



Child Safe Environment and Wellbeing

- Authorised by:** This policy was adopted by the Ripponlea Kindergarten Committee of Management at a committee meeting
- Approved date:** 2 May 2022
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- Review date:** May 2025

Purpose

This policy provides a clear set of guidelines and procedures for Ripponlea Kindergarten to:

- provide a safe environment for all children which ensures their safety, health and wellbeing
- promote the cultural safety of all children
- 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 aware of their legal and duty of care obligations to report child abuse and neglect
- responding to requests, sharing and requesting information to promote child wellbeing or safety and/or manage risk of family violence

Values

Ripponlea Kindergarten:

- 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
 - promoting the safety of trans and gender diverse children and their families in ECEC settings
 - ensuring that LGBTIQ+ children and families feel included and safe
- 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.
- proactively sharing information with relevant authorities to promote the wellbeing and/or safety of a child or a group of children, consistent with their best interests
- is guided by the ethos of our philosophy statement.

Scope

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children and others attending the programs and activities of Ripponlea Kindergarten, including during offsite excursions and activities.

Background and legislation

Background

A key requirement of the *Education and Care Service National Law Act 2010* is to ensure every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury (*National Law: Section 167*). The approved provider must also ensure that each Nominated Supervisor and each person in day-to-day charge of the service has successfully completed the child protection training required by the Department of Education and Training (*National Law: Section 162A*).

Under the *Education and Care Services National Regulations 2011*, the approved provider of an education and care service must ensure that the nominated supervisors and staff members at the service who work with children are advised of:

- the existence and application of the current child protection law
- any obligations that they may have under that law (Regulation 84).

Under the *National Quality Standards*, management, educators, and staff are required to be aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect (*element 2.2.3*). At all times, reasonable precautions and adequate supervision must be provided to ensure children are protected from harm and hazard (*element 2.2.1*).

The approved provider, persons with management control, nominated supervisor, persons in day-to-day charge, educators, staff, contractors, students, and volunteers of early childhood services have legal and duty of care obligations to protect children under their supervision and care.

Duty of care obligations (*refer to Definitions*) require the approved provider, person with management or control, nominated supervisor, persons in day-to-day charge, and staff to take reasonable steps to protect children from injury that is reasonably foreseeable.

In addition, organisations have an organisational duty of care (*refer to Definitions*) to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under its care, supervision or authority. The Victorian Reportable Conduct Scheme (*refer to Definitions*) seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005 (the Act)* and relates to individuals associated with an organisation, including but not limited to committee members, employees, volunteers, and contractors.

The Children, Youth and Families Act 2005 provides the legislative basis for the provision of services to vulnerable children, young people and their families, and places children's best interests at the heart of decision-making and service delivery.

In line with the Victorian Government's Roadmap for Reform, Education State reforms and broader child safety initiatives, *Part 6A* of the *Child Wellbeing and Safety Act 2005* was proclaimed in September 2018. The Act established the Child Information Sharing (CIS) Scheme, which enables sharing of confidential information between prescribed information sharing entities (*refer to Definitions*) in a timely and effective manner in order to promote the wellbeing and safety of children. Alongside the CIS Scheme, the *Family Violence Protection Act 2008* includes the Family Violence Information Sharing (FVIS) Scheme and the Family Violence Multi-Agency Risk Assessment and Management Framework, which enables information to be shared between prescribed entities to assess and manage family violence risk to children and adults. It will allow professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier, and to act on them sooner.

Any person who forms a reasonable belief (*refer to Definitions*), that a child is in need of protection may report their concerns to the Child Protection (*refer to Definitions*).

Early childhood teachers are required to be registered with the Victorian Institute of Teaching and are mandatory reporters (*refer to Definitions*). In addition, all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service and all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service are mandatory reporters.

All mandatory reporters must make a report to Victoria Police and/or Child Protection (*refer to Definitions*) as soon as practicable if, during the course of their roles and responsibilities they form a reasonable belief that:

- A child is likely to suffer, or has suffered, significant harm as a result of physical abuse and/or sexual abuse, and
- The child's parents have not protected, or are unlikely protect, the child from harm of that type.

Victorian organisations that provide services to children are required under the *Child Wellbeing and Safety Act 2005* to ensure that they implement compulsory minimum Child Safe Standards to protect children from harm. The standards aim to drive continuous improvement in the way services prevent and report child abuse and respond to allegations of child abuse. Standard 2 requires services to have a child safe policy or statement of commitment to child safety.

Three criminal offences in the *Crimes Amendment (Protection of Children) Act 2014* protect children from child abuse:

- Failure to disclose: All adults (not just those working with children) have a legal duty to report information about child sexual abuse to Victoria Police. The offence applies to any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 and fails to report that information to the Victoria Police.
- Failure to protect: The offence applies to people within organisations who hold positions of authority within an education and care service, such as the approved provider, person with management or control, the nominated supervisor or the person in day to day charge and who know of the substantial risk that another adult associated with the organisation may commit a sex offence and they have the power or responsibility to remove or reduce the risk but negligently fail to do so.
- Grooming offence: The offence targets predatory conduct by an adult with the intent of committing child sexual abuse. Conduct may include communication, including online communication, with a child under the age of 16 or their parents.

