
Child Safety Policy

PURPOSE

The establishment and maintenance of a child safe and supportive environment by:

- ensuring that all students and children (under 18 years of age) at Lalor Living and Learning Centre (LLLC), can feel and be safe, happy and empowered
- providing support and respect to all children and young people interacting with LLLC
- welcoming and promoting diversity and tolerance of people from all walks of life and cultural backgrounds including aboriginal children and young people
- ensuring equal participation and safety of children and young people with a disability
- taking steps required by legislation when abuse either known or suspected of children and young people attending the centre by a person or persons outside the centre.

SCOPE

Reporting child abuse is a community wide responsibility. Child abuse includes any act committed against a child including:

- physical violence
- sexual offences
- serious emotional or psychological abuse
- serious neglect

All Lalor Living and Learning Centre staff are required to make a report if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16.

Note: A reasonable belief is not the same as having proof. A reasonable belief is defined as; *if a reasonable person in the same position would have formed the same belief on the same grounds*. For example, a reasonable belief might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (this may mean themselves)
- someone who knows a child states that the child has been sexually abused
- observations of the child's behaviour or development leads to a belief that the child has been sexually abused
- signs of sexual abuse lead to a belief that the child has been sexually abused.

Exceptions: If a person 16 years or older provided you with the information and they do not have an intellectual disability and they do not want the information reported, an individual is then not required to report to police.

POLICY STATEMENT

Lalor Living and Learning Centre ensures the protection of children when a risk is identified. In addition to general occupational health and safety risks, we proactively manage risks of abuse to children. We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments and online environments.

All students and children under 18 who are supported by Lalor Living and Learning Centre have a right to feel and be safe, happy and empowered. We are committed to the safety, participation and empowerment of all children and young people.

We have a zero tolerance of child abuse. We are committed to preventing child abuse, identifying risks early, and removing and reducing these risks. All allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures. We rigorously follow our legal and moral obligations to contact authorities when we are worried about a child's safety.

We have robust human resources and recruitment practices for all personnel and are committed to regular training and education of our personnel on child abuse risks. This includes:

- maintaining a culture where all individuals can feel comfortable and confident in discussing any allegations of child abuse or safety .
- ongoing supervision to ensure understanding of our organisation's commitment to child safety and that everyone is responsible for protecting children from abuse.
- checking that their behaviour towards children is safe and appropriate.

Lalor Living and Learning Centre is committed to annual reviews of this policy as well as reviews following any significant incidents which may occur. These reviews may be conducted by working with families, children, local Aboriginal communities, culturally and/or linguistically diverse communities and people with disabilities.

PROCEDURE

Fair procedures for personnel

The decisions made by Lalor Living and Learning Centre when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using our incident reporting form, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions we as an organisation take.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be personnel, parents or children, unless there is a risk to someone's

safety. Lalor Living and Learning Centre have safeguards and practices in place to ensure any personal information is protected.

Receiving Complaints

If a child discloses an incident of abuse:

- try and separate them from the other children discreetly and listen to them carefully.
- let the child use their own words to explain what has occurred
- reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing
- explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police
- do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe
- do not leave the child in a distressed state. If they seem at ease in your company, stay with them
- provide them with an incident report form to complete, or complete it together, if you think the child is able to do this
- as soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Child Safety Officer and Lalor Living and Learning Centre Inc. management as well as police or child protection as relevant
- ensure the disclosure is recorded accurately, and that the record is stored securely.

If a parent/carer says their child has been abused or raises a concern:

- explain that Lalor Living and Learning Centre has processes to ensure all abuse allegations are taken very seriously
- ask about the wellbeing of the child
- allow the parent/carer to talk through the incident in their own words
- advise the parent/carer that you will take notes during the discussion to capture all details
- explain to them the information may need to be repeated to authorities or others, such as the Lalor Living and Learning Centre Inc. management or Child Safety Officer, the police or child protection
- do not make promises at this early stage, except that you will do your best to keep the child safe
- provide them with an incident report form to complete, or complete it together
- ask them what action they would like to take and advise them of what the immediate next steps will be
- ensure the report is recorded accurately, and that the record is stored securely
- be aware that:
 - Individuals from Aboriginal, culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse
 - Individuals with a disability may experience barriers disclosing an incident.

You need to be sensitive to these issues and meet individuals' needs where possible.

Personnel must follow the Critical Actions above every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

If personnel believe that a child is not subject to abuse, but still hold significant concerns for their wellbeing they must still act by following the steps detailed above (Receiving Complaints).

Reporting Complaints

Step 1: Responding to an emergency

If there is no risk of immediate harm **go to ACTION 2.**

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved.
- administering first aid.
- **calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns.**
- advising the Child Safety Officer as soon as possible
- identifying a contact person (the Child Safety Officer) in your organisation for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

Step 2: Reporting to authorities

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

You must report all instances of suspected child abuse or suspected sexual abuse (including grooming) to Police.

You must also report internally to the Child Safety Officer immediately following any report to authorities and Lalor Living and Learning Centre management.

If the source of suspected abuse is from within the family or community, you must report the suspected abuse to the relevant Child Protection Authority in the State or Territory jurisdiction.

