

Policy - Child Safety

Policy Statement

BeyondHousing is committed to ensuring that children are safe, respected, and that their voice is heard. BeyondHousing has zero tolerance for child abuse. Each workplace participant has an obligation under this policy to ensure that children are kept safe.

Scope

This policy applies to all BeyondHousing employees (including permanent and casual staff), volunteers, contractors, work experience students, directors, and officers (together referred to as Workplace Participants).

Purpose

The purpose of this policy is to:

- Prevent child abuse within BeyondHousing
- Promote a culture of child safety
- Ensure that all people are aware of their responsibilities for identifying possible child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs
- Provide guidance on the action that should be taken where people suspect child abuse or have concerns about the safety or wellbeing of a child
- Provide a clear statement that child abuse is unlawful and will not be tolerated; and
- Provide assurance that suspected child abuse will be reported and investigated.

Definitions

A **child** is anyone aged under 18 years of age or as otherwise specified in applicable legislation.

Child abuse includes any act committed against a child involving:

- a sexual offence; or
- grooming; and
- the infliction, on a child of:
 - physical violence; or
 - serious emotional or psychological harm; and
- serious neglect of a child.

Physical violence or abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures

Emotional or psychological harm may arise when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Neglect is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

Child sexual offence 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 fondling of the child's genitals fondling of breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

Grooming is where an adult communicates by words or conduct with a child under 16, or a parent or carer of a child under 16, for the purpose of engaging the child in a sexual offence with any adult. It includes action deliberately undertaken to befriend and influence a child (and in some circumstances members of the child's family) with the intention of achieving a criminal objective of sexual activity with children. Grooming can occur online (e.g. via Facebook) and is designed to help the perpetrator establish an emotional connection in order to lower the child's inhibitions.

Reasonable grounds for belief 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 of consideration 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" or
- The parents or care giver are unable or unwilling to protect the child.

Child Safety Officer has specified "child safe" duties in their job description, including being the designated person to hear or be informed about all allegations or concerns, and providing support to other Workplace Participants. The role ensures that any allegation of abuse or safety concerns are recorded and responded to consistently and in line with BeyondHousing's legal requirements and policies and procedures. A designated Child Safety Officer also provides a single contact for children, parents and Workplace Participants to seek advice and support regarding the safety and wellbeing of children associated with our organisation.

Responsibility and Authority

- The Board of BeyondHousing has responsibility for ensuring compliance with legal and regulatory requirements at a Governance level.
- The Chief Executive Officer (CEO) is responsible for:
 - Ensuring appropriate and effective policies and systems are in place to operationalise legal and regulatory requirements and therefore implement this policy in accordance with that responsibility.
 - Ensuring all managers and Workplace Participants are aware of this policy and the Code of Conduct.
 - Providing support for Workplace Participants to undertake their responsibilities under this policy.
 - Ensuring adherence to the Victorian Child Safe Standards.
 - Investigating and effectively responding to concerns and reports of child abuse.

- The CEO may delegate specific responsibility to managers or Workplace Participants to ensure that the objectives relating to this policy are met, except for obligations that apply to the Head of Entity under the Reportable Conduct Scheme.
- The Human Resources Manager is responsible for ensuring appropriate screening and recruitment procedures are in place to keep children safe including ensuring all Workplace Participants (excluding work experience students) have a current working with children check, consistent with this Policy.
- Program Managers and Team Leaders are responsible for:
 - Ensuring that Workplace Participants are aware of their responsibilities under this Policy, Code of Conduct and Child Safety process
 - Promoting child safety at all times.
 - Assessing the risk of child abuse within their area of control and taking all reasonable steps to eradicate or minimise that risk to the greatest extent possible.
 - Educating Workplace Participants about the prevention and detection of child abuse.
 - Facilitating the reporting of any actual or potential child abuse or inappropriate behaviour towards children.
- All Workplace Participants must:
 - Familiarise themselves with this Policy and the Code of Conduct and comply with all requirements.
 - Promote child safety at all times.
 - Respect and acknowledge the needs of the children.
 - Promptly report any reasonable belief that a child is at risk to their Program Manager and/or relevant regulators, consistent with this Policy.
 - Provide an environment that is supportive of all children's emotional and physical safety.

Child Safety Officer

BeyondHousing will appoint a Child Safety Officer – this is the Client Services Manager (CSM).

Nominated Child Safety Officers are available to listen, discuss and clarify issues confronting individuals in relation to child physical and sexual abuse. The Child Safety Officer will make reports on behalf of BeyondHousing and ensure that adequate records are maintained.

Principles

The following principles form the foundations of this policy and guide the development and regular review of our work systems, practices, policies and procedures to protect children from abuse:

- BeyondHousing is committed to promoting and protecting the best interests of children involved in its programs
- Child protection is everyone's responsibility.
- BeyondHousing will take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, and make reasonable efforts to accommodate these matters.
- BeyondHousing will consider the opinions of children and use their opinions to develop child protection policies.
- Everyone covered by this policy must also comply with BeyondHousing's Code of Conduct which sets out stringent standards of behaviour.

