

Child Safety and Wellbeing Policy

Purpose

Early Start Australia (ESA) is committed to the safety and wellbeing of children and young people.

This policy outlines actions we require of staff to:

- Keep children safe; and protect their rights;
- Prevent, identify, and report child harm (or risk of harm), or abuse.

This policy is informed by:

- National Disability Insurance Scheme Practice Standards
- National Standards for Disability Services
- National Principles for Child Safe Organisations (National Framework for Protecting Australia's Children 2009-2020).

Scope

This policy applies to employees, volunteers, students, and contractors for all activities which involve or relate to contact with children.

Please note there are different legislative requirements across Australia for reporting harm, risk of harm, abuse, and neglect. Ensure you read the entire document and refer to the listed legislation.

Definitions

Child / children / young person: a human between the ages of birth and 18 years of age.

Mandatory reporting: the legislative requirement for certain groups of people to report suspected cases of child abuse, harm, risk of harm, or neglect to authorities.

Voluntary reporting: refers to a notification made out of moral obligation rather than legislative obligation. Refer to the External Reporting Policy and Procedure.

Cultural safety: refers to an environment which is safe (physically, socially and emotionally, and spiritually) for people

Abuse and neglect: any act or failure to act that results in a breach of a person's human rights, civil liberties, physical and mental integrity, dignity or general well-being, whether intended or through negligence. Abuse includes but is not limited to:

- Physical abuse (any non-accidental physical injury or injuries. Examples include rough physical handling, sudden movements of bedding, pushing and pulling, over-medication, unnecessary or excessive use of restraints, and ignoring dietary restrictions),
- Sexual abuse (any sexual contact between an adult and child or young person 16 years of age and younger; or any sexual activity with an adult who is unable to understand, has not given consent, or is threatened, coerced or forced to engage in sexual behaviour. It includes discussions of a sexual nature including unwanted jokes, inappropriate touching, gestures, or comments.),
- Child sexual abuse (any act that exposes a child or young person to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography or sexting. Child sexual abuse also includes grooming (see definition below),

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- Psychological or emotional abuse (verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person’s existence. This may also include denying cultural or religious needs and preferences. Emotional abuse can also include: ignoring a person when they ask for help, making a person beg for help, providing help in a way that makes the person feel like a burden or feel guilty, intentionally making a person wait for help, providing physical care in way that is unnecessarily rough or careless.
- Constraints and restrictive practices (restraining or isolating a child for reasons other than medical necessity or the absence of a less restrictive alternative to prevent harm. This may include the use of chemical or physical means or the denial of basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement.),
- Financial abuse, (the improper use of another person’s assets or the use or withholding of another person’s resources.),
- Legal or civil abuse (denial of access to justice or legal systems available to other citizens.),
- Systemic abuse (failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person’s age, gender, culture, needs or preferences.),
- Physical neglect (failure to provide adequate food, shelter, clothing, protection, supervision and mental and dental care, or to place persons at undue risk through unsafe environments or practices.),
- Passive neglect (a caregiver’s failure to provide or wilful withholding of the necessities of life including food, clothing, shelter or medical care.),
- Wilful deprivation (wilfully denying a person who, because of age, health or disability, requires medication or medical care, shelter, food, therapeutic devices or other physical assistance – thereby exposing that person to risk of physical, mental or emotional harm.), and
- Emotional neglect (the failure to provide the nurturance or stimulation needed for the social, intellectual and emotional growth or wellbeing of an adult or child.).

Grooming: actions deliberately undertaken to engage and influence a child, or other individual, for the purpose of sexual activity with a child. Grooming actions establish an emotional connection to lower the child’s inhibitions. Grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated. Grooming offences may target online or other electronic communications, subjecting children to pornography, and/or using intoxicating substances to engage children for the purpose of sexual activity.

Harm: in relation to a child or young person, is physical harm or psychological harm (whether caused by an act or omission) including harm caused by sexual, physical, mental, or emotional abuse or neglect (but excludes regular emotional reactions that are a response to ordinary life).

Principles

ESA has aligned its principles to the National Principles for Child Safe Organisations as outlined below.

Child safety and wellbeing is embedded in organisational leadership, governance and culture.

We have a child safe culture, supported by this policy and:

- Upholding of children’s rights (including Client Rights and Safeguards Policy);
- Code of Conduct and Values;
- Risk assessment processes (including Risk Management Policy and Framework and Client Risk Management Policy and Procedure);
- Client Records Management Policy; and
- External Reporting Policy and Procedure



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Children and young people are informed about their rights, participate in decisions affecting them, and are taken seriously

Children and young people engaged with us have their rights respected, individually participate in decision making about their own goals and have their voices heard. This is supported by this policy and:

- Welcome information specific for children and young people (under development);
- Friendly and welcoming clinic spaces;
- Goal setting processes which are inclusive of the child's input; and
- Children's rights video on our website.

Families and communities are informed and involved in promoting child safety and wellbeing

We communicate with our families and communities. This is supported by this policy and:

- Model Operations Standards (referral network management);
- Availability of a range of relevant corporate documentation on our website, including:
 - Client Rights and Safeguards Policy and Client Consent Form;
 - Code of Conduct and Values;
 - Feedback and Complaints Policy;
 - Privacy and Confidentiality for Clients Policy;
 - Cultural Security for Clients Policy;
- Family newsletter (under development) and social media channels;
- Child safety and wellbeing brochure (under development); and
- Family Reference Group.

Equity is upheld and diverse needs respected in policy and practice

We celebrate and support diversity and children feel safe, welcome and included at our clinics. This is supported by this policy and:

- Access, Eligibility and Equity Policy;
- Cultural Safety for Clients Policy;
- Appropriate Workplace Behaviour Policy;
- Code of Conduct and Values; and
- Training on cultural safety and other equity and diversity topics.

