

## CHILD SAFETY POLICY

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| This policy and procedure applies to:    | Board, Staff, Students, Volunteers, Contractors & Clients  |
| Standards or other external requirements | Quality Improvement Council (QIC) Standards: <ul style="list-style-type: none"> <li>• 2.4 Confirming consumer rights</li> <li>• 2.3 Ensuring cultural safety and appropriateness</li> </ul> Human Services Standards (DFFH): <ul style="list-style-type: none"> <li>• 1 - Empowerment</li> <li>• 3 - Wellbeing</li> <li>• 4 - Participation</li> <li>• 5 - Governance and Management</li> </ul> Child Safe Standards <ul style="list-style-type: none"> <li>•</li> </ul> |

### Policy Statement

Ngwala Willumbong has a commitment to **zero tolerance of child abuse** and we recognise the duty of care the organisation has to protect children from harm. We support and respect all children, as well as our staff and clients.

Ngwala Willumbong is committed to providing a child safe environment where children and young people feel safe, and their voices are heard when decisions are made that affect their lives. We are committed to the cultural safety of Aboriginal and Torres Strait Islander children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability that come in contact with our services.

Ngwala provides services to families and children through culturally safe youth-based programs. Every person involved in Ngwala Willumbong has a responsibility to understand the important and specific role they play individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make. We have legal and moral obligations, which we follow rigorously, to contact authorities when we are worried about a child's safety. Staff must be aware of potential risks and identify, manage and minimise the physical, emotional, psychological and cultural risks to children to which they are exposed. Ngwala also endeavours to empower and involve children in decisions which affect their development.

This policy sets out how to identify abuse and neglect and how to deal with critical incidents.

### Definitions

**Child** – a person from birth to their 18<sup>th</sup> birthday.

**Child safety** encompasses matters related to protecting all children from child abuse, in both the physical and online environment, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**Child abuse** includes any act committed against a child involving:

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

**Exploitation:** The abuse or misuse of a position of power on someone's vulnerability or lack of power.

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| File name:<br>Child Safety Policy | Location:<br>Ngwala Intranet | Created:<br>7.2016 | Policy Sponsor:<br>HR | Last Reviewed:<br>7.2022 V 8.0 | Review Cycle:<br>Triennial 7.2025 | Approved by:<br>Board |
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**Harm** – any significant detrimental effect on a person’s physical, psychological or emotional wellbeing, social development or cultural identity. For a harm to be significant, it must be evident by a person’s presentation, functioning, behaviour or health, or a proven likelihood of harm (e.g. passive smoking).

**Duty of Care** – a responsibility to act in a manner (that a reasonable person in a similar situation would), to not cause harm or loss, or to protect a person from harm or loss (when that person is in your care). The duty of care expected will be higher when a person is more reliant on care and protection.

## Functions and Responsibilities

| Position   | Functions and Responsibilities  |
|------------|---|
| Board, CEO | <ul style="list-style-type: none"> <li>▪ Review this policy as required.</li> <li>• Ensure that this Policy is endorsed and implemented at all levels within Ngwala.</li> </ul>   |
| Manager    | To effectively manage and oversee the implementation of this policy within the organisation by: <ul style="list-style-type: none"> <li>▪ Ensuring staff awareness and compliance are maintained</li> <li>• Continually reviewing these Procedures.</li> </ul> |
| Staff      | Understand and comply with this policy.   |

## Procedures

### List of Procedures

1. Ngwala Willumbong Responsibilities
2. Child Abuse & Neglect
3. Reporting Child Abuse or Neglect
4. Responding to Incidents
5. Involvement & Empowerment of Children
6. Maintaining Cultural Connections
7. Privacy & Confidentiality
8. Complaints & Feedback
9. Breach of this Policy

### 1. Ngwala Willumbong Responsibilities

Ngwala Willumbong is committed to child safety. In its planning, decision-making and operations Ngwala Willumbong will:

1. Take a preventative, proactive and participatory approach to child safety;
2. Value and empower children to participate in decisions which affect their lives;
3. Foster a culture of openness that supports all persons to safely disclose risks of harm to children;
4. Respect diversity in cultures and child rearing practices while keeping child safety paramount;
5. Engage only the most suitable people to work with children;
6. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues;
7. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities;

8. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk.