Legislation and standards

This policy is informed by the following legislation:

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Safe Standards (Vic)
- Crimes Amendment (Protection of Children) Act 2014 (Vic)
- Education and Care Services National Law Act 2010 (Vic): including but not limited to Sections 165, 166, 167
- Education and Care Services National Regulations 2011 (Vic): including but not limited to Regulations 84, 85, 86, 99, 100, 101, 102, 168(2) (h), 145, 146, 149, 150
- Education Training and Reform Act 2006 (Vic) (As amended in 2014)
- Family Law Act 1975 (Cth)
- Family Violence Protection Amendment (Information Sharing) Act 2017
- National Quality Standard, including Quality Area 2: Children's Health and Safety
- Reportable Conduct Scheme administered by the Commission for Children and Young People (Vic)
- Worker Screening Act 2020
- Worker Screen Regulations 2021 (Vic)
- Wrongs Act 1958 (Vic)

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

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

Sources and Related policies

Sources

- Australian Human Rights Commission: www.humanrights.gov.au
- Betrayal of Trust Implementation: www.justice.vic.gov.au
- Charter of Human Rights and Responsibilities Act 2006 (Vic): www.legislation.vic.gov.au
- Child Information Sharing Scheme Ministerial Guidelines: www.vic.gov.au/guides-templates-tools-for-information-sharing
- Commission for Children and Young People (CCYP) - Generic learning or training action plan and training materials: <https://ccyp.vic.gov.au>
- Cultural safety for Aboriginal children and combatting racism: Keeping our kids safe: Understanding cultural safety in Child Safe Organisations
- Department of Education and Training Mandatory Reporting eLearning Module: <https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/eonlinelearning.aspx>
- Ministerial Guidelines for the Family Violence Information Sharing Scheme: www.vic.gov.au/family-violence-information-sharing-scheme
- National Children's Commissioner: <https://humanrights.gov.au>
- Quality Assessment and Regulation Division's online guidance: Early Childhood Guidance on the Child Safe Standards
- Service Agreement Information Kit for Funded Organisations: <https://fac.dffh.vic.gov.au/service-agreement-requirements>
- Star Health's 'Being Equal' model for change in early childhood services: Gender Equality and Respect in Early Learning Services
- The United Nations Convention on the Rights of the Child: www.unicef.org
- Victorian Institute of Teaching: www.vit.vic.edu.au
- Working with Children (WWC) Check: www.workingwithchildren.vic.gov.au

Related Policies

Acceptance and Refusal of Authorisations Policy

Code of Conduct Policy

Compliments and Complaints Policy

Delivery and Collection of Children Policy

Incident, Injury, Trauma and Illness Policy

Inclusion and Equity Policy

Information Communication Technologies

Interactions with Children Policy

Occupational Health and Safety

Participation of Volunteers and Students Policy

Privacy and Confidentiality Policy

Staffing Policy

Supervision of Children Policy

Procedures

RESPONSIBILITIES	Approved provider and persons with management or	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators, and all other staff	Parents/guardians	Contractors, volunteers, and students
BOLD tick ✓ indicates legislation requirement					
Ensuring the learning environment provided considers appropriate child groupings, sufficient space, and includes carefully chosen and well-maintained resources and equipment (<i>Regulations 103</i>) (refer to <i>Injury Trauma and Illness Policy</i>)	✓	✓	✓		✓
Creating a culturally safe environment for Aboriginal children	✓	✓	✓		✓
Ensuring public commitment to the cultural safety of Aboriginal children is available and displayed for public access (refer to Attachment 5)	✓	✓			
Supporting and encouraging a child's ability to express their culture and enjoy their cultural rights	✓	✓	✓		✓
Understanding children's diverse circumstances, and providing support and responding to those who are vulnerable	✓	✓	✓		
Implement risk assessments of the service environment and equipment to ensure risks to health, safety and wellbeing are minimised (<i>National Law: Sections 167</i>) (refer to <i>Occupational Health and Safety and Injury Trauma and Illness Policy</i>)	✓	✓	✓		✓
Implementing risk management plans, considering risks posed by service setting, activities, and the physical environment	✓	✓	✓		
Complying with the legislated ECT/educator-to-child ratios at all times (<i>National Law: Sections 169, Regulations 123</i>) (refer to <i>Supervision of Children Policy</i>)	✓	✓	✓		✓
Ensuring children are actively supervised at all times (<i>Regulations 122</i>) (refer to <i>Supervision of Children Policy</i>)	✓	✓	✓		✓
Ensuring all staff, contractors, volunteers and students do not consume or are under the influence of alcohol or be affected by drugs (<i>Regulations 82, 83</i>) (refer to <i>Tobacco, Alcohol and other Drugs Policy</i>)	✓	✓	✓		✓
Providing leadership for an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved	✓	✓			
Ensuring there is a child safe champion/s who can lead discussions, answer questions and support child safety and wellbeing	✓	✓			

