

Policy title	2.12 Child Protection
Policy type	Management
Group	Family and Children

Please note the area of child protection is undergoing review at both State and Federal levels. The information contained in this policy, while accurate at the time of writing is also currently under review. There will be further changes to this policy in the near future to align with these reviews.

Rationale

Every child has the right to live a full and productive life in an environment that builds confidence, friendship, security and happiness, irrespective of their family circumstances and background.

Child Protection is based on the principles of partnership and shared responsibility. Most children are best protected and cared for within their own family; however when parents/guardians or carers are unwilling or unable to protect their children from significant harm, the protection of the child becomes the responsibility of the wider community and at times, requires statutory Child Protection intervention.

The Education and Care Services *National Regulations 2011 (Regulation 84)* require the approved Responsible Person of an education and care service to ensure that the nominated supervisor and staff/educators/contractors are advised of: (a) the existence and application of the current child protection law; and (b) any obligations that they may have under that law.

Early childhood services play an important role in the prevention of child abuse and neglect through their access to information about family functioning and the needs of children. Staff or volunteers working for licensed early childhood services in Victoria have a duty of care to support and protect the children and young people with whom they are professionally involved with. When an early childhood professional forms a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of the child or young person.

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The *Victorian Children, Youth and Families Act 2005* empowers Child Protection, a statutory service provided by the Department of Health and Human Services, to intervene and protect children and young people at risk of harm. It also enables the operation of Child FIRST, the entry point into family services.

Some professionals such as registered medical practitioner, nurses, police and school teachers are legally mandated to report suspected child abuse under s182 of the *Children Youth and Families Act 2005*. In addition, under s183 of the Act any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian Child Protection Service. It is the role of Child Protection to assess and, where necessary, further investigate if a child or young person is at risk of significant harm.

A new offence for failure to disclose child sexual abuse came into effect on 27 October 2014. The offence requires that any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police. The offence applies to all adults in Victoria, not just professionals who work with children, unless they have a reasonable excuse.

The Commonwealth *Family Law Act 1975* makes clear that both parents/guardians are responsible for the care and welfare of their children until the children reach 18 years. The Act requires a court to regard the best interests of the child as the most important consideration when deciding shared responsibilities and cooperation between the parents/guardians. Orders made by a court under this Act are legally enforceable in every State/Territory of Australia. Moonee Valley City Council must comply with orders regarding child access arrangements for children enrolled in our education and care services.

The purpose of this Policy is to ensure practices are enacted in accordance with the *Education and Care Services National Regulations 2011 (Regulation 84)*, *Victorian Children, Youth and Families Act 2005* and *Child Wellbeing and Safety Act 2005* when suspicions or allegations of child abuse arise or Federal/Victorian Court orders are in place.

Family and Children’s Services are currently undertaking extensive consultation with a wide range of people involved in the delivery of services to vulnerable children, young people and families in Moonee Valley. Family and Children’s Services are committed to ensuring that all our children and young people have access to nurturing and stimulating environments in which to grow and reach their full potential.

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The Early Intervention and Prevention Partnership reforms will provide professionals working within our services with more effective processes to:

- listen to what children and young people want and need
- enable earlier intervention
- reduce child abuse and neglect
- provide better support to Aboriginal children, young people and their families
- work together in cooperation with other providers of children, young people and family services.

Policy Statement

Moonee Valley City Council is committed to:

- ensuring the protection and wellbeing of children through the provision of safe education and care environments
- offering support to children who are deemed at risk of abuse or neglect
- ensuring a safe working environment for staff of education and care services
- providing staff members, students and volunteers with the necessary support to enable them to fulfil their roles
- ensuring that staff have access to a senior person to help them make decisions in relation to any action required to protect children
- notifying the Department of Human Services if we are concerned that a child is being or has been abused or neglected
- complying with sealed orders made by the Federal Family Court and Victorian Courts regarding children enrolled at a Council education and care service.