### Duty of Care

All staff have a duty of care for the children in their care. It is an offence for staff to fail to protect a child from harm or leave a child unattended.

Staff should:

- Immediately notify the CEO in writing if they are charged with, or convicted of, a criminal or other offence which impacts on their National Police Check and Working with Children Check status;
- Identify and support vulnerable children to prevent the risk of child abuse and neglect;
- Ensure that the welfare and best interests of a child are a primary consideration in any decision-making processes;
- Provide appropriate care and supervision to children, as well as regular one-to-one discussion to provide children the opportunity to raise any concerns;
- Take all reasonable precautions necessary to ensure the wellbeing and safety of all children in their care;
- Make necessary and appropriate referrals for children and their families to resolve and manage issues which affect the wellbeing of children.

Ngwala Willumbong has OH&S procedures in place to prevent, manage and report critical incidents, emergencies and harm to children. Ngwala ensures that necessary safety, health and cultural needs are reasonably accommodated for through policy and operational procedures.

### Recruitment, screening and selection

Ngwala Willumbong takes reasonable steps to employ skilled people to work with or around children. When recruiting staff and volunteers we are aware that we have ethical, as well as legislative obligations. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. We utilise screening processes before individuals are recruited or selected. Individuals must supply a National Police Check clearance and complete and supply a satisfactory Working With Children's Check prior to commencement of their duties. An Employment Safety Screening Check is used to detect other risks that may be present. Ngwala Willumbong also conducts a thorough referee check and verifies identity and all qualifications prior to an offer of employment.

Staff who do not have a valid Police and WWCC clearance when the job offer is made, must provide proof of their clearance on the first day of employment (start date will be delayed if necessary). During induction, all Ngwala Willumbong employees are required to read and understand all Ngwala policies to ensure proper conduct on the job.

The National Police Check must be renewed every 3 years. A HR Register is maintained and monitored to ensure on-going compliance.

A pre-existing injury or health declaration is also completed to ensure all employees are fit for employment duties.

Ngwala will not employ (in any capacity, paid or unpaid) any person with a known history of abuse or violence towards children.

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## Professional Development

All Ngwala staff are provided with training, professional development opportunities, supervision and support to perform their employment duties. All staff receive induction training on the Child Safety Policy and Procedures, which includes Cultural safety and the safety needs of children with a disability.

## **2. Child Abuse & Neglect**

### Physical abuse

Child physical abuse occurs when a child is deliberately (not accidentally) physically injured or attacked. It can include hitting, beating, shaking, pushing, burning, assault using weapons, inappropriate disciplining, etc. Lack of suitable care can also result in physical injury.

### Emotional or psychological abuse

Child emotional abuse is when a child is repeatedly neglected, isolated, insufficiently cared for, threatened, or in another way mistreated and made to experience anxiety and fright, to an extent which significantly harms the child's physical, emotional or psychological, social, cultural or intellectual development.

### Sexual abuse

Child sexual abuse occurs when a person uses their power over a child to make that child be a part of a sexual activity. It can include inappropriate touching or exposure to exploitation through explicit sexual activity or material. A child does not have the capacity to 'consent' to sexual activity.

### Neglect

Neglect is when a parent or caregiver fails to:

- care for a child in the form of providing the child with a sufficient standard of food, nutrition, hygiene, shelter, clothing, medical care or supervision; and
- the lack of care results or is likely to result in harm to the child's safety, health or development.

A child is neglected if:

- abandoned by its parent or caregiver,
- regularly left unattended, uncared for or insufficiently uncared for inconsistent with their individual needs;
- have a hazardous home environment;
- they are supervised by strangers who can harm them;
- the carer has failed to seek help or attend to a serious medical condition;
- the carer is unwilling or unable to protect a child.

