



## Child Safety Policy and Procedure

Last Updated 2017 07 24

### Background

On 26 November 2015, the Victorian Parliament passed the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 to introduce seven child safe standards (the Standards) into law. The Standards apply to all organisations involved in child related work in Victoria.

### Context and purpose

Child abuse involves any act committed against a child involving physical violence, sexual offences (including grooming), serious emotional or psychological abuse, and serious neglect.

DAN AP has a zero-tolerance policy for child abuse and is committed to promoting child safety, children's wellbeing and protecting children from abuse. Ministerial Order 870 (18/12/15) requires DAN AP to implement child safety standards and to accommodate and take the needs of all children (including but not limited to, Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable) into account when creating a child safe environment.

Accordingly, this policy and procedure sets out key elements of DAN's approach to child safety and has been developed to create and maintain a child safe RTO environment in accordance with Ministerial Order 870 and the Child Safe Standards set out therein. It also outlines:

- the overarching principles and values that guide DAN AP in its approach to child safety;
- refers to the processes and procedures for reporting and responding to allegations of child abuse; and
- refers to the Code of Conduct which in turn provides the standards of expected and appropriate behaviour with children.

### To whom does this policy apply?

This policy applies to all RTO staff (as defined below), as well as parents, students and other people who are associated with or come in contact with DAN AP.

### Reference

- Child Safe Standards Bill 2015 (Vic);
- Child Safety and Wellbeing Act 2005 (Vic);
- Working with Children Act 2005 (Vic);
- Crimes Act 1958 (Vic);
- Crimes Amendment (Protection of Children) Act 2014 (Vic);
- Crimes Amendment (Grooming) Act 2014 (Vic);
- United Nations Convention on the Rights of the Child(1989);

- Ministerial Order 870;
- DHS Child Safe Standards Toolkit: Resource 2: Child Safe Policy and Statement of Commitment;
- DHS Child Safe Standards Toolkit: Resource 6: What to do when an allegation of child abuse is made;
- DHS Child Safe Standards Toolkit: Resource 7: Sample Incident Report Template;
- Incident Report Form;
- An Overview of the Victorian Child Safe Standards;
- Code of Conduct Policy;

## Definitions

**Child** means a person who is under the age of 18 years who is enrolled as a student at DAN AP.

**Child abuse** encompasses a broad range of matters set out in page 4 of this policy:

**Child-connected work** means work authorised by DAN AP and performed by an adult in the RTO environment while children are present or reasonably expected to be present.

**Child safety** encompasses matters related to protecting all children from child abuse, 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 Safety Officer** is the DAN AP General Manager, Scott Jamieson.

**RTO environment** means any physical or virtual place made available or authorized by DAN AP for use by a child during or outside RTO hours, including:

- a DAN AP campus;
- online RTO environments (including email and intranet systems);
- other locations provided by DAN AP for a child's use (including, without limitation, industry events, excursions, and other events).

**RTO staff** means an individual working in a RTO environment who is directly engaged or employed by DAN AP and/or a volunteer or a contracted service provider (whether, or not, a body corporate or any other person is an intermediary).

## Overarching values and principles

DAN's approach to child safety is guided by several overarching principles and values (which are set out below).

All persons to whom this policy applies are responsible for complying with DAN's child safety policies and related policies and upholding the overarching principles and values set out herein and taking all reasonable steps to promote the safety of children.

## Commitment to Child Safety

DAN AP is committed to child safety and wants children to be safe, happy and empowered. DAN AP supports and respects all students and children, as well as RTO staff and parents. DAN AP is committed to:

- embedding and promoting a culture of child safety;
- preventing child abuse and identifying risks early, and removing and reducing these risks;
- protecting the rights of all children to be safe, without fear of abuse or exploitation as outlined in the United Nations Convention on the Rights of the Child (1989) and is committed to keeping children safe by all reasonable means;
- acting in children's best interests and keeping children safe;
- ensuring cultural safety for Aboriginal and Torres Strait Islander children, for children from culturally and/or linguistically diverse backgrounds;
- providing a safe environment for children with a disability;
- actively working to empower children; and
- regularly training and educating RTO staff on child abuserisks.

## Zero tolerance for child abuse

DAN AP has zero tolerance for child abuse and will not tolerate any form of child abuse, including by anyone who is working within the RTO environment or in child-connected work.

DAN AP has legal and moral obligations to contact authorities when child safety concerns are raised and will comply with these obligations.

All instances of suspected child abuse, allegations of child abuse or child safety concerns must be reported the Child Safety Officer, and will be treated consistent with DAN's reporting procedures. If RTO staff believe a child is at immediate risk of abuse phone 000.

