



Child Safe

Purpose and Scope

This policy demonstrates the strong commitment of The Centre, its leaders, staff, learners/ clients and their families, to child safety and to provide an outline of the policies and procedures developed to keep everyone safe from harm, including all forms of abuse. This policy applies to all of The Centre's operations to meet the requirements of the Child Safe Standards and the standards for delivery of a senior secondary qualification. The Centre is committed to creating and maintaining a culture of child safety and has an appointed member of staff to act as the Child Safe Officer to support the implementation of policy and procedural requirements.

Policy

1. All students enrolled, and any child visiting, have a right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we have zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and are free to enjoy life to the full without any concern for their safety.
2. **Children's Right to Safety, Participation and Empowerment**
 - 2.1 The Centre's leaders, staff, and learners/ clients encourage children to express their views.
 - 2.2 We listen to the suggestions of children especially on matters that directly affect them.
 - 2.3 We actively encourage all learners/ clients to openly express their views and feel comfortable about giving voice to matters that are important to them.
 - 2.4 The Centre's staff actively promote strategies for children to implement to feel safe at The Centre and in the wider community.
 - 2.5 We actively encourage and empower children to be able to report child abuse and/or matters of concern to them.
 - 2.6 We listen and act on any concerns that learners/ clients, parents or carers or staff may have about children attending The Centre's programs.
 - 2.7 We value and celebrate diversity, especially cultural diversity, and we do not tolerate discriminatory practices. We promote:
 - 2.7.1 the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander learners/ clients and their families
 - 2.7.2 the cultural safety, participation and empowerment from culturally and/or linguistically diverse backgrounds and their families
 - 2.7.3 the personal safety, participation and empowerment of students with a disability and make them feel welcome and part of all aspects of The Centre
 - 2.7.4 students right to express gender identity.
3. **Learner Enrolment and Conduct**
 - 3.1 Learners/ clients over the age of 18 must complete a Volunteer Working with Children Check and provide a receipt of application prior to commencing in full certificate courses.
 - 3.2 Learners/ clients commencing in short duration courses are required to report to reception, register their attendance on site and collect a visitor's pass to be worn whilst they are in attendance.
 - 3.3 All learners/ clients in long duration courses (of more than three days in duration) are provided with, and required to sign the learner Code of Conduct prior to enrolment.
 - 3.4 Learners/ clients are required to abide by the Code of Conduct to prevent instances of bullying and harassment.
 - 3.5 The Centre determines that contact that occurs between learners/ clients on social media or other forms of telecommunications is covered by the Code of Conduct.
 - 3.6 The Centre will take action against learners/ clients or staff who use electronic forms of communication to bully or harass other learners/ clients or staff of The Centre.
 - 3.7 Learners/ clients must disclose any relevant convictions or investigations that are relevant to their ability to obtain a Volunteer Working with Children Check.
4. **Visitors**
 - 4.1 All visitors are required to report to reception and provide a copy of their Working with Children Check. If visitors do not hold or present a current working with children check they must be accompanied by a member of staff at all times.
 - 4.2 All visitors must report to Reception and sign into the site that they are visiting and wear an official visitor lanyard.

4.3 Staff are provided training on identification and challenging members of the public that enter The Centre and do not follow the appropriate visitor reporting process.

5 Risk Assessment

- 5.1 The Centre annually completes and reviews a risk assessment of all child safe related risks across its operations and sites.
- 5.2 The Executive team are responsible for reporting this risk assessment to the Board of Governance.
- 5.3 The Centre conducts staff training annually relating to identified risks and mitigation strategies in relation to its compliance with the Child Safety Standards.

6 Culture

- 6.1 The Centre will implement and maintain a transparent culture of Child Safety across all of its operations.
- 6.2 This culture will be visible at all locations and on all marketing, promotional and relevant website related materials.
- 6.3 The Centre “ A Child Safe Organisation” will be placed on all policy, procedure, relevant documents, learner handbook and The Centre’s website.
- 6.4 The Board of Governance will receive a monthly report on Child Safe Compliance/ issues and reports .
- 6.5 Children are actively supported to be involved in The Centre’s Child Safe culture through forums and focus groups where children share their thoughts and ideas on Child Safety, which are incorporated the organisations approach to Child Safety.

7 Recruitment of Staff

- 7.1 The Centre will apply thorough and rigorous standards in the recruitment and screening of staff as per the requirements of The Centre’s Human Resources Policy and Child Safe Standard 4.
- 7.2 Interviews and referee checks are completed on all staff prior to an employment offer being made.
- 7.3 All staff require a national police check.
- 7.4 All staff require a current Victorian Working With Children Check.
- 7.5 The Centre’s commitment to Child Safety and screening requirements are included in all advertisements for staff and volunteer positions.
- 7.6 The Centre will conduct routine checks on potential employees including searches of publicly available information.