### Racial & Cultural abuse

Racial abuse is conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race. Cultural abuse is when a person's culture is ignored or attacked or when a person is denied their cultural identity.

### Family violence

Family violence occurs when a family member demonstrates controlling or aggressive behaviour, which is likely to cause fear or anxiety in another person. Family violence can also be in the form of emotional, psychological and economic abuse. It is not necessary for children to be present when abuse occurs.

### 3. Reporting Child Abuse or Neglect

#### Allegations, Concerns and Complaints:

Ngwala Willumbong aims for all staff and volunteers, as well as clients and children to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We are aware that some people from culturally and/or linguistically diverse backgrounds may face barriers reporting allegations of abuse or that for some communication in English may be a barrier. We will endeavour to be sensitive to these issues and meet people's needs where possible. All forms of abuse and neglect compromise a child's safety and should be immediately identified, managed or reported. If a child has suffered harm, is suffering harm, or is likely to suffer harm, or does not have adequate care and protection, the matter should be dealt with as soon as possible.

Depending on the severity and urgency of the matter, any inappropriate behaviour will be reported through appropriate channels which may include:

- The Department of Health and Human Services (DHHS) – Child Protection
- Victoria Police

#### **Legislative responsibilities:**

- **Failure to disclose:** Reporting child sexual abuse is a community wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to police.
- **Failure to protect:** A person in a position of authority in an organisation will commit this offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Staff must make a report to child protection services or the police if they have a reasonable belief that a child is, has been, or is, at significant risk of being subject to:

- physical, sexual or emotional abuse or neglect; and
- their parent, guardian or caregiver is unable or unwilling to protect the child from harm, or is causing the child harm;

Ngwala expects all staff to protect children who they know or suspect are at risk. Appropriate action may be providing direct care and assistance, reporting the matter to authorities or making referrals to appropriate services.

If a concern is raised and staff are unsure about what action to take, they should consult their Manager for advice. Staff will be assisted (where necessary) by their managers to make a report to authorities. However, it is the responsibility of the staff caring for the child to make the necessary reports. Consulting with a manager does not constitute a report or relieve an employee of the duty of care obligation. Where appropriate, staff should raise concerns with the family of the child.

It is not the role of staff to investigate child abuse matters. These concerns should be directed to the relevant authorities (such as police) for investigation. Staff should speak to the parent or caregiver of the child before making a report, unless it is not appropriate to do so, or places the child, or another person, at greater risk of harm.

All Ngwala staff have a professional duty of care and moral obligation to report all serious incidents to Child Protection Services.

#### **4. Responding to Incidents**

First and foremost, Ngwala Willumbong staff must ensure that children are safe from harm after which we will follow the procedures outlined in this document. This includes making appropriate reports, following up and ensuring that children and any others involved receive appropriate support. All allegations of abuse and safety concerns will be recorded using the Child Safety Incident Report form. All information is considered confidential and written reports will be held securely.

Any inappropriate behaviour will be reported to DHHS Child Protection/Police/Child FIRST Report depending on the severity and urgency of the matter.

We **each** have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see Legislative information about failure to disclose/protect). If an adult has a reasonable belief that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may be:

- A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- Behaviour consistent with that of an abuse victim, is observed
- Someone else has raised a suspicion of abuse but is unwilling to report it
- Observing suspicious behaviour.

When managing and reporting all critical incident matters, the best interest of the child should be paramount. Managers should be informed of all critical incidents and they will provide further guidance on additional appropriate action to be taken.

#### **5. Involvement & Empowerment of Children**

Ngwala Willumbong respects the views and feelings of children and staff are expected to listen and act upon any concerns raised by children in their care. Whenever appropriate, staff should ask children about their views and preferred choices during the care process. Staff should involve the input of children and families in making decisions which affect them.

