SUPERVISION OF CHILDREN

QUALITY AREA 2 | Version 1.1

PURPOSE

This policy will provide guidelines to ensure:

- the adequate supervision of all enrolled children is maintained at all times.
- the provision of a safe and secure environment for all children at St Francis of Assisi OSHC

POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child are the paramount consideration and must guide all decisions, actions and practices of educators within the education and care service.

St Francis of Assisi OSHC is committed to maintaining a child safe culture. Supervision practices must support the safety, wellbeing and rights of every child and actively reduce the risk of harm, abuse or neglect. Educators and staff must remain vigilant and take all reasonable steps to protect children from foreseeable risks while they are being educated and cared for by the service.

VALUES

St Francis of Assisi OSHC is committed to:

- providing appropriate supervision for all enrolled children in all aspects of the service's program that is reflective of the children's needs, abilities, age and circumstances
- ensuring all children are directly and actively supervised by educators employed or engaged by St Francis of Assisi OSHC
- maintaining a duty of care *(refer to Definitions)* to all children at St Francis of Assisi OSHC
- ensuring there is an understanding of the shared legal responsibility and accountability between, and a commitment by, all persons to implement the procedures and practices outlined in this policy.
- ensuring supervision practices support child-safe environments by preventing opportunities for harm, abuse, grooming or inappropriate conduct by adults or other children.

SCOPE

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

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Educators and all other staff	Parents/guardians	Contractors, volunteers and students
R indicates legislation requirement, and should not be deleted					
Complying with the legislated educator-to-child ratios at all times *(National Law: Sections 169) (Regulations 123)*	**R**	**R**	√		
Counting only those educators who are working directly with children at the service in the educator-to-child ratios *(Regulation 122)*	**R**	**R**	√		
Keeping a record of educators working directly with children *(Regulation 151)*	**R**	√			
Ensuring any educator under the age of 18 is not left to supervise children on their own *(Regulation 120)*	**R**	√	√		
Ensuring an unauthorised person is under the direct supervision of an educator whilst at the service *(National Law: Section 170 (2))*	**R**	**R**	√		
Ensuring, in addition to ratio requirements, that a minimum of two educators are rostered on duty at all times children are in attendance at the service	√	√	√		
Ensuring that children being educated and cared for by the service are adequately supervised *(refer to Definitions)* by being in sight and/or hearing of an educator at all times; including during eating, sleep, rest and transition routines *(National Law: Section 165 (1), (2))*	**R**	**R**	√		
Implementing active supervision practices including positioning educators so children remain within sight or hearing, regularly scanning the environment, anticipating potential risks and responding quickly to ensure children remain safe at all times		√	√		√
Considering the design and arrangement of the service environment to support active supervision *(Regulation 115).* This may be supported by a supervision plan *(refer to Attachment 1)*	**R**	√	√		
Managing potential risk of abuse or harm to each child, including fulfilling duty of care *(refer to Definitions)* and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm *(refer to Child Safe Environment Policy)*	**R**	**R**	**R**		**R**
Identifying high-risk activities, including excursions *(refer to Excursions and Service Events Policy, Road Safety and Safe Transport Policy and Water Safety Policy*), through a risk management process, and implementing strategies to improve children's safety e.g. Considering increasing adult-to-child ratios in line with the identified risks *(Regulation 100, 101, 102B, 102C)*	**R**	**R**	√		

Ensuring supervision standards are maintained during educator breaks, including during lunch breaks	**R**	**R**	√		
Providing safe spaces for children, which allow for adequate supervision, and which include safe fall zones, good traffic flow, maintenance of buildings and equipment, and minimising trip hazards	**R**	√	√		
Implementing induction procedures to inform casual and relief staff about the supervision strategies outlined in this policy	√	√			√
Immediately reporting any instance where a child appears to be missing, cannot be accounted for, has been removed from the service in contravention of the regulations or has been locked in or out of the premises	**R**	**R**	**R**		**R**
Notifying the Regulatory Authority within 24 hours of: • a serious incident *(refer to Definitions)* occurring at the service, including when a child appears to be missing or cannot be accounted for *(National Law: Section 174(2)(a)), (Regulations 176(2)(a)(ii))* • a complaint alleging that the health, safety or wellbeing of a child has been compromised or that the law has been breached *(National Law: Section 174(2)(b)), (Regulations 175(2)(c), 176(2)(b))*	**R**	√			