8 Supporting Staff

- 8.1 The Centre provides support and supervision to all staff so people feel valued, respected and affirmed in their right to work and be fairly treated.
- 8.2 The Centre has a Code of Conduct that provides clear direction to staff in the application of this policy.
- 8.3 All staff are required to sign a code of conduct on their commencement with The Centre.
- 8.4 All staff receive training on the requirements of the staff Code of Conduct, Child Safe Standards and how these relate to this policy.

9 Failure to Disclose

- 9.1 The Centre is committed to the creation of a safe, just and respectful environment that supports wellness for all members of its community.
- 9.2 The Centre has moral obligation and shared responsibility to protect children as they are vulnerable members of the community.
- 9.3 The Centre believes that while protecting children and young people against sexual abuse is a community wide responsibility, it has particular moral and legal responsibilities to ensure children and young people are safe in our care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children.
- 9.4 The Centre acknowledges there are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms, and complies with these requirements.
- 9.5 Failure to disclose an offence is outlined in 9.5.1.1 to 9.5.1.3 of this policy. The Requirements of this are included in staff inductions and regular child safe training undertaken on commencement of employment, and annually thereafter.

- 9.5.1 The obligations of 'failure to disclose' are separate from, and in addition to, Mandatory Reporting obligations. Its purpose concerns the criminal offence under the Victorian Crimes Act, commencing 27 October 2014, 'failure to disclose, which provides that:
- 9.5.1.1 all adults who form a reasonable belief that a sexual offence has been committed by an adult against a child under 16 have an obligation to report that information to police. Failure to disclose the information to police is a criminal offence
 - 9.5.1.2 an adult will not be guilty of the offence if they have a reasonable excuse for not disclosing the information. A reasonable excuse includes a fear for their individual safety or where the information has already been disclosed
 - 9.5.1.3 it is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to report; for example, where the person has already made a report under the mandatory reporting obligation specified in the Children, Youth and Families Act 2005. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Health and Human Services (DHHS)
 - 9.5.1.4 under the existing mandatory reporting system, DHHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHHS or
 - 9.5.1.5 reasonably believes a report has been made to DHHS. This ensures that people are not required to make multiple reports to different agencies.
- 9.5.2 A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status.
- 9.5.3 In an instance where the staff member reasonably fears for their own individual safety, the staff member is required to inform the CEO of the allegation or reasonable belief. It is then the CEO's responsibility to report the matter to the Police or DHHS immediately.

10 Failure to Protect Offence

- 10.1 A new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse commenced on 1 July 2015.
- 10.2 The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of The Centre will become a victim of a sexual offence committed by an adult associated with The Centre. A person in a position of authority at The Centre would commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- 10.3 This offence is reportable to the Commission for Children and Young People (See section 14 of this policy) and should be immediately reported to Victoria Police.
- 10.4 It is the responsibility of The CEO and the Board of Governance to ensure The Centre is an environment free from the risk of abuse. To do this, The Centre annually undertakes:
- 10.4.1 training for all staff on Child Safe Requirements
 - 10.4.2 regular review of the Staff Code of Conduct
 - 10.4.3 conducts/ reviews the risk assessment relating to Child Safety across all of its operations
 - 10.4.4 appoints a Child Safe Officer to provide support and advice to staff, parents/ guardians and children in the event of allegations of suspected abuse, and
 - 10.4.5 reviews of its investigations process and procedures that are used to investigate allegations of abuse.

11 Online child safety

- 11.1 Staff have a duty of care to take reasonable steps to protect students from any harm that should have reasonably been foreseen, including harm that may be encountered within the online learning environment. Advances in technology have created opportunities to engage students in the classroom in new and exciting ways they also present an opportunity to be both intentionally and unintentionally misused. Staff must

understand their Duty of Care responsibilities to support learners/ clients as per The Centre's IT Fair Use policy, Learner/ Client Code of Conduct, Social Media Policy and Bullying policies and procedures..

12 Mandatory Reporting

- 12.1 New staff will be informed of mandatory reporting responsibilities and procedures during their induction. All staff engaged in working with/ teaching learners/clients under the age of 18 years will be informed of their responsibilities in relation to this procedure prior to commencement of their employment.
- 12.2 Mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.
- 12.3 A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.
- 12.4 For example, a 'reasonable belief' might be formed when:
 - 12.4.1 a child states that they have been abused
 - 12.4.2 a child states that they know someone who has been abused (sometimes the child may be talking about themselves)
 - 12.4.3 someone who knows a child states that the child has been abused
 - 12.4.4 professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been abused
 - 12.4.5 signs of abuse leads to a belief that the child has been abused.
- 12.5 In an instance where a member of staff has formed a reasonable belief that a child is being abused, the staff member **must report this to the police immediately Phone: 000**. Not reporting directly to the police when a reasonable belief has been formed is an offence as outlined in the failure to disclose section (5) of this policy.
- 12.6 Only after the report has been made to the police, must the staff member then inform the CEO of their report using The Centre's Incident Report Template – Child Safe.
- 12.7 For the purposes of making a report to the police for suspected abuse, The Centre must ensure the strictest confidentiality with relation to the report and record keeping of such a report.

