



**Bass Coast  
Adult Learning**

Learn More.

# **POLICY 10 Child Safety**

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**Policy Number: 10**

**Policy Name: Child Safety**

Name	Child Safety
AQTF 2010 Standard	
VRQA	
Responsible Person	Centre Manager
Staff Involved	All Staff Committee of Management Volunteers
Frequency of Performance	Continuous
Documents Referred to:	Access and Equity Policy Complaints and Appeals Policy Personnel Records Check Policy Privacy Policy Photographic Consent Policy Handbooks – Client, Staff, Teacher, Volunteer

## **Purpose**

This policy guides our staff and volunteers on how to behave with children in our organisation.

This policy defines a child as a person under the age of 18 years.

The policy was written to articulate the strong commitment of the management, staff and volunteers of the organisation to child safety and to provide an outline of the policies and practices the organisation has developed to keep everyone safe from harm, including abuse.

All children who participate at the organisation have a right to feel and be safe. Bass Coast Adult Learning (BCAL) has a zero tolerance to child abuse. The organisation aims to create a child safe and child friendly environment where children feel safe and enjoy their time here.

Our organisational culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We offer training to our staff and volunteers to assist them to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

## Policy

This policy applies to all individuals involved in BCAL (paid and volunteer) including, but not limited to teachers, parents, carers, guardians and social members.

The organisation is committed to providing the highest level of service. This includes protecting a participant's privacy, promoting positive behaviours and attitudes, protecting the health, safety and wellbeing of members, particularly children, whilst delivering the organisation's activities.

Specifically, the organisation considers that the health, safety and well-being of children take priority over all other competing considerations. BCAL considers that this is necessary to ensure the health, safety and welfare of all participants and protect the image and reputation of the organisation and its activities.

The organisation has a zero-tolerance approach to child abuse and is committed to promoting and protecting children from abuse and neglect to the greatest extent possible. All children have equal rights to protection from child abuse, regardless of their sex, religion, disability or sexual orientation, etc.

Child protection is a shared responsibility across the organisation; among its employees, workers, contractors, associates, volunteers and other members of the organisation community. Everyone who participates in the organisation's activities is responsible for the care and protection of children, and for reporting information about child abuse.

The organisation supports the active participation of all children. It listens to their views, respects their views, and involves them when making decisions, where appropriate, especially about matters that will directly affect them (including their safety).

The organisation is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

The organisation promotes fairness and consideration for all staff, volunteers and participants. For further details please refer to the Access and Equity policy.

## Related Documents and Legislative Requirements

This Policy must be read in conjunction with:

- the law of the Commonwealth and Victoria including but not limited to:
  - Children, Youth and Families Act 2005 (Vic)
  - Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)
  - Crimes Act 1958 (Vic); and
  - Working with Children Act 2005 (Vic)
- the organisation policies and procedures, including but not limited to:
  - Privacy Policy; (WIM)
  - Constitution;
  - Code of Conduct;
  - Complaints and Appeals; and
  - Photography Policy (isn't this a Privacy policy subset?)

## Definitions

Child abuse can take a broad range of forms including physical abuse, sexual abuse, emotional or psychological abuse and neglect. People to whom this policy applies need to be aware that child abuse can occur whenever there is actual or potential harm to a child, and these are circumstances that the organisation is committed to reducing the risk of occurrence.

- Child means a person involved in the activities of the organisation (including students) and under the age of 18 years unless otherwise stated under the law applicable to the child.
- Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.
- Sexual offence means a criminal offence involving sexual activity or actions of indecency or any act which exposes a child to, or involves a child in, sexual activity or matters beyond his or her understanding or contrary to accepted community standards. Sexually offence behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which includes actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child (or the child's carer, family or supervisor) to lower the child's inhibitions and prepare them for engagement in a sexual offence.
- Mandatory reporter means a person who is legally required to make a report to the Department of Health and Human Services or the Police if they form a belief on reasonable grounds that a child is in need of protection. It includes teachers, principals, registered psychologists, nurses, doctors and midwives.
- A person may, in the course of their involvement with BCAL, form a belief on reasonable grounds that a child is in need of protection from child abuse.
- If a person is concerned about an immediate risk to a child's safety, the person must phone "000" as soon as practicable.
- Child **abuse** can be divided into four categories:
  - **Physical abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of a physical injury, such as a non-accidental physical injury.
  - **Sexual abuse:** occurs when a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, such as when a child is exploited, or used by another for his or her sexual gratification or sexual arousal, or for that of others.
  - **Emotional and psychological abuse:** occurs when a child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be significantly damaged; and
  - **Neglect:** occurs when a child's physical development or health has been, or is likely to be significantly damaged. It refers to an omission, such as depriving a child of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

Child abuse includes any actions that results in actual or potential harm to a child, in circumstances where the child's parents have not protected, or are unlikely to protect, the child.

