

Child Safe Policy



Introduction

To ensure that Access Australia Group Limited (AAG) is compliant with the requirements of the Child Safety Standards, Reportable Conduct Scheme, the Working with Children Act 2005 and the Children, Youth & Family 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 children have their suitability to do so checked by a government body.

Access Australia Group Limited (AAG) is committed to promoting and protecting the interests and safety of children and has zero tolerance for child abuse. This policy is 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 our 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. Everyone working at AAG is responsible for the care and protection of children and reporting information about child abuse.

Purpose

The purpose of this policy is:

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

Scope

This policy applies to all AAG employees, contractors, and volunteers.

Responsibilities

The Board of AAG 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 is in place.

The CEO of AAG 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 Code of Conduct;
- Ensuring that all adults within the AAG 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 Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

**Only so far as making reports to Child Protection or Victoria Police or where the investigation relates to organisational processes.*

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 or 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.

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 the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and AAG’s 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;
- 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.

References

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)
- Children, Youth and Families Act 2005 (as amended 2014)
- Child Safe and Reporting Procedure (QP1-013)
- Child Safe Code of Conduct (QPOL1-013.2)
- Child Safe Standards: <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/>
- 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 2005 (Vic)
- Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016 (Vic): Failure to Disclose 2014: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>
- Department of Justice and Regulation Fact Sheet: Failure to protect: a new criminal offence to protect children from sexual abuse: http://assets.justice.vic.gov.au/justice/resources/0f547d32-a4c4-4e05-9fbf-7415a4b4e3f6/failure_to_protect_betrayal_of_trust_factsheet_2017.pdf
- Education and Training Reform Act 2006 - Child Safety Standards – Managing the Risk of Child Abuse in Schools - Ministerial Order No. 870: <http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf>

- Failure to Protect 2015: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>
- Family Law Act 1975
- Four Critical Actions for VET & Higher Education Providers - Responding to Incidents, Disclosures and Suspicions of Child Abuse: http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_VE THIGHERED_PDF.pdf
- Introduction to the Reportable Conduct Scheme: <https://ccyp.vic.gov.au/assets/resources/CSS-RCS-Info-Sheets-Trans/RCS-English-Plain.pdf>
- Recruitment Procedure (QP4-003)
- 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
- Risk Management Plan Procedure (QP0-000)
- Staff Induction Policy (QPOL4-011)
- Whistleblower Policy (QPOL1-011)
- VET Funding Contract
- Volunteers Procedure (QP4-004)
- 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 Amendment Act 2016 (Vic)
- Working with Children Check, Victoria: <http://www.workingwithchildren.vic.gov.au/>
- Wrongs Amendment (Organisational Child Abuse) Act 2016 (Vic).

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 promoting and protecting the best interests of children, providing opportunities for children to participate in our services and the empowerment of all children.

There are seven Child Safe Standards in which AAG strives to be compliant to. These standards are overseen by the CEO is the designated person in authority. The CEO ensures that all AAG employees and volunteers are aware of this policy and their responsibilities pertaining to it.

All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse. AAG promotes diversity and tolerance for people from all walks of life and cultural backgrounds.

In particular, AAG:

- promotes the cultural safety, participation and empowerment of Aboriginal children
- promotes the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensures 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.

If any person believes a child is in immediate risk of abuse, telephone:

- Police: 000
- Child FIRST Bendigo: 1800 260 338
- Child Protection Bendigo: 1800 675 598

Recruitment

AAG develops selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

All workers and volunteers AAG at undertake a comprehensive recruitment and screening process including thorough reference checks, prior to commencing their engagement with AAG, for that aims to:

- promote and protect the safety of all children under the care of the organisation;
- identify the safest and most suitable people who share AAG's values and commitment to protect children; and
- prevent a person from working at AAG if they pose a risk to children.

AAG requires applicants to provide a police check as well as a valid Victorian Working with Children cards or a current Victorian Institute of Teaching (VIT) card in accordance with the law and as appropriate prior to them commencing working at AAG and during their time with AAG at regular intervals.

