

Child Safe Policy



This policy contains information regarding Child Safe Standards and the Reportable Conduct Scheme.

Purpose

To ensure that Access Australia Group Limited (AAG) is compliant with the requirements of the Child Safety Standards, Reportable Conduct Scheme and the Working with Children Act 2005. The main purpose of the Working with Children Act 2005 is to assist in protecting children from psychological, sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.

This policy was written to demonstrate AAG's strong commitment to child safety and establishing and maintaining a child safe and child friendly environment.

All children who come to our organisation have a right to feel and be safe. We are committed to the safety and well-being of all children and young people accessing our services and this will always be a major priority. We aim to create a child safe and child friendly environment where all children are respected, valued and encouraged to reach their full potential.

Scope

This policy applies to all relevant AAG employees, contractors, and volunteers involved in the provision or support of services to children.

References

- Child Safe and Reporting Procedure (QP1-013)
- Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse: <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/standard-5-responding-and-reporting/>
- Child Wellbeing and Safety Act (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016 (Vic)
- Commission for Children and Young People (CYPP) – Reportable Conduct Scheme: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- Department of Health and Human Services
- Education and Training Reform Act 2006 - Child Safety Standards – Managing the Risk of Child Abuse in Schools - Ministerial Order No. 870
- Four Critical Actions for VET & Higher Education Providers - Responding to Incidents, Disclosures and Suspicions of Child Abuse: www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_VETHIGHERED_PDF.pdf
- Reportable Conduct Scheme (Commission for Children and Young People): <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- Reporting Criminal Abuse of Children and Vulnerable People in Organisations to Police www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=116042
- VET Funding Contract
- What is reportable conduct? Information sheet: <https://ccyp.vic.gov.au/assets/resources/What-is-reportable-conduct.pdf>

- Working with Children Act 2005 (Vic)
- Working with Children Check, Victoria: <http://www.workingwithchildren.vic.gov.au/>

Definitions *(Refer to Appendix A at the end of this policy.)*

Principles - Our commitment to child safety

Access Australia Group Limited is committed to child safety.

- We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.
- We are committed to the safety, participation and empowerment of all children.
- We have zero tolerance of child abuse, and all allegations and safety concerns will be treated seriously and consistently with our robust policies and procedures.
- We have legal and moral obligations to contact authorities and investigate when we have concerns for a child's safety,
- We are committed to preventing child abuse, identifying risk factors, removing and reducing these to remove or reduce likelihood of risk to child safety.
- We have robust human resources and recruitment practices for all staff and volunteers.
- We are committed to regularly training and educating our staff and volunteers on child abuse risks.
- We support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.
- We have specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve these commitments.

Policy - Child Safe Standards

AAG is committed to child safety, providing opportunities for children to participate in our services and the empowerment of all children.

AAG is committed to preventing child abuse and identifying potential risks, and reporting any aspect of breaches of child safety. We will meet our legal and moral obligations to contact relevant authorities and investigate when we have concerns about a child's safety, and will record all allegations and investigations in accordance with the Working with Children Act 2005 (the Act).

We promote diversity and tolerance at AAG and people from all walks of life and cultural backgrounds are welcome. In particular, we:

- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and are assisted to participate equally.

Vital to the intent of keeping children safe is the need that AAG will ensure the appropriate support to an alleged victim.

Reporting - Department of Health and Human Services

AAG will train and educate all relevant employees on identifying and reporting child abuse risks. Any suspected inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services (DHHS) and Victoria Police, depending on the severity and urgency of the matter.

Where an employee forms a belief on reasonable grounds that a child:

- is in need of protection, the employee should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours, they should report their concerns to DHHS Child

Protection.

If employees have significant concerns for the wellbeing of a child or young person, they should report their concerns to:

- DHHS Child Protection on 1300 655 795 or 1300 664 977, or
- Child FIRST on 1300 721 383.

In cases where employees have concerns about a child or young person, they should also discuss their concerns with a member of the Executive Management team or the Chief Executive Officer.

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

For more information, please refer to the Child Safety and Reporting Procedure (QP1-013).

Policy - Reportable Conduct Scheme

Where the CEO receives a reportable allegation he is to liaise with an investigator to ensure that the matter investigated promptly. He is also required to provide support to the child, the parents, the person who reports and the accused staff member or volunteer. This is required to take place immediately.

