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Child Safe Standards Policy

The Victoria Government has introduced compulsory minimum standards that will apply to organisations that provide services for children to help protect children from all forms of abuse. The child safe standards form part of the Victorian Government's response to the Betrayal of Trust Inquiry.

The Child Safe Policy & Procedure is designed to assist MPLCC to meet its legal obligation to provide a code of conduct for interacting with children and young people for all staff, volunteers, students, members and contractors. This Policy and Procedure shall be a complete code for MPLCC in managing and resolving Child Safe complaints. This policy in no way limits a staff, volunteers, students, members and contractors rights, including their access to Fair Work Commission or any other jurisdiction (court or tribunal).

MPLCC is committed to promoting and protecting the interests and safety of children and has implemented a zero tolerance to child abuse.

All staff, volunteers, students, members and contractors are responsible for the care and protection of children and reporting information about child abuse.

In complying with the child safe standards, MPLCC must include the following principles as part of each standard:

- promoting the cultural safety of Aboriginal children
- promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- promoting the safety of children with a disability.

The child safe standards are as follows:

Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements

Standard 2: A child safe policy or statement of commitment to child safety

Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children

Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel

Standard 5: Processes for responding to and reporting suspected child abuse

Standard 6: Strategies to identify and reduce or remove risks of child abuse

Standard 7: Strategies to promote the participation and empowerment of children.

Commitment

Merinda Park Learning and Community Centre (MPLCC) is committed to child safety. MPLCC., has zero tolerance for child abuse. We want children to be safe, happy and empowered.

We support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability and regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.

MPLCC is:

- committed to the safety, participation and empowerment of all children.
- having zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.
- Committed to the legal and moral obligations to contact authorities when we are concerned about a child's safety, which we follow rigorously.
- committed to preventing child abuse and identifying risks early, and removing and reducing these risks.
- committed to having robust human resources and recruitment practices for all staff and volunteers.
- committed to regularly training and educating our staff and volunteers on child abuse risks.

Responsibility

The Committee of Management and the Centre Manager are responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, volunteers, students, members and contractors are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct;
- Ensuring that all adults within the Patterson Lakes Community Centre Inc., 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, volunteers, students, members and contractors are aware of their obligation to observe the child safe policy and procedure
- Providing support for staff, volunteers, students, members and contractors in undertaking their child protection responsibilities.

- 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 staff, volunteers, students, members and contractors about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

We have specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve the commitments of this policy.

This policy is intended to empower children who are vital and active participants in our organisation. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say. This is achieved by children being involved in the planning of the children's services programs through consultation

We promote diversity and tolerance at MPLCC, and people from all walks of life and cultural backgrounds are welcome.

In particular we:

- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally.

Our staff and volunteers

This policy guides our staff and volunteers on how to behave with children at Merinda Park Learning and Community Centre.

All of our staff and volunteers must agree to abide by our code of conduct which makes a commitment to the standards of conduct required when working with children.

Training and Supervision

Training and education is important to ensure that everyone at MPLCC understands that child safety is everyone's responsibility.

MPLCC's culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our staff and volunteers through ongoing supervision to:

- develop their skills to protect children from abuse; and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.

New employees and volunteers will be supervised regularly to ensure they understand the commitment of MPLCC to the child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate. Any inappropriate behaviour will be reported through appropriate channels,

including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

Recruitment

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and will clearly state our commitment to child safety and an awareness of our social and legislative responsibilities.

MPLCC understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

We will not discriminate applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check of which a copy will be stored in the staff members personnel file and checked every 6 months for validity and clearance. See Working with Children Check Policy

We carry out reference checks and police record checks to ensure that we are recruiting the right people. Police record checks are required for recruitment and each year the staff will sign a "Safety declaration screening form", declaring that they have not committed any offences during the past 12 months. This will be done every calendar year along with a new staff information form and resigning of the code of conduct and code of ethics form. If during the recruitment process a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

Fair procedures for personnel

The safety and wellbeing of children is our primary concern. We are also fair and just to personnel. The decisions we make 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 in the CEO's locked filing cabinets.

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 staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

Legislative responsibilities

MPLCC takes our legal responsibilities seriously, including:

- **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 the police.

- **Failure to protect:** People of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- Any personnel who are **mandatory reporters** must comply with their duties.

Risk Management

In Victoria, organisations are required to protect children when a risk is identified (see information about failure to protect above). In addition to general occupational health and safety risks, we proactively manage risks of abuse to our 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 (for example, any doors that can lock), and online environments (for example, no staff or volunteer is to have contact with a child from MPLCC on social media – see Social Media policy).