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All early childhood professionals have an important role to play in the protection of children. Where workers are in close daily contact with children, they are well placed to more readily observe when a child/young person may be at risk of abuse, neglect or significant harm. Where a child's actions/behaviours or family situation places them at risk of significant harm and the parents/guardians are unwilling or unable to

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protect the child, early childhood professionals have a duty of care to take action in the best interests of the child.

In 2004 it was estimated that one in four Victorian children and young people had witnessed family violence¹. Family violence can include physical, verbal, sexual or emotional abuse. Children who witness regular acts of violence have greater emotional and behavioural problems than other children. Even very young children can be profoundly frightened and affected. Witnessing episodes of violence between people can affect young children as much as if they were the victims of violence.

¹ *The health costs of violence: measuring the burden of disease caused by intimate partner violence*, VicHealth, June 2004, pg 10.

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Procedures	2.12 Child Protection Procedure
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Action	Approved Provider	Responsible Person or Primary Nominee	Educator/Contractor	Families	Education and Care Services National Regulations 2011	Education and Care Services National Law Act 2010	Children's Services Regulations 2009 & Children's Services Act 1996
Ensure young children in their care are protected from abuse, violence and neglect in accordance with this Policy and Procedures.	✓	✓	✓		r.84 r.157-162 r.170 r.164-166 r.168-172 r.177 r.358-359 r.360-364	s.165 s.167 s.169-171 s.174-175 s.167 s.169	r.31-35 r.41-42 r.50 r.53 r.60 r.70-7A r.72 r.75 r.90-91 s.26 s.27 c.29A s.29C s.32B
Act on sealed court orders from Federal and Victorian legal jurisdictions that relate to children enrolled at a Council education and care service.	✓	✓	✓		r.84 r.160	s.167 s.175	s.26 s.29A r.50 r.53 r.71 r.72 r.75 r.77
Take seriously any concerns or issues raised by children and/or parents/guardians.	✓	✓	✓		r.84	s.167	s.26 s.29A
Record all observations of unusual behaviour, changes in behaviour and physical signs which may indicate child abuse.	✓	✓	✓		r.84 r.74	s.167 s.167 s.169	s.26 s.29A
Discuss concerns for a child's safety or wellbeing with the Service Coordinator in deciding any action to protect the child.	✓	✓	✓		r.84	s.167	s.26

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Action	Approved Provider	Responsible Person or Primary Nominee	Educator/Contractor	Families	Education and Care Services National Regulations 2011	Education and Care Services National Law Act 2010	Children's Services Regulations 2009 & Children's Services Act 1996
Report significant and immediate concerns regarding sexual or physical abuse of a child to Child FIRST or Child Protection.	✓	✓	✓		r.84	s.167	s.26
Take part in regular training and information regarding current child protection law, indicators of child abuse, protocols and procedures.	✓	✓	✓		r.84	s.167	s.26
Work with Moonee Valley City Council Children's Services staff/educators/contractors towards the best outcome for their children.		✓	✓		r.84	s.167 s.167 s.169	s.26
Provide a sealed Federal or Victorian court order at enrolment of their children in an education and care service or as soon as practicable after an order is made by a court.	✓	✓	✓	✓	r.84 r.160-162	s.167 s.175	s.26 s.32B
Ensure current access arrangements, as agreed or covered by court order conditions, are documented in their child's enrolment form.	✓	✓	✓	✓	r.84 r.160-162	s.167 s.175	s.26 s.32B r.71-72
Provide regular training for staff in identifying and reporting suspected child abuse and neglect. This will take place at least every 18 months.	✓	✓	✓		r.84	s.167	s.26
Support staff members and parent/guardian in the case of referring or reporting suspected cases of child abuse and neglect.	✓	✓	✓	✓	r.84	s.167 s.167 s.169	s.26