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

Our robust recruitment, induction, supervision and professional development processes support our engagement with quality staff who are suitable to ensure the safety and wellbeing of children and young people engaged with our services. This is supported by this policy and:

- Employee Registration and Screening Policy and Procedure;
- Code of Conduct and Values;
- Supervision Policy;
- Performance Counselling, Discipline and Termination Policy; and
- Induction and ongoing training and professional development.

Processes for complaints and concerns are child focused

Our complaints review processes are focussed on best outcomes for our clients, including children and young people engaged with our services. This is supported by this policy and:

- Complaints and Feedback Policy;
- Incident Management Policy and Procedure;



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- Code of Conduct and Values; and
- Annual mandatory training on mandatory reporting, complaints, and incident management.

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

Our staff are provided with relevant knowledge and skills in relation to child and young person safety and wellbeing through this policy and:

- Code of Conduct and Values;
- Client Rights and Safeguards Policy;
- Cultural Safety for Clients Policy;
- External Reporting Policy and Procedure (including support for staff who disclose harm or risk to children or young people); and
- Periodic training and professional development including mandatory reporting, cultural awareness etc.

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

Child safety is promoted both in physical and online spaces, supported by this policy and:

- Safe Environment for Participants Policy and Procedure;
- Privacy and Confidentiality for Clients Policy;
- Code of Conduct and Values;
- Risk Management Policy and Framework;
- Clinic Risk Management Plan;
- Client Risk Management Policy and Procedure;
- Incident Management Policy and Procedure;

Implementation of the national child safe principles is regularly reviewed and improved

We commit to review this policy and associated policies and documents in accordance with the review schedule outlined in the Document Register. Review might occur sooner where required as a result of legislative / regulatory change or improvement. Where possible, children, young people, families, and staff will be invited to participate in the review process.

Complaints, feedback and incidents are reviewed in accordance with their respective policies, and causes identified. Systemic improvements are implemented where appropriate.

Policies and procedures document how the organisation is safe for children and young people

Documents relevant to child safety and wellbeing are referenced within this policy.

Policy Statement

Preserving Child Safety and Wellbeing

At any time, should an employee believe there is an immediate threat to a client or any other child or young person, they must take appropriate action to ensure their safety and wellbeing.

Any employee who becomes aware of an incident or event which will, has, or might negatively impact a child's safety or wellbeing, including suspected, observed or alleged harm, risk of harm, abuse or neglect, must immediately respond and report this in accordance with the Incident Management Policy and Procedure and the External Reporting Policy and Procedure (which includes specific requirements for mandatory reporting). Failure to do so is a breach of duty of care and this policy. Should suspected, observed



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or alleged harm, risk of harm, abuse or neglect of a client be reported to ESA as a complaint, then any additional requirements set out in the ESA Complaints and Feedback Policy must also be complied with.

Record keeping

Full, timely and accurate client notes must be kept about cases of suspected, observed or alleged harm, risk of harm, abuse or neglect of clients.

Any incident or complaint related documentation generated as a result of this policy must be kept in accordance with the Incident Management Policy and Feedback and Complaints Policy.

Roles and Responsibilities

The Director of Business Services is responsible for:

- Ensuring that policies are in place to support the principles of this policy.
- Ensuring that Practice Principals comply with this policy and its associated documents.

Practice Principals are responsible for:

- Ensuring that staff comply with this policy and its associated documents.

All staff are responsible for complying with this policy and its associated documents.

Compliance

Staff found to be non-compliant with this policy are subject to appropriate disciplinary action by ESA including, but not limited to one or more of the following:

- Counselling;
- Further training and development;
- Demotion;
- Suspension;
- Warning;
- Referral to appropriate legal and regulatory bodies as appropriate;
- Termination of employment (with or without notice or any payment); or
- Termination of engagement (in the case of contractors)

Associated Documents

Client Rights and Safeguards Policy
Safe Environment for Participants Policy and Procedure
Incident Management Policy and Procedure
Risk Management Policy and Framework
Client Risk Management Policy and Procedure
Complaints and Feedback Policy
Code of Conduct and Values
Client Records Management Policy
Privacy and Confidentiality for Clients Policy
Employee Registration and Screening Policy
Cultural Security for Clients
Supervision Policy
Model Operations Standards
Positive Behaviour Support
Eliminating Restrictive Practices
External Reporting Policy and Procedure



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National Disability Insurance Scheme Practice Standards
 National Standards for Disability Services
 National Principles for Child Safe Organisations (National Framework for Protecting Australia’s Children 2009-2020)
 United Nations Convention on the Rights of the Child

Family Law Act 1975 (Commonwealth)
 Children and Community Services Act 2004 (WA)
 Family Court Act 1997 (WA)
 Education and Care Services National Law (WA) Act 2021
 Children and Young People (Safety) Act 2017 (SA)
 Children Youth and Families Act 2005 (Vic)
 Child Wellbeing and Safety Act 2005 (Vic)
 Children and Young Persons (Care and Protection) Act 1998 (NSW)
 Children and Young People Act 2008 (ACT)
 Child Protection Act 1999 (Qld)
 Care and Protection of Children Act 2007 (NT)
 Children, Young Persons and Their Families Act 1997 (Tas)

Document Control

Document Name	Child Safety and Wellbeing Policy (formerly known as the Child Protection Policy)		
Document Owner	Manager Clinical Services	Version	5
Created	Clinical Manager (September 2018)	Last Reviewed/ Modified	Quality and Compliance Coordinator (May 2021)
Authorised	Director of Business Services (May 2021)	Review Due	Biennial (May 2023)
Published Location	ESA Website; Staff Intranet		

Source:
 Child Safe Organisations: Child Safety and Wellbeing Policy Template

