

## Child Safety Policy and Procedure

Policies and Procedures outlining Diversitat’s approach to the Child Safety Standards are documented below.

### **Policy Statement**

Meeting the needs of children and making sure they are safe in the family is a shared responsibility between individuals, the family, the community and the government. When adults caring for children do not follow through with their responsibilities, are abusive or exploit their positions of power, then it is the Child Protection System that becomes responsible for taking action.

The Victorian Child Protection Service is specifically targeted to those children and young people at risk of harm or where families are unable or unwilling to protect them.

The main functions of child protection are to:

- investigate matters where it is alleged that a child is at risk of harm
- refer children and families to services that assist in providing the ongoing safety and wellbeing of children
- take matters before the Children's Court if the child's safety cannot be ensured within the family
- supervise children on legal orders granted by the Children’s Court
- provide and fund accommodation services, specialist support services and adoption and permanent care to children and adolescents in need

Diversitat is committed to continuously promote and protect the interest and safety of children. Moreover, Diversitat employs best practice to ensure children are safe at all times.

### **Purpose**

This policy shall:

- Facilitate the prevention of child abuse occurring at any service delivered by Diversitat
- Work towards a child safe organisational culture
- Ensure that all parties are aware of their responsibilities
- Provide guidance to staff/students/volunteers/contractors as to action that should be taken where they suspect any abuse
- Provide assurance that any and all suspected abuse will be reported and fully investigated

### **Related Legislation**

- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Crimes Amendment (Grooming) Act 2014 (Vic)
- Crimes Amendment (Protection of Children) Act 2014 (Vic)
- Education and Training Reform Act 2006 (Vic)

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### Scope

- Diversitat is committed to promote child safety and protect children involved in its programs.
- Diversitat supports and respects all children, staff and volunteers, as well as the cultural safety of Aboriginal children, and children from culturally and/or linguistically diverse backgrounds, and children with a disability.
- All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background, have equal rights in protection from abuse.
- Diversitat, just as the State of Victoria has zero tolerance for child abuse. Employees are responsible for the care and protection of the children and **MUST** report information relating to suspected child abuse.
- Child protection is a shared responsibility between Diversitat employees, workers, contractors, and associates.
- Diversitat considers the opinion of children and engages their responses in the development of child protection policies.

### Duty of Care

Diversitat staff has a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns, they should take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, Diversitat staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the Department of Health and Human Services (Victoria) Child Protection or another appropriate agency (as identified above)
- notification to the CEO, or a member of the Diversitat Management Team of their concerns and the reasons for those concerns.

Staff member who form a **reasonable** belief that a sexual offence has been committed in Victoria by an adult against a child under 16 **must** disclose that information to police. Failure to disclose the information is a criminal offence, except in limited circumstances such as where the information has already been reported to Department of Health and Human Services (Victoria) Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children.

**Any employee who has an allegation against them in relation to child abuse (physical, emotional, sexual, grooming, neglect) shall be suspended on full pay pending an investigation. This investigation may be internal, utilising law enforcement agencies or an external investigation with Diversitat being briefed accordingly.**

### Definition of Abuse

Child abuse refers to an act by parent/guardian/carers or caregivers which endangers a child or young person's physical or emotional health or development. It can be a single act but usually takes place over time (Department of Human Services).

Child abuse also refers to any non-accidental behaviour by parent/guardian/carers, caregivers, teachers, other adults, younger adolescents or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young

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person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse). (Australian Institute of Family Studies)

**Physical abuse**

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent/guardian/carer 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.

**Sexual abuse**

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent/guardian/carer has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, physical sexual activity involving a child or allowing a child to view such activity, or exposure of the child to pornography. Sexual abuse can also occur without physical contact.

**Grooming**

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.

The offence applies 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 the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

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

**Emotional abuse**

Emotional abuse occurs when a child's parent/guardian/carer 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/guardian/carer or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

**Neglect**

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.