Notifying parents/guardians of a serious incident ***(refer to Definitions)*** involving their child as soon as possible, but not more than 24 hours after the occurrence ***(Regulation 86, 87 (3)(e))***	**R**	√	√		
Reporting notifiable incidents *(refer to Definitions)* to Worksafe Victoria	**R**	√			
Evaluating supervision procedures regularly	**R**	√	√		
Complying with the service's *Excursions and Service Events, Road Safety and Safe Transport and Water Safety Policy*	**R**	**R**	√	√	√
Identifying the potential for the risks of abuse or harm to each child, including fulfilling duty of care *(refer to Definitions)* and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm	**R**	**R**	**R**		
Providing support to educators when children with challenging behaviours or additional leads are involved	√	√			
Ensuring that all children are accounted for, including by referring to attendance records *(refer to Definitions)* at various times throughout the day, e.g. during indoor/outdoor programs		√	√		
Adjusting supervision strategies to suit the service environment, educator skills, and age mix, dynamics and size of the group of children being supervised and the activities being undertaken	**R**	**R**	√		
Maintaining a duty of care to children at all times (including when the child is on the premises but not signed into or signed out of the care of the service and the parent/guardian or person delivering or collecting the child is responsible for supervising that child)		**R**	**R**	**R**	
Balancing supervision requirements with children's needs for privacy and independence		√	√		
Conducting regular physical and visual checks of sleeping or resting children and monitoring their breathing, body position and general wellbeing in accordance with the *Sleep and Rest Policy*	**R**	**R**	**R**		**R**
Communicating with other educators regularly to ensure adequate supervision at all times		**R**	√		
Adhering to the *Child Safe Environment and Wellbeing Policy* and *Interaction with Children Policy*	**R**	**R**	**R**	**R**	**R**
Deciding when to interrupt and redirect children's play to ensure safety at all times		√	√		√
Identifying opportunities to support and extend children's learning while also recognising their need to play without adult intervention		√	√		√
Conducting daily safety checks of the environment to assess safety and to remove hazards		√	√		
Supervising/being aware of children's daily arrival and departure from the service and being aware of the person who has authority to collect the child *(refer to Delivery and Collection of Children Policy)*		√	√		

Supervising their own child/ren before signing them into the program and after they have signed them out of the program				√	
Enabling educators supervise children at all times e.g. by making arrangements to speak with educators at a mutually suitable time				√	
Ensuring that volunteers, students, contractors and other adults engaged in child-related work are appropriately screened, assessed as suitable to work with children, and hold and maintain any required Working with Children Check Clearance before commencing child-related work. Where required, individuals are supervised and monitored in accordance with service policies, procedures and risk management practices. *(Child Safe Standard 6 – 6.3; Child Safe Standard 8 – 8.1, 8.2, 8.3, 8.4)*	R	R	√		√
Ensuring all persons required under the Education and Care Services National Regulations complete mandatory National Child Safety Training and Child Protection Training within prescribed timeframes and undertake refresher training as required. Maintaining evidence of completion and monitoring ongoing compliance through staff records and training registers. *(Child Safe Standard 6 – 6.3; Child Safe Standard 8 – 8.1, 8.2, 8.3, 8.4)*	R	R	R		√
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BACKGROUND AND LEGISLATION

BACKGROUND

Supervision is essential in ensuring that children's safety is protected in the service environment. Children have a right to be protected from potential hazards and dangers posed by products, plants, objects, animals and people in the immediate and wider environment.

