

# CHILD PROTECTION POLICY

## INTRODUCTION

Children First Foundation (“Children First”) is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

**Everyone** working at Children First is responsible for the care and protection of children and reporting information about child abuse.

## PURPOSE

The purpose of this policy is:

1. To prevent child abuse within Children First.
2. To facilitate the prevention of child abuse occurring within Children First.
3. To work towards an organisational culture of child safety.
4. To provide a clear statement to staff/volunteers/contractors forbidding any such abuse.
5. 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.
6. 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.
7. To provide assurance that any and all suspected abuse will be reported and fully investigated.

## POLICY

Children First is committed to promoting and protecting at all times the best interests of children involved in its programs.

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.

Children First has **zero tolerance** for child abuse. Everyone working at Children First is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between Children First, all employees, workers, contractors, associates, and members of the Children First community.

Children First will consider the opinions of children and use their opinions to develop child protection policies.

**Policies** can be established or altered only by the Board: **This procedure** may be altered by the CEO.

Children First supports and respects all children, young people, staff and volunteers. Children First is committed to the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

If any person believes a child is in immediate risk of abuse, telephone 000.

# CHILD PROTECTION PROCEDURES

## RESPONSIBILITIES

The **Board** of Children First 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 Safety Code of Conduct are in place.

The **CEO** of Children First 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 Child Safety Code of Conduct;
- Ensuring that all adults within the Children First 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 Child Safety Code of Conduct; and
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

All **managers** of Children First 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; 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 in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Child Safety Code of Conduct, and Children First'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.

**Policies** can be established or altered only by the Board: **This procedure** may be altered by the CEO.

## DEFINITIONS

**Child** means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

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

**Child abuse** means all forms of 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 to a child.

**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, 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.

**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 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.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection,
- (b) The child has suffered or is likely to suffer "significant harm as a result of physical injury", and
- (c) The parents or guardians are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

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:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) 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
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

## **EMPLOYMENT OF NEW PERSONNEL**

Children First 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 people who share Children First's values and commitment to protect children; and
- Prevent a person from working at Children First if they pose a risk to children.

Children First requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Children First.

Children First may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at Children First and during their time with Children First at regular intervals.

Children First will require applicants to provide a Working With Children Check in accordance with the law and as appropriate, before they commence working at Children First.

Children First will undertake thorough reference checks as per the approved internal procedure.

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

## **RISK MANAGEMENT**

Children First will ensure that child safety is a part of its overall risk management approach.

Children First will have a risk and compliance sub-committee committed to identifying and managing risks at Children First. Risk and compliance sub-committee members will receive regular training in relation to child safety.

## **REPORTING**

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their supervisor about their concern.

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 next highest level of supervision.

Supervisors must report complaints of suspected abusive behaviour or misconduct to the CEO and also to any external regulatory body such as the police.

### MANDATORY REPORTING-OBLIGATIONS IN VICTORIA

Below is a table of the relevant legislation in Victoria which sets out who **MUST** make a report of abuse or suspected abusive behavior:

<p><i>Crimes Act 1958 (Vic)</i>  <i>(definition of child-person under 16 years old)</i></p>	<p>A mandated reporter is any person 18 years or older</p>	<p>A mandated reporter must make a report 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>NB: exceptions may apply.</p>
<p><i>Children, Youth and Families Act 2005 (Vic)</i>  <i>(definition of child-person under 17 years old)</i></p>	<p>A mandated reporter is</p> <ul style="list-style-type: none"> <li>• Registered medical practitioners, midwives and registered nurses</li> <li>• Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006</li> <li>• Principals</li> <li>• Police</li> </ul>	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> <li>• They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse;</li> <li>• The parents cannot or will not protect the child; and</li> <li>• The belief is formed in the course of practising his/her position of employment.</li> </ul> <p>NB: exceptions may apply.</p>

### MANDATORY REPORTING-OBLIGATIONS IN SOUTH AUSTRALIA

Below is a table of the relevant legislation in South Australia which sets out who **MUST** make a report of abuse or suspected abusive behavior:

<p>SA <i>Children's Protection Act 1993 (SA)</i>  <i>(definition of child-person under 18 years old)</i></p>	<ul style="list-style-type: none"> <li>• Doctors</li> <li>• Pharmacists</li> <li>• Registered or enrolled nurses</li> <li>• Dentists</li> <li>• Psychologists</li> <li>• Police officers and community corrections officers</li> <li>• Social workers</li> <li>• Teachers in education institutions including kindergartens</li> </ul>	<p>A mandated reporter must make a report if:</p> <ul style="list-style-type: none"> <li>• They have reasonable grounds to suspect that a child has been or is being abused or neglected; and</li> <li>• The suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out of their official duties.</li> </ul> <p>NB: exceptions may apply.</p>
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<i>Children's Protection Act 1993 (SA) continued</i>	<ul style="list-style-type: none"> <li>• Family day care providers</li> <li>• Employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children</li> <li>• Ministers of religion (with the exception of disclosures made in the confessional) and employees or volunteers in a religious or spiritual organisations.</li> </ul>	
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## VOUNTARY REPORTING-OBLIGATIONS IN VICTORIA

Below is a table of the relevant legislation in Victoria which sets out who **MAY** make a report of abuse or suspected abusive behavior:

<i>Children, Youth and Families Act 2005 (VIC)  (definition of child-a person under 17 years old)</i>	Any person may make report	A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.
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## VOUNTARY REPORTING-OBLIGATIONS IN SOUTH AUSTRALIA

Below is a table of the relevant legislation in South Australia which sets out who **MAY** make a report of abuse or suspected abusive behavior:

<i>Children's Protection Act 1993 (SA)  Definition of child-a person who is under 18 years of age</i>	Any person may make report	A voluntary reporter may make a report if the person suspects on reasonable grounds that a child has been or is being abused or neglected.
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## INVESTIGATING

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

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 employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The CEO 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.

After an initial review and a determination that the suspected abuse warrants additional investigation, the CEO shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

## **RESPONDING**

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

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Child Safety Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

## **PRIVACY**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Children First will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

## **REVIEWING**

Every two years, and following every reportable incident, a review shall be conducted to assess whether Children First's child protection policies or procedures require modification to better protect the children and young people under Children First's care.

## **RELATED DOCUMENTS**

- This policy must be read in conjunction with:
  - The law of the Commonwealth or of the relevant state or territory;
  - Children First's Child Safety Code of Conduct;