

The aim of this resource is to provide parents with a guide to understanding the important features of Child Safe organisations, and the regulations and legal obligations of children's services to protect children in their care.

# Keeping Your Children Safe

Choosing safe organisations and activities for your children

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## THANKS

To the parents and professionals who gave their time to read and comment on this booklet and influence its development.

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Department of Human Services

Department of Justice

Office of Child Safety

Victorian Family Day Care Association

Kindergarten Parents Victoria

Special thanks to Pauline Kleinitz, Disability and training officer

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ISBN# 978-0-9804038-1-7

## Disclaimer

We have only selected main points of key legislation.

Parents/caregivers are encouraged to do their own research where possible.



This publication has been supported with a general grant from the Victoria Law Foundation – [www.victorialaw.org.au](http://www.victorialaw.org.au)



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Child Wise is an Australian charity working to protect children everywhere. Donations to Child Wise are tax deductible.

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## GLOSSARY OF TERMS

<b>Parents/Caregivers</b>	The term 'parents' will be used for ease of reference but is taken to include primary caregivers and legal guardians who may not be the child's 'parent'.
<b>Child/Children</b>	Refers to children and young people up to the age of eighteen.
<b>Child Safe</b>	Adheres to the highest standards of practice and procedures to identify and address risk and promote children's wellbeing.
<b>Compulsory Regulations</b>	Legislation or laws that state or federal governments have introduced to regulate services to children and families.
<b>Additional Standards</b>	Other policies or regulations that services have introduced, but are not necessarily legally required by Government.
<b>Accreditation /Quality Assurance</b>	Industry or service self-regulating methods.
<b>Licensed Centres/Services</b>	Centres that provide care or education for five or more children under the age of six years in the absence of their parents or guardians – for fee or reward, or while the parents or guardians of the children use services or facilities provided by the proprietor of the service are required to be licensed in Victoria. This includes long day care, occasional care centres (OCC), and kindergartens.

## INTRODUCTION

Placing children in the care of others is probably one of the most difficult decisions you as a parent can make. Whether choosing childcare, babysitters or sporting activities, you need to know that the people looking after your children or running activities take their responsibilities to protect your child very seriously. Children have the right to be protected from danger, and children's services need to be equipped to keep them safe from those who wish to harm them.

Children's services and activity organisers have a moral and legal 'duty of care' [ see Appendix 2 ], to ensure that no-one is harmed whilst in their care or under their supervision. This means they must predict any type of harm (within reason) that could occur and take the necessary preventative steps. This would include taking action to reduce the risk of any form of child abuse, neglect, harassment or bullying. If an organisation fails to prevent foreseeable harm (by action or inaction), which includes child abuse, they can be considered negligent by law.

We have laws and regulations for many of our children's services. These regulations set certain conditions that should be in place: for example, a particular number of staff with a certain number of children, specific training for the staff and ways they are required to report back to show that they are meeting regulations.

When we think about children and safety, most often we think of physical harm. Many children's services and those that regulate them also think of safety in this way, and have steps in place – such as Sunsmart, safe use of play and other equipment, food, hygiene and staff ratios – which all consider possible risks to health and accidental injuries to children.

*However, other dangers posed to children must include any form of child abuse. If we consider the possibility of abuse, we have the opportunity to prevent it.*

Very few community organisations have child safe policies in place as they are often under-resourced and rely on volunteers to help run their services. However, they still have a 'duty of care' to keep children safe.

Child Wise provides information to parents to help them assess the safety of children's services. If you need information and advice on how to select a child safe activity, or if you have concerns about a particular activity that your child is involved with, contact the Child Wise Help Desk on 03 9645 8911, toll free 1800 991 099 or email [cwc@childwise.net](mailto:cwc@childwise.net).

Thanks to funding from the Victoria Law Foundation, Child Wise is pleased to provide this information booklet to assist parents/caregivers to select safer programs and services, including childcare centres, sports, educational and recreational activities. This booklet aims to provide information about current laws and regulations, plus other ways of assessing the 'safety features' of children's organisations and services.

However, this booklet can only highlight some of the aspects of child safety and child protection. For more information please refer to the tables at the back and do your own research through the recommended websites.

It is important to ask for evidence of compliance with child safety regulations or view child protection policies and procedures. You should also monitor that the standards set by government or regulatory bodies are in fact being put into practice.

Remember that as a parent you can offer to help in developing and implementing policies to reduce the risks that might be posed to children. If a service is open to your suggestions, it indicates that they are committed to protecting children in their care. You can also encourage the organisation to contact Child Wise directly for advice and information.

We hope this booklet will assist you to choose the safest activities and places of care for your children to learn and play when they are not with you.

## WHAT IS CHILD SAFE?

A Child Safe environment is one where an organisation or service takes steps to meet the highest standards of Child Safe practices for the children in their care.

### A Child Safe organisation will:

- be preventative rather than reacting to incidents after they occur
- understand and act on the moral and legal obligations to protect children in their care
- acknowledge the harm done by all forms of abuse
- have clear boundaries and guidelines for behaviour of staff and children
- be open to people outside the organisation raising questions, comments and concerns
- have adequate staff supervision and training, including an awareness of child protection

### CHOOSING SAFE SERVICES AND ACTIVITIES FOR YOUR CHILDREN

Assessing Child Safe features includes whether you feel 'safe', comfortable and at ease on arrival and after initial inspection. Trust your first impressions or any other reactions to the environment and the people, positive and negative. If you don't feel comfortable, try to work out what is making you feel this way, and ask whatever questions are needed to reassure yourself. Feeling 'safe' is unique to each of us, and children are no exception. Encourage children to express their feelings so they will let you know when they feel safe or unsafe and, where possible, why.

