



# **Child Safety Policy**

## **Statement**

Uniting Care ReGen (ReGen) is committed to promoting and protecting the interests and safety of children. We recognises the right of every child to a safe and stable childhood and are committed to assisting in developing and sustaining a society that values and cares for its children. We have zero tolerance towards child abuse. Everyone working at ReGen is responsible for the care and protection of children and for reporting information about child abuse.

## **Purpose**

The purpose of this policy is to ensure that all staff, volunteers, students and contractors parties are aware of their responsibilities for identifying child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs. The policy also provides information to those parties as to action to be taken where they suspect any abuse within or outside of the organisation.

### Scope

This policy applies to all staff, volunteers, students, consultants and contractors employed by ReGen.

### **Definitions**

### Child

All references to child in this policy refer to a person up to 18 years of age. Note for the offence of grooming the definition of child refers to person under the age of 16 years.

### **Child Protection**

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

#### Child Abuse

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

### Child sexual assault

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 or breasts, masturbation, oral sex, vaginal or anal penetration, voyeurism, exhibitionism and exposing the child to or involving the child in pornography.

# Grooming

Grooming refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child in order to lower the child's inhibitions in preparation for sexual activity. It occurs where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for a child, with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

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Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

### Relevant organisation

A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise. This definition includes ReGen.

# Person in authority

A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child who is under their care, supervisiuon or outhority, may become a victim of sexual abuse committed by an adult associated with the organisation.

#### Relevant child

A relevant child is a child up to the age of 18 years who is, or may come, under the care, supervision or authority of a relevant organisation.

## Person associated with an organisation

A person associated with an organisation may include an employee, manager, volunteer, contractor or agent of the organisation. It does not include a person who solely receives services from the organisation.

#### Substantial risk

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- The likelihood or probability that a child will become the victim of a sexual offence
- The nature of the relationship between the child and the adult who may pose a risk
- The background of the adult who may pose a risk including any past or alleged misconduct
- Any vulnerabilities of the child which may increase the risk
- Any other relevant factor which may indicate a substantial risk of a sexual offence being committed against a child.

### Reasonable grounds for belief

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 have been objectively assessed.

A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds. It is not the same as having proof but is more than rumour or speculation.

# Good faith

Food failth means that the reporter has a valid and reasonable concern and is acting without malice or retaliation towards the alleged offender.

# **Best Interest Principles**

The Children, Youth and Families Act 2005 (CYFA) states that the best interests of a child must always be paramount when making a decision, or action. When determining whether a decision or action is in the child's best interests, there are a number of needs that must always be considered:

- The need to protect the child from harm
- The need to protect the child's rights
- The need to promote the child's development (taking into account his or her age, stage of development, culture and gender)

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The CYFA also requires decision makers to consider the child's rights when making a decision. The CYFA does not define which rights must be taken into account, however the rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006 states in Section 17 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.'

#### **Cumulative harm**

Cumulative harm refers to the impact of multiple episodes of abuse or neglect experienced by a child. When considered individually, each episode of abuse and/or neglect may not be deemed to be significantly detrimental. However when considered cumulatively, the unremitting daily impact on the child can be profound and exponential, covering all dimensions of a child's life; developmental, social, psychological, recreational and educational.

### Related Legislation, Policies, Procedures and Documents

ReGen Code of Conduct

ReGen Supervision Ploicy ReGen Recruitment Policy

Children, Youth and Families Act 2005 (Vic)

Children, Youth and Families Regulations 2007 (Vic)

Child Wellbeing and Safety Act 2005 (Vic)

Victorian Charter of Human Rights and Responsibilities Act 2006

The Charter for Children in Out-of-Home Care

Family Law Act 1975 (Cth)

Crimes Act 1958 (Vic)

Children, Youth and Families Regulations 2007 (Vic)

Grievance and Dispute Resolution Policy

**UCV&T Policy for Child-Safe Organisations** 

The Crimes Amendment (Grooming) Act 2014

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

www.legislation.vic.gov.au/

www.dhs.vic.gov.au/everychildeverychance

### **Policy**

ReGen is committed to promoting and protecting the best interest of all children. All children regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background have equal rights to protection from abuse. We are 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.

Everyone working at ReGen is responsible for the care and protection of the children within our care and for reporting information about suspected child abuse.

## Significant wellbeing concern

If a staff member at ReGen is concerned about the well being of a child, they must discuss the matter with their supervisor or a manager. Medical officers, nurses, midwives, teachers and school principals are mandated by law to report suspected abuse or neglect. However, ReGen's policy requires that all staff discuss any concerns with their supervisor or a manager unless in the case of an emergency. After such discussion, if either party remain concerned about the safety of a child, the referral is to proceed. The referrer has to decide whether to refer to Child FIRST (significant concern

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about wellbeing) or Child Protection (protection from harm). Staff should only refer to Child FIRST when the child's immediate safety is not compromised. If safety is compromised always refer to Child Protection.