## Definition of child abuse as set out in the Education Training Report Act 2006 (Vic)

Child abuse includes:

- any act committed against a child involving:
  - a sexual offence; or
    - Sexual offences occur when a person involves a child in a sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.
- an offence under section 49B(2) of the Crimes Act 1958, that is, the offence of "grooming" which prohibits communicating (including electronically) by words or conduct with a child with the intention of facilitating the child's engagement or involvement in a sexual offence

with you or another adult;

o the infliction on a child of:

▪ physical violence

- Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons.

▪ or serious emotional or psychological harm

- Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats of violence. It can include derogatory name calling and put downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

; and

▪ serious neglect of a child.

- Serious neglect is the continued failure to provide a child with the necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardized. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

**Possible indicators of a sexual offence:**

- o Presence of sexually transmitted diseases
- o Pregnancy
- o Bleeding
- o Displaying sexual behaviour or knowledge that is unusual for the child's age
- o Difficulty sleeping
- o Being withdrawn
- o Complaining of headaches or stomach pains
- o Fear of specific people
- o Showing wariness or distrust of adults
- o Displaying aggressive behaviour

**Possible indicators of physical violence.**

- Unexplained bruises
- Burns and/or fractured bones
- Showing wariness or distrust of adults
- Wearing long sleeved clothes on hot days (to hide bruising or other injury)
- Fear of specific people
- Unexplained absences
- Academic problems

**Possible indicators of serious emotional or psychological harm.**

- Delays in emotional, mental or even physical development
- Physical signs of self-harming
- Exhibiting low self-esteem or anxiety
- Displaying aggressive or demanding behaviour
- Being withdrawn, passive and/or tearful.

**Possible indicators of serious neglect.**

- Frequent hunger
- Malnutrition
- Poor hygiene
- Inappropriate clothing
- Stealing food
- Staying at RTO outside of RTO hours
- Aggressive behaviour
- Using alcohol or drugs
- Academic issues

### Child safety actions taken by DAN

DAN AP has taken, and/or proposes to take, the actions set out below to:

- demonstrate its commitment to child safety and monitor the RTOs adherence to its child safety policy;
- support, encourage and enable RTO staff, parents, and children to understand, identify, discuss and report child safety matters; and
- support or assist children who disclose child abuse, or are otherwise linked to suspected child abuse.

## Develop, maintain and implement child safety policies, procedures and code of conduct

This policy and procedure (along with the DAN AP Code of Conduct [2017 07 24], DAN AP Instructor Code of Practice, and other DAN AP Policies and Procedures) guides RTO staff on how to behave with children at DAN

All RTO staff must abide by DAN's Code of Conduct which specifies the standards of conduct required when working with children.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place.

DAN AP:

- takes all allegations seriously and has a procedure in place to enable allegations to be investigated thoroughly and quickly.
- trains staff and volunteers to deal appropriately with allegations of child abuse.
- works 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.

## Staff recruitment and selection

DAN AP takes all reasonable steps to employ skilled people to work with children and develops selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities.

## Appointment of Child Safety Officer (CSO)

DAN AP has appointed a Child Safety Officer (Scott Jamieson) as a first point of contact to provide advice and support to children, parents, employees and volunteers regarding the safety and well-being of children at DAN AP.

## Risk Management Strategies

DAN AP proactively manages risks of abuse to children.

Where risks are identified of child abuse occurring in one or more RTO environments, the CSO will:

- make a record of those risks;
- specify the action(s) DAN AP will take to reduce or remove the risks (risk controls), which will consider the nature of the risk and the diversity characteristics of the children affected by the risk.

The Directors will monitor and evaluate the effectiveness of the implementation of its risk controls.

The Directors will ensure that appropriate guidance and training is provided to themselves and RTO staff about individual and collective obligations and responsibilities for managing the risk of child abuse; child abuse risks in the RTO environment; and the RTO's current child safety standards.

The CSO:

- has strategies to deliver appropriate education about standards of behaviour for students attending the RTO, healthy and respectful relationships (including sexuality), resilience and child abuse awareness and prevention.

- promotes child safety standards set out in Ministerial Order 870 in ways that are readily accessing, easy to understand, and user-friendly to children.

## Process for responding to and reporting allegations of suspected child abuse

DAN AP takes all allegations or disclosures of suspected child abuse seriously and will respond to and report (including to authorities and the police) allegations or disclosures of child abuse in accordance with this policy and procedure, the Mandatory Reporting Policy and any other legal obligations.