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Ensure staff and parents/guardians have access to copies of Protecting the safety and wellbeing of children and young people.		✓	✓	✓	r.84 r.171	s.167 s.175	s.26
Maintain strict confidentiality at all times, including the name of the information holder/reporter and any information that is likely to lead to the identification of the person who made the report or referral.	✓	✓	✓		r.84 r.181 r183-184	s.167 s.273	s.26
Ensure compliance with the Child Protection Policy and Procedures.	✓	✓	✓		r.84 r.170	s.167 s.175	s.26
Ensure all staff/educators/contractors attend, and remain up-to-date with training in the identification and reporting of child abuse and neglect.	✓	✓	✓		r.84	s.167	s.26
Ensure this Policy and Procedures, as well as the steps outlined in protecting the safety and wellbeing of children and young people are always followed by staff/educators, students and volunteers.	✓	✓	✓		r.84 r.170	s.167 s.175 s.167 s.169	s.26
Ensure staff/educators are aware of Family Court orders and Victorian protective intervention orders relating to parental contact arrangements, delivery and collection of children in their care.	✓	✓	✓		r.84 r.160-161	s.167 s.175 s.167 s.169	s.26 r.31 r.33

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Support staff/educators/contractors and parents/guardians in the case of a notification being made.	✓	✓	✓	✓	r.84	s.167	s.26 s.29A
Maintain strict confidentiality at all times.	✓	✓	✓		r.84 r.181	s.167 s.273	s.26 r.35
Provide a supportive, caring and responsive environment that fosters children's skills in: <ul style="list-style-type: none"> • developing their social competence and feeling of self-worth • expressing their emotions in a socially acceptable manner • communicating with others, both as an active listener and an effective talker • responding sensitively to the needs of others • acknowledging and learning how to deal with frustration • learning how to negotiate and solve problems in non-threatening ways • respecting diversity. 	✓	✓	✓		r.84 r.73-76	s.167-169	s.26 s.29 r.50 r.53
Staff/educators are to model the above behaviours in their own daily interactions with the children, their families and fellow staff members.	✓	✓	✓		r.84	s.167-169	s.26 s.27 s.29A r.50 r.53
Ensure training in identifying and reporting of suspected child abuse is up-to-date.	✓	✓	✓		r.84	s.167	s.26

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Comply with the Child Protection Policy and Procedures as well as associated legislation.	✓	✓	✓		r.84 r.170	s.167-169 s.175	s.26 s.27 s.29A r.50 r.53
Be alert to possible signs of child abuse and neglect in children.	✓	✓	✓		r.84	s.167	s.26 s.27s.29A r.50 r.53
Follow the procedure outlined in the Protocol – Protecting the safety and wellbeing of children and young people (refer to Attachment A), for making a referral to Child FIRST or a report to Child Protection.	✓	✓	✓		r.84 r.170	s.167	s.26 s.27 s.29A r.50 r.53
Maintain strict confidentiality at all times a notification has been made.	✓	✓	✓		r.84 r.170 r.181 r.183-184	s.167 s.273	s.26 r.35
Provide the service with a copy of current interim or final Family Court or Victorian court orders.	✓	✓	✓		r.84	s.167 s.175	s.26 s.32B r.31 r.33 r.35
Provide the service with a copy of current orders from other State/Territory jurisdictions, and contact the Police to discuss what can be done to enforce the order in Victoria.	✓	✓	✓		r.84 160-162	s.167 s.175	s.26 s.32B r.31 r.33 r.35
Ensure the education and care service has a current enrolment form that outlines child access arrangements and authorised persons for the delivery and collection of their children.	✓	✓	✓		r.84 r.160-162	s.167 s.175	s.26 s.32B r.31-34

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Communicate changes in family arrangements and concerns over potential or actual impacts of the change on their child with staff/educators/contractors.	✓	✓	✓	✓	r.84 r.162	s.167-169	s.26 s.32B r.31 r.33 r.34 r.35 r.71-72 r.75

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Definitions

Child abuse: is an act by parents/guardians or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time.

In Victoria, under the Children Youth and Families Act 2005 a child or young person is a person under eighteen years of age.

A child in need of protection: A child may be in need of protection if any of the following has occurred, or is likely to occur:

- the child has been abandoned by his or her parents/guardians
- the parents/guardians are dead or incapacitated
- the child has suffered physical abuse
- the child has suffered sexual abuse
- the child has suffered emotional or psychological abuse
- the child has been neglected

These are called **risk of harm indicators**. A child may also be in need of protection if the court finds that there is at the time a substantial irreconcilable difference between the child and his or her parent/s (or person who has custody), which is likely to seriously disrupt the care and control of the child.