Advising staff of current child protection legislation, and their legal and duty of care obligations (<i>Regulation 84</i>)	✓	✓			
Undertaking child safety reviews and developing an action plan to maintain Child Safe Standards (<i>refer to Definitions</i>) at Ripponlea Kindergarten	✓	✓	✓	✓	✓
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	✓	✓	✓	✓	✓
Ensuring continuous improvement in the implementation of the Child Safe Standards (<i>refer to Definitions</i>) at Ripponlea Kindergarten, promoting an organisational culture of accountability for child safety which is open to scrutiny and is continuously reviewed and improved (<i>refer to Sources</i>)	✓	✓	✓	✓	✓
Conducting recruitment and induction processes for staff in line with this policy (<i>refer to Attachment 1</i>)	✓				
Screening contractors, volunteers, and students in line with their roles and this policy (<i>refer to Attachment 2</i>)	✓				
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	✓	✓	✓		
Validating Victorian Working with Children Check (<i>refer to Definitions</i>) or Victorian Institute of Teaching Registration before staff, contractors, volunteers, and students commence working with children (<i>refer to Staffing Policy</i>)	✓	✓			
Identifying the potential for child abuse at Ripponlea Kindergarten, and developing and implementing effective prevention strategies	✓	✓	✓		
Following processes for responding to and reporting suspected child abuse (<i>refer to Attachment 3</i>)	✓	✓	✓	✓	✓
Ensuring systems are in place that cover all aspects of training each year (<i>refer to Sources</i>). This includes refresher training and additional professional development where needed. Different roles in the service require specific training: New staff, volunteers and students on placement will need comprehensive induction and training Leadership group needs training on their specific responsibilities in the service Governance bodies such Committees will also need training on their responsibilities.	✓	✓			
Ensuring appropriate annual training on child safety, including recognising the signs and symptoms of child abuse (<i>refer to Definitions</i>), knowing how to respond, and understanding responsibilities and processes for reporting (<i>refer to Attachment 3</i>)	✓	✓	✓		

Ensuring procedures for reporting and responding to suspected child abuse or neglect are promoted across the service and regularly reviewed in partnership with all stakeholders (<i>refer to Attachment 3 and 4</i>)	✓	✓	✓	✓	✓
Fulfilling legal obligations, including mandatory reporting and duty of care obligations (<i>refer to Definitions</i>) (<i>refer to Attachment 3 and 4</i>)	✓	✓	✓		
Being aware of this policy, the <i>Code of Conduct Policy, Privacy and Confidentiality Policy and the Interactions with Children Policy</i> and their ongoing obligations to behave in accordance with the policies	✓	✓	✓	✓	✓
Communicating to staff about their obligations under the Information Sharing Schemes (<i>refer to Definitions</i>), and ensure they have read and understood the <i>Privacy and Confidentiality Policy</i>	✓	✓	✓		
Promoting awareness and compliance with the Child Safe Standards (<i>refer to Definitions</i>) when disclosing information to promote the wellbeing and safety of a child or group of children	✓	✓	✓		
Ensuring information sharing procedures abide by the <i>CISS Ministerial Guidelines</i> (<i>refer to Source</i>) and exercising professional judgment when determining whether the threshold for sharing is met, what information to share and with whom to share it (<i>refer to Privacy and Confidentiality Policy</i>).	✓	✓	✓		
Ensuring confidential information is only shared with relevant authorities to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children	✓	✓	✓		
Maintaining co-operative relationships with appropriate services and/or professionals (including Child FIRST/Orange Door) (<i>refer to Definitions</i>) in the best interests of children and their families	✓	✓	✓		
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 Ripponlea Kindergarten	✓	✓	✓		
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 (<i>refer to Attachment 3 and 4</i>)	✓	✓	✓		
Notifying DET within 24 hours of a serious incident (<i>refer to Definitions</i>) occurring at the service	✓	✓			
Notifying DET within 24 hours of becoming aware of a notifiable complaint (<i>refer to Definitions</i>) or allegation regarding the safety, health and/or welfare of a child at the service	✓				
Notifying the nominated head of organisation (<i>refer to Definitions</i>) to the Commission for Children and Young People 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 (<i>refer to Definitions</i>), under the Reportable Conduct Scheme (<i>refer to Definitions</i>) (<i>refer to Attachment 3 and 4</i>)	✓				
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)	✓				
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 Ripponlea Kindergarten		✓	✓	✓	✓
Maintaining confidentiality at all times (<i>refer to Privacy and Confidentiality Policy</i>)	✓	✓	✓	✓	✓
Providing appropriate resources and training to assist staff, contractors, volunteers, and students to implement this policy (<i>refer to Sources</i>)	✓				
Protecting the rights of children and families, and encouraging their participation in decision-making	✓	✓	✓	✓	
Keeping informed of any relevant changes in legislation and practices in relation to this policy	✓	✓	✓	✓	✓
Abide by the <i>Code of Conduct Policy</i>	✓	✓	✓	✓	✓
Ensuring an explicit statement of Ripponlea Kindergarten's commitment to child safety is included in all advertising promotion for the organisation	✓				
Being aware of this policy, the <i>Code of Conduct Policy</i> , <i>Privacy and Confidentiality Policy</i> and the <i>Interactions with Children Policy</i> and their ongoing obligations to behave in accordance with the policies	✓	✓	✓	✓	✓
Ensuring when sharing information giving precedence to the wellbeing and safety of a child or group of children over the right to privacy when sharing information under the CISS and the FVISS (<i>refer to Privacy and Confidentiality Policy</i>)	✓	✓	✓		
Seeking and taking into account the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so when sharing information under the CISS and the FVISS (<i>refer to Definitions</i>)	✓	✓	✓		
Being respectful of and have regard to a child's social, individual, and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing when sharing information under the CISS and FVISS (<i>refer to Definitions</i>)	✓	✓	✓		
Promoting a child's cultural safety and recognising the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both when sharing information under the CISS and FVISS (<i>refer to Definitions</i>)	✓	✓	✓		