### Application of the process

This process:

- covers all forms of child abuse; and
- applies to allegations or disclosures of child abuse made by or in relation to a child, RTO staff, visitors, or other persons while connected to a RTO environment;
- is to be read in conjunction with:
  - the Code of Conduct; and
  - mandatory reporting obligations, the Failure to Disclose and Failure to Protect Offences;

does not:

- prohibit or discourage staff from reporting an allegation of child abuse to a person external to DAN AP;
- state or imply that it is the victim's responsibility to inform the police or authorities of the allegation;
- require staff to make a judgment about the truth of the allegation of child abuse;
- prohibit staff from making records in relation to an allegation or disclosure of child abuse.

## Obligation to report incidents involving alleged or suspected child abuse

All RTO staff must report any instances of child abuse (included instances of suspected or alleged child abuse) to the Child Safety Officer (or Director if appropriate) as soon as practicable in accordance with this policy and procedure.

Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse, including the obligations of mandatory reporting.

If an adult has a reasonable belief that an incident involving child abuse 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 (such as those set out above) is observed;

- someone else has raised a suspicion of abuse but is unwilling to report it; or
- observing suspicious behaviour.

DAN AP takes its legal responsibilities seriously, in relation to mandatory reporting obligations and:

- **the Failure to Disclose Offence:** 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;
- **the Failure to Protect Offence:** People of authority in DAN AP 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.

### Where a child discloses or alleges an incident of child abuse

The following procedure is to be followed by any person to whom a child discloses or alleges an incident of child abuse:

- Separate the child 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, the police or child protection.
- Ensure the disclosure is recorded accurately, and provided to the Child Safety Officer to be stored securely.

Where a parent or carer alleges or discloses that their child has been abused in the RTO environment

The following procedure is to be followed by any person to whom a parent/carer discloses or alleges an incident of child abuse:

- Explain that DAN AP has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- 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 DAN's Child Safety Officer, the police or child protection.

- Allow the parent/carer to talk through the incident in their own words.
- 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.
- As soon as possible after the disclosure, report the disclosure to the Child Safety Officer.

### Protection of child connected to the alleged abuse

Where an allegation of suspected child abuse is made, all reasonable and appropriate action will be taken to protect any child connected to the alleged child abuse until the allegation is resolved.

What is reasonable and appropriate will depend on the circumstances of each case, but will in all cases involve preventing (as far as reasonably practicable) any contact between the child connected to the alleged abuse and the alleged offender. This may be achieved by:

- removing or suspending the alleged offender from their duties while the matter is being investigated.

The Child Safety Officer will consult with the family of the child connected to the alleged abuse regarding further actions to be implemented to ensure the safety of the child pending resolution of the matter.

### Child Safety Officer

DAN AP has appointed a Child Safety Officer, who is responsible for:

- promptly managing DAN's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously;
- responding appropriately to a child who makes or is affected by an allegation of child abuse; and
- monitoring overall compliance by DAN AP with this procedure.

Where the Child Safety Officer cannot perform their role for any reason, the Office Manager is responsible for managing an alternative procedure for responding to an allegation or disclosure of abuse.

In response to any allegation or disclosure of child abuse, DAN AP and/or the Child Safety Officer will:

- inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
- protect any child connected to the alleged child abuse until the allegation is resolved (including in accordance with the clause relating to protection of the child); and
- retain records of the allegation of child abuse and DAN's response to it.

## Implementation of Practice

### At Management Level

To properly implement this policy the General Manager must:

- ensure that this policy and procedure is endorsed on an annual basis and following significant incidents if they occur;
- ensure that copies of this policy and procedure are made available to all RTO staff;
- ensure that this policy is incorporated into the RTO's record of current policies;
- ensure that this policy is incorporated into DAN's induction program, to ensure that all RTO staff (particularly those who are engaged in child-connected work) are aware of the Policy, have read and understood the policy, and acknowledge their commitment to comply with the policy;
- ensure that periodic training and refresher sessions are administered to all RTO staff in relation to this policy and procedure, where appropriate
- ensure that all RTO staff are directed towards the Code of Conduct; and
- ensure that this policy and procedure is accessible to the public (including children and families).

### At all other levels

To properly implement this policy, all DAN's RTO staff must ensure:

- that they will abide by this policy and procedure, the mandatory reporting and the Code of Conduct and assist DAN AP in the implementation of this policy and procedure;
- that they have read and understood the definitions of child abuse outlined in this policy.

## Consequences for Breach of this Policy

DAN AP emphasises the need to fully comply with the requirements of this policy and procedure. Any RTO staff found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment (or engagement, where appropriate). Breaches may also result in action by the appropriate authorities and/or the Police.