to day Charge
- educating and empowering children to talk about events and situations that make them feel uncomfortable
- 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
- using appropriate resources and undertaking training to assist with the implementation of this policy (refer to *Sources*)
- abiding by the service's *Code of Conduct policy* and *Interactions with Children policy*.
- obtain and maintain any checks or qualifications required by HPCH, such as Working with Children Checks, police checks or first aid and CPR qualifications
- report any breach or suspected breach of this policy, the Codes of Conduct as soon as possible to a Person with Management or control.

The Domain Area Manager (supported by HR admin) must:

- record all WWCCs (or WWVP check in relevant states) on a spreadsheet and identify and monitor those that require renewal;
- not allow staff, including Hampton Park employees, directors, contractors and volunteers, to work without a valid WWCC, including when a WWCC has expired or a negative notice or other state equivalent is received;
- collect, document and store information from applicants and their referees to assess their suitability for child-connected work;
- securely store Incident Reports; and
- communicate the Child Safe Environment policy and the Codes of Conduct in the manner set out in this policy.



The participation and empowerment of children:

HPCH:

- provides an inclusive and engaging learning experience to children;
- acknowledges the benefits of involving children in decision making;
- promotes meaningful participation through programs and initiatives;
- acknowledges and appreciates the strengths of the diversity of children, including cultural diversity and the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children and young people;
- acknowledges the rights of children assists them to make meaningful contributions be balancing the need to provide guidance while respecting independence; and
- is responsive to the needs of children and encourages feedback.

HPCH will ensure HPCH's child safety practices are communicated in an accessible manner for:

- younger children, by discussing the documents in-person (and/or any other method deemed appropriate and effective for the particular age of the child);
- children from culturally and linguistically diverse backgrounds, by discussing the documents in-person (and/or any other method deemed appropriate and effective for translation) and
- children living with a disability, by discussing the documents in-person (and/or any other method deemed appropriate and effective for the particular type of disability that the child is living with).

Breaches

- Staff, including HPCH employees, directors, contractors and volunteers, must report any breach or suspected breach of this policy or the Codes of Conduct to the Children's Service Director as soon as possible after becoming aware of the breach or suspected breach.
- If HPCH becomes aware of a suspected breach of this policy or the Child Safety Code of Conduct, HPCH will take immediate steps to ensure the safety and wellbeing of any child who may be at risk as a result of or in relation to the breach.
- Suspected breaches of this policy or the Codes of Conduct are treated seriously by HPCH and will be investigated (either internally or externally, depending on the severity of the suspected breach) in a manner that affords procedural fairness to the subject of the investigation and complies with any reportable conduct schemes if applicable. HPCH will handle the allegations in a confidential manner to the greatest extent possible.
- Following an investigation into a suspected breach, any person who is found to be in breach or to have breached this policy or the Child Safety Code of Conduct may face disciplinary action (including termination of their engagement with HPCH).

Reporting and responding to risk of harm to a child

- HPCH is committed to ensuring that children and young people who access HPCH's services and programs are kept safe from harm and the risk of harm.



- When HPCH suspects that a child or young person has been harmed or is at risk of harm, HPCH will respond to that suspicion in an appropriate manner which prioritises the safety of children and young people.
- All staff, including HPCH employees, directors, contractors and volunteers, are required to follow the relevant procedure applicable to the State or Territory in which the child is situated (Child Safe Procedure is annexed to this policy).
- HPCH will comply with all obligations under any applicable state or territory Reportable Conduct Schemes and any other applicable laws, and will provide information to government agencies including police, and do all things necessary to assist with enquiries, as is required.

Investigations

- The Children's Service Director will make every effort to keep any child safety investigation confidential; however, from time to time staff, including HPCH employees, directors, contractors and volunteers, may need to be consulted in conjunction with the investigation (e.g. to provide witness statements).
- HPCH will do all things necessary to assist in any external investigations conducted by police or investigations conducted under any applicable reportable conduct scheme.
- An investigation conducted by HPCH will be conducted in accordance with procedural fairness to protect the integrity of the investigation and the interests of all the parties involved in the investigation.

Record keeping

- All reports of alleged abuse or harm (or an identified risk) must be recorded in the form of an Incident Report (found at the end of Attachment 4). An Incident Report must record places, times, dates, names of people, observable behaviours or evidence of harm. Reports must be securely stored by the Domain Area Manager.
- The Children's Service Director is responsible for ensuring adequate records are maintained. Either the staff member who identified or witnessed the actual or risk of child abuse or harm, or a Children's Service Director must complete an Incident Report.
- The Children's Service Director will ensure that the following records are held and maintained indefinitely:
 - allegations, complaints and concerns of a breach of the Child Safe Environment policy or Codes of Conduct;
 - complaints, reports and disclosures of actual or suspected child abuse or harm to a child;

- reports made to external government agencies or regulators including reports to police or reports made under any applicable reportable conduct scheme;
- investigation reports, evidence and records of interview in relation to any investigation under this policy; and
- all decisions and actions taken in relation to any child safety complaint, report of a breach or disclosure received.

Privacy

- Hampton Park will collect, use, disclose and hold personal information in accordance with the Privacy Act 1988 (Cth) and its Privacy policy.

Principles

There are two guiding principles in respect to a child's privacy.

Best interests: HPCH, all employees, directors, volunteers and contractors will do what they believe is in the best interest of the child. The paramount consideration is the safety of children.

Respect privacy: HPCH will respect a child's privacy, except when this conflicts with the best interests principle. This means acting consistently with the Australian Privacy Principles and HPCH Privacy policy.

As much as is reasonably possible, an individual's privacy is to be protected. Individuals who make reports or disclosures of abuse and individuals who are the subject of accusations are all entitled to privacy.

Disclosing information and privacy

Staff, including HPCH employees, directors, contractors and volunteers, must act consistently with HPCH Privacy policy, the Child Safe Environment policy, the Codes of Conduct and relevant statutory requirements.

Where a disclosure, such as reporting to a government department or police, is required or authorised by a reportable conduct scheme or other law, the disclosure will not be a breach of privacy. The Child Safety Procedure (Attachment 4) sets out applicable reporting requirements for each State and Territory.



Parents/guardians are responsible for:

- reading and complying with this policy
- abiding by the service's *Code of Conduct*.

REVIEW

To assess whether the values and purposes of the policy have been achieved, the Approved Provider or Persons with Management or Control 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)) unless a lesser period is necessary because of a risk.

ATTACHMENTS:

- Attachment 1: Background, definitions, sources and service policies
- Attachment 2: Guidelines for incorporation of child safety into recruitment and management of staff
- Attachment 3: Guidelines for incorporation of child safety into recruitment of contractors, volunteers and students
- Attachment 4: Processes for responding to and reporting suspected child abuse (Refer - Mandatory Reporting Policy)

Authorisation:

Signature of Chair of BOG :

Date of Approval by BOG:
Hampton Park Care Group Inc.

16-02-2022