Educating and empowering children to talk about events and situations that make them feel uncomfortable	√	√	√	√	√
Providing support to staff who disclose harm	√	√			
Ensuring that children have access to information, support and handling complaints through processes that are culturally safe, accessible, and easy to understand (refer to Complaints and Grievances Policy)	√	√			
Identifying and mitigating risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities	√	√	√		√
Reviewing this policy in consultation with stakeholders	√	√	√	√	√

Attachments

- Attachment 1: Guidelines for incorporation of child safety into recruitment and management of staff
- Attachment 2: Guidelines for incorporation of child safety into recruitment of contractors, volunteers and students
- Attachment 3: Processes for responding to and reporting suspected child abuse
- Attachment 4: Responding to suspected child abuse: template for all Victorian early childhood services
- Attachment 5: Public commitment to the cultural safety of Aboriginal and Torres Strait Islander children

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 this manual.

Abuse: see Child abuse definition below.

Child: A child or young person is a person under 18 years of age.

Child abuse: (In the context of this policy) refers to an act or omission by an adult that endangers or impairs a child's physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment (refer to *Definitions*) are generic terms used to describe situations in which a child may need protection. Child abuse includes any and all of the following:

Physical abuse: When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.

Sexual abuse: When a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse.

Emotional and psychological abuse: 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: The failure to provide a 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.

Family violence: When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Contrary to popular belief, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

Racial, cultural, religious abuse: Conduct that demonstrates contempt, ridicule, hatred, or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

Bullying: Repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation, or social acceptance.

Child FIRST: A Victorian community-based intake and referral service linked with Family Services. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection.

Child Information Sharing Scheme (CISS): enables Information Sharing Entities (ISE) (refer to *Definitions*) to share confidential information about any person to promote the wellbeing and/or safety of a child or group of children. The CISS works in conjunction with existing information sharing legislative provisions. All Victorian children from birth to 18 years of age are covered. Unborn children are only captured when there has been a report to Child First or Child Protection. Consent is not required from any person when sharing under CISS. The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the *Children, Youth and Families Act 2005*.

Child Safe Standards: Promotes the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.

Child sex offender: Someone who sexually abuses children, and who may or may not have prior convictions.

Child protection: The term used to describe the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

Child protection notification: A notification to the Child Protection Service by a person who believes that a child is in need of protection.

Child Protection Service (also referred to as Child Protection): The statutory child protection service provided by the Victorian Department of Health and Human Services, to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services. 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).

Contractor: A person or company that undertakes a contract to provide materials or labour to perform a service or do a job. Examples include photographer, tradesperson, people contracted to provide an incursion.

Department of Families, Fairness and Housing (DFFH): The department is responsible for child protection, prevention of family violence, housing, disability, multicultural affairs, LGBTIQ+ equality, veterans, and the offices for Women and Youth.

Disclosure: (In the context of this policy) refers to a statement that a child or young person makes to another person that describes or reveals abuse.

Family Violence Information Sharing Scheme (FVISS): enables the sharing of relevant information between authorised organisations to assess or manage risk of family violence.

Head of organisation: The heads of organisations under the Reportable Conduct Scheme are required to have systems in place to prevent reportable conduct within their organisation, and systems to enable staff to make reportable allegations. The head of organisation has the powers of the employer. A CEO or Principal Officer is a head of organisation. For stand-alone kindergartens, the head of organisation will usually be the president or another office bearer who consents to the nomination.

Information Sharing Entities (ISE): are authorised to share and request relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (the Schemes) and required to respond to requests from other ISE's. All ISE's are mandated to respond to all requests for information.

Maltreatment: (In the context of this policy) refers to physical and/or emotional mistreatment, and/or lack of care of the child. Examples include sexual abuse, the witnessing of family violence and any non-accidental injury to a child.