13 Child Disclosure of Abuse

- 13.1 If a child approaches a member of staff to disclose an incident of abuse the staff member must:
 - 13.1.1 Try and separate the child from other children discreetly and listen to them carefully.
 - 13.1.2 Let the child use their own words to explain what has occurred.
 - 13.1.3 Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
 - 13.1.4 Explain to them that this information may need to be shared others, such as with their parent/carer (if appropriate), specific people in your organisation, or the police.
 - 13.1.5 Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
 - 13.1.6 Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
 - 13.1.7 Provide them with an incident report form to complete, or complete it together, if you think the child is unable to do this on their own.
 - 13.1.8 As soon as possible after the disclosure, record the information using the child's words and report the disclosure to police, then immediately to a member of the Executive Team.
 - 13.1.9 The Executive or Leadership Team are to ensure the support of the child through the requirements of The Centre's Welfare Policy – this includes referring the child to the Learner Engagement Team as the first step to coordinate the care of the child with external agencies. (The Learner Engagement Team is comprised of specialist staff who are experienced in supporting learners with complex needs).
 - 13.1.10 Ensure the disclosure is recorded accurately, and that the record is stored securely as per the requirements of The Centre's Privacy and Data Security Policy.

13.2 All reports of suspected abuse must be reported to the police immediately.

14 Reports to the Commission for Children and Young People

14.1 The Centre must report to the commission when a member of staff has engaged in reportable conduct.

14.2 The Centre must take a preventative approach to child safety including:

- 14.2.1 prevention of opportunistic or predatory behaviour of staff or clients
- 14.2.2 have systems in place to address child safe risks
- 14.2.3 have systems in place to allow staff to report to the commission where they feel an incident involves reportable conduct
- 14.2.4 have investigation processes in place that adequately investigate incidents of reportable conduct and outline incidents that require an immediate report to the police
- 14.2.5 have processes in place that meet the requirements of investigation standards as published by the commission
- 14.2.6 have processes in place for the CEO to report conduct to the commission within 3 business days including:
 - 14.2.6.1 the Name of the staff member
 - 14.2.6.2 Date of Birth
 - 14.2.6.3 organisation details
 - 14.2.6.4 CEO/ Head of organisations name
 - 14.2.6.5 initial disclosure of the nature of the reportable conduct

15 Staff Training and Decision Making

- 15.1 Staff will receive training at the commencement of their employment, annually and subsequently after all changes to policy, procedure or documentary requirements under this policy.
- 15.2 The Centre will undertake a review of all incidents relating to child safety, this policy and The Centre's legal obligations under the Children, Youth and Families Act 2005 (CYFA).
- 15.3 Staff required to undertake investigations into reportable conduct will receive training on the Investigation Standards as published by the commission.

Definitions

Staff	For the purpose of this policy staff refers to permanent, full-time or part-time employees, casual staff, volunteers, trainers and tutors. Contractors are also covered by this policy.
Client	For the purpose of this policy a client includes any participant in a Centre-related program that is not direct training. This includes The Centre's community programs.
Child	A child is a person under the age of 18 years.
Learner	For the purpose of this policy a learner includes students, clients, candidates.
Reasonable Belief	formed if a reasonable person in the same position would have formed the belief on the same grounds
Child safety officer/champion	is a staff member who has an in-depth knowledge and understanding of child safety, who is a point of contact for other staff, parents and learners or clients who have questions or concerns, who suspect or want to report an allegation of child abuse.
Abuse	Child abuse is an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time.

In Victoria, under the Children Youth and Families Act 2005 a child or young person is a person under eighteen years of age.

Physical abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

Sexual abuse

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

Emotional abuse

Emotional Abuse occurs 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

Neglect is the failure to provide the 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.

Source: <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/what-is-child-abuse>

Immediately

As soon as practical after the report has been made.

Visitor

Includes parents, guardians, trades persons and other visitors that enter The Centre for the purposes of conducting business.

Reportable conduct

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

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

Commission

Commission for Children and young People

Version Control

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Responsible Officer Quality Administrator

Policy Approved By Board of Governance

References

Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015

Children, Youth and Families Act 2005 (CYFA)

Child Wellbeing and Safety Act 2005

Ministerial Order No. 870

Minimum standards for registration

to provide an accredited senior secondary course - VRQA

Related Procedure

Mandatory Reporting Procedure

Investigations Procedure

Related Policy

Information Privacy Policy

Human Resources Policy

Social Media Policy

Equal opportunity, anti-discrimination and bullying policy

Related Documents

Child abuse fact sheet

Over View of Child Safe Standards (DHHS)

Incident Report Template – Child Safe

Learner/client Code of Conduct

Staff Code of Conduct