

POLICY:	Child Safe
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RESPONSIBILITY:	CEO, Employees, Volunteers

RELATED LEGISLATION, STANDARDS & OTHER DOCUMENTS

- Legal and Regulatory Compliance (3.3)
- Risk Management Framework (3.7)
- Employee Recruitment and Selection (8.1)
- Code of Conduct (8.6)
- Supervision (8.12)
- Volunteer Recruitment, Selection and Orientation (8.38)
- Client Incident Reporting (9.17)
- Cultural Diversity (10.1)
- Working with Aboriginal and Torres Strait Islander Communities (10.2)
- Privacy Act 1998 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Child Wellbeing and Safety Act 2005 as amended by the Children Legislation Amendment (Reportable Conduct) Act 2019
- Working with Children Act 2005 (Vic)
- Working with Children Regulations 2006
- Child Wellbeing and Safety Regulations 2017
- Department of Health and Human Service Standards
- National Standards for Mental Health Services 2010
- National Housing and Homelessness Agreement
- Code of Practice – Principles and Standards for Specialist Family Violence Services for Victim-Survivors, 2nd edition (DVVIC 2020)
- Commission for Children and Young People, A Guide for Creating a Child Safe Organisation
- Child Safe Standards, Vic 2015

POLICY STATEMENT

MCAULEY COMMUNITY SERVICES FOR WOMEN (MCAULEY) IS COMMITTED TO THE PROVISION OF A CHILD SAFE ORGANISATION, IN PARTICULAR FOR THOSE CHILDREN WHO ARE ACCOMPANYING THEIR MOTHER WHILST SHE IS UTILISING THE SERVICE. THE ORGANISATION IS COMMITTED TO A RESPECTFUL, SUPPORTIVE AND EMPOWERING PROFESSIONAL ENVIRONMENT.

PROCEDURE

McAuley provides accommodation, support and advocacy for women and their accompanying children who are experiencing homelessness, primarily as a result of family violence and / or mental illness.

McAuley does not provide services for children alone. At all times whilst at the service, mothers/carers are responsible for their children.

Mothers and their accompanying children are respected at all times and offered the appropriate professional support and services as guided by the organisation's Mission, Vision and Values and as determined within the funding agreement with the Department of Health and Human Services.

When assisting mothers in the decision-making process, especially about matters that directly affect children, employees work alongside mothers and encourage mothers to listen to the children's views and respect what they have to say.

Commitment to Children

McAuley is committed to:

- children being safe and being treated as individuals;
- supporting and respecting all children;
- the participation and empowerment of all children.

Commitment to Diversity and Tolerance

McAuley promotes diversity and tolerance in the organisation. In particular, the organisation:

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

Zero Tolerance of Child Abuse

McAuley has a zero tolerance of child abuse. Allegations of abuse and safety concerns will be treated very seriously and consistently in accordance with this policy.

McAuley is committed to preventing child abuse, identifying risks early and removing and reducing these risks.

Recruitment

McAuley has clear HR policies and procedures and, takes all necessary steps to employ skilled people to work with the clients - women and children. Selection criteria and advertisements clearly demonstrate the commitment to child safety and an awareness of our social and legislative responsibilities.

The organisation encourages applications from Aboriginal peoples and people from culturally and/or linguistically diverse backgrounds.

The Recruitment and Employment Policies for Employees and Volunteers, and the *Recruitment Guidelines and Process* provide the details for the mandatory pre-employment safety screening checks involving the following tasks:

- Employment history including disciplinary action disclosure;
- National Name check (including Proof of identity check);
- Qualification check (if relevant);
- Confirmation of a Working with Children Check (WWC) card or WWC receipt;
- Referee Checks.

Working with Children Check

The organisation requires:

- all employees to hold a current Working with Children Check.
- all volunteers to hold a current Working with Children Check.
- all student placements aged 18 years and over to hold a current Working with Children Check.

The ID Number of the Working with Children Check and Date of Expiry/Renewal is recorded in the Personnel Details Register and maintained by the HR Department.

Employees and Volunteers

In accepting a position with McAuley, all employees and volunteers must agree to abide by the Policies and Procedures; the Child Safe policy specifies the standard of conduct required when working with children.

Training

The organisation is committed to training and education to ensure that employees and volunteers understand that child safety is everyone's responsibility.