Mandatory reporting: The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm. A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as 'mandatory reporters', including:

- all educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service
- all proprietors, nominees of a children's service, approved providers, and nominated supervisors of an education and care service.
- educators registered with the Victorian Institute of Teaching (VIT).
- Mandated staff members must make a report to Victoria Police and/or Child Protection as soon as is practicable if, during the course of acting out their professional roles and responsibilities, they form a belief on reasonable grounds (refer to Definitions) that:
 - a child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to Definitions) and
 - the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type.

Mandatory reporters must also follow processes for responding to incidents, disclosures or suspicions of child abuse to fulfil all their legal obligations (refer to Attachment 4: Processes for responding to and reporting suspected child abuse).

Neglect: see Child abuse definition above.

Negligence: Doing, or failing to do, something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury, or loss as a result.

Orange Door: A free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children. Formerly known as ChildFirst.

Organisational duty of care: The statutory duty organisations have to take reasonable precautions to prevent sexual and/or physical abuse of a child.

Offender: A person who mistreats and/or harms a child or young person.

Perpetrator: A person who mistreats and/or harms a child or young person.

Reasonable belief/reasonable grounds: A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that the child or young person's safety, health or wellbeing is at risk and the child's parents/guardians are unwilling or unable to protect them. 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 referring to 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 person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability or other factors that are impacting on the child or young person's safety, stability or development
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's/young person's actions or behaviour may place them at risk of significant harm and the parents/guardians are unwilling or unable to protect the child.

Reportable allegation: any allegation that an employee, volunteer or student has committed child abuse (refer to *Definitions*)

Reportable Conduct Scheme: aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by their workers and volunteers. There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Victorian Working with Children Check (WWCC): is a legal requirement under the Worker Screening Act 2020 for those undertaking paid or voluntary child-related work in Victoria.

ATTACHMENT 1

Guidelines for incorporation of child safety into the recruitment and management of staff

The following guidelines and processes for the incorporation of child safety into the recruitment and management of staff demonstrate Ripponlea Kindergarten's commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work at our service.

Preparation for recruitment

- Include a statement of Ripponlea Kindergarten's commitment to maintaining a child safe environment in the job description
- Job description clearly outlines responsibilities and accountability
- Job advertisements clearly state our commitment to child safety
- Include requirement for a current Victorian Working with Children Check (WWCC) or Victorian Institute of Teaching registration
- The template letter of offer includes a statement about what is expected of the staff member in terms of commitment and responsibilities for child safety.

Selection process

- At least three people are on the interview panel including, where possible, a gender mix and a person external to the service or someone with human resource/interviewing experience
- Questions are behaviour-based and ask the interviewee to provide examples of their past behaviour in specific situations relevant to the job being applied for
- Questions regarding relationships with children are values-based and include a consideration of issues such as professional boundaries, resilience and motivation, teamwork, accountability and ethics
- Questions are based on key selection criteria
- More detail is asked for when answers seem incomplete
- Confirm identity by sighting (and taking a copy of) a driver's licence or a passport
- Verify qualifications and, where relevant, Victorian Working with Children Check or Victorian Institute of Teaching registration
- Thorough reference checks:
 - at least two referees are contacted (including the current or most recent employer or direct line manager) in person or via telephone
 - all referees must have observed the applicant working with children first-hand
 - referees are asked about the candidate's past behaviour including relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics.
- Orientation and induction covers information about values, attitudes, expectations and workplace practices in relation to maintaining a child safe environment
- Information provided to the new staff member on commencing work at the service includes *Child Safe Environment Policy*, *Code of Conduct Policy*, *Complaints and Grievances Policy* and *Staffing Policy*
- Regular meetings are held between staff members and the Approved Provider or the Person with Management or Control
- A mentoring or buddy system for staff members is in place
- Training and education with regard to child safety and child protection is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment.

Ongoing Management

- Regular meetings are held between staff and the Approved Provider or Person with Management or Control and child safety is a regular item on the agenda
- Provide supervision to ensure clear expectations about the role, adequate support as well as on-the-job monitoring of their performance
- Performance reviews consider the staff member's contribution to creating a child safe environment
- Regular training and education with regard to child safety, child protection and inclusive practices is provided for all staff
- Resources and support are provided for all staff to ensure a child safe environment
- Have a process to ensure that the registration of all early childhood teachers with Victorian Institute of Training remains current
- Maintain a register of all staff with a WWCC card and regularly check the status of the WWCC cards of all staff to ensure that no one has been given a Negative Notice or had their card revoked or suspended or that it has expired
- Develop processes to deal with a staff member who is given a Negative Notice including ensuring that they do not do any child-related work.

ATTACHMENT 2

Guidelines for incorporation of child safety into the recruitment and management of contractors, volunteers and students

The following guidelines and processes for the recruitment and management of contractors (refer to *Definitions*), volunteers (refer to *Definitions*) and students demonstrates Ripponlea Kindergarten's commitment to maximising the safety of children and deterring unsuitable and inappropriate persons from attempting to work, volunteer or be on student placement at our service.