Once engaged, workers / volunteers must review and acknowledge their understanding of this Policy.

The Check does not assess a person's suitability to work with or care for children in a particular role. It is AAG's responsibility to assess if a person is suitable to work with children and to continue monitoring workers' behaviour around children.

AAG is required to be vigilant at all times by doing thorough reference checks and establishing sound, ongoing supervision practices so that children are safe from harm.

On approval from the Department of Justice and Regulation a Working with Children Card will be issued to a person who has successfully completed a Working with Children Check application (see <http://www.workingwithchildren.vic.gov.au/home/applications/>).

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: 1800 260 338.

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

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 below the age of 18 years unless otherwise stated under the law applicable to the child.
Child abuse	Abuse constitutes any act committed against a child involving 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.
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 protection	Any responsibility, measure or activity undertaken to safeguard children from harm.
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.
Child sexual assault	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 actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.
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.
Culturally safe environment	An environment that is safe for people where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.
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

Term	Definition
	<ul style="list-style-type: none"> • 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	<p>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.</p> <p>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.</p>
Emotional and psychological abuse	<p>The infliction of emotional or psychological harm is one of the most common forms of child abuse. This may involve conveying to a child that they are worthless, unloved, inadequate or rejected, or causing a child to frequently feel frightened or in danger. Emotional or psychological abuse often diminishes a child's sense of identity, dignity and self-worth, and the impact can be chronic and debilitating.</p>
Failure to disclose	<p>Applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but negligently failed to do so.</p>
Failure to protect	<p>Requires adults to report to police a reasonable belief that a sexual offence has been committed against a child (unless they have a reasonable excuse for not doing so).</p>
Grooming	<p>Targets communication, including online communication, with a child or their parents with the intent of committing child sexual abuse.</p>
Neglect	<p>Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well.</p> <p>The neglect:</p> <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.
Person in authority	<p>Whether someone is considered to be a 'person in authority' depends on the degree of supervision, power or responsibility the person has to remove or reduce the risk. People in authority usually have the ability to make management level decisions, such as assigning and directing work or ensuring compliance with the organisation's volunteer policy. A volunteer can be a person in authority. For example, a voluntary board or committee member, or a volunteer parent coach responsible for the supervision of a junior sports team.</p>
Physical abuse	<p>Physical abuse can occur when a person intentionally or recklessly uses physical force against, with or in the presence of a child without their consent, which causes, or could cause, the child harm.</p> <p>Physical abuse can also occur when someone intentionally or recklessly causes a child to believe that physical force is about to be used against them without their consent. Physical abuse can include hitting, punching, kicking, pushing or throwing something that strikes a child. It also includes behaviour, such as words or gestures, that causes a child to believe that they are about to suffer physical abuse.</p>
Reasonable belief	<p>It is a belief based on reasonable grounds (see below) 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.</p> <p>A reasonable belief is formed if a reasonable person believes that:</p> <ul style="list-style-type: none"> • the child is in need of protection, • the child has suffered or is likely to suffer "significant harm as a result of physical injury," or • the parents are unable or unwilling to protect the child.

Term	Definition
	<p>A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.</p> <p>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:</p> <ul style="list-style-type: none"> • 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.
Reportable allegation	<p>Information that leads a person to form a reasonable belief that a worker or volunteer has committed:</p> <ul style="list-style-type: none"> • reportable conduct or • misconduct that may include reportable conduct.
Reportable allegation investigation	<p>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.</p>
Reportable conduct	<p>There are five types of 'reportable conduct. The first three of these types are reportable even prior to criminal proceedings commencing':</p> <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	<p>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.</p>
Sexual misconduct	<p>Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal.</p> <p>Examples of sexual misconduct include:</p> <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 <i>Refer to 'Child sexual assault' above</i>	<p>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.</p> <p>This includes:</p> <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. <p>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</p>

Term	Definition
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.