A Child Safe environment is also **child friendly**. This means that children feel cared for and valued, through: how the environment is made relevant to them; how they are treated; and how they are encouraged to find their voice and reach their potential. This includes respecting and being sensitive to issues of gender, culture and other differing needs and abilities. The safer children feel emotionally and psychologically, the greater chance that they will tell you if they feel uncomfortable or if they are being mistreated, at the service or at home.

Child Safe organisations are very careful when selecting staff, as this process of selection and screening assesses people's suitability to work with children. Victoria has introduced the Working with Children Check [ in addition to national police checks – see Appendix 3 ], which allows services to know if the person has committed criminal offences that pose a danger to children. This is an important new standard but it is only one piece of the safety framework, as only a small percentage of individuals who commit crimes of abuse against children have been convicted.

To better service children with disabilities, children's organisations require extra training to understand and meet their diverse needs. These skills enable staff and volunteers to ensure these children participate as fully as any other child, and that due to their greater vulnerability, every step is taken to prevent abuse. As with all children, working closely and consultatively with families is critical.

For more information on this you can go to the Association of Children with a Disability website: [www.acd.org.au](http://www.acd.org.au)



## A CHILD SAFE CHECKLIST

You are strongly encouraged to identify the following Child Safe features when choosing childcare, sporting programs, recreational activities or any places where children will spend time out of your care. There is no substitute for doing your own research and assessment. Always trust your own intuition and knowledge of your children's specific needs and interests.

The following is particularly useful when the services are not covered by legislation or are under regulated.

### A. UNDERSTANDING CHILD ABUSE

- ✓ Staff, parents, children and volunteers are aware and informed of possible harms and risks in an appropriate way, i.e. training for staff, information for parents, protective behaviours for children that are relevant to the nature of the service or children's activity
- ✓ Any training is ongoing and induction of new staff or volunteers includes education about child abuse

### B. IDENTIFYING AND MANAGING RISKS

- ✓ The organisation has child protection policies and procedures
- ✓ There are rigorous recruitment, selection and screening practices for paid staff, volunteers and any helpers e.g. police check, Working With Children Check and reference checks
- ✓ There is a Code of Conduct explaining appropriate behaviour expected of staff and volunteers when working with children
- ✓ There is a good ratio of staff and volunteers to children with adequate supervision of children at all times

- ✓ There is a good ratio of staff and volunteers to children with adequate supervision of children at all times
- ✓ Staff and volunteers are professional in their interactions, e.g. show clear boundaries and are trained and supported to do their job.

### C. RAISING CONCERNS

- ✓ Staff, volunteers, parents and children are informed about how to raise any concerns about a child's wellbeing
- ✓ Everyone knows who to talk to if they are concerned about the unsafe behaviour of another staff member and what will happen with the concerns or issues they have raised
- ✓ Staff and families know that any complaints will be acted on and any allegations will be dealt with in a fair and confidential manner.

### D. INVOLVING PARENTS AND CHILDREN

- ✓ Parents/caregivers are encouraged to give feedback on decisions or to share ideas and participate in activities.
- ✓ The organisation is 'child friendly', i.e. It is welcoming to parents/caregivers, children and young people
- ✓ Children are consulted on their ideas and opinions particularly about the services provided to them

**Trust your instincts! Assess how your children react to the environment and the staff/volunteers. Do they feel safe? Do you feel safe?**

## REGULATION OF CHILDREN'S SERVICES

The Victorian State Government is responsible for regulating kindergartens, centre-based long day care and occasional care services through the Children's Services Act 1996 and the Children's Services Regulations 1998. Recognising that young children are vulnerable and may spend large amounts of time in these services, the aim of the legislation is to ensure the safety and development of children attending them.

Below are explanations of existing regulations, with some further questions you can ask to make your own assessment.

### CHILDCARE

The Federal Government has responsibility for the National Childcare Policy and funding, and administers the National Childcare Accreditation System. The state government is responsible for licensing children's services.

### DOES THE SERVICE NEED A LICENSE?

Children's services which provide care or education for five or more children under the age of six years in the absence of their parents or guardians –

- a) for fee or reward, or
- b) while the parents or guardians of the children use services or facilities provided by the proprietor of the service –

must hold a licence to operate. These centres must abide by the regulations and standards set out in legislation.

Services not required to hold a licence are not bound by legislation; it is important to find out for yourself what type of care or supervision is provided, how and by whom.

## REQUIREMENTS OF A LICENCE

Services licensed with the Department of Education and Early Childhood Development must comply with the following:

### Supervision ratios of staff to children

There is an obvious link between the quality of care provided and the number of staff available to interact with and look after children. The legislation sets out the minimum number of staff members (including qualified staff) required. The Children's Services Regulations 1998 (Reg 24) require a lower ratio of children to staff when the children are less than three years old.

For children under three years old: five children to one staff member, and one qualified staff member for 15 children or less.

For children over three years old: 15 children to one staff member, and one qualified staff member for every 30 children.

There is no difference in ratios for activities inside or outside the centre. Staff must always be present and interacting with or supervising the children, not just be on the premises.

On any excursions from the centre, it is good practice to have more staff and parents present to provide the increased supervision that is needed.

When 15 or fewer children are present (for example, at the beginning or end of the day), only one 'qualified staff member' is required. This is a minimum standard. You may want to ask whether this qualified staff member will be working directly with the children, as sometimes they may have other duties. Any exemptions to this regulation must be listed on the exemption notice displayed as part of the service's licence. For more detail on staff/children ratios go to: [www.dhs.vic.gov.au/csguidelines](http://www.dhs.vic.gov.au/csguidelines)

Check that the environment allows staff to properly supervise children at all times, but that they also maintain some privacy for children from passers by.

### Screening of staff

The Children's Services Regulations 1998 also require (Reg 27) all staff, volunteers (other than parents), students over 18 and relief staff to have had an Australian police records check, prior to starting work. This is to ensure they do not pose any risk to children. It will be compulsory after 30 June 2008 for all staff working in centre based long day care and occasional childcare centres to have a current and valid Working With Children Check [ see Appendix 3 ]. If the service operates from a building; check that there is monitoring of the entry and exit of visitors, tradespeople etc, e.g. security codes, sign in/out book.