This includes if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

Step 3: Contacting parents/carers

The Child Safety Officer Lalor Living and Learning Centre and management must consult with Child Protection and / or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted); or
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

Step 4: Providing ongoing support

Lalor Living and Learning Centre must provide support for children impacted by abuse. This includes the development of a Student Support Plan developed in consultation with wellbeing professional and/or counselling staff.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

ADDITIONAL STAFF RESPONSIBILITIES (or other appropriate heading)

Working with Children Checks

All Lalor Living and Learning Centre Inc. personnel are required to undertake, as a component of the recruitment process, a *National Criminal Check* to ensure suitability in meeting Lalor Living and Learning Centre legislative and contractual obligations. National criminal checks are valid for, and must be renewed every twelve (12) months. See www.nationalcrimecheck.com.au

In addition to the above all personnel providing services in Victoria must undertake a Victorian "Working with Children" check as a component of the recruitment process, in line with the *Working with Children Act 2005 (VIC)*. WWCC Checks are valid for five years.

<http://www.workingwithchildren.vic.gov.au/>

It is the responsibility of each individual to register for and obtain the required check(s). Potential personnel with adverse findings in these checks undertaken at the time of recruitment will not be employed within a Student service role.

Victorian Reportable Conduct Scheme

A Reportable Conduct Scheme has been implemented in Victoria, designed to ensure that the Commission for Children and Young People (CCYP) will be aware of every allegation of certain types of employee, carer, parent misconduct that might constitute abuse as defined in the (5) five types listed in this section below.

Commission for Children & Young People

www.ccyp.vic.gov.au

childsafestandards@ccyp.vic.gov.au

03 8601 5281

In the case of an employee or volunteer, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children, including a revocation of a person's Working with Children Check card.

Note: The Reportable Conduct Scheme does not replace the need to report allegations of child abuse to Victoria Police.

What types of conduct are reportable?

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

- Sexual offences (against, with or in the presence of, a child);
- Sexual misconduct (against, with or in the presence of, a child);

- Physical violence (against, with or in the presence of, a child);
- Behaviour that is likely to cause significant emotional or psychological harm; and
- Significant neglect.

A reportable allegation can be made about any person over 18 years of age who is an employee, volunteer, contractor or office holder of Lalor Living and Learning Centre Inc. Allegations can be made about the conduct of people even if:

- They do not have direct contact with children; or
- The conduct occurred outside of their work.

Requirements of heads of organisations

The Lalor Living and Learning Centre Inc. Executive Officer (EO) is the determined 'Head of Organisation' under the scheme. In the implementation of this Child Safety policy and procedures, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

This includes requirements to:

- Have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- Ensure that the Commission is notified and given updates on the organisation's response to an allegation.

Key responsibilities include:

- Notifying the Commission within 3 business days of becoming aware of a reportable allegation
- Investigating an allegation – subject to police clearance on criminal matters
- Advising the Commission who is undertaking the investigation
- Managing the risks to children
- Within 30 calendar days, providing the Commission detailed information about the reportable allegation and any action you have taken
- Notifying the Commission of the investigation findings and any disciplinary action the entity has taken (or the reasons no action was taken).

Lalor Living and Learning Centre management uses appropriate tools to inform decision making, such as the online *Mandatory Reporter Guide*, professional judgment or specialist advice, where there are concerns about risk of harm.

Investigation Process

The Commission carefully considers each allegation that it receives under the Reportable Conduct Scheme. The Commission may decide to:

- Give Lalor Living and Learning Centre support and guidance on the matter
- Check Lalor Living and Learning Centre is handling the allegation in a timely matter
- Refer a substantiated allegation to Working with Children Check or a professional accreditation body

Related Legislation

- *Children, Youth and Families Act 2005*
- *Protection of Children Act 2014*
- *Crimes Amendment (Grooming) Act 2014*
- *Crimes Amendment (Protection of Children) Act 2014 – Failure to Protect*
- *Working with Children Act 2005*
- *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*
- *Reportable Conduct Scheme – effective July 2017*

Related Resources

- *Working with Children Act 2005 (VIC)*.
- *National Criminal Check* www.nationalcrimecheck.com.au
- *Mandatory Reporter Guide* <https://reporter.childstory.nsw.gov.au/s/>

Definitions

Item	Definition
Mandatory reporting	is a term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities
Reasonable belief	A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds

Policy/Procedure name	Child Safety	Version	3
Policy number	P0005	Date developed	Dec 2017
Drafted by	Executive Officer	Approved by CoG	5 th Dec 2019
Responsible person/s	Executive Officer	Scheduled review date	Dec 2020
Policy Area	Operational		

Risk Management Planning Items

Business Activity	Output	Effect of Output	Risk (H-M-L)	Impact (H-M-L)	Mitigating Tools	Last Review	Reviewer
Child Safety	Protection of minors Reinforcement / protection of brand	Organisational culture of safety for children and young people under the age of 18 – leadership, public commitment and frequent messaging	H	H	Child Safety Policy. Code of conduct for child safety. Strategies to embed organisational culture of child safety implemented. Statement of commitment to safety for children and young people under the age of 18 is publicly available.		
	Trust of personnel	Trust of personnel & culture of child safety	M	M	Code of conduct for child safety. Strategies implemented to embed a culture of safety for children and young people under the age of 18. Clear child safety reporting procedures.		
	Recruitment of appropriate personnel	Trust of personnel & culture of child safety	M	H	Recruitment & Induction Policy & processes. Processes in place for Criminal history search (NCC), child safety (WWCC) and pre-employment reference checks.		
	Engagement with children and young people under the age of 18 online	Avoidance of or appropriate engagement with children and young people under the age of 18 online	M	H	Code of conduct for child safety. Strategies implemented to embed culture of child safety including online aspects.		