If an allegation is criminal in nature, clearance **MUST** be obtained from Victoria Police before beginning the investigation

The Commission for Children and Young People (CYPP) will seek the following information from the CEO at the specified milestones:

- Three business day notification which includes:
 - Name of the worker or volunteer
 - Date of birth
 - Police report
 - Organisation contact details
 - Head of organisation's name
 - Initial advice on the nature of the allegation
 - 30 calendar day update, which includes:
 - Details of the allegation
 - Details of your response to the allegation
 - Details about any disciplinary or other action proposed
 - Any written response from the worker or volunteer about the allegation and the proposed discipline
 - Advice on investigation including the name of investigator and contact details to be provided to CYPP as soon as practicable
 - Outcomes of investigation to be provided to CYPP as soon as practicable, which includes:
 - Copy of findings and reasons for the findings
 - Details about any disciplinary or other action proposed
 - Reasons for taking or not taking action
 - Additional documents. CYPP may request further documents from the head of the organisation.
- For more information, please refer to the Child Safety and Reporting Procedure (QP1-013).

Legal responsibilities

Access Australia Group Limited takes our legal responsibilities seriously, including:

- *Failure to disclose:* All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.
- *Failure to protect:* People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- *Retrospectivity:* Allegations apply to staff, volunteers or contractors whether the issue has occurred in their personal or work life and whether it has occurred within Australia or overseas.

- *Staff member.* Staff, volunteers or contractors must be suspended from their duties by the CEO while under investigation.

Recruitment

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

We actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check.

More information

Organisations covered by the Reportable Conduct Scheme should contact:

Commission for Children and Young People for clarification and guidance, and to talk through any issues of concern.

Telephone: (03) 8601 5281

Email: childsafestandards@ccyp.vic.gov.au

Website at www.ccyp.vic.gov.au

Other relevant services and support

Family Safety Victoria <http://www.vic.gov.au/familyviolence.html>

Domestic Violence Victoria <http://dvvic.org.au/>

AAG has its own policies and procedures in place to guide its investigation including a Code of Conduct, and processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution and employee welfare and supports.

Reportable allegation investigation

Investigations are conducted with procedural fairness to ensure that the outcomes of the investigation are fair and reasonable. This usually means that, before any findings are made or disciplinary action is taken, the subject of an allegation is notified of any adverse information that is credible, relevant and significant and has a reasonable opportunity to respond to that information.

Where an allegation is criminal in nature, clearance MUST be sought from Victoria Police before beginning the investigation. Procedural fairness does not require that employees or others must be notified of allegations when the Commission is first notified or that are plainly false. Consideration should also be given to when the subject of the allegation should be first told

A reportable conduct investigation can be stressful and demanding on all people involved and so it is important that the processes used when conducting an investigation are fair and reasonable.

The reportable allegation investigation considers whether it is more likely than not that reportable conduct has occurred. This may involve comparing conflicting versions of events given by different witnesses in order to decide which version is the more probable. A person conducting an investigation and making findings should actually be persuaded, based on the available information, that reportable conduct has occurred before making such a finding. During a reportable conduct investigation, the subject of an allegation may choose, but is not required, to give information or documents that support their version of events. However, the subject of an investigation is not obliged to prove or disprove any fact or issue that is being investigated.

A reportable conduct investigation should apply the 'balance of probabilities' as the standard of proof. This means that an investigation should consider whether it is more likely than not that reportable conduct has

occurred. This may involve comparing conflicting versions of events given by different witnesses in order to decide which version is the more probable. However, investigations do not need to undertake a mathematical or mechanical assessment of probabilities. Rather, a person conducting an investigation and making findings should actually be persuaded, based on the available information, that reportable conduct has occurred before making such a finding.

Information relevant to the investigation can be gained from a number of key sources such as:

- **Physical evidence:** Documents such as policies, procedures, incident reports, records of employment, rosters, emails can provide vital evidence. Objects, such as mobile phones and computers, inspection of premises, or photographic records can also provide physical evidence.
- **Direct evidence:** Speaking with people including witnesses, organisational management, other staff members and the person the allegation has been made against enables you to gather their direct observations, experience and recollections of events or actions. Particular care must be taken when it is proposed that an investigation involve children or the person who is the subject of the allegation. Specialist knowledge Information from people with specialist knowledge, such as a medical practitioner may be relevant to an investigation.
- **Specialist knowledge:** Information from people with specialist knowledge, such as a medical practitioner may be relevant to an investigation.