### Staff training and qualifications

For a staff member to be considered 'qualified' they need to have successfully finished a two year full-time (or part-time equivalent) approved childcare course.

If using any informal unlicensed childcare arrangement, e.g. occasional care, playgroups or private home care, it is your responsibility to assess the suitability of the people entrusted with the care of your children.

The NCAC also provides information on the role of families in quality childcare and points to consider when looking for a childcare service: [www.ncac.gov.au](http://www.ncac.gov.au).

There are a lot of checks in place for licensed childcare services; however, always rely on your own observations and instincts to guide your choices. Observe your child's behaviour and listen to any feedback whenever they return from being in someone else's care [ See Appendix 5 ].

### COMMUNITY CHILD CARE ASSOCIATION (CCC)

Community Child Care Association (CCC) works to support the provision of quality, affordable, community owned family and children's services. CCC is an independent non-profit organisation that provides training, resources, advice and advocacy. CCC works to ensure that children and families have access to quality children's services which meet their individual needs. Visit the CCC website [www.cccvic.org.au](http://www.cccvic.org.au) <<http://www.cccvic.org.au/>> or call (03) 9486 3455

## FAMILY DAY CARE (FDC)

Family day care is a home based childcare service. It is a network of approved carers working with support, resourced and monitored by a coordination unit. It is a Commonwealth service, overseen by the National Childcare Accreditation Council Inc. (NCAC, [www.ncac.org.au](http://www.ncac.org.au)). At present, family day care is not regulated by the state, although the Victorian government is currently working towards regulation.

All services must have a coordination unit where you can find out how they select, train and support their family day care staff [ see Appendix 6 ].

### QUALIFICATIONS

The unit coordinator must have at least a Diploma (two years full-time) in Childhood Studies. The coordinator must ensure that care staff meet the selection criteria and apply to have a Working With Children Check (WWCC). Selection criteria include an understanding of children's needs and development, and the ability to interact with children to meet their needs and foster their development. Family day carers must be at least 18 years of age but are not required to have any formal qualifications.

Check to see if the FDC scheme interviews care providers and conducts reference checks as part of the recruitment process. You can also enquire about what ongoing training is available to care providers through their scheme.

Do not assume a care provider in a particular geographic area is under the supervision of that area's unit; you will need to establish this through speaking directly with the unit. Any interviews to assess a care situation should be with the coordination unit staff. You can check the accreditation of any provider on the NCAC website. Note that if schemes are not registered families are unable to claim childcare benefit.

### RATIOS

In the family day care home, the carer can have up to seven children, and up to four who have not yet started school. In exceptional circumstances there can be one extra child.

## OTHER SAFETY CONSIDERATIONS

As the care is carried out in a family home, it is important to make your own assessment. Ask the carer questions about their experience and attitudes to children and observe the interactions between your child and the carer. Be aware of and monitor who else will be present in the FDC home with your child. You can explore this through talking with the coordination unit, asking the provider and talking with your child. The younger or less verbal your child is, the more important it is for you to know who may visit or live at the house even occasionally. This will allow you to assess whether they are suitable to be near your child, without you there to supervise.

FDC services also adhere to the Commonwealth Childcare Service Handbook (for details see the FACSIA website [www.facsia.gov.au](http://www.facsia.gov.au)). The current accreditation process ensures that any carer, and the coordination unit they are supervised by, have met National Child Care Standards.



## KINDERGARTENS

### DOES THE SERVICE NEED TO HAVE A LICENCE?

Kindergartens and preschools must be licensed before they can receive funding from the Department of Education and Early Childhood Development (DEECD).

### REQUIREMENTS OF A LICENCE

A licensed centre has to follow the standards and regulations set out in the Children's Services Act 1996 and the Children's Services Regulations 1998.

This legislation includes requirements such as:

#### Child/staff ratios (Reg 24)

One staff member for every 15 children over the age of three and one qualified staff member for every 30 children over three years.

There is no difference in ratios for activities inside or outside the centre. Staff must always be present and interacting with or supervising the children; not just be on the premises.

On excursions from the centre, it is good practice to have more staff and parents present to provide increased supervision.

#### Qualifications of staff (Reg 25, and also a funding requirement)

A qualified staff member must have successfully completed a two year full-time or equivalent part-time post secondary approved early childhood qualification, and in a funded program must hold a minimum three year approved qualification. A list of these qualifications can be found at [www.dhs.vic.gov.au/qualifications](http://www.dhs.vic.gov.au/qualifications)

#### Screening of staff (Reg 27)

All staff must have a current police check, except those who are under 18 or volunteers; however, these people must only work with children under the direct supervision of the proprietor or a qualified staff member.

### Reporting requirements (Reg 40)

Kindergartens that receive funding from the Department of Education and Early Childhood Education must comply with a service agreement and the funding policy guidelines as outlined in the 'Victorian kindergarten policy and procedures and funding criteria 2007–2009'.

### WORKING WITH CHILDREN ACT 2005

All those working directly with children, including kindergarten staff, will be required to have a current and valid Working With Children Check (WWCC) from 1 July 2008.

### OTHER SAFETY CONSIDERATIONS

There are a lot of checks in place for licensed children's services, including kindergartens. However, always rely on your own observations and instincts to guide your choices. Observe your child's behaviour and listen to any feedback when they return from being in someone else's care [ see Appendix 5 ].

Adequate supervision is defined as, every child at the service being supervised constantly, actively and diligently. It also includes protecting children from hazards (physical and emotional) and immediately responding to a child in distress. Parents should see evidence of positive relationships between staff and the children.