Physical abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

Sexual abuse

Sexual abuse occurs when a person uses power or authority over a child to involve the child in the sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

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Emotional abuse

Emotional abuse occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Neglect

Neglect is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be significantly harmed.

The Victorian *Children, Youth and Families Act 2005* (CYFA) states that the best interests of the child must always be paramount when making a decision or taking action with regard to a child. Included in these principles is Section 10(3)(e) of the Act, which must consider 'the effects of cumulative patterns of harm on a child's safety and development'.

Cumulative harm refers to the effects of multiple adverse or harmful circumstances and events in a child's life, such as those listed above.

The unremitting daily impact of these experiences on the child can be profound and diminish a child's sense of safety, stability and wellbeing. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance or event (such as unrelenting low-level care); or by multiple circumstances or events (such as persistent verbal abuse and denigration, inconsistent or harsh discipline, and/or exposure to family violence)².

Universal Early Childhood Services and Child Protection

The partnership between universal early childhood services (Maternal and Child Health; Playgroups; Kindergartens; Occasional, Long Day and Family Day Care), and Child Protection has a strong legislative and policy base. The Victorian *Child Wellbeing and Safety Act 2005* provides a common set of guiding principles, emphasising that:

- all children should be given the opportunity to reach their full potential and participate in society, regardless of their family circumstances and background
- whilst parents/guardians are the primary nurturers of a child, society as a whole shares responsibility for children's wellbeing and safety

² *Cumulative harm: Best interests case practice model - Specialist practice resource*, Victorian Government Department of Human Services, Melbourne, Australia, June 2012

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- planning and delivery of services should focus on sustaining and improving children’s outcomes – the promotion and protection of a child’s safety, health, development, learning and wellbeing.

Moonee Valley City Council recognises that **all persons** working with children have a professional duty of care to report concerns for a child’s safety or wellbeing to Child FIRST or Child Protection. It is the Child Protection worker’s job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

Collaborative work between Child Protection, early childhood and other community services can improve outcomes for children, young people and their families. Effective collaboration on the creation of a working relationship based on principles of trust, respect and shared decision-making contributes to ensuring the safety and wellbeing of all children and young people by protecting them from significant harm.

What do we expect of staff, students and volunteers?

Working with children who have been the subject of or are at risk of harm places a significant responsibility on staff/educators/contractors, students and volunteers. The Child Protection Policy and Procedures have been designed to facilitate decision making in relation to the protection of children. At all times staff, students and volunteers are expected to have a comprehensive understanding of the contents of this Policy and Procedures, and abide by them whenever they have concerns about the possibility that a child has experienced or may be at risk of experiencing abuse or neglect.

Where a child is assessed as being in need of protection, at all times staff, students and volunteers must remember to:

- record relevant observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if required.

It is a serious breach of the Policy, and possibly the law, if a staff member, student or volunteer harms or exploits children who are involved in any of our education and care services.

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Breaches of this Policy include, but are not limited to, staff, students or volunteers who:

- sexually harass or assault children who are participating in any of our education and care services
- physically assault children who are participating in any of our education and care services
- verbally abuse, denigrate or bully children who are participating in any of our education and care services
- take, reproduce and/or distribute photos of children without the consent of their parents/guardians
- publish any material containing images of children who are participating in any of our education and care services that can be used for the sexual gratification of others
- access, download, store or distribute any form of child pornography.

A duty of care to a child or young person is breached if a staff member, student or volunteer:

- 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 to whom the person owes a duty of care.

When will we act to support and/or protect children?

If you are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

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Conclusive proof is not required to make a referral to Child FIRST or to make a report to Child Protection.

Legislation does require an information holder to have:

- reasonable grounds to make a report
- a suspicion of risk of harm
- current concerns about safety, welfare or wellbeing.

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person’s health, safety or wellbeing is at risk and the child’s parents/guardians are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child may be talking about themselves
- someone who knows the child or young person states that the child or young person has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- the staff members is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person’s safety, stability or development
- the staff member observes signs or indicators of abuse including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child’s actions or behaviour may place them at risk of significant harm and the child’s parents/guardians are unwilling or unable to protect the child.

