

Child Safety Policy

Purpose

This Policy was written to demonstrate the strong commitment of BRACE to child safety and establishing and maintaining child safe and child friendly environments, with a zero tolerance to child abuse.

Everyone is responsible for the care and protection of children and reporting information about child abuse. All children and young people who come to BRACE have a right to feel and be safe. We are committed to the cultural safety for Aboriginal children, children from culturally and/or linguistically diverse (CALD) backgrounds and children with a disability. If any person believes a child is in immediate risk of abuse, they need to call 000.

The purpose of this policy is:

- To facilitate the prevention of child abuse occurring within BRACE
- To work towards an organisational culture of child safety
- To prevent child abuse within BRACE
- To ensure that all parties are aware of their responsibilities for identifying possibly occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
- To provide guidance to employees/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation
- To provide a clear statement to employees/volunteers/contractors forbidding any such abuse.
- To provide assurance that all cases of suspected abuse will be reported and fully investigated.

Please note the Program Manager is the designated Child Safety Officer

Responsibilities

BRACE has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The Nominated Child Safety Officer is responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Child Protection Code of Conduct;
- Ensuring that all adults within the BRACE community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Child Protection Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All managers must ensure that they:

- Promote child safety at all times;
- Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;
- Educate employees about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities including allegations against workers or volunteers of child abuse and misconduct involving children as required by the Reportable Conduct Scheme.

Management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

All staff/volunteers/contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Child Protection Code of Conduct, and BRACE policy and procedures in relation to child protection, and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters; (See Child Safe Reporting Policy and Procedure) on each occasion, regardless of other advice and ensure a report is made.
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in the organisation); and
- Provide an environment that is supportive of all children's emotional and physical safety.

Definitions

Child means a person **below the age of 18 years** unless, under the law applicable to the child, majority is attained earlier.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive 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 refers to predatory conduct where actions are deliberately undertaken with the aim of befriending and establishing an emotional connection with a child under the age of 16, or their parent or carer for the purpose of lowering the child's inhibitions in preparation for sexual activity with the child.

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include 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 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 injury”,
- The parents are unable or unwilling to protect the child.

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

A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed 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; and/or
- Signs of abuse lead to a belief that the child has been physically or sexually abused.

The Child Safe Standards (the Standards) are compulsory minimum standards for all organisations that provide services to children including Victorian schools. The aim of the Standards is to ensure organisations are well prepared to protect children from abuse and neglect. It is recognised that many schools will have existing policies and procedures that aim to keep children safe.

The Standards are:

- Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
- Standard 2: A Child Safe policy or a Statement of Commitment to Child Safety
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
- Standard 5: Processes for responding to an reporting suspected child abuse
- Standard 6: Strategies to identify and reduce or remove risks of child abuse
- Standard 7: Strategies to promote child participation and empowerment of children

The Standards apply to all organisations that provide services to children.

Human Resource Practices

BRACE takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children whilst using culturally inclusive recruitment practises. We employ a range of screening measures and apply best practice standards in the screening and recruitment of employees and volunteers. We interview all employees to assess their motives for working with children and conduct referee checks on all employees that assess the quality of the applicant’s previous experience.

Our People Experience Department conducts a criminal history assessment and requires a working with children check to be provided for all people within the organisation working with children, as set

out in Section 8B of the Children's Protection Act 1993. Criminal history assessments and Working with Children Checks are mandatory for anyone within our organisation that:

- has regular contact with children and is not directly supervised at all times;
- works in close proximity to children on a regular basis and is not directly supervised at all times; or
- supervises or manages persons who:
 - have regular contact with children or
 - work in close proximity to children on a regular basis (on the same site); or
- Has access to sensitive records relating to children or young people.

We ensure that criminal history and working with children checks information is dealt with in accordance with the Child Safe Standards. Police records checks are used only for the purpose of recruitment and are discarded after the recruitment process is complete. We do retain our own records (but not the actual criminal record check) if an applicant's criminal history has affect our decision making process.

If during the recruitment process a person's record indicate a criminal history then the person will be the given the opportunity to provide further information and context.

Please refer to recruitment checklist for details of selection criteria, employment opportunity advertisements, interviews, and pre-employment screening.

Child Protection Code of Conduct

All Staff/stakeholders are made aware of, and must abide by, our Codes of Conduct for staff and employees. Our Child Protection Code of Conduct outlines specific standards of conduct for working with children of different situations, clear explanation of appropriate relationships with children for staff, volunteers, parents and children, instructions on how adults should respond to any risks adults may pose to children, or that children may pose to each other and recognition of Aboriginal and CALD children culturally appropriate behaviour and any differences in what is considered acceptable behaviour.

Please refer to our BRACE Child Safe Child Protection Code of Conduct which is required to be acknowledged and signed.