(Kindergarten Parents Victoria (KPV) is the key source of advice on governance policies to all funded kindergarten programs in Victoria, including those in independent kindergartens, childcare centres and primary schools. To check that your child's program accords with KPV advice/policy, visit the KPV website [www.kpv.org.au](http://www.kpv.org.au) or call 03 9489 3500/1300 730 119.)

## OUT OF SCHOOL HOURS CARE (OSHC)

OSHC is a Commonwealth service and is the largest provider of community-based childcare in Australia today. Commonwealth standards and accreditation requirements are determined by the National Childcare Accreditation Council (NCAC). The Victorian Government is working toward the regulation of OSHC in this state.

### QUALIFICATIONS

The coordinator of the service should have qualifications in either teaching or a related associate diploma. They are then considered a 'qualified staff member', and they or another equally qualified person must be present for every 30 children attending the centre.

### RATIOS

Other staff/child ratios are: 15:1 for regular activities, 8:1 for excursions and 5:1 for swimming. These staff are not required to have formal training but are expected to provide 'an adequate standard of care' and 'be of good character'. You may want to know whether the service has an 'exemption' to having more than one staff member. It is recommended as best practice that more than one staff member be present at all times.

You may also want to know if other school employees, staff or volunteers are likely to be on the premises, and whether they have also been screened. As another way of assessing safety, ask your children about their time at the centre, who they played with and their experience of the adults around them. You would also want to know that if students, volunteers, or parent helpers are present, they are properly and actively supervised.

The National Out of School Hours Services Association Inc (NOSHSA) is a representative national body, and details about their standards can be found on their website [ see Appendix 8 ].

## RAISING COMPLAINTS

If you have concerns about the operation of any of these services, it can be helpful to first raise your concerns with the staff or proprietor, as long as this does not pose any further risk to you or a child. The service should display the names and contact details of persons at the service who can respond to complaints, as well as the procedure for dealing with complaints. If your complaint is about the health, safety or wellbeing of a child, or if there has been a breach of the Act or Regulations, the proprietor of your service (if funded by The Department of Human Services (DHS)) must notify DHS of the concerns within 48 hours.

You may also refer a complaint directly to the Department, in writing, by telephone or in person. Where requested, the Department will treat complaints confidentially, but only deals with complaints about non-compliance with the Act or the Regulations. Where children's services have not complied with the legislation, proprietors may face sanctions ranging from strict monitoring to prosecution or losing their licence.

(Source: [www.office-for-children.vic.gov.au/childrens-services](http://www.office-for-children.vic.gov.au/childrens-services))



## NANNIES AND BABYSITTERS

A range of private and commercial nannying and babysitting agencies will find you carers, but these are not regulated so it is essential for you to find out whether the necessary screening and reference checking has been carried out by the agency. To make sure you feel comfortable with potential babysitters and nannies, always interview them yourself, and observe their interactions with your children. Ask detailed questions and make thorough reference checks to ensure their previous experience is valid. Always contact previous and most recent families where the person has worked, and ask about whether there were any concerns or doubts about their interactions with children or the children's responses to them. It is also advisable to ask for a police check or Working with children check (WWCC) and view the document once received by the applicant. Babysitters or child minding staff arranged by a commercial agency must have a current and valid WWCC by 30 June 2009.

When choosing babysitters, it is easy to assume that familiar individuals such as neighbours, friends or relatives are safe. Sadly, research shows that in most cases of child abuse, children are abused by a person they and their parents knew and trusted. It is important to carefully assess and monitor anyone who cares for your child even if they are well known to you or are family members. Follow the guidelines given for other forms of care, including being clear about what you expect from the carer, talking with and listening to your child, and trusting your instincts. Try to remember that not all people who offer to help out or care for children do so for the right reasons [ see Appendix 9 ].

As with other children's services you can check the status of a Working With Children Check by going to [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) and entering the person's surname and check number.

Talk with the agency to see whether they recruit nannies through interviews and reference checks. You may need to ask some probing questions to ensure that the nannies on their books have been actively screened.

## SPORT AND RECREATION ORGANISATIONS

It is always vital to be aware of the adults who may be in contact with your children when you are not there. This includes sporting and recreation activities, where there may be different types of supervision and possible risks i.e. changing for swimming, or requiring toileting by volunteers, visitors, friends or helpers. It is advisable to show your presence and personally assess the adults involved. Being seen and known to the other adults and children involved can act as a protective measure if there is a person participating in the activity for the wrong or abusive reasons.

When deciding whether to leave a child at a sporting activity, think carefully about their age and confidence level, to determine whether they will be safer and benefit more from you remaining present for the recreational activity.

Sport and recreation organisations have a responsibility to ensure that children participating in these activities are free from harm. You can ask if the organisation or club has a Child Protection Policy or any guidelines for how they select or screen staff and volunteers. For sporting clubs, establish whether they are 'affiliated' with a state or national association. If so, they are expected to comply with rules and standards, such as the Junior Sport Framework outlined by the Australian Sports Commission ([www.ausport.gov.au](http://www.ausport.gov.au)). These frameworks assist clubs to develop Child Protection Policies and other guidelines such as codes of conduct, to create safer environments for children.

By the end of 2011, all those working in sport and recreation, whether paid or volunteer, must undergo a WWCC if they have direct, unsupervised and ongoing contact with children. Many sport and recreation organisations also have other screening processes, such as police and reference checks, when selecting staff and volunteers. Parents or carers can ask any sport or recreation organisation to provide proof of their Working with Children Checks and other staff screening procedures.

For more information about sporting groups go to the VicSport website ([www.vicsport.asn.au](http://www.vicsport.asn.au)). VicSport is the peak body for sport and active recreation groups in Victoria. You may also want to see the privacy policy on parental consent for photographs and use of children's images.