What will we do when we believe children have suffered or are at risk of suffering child abuse or neglect?

- document observations using objective details of unusual behaviour, changes in behaviour and physical signs. Incorporate photographs, transcripts of conversations and any other relevant information with documented observations. Date and sign the record

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- the person who holds the information will immediately discuss their concerns documented with the nominated supervisor on that day or the relevant Service Coordinator. If the nominated supervisor or Service Coordinator is unavailable, the person who holds the concerns for a child will consult with the next available line manager
- all staff members, educators/contractor, students and volunteers are to follow the procedures outlined in the Protocol – Protecting the safety and wellbeing of children and young people (refer to Attachment A) in making a report to Child FIRST or Child Protection. The protocol ensures a consistent approach to the protection of children and young people. Additionally the protocol defines the respective roles and responsibilities of the agency partners
- disclosures of sexual or physical abuse or probable non-accidental injuries must always be taken seriously. When there are reasonable grounds to believe a child is at significant and immediate risk, the person who holds the information is to make a report to Child Protection. The Police may also be contacted
- the responsibility for investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police. Staff members/educators must not investigate an allegation or a concern. They should only enquire sufficiently to form a belief that may then require further action
- if a staff member/educator has general concerns for the wellbeing of a child, but has assessed that the child is not at immediate risk of harm, they are to contact the Nominated Supervisor on that day and discuss the Child Protection Record
- the nominated supervisor will discuss the staff member's concerns with the Service Coordinator and decide on the appropriate action to take, which will be documented on the Child Protection Record. This could be a referral to Council's Family Services Unit or Child FIRST as registered community-based child and family services
- the nominated supervisor, Coordinator Kindergarten Services or Coordinator Childcare Services will provide support to the staff member/educator in the case of any reports or referrals made regarding the suspected abuse or neglect of a child.

What will we do if a staff member, student or volunteer is suspected of child abuse or neglect?

- document observations using objective details of unusual behaviour, changes in behaviour and physical signs. Incorporate photographs, transcripts of conversations and any other relevant information with documented observations. Date and sign the record
- the person who holds the information will immediately discuss their concerns with the nominated supervisor on that day or the relevant Service Coordinator. If the

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- nominated supervisor or Service Coordinator is unavailable, the person who holds the concerns for a child will consult with the next available line manager
- the nominated supervisor or Service Coordinator will contact Council’s Human Resources Department and approved Responsible Person, and suspend the staff member/educator, student or volunteer immediately from duties while an internal investigation is undertaken
 - it is the right of the person who holds the information to make a report to Child Protection, if they maintain the belief that there is a significant and immediate safety or wellbeing concern. The approved Responsible Person and Service Coordinator will still be made aware of any decision to report to Child Protection
 - depending on the Child Protection investigation, the nominated supervisor or Service Coordinator may not be able to discuss the allegation in detail with the staff member/educator who is the subject of a report to Child Protection
 - once the investigation has been completed by Child Protection, a decision will be made by the Coordinator Kindergarten Services or Coordinator Childcare Services, and Manager Family and Children’s Services, as to the ongoing status of the staff member/educator, student or volunteer
 - the Coordinator Kindergarten Services or Coordinator Childcare Services will provide support to the staff member/educator, student or volunteer, which may include referrals to specialist support while a decision is pending on the ongoing status of the staff member/educator, student or volunteer
 - the staff member/educator, student or volunteer who is the subject of a report, can enact the Service’s Grievance and Complaints Procedure if they feel aggrieved with the allegation and notification process.

Reporters are protected

Confidentiality is provided for reporters under the *Children Youth and Families Act 2005*. The Act prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation except in specific circumstances.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that in the interests of justice, the reporter is required to attend court to provide evidence.

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Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decide that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter’s identity to any other person without the reporter’s consent.

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

Information sharing and consent

The *Children Youth and Families Act 2005* provides for information sharing by classifying some individuals and groups of professionals as information holders. Information holders include staff members of a licensed children’s service and people in charge of a licensed children’s service.