Children accessing our services individually or as part of a family, have the right to:

- Be involved in decision making that affects them.
- Be respected and listened to.
- Have their confidentiality and privacy respected in line with relevant legislation.
- Be informed about the service they are receiving and what other options are available.
- Be offered referral to a specialist support provider.
- Have their safety considered and acted upon.

- All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have a right to feel safe and have equal rights to protection from abuse.

BeyondHousing will:

- Strive for a child safe culture.
- Provide guidance to Workplace Participants as to action that should be taken where they suspect any abuse within our outside of the organisation.
- Work to ensure that our work environment is child friendly, including our offices and interview rooms.
- Support and respect all children. 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.
- Ensure the needs and views of the child are taken into consideration when providing services and making decisions.
- Provide referrals and information about specialist children's services to clients when appropriate.
- Involve children, where relevant and with the parent/carer's consent, such as explaining to the workers role and plans that impact on them, including letting them ask questions about housing etc.
- Ensure that we have up to date information and networks to support our client group.
- Ensure information about Child FIRST processes are included during induction.
- If a workplace participant is of a reasonable understanding that a child is at immediate risk (immediate risk is defined as the Workplace Participant has no time to complete a risk assessment without placing the child in further danger), we encourage you to call 000 immediately and ask to speak to the Police

Policy Detail

Prevention - Engaging Workplace Participants

BeyondHousing will take all reasonable steps to engage skilled people to work with children. BeyondHousing undertakes a comprehensive recruitment and screening process for all Workplace Participants 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 BeyondHousing's values and commitment to protect children.
- Prevent a person from working at BeyondHousing if they pose a risk to children.

BeyondHousing will:

- Carry out the following screening activities for Workplace Participants:
 - Interviews (face-to-face or via videoconference wherever possible)
 - Thorough reference checks (including asking about any concerns about a person's suitability to work with children)
 - Working with Children Check
 - Police Check
 - Include child safety issues in induction training
- Ensure all Workplace Participants review and acknowledge their understanding of this Policy at regular intervals.
- Board members are also required to have a current WWCC, which are recorded and regularly reviewed by the Human Resource Manager/Executive Assistant.

Reporting

All Workplace Participants must comply with all mandatory reporting obligations. The table below provides an overview of the reporting obligations in Victoria, and the individuals to whom they apply.

| Legislation | |
|--|---|
| <p>Crimes Act 1958 (Vic) – Section 327 and section 49C</p> | <p>Mandatory reporters - Any person 18 years or older (section 327) and in accordance with section 49C any person who has a position of authority within organisations that exercise care, supervision, and authority over children.</p> <p>When must a report be made? A mandated reporter must make a report to the police if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years.</p> <p>Who is a child? A person under 16 years old</p> |
| <p>Child Wellbeing and Safety Act 2005 (Vic)</p> | <p>Mandatory reporters - The head of an entity (CEO) that is affected by the Reportable Conduct Scheme.</p> <p>When must a report be made? The Head of Entity (in this case, the CEO) must make a report to the Commission for Children and Young People (Commission) if they become aware of a reportable allegation against an employee, volunteer or contractor of the entity.</p> <p>Reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed—</p> <p>(a) reportable conduct; or</p> <p>(b) misconduct that may involve reportable conduct—</p> <p>whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment;</p> <p>Reportable conduct means—</p> <p>(a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or</p> <p>(b) sexual misconduct, committed against, with or in the presence of, a child; or</p> <p>(c) physical violence committed against, with or in the presence of, a child; or</p> <p>(d) any behaviour that causes significant emotional or psychological harm to a child; or</p> <p>(e) significant neglect of a child;</p> <p>This report must be made to the Commission within 3 business days of becoming aware of the allegation.</p> <p>The head of entity must conduct an independent investigation into the allegation and keep the Commission informed as to the progress of the investigation.</p> <p>Within 30 calendar days after becoming aware of any reportable allegation, the head of entity must make a report to the Commission with:</p> <ul style="list-style-type: none"> • detailed information about the reportable allegation; • information about the proposed disciplinary or other action taken in response to the allegation; and <p>any written submissions made by the individual about that disciplinary or other action.</p> <p>Who is a child? A person under 18 years old</p> |
| <p>Children, Youth and Families Act 2005 (Vic)</p> | <p>Mandatory reporters - Any person</p> <p>When must a report be made? Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it.</p> <p>NB: This is a <i>discretion</i> to report, not an obligation.</p> <p>Who is a child? A person under 17 years old (or under 18 if they are subject to a protective order or family violence order)</p> |

BeyondHousing supports and encourages workers to make a report to the Police and/or the relevant regulator/government agency 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.

If a Workplace Participant would like internal guidance or support with addressing their concerns, they are encouraged to speak to the Child Safety Officer.