## CHILDREN TRAVELLING/ACCOMMODATED WITHOUT YOU

### Childcare in hotels at overseas holiday destinations

Many Australian parents stay at family friendly hotels which provide childcare and children's activities. This is an excellent way to holiday as children can be cared for and have lots of fun, while adults catch up on much needed relaxation. However, it is essential that when you travel you do not let your guard down as children can be harmed anywhere. It is recommended that you explore the same types of issues and conditions wherever you are. Unfortunately there are few or no standards or regulations for childcare services in hotels and kids' clubs. Therefore it is critical that you are always vigilant about standards and policies when you are away from a regulated environment.

If you are planning to place your child or children in a childcare facility, hotel childcare/kids' clubs, or employ the services of babysitters or nannies overseas, you should satisfy yourself about the standards of childcare provided. Overseas childcare centres are not bound by Australian regulations and standards and can be very different from those in Australia. You should always visit the Kids' Club and spend time with your child observing the activities and seeing how your child reacts. While there are no regulatory bodies, some hotels have developed Child Protection Policies and have standards in place about the care and protection of children. You should always ask to see any Child Protection Policy. Talk with the Kids' Club staff about your child, their likes and dislikes and any special needs. Ensure that the Kids' Club has a registration form for every child. It is essential that the Kids' Club staff know exactly where you will be all day in case of an emergency. It is a good idea to take your mobile phone on holidays with you when you travel so the hotel is able to contact you in any emergency just like when you are at home.

If you are using a babysitting service it is recommended that you meet the babysitter first and spend time with them and your child, before leaving them alone. It is important that you are confident that your child feels comfortable being left with a new person in a foreign country. Also be specific about your child's needs and determine how the babysitter would deal with certain situations. For example, you

would need to know how they would respond if your child misbehaves, does not want to eat, is unhappy or wants to see his/her parent. You really should be comfortable with the babysitter's childcare practices and endeavour to ensure they are in keeping with the way you expect your child to be treated.

Some hotels in countries like Bali and Fiji have completed the Child Wise Child Protection Training for Hotels and Child Wise has worked with many of these hotels to develop Child Protection Policies and standards. Please contact Child Wise for more information on travelling with children and using hotel Kids Clubs and babysitting services and we can inform you which hotels have completed the Child Wise training. You can also refer to the Department Of Foreign Affairs 'smart traveller website' ([www.smartraveller.gov.au](http://www.smartraveller.gov.au)) or [www.dfat.gov.au](http://www.dfat.gov.au) for more information.

For more information and ideas about travelling with children contact [www.travelwithkidz.com.au](http://www.travelwithkidz.com.au) or phone 1300 729 541

### EXCURSIONS AND STUDENT OR SPORTING EXCHANGE PROGRAMS

Children and young people often travel without their parents on school trips/ camps, billeting (accommodation with host families) arrangements or student exchange programs. Such experiences can enhance development and build a child's sense of competence and independence. It can also mean that children are with different people and in new situations where they may be more vulnerable to being compromised or exploited.

If your child is travelling without you, you should not assume that the necessary safety and risk management checks have been done by the trip's organisers. It is important that you know: the organisation involved in arranging the trip; any child protection policies or risk management procedures in place; details on how to keep in contact with the host or billeting family and any other adults or families involved in the trip; how the host family have been screened; and who will accompany the children on the trip or excursion. Parents have a right to know who will be caring for their child at all times. Before departure, ensure your child knows who to go to if they

have a problem. These strategies will help to both prevent and address any difficulties that may arise. Where possible ensure that you can keep in contact with your child – a mobile phone may be appropriate.

Wherever possible meet or talk to adults who may be looking after your children. Aside from giving you a chance to form your own impressions it sends a message that your child has a proactive carer. In addition, talk with your child after they return and explore who they met, how they felt and any issues that may have arisen for them. Occasional upsetting incidents are unavoidable, and the support children receive to make sense of and move on from those experiences can be critical.

### CHILDREN'S CAMPS

Any activity that involves overnight stays requires additional questions and research. It is your right to know how your children will be supervised, and how any supervising adults (including other parents) are selected and screened. Written guidelines about sleeping arrangements and other elements involving a level of intimacy – such as changing, swimming, showering – show whether organisers have thought about the inherent risks in these activities. Procedures then follow which demonstrate how they have addressed these risks and put safety measures in place, including screening and active supervision.

Ask to see policies that outline expectations of staff, such as codes of conduct, and complaints procedures. This will tell you more about their understanding of all forms of harm, including child abuse and how they address it. By asking the questions, you will raise awareness of the possibilities for harm that require development of policies and practices. Only you can decide whether these safety issues have been adequately addressed.

For more information on quality/standards see the peak body, Australian Camps Association website [www.auscamps.asn.au](http://www.auscamps.asn.au) or the National Childcare Accreditation Council Inc. [www.ncac.gov.au](http://www.ncac.gov.au)

## KEY MESSAGES ON CHILD SAFETY

All of these activities have unique possibilities for enhancing children's life skills and overall development. However, there are also opportunities for children to be harmed intentionally and unintentionally. Your awareness and vigilance around these issues are critical.

- Understand that organisations have a duty of care to have policies and procedures in place to protect children
- Raise your awareness: knowing what can go wrong is the first step to preventing it!
- Research and ask questions until you are satisfied with the standard of care and the steps taken by organisers to identify and address the risk of harm to children.
- Ask to see documents such as Child Protection Policies
- Don't assume because regulations are in place or the staff 'seem nice' that expected standards are being met
- Use your unique knowledge of your child to constantly monitor their experience of the service or activity
- Pay attention to your own instincts and responses and explore any concerns
- Do not hesitate to inform a manager of a service/club or DHS if you are worried about the standard of care being provided to any child
- If you suspect a child is being harmed please report your concerns to Child Protection Services (DHS 131 278)
- Talk to your child and take note of their behaviour before and after participating in an activity

Do not take the safety of your children for granted! Parents are in the best position to influence an organisation's child protection and safety practices by knowing what to look for, asking the right questions and observing that safety practices are in place. This booklet has been produced as a guide to assist you.