#### **6. Maintaining Cultural Connections**

##### Aboriginal & Torres Strait Islander Culture

Ngwala Willumbong promotes cultural diversity and prohibits discrimination in all forms. Ngwala Willumbong staff will be provided with training and cultural mentoring to enable them to understand and appropriately care for Aboriginal children. Whilst caring for Aboriginal and Torres Strait Islander children, Ngwala endeavours to:

- Encourage Aboriginal children to learn and understand their culture and history, without fear of discrimination.
- Support Aboriginal children to maintain and strengthen their cultural identity through linkages to appropriate cultural and community organisations and activities.
- Observe Aboriginal practice, ceremony and rituals as part of service delivery wherever possible.

##### Culturally and Linguistically Diverse (CALD) Cultures

Strong cultural identity has long-term impacts on a child’s learning, health and development. Ngwala Willumbong will endeavour to respect and preserve the identity, language, cultural and religious ties traditions and practices of all children that have CALD backgrounds.

## 7. Privacy & Confidentiality

The identity and details of all children under Ngwala Willumbong’s care will be kept private and confidential. However, with the child’s consent, information may be shared as required with those who are involved in the child’s care and case plan.

When a concern is raised and reporting is necessary, information will not to be disclosed to any person that is not directly related to the investigation. However, it must be acknowledged that there may be instances (such as critical incidents) where staff will need to disclose information about a child or their family, without their consent.

**Children may not be photographed at events, either by staff members or by members of the press, unless permission has been given by the child’s parent or carer.**

## 8. Complaints & Feedback

Ngwala’s *Complaints & Feedback Policy* outlines the process for clients, their families and significant others to make a complaint or provide feedback to the organisation. Staff can make a complaint via the procedure set out in the *Grievance Policy*.

All complaints are taken very seriously and if a risk is apparent, measures will be taken to protect the children and their significant others involved.

## 9. Breach of this Policy

Staff who fail to act on cases of suspected child abuse will be in breach of their duty of care and this policy. Staff who breach this policy may be subject to disciplinary action. Staff with allegations of misconduct will be required to cease contact with the children in their care.

### Documentation related to this policy

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| Related policies  | <ul style="list-style-type: none"> <li>• Confidentiality &amp; Privacy Policy</li> <li>• Code of Conduct &amp; Ethics Policy</li> <li>• Complaints and Feedback Policy</li> <li>• Consumer Participation Policy</li> <li>• Decision Making &amp; Choice Policy</li> <li>• Duty of Care Policy</li> <li>• Incident Reporting Policy</li> <li>• Induction &amp; Orientation Policy</li> <li>• Staff Health &amp; Wellbeing Policy</li> <li>• Staff Conflict of Interest Policy</li> <li>• Risk Management Policy</li> <li>• Staff Recruitment &amp; Selection Policy</li> <li>• Service Agreement Policy</li> </ul> |
| Forms, record keeping or other organisational documents | <ul style="list-style-type: none"> <li>• National Police Check &amp; Working With Children Register</li> <li>• WWVP Risk Register</li> <li>• WWVP Statement</li> </ul>  |

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|-------------|--|
|             | <ul style="list-style-type: none"> <li>• Child Safety Incident Report</li> </ul>   |
| Legislation | <ul style="list-style-type: none"> <li>• Charter of Human Rights &amp; Responsibilities Act 2006 (VIC)</li> <li>• Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic.)</li> <li>• Child Protection Act 1999</li> <li>• Crimes Act 1958</li> <li>• Sex Offenders Registration Act 2004 (Vic.)</li> <li>• Child Wellbeing and Safety Act 2005 (VIC)</li> <li>• Family Violence Protection Act 2008 (VIC)</li> <li>• Working with Children Act 2005 (VIC)</li> <li>• Information Privacy Act 2000 (VIC)</li> <li>• Children, Youth &amp; Families Act 2005 (VIC)</li> <li>• Wrongs Amendment (Organisational Child Abuse) Act 2017</li> <li>• OH&amp;S Act (2004)</li> </ul> |