## Disclosing sexual offences committed against children

Subject to the exceptions set out in Section 7 of the Crimes Act 1958 (Vic) a person of or over the age of 18 years (whether in Victoria or elsewhere) who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 18 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practical to do so, unless the person has a reasonable excuse for not doing so.

If ReGen staff form such a view in relation to carrying out ReGen work they should\_discuss any concerns with their supervisor or a manager unless in the case of an emergency. After such a discussion, if the staff member continues to hold a reasonable belief, the staff member should disclose that information to a police officer.

### **Procedures**

### **Responsibilities**

In Victoria it is an offence to fail to protect a child from a sexual offence. The offence provides that a person who:

- by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and
- knows that there is a substantial risk that the person will commit a sexual offence against a relevant child -

must not negligently fail to reduse or remove that risk.

The Board of ReGen has the 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 Safety Code of Conduct are in place.

The Chief Executive Officer (CEO) of ReGen or his/her delegate (for example Program Directors) is responsible for;

- Dealing with and investigating reports of child abuse
- Ensuring that all staff, students, contractors and volunteers are aware of relevant laws, organisational policies and procedures and the organisation's Code of Conduct
- Ensuring that all adults within ReGen are aware of their obligations to report suspected sexual abuse of a child in accordance with these policies and procedures
- Providing support for staff, students, contractors and volunteers in undertaking their child protection responsibilities.

Managers must ensure that they;

- Promote child safety at all times
- Assess the risk of child abuse within their areas of control and eradicate/minimise and risk to the extent possible
- Educate employees about the prevention and detection of child abuse and

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Facilitate the reporting of any inappropriate behaviour or suspected abusive activities

## The Child Safety Officer

The Child Safety Office is a nominated person within ReGen to whom staff can report suspicion of child abuse if the staff member does not feel able to report their suspicion to their supervisor. The Child Safety Officer will assist the staffmember to report their suspicion to an appropriate supervisor or manager at ReGen and to the police.

Please note that the Child Safety Officer will play a similar role for child safety concerns that are raised by clients of ReGen services (as outlined in the Client Rights and Managing Client complaints Policy).

At ReGen the Child Safety Officer is the Human Resources Officer.

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

- Familiarise themselves with the relevant laws, the Code of Conduct, and ReGen's policy and procedures in relation to child protection and comply with all requirements
- 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 their supervisors' supervisor or a responsible person at ReGen
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as
  police or child protection service) and fulfil their obligations as mandatory reporters
- Provide an environment that is supportive of all children's emotional and physical safety.

# **Employment of New Personnel**

ReGen undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- Promote and protect the safety of all children under the care of the organisation
- Identify the safest and most suitable person who shares ReGen's values and commitment to protect children
- Prevent a person from working at ReGen if they pose a risk to children.

# **Risk Management**

ReGen will ensure that child safety is a part of its overall risk management approach. ReGen's Clinical Governance Committee will have a commitment to identifying and managing risks to child safety

# Reporting

Any staff member, student, volunteer or contractor who has grounds to suspect abusive activity should advise their supervisor about their concern. If the person believes a child is at immediate risk of abuse, they should telephone 000. After discussion with their supervisor, they must notify the appropriate child protection service or the police.

In situations where the supervisor 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 supervisor's supervisor.

Any staff member must report complaints of suspected abusive behaviour or misconduct of a staff member, student, volunteer or contractor to their supervisor or the nominated Child Safety Officer and also to any external regulatory body such as the police.

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Any staff member who raises a suspicion of child abuse and doesn't believe that appropriate action has been taken has the right and the responsibility to report the matter to the police. In Victoria, under the Children, Youth and Families Act 2005 (Vic), registered nurses, registered medical practitioners, registered midwives, registered teachers, principals and police are mandated to report if:

- They form a belief on reasonable grounds that a child under 17 years old 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.
- The Act also states that a voluntary reporter may make a report in good faith on any aspect of the wellbeing of a child.

### **Protection for reporters**

Every state and territory has enacted legislation which protects individuals who make reports about suspected child abuse in good faith. These protectiobs ensure that the report;

- Cannot result in the reporter being seen as unprofessional or having breached professional ethics;
- Does not make the reporter liable for any disciplinary or legal action (including in cases that are not proven).

### **Investigating**

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

Whether or not the authorities decide to conduct an investigation, the CEO or his/her delegate 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 proceedings of the authorities, the CEO may decide to conduct an investigation. All employees, students, volunteers and contractors must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice. The CEO or his/her delegate will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

## Responding

If it is alleged that a member of staff, student, volunteer or contractor may have committed an offence or have breached the organisation's Code of Conduct the person concerned may be stood down (with pay where applicable) while an investigation is conducted.

# **Breaches**

If an investigation concludes that on the balance of probability an offence or a breach of the Code of Conduct has occurred then disciplinary action will follow. Depending upon the severity of the case, consequences may include training, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

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