Good luck and remember, always listen to your instincts and your children! If you have any further questions please do not hesitate to contact Child Wise.

## APPENDIX 1 : DEFINITIONS & SIGNS OF CHILD ABUSE

Definitions of child abuse include (but are not limited to) the following:

Types of Harm	Definition	Example
<b>Physical Abuse</b>	When a person purposefully injures or threatens to injure a child or young person. It may include slapping, punching, shaking, kicking, burning, shoving or grabbing. It may also include bruises, cuts, burns or breaks	When a paid caregiver or babysitter uses any form of physical punishment to discipline a child
<b>Sexual Abuse</b>	When a person uses power or authority over a child to involve the child in sexual activity. Physical force may be used. Contact and non contact forms of sexual abuse range from inappropriate touching or fondling through to sexual penetration, involving the child in (viewing) pornography, or indecent exposure/harassment	When a children's worker/volunteer engages children in any form of sexual activity whilst in their care e.g. viewing pornography or touching children's genitals
<b>Emotional/psychological Abuse</b>	Deliberately undermining a child's self esteem. It can take the form of name-calling, threatening, ridiculing, intimidating, or isolating the child. This may also take the form of racial, cultural or religious discrimination	When a parent helper constantly picks on a child telling them they can't do anything right and are lazy, or refers to their appearance, or the child is not chosen for activities because the helper does not like people from a particular cultural or social group

Types of Harm	Definition	Example
<b>Bullying</b>	Inappropriate use of power by an individual or group, with the intent to injure either physically or emotionally. It is usually deliberate and repetitive, and may be physical or psychological	When a sports coach uses standover or aggressive tactics on children, or uses a lot of verbal threats when the children are not performing
<b>Neglect</b>	The failure to provide a child with the basic necessities of life such as food, clothing, shelter, and supervision to the extent that the child's health and development are placed at risk	When a childcare centre fails to provide a safe environment for children to play in e.g. lack of supervision by caregivers which leads to preventable accidents or children getting sunburned or dehydrated

### POSSIBLE SIGNS OF CHILD ABUSE

Children show us in different ways if they are distressed, worried, confused or overwhelmed by feelings and experiences. They generally communicate how they are feeling through their behaviour, so parents need to understand the reason behind any changes in their child's behaviour or moods. Children may show distress through 'acting out' feelings and experiences, or may 'switch off', appear vague, be disconnected, unable to listen or concentrate.

Different forms of child abuse have been explained above. The following table offers some examples of what this abuse might look like in a child's behaviour.

When looking for signs of child abuse it is important not to jump to conclusions too quickly. There will usually be a few of these signs together. Some are easier to notice than others.

<p><b>Physical abuse:</b></p> <ul style="list-style-type: none"> <li>• An explanation of an injury that doesn't make sense</li> <li>• A child seems wary of particular adults*</li> <li>• A child reacts quickly to any raised voice or signs of anger</li> <li>• A child is always wanting to please or be affectionate with anyone or everyone*</li> <li>• The child stays close to the person in the group who seems to be in charge or have the most power*</li> <li>• Extremes of behaviour: aggressive or withdrawn*</li> <li>• Wearing the wrong type of clothing for weather, which may be hiding marks or other injuries</li> </ul>	<p><b>Sexual abuse:</b></p> <ul style="list-style-type: none"> <li>• Talks about or shows knowledge of sexual acts beyond their age/stage</li> <li>• Fears, nightmares, sleep difficulties, headaches, angry, daydreaming/withdrawn, sad*</li> <li>• Struggles at school, changes friends, wets or soils themselves, behaves younger*</li> <li>• Frequent stomach and other pains*</li> <li>• Appears to tell stories known not to be true</li> <li>• Sexualised play – with self and/or others</li> </ul>
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**Emotional abuse:**

- Low self esteem\*
- Delayed or distorted speech
- Anxious
- Aggressive or demanding\*
- Relationship difficulties with peers and adults\*
- Compliant, passive, withdrawn\*

**Neglect:**

- Stealing food
- Constant fatigue, listless or falling asleep\*
- Isolated from peers
- Extended stays at school
- Child states there is no-one looking after them

\* Signs which are relevant to all forms of abuse.

N.B. Being exposed to any kind of intimidation or violence between parents/carers or other children can also lead to the behaviours listed under emotional and physical abuse.

It is important to check for a reasonable explanation for any physical or behavioural changes. Use your common sense and instincts along with your knowledge of the particular child. Think about what is reasonable to expect from children at different ages and developmental stages.

Research shows that children with disabilities are more vulnerable to experiences of abuse, including sexual abuse. It is important to take extra care to ensure that their vulnerabilities cannot be exploited by older children or adults caring for them.

If you have any concerns, please talk with someone who will take you seriously, who understands children and who would know what to do next. It is important to get professional help and advice, if you suspect a child may be in physical or emotional danger.

## APPENDIX 2 : DUTY OF CARE

Common sense must prevail, and as long as organisations can demonstrate they have taken 'reasonable care' (with limited resources and limited actual ability to protect people) they will have fulfilled their requirements.

If organisations do not meet their duty of care to minimise the risk of harm to children they can be sued for negligence. To do so, all of the following must be established by a court:

- 1) The organisation owed a duty of care to the person
- 2) The standard of care was breached
- 3) The act occurred
- 4) This breach has caused the person to suffer some damage

### Examples of organisations not meeting their duty of care could include:

- Engaging staff or volunteers to work directly with children without completing a police check/Working With Children Check and/or reference check
- Failing to provide staff/volunteers with adequate training or supervision to do their job properly
- Failing to demonstrate a commitment to child safety through lack of written policies and procedures.

Parents should ask questions to determine whether the organisation is committed to its duty of care to children. If organisations cannot talk about their commitment and show reasonable evidence of it, parents must decide whether or not the organisation is safe enough for their children.