Direct Service employees are trained to identify, assess, and minimise risks to mothers and their accompanying children. Child safety training needs are regularly assessed by the Head of Community Services in conjunction with Direct Service staff.

The organisation's culture aims for all employees, volunteers and clients to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns.

Supervision

As per the Supervision Policy (8.12), all staff across the organisation will have regular scheduled supervision which encourages self-awareness, build on existing skills and focus on the provision of high-quality service delivery for the clients.

Staff are supported through ongoing supervision to:

- develop their skills to protect children from abuse;
- 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 are inducted and supervised regularly by their line manager to ensure they understand the organisation's commitment to child safety. Each individual has a role to play in protecting children from abuse. The line manager will also ensure that their behaviour towards children is safe and appropriate.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be employees, volunteers, women or children, unless there is a risk to someone's safety. Safeguards and practices are 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.

Risk management

In Victoria, organisations are required to protect children when a risk is identified. McAuley has risk management strategies in place to identify, assess and take steps to minimise child abuse risks, which include risks posed by physical and online environments.

Regular Policy Review

This policy will be reviewed within three years and following significant incidents if they occur. Where possible the organisation will do its best to work with local Aboriginal communities and with culturally and/or linguistically diverse communities.

Client Incident Management System

Staff are responsible for referring to the Client Incident Management System documentation and determining any relevance to the Child Safe Policy.

Legislative responsibilities

McAuley takes its 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**

It is an offence if any individual employee or volunteer knows of a substantial risk of child sexual abuse and has 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. There is an expectation that all employees and volunteers report and or consult with their line manager any abuse to a child.

Child Safe Standards and the Reportable Conduct Scheme

The Child Safe Standards focus on organisations and what they do to promote child safety, prevent child abuse and respond to suspected child abuse. The Reportable Conduct Scheme is focussed on the conduct of all employed or engaged and how the organisation investigates or responds to suspected child abuse.

The Child Safe Standards and the Reportable Conduct Scheme create distinct sets of responsibilities which have been designed to complement one another. Together they strengthen the capacity of an organisation to prevent and respond properly to allegations of child abuse.

The Commission for Children and Young People has oversight and regulatory responsibility for both Child Safe Standards and the Reportable Conduct Scheme

Reportable Conduct

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;
- significant neglect.

NB: A child is anyone who is under 18 years of age.

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

The reportable conduct scheme will require allegations of suspected criminal conduct to be reported to Victoria Police as the first priority who will maintain the primacy of an investigation of any allegations of criminal misconduct.

A Reportable Conduct allegation is a major incident.

Responsibilities

CEO

The CEO is responsible for:

- ensuring that all employees, contractors and volunteers are aware of and operate within:
 - relevant laws, organisational policies and procedures and the organisation's Child Safe Code of Conduct;
 - the obligation to report suspected abuse of a child or any allegations of Reportable Conduct in accordance with these policies and procedures.
- providing support for employees and volunteers in undertaking their task in reporting to Child Protection, Department of Health and Human Services (DHHS);
- implementing a preventative approach to keeping children safe;
- responding to any allegations of reportable conduct;
- ensuring any allegation of reportable conduct are reported to the following Departments:
 - the Commission for Children and Young People (CCYP);
 - the Victorian Police;
 - Child Protection at Department of Health and Human Services, (DHHS), via the CIMS (Client Incident management system).
- determining if the investigation into any allegations will be conducted by an external entity and, as relevant, authorising the investigation;
- implementing the necessary action following the findings of the investigation and response from relevant authorities.

Line Managers

All line managers 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 and volunteers about the prevention and detection of child abuse;
- facilitate the reporting of any inappropriate behaviour or suspected abusive activities;
- provide guidance for staff in undertaking work with children including reporting and or consulting with their line manager of any possible matters that may need to be reported to Child Protection.

Line managers should be familiar with the different types of abuse that might occur and be alert for any indications of such conduct.

Employees and Volunteers

All staff (employees and volunteers) share in the responsibility for the prevention and reporting of child abuse and must:

- familiarise themselves with the relevant laws, the Child Safe Code of Conduct and the organisation's policy and procedures in relation to child safety / protection, and comply with all requirements;
- report any reasonable belief that a child's safety is at significant risk to the relevant authorities; and fulfil their obligations as mandatory reporters;
- report any suspicion that a child's safety may be at risk to their line manager (or, if their line manager is involved in any acts of concern, to a higher level of management within the organisation);
- provide an environment that is supportive of all children's emotional and physical safety.