**Indicators of Abuse**

There are many indicators of child abuse and neglect. Some general indicators of child abuse may include, but are not limited to, the following:

- showing wariness and distrust of adults
- rocking, sucking or biting excessively
- bedwetting or soiling
- demanding or aggressive behaviour

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- sleeping difficulties, often being tired and falling asleep
- low self-esteem
- difficulty relating to adults and peers
- abusing alcohol or drugs
- being seemingly accident prone
- poor hygiene
- constant hunger
- having broken bones or unexplained
- bruising, burns or welts in different stages of healing
- being unable to explain an injury, or providing explanations that are inconsistent, vague or unbelievable
- feeling suicidal or attempting suicide
- having difficulty concentrating
- being withdrawn or overly obedient
- being reluctant to go home
- creating stories, poems or artwork about abuse or about sexual situations inconsistent with the maturity of the child.

The presence of a single indicator of abuse, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together should alert staff to the possibility of child abuse and neglect. It should also be noted that a single incident of abuse may be enough to cause these effects.

### Sexual Misconduct

The law is always the minimum standard for behaviour. Any sexual act (contact or non-contact) with a child or young person under the age of 18 by an adult is a criminal offence, and will be dealt with and reported in the same manner as any other criminal offence. For example, exposing children or young people to pornographic material through any medium (a non-contact act of sexual abuse) will be treated with equal seriousness as ‘contact’ acts of sexual abuse.

Any sexual behaviour is prohibited even if the student is over the relevant age of consent. This is because the relationship is formed under circumstances of authority of power. Sexual conduct, involving a person placed in a position of authority, whether consensual or not may be perceived to be exploitative because there is usually a disparity between adults and children in terms of authority, maturity, status, influence and dependence.

### Mandatory Reporting Overview

Mandatory Reporters, who believe on reasonable grounds that a child or young person is in need of protection as a result of physical injury or sexual abuse, **must** report their concerns to Department of Health and Human Services (Victoria) Child Protection or Victoria Police. All staff are defined as Mandatory Reporters.

All staff members who have concerns for the wellbeing of a child or young person, when mandatory reporting is not triggered, are encouraged to discuss their concerns with the CEO or a member of Diversitat’s Management Team.

### Types of Reporting

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### Mandatory Reporting

Mandatory Reporters must make a report to Department of Health and Human Services (Victoria) Child Protection **as soon as practicable** if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parent/guardian/carers are unable or unwilling to protect the child. Failure to report that a child is in need of protection may be a criminal offence.

Mandatory Reporters are defined as: Registered Trainers Registered Medical Practitioners, Registered Psychologists, Nurses, Police.

### Child in Need of Protection

Diversitat encourages all staff members, whether a Mandatory Reporter or not, to make a report to Department of Health and Human Services (Victoria) Child Protection and Victoria Police if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child
- The child's parent/guardian/carers are dead or incapacitated and there is no other suitable person who is willing and able to care for the child
- The child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse or emotional or psychological harm and the parent/guardian/carers are unable or unwilling to protect the child
- The child's physical development or health has been, or is likely to be significantly harmed and the parent/guardian/carer are unable or unwilling to provide basic care, or effective medical or other remedial care.

### Child in Need of Therapeutic Treatment

Any person may make a report to Department of Health and Human Services (Victoria), Child Protection if they believe on reasonable grounds that a child, who is 10 years of age or over, but less than 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually abusive behaviours.

A child will have exhibited sexually abusive behaviours when they have used their power, authority or status to engage another person, or child, in sexual activity that is either unwanted or where, due to the nature of the situation, the other person or child is not capable of giving consent (for example children who are younger or who have a cognitive impairment).

### Obligations regarding Reporting Suspected Child Sexual Abuse

In addition to the Mandatory Reporting requirements above, any person, whether a Mandatory Reporter or not, is **required** to report to Victoria Police **as soon as practicable** if they know or reasonably believe that a sexual offence has been committed by an adult (including by a student over 18 years old) against a child under the age of 16. It is a criminal offence to fail to comply with this obligation

Any person who has the power to reduce or remove a substantial risk that a child may fall victim to a sexual offence committed by an adult must not negligently fail to reduce or remove the risk. It is a criminal offence to fail to comply with this obligation.