- Assess the nature of the work or task being undertaken by contractors, volunteers and students to determine whether a position description is required
- Consider whether a screening or recruitment process is relevant to the role and the risks to children
- Ensure a valid Victorian Working With Children Check or an exemption applies for people engaged in 'direct contact' in child-related work, including physical contact, face to face contact, oral, written or electronic communication.
- Inform contractors, volunteers and students of policies relevant to their role as part of their orientation to the service
- Provide supervision to ensure clear expectations about the role and responsibilities
- Do not leave contractors, volunteers or students (or visitors) alone with children
- Have conversations about child safety and wellbeing and how the service maintains and responds to issues of safety with contractors, volunteers and students.

ATTACHMENT 3

Processes for responding to and reporting suspected child abuse

Overview

- The Approved Provider or staff, including those with mandatory reporting responsibilities (refer to *Definitions*) **must act** when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused.
- Staff **must seek advice** from the Approved Provider or Person with Management or Control or DFFH Child Protection, Orange Door and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the Approved Provider or Person with Management or Control, or any other staff member, they must **still** make a report to Child Protection and/or Victoria Police.
- The steps outlined in the Department of Education and Training's flowchart: *Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse*, provides a summary of the critical actions which are to be followed: www.education.vic.gov.au
- Records are kept about all child safety concerns or complaints. These records contain comprehensive descriptions of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with the service's Privacy and Confidentiality Policy.
- Privacy is maintained, and information is disclosed when it promotes the safety or wellbeing of a child.
- Permission is not required from parents/guardians of a child to make a report where abuse is suspected.

Managing a disclosure

It is very important to validate a child's disclosure, by listening to the child, taking them seriously and responding and acting on the disclosure by implementing the Ripponlea Kindergarten's reporting procedures.

Strategies include:

- Let the child talk about their concerns in their own time and in their own words
- Give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener
- Remain calm and use a neutral non-judgmental tone
- Comfort the child if they are distressed
- Record the child's disclosure using the child's words.
- Tell the child that telling you is the right thing to do and that what has happened is not their fault
- Let them know that you will act on this information and that you will need to let other people know so that they can help the child
- It is the role of DFFH Child Protection and Victoria Police to investigate. DO NOT take any steps to investigate. Avoid asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation. Avoid going over information repeatedly.

Reporting to authorities

- If a child is in immediate danger ensure their safety and call emergency services on 000 for urgent medical and/or police assistance.
- If there is a suspicion of sexual abuse of a child (including grooming) contact Victoria Police.
- If there is an allegation of abuse by a proprietor, staff member, contractor, volunteer, student or visitor within the service, the matter must be immediately reported directly to Victoria Police.

- To report concerns about the immediate safety of a child within their family or the community, call the nearest DFFH office in your region during business hours or after hours the Child Protection Crisis Line on 13 12 78 (24 hours, 7 days a week and toll free within Victoria). Note: this is an emergency service for weekends and after hours only, and cases reported to the Child Protection Crisis Line will be referred to the relevant DFFH office on the following working day
- Provide the following information:
 - the child’s name, age and address
 - the reason for believing that the injury or behaviour is the result of abuse or neglect
 - an assessment of immediate danger to the child/ren (the person making the report may be questioned regarding knowledge of the current location of the alleged abuser/s)
 - a description of the injury or behaviour observed
 - the current location of the child
 - knowledge of other services that support or are involved with the family
 - any other information about the family
 - any specific details that will help the child, such as cultural background, need for an interpreter or disability support requirements.
- A notification should be made, even if the notifier does not have all the necessary information. There are two types of notifications to be made in relation to significant concerns for the safety or wellbeing of a child: a referral to Orange Door (Family Services) or a report to Child Protection (see below).
- Staff must notify the Approved Provider or Person with Management or Control of all incidents, suspicions and disclosures of child abuse
- The Approved Provider or Person with Management or Control must notify DET (through the NQA IT System portal (www.acecqa.gov.au)) of any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service (Regulation 175 (2) (c) including:
 - occurrences of sexualised play between children
 - where children are being or may be at risk of being subjected to physical, emotional or sexual abuse including instances where children are observed displaying concerning behaviour that may indicate they are being subject to abuse
- Report to the Commission for Children and Young People in line with the requirements of the Reportable Conduct Scheme (see below).

Making a referral to Orange Door

A referral to **Orange Door** (refer to *Definitions*) should be made if the Approved Provider/staff member has significant concerns for a child’s wellbeing and the child is not in immediate need of protection. This may include circumstances when there are:

- significant parenting problems that may be affecting the child’s development
- family conflict, including family breakdown
- families under pressure, due to a family member’s physical or mental illness, substance misuse, disability or bereavement
- young, isolated and/or unsupported families
- families experiencing significant social or economic disadvantage that may adversely impact on a child’s care or development.

Orange Door ensures that vulnerable children, young people and their families are linked effectively into relevant services, and this may be the best way to connect children, young people and their families with the services they need.