Supervision is an integral part of the care and education of children and requires staff members to make ongoing assessments of the child and the activities in which they are engaged; utilising range of skills such as positioning and peripheral vision. Active supervision assists in the development of positive relationships between educators, children and their families, and informs ongoing assessment and future planning. Adequate supervision *(refer to Definitions)* requires teamwork and good communication between educators.

Effective supervision requires educators to remain aware of children's location, activities and behaviour at all times. Supervision strategies should consider the service environment, the number and ages of children, individual needs, and the potential risks associated with activities and equipment. Supervision also plays an important role in preventing incidents and supporting children's learning, wellbeing and development.

Effective supervision relies on educators and other adults understanding and fulfilling their child-safe responsibilities. All educators, staff members, volunteers, students, contractors and other adults engaged by the service must receive child safety information, instruction or training appropriate to their role. Where required by legislation, professional responsibilities or service policy, personnel must also complete child

protection training. These requirements support the identification, prevention, response to and reporting of child abuse, neglect, grooming and other risks to children.

Supervision arrangements must ensure that children are protected from harm, including during high risk activities, transitions between environments, and routines such as sleep, rest, toileting, arrival and departure.

Effective supervision is supported by robust child-safe workforce screening practices. The service will maintain systems to verify Working with Children Check Clearances and comply with Victorian Working with Children Connect requirements to support ongoing oversight of the child-related workforce and notification of changes to worker status.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Child Safe Standards, Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard, Quality Area 2: Children's Health and Safety
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017
- Social Services Regulator (SSR) Working with Children Connect
- Victorian Child Safe Standards
- Reportable Conduct Scheme
- Worker Screening Act 2020
- Worker Screening Regulations 2021 (Vic)
- Working with Children Act 2005 (Vic)

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the *Definitions* file of the PolicyWorks catalogue.

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Abuse: see Child abuse definition below.

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: Family violence occurs when a person is subjected to ongoing patterns of domination, coercion, intimidation, and victimisation by another person within a family, domestic, or close personal relationship. This abuse may be physical, sexual, emotional, psychological, social, or financial in nature. Children and young people can be significantly affected by family violence, regardless of whether they are directly targeted. Witnessing violence, abuse, or controlling behaviours between people they know and care about can have impacts comparable to experiencing the violence themselves. Exposure to ongoing family violence is associated with increased emotional, behavioural, developmental, and wellbeing challenges for children and young people.

Inappropriate conduct: Conduct that a reasonable person would consider inappropriate in an education and care service, taking into account any of the following circumstances:

- Whether the conduct aligns with generally accepted education and care practice
- The child's age and developmental stage
- Whether the conduct is likely to cause or result in harm (including emotional, psychological or physical harm) or injury to a child or children
- Whether the conduct is sexual, aggressive or violent.

In deciding if the conduct is inappropriate, it does not matter if:

- the child consented (agreed to the conduct, either by directly expressing their consent or implying consent through their actions)
- the person subjecting the child to the conduct believes the child has consented
- the person subjecting the child to the conduct is related to the child.

Subjecting a child to inappropriate conduct can occur in a number of ways including, but not limited to:

- in-person via words or behaviour, including both adult to child or between adults in the presence of a child/ren

- filming and capturing images or recordings
- as a single occasion or as part of a pattern over time
- either directly or indirectly (for example, exposure to inappropriate language or conversations, or leaving inappropriate material accessible to children)
- online
- as an omission (for example, deliberately excluding a child).

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 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 sexual exploitation: When a child is manipulated or coerced to participate in a sexual activity in exchange for, or the promise of, an incentive. This can include incentives such as food, accommodation, clothing, drugs, alcohol or money. It can also include incentives such as love, affection, or safety. Child sexual exploitation is a distinct form of child sexual abuse because of this notion or exchange or reward.