Appendix A - Definitions

Term	Definition
Aboriginal child	A person under the age of 18 who: <ul style="list-style-type: none"> • is of Aboriginal or Torres Strait Islander descent • identifies as Aboriginal or Torres Strait Islander, and • is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
Balance of probabilities	Where the burden of proof cannot be established, the evidence is weighed up and the most probable version is accepted even though the truth may never be known.
Child	A person who is under the age of 18 years.
Child abuse	For the purposes of these standards, abuse constitutes any act committed against a child involving physical violence, sexual offences, serious emotional or psychological abuse and/or serious neglect.
Children from culturally and/or linguistically diverse backgrounds	A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.
Child safe organisation	In the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse.
Child safety	In the context of the child safe standards, child safety means measures to protect children from abuse.
Children with a disability	A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.
Cultural abuse	Actions and attitudes that deliberately ignore, denigrate or attack the culture of a person or community.
Cultural competency	A set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations.
Cultural safety for Aboriginal children	The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. A culturally safe environment does not ignore, challenge or deny cultural identity. Cultural safety upholds the rights of Aboriginal children to: <ul style="list-style-type: none"> • identify as Aboriginal without fear of retribution or questioning • have an education that strengthens their culture and identity • maintain connections to their land and country • maintain their strong kinship ties and social obligations • be taught their cultural heritage by their Elders • receive information in a culturally sensitive, relevant and accessible manner • be involved in services that are culturally respectful.
Cultural safety for children from culturally and/or linguistically diverse backgrounds	An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages.
Neglect	Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect: <ul style="list-style-type: none"> • must be more than minor and insignificant • does not need to have a lasting or permanent effect • may be an ongoing situation or a one off incident, as long as it is not minor in nature.

Term	Definition
Reasonable belief	A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that may involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation. A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.
Reportable allegation	Information that leads a person to form a reasonable belief that a worker or volunteer has committed: <ul style="list-style-type: none"> • reportable conduct or • misconduct that may include reportable conduct.
Reportable allegation investigation	An investigation into a reportable allegation is a workplace investigation aimed at gathering and examining information to establish facts and make findings in relation to allegations of child abuse against an employee. The investigation may also make recommendations about what disciplinary or other action should be taken (if any). An effective investigation requires a systematic approach to assessing and managing an allegation, followed by a sound decision-making framework that enables procedural fairness for all parties in the investigation process. A reportable conduct investigation should apply the 'balance of probabilities' as the standard of proof.
Reportable conduct	There are five types of 'reportable conduct. The first three of these types are reportable even prior to criminal proceedings commencing': <ul style="list-style-type: none"> • 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.
Reportable Conduct Scheme	The reportable conduct scheme requires organisations to respond to allegations of child-related misconduct made against their workers and volunteers, and report those allegations to the Commission for Children and Young People.
Sexual misconduct	Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Examples of sexual misconduct include: <ul style="list-style-type: none"> • developing an intimate relationship with a child, for example, through regular contact with the child without the knowledge or approval of the organisation's management • inappropriately discussing sex and sexuality with a child • other overtly sexual acts that could lead an organisation to take disciplinary or other action.
Sexual offences	In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme. This includes: <ul style="list-style-type: none"> • sexual assault; indecent acts; • possession of child abuse material; ' • grooming' a child in order to commit a sexual offence. A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the Sentencing Act 1991 and at: www.austlii.edu.au/au/legis/vic/consol_act/sa1991121/sch1.html
Significant	The Reportable Conduct Scheme is concerned with significant allegations about worker behaviour or actions towards a child. Accordingly, allegations can only be made about emotional or psychological harm or neglect that is significant. Allegations may be made about serious forms of harm or behaviours that have a lasting or permanent effect, however, this does not always need to be the case. It is enough that the alleged conduct is more than trivial or insignificant to fall within the definition of significant under the Reportable Conduct Scheme.