Regular review

This policy will be reviewed every two years and following significant incidents if they occur (however while a new standard and to ensure compliance it will be reviewed yearly). We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

Allegations, Concerns and complaints

MPLCC takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Our staff and volunteers are trained to deal appropriately with allegations. We will work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose above).

If an adult has a **reasonable belief** that an incident has occurred then they must report the incident to the Manager and CEO.

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.

If you believe a child is at immediate risk of abuse phone 000.

Procedure

All new staff will be taken through the “Protecting Children” Mandatory reporting and other Obligations for Early Childhood Services presentation with the CEO as part of the Induction process. All staff will be given a copy of the Powerpoint presentation and session handouts then submit the assessment tool to be filed on their personnel file to ensure complete understanding of their obligations and understanding of this policy. As part of the induction staff will also be given an electronic version of [child safe standards](#) that can be found on the Department of Health and Human Services’ website www.dhs.vic.gov.au/about-the-

department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations>.

While the procedural requirements of the various child safety resolution mechanisms vary, MPLCC aims to ensure that:

- child safety complaints are addressed sensitively, promptly and in accordance with relevant MPLCC policy and principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a complaint;
- fairness and impartiality prevail throughout the appropriate resolution process - until a child safety complaint is investigated and a decision is made, a grievance is an allegation, not a fact;
- appropriate records are maintained throughout the resolution process;
- persons who notify of a child safe complaint are protected from victimisation or reprisal; and
- persons who notify a child safe complaint are regularly informed of the progress of the matter, including the consequences of any finding that the grievance is substantiated or not substantiated.

Most child safe complaints should be able to be resolved at local level. Before entering into the formal process, the aggrieved staff volunteers, students, members and contractors should attempt to resolve the child safe complaint with his or her nominated supervisor, or next most senior manager.

In circumstances where the child safe complaint is unable to be resolved at the informal stage or local level, the nominated supervisor or next most senior MPLCC manager who has received the complaint may refer the matter to the Committee of Management who will either make a relevant determination about the complaint, investigate the matter to make findings of fact or refer the matter to an external investigator to make findings of fact.

If the complaint is dealt with formally, MPLCC will aim to ensure:

- Before a complaint is investigated, the complainant relevantly describes the allegations they wish to make (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
- The person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
- All parties are informed in writing of the outcomes of any investigative process.

Outcome and Referral

If a child safe complaint is investigated and findings are made that substantiate any or all of the allegations made, the Manager must refer the matter to the CEO and MPLCC Committee of Management who may:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
- Commence disciplinary investigation, which could lead to disciplinary action being taken, including termination of employment;
- Take some other form of appropriate action; or
- Take no further action.

This Child Safe Policy and Procedure shall be a complete code for MPLCC in managing and resolving Child Safe complaints. This policy in no way limits a staff, volunteers, students, members and contractors rights, including their access to Fair Work Commission or any other jurisdiction (court or tribunal).

Confidentiality and Victimisation

The parties to a child safe complaint are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the matter to anyone other than an advocate, staff representative.

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under these procedures

Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by MPLCC, and may result in disciplinary action. Any such breach will be referred for investigation and handling in accordance with the relevant misconduct procedure. All staff will be refreshed on the Child safe standards at the yearly Training day held in January

If a child discloses an incident of abuse to you:

- 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 to 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 your manager and CEO
- Ensure the disclosure is recorded accurately, and that the record is stored securely.

If a parent / carer says their child has been abused from MPLCC staff or raises concern then the following will be followed:

- We will explain that MPLCC has processes to ensure all abuse allegations are taken very seriously.
- Will ask about the wellbeing of the child.
- Will 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 CEO, 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.

Staff need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member). The EAL Manager can be called in to the meeting to support those with language barriers

If an allegation of abuse involves an Aboriginal child, MPLCC will ensure a culturally appropriate response. MPLCC ensure this by engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on The Department of Health and Human Services website - www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities will be referred to for advice.

The introduction of the child safe standards will not alter the requirements to hold a Working with Children Check as per the Working with Children Check policy.

Further information

About the Betrayal of Trust Inquiry response, please visit the [Department of Justice and Regulation website](#) (external site), or the [Child sexual abuse prevention and response page](#) on this site.

Staff can contact the Department of Health and Human Services for further information about the child safe standards:

Telephone: (03) 9096 0000

Email: childsafestandards@dhhs.vic.gov.au

Registered schools can contact the Department of Education and Training:

Email: child.safe.schools@edumail.vic.gov.au

Early childhood services operating under the National Quality Framework or **Children's Services Act 1996** should contact:

Email: licensed.childrens.services@edumail.vic.gov.au

Licensed children's services enquiry line: 1300 307 415

If you believe a child is at immediate risk of abuse phone 000.