Allegations and Concerns

If an allegation of abuse or a safety concern is raised, where assessed as appropriate updates are to be provided to the mother on any actions/reports made by the organisation. However, on occasion it may be assessed that to inform the mother it may place the child at heightened level of risk and or impede police investigation. On those occasions any decision to not inform mother will be agreed upon with the line manager and police and or Child Protection (DHHS).

Responding to Disclosures of Abuse (NOT involving anyone employed or engaged by McAuley)

If a child discloses an incident of abuse to an employee or volunteer:

- 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, 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 Child Protection (DHHS)
- 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.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the line manager and Child Protection (DHHS). If the allegation is of a physical and or sexual abuse, this should also be reported to the local police where that incident occurred.
- Ensure the disclosure is recorded accurately and in accordance with Client Incident Reporting Policy.

Reporting

McAuley takes all allegations seriously and has practices in place to respond promptly.

The employee or volunteer who is aware of an allegation of abuse or of a safety concern, must immediately bring this to the attention of their line manager or the CEO if the line manager is involved in the allegation. **In either case the CEO must be informed immediately.**

In the event of any allegations of behaviour related to Reportable Conduct, Head of Community Services will implement the relevant process as outlined in the Flowchart below.

McAuley Community Services for Women:

- in the event of a disclosure, works to ensure all children, mothers, employees and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour;
- advises all employees and volunteers of their responsibility to report an allegation of abuse and if they have a reasonable belief that an incident took place to first consult with their line manager.

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.

McAuley, where appropriate, following a child safety concern will:

- assist alleged victims and their mothers to access counselling and or relevant support services
- provide support to affected staff through the Employee Assistance Program and, if determined necessary, additional support.

Investigation

If an allegation is criminal in nature, it is essential to have clearance from Victoria Police before beginning any investigation.

Whilst the CEO will take every step to protect the confidentiality of any investigation, other employees may need to be consulted.

In consultation with the authorities – and the Board of McAuley Community Services for Women – the CEO will determine the appropriateness of an internal investigation. If this is proceeded with, the CEO will ensure the process is within the rules of natural justice.

During a reportable conduct investigation, the subject of an allegation may choose, but is not required, to give information or documents that support their version of events.

An investigation into a reportable allegation is aimed at gathering and examining information to establish facts and make findings in relation to allegations of child abuse/Reportable Conduct allegation against an employee or a person engaged by McAuley. The investigation may also make recommendations about what disciplinary or other action should be taken, if any.

In any Reportable Conduct situation, the CEO will determine if the investigation will be conducted by the organisation, the regulator (DHHS) or an external agency. If an external investigation is determined, the CEO will authorise Mercy Health to conduct the investigation and report all findings to the CEO. The CEO will provide the Commission with a copy of the final investigation report as soon as practicable.

The CEO will liaise with the external investigating authorities throughout the process, as appropriate.

The CEO will provide any reports required by the Commission, and provide a copy of all reports to McAuley's Board.

The CEO and Board will consider any recommendations and take the necessary action related to the immediate situation. Where necessary any relevant procedures will be altered to minimise any future risks for clients, staff and the organisation.

Code of Conduct

All staff, (employees and volunteers) and Board members of McAuley Community Services for Women are required to observe child safe principles and expectations for appropriate behaviour towards children and in the company of children, as noted below.

All staff are responsible for supporting the safety, participation, wellbeing and empowerment of children.

This is evident through the following behaviour, but not limited to this list:

1. adhering to McAuley's child safe policy at all times and upholding the organisation's statement of commitment to child safety at all times;
2. taking all reasonable steps to protect children from abuse;
3. treating all clients and staff with respect;
4. listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
5. promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children ;
6. promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
7. promoting the safety, participation and empowerment of children with a disability;
8. reporting any allegations of child abuse in keeping with the Reporting Process (see Flowchart);
9. reporting any child safety concerns to the line manager or the Team Leader;
10. if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe.

Staff must not:

1. develop any 'special' relationships with children that could be seen as favouritism;
2. exhibit behaviours with children which may be construed as unnecessarily physical;
3. put children at risk of abuse;
4. do things of a personal nature that a child can do for themselves, such as toileting