## APPENDIX 3 : POLICE CHECKS AND WORKING WITH CHILDREN CHECKS

Victoria Police applies strict guidelines to the release of criminal history information to individuals and organisations outside Victoria Police ([www.police.vic.gov.au](http://www.police.vic.gov.au)).

Organisations should carefully read the Information Release Policy so they know the type of information they will receive. Download this information from the website, or request a copy from the Public Enquiry Service on 03 9247 5907 or email [publicenquiry@police.vic.gov.au](mailto:publicenquiry@police.vic.gov.au).

To begin the process of conducting a police records check, the individual must complete the Consent to Check and Release National Police Record application form.

### DISCOUNTED FEE FOR AUTHORISED ORGANISATIONS

Victoria Police offers a discounted rate for national police checks on volunteers of authorised organisations. Information about how to become an authorised organisation is available in the information sheet about the procedure for organisations conducting national police checks: download a copy of the information sheet, or contact the Public Enquiry Service.

Public access to submit applications (or pick up certificates by prior arrangement only) is Concourse Level, Victoria Police Centre, 637 Flinders Street, Melbourne 3005.

Postal Address is Public Enquiry Service, PO Box 418, Melbourne Victoria 8005.

### THE WORKING WITH CHILDREN CHECK

The Working With Children Check (WWC Check) was introduced in April 2006 and is conducted by the Department of Justice ([www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)). It seeks to prevent those who pose a risk to the safety of children from working with them, in either paid or volunteer work. The law requires that some people who work or volunteer in child-related activities apply for, and pass, a WWC Check.

Applicants are checked to make sure there are no relevant criminal offences or findings from professional disciplinary bodies (currently the Victorian Institute of Teaching) that may mean they are not suitable to work with children.

## APPENDIX 4 : CHILD PROTECTION LEGISLATION

It is being phased in between 2006 and 2011 and creates a mandatory minimum checking standard across Victoria.

The benefits of the WWC Check include ongoing checking of a person's criminal record while the person's check is valid. Victoria Police will notify the Department of Justice of any relevant offences that applicants or WWC Check card holders are charged with, convicted of or found guilty of.

### Broadly relevant criminal offences are:

- Serious sexual offences – against children or adults
- Serious violent offences
- Serious drug related offences

A card can also be denied if the person is believed to have committed other offences that may place children at risk.

The check cards are valid for 5 years unless revoked.

In Victoria, the *Children, Youth and Families Act 2005* is designed to protect children from abuse or harm. This legislation places children's best interests at the heart of all decision-making and service delivery. (For further information see [www.hnp.dhs.vic.gov.au](http://www.hnp.dhs.vic.gov.au))

The main intention of the child protection legislation is to create two options for responding to significant concerns about the wellbeing of children. Anyone concerned about a child's safety or wellbeing can contact Child Protection or Child FIRST.

### CHILD PROTECTION

The Victorian Child Protection System is run by the Department of Human Services (DHS). Child Protection is responsible for children and young people who need protection from serious abuse and neglect. It responds when concerns about or risks to a child are more immediate, or when a crime is believed to have been committed. This includes physical or sexual abuse and more serious types of neglect. Anyone can report suspicions or beliefs about child abuse by calling the Child Protection Crisis Service on 131 278 (24 hours).

### Child FIRST

Child FIRST stands for Child and Family, Information, Referral and Support Teams. They aim to support families to care for and protect children, particularly those who are experiencing ongoing difficulties. Children in these families are not usually seen to be in immediate danger. Anyone can contact Child FIRST confidentially if they are concerned for the wellbeing of a child. Child FIRST staff will decide what the best response is to meet the needs of the child. This could mean referral to other Family Support Services, to prevent the situation continuing. If they think the child is in need of immediate protection, Child FIRST will contact Child Protection. Child FIRST services are in nine different areas of Victoria, and will be a statewide service by 2009. For more information about the phasing in of these services and contact details for specific areas, go to [www.office-for-children.vic.gov.au](http://www.office-for-children.vic.gov.au)

The Child Wellbeing and Safety Act 2005 complements the Children, Youth and Families Act. Its purpose is to provide common principles for child and family services for vulnerable children and families (usually funded by government) as well as other services provided to children such as child care and maternal and child health services.

### MANDATORY REPORTING OF CHILD ABUSE

Under the Children, Youth and Families Act, some professionals are required by law to notify Child Protection (DHS) if they have reasonable grounds to believe that a child is being physically or sexually abused. The identity of the person reporting suspected physical or sexual abuse is protected under the legislation. The only professionals who are mandated to report are police, doctors, nurses, school principals and teachers.

If you are unsure who to call, contact your local Family Service agency or the Department of Human Services Family Services Program Advisor.

## APPENDIX 5 : CHILDCARE

### Compulsory Regulations:

*Children's Services Act 1996*

*Children's Services Regulations 1998*

This legislation governs the operation of licensed centre-based childcare services (long day, occasional care and crèche) in Victoria.

A licence is granted on condition that a children's service is operated to ensure the safety of the children it serves and that their developmental needs are met.

The legislation covers a number of areas including:

- Supervision of children
- Discipline
- Complaints
- Ratios

*Working With Children Act 2005*

All staff in long day and occasional childcare centres must have a current and valid Working With Children Check by 30 June 2008.

### Additional Standards

Protocol between Child Protection and Children's Services: outlines the roles and responsibilities of Child Protection and Regional Children's Services within the Department of Human Services (DHS).

Code of Ethics: developed by Early Childhood Australia for early childhood personnel. Services funded by DHS must notify the Department of incidents relating to child abuse and neglect including complaints alleging physical or sexual abuse of a child in a licensed children's service.

A centre may have its own child safe policies and procedures.