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 Families, Fairness and Housing 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 process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. This may take many forms and might be verbal or non-verbal. Nonverbal disclosures using painting or drawing, gesticulating, or through behavioural changes, are more common among young children and children with cognitive or communication impairments. Children, in particular,

may also seek to disclose sexual abuse through emotional or behavioural cues, such as heightened anxiety, withdrawal or aggression.

Failure to Disclose: Failure to disclose is when an adult does not report information they have about child sexual abuse to the police. In Victoria, all adults have a legal obligation to report this information, not doing so is a criminal offence.

Failure to Protect: Failure to protect is when someone in a position of authority (such as a staff member or leader in an organisation) knows that a child is at risk of sexual abuse and has the power to reduce or remove that risk but does not take reasonable action.

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

Grooming: Grooming is when an adult builds a relationship with a child, their family, or community to gain trust for the purpose of sexually abusing the child. It often involves manipulation, secrecy, and gradual boundary-breaking to make the child (and sometimes others) less likely to recognise or report the abuse.

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 Principle Officer may be 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 3: Processes for responding to incidents, disclosure and suspicions of 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

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

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

Perpetrator: A person who mistreats and/or harms a child or young person. The person may or may not have been charged with or convicted of a criminal offence.

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 (including agency/relief staff or contractor provided by a labour hire agency), 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 (including agency/relief staff or contractor provided by a labour hire agency), 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.

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

Working with Children Connect (WWC Connect): An online Social Services Regulator system that enables organisations to verify and connect workers undertaking child-related work, maintain workforce records, receive WWC status notifications and meet notification requirements under the Worker Screening framework.

Working with Children Check Clearance: A WWC Clearance is granted to a person under working with children legislation if:

- they have been assessed as suitable to work with children
- there has been no information that, if the person worked with children, they would pose a risk to those children
- they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

SOURCES AND RELATED POLICIES

SOURCES

- ACECQA: Guide to the National Quality Framework
- ACECQA: National Law and Regulations
- ACECQA: QA2 information sheet - Active Supervision: Ensuring safety and promoting learning
- Kidsafe: www.kidsafe.com.au
- Department of Education: Mandatory Child Safety Training for Working with Children Check Clearance Holders
- Victorian Government: Health, safety and wellbeing in early childhood services
- WorkSafe Victoria: www.worksafe.vic.gov.au
- Working with Children Connect

RELATED POLICIES

- Administration of First Aid
- Child Safe Environment and Wellbeing
- Compliments and Complaints
- Dealing with Medical Conditions
- Delivery and Collection of Children
- Excursions and Service Events
- Incident, Injury, Trauma and Illness
- Interactions with Children
- Occupational Health and Safety
- Sleep and Rest
- Safe Arrival and Departure of Children
- Road Safety Education and Safe Transport
- Staffing
- Tobacco Alcohol and other Drugs
- Water Safety

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- record and monitor complaints and incidents in relation to the supervision of children and amend the policy and procedures as required
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk *(Regulation 172 (2))*.

ATTACHMENTS

- Attachment 1: Supervision risk management template

ATTACHMENT 1: SUPERVISION RISK MANAGEMENT TEMPLATE

This template is designed as a tool to be developed and used by all educators involved in the supervision of children at the service and should be reviewed regularly and made available to all staff working in the program. There may be additional areas that your service will want to include in the supervision risk management template.

Area/equipment	Potential supervision risk	Action to reduce or eliminate risk
For example: Fixed equipment e.g. swings, fixed climbing equipment, slides etc.		
For example: Layout of the internal and/or external areas of the service including a description of areas that provide challenges to supervision e.g. children's bathrooms, L-shaped playgrounds or playrooms, behind structures or features in the playground etc.		
For example: Staff supervision responsibilities including: quiet/active learning spaces; during indoor and outdoor programs; specific programmed experiences; and the supervision of students and volunteers		
For example: Potential hazards e.g. protruding tree roots, small pieces of equipment etc.		
For example: Arrival and departure of children		