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Adults who communicate with children under the age of 16 (who are under the care, supervision or authority of that adult) must not do so with the intention of facilitating the child’s involvement in a sexual offence with another person. It is a criminal offence to fail to comply with this obligation.

**Significant concerns about wellbeing of a child**

In addition to the reporting obligations set out above, any person may make a report to Department of Health and Human Services (Victoria) Child Protection or Child First (Child First ensures that vulnerable children, young people and their families are linked effectively into relevant services and may be the best way of connecting children, young people and their families to the services they need) if they have significant concerns for the wellbeing of a child.

**Responsibility**

The Child Safety Committee has the ultimate responsibility for setting the governance that ensures the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place.

The CEO will be responsible for:

- Dealing with the 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 Diversitat 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

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
- 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/students/contractors share in the responsibility for the prevention and detection of child abuse, and must:
- Familiarise themselves with relevant laws, the Code of Conduct, and Diversitat’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 to their supervisor (or if their supervisor is involved in the suspicion, to a responsible person in the organisation)
- Provide an environment that is supportive of all children’s emotional and physical safety.

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**Privacy**

All collated, collected or personal information will be classified as private and confidential. Any deliberations or discussions, with ensuing investigations, internal and external and outcomes shall also remain circumscribed to protect victims, reporters and other relevant parties.

**Child Safety Code of Conduct**

**Purpose**

The Victorian Government introduced the Child Safety Standards (the standards), which are compulsory minimum standards for organisations that provide services for children (or are used by children) to help protect them from harm. The Standards require organisations that provide services for children to have a Code of Conduct that establishes clear expectations for appropriate behaviour with children.

Diversitat’s Child Safety Code of Conduct outlines the Child Safety principles and minimum expectations for appropriate behaviour that all employees, consultants, contractors or volunteers (**staff**) engaged by the department must observe when in the company of children.

**Scope**

Diversitat’s Child Safety Code of Conduct applies to all staff. It applies to a broad range of situations where interaction with children may occur. For example, the Child Safety Code of Conduct will apply when staff comes into contact with children as part of their duties:

- in the youth justice system
- in the adult corrections systems through their parents or guardians
- who appear in court as a child witness
- through incidental contact (e.g. via home visits, children visiting Justice Service Centres)
- through services provided by funded agencies.

It is important that all staff are aware of Diversitat’s obligations under the **Reportable Conduct Scheme Policy**, whereby allegations of employee misconduct involving children can be made against an employee even if the conduct occurred outside of their work.

**Statement of commitment**

Diversitat:

- is committed to Child Safety and children’s best interests
- has zero tolerance for child abuse and will take all allegations of reportable conduct and safety concerns very seriously, ensuring such conduct is dealt with in accordance with departmental policies and procedures
- will uphold the right of all children who come into contact with the department to feel safe and protected
- is committed to preventing child abuse and identifying risk early, and removing and reducing these risks

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- will actively work to listen to and empower children who come into contact with the department
- has legal and moral obligations to contact authorities when there are concerns about a child’s safety, which will be followed rigorously
- has robust human resources and recruitment practices for all staff and volunteers
- is committed to provide training and educating staff and volunteers on child abuse risks
- is committed to promoting cultural safety for Aboriginal and Torres Strait Islander children, cultural safety for children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability
- considers the needs of same sex attracted and intersex children and young people, and recognises gender diversity in providing a safe environment.

Diversitat requires all staff to uphold these commitments and has specific policies, procedures and training in place to achieve these commitments.

**Statement of Code of Conduct**

The Child Safety Standards require organisations that provide services for children to have a Code of Conduct that establishes clear expectations for appropriate behaviour with children.

All staff of the Diversitat are required to observe the below Child Safety principles and expectations for appropriate behaviour towards and in the company of children.

The following Code of Conduct outlines appropriate standards of behaviour by staff towards children. It aims to protect children and reduce opportunities for abuse or harm to occur. It also helps staff (including volunteers and contractors) by providing them with guidance on how to best support children and how to avoid or better manage difficult situations.