## Mandatory Reporters

- Select classes of people in the community (including teachers, nurses and doctors) are required by law to report to the Child Protection Unit of the Department of Health and Human Services (DHHS) where they have formed a belief, on reasonable grounds, that a child is in need of protection because they have suffered (or are likely to suffer) significant harm due to physical or sexual abuse.
- This report must be made as soon as practicable, and after each occasion where he or she becomes aware of a further reasonable grounds for the belief.

## Reasonable grounds for belief

A reasonable belief is formed if a reasonable person believes that:

- the child is in need of protection
- the child has suffered or is likely to suffer significant harm as a result of physical or sexual injury
- the child's parents are unable or unwilling to protect the child.

To form a reasonable belief, you should consider and objectively assess all the relevant facts, such as the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

You will have reasonable grounds to notify if:

- a child states that they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- someone who knows a child states that the child has been physically or sexually abused;
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; or
- signs of abuse lead to a belief that the child has been physically or sexually abused.

## Voluntary Reporters

- In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of child abuse, *may* disclose that information to the Police or DHHS.

## Reporting Child Sexual Abuse

- If a person receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), the person has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation under the Crimes Act 1958 (Vic) may be subject to a penalty of 3 years imprisonment.

## The Organisation's Approach to Reports of Abuse

- The organisation supports and encourages a person to make a report to the Police or DHHS if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.
- Any person that makes a report in good faith in accordance with their reporting obligations (whether mandatory or discretionary) will be supported by the organisation, and will not be penalised by the organisation for making the report.
- If a person is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they may speak to the organisation manager or the organisation Children's Coordinator for guidance and information. If in doubt, ask for assistance.
- If an allegation is made against a member of staff or volunteer, the organisation will follow the reporting procedure outlined in Complaints and Appeals Policy and take all steps to ensure that the safety of the child is paramount. An initial step will involve the withdrawal of the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during an investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.
- The organisation will investigate allegations of inappropriate conduct against a child in accordance with procedural fairness and will handle the allegations in a confidential manner to the greatest extent possible.
- The organisation will cooperate with the directions of the Police and/or DHHS in relation to any investigation conducted by these authorities.
- The organisation will keep a register of any allegations regarding inappropriate conduct in a secure location on site.

## Responsibilities

All the organisation staff and volunteers to whom this policy applies have a role and responsibility in relation to child protection. All must:

- understand the indicators and risks of child abuse
- act appropriately on any concerns raised by children
- understand and comply with all applicable laws in relation to the protection of children and reporting or management of child safety concerns.

The organisation encourages children to express their views about their safety. Staff and volunteers listen to their suggestions, especially on matters that directly affect them. The organisation actively encourage all children who use the service to 'have a say' about things that are important to them. The organisation activities support children to feel safe, listen to and act on concerns raised by children and their parents.

The organisation values diversity in the community, and will not tolerate discriminatory practices by:

- Promoting cultural safety, participation and empowerment of Aboriginal and Torres Strait Island children and their families
- Promoting cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families.
- Welcoming children with a disability and their families, and act to promote their participation.
- Seek appropriate staff from diverse cultural backgrounds.

The organisation takes the following steps to ensure best practice standards in the recruitment and screening of staff and volunteers:

- Interview and conduct referee checks on all staff and for volunteers where deemed appropriate to the role to be undertaken.
- Request police checks and Working with Children Checks for relevant positions.
- Our commitment to Child Safety and our screening requirements are included in all advertisements and as part of the induction process for new staff and volunteers.

To attract and retain the best staff and volunteers, the organisation provides support and supervision so people feel valued, respected and fairly treated. The organisation has developed a Code of Conduct to provide guidance to all staff and volunteers which is reproduced in all Handbooks and the web page provided by the organisation.

Personnel involved in protecting children include the board, management, staff and volunteers within the Organisation. Those people have responsibilities in relation to protection of children and are expected to:

- understand the rights of children, as appropriate to their role;
- respect the cultural and religious practices of families who access the organisation's services, programs or events;
- understand and appropriately respond to the needs of children with developmental delays or disabilities;
- appropriately act on any concerns raised by children;
- understand the definitions, indicators and impact of child abuse;
- know and follow regulations in relation to the care of children;
- co-operate with police and/or other formal investigations to the best of their ability; and
- not harm or exploit children who access the organisation's services.

## Reporting

All the organisation participants are encouraged to discuss any concerns or issues with a staff member, the Centre Manager or members of the Committee of Management.

### **If a child discloses an incident of abuse to you**

If you receive information or a complaint follow the process outlined below:

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- 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.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- 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.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.

- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your manager or your organisation's child safety officer/champion,<sup>1</sup> police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.
- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.

### **If a parent/carer says their child has been abused in your organisation or raises a concern**

- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community-controlled organisation to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on communicating with people with a disability can be found on Families, Fairness and Housing website <https://providers.dffh.vic.gov.au/communicate-and-consult-people-disability>

If you believe a child is at immediate risk of abuse phone 000.

## **Procedures and Risk Management**

The organisation recognises the importance of risk management approach to minimising the potential for child abuse or harm to occur and use this approach to inform our policy, procedures and activity planning.

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<sup>1</sup> A child safety officer/champion is a person in your organisation who has knowledge of child safety issues, and could be a point of contact for others who have questions or concerns or want to report an allegation of child abuse. Child safety officer/champion duties are included in the person's job description.

In addition to general occupational health and safety risks, the organisation proactively manages risks of abuse to children who participate with the centre.

To reduce the risk of child abuse occurring, adults to whom this policy applies should avoid direct, unsupervised contact with children. For example, this should be a consideration when:

- Using classroom or staff room facilities;
- Using accommodation or overnight stays;
- Travel; or
- Physical contact when teaching or managing children.
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- To reduce the risk of child abuse occurring, adults to whom this policy applies:
- Have provided Police Record Check
- Have provided a Working With Children Check
- Avoid physical contact whenever possible when teaching or managing children
- Avoid working in isolation with children.

### **Travel - General**

All team members over 18 years of age retain an overriding responsibility for the welfare of all students they accompany during team travel activities – excursions or industry visits. They have a 'duty of care' for students and they must meet that duty and avoid unaccompanied and unobserved activities with persons less than 18 years of age wherever possible. For the avoidance of doubt this requirement does not apply to parents/legal guardians when in a room with their child.

### **Adults under investigation**

Adults under investigation in relation to a matter involving child abuse, or any matter which has the potential to jeopardise their Working With Children Check (WWCC) (or if based in another State the equivalent requirement) status may be prohibited by the Board from participating in the organisation activities.

### **Engaging New Personnel**

The minimum standard for background checks of employees and volunteers of the organisation and its members is the law as it applies in Victoria.

The organisation undertakes a comprehensive recruitment and screening process for all staff and volunteers which aims to:

- promote and protect the safety of all children who participate in the activities of the organisation;
- identify and recruit the safest and most suitable candidates who share the organisation's values and commitment to protect children; and
- Prevent a person from working at the organisation if they pose an unacceptable risk to children.

The organisation requires staff and volunteers to pass the recruitment and screening process prior to commencing their engagement with the organisation.

As part of the screening and recruitment process, an applicant must provide appropriate evidence (e.g. WWCC or other state equivalent and/or Police check) to show that they are suitable to work with children and young people in a recreational setting.

All the organisation staff and Board members require a WWCC; and the following key event personnel must have a valid WWCC:

- those paid by the organisation for their services
- volunteers;
- relevant contractors who may have unsupervised access to children; and
- Anyone else who the organisation staff feels require a WWCC due to the nature of the work that they are undertaking for the organisation. Refer to the Personnel Records Check Policy.

The type of evidence that an applicant is required to provide to the organisation will vary depending on the type of position that they are applying for. However, an applicant will not be offered a position until they provide the required evidence to the organisation.

The organisation will exercise discretion and may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence their engagement and during their time with the organisation in regular intervals.

The organisation will undertake thorough reference checks prior to engaging any personnel.

Once engaged, the organisation will provide staff and volunteers with access to this policy and staff and volunteers must review and acknowledge their understanding of this policy.

### **Policy Breaches**

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have done anything contrary to this policy. Any person who may breach this policy is subject to immediate termination of engagement.

### **Policy Promotion**

This policy will be made available to all members via the appropriate Handbook.

This policy will be communicated to all staff, Board, and volunteer via staff meetings, Board meetings, Volunteer training sessions and emails.

References to this policy will be included in documentation provided to all staff and volunteers that represent the organisation.

### **Review**

A review of relevant policies, procedures and internal controls applicable to the area where the abuse has occurred will be undertaken to assess whether these can be revised and strengthened.

## Policy

Fundamental decisions as to the aims, goals and mission of the organisation must be approved by the membership at a general meeting.

Policies, which are designed to serve the organisation's mission by ensuring that day-to-day decisions are informed by deliberation and consultation, must be approved by the Board. The Board may delegate to the CEO responsibility for designing procedures to put those policies into effect.

Policies, which lay down broad principles, should be differentiated from procedures, which provide mechanisms appropriate to particular circumstances.

## Related Documents

- All Policies