

## POLICY & PROCEDURAL STATEMENTS

**Topic:** Early Learning-Duty of Care

**Policy:** This policy must be read in conjunction with the Child Protection policy, Child Safety Code of Conduct, and Child Safe Standards policy.

Avenue Neighbourhood House @ Eley Inc. (ANH@E) is committed to providing a safe and secure environment for children in its care. ANH@E will take all reasonable precautions to provide a safe environment and avoid or reduce the risk of injury to children and other members of the community. ANH@E early learning educators recognise their commitment and responsibility to the safety and care of children in the service. Each educator is committed to providing quality services for children and is mindful of their duty of care.

**Definitions:** *Duty of Care* is an umbrella term encompassing inclusion, diversity, mental health, wellbeing, and safeguarding, and imposes a general legal duty on all individuals and organisations to avoid causing injury to persons and property. It requires everything ‘reasonably practicable’ to be done to protect the health and safety of others at the workplace. This duty is placed on:

- All employers/organisations.
- Their employees/volunteers.
- Any others who have an influence on the hazards in a workplace.

The latter includes contractors and those who design, manufacture, import, supply or install plant, equipment or materials used in the workplace. The duty is regardless of the size of the organisation, its income, or whether the organisation has paid staff.

*Reasonably practicable* means that the requirements of the law vary with the degree of risk in a particular activity or environment which must be balanced against the time, trouble, and cost of taking measures to control the risk. It allows the duty holder to choose the most efficient means for controlling a particular risk from the range of feasible possibilities. The duty holder must show that it was not reasonably practicable to do more than what was done or that he/she has taken ‘reasonable precautions’ and exercised due diligence.

### Responsibilities

ANH@E is bound by the *Children’s Services Act 1996* (Vic) and the *Children’s Services Regulations 2020* to ensure that their early learning services are operated in a way that ensures the safety of children in its care.

### Code of Practice

To ensure that children in the care of ANH@E are safe:

- Children will be adequately supervised at all times (in keeping with the requirements of the *Children’s Services Regulations 2020*).
- Every reasonable precaution will be taken to protect children from any hazard likely to cause injury.
- ANH@E has in place a Risk Management policy and Risk Register and Management Plan that includes early learning operations where potential risks are identified and

measures in place to respond appropriately and quickly to a child's health needs or an emergency.

- Adults will not be permitted to have hot drinks or hot food in the Early Learning Centre while there are children in attendance.
- Children will not be permitted in the Early Learning office without supervision.
- ANH@E has incident reporting procedures in place in the event of injuries to children under its care.

**The care provided for children must:**

- Ensure there is positive and frequent interaction between early learning educators and the children.
- Include a range of group and individual activities which are suited to the varying ages of children.
- The facilities and equipment must be maintained in a clean, safe, hygienic condition and in good repair.
- Sufficient, suitable, safe, and age-appropriate equipment and materials will be available for the children.
- Adequate toileting, nappy changing, and hand washing arrangements must always be in place.
- Department of Education and Training guidelines will be adhered to in relation to exclusion from Early Learning due to illness.
- There must be adequate indoor space of at least 3.3 square metres for each child.

**Breaches of duty of care**

Any staff member who breaches this policy may be subject to disciplinary action. Refer to Staff Performance Management and Complaints and Appeals policies.

**Related Policies**

- Child Protection policy
- Child Safety Code of Conduct
- Child Safe Standard
- Sun Protection
- Risk Management
- Risk Register and Management Plan
- Staff Performance Management
- Complaints and Appeals

<b>Status</b>	Current
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