Making a report to Child Protection

A report to **Child Protection** should be made if, after taking into account the available information, the staff member forms a view that the child **is** in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability and/or development
- the harm or risk of harm is persistent and entrenched, and is likely to have a serious impact on the child's safety, stability and/or development
- the child's parents/guardians are unwilling or unable to protect the child or young person from harm.

Upon receipt of a credible report, Child Protection will seek further information, often from professionals who may already be involved with the child or family, to determine whether further action is required. In determining what steps to take, Child Protection will also consider any concerns previously reported with regard to the child or young person. In most circumstances, Child Protection will inform the notifier of the outcome of investigations.

When reporting concerns of child abuse and/or neglect, it is important to remember that:

- a failure to notify the Department of Health and Human Services is an offence under section 182 of the *Children, Youth and Families Act 2005*
- Child Protection must be notified as soon as practicable
- it is not necessary to prove that abuse has taken place, only to provide reasonable grounds (refer to Definitions) for the belief
- permission from parents/guardians or caregivers is **not required** to make a notification, nor do they need to be informed that a notification is being or has been made
- if a notification is made in good faith, the notifier cannot be held legally liable for any consequences, regardless of the outcome of the notification
- the identity of the notifier will remain confidential unless the notifier chooses to inform the child and/or family, or if the notifier consents in writing to the disclosure of their identity, or if the court decides that this information must be disclosed
- the notifier may have an ongoing role, including:
 - acting as a support person in interviews with the child or young person
 - attending a case conference
 - participating in case-planning meetings
 - continuing to monitor the child's behaviour and their interactions with others
 - observing/monitoring the conditions of a protective court order that may relate to access or contact with a parent/guardian and following Ripponlea Kindergarten's procedures where the conditions are breached
 - liaising with other professionals and child protection officers in relation to a child or young person's wellbeing
 - providing written reports for case-planning meetings or court proceedings in relation to the child's wellbeing or progress.

Contacting Parents/Carers

Parents/guardians should only be advised that a notification has been made after discussion with DFFH Child Protection or Victoria Police to determine what information can be shared.

The Reportable Conduct Scheme

The Approved Provider must initially notify the Commission for Children and Young People of a reportable allegation (refer to *Definitions*) within three business days and update the Commission of progress within 30 calendar days.'

The Approved Provider must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The service must also respond to the Commission when contacted for information.

Support when making a report

Making the decision to report can be a challenging and it is important to make use of available supports to guide your practice. Support is available from:

- Approved Provider, Person with Management or Control, Nominated Supervisor or Person in day to day Charge
- DFFH Child Protection and Orange Door
- Department of Education and Training staff
- Commission for Children and Young People
- Early Learning Association Australia for member organisations

Resources

Department of Education and Training PROTECT Portal: www.education.vic.gov.au

The Department of Education and Training's PROTECT portal provides tools and resources to assist professionals and early years services to respond to child abuse or potential child abuse, including:

- Early Childhood Guidance: This section supports early childhood providers to take action if they suspect, or are witness to, any form of child abuse.
- The flowchart: *Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse*, provides a summary of the critical actions to take:
- Early Childhood Online Learning: This eLearning Module supports all professionals in early childhood settings to increase their capacity to respond effectively to children whose safety, health or wellbeing may be at risk.

Commission for Children and Young People: www.ccyp.vic.gov.au

The Reportable Conduct Scheme was phased in from 1 July 2017 and is administered by the Commission for Children and Young People.

ATTACHMENT 4

Responding to suspected child abuse: template for all Victorian early childhood services

This template has been adapted from the Department of Education and Training; Responding to Suspected Child abuse: Template for all Victorian Early Childhood Services

Under the National Quality Framework, the approved provider of an education and care service must ensure that an incident, injury, trauma, and illness record is kept (*Regulation 87*). This template aligns with this requirement, and it is strongly recommended that all early childhood service staff utilise this template for incidents, disclosures and suspicions of child abuse.

Completing this template should not impact on reporting times. If a child is in immediate danger staff should immediately contact Victoria Police on 000.

When completing this template, the aim should be to provide as much factual information as possible. This information will be critical and may be sought at a later date if the matter is the subject of Court proceedings.

Response to suspected child abuse

Staff member leading the response
Name:
Occupation:
Service address:
Relationship to the child:

CRITICAL ACTION 1: IMMEDIATE RESPONSE TO AN INCIDENT

Responding to an emergency
Did the child require first aid? If YES, provide Details?
Who administered First aid? (Name and Title)
Did the child require further immediate medical assistance?
Current location and safety status: e.g. are all impacted children safe and not in any immediate danger? If a child is in immediate danger staff should report immediately to Victoria police on 000

INFORMATION OF THE ALLEGED VICTIM

Child's personal details	
Name:	Gender:
Relationship to service: (eg 2 days, 3 year old kinder)	Date of Birth:
Residential Address:	
Parent/Carer Name:	
Parent/Carer contact number:	
Language(s) spoken by child:	
Disabilities, mental or physical health issues:	

Child's background
Cultural status and religious background:
Previous history or indicators of suspected abuse:

Family background
Family composition (if know): <i>List parenting or carer arrangements and siblings' names and ages</i>
Any other people living with their child (if known):
Disability, mental or physical health issues in family (if known):
Likely reaction to report being made (if known):

DETAILS OF THE INCIDENT DISCLOSURE OF SUSPICION

Grounds for your belief that a child has been or is at risk of abuse
Indicators or instances which led you to believe that a child/children are subject to child abuse or at risk of abuse: <i>Detail any disclosures or incidents or suspicion including names times and dates documenting a child's exact words as far as possible include specific detail here on what led you to form a reasonable belief that a child has been or is in risk of being abused</i>
Any physical indicators of abuse:
Any behavioural indicators of abuse:
Any pattern of behaviour or prior concern leading up to an incident, disclosure or suspicion:

Details of person alleged to have committed they abuse if known
Name:

Gender:	Date of birth (if known):
Relationship to child:	
Address:	
Contact details:	

CRITICAL ACTION 2: REPORTING

Reporting to authorities

Tick the authority you have reported to:

Victoria police Child first DFFH child protection Decision not to report

If you have decided not to report list your reasons here also include any follow up actions undertaken by you below:

Provide your report:

Date:

Time:

Authority:

Name of the person spoken to:

Outcomes from the report:

Reporting internally

Provide details of your discussion with approved provider

Time:

Date:

Name:

Discussion outcomes:

Notification to the regulator: All approved providers must notify the quality assessment and regulatory division if there is an incident at the service and/or the health safety or wellbeing of a child has been compromised while attending the service.

Time:

Date:

Names:

Discussion outcomes:

CRITICAL ACTION 3: CONTACTING PARENTS/CARERS

Actions taken (alleged victim)

Provide details of your discussion with parents/cares (if appropriate): You must consult with Victoria police and/or DFFH child protection to determine if it is deemed appropriate, parents must be contacted as soon as possible (within 24 hours of the incident, disclosure or suspicion)

Have you sought advice from DFFH child protection or Victoria police? yes no

Is it appropriate to contact parent/carer: yes no

List reasons if it is not appropriate to contact parent/carer:

If contacting parent/carer, provide the following details:

Name of staff member making the call:

Name of parent/carer receiving the call:

Discussion outcomes:

CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT

Planned actions: Include details on what follow-up actions have occurred to support that child for example referral to specialised services:

Follow up actions:

Support:

Referrals:

PROCESS OF REVIEW

Complete this section between four to six weeks after an incident, suspicion, or disclosure of abuse in conjunction with the approved provider. This will support you and your service to continue to protect children in your care and to reflect on your process and then need for any follow up action.

Safety and wellbeing

Current safety and wellbeing of the child

Is the child safe from abuse and harm? yes no

If not consider the need to make a further report

Does a child have any wellbeing issues that are not currently being addressed? yes no

If so, consider how these can be addressed and captured within a child support plan

Current wellbeing of other children who may be impacted by the abuser

Are there any other children who may be impacted by the abuser? yes no

If so have their wellbeing needs being met? yes no

Current wellbeing of impact staff members

Does the staff member who made the report/witnessed the incident, formed a suspicion or received a disclosure require any support? yes no

If so has this been received? yes no

Review of actions taken

Have the staff followed the four critical actions for early childhood services: responding to incidents disclosure for suspicion of child abuse?

<p>Was an appropriate decision made in relation to when to act?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Could the suspected abuse have been detected earlier?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Action 1</p> <p>Did the stop take appropriate actions in an emergency?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Action 2</p> <p>Was a report made to the appropriate authorities and internally?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>What where subsequent reports made if necessary?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p>	<p>Action 3</p> <p>Did the service contact the parent carers as soon as possible?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Have the parents continued to engage if appropriate?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Action 4</p> <p>Has the service provided adequate ongoing support for the child?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Have any complaints been received?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Have the complaints been resolved?</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no</p>
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ATTACHMENT 5

Public commitment to the cultural safety of Aboriginal and Torres Strait Islander children

Ripponlea Kindergarten is committed to the cultural safety of Aboriginal and Torres Strait Islander children.

We are committed to:

- actively supporting and facilitating participation and inclusion of Aboriginal and Torres Strait Islander children, young people and their families within our service
- the safety, participation, and empowerment of Aboriginal and Torres Strait Islander children
- providing an educational program that strengthens Aboriginal and Torres Strait Islander children's culture and identity
- actively supporting and encouraging Aboriginal and Torres Strait Islander children to express their culture and enjoy their cultural rights
- supporting Aboriginal children and their families to identify as Aboriginal and/or Torres Strait Islander without fear of retribution or questioning
- supporting Aboriginal and Torres Strait Islander children to maintain connection to their kinship ties, land and country
- supporting Aboriginal and Torres Strait Islander children to be taught their cultural heritage by Elders
- facilitating regular training and education on Aboriginal and Torres Strait Islander cultural and cultural safety
- establishing policies, procedures, systems, and processes to create a culturally safe and inclusive environment and meet the needs of Aboriginal and Torres Strait Islander children, young people, and their families.