Information holders can share information with Child Protection and Child FIRST in the circumstances outlined by the Act. They can do so without the consent of the child to whom the information relates or the consent of that child’s parents/guardians or carer.

Whenever possible, authorised information holders should seek consent from a child or their parents/guardians, carers or guardians before sharing their information, provided that by doing so, they do not place the child or another person at risk. Other than in very urgent situations, information holders should consult with their Coordinator or Manager before disclosing information about a child or their family without their consent.

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Once a family service (or other service agency) begins to provide services to the family, information can be shared by licensed children's services only with the consent of the child's parents/guardians, carers or guardians and, if old enough, the child. This is because service provision in these circumstances is by voluntary agreement between the family and the service provider. Family Services many consult with Child Protection at any time.

All other personal information can only be shared in accordance with the Information Privacy Principles in the *Information Privacy Act 2000*.

Information-sharing authorisations under the *Children Youth and Families Act 2005*

Information-sharing provisions under the Act, provide that licensed children's services who make a report to Child Protection or a referral to Child FIRST may:

- share information in confidence with Child Protection about a child and their family and without the consent of the child or their parents/guardians, carers or guardians if necessary, if a reasonable belief is formed that the child is in need of protection
- share information in confidence with Child FIRST about a child and their family and without the consent of the child or their parents/guardians, carers or guardians if necessary, if they have a significant concern for a child's wellbeing
- be consulted by either Child FIRST or Child Protection when Child FIRST or Child Protection are deciding how to respond to a referral or report they have received
- share information with Child Protection when a child has been assessed as being in need of protection and Child Protection are working with the child and family. Information holders can also disclose, and be required to disclose, information to Child Protection if the child is the subject of a Children's Court *Protection Order*.

If Child Protection believes on reasonable grounds, that an information holder has information relevant to the protection or development of a child, Child Protection may ask the information holder to provide that information to Child Protection to assist in investigating a report. If an information holder is asked to provide such information, they may do so in accordance with s192 of the Act.

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Child Protection can provide information to licensed children's services at the request of staff with the consent of the family. However, not all information on the Child Protection file is accessible to families and the service involved can access only the information on the file that is also accessible to the family.

Information-sharing authorisation

Information requested by Child Protection or Child FIRST can be disclosed by a person in charge (Coordinator) of a licensed children's service. If the licensed children's service manager is off-site, this responsibility falls to the person in charge at the time.

The person in charge of the service is authorised to share relevant information with Child FIRST or Child Protection to help them assess a referral or report they have received. The person in charge is also authorised to share relevant information with Child Protection to help them:

- undertake an investigation
- work with, and coordinate services for a child and their family, when a child has been found to be in need of protection.

Protection when sharing information

Authorised information holders are protected when sharing information in good faith with Child FIRST or Child Protection under the provisions of the Act (sections 37 (a) and (b) and sections 193 (a) and (b)). Staff members of licensed children's services are protected from liability and adverse professional consequences as a result of disclosing information to Child Protection under s37 or s193 of the Act. The identity of the reporter or referrer will be protected unless the reporter or referrer consents to the disclosure of their identity or disclosure is required by law.

Family Court Orders and Protective Intervention Orders

The Family Court is a Federal Court and operates under Australian Government Law, including the *Family Law Act 1975*. Family Court orders are legally enforceable in every State/Territory of Australia. Each person affected by the order must comply with it.

While orders made by other State/Territory Courts such as the Magistrates Court cannot be legally enforced in Victoria, it is recommended that parents/guardians still provide these to the education and care service and advise the Police in their new locality.

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The area of court and intervention orders is complex and can be challenging to manage. If there is doubt regarding court or intervention orders please consult your centre co-ordinator or team leader.

Dealing with Court Orders

All staff are required to abide by conditions contained in Federal and Victorian Court orders that cover access arrangements for children enrolled in a Moonee Valley City Council education and care service.