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## APPENDIX 6 : FAMILY DAY CARE

### Accreditation/quality assurance

The National Childcare Accreditation Council (NCAC) maintains a register of long day care centres and is responsible for the administration of Child Care Quality Assurance (CCQA) systems for children's services throughout Australia. The CCQA systems assist services to improve the quality of care that they provide for children.

A list of approved early childhood qualifications is on the DHS website [www.dhs.vic.gov.au/qualifications](http://www.dhs.vic.gov.au/qualifications)

See also Compulsory regulations above.

### Screening requirements

Working With Children Check by 30th June 2008

For licensed services, staff must have a police record check.

### Useful websites and contacts

DHS Early Childhood – [www.dhs.vic.gov.au/earlychildhood](http://www.dhs.vic.gov.au/earlychildhood)

Office for Children – [www.office-for-children.vic.gov.au](http://www.office-for-children.vic.gov.au)

Licensed Children's Services Enquiry Line – Ph:1300 307 415

### Compulsory Regulations:

#### *Working With Children Act 2005*

All care providers must have a current and valid Working With Children Check by 30 June 2008.

### Additional Standards

Many family day care (FDC) schemes operated by local government will be regulated by internal council policies and procedures.

Some FDC schemes will have a Code of Conduct that their care providers must comply with when caring for children.

### Accreditation/quality assurance

The National Childcare Accreditation Council (NCAC) is responsible for the quality assurance systems for FDC schemes across Australia. All FDC schemes registered with the NCAC to participate in FDC quality assurance must have systems for continuing quality improvement.

There are 6 Quality Areas and 30 Principles of Quality Care.

Quality Areas that FDC schemes are evaluated on are:

1. Interactions with children
2. Physical environment of care providers home
3. Children's experiences, learning and development
4. Health, hygiene, nutrition, safety and wellbeing
5. Carers and coordination unit staff
6. Management and administration.

NCAC maintains a register of FDC schemes.

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## APPENDIX 7 : KINDERGARTEN

### Screening requirements

Carers will require a Working With Children Check by 30th June 2008.

Some schemes will conduct Police checks or Working With Children Checks for care provider's family members 18 years and over.

### Useful websites and contacts

NCAC – [www.ncac.gov.au](http://www.ncac.gov.au); Ph: 1300 136 554

To lodge a complaint about the quality of care provided by a FDC scheme contact NCAC.

### Compulsory Regulations:

*Children's Services Act 1996*

[www.office-for-children.vic.gov.au](http://www.office-for-children.vic.gov.au)

*Children's Services Regulations 1998*

[www.office-for-children.vic.gov.au](http://www.office-for-children.vic.gov.au)

This legislation provides for the licensing and regulation of children's services in Victoria. The legislation aims to provide minimum standards to ensure the safety and well-being of young children attending a children's service, and covers a number of areas including:

- Supervision of children
- Discipline
- Complaints
- Ratios
- Requirements for police checks
- Minimum qualifications for staff

A licence is granted provided a service complies with this legislation.

*Working With Children Act 2005*

### Additional Standards

Some kindergartens have their own child safe policies and procedures.

Some kindergartens may also have a Code of Conduct policy.

Code of Ethics. Early Childhood Australia has developed a Code of Ethics for early childhood personnel.

Services funded by DHS must notify the Department of incidents relating to child abuse and neglect including complaints alleging physical or sexual abuse of a child in a licensed children's service.

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## APPENDIX 8 : OUT OF SCHOOL HOURS CARE (OSHC)

### Accreditation/quality assurance

Kindergartens operating a funded kindergarten program must undertake an ongoing and approved quality assessment program.

Annual and relicensing visits are made by Children's Services Advisors on behalf of DEECD to ensure compliance with the requirements of holding a children's services licence.

Licences are usually granted for 3 years but may be for 1 or 2 years.

### Screening requirements

Working With Children Check – all staff in kindergartens are required to have a valid Working With Children Check by 1 July 2008.

Police check – all staff in kindergartens must have a current check.

### Useful websites and contacts

Kindergarten Parents Victoria – [www.kpv.org.au](http://www.kpv.org.au)

Office for Children – [www.office-for-children.vic.gov.au](http://www.office-for-children.vic.gov.au)

### Compulsory Regulations:

[Working With Children Act 2005](#)

Children's Services Act 1996 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

### Additional Standards

Some OSHC services have their own child safe policies and procedures.

### Accreditation/quality assurance

OSHC services who are registered with the National Childcare Accreditation Council (NCAC) progress through the steps to quality assurance. (If services are not registered families are ineligible to claim child care benefit.)

The Quality Areas assessed are:

1. Respect for children
2. Staff interactions and relationships with children
3. Partnerships with families and community links
4. Programming and evaluation
5. Play and development
6. Health, nutrition and wellbeing
7. Protective care and safety
8. Managing to support quality

NCAC maintains a register of OSHC services participating in the childcare quality assurance systems.

### Screening requirements

All staff working in OSHC must have a current and valid Working With Children Check by 30 June 2007 that are arranged by or located at schools.

### Useful websites and contacts

NCAC – [www.ncac.gov.au](http://www.ncac.gov.au); Ph: 1300 136 554. Parents can use this website to check the accreditation status of OSHC services throughout Australia.

National Out of School Hours Services Assoc. – [www.noshsa.org.au](http://www.noshsa.org.au)

Camp Australia – [www.campastralia.com.au](http://www.campastralia.com.au)

Community Child Care Assoc. – [www.cccvic.org.au](http://www.cccvic.org.au)

## APPENDIX 9 : NANNY SERVICES & BABYSITTING

### Compulsory Regulations:

Currently there are no laws or government regulations covering the operation of nanny agencies and services.

*Working With Children Check 2005*

Babysitters or child minding staff arranged by a commercial agency must have a current and valid WWC Check by 30 June 2009.

### Additional Standards

Some agencies may have a code of conduct that nannies/babysitters must abide by when caring for children.

### Screening requirements

*Working With Children Check July 2008 to June 2009*

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