BeyondHousing will:

- Immediately report child sexual abuse to the police in accordance with the obligations above, and report all other forms of child abuse to the relevant regulator in consultation with the relevant Team Leader or Program Manager, and BeyondHousing's Child Safety Process.
- Report unaccompanied young people, under the age of 15 who present for services, to Child Protection, consistent with BeyondHousing's TL Process – Unaccompanied Minors and Reporting Child Abuse.

Reportable Conduct Scheme (RCS)

BeyondHousing has strict obligations to report and investigate child abuse under the Reportable Conduct Scheme. This is set out in the ORG Process Child Safety and MGT Process Reportable Conduct Scheme The RCS:

1. Seeks to improve organisation's responses to allegations of child abuse and neglect by workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005*.
2. Requires BeyondHousing to respond to allegations of child abuse and other child-related misconduct, made against workplace participants, and to notify the Commission for Children and Young People (CCYP)
3. Enables the CCYP to oversee the responses to the allegation
4. The CCYP is able to share information, where appropriate, including with the Working with Children Check Unit, relevant regulators and Victoria Police, to better prevent and protect children from abuse.

The RCS does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

Protection of reporters

Australian states and territories have legislation that protects individuals who make reports about suspected child abuse in good faith. A report is made in 'good faith' where the person has a valid and reasonable concern and is acting without malice or retaliation towards the alleged offender.

The protections mean that a report made in good faith:

- Does not constitute unprofessional conduct or a breach of professional ethics by the person by whom it is made; and
- Does not make the reporter liable for any disciplinary or legal action (including in cases that are not proven).
- Reports need to be made in line with BeyondHousing's policies and procedures and relevant legal obligations.

Investigating

Whether or not the authorities decide to conduct an investigation, the 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 CEO may decide to conduct such an investigation. All Workplace Participants must co-operate fully with any investigation.

In conducting any investigation, BeyondHousing will be guided by principles of procedural fairness and natural justice.

The CEO will make every effort to keep any such investigation confidential; however, from time to time other Workplace Participants may need to be consulted in conjunction with the investigation.

Responding

BeyondHousing may (at its discretion) stand down the Workforce Participant while an investigation is conducted into any child safety concern.

If BeyondHousing is satisfied that the Workplace Participant has committed an offence against, or breached BeyondHousing's policies, procedures and Code of Conduct in relation to children, they may be the subject of disciplinary action up to and including the termination of their employment or engagement.

BeyondHousing will report the findings of any investigation to relevant regulators (e.g. the Commission for Children and Young People) as required.

Child Information Sharing Scheme (CISS)

BeyondHousing is a prescribed Information Sharing Entity (ISE) under the CISS. From time to time, BeyondHousing may need to request or share confidential information about the safety and wellbeing of a child in accordance with CISS. In doing so, BeyondHousing must comply with the guidelines when requesting or sharing confidential information about child wellbeing and safety. The guidelines are available at www.infosharing.vic.gov.au and are set out in BeyondHousing's Child Information Sharing Scheme Process

Family Violence Information Sharing Scheme (FVISS)

BeyondHousing is also a prescribed ISE under the FVISS. From time to time, BeyondHousing may need to request or share confidential information to respond to wellbeing and safety needs and risks for children, including family violence.

The CISS and the FVISS have complementary purposes. It is intended that the two schemes will be applied in an integrated way to respond to a range of wellbeing and safety needs and risks for children, including family violence.

Further information on the FVISS is contained in the ORG Process Family Violence Information Sharing Scheme

Training

All workplace participants will receive training in relation to their responsibilities under this Policy, the Code of Conduct and Child Safety process during induction. Child safety refresher training will be provided every two years.

Related:

Policy

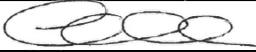
- ORG Policy Case Management
- ORG Policy Code of Conduct
- ORG Policy Code of Ethics
- ORG Policy DHHS Client Incident Management
- ORG Policy Family Violence
- ORG Process Family Violence Information Sharing Scheme
- ORG Policy Privacy and Confidentiality
- ORG Policy Rights and Responsibilities
- ORG Policy Risk Management
- ORG Process Child Information Sharing Scheme
- MGT Process Reportable Conduct Scheme
- TL Process Unaccompanied Minors and Reporting Child Abuse

Documents

- ORG Process Child Safety
- MGT Process Reportable Conduct Scheme
- [The United Nations Convention on the Rights of the Child](#)
- [The Victorian Child Safety Standards](#)
- [Failure to Disclose and Failure to Protect Fact Sheet](#)
- [Betrayal of Trust Fact Sheet](#)
- Opening Doors Manual
- DHHS Standards.
- BeyondHousing HR Induction Manual

Legislation

- Crimes Amendment (Protection of Children) Act 2014
- Children, Youth & Families Act Vic (2005) Inc. amendments as at Sept 2011
- Child Wellbeing & Safety Act Vic (2005). Inc. amendments 2010
- Health Records Act 2001
- Working with Children Act Vic (2005) Inc. amendments as at Jan 2012
- Working with Children Regulations Vic (2006) Inc. amendments as at Dec 2010
- Victorian Charter of Human Rights and Responsibilities Act 2006

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