When provided with a Federal/Victorian court order, confirm:

- the name of the parent/guardian who has prime responsibility for the child
- access arrangements for the other parent/guardian and check they are listed on the enrolment form
- names of other authorised persons who can deliver and collect the child
- that a new enrolment form has been completed and signed by the parent/guardian who provided the court order.

Dealing with family separation

If informed by a parent or both parents/guardians that they have separated, or are in the process of separating, and want to alter child access arrangements:

- request the parents/guardians to complete a new enrolment form
- If both parents/guardians continue to give different instructions in the absence of a new enrolment form, advise them that instructions on the original enrolment form will be adhered to. Inform the Service Coordinator of the situation. If the above steps have not resolved disputes over access arrangements, give both parents/guardians access to the children in care until such time as the service is provided with an interim or final court order.

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This policy is linked to the following National Quality Standard areas.

<http://acecqa.gov.au/national-quality-framework/the-national-quality-standard>

Link to Council Policies

This Policy and Procedures are informed by the *Excellence in Governance* Booklet and Values as well as Council's *Occupational Health and Safety* and *Risk Management Policies*.

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Resources and Useful Websites

Protecting the safety and wellbeing of children and young people. You can read a detailed version of this joint protocol between the Department of Human Services Child Protection, Department of Education and Training, licensed children's services and Victorian schools at the following link:

<http://www.education.vic.gov.au/Documents/school/principals/spag/safety/protectionofchildren.pdf>

The Best Interests Framework for Vulnerable Children and Youth paper (see link below), describes how the 'Best Interests' principles and related provisions of the *Children, Youth and Families Act 2005* (CYFA) attend to the particular needs of children who are vulnerable as a result of their family's circumstances, dynamics and social isolation. It sets out a Best Interests framework, to assist professionals working in family services, child protection and placement services to apply the Act.

http://www.dhs.vic.gov.au/data/assets/pdf_file/0010/586081/ecec_best_interest_framework_proof.pdf

Child and family services information, referral and support teams: Contact details for family services across Victoria, which can be used to refer vulnerable children and their families to services they need or report child abuse, are provided in this link www.dhs.vic.gov.au/familyservices

For more detailed information on **child protection, procedures** and the range of **court orders**, please view these websites from the Children's Court of Victoria, Department of Human Services and Legal Aid:

<http://www.childrenscourt.vic.gov.au/jurisdictions/child-protection>

<http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection/child-protection-orders2>

<https://www.legalaid.vic.gov.au/find-legal-answers/parenting-arrangements-and-child-contact/parenting-orders/what-court-considers-when-making-parenting-order>

The Magistrates Court of Victoria has produced a brochure on **personal safety intervention orders**, which may assist in the case of disputes involving a work colleague, employer, employee, parent/guardian, visitor or stranger:

<http://www.magistratescourt.vic.gov.au/sites/default/files/Default/personal+safety+intervention+orders.pdf>

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Attachment A

Ensure a copy of this is displayed in a prominent position within the service.

A step-by-step guide to making a report to Child Protection or Child FIRST

Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	MAKING A REFERRAL TO Child FIRST	STEP 4	MAKE A REPORT TO CHILD PROTECTION
	<p>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*.</p> <p>Go to Step 4</p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p>Go to Step 3</p> <p>3. In all other situations</p> <p>Go to Step 2.</p> <p>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – <i>Protecting the safety and wellbeing of children and young people</i></p>		<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?</p> <p>YES / NO</p> <p>and</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child?</p> <p>YES / NO</p> <p>2. If you answered yes to a) or b)</p> <p>Go to Step 4</p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p>Go to Step 3</p>		<p>Child Wellbeing Referral</p> <p>1. Contact your local Child FIRST provider.</p> <ul style="list-style-type: none"> • See over for contact list for local Child FIRST phone numbers. <p>2. Have notes ready with your observations and child and family details.</p>		<p>Mandatory/Protective Report*</p> <p>1. Contact your local Child Protection Intake provider immediately.</p> <ul style="list-style-type: none"> • See over for contact list for local Child Protection phone numbers. • For After Hours Child Protection Emergency Services, call 131 278. <p>2. Have notes ready with your observations and child and family details.</p> <p>* <i>Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p>

For further information refer to *Protecting the safety and wellbeing of children and young people – 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*

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Contact Numbers

Department of Education and Early Childhood Development

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9488 9488
Western	(03) 9291 6500
Southern	(03) 9794 3555
RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

Office for Children and Licensed Children's Services:

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9412 5333
Western	(03) 9275 7000
Southern	(03) 9096 9555
RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

Important information for government schools

Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on **03 9589 6266**.

Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.

The SCIAU can be contacted on **03 9637 2934** or **03 9637 2487**.

Victorian Government School Principals should refer to the flowchart – *Responding to Allegations of Student Sexual Assault Compulsory Actions for Principals* at:

<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

Department of Human Services Child Protection

METROPOLITAN REGIONS		METROPOLITAN REGIONS	
Intake Unit		Regional Office	
Eastern	1300 360 391	Box Hill	(03) 9843 6000
North and West	1300 664 977	Preston	1300 664 977
		Footscray	1300 360 462
Southern	1300 655 795	Dandenong	(03) 9213 2111

RURAL REGIONS			
Intake Unit		Regional Office	
Barwon South Western			
	1800 075 599	Geelong	(03) 5226 4540
Gippsland	1800 020 202	Traralgon	(03) 5177 2500
Grampians	1800 000 551	Ballarat	(03) 5333 6530
Hume	1800 650 227	Wangaratta	(03) 5722 0555
		Wodonga	(02) 6055 7777
Loddon Mallee	1800 675 598	Bendigo	(03) 5434 5555

After hours Child Protection Emergency Services (AHCPEs)

Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week): **131 278**

Victoria Police **000**

Catholic Education Offices

Catholic Education Office, Melbourne	(03) 9267 0228
Catholic Education Office, Ballarat Diocese	5337 7135
Catholic Education Office, Sale Diocese	5622 6600
Catholic Education Office, Sandhurst Diocese	5443 2377

Independent Schools Victoria (03) 9825 7200

Other

Victorian Aboriginal Education Association, Inc.	(03) 9481 0800
Victoria Police Sexual Offences and Child Abuse Unit	(03) 9247 6666
Centre Against Sexual Assault	1800 806 292
Gatehouse Centre, Royal Children's Hospital (for specialist counselling and medical assistance)	(03) 9345 6391
Child Safety Commissioner	(03) 8601 5884
Victorian Aboriginal Child Care Agency	(03) 8388 1855

CHILD FIRST

Local Catchment Area	Contact
Barwon South Western	Greater Geelong, Queenscliff, Surf Coast 1300 551 948
Western	Colac – Otway, Corangamite 5232 5500
	Warrambool, Moyne, Glenelg, Southern Grampians 1300 889 713
Gippsland	East Gippsland 5152 0052
	Wellington 5144 7777
	La Trobe, Baw Baw 1800 339 100
	South Gippsland, Bass Coast 5662 5150
Grampians	Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham 1800 195 114
	Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool 1300 783 341
Hume	Wodonga, Towong, Indigo 1800 705 211
	Alpine, Benalla, Mansfield, Wangaratta 1800 705 211
	Greater Shepparton, Strathbogie, Moira 1300 854 944
	Mitchell, Murrindindi 1800 663 107
Loddon Mallee	Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander 1800 260 338
	Buloke, Goonawarra, Swan Hill, Mildura 1800 625 533 1800 MALLEE
Eastern Metropolitan	Yarra Ranges, Knox, Maroondah 1300 369 146
	Monash, Whitehorse, Manningham, Booroondarra 1300 762 125
North and West Metropolitan	Nillumbik, Whittlesea, Banyule, Yarra and Darebin (03) 9450 0955
	Brimbank, Melton 1300 138 180
	Hume, Moreland 1300 786 433
	Hobson's Bay, Maribymong, Melbourne, Moonee Valley and Wyndham 1300 786 433
Southern Metropolitan	Casey, Cardinia, Greater Dandenong (03) 9705 3939
	Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973
	Frankston, Mornington Peninsula 1300 721 383
	Kingston, Bayside, Glen Eira, Stonington, Port Phillip 1300 367 441

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