Support for Employees, Volunteers

BRACE seeks to attract and retain the best employees and volunteers. We provide support and supervision so people feel valued, respected and fairly treated. We ensure that employees/volunteers who work with children have ongoing supervision, support and training so that their capacity is developed and enhanced to promote the establishment and maintenance of a child safe environment. We adhere to the Reportable Conduct Scheme that mandates the requirement to report allegations against workers or volunteers of child abuse and misconduct involving children to the Commission for Children and Young People.

Child Safety Officer

Employees and Volunteers will be supported through the appointment of an individual child safety officer with specified 'child-safe' duties in their job description, including the designated person to hear

or be informed about all allegations or concerns, and providing support to other personnel. This ensures that child safety is prioritised, and that any allegations of abuse or safety concerns are recorded and responded to consistently and in line with our legal requirements, policies and procedures.

A designated child safety officer also provides a single contact for children, parents and employees/volunteers to seek advice and support regarding the safety and wellbeing of our children.

BRACE' Program Manager is the designated Child Safe Officer

Risk Management

BRACE will ensure that child safety is a part of its overall risk management approach.

All Board members will receive regular training in relation to child safety. Managing risk and compliance are the responsibility of the Board.

Persons applying for a role as a teacher/trainer with BRACE requires all applicants to complete a national crime check and non-teaching employees to undergo a Working with Children Check before they commence working at BRACE. National crime checks may be required from time to time.

Once engaged, workers and volunteers must review and acknowledge their understanding of this Policy and Procedure. BRACE will ensure that child safety is a part of its overall risk management approach and undertake annual child safety reviews.

Reporting

Any employee, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the Program Manager (also the Child Safe Officer), or the CEO, or the appropriate child protection service or the police. They should also advise their manager about their concern.

In situations where the manager is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of management.

Managers must report complaints of suspected abusive behaviour or misconduct to the Child Safe Officer and/or CEO and also to any external regulatory body such as the police.

Mandatory Reporting Obligations

Legislation Name	Mandated reporters	When must a report be made?	Who is a child?
Crimes Act 1958 (Vic)	Any person 18 years or older.	<p>A mandated reporter must make a report if they form a reasonable belief that a sexual</p> <p>Offence has been committed in Victoria against a child by another person of or over the age of 18 years. NB: exceptions may apply.</p>	A person under 16 years of age.
Children, Youth and Families Act 2005 (Vic)	<ul style="list-style-type: none"> • Registered medical practitioners, midwives and registered nurses • Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006 • Principals • Police 	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> • They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse; • The parents cannot or will not protect the child; and • The belief is formed in the course of practising his/her position of employment. <p>NB: exceptions may apply.</p>	A person under 17 years of age.

Legislation	Voluntary Reporters	When can a report be made?	Who is a child?
Child Wellbeing and Safety Act 2005 (Vic)	<p><i>The head of an entity that is affected by the Reportable Conduct Scheme.</i></p> <p><i>The applicable entities are brought into the scheme in three phases, last phase being January 1, 2019</i></p> <p><i>The full list of entities (and the applicable phase) can be found here: https://ccyp.vic.gov.au/reportableconduct-scheme/for-organisations</i></p>	<p><i>A mandated reporter must make a report to the Commission for Children and young People if they become aware of a reportable allegation against an employee, volunteer of contractor of the entity.</i></p>	<p>A person under 18 years of age</p>
Children, Youth and Families Act 2005 (VIC)	Any person.	<p>A voluntary reporter may make a report to a protective intervener (i.e. the police or the Department of Health and Human Services) if: - the person believes, on reasonable grounds, that a child is in need of protection.</p>	<p>A person under 17 years of age.</p>
Child Wellbeing and Safety Act 2005 (VIC)	Any person.	<p>A voluntary reporter may disclose a reportable allegation to the Commission for Children and Young People.</p>	<p>A person under 18 years of age.</p>

Investigation

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the Child Safety Officer/CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the Child Safety Officer/CEO may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The Child Safety Officer/CEO will make every effort to keep any such investigation confidential; however, from time to time other members of employees may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the Child Safety/CEO shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

Responding

If it is alleged that an employee, contractor, student or a volunteer may have committed an offence or have breached BRACE' policies or its Child Protection Code of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach BRACE' policies or Child Protection Code of Conduct) has occurred, then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

Failure to respond and report

Physical and sexual abuse is a crime and must be reported to the police. Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to direct observation or disclosure by a child.

Employees, volunteers and contractors are required to raise concerns through BRACE internal reporting procedures or directly with the police.

The failure to protect offence applies to people within BRACE who knew of a risk of child sexual abuse by someone in BRACE, or by an individual associated with BRACE, and had authority to reduce or remove the risk but did not act to protect the child.

This policy is to be read in conjunction with the Child Safety Reporting Flowchart

Victorian Reportable Conduct Scheme

In summary, the Victorian Reportable Conduct Scheme:

- Requires some organisations to respond to allegations of child abuse and other child related misconduct made against their workers and volunteers and notify the Commission for Children and Young People of any allegations;

Enable the Commission to oversee responses; and

- Facilitate information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulations Working With Children Check Unit and the Commission.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. BRACE will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how personal information is recorded, what will be done with it, and who will be able to access it.