Everyone at Diversitat has a role to play – the CEO, General Managers, Training Manager, Compliance Team, Administration, Committee, Volunteers, Students, Trainers/Assessors and Contractors – they need to understand their roles and be supported to take action.

**Child Safety Code of Conduct Standards and Obligations**

All staff (including employees, consultants, contractors or volunteers) of Diversitat is responsible for supporting the safety, participation, wellbeing and empowerment of children they come into contact with and must:

- adhere to Diversitat’s Child Safety Policy at all times and abide by its commitment and obligation to creating a Child Safety organisation
- treat children with respect, including valuing ideas and opinions
- take all reasonable steps to protect children from abuse by being vigilant to signs of abuse
- provide a welcoming, inclusive and safe environment for all children and young people
- promote the cultural safety, participation and empowerment of all children
- work with children in an open and transparent way. For example, by ensuring where appropriate, interactions with children can be observed by other adults
- disclose any information of charges, convictions of abuse and all other offence history in accordance with Diversitat’s ‘Working with Children’s Check policy
- challenge unacceptable behaviour and report all allegations or suspicions of abuse to the Child Safety Officer
- respect the privacy of children and their families and only disclose information to people on a need to know basis and in accordance with privacy legislation

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- encourage children to ‘have a say’ and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Staff (including employees, consultants, contractors or volunteers) of Diversitat must not:

- develop inappropriate relationships with children or young people
- display violence behaviour towards a child
- ignore or disregard any concerns, suspicions or disclosures of child abuse
- initiate unnecessary physical contact with children or exhibit behaviours with children which may be construed as inappropriate
- put children at risk of abuse (for example, by allowing unnecessary one-adult/one-child encounters to occur)
- conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with a child or young person
- engage in open discussions of a mature nature in the presence of children
- use inappropriate, offensive, harassing, abusive, sexually provocative, demeaning, culturally inappropriate or discriminatory language when speaking with, or in the presence of, a child or young person
- discriminate against any child, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- use any computer, mobile phone, or video and digital camera to exploit or harass children or expose children to offensive or sexualised content
- exchange personal contact details with a child such as phone number, social networking sites or email address, unless necessary
- have contact with a child client or their family outside of the department, unless necessary (such as providing details to client’s family regarding treatment).

All staff are obliged to report any breaches of this Code of Conduct to the Child Safety Officer or appropriate person. In instances where a reportable allegation has been made, the matter will be managed in accordance with the department’s Reportable Conduct Policy and may be subject to referral to Victoria Police.

All staff of the department who breaches this Code of Conduct may be subject to disciplinary procedures in accordance with the relevant industrial instrument and/or relevant terms of engagement.

**Definitions**

Child Safety Standards as made under section 17(1) of the *Child Wellbeing and Safety Act 2005*.

Child Abuse means any act committed against a child involving a sexual offence or an offence under section 49B(2) of the *Crimes Act 1958* or the infliction on a child of physical violence, serious emotional or psychological harm, or the serious neglect of a child.

Child means a child or young person under the age of 18 years.

**Related policy and other documents**

- *Privacy and Data Protection Act 2014*
- *Working with Children Act 2005*
- *Criminal Record Check Guideline and Related Policy Criminal Record Check Policy*
- *Child Wellbeing and Safety Act 2005*

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➤ *Children Legislation Amendment (Reportable Conduct) Act 2016*

**Approval**

This Child Safety Code of Conduct is issued under the authority of the Secretary pursuant to the *Child Wellbeing and Safety Act 2005*.

The contents of this document represent the current Child Safety Code of Conduct of Diversitat and reflect its current practices and experience.

This Code of Conduct is subject to review every 3 years and will be altered if necessary (and the alterations communicated to users) as, and when, appropriate in order to ensure that it remains current.

Changes to this Code of Conduct can be requested by the Child Safety Committee by presenting a suitable case to the CEO and Child Safety Officer.

**Contacts**

The following people may be contacted in relation to the matters arising under this policy:

**Diversitat**

Child Safety Officer, email: [deb.defina@diversitat.org.au](mailto:deb.defina@diversitat.org.au)

**Commissioner for Children and Young People**

<https://ccyp.vic.gov.au/>

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