Reviewing

Each year, and following every reportable incident, a child safety review will be undertaken to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

Related policies and legislation

Related Commonwealth or state/territory legislation

Crimes Act 1958

Charter of Human Rights and Responsibilities Act 2006

Child Wellbeing and Safety Act 2005

Child Wellbeing and Safety Regulations 2007

Commission for Children and Young people Act 2012

Victorian Reportable Conduct Scheme 2017

Working With Children Act 2005

Working with Children regulations 2006

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

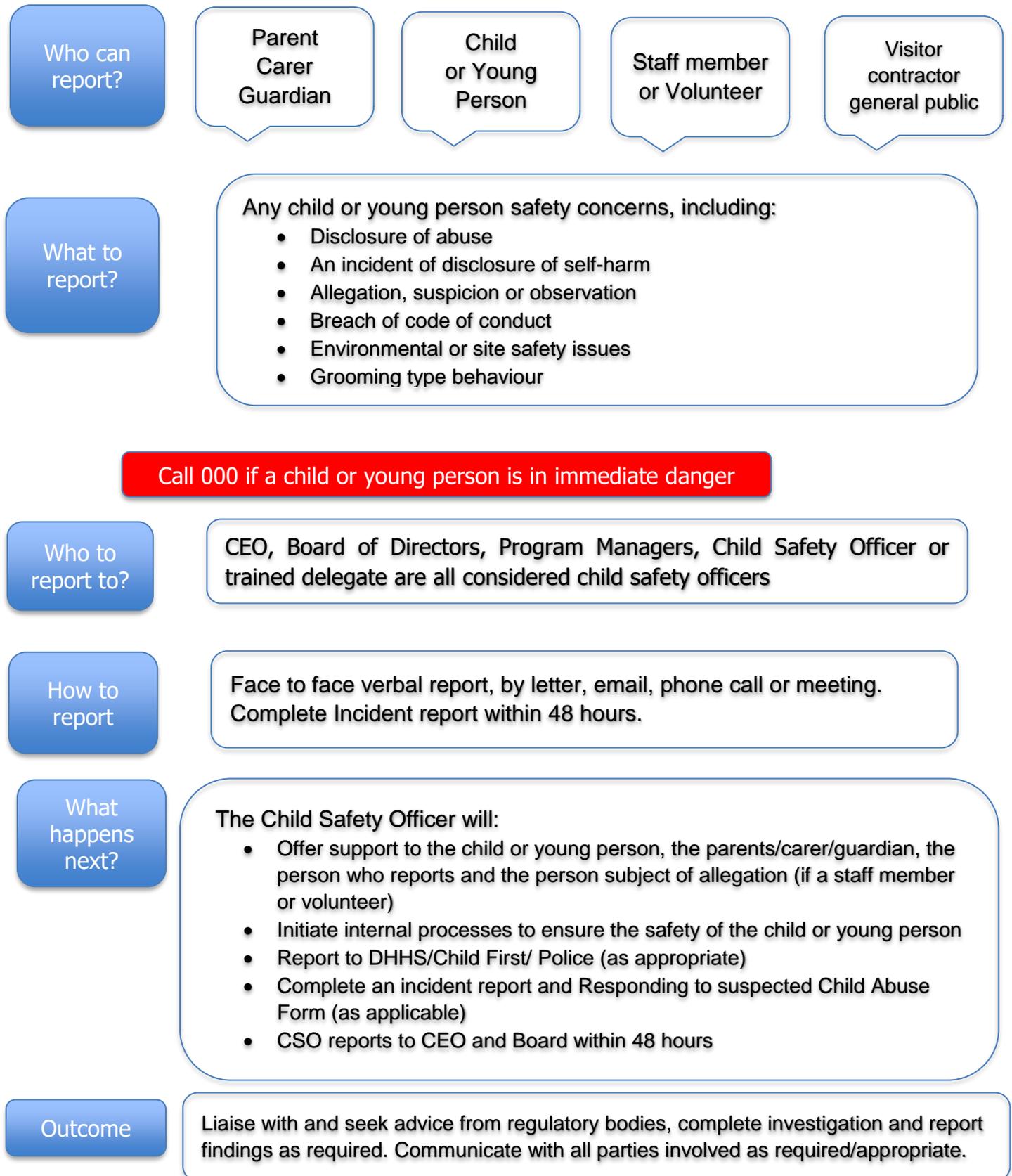
Education and Training Reform Act 2006

Children, Youth and Families Act 2005

Children, Youth and Family Regulations 2007

Victorian Institute of Teaching Child Protection Code of Conduct and Ethics

Child Safety Reporting Flow Chart



**to be used in conjunction with VOC490 - 2019 BRACE Child Safe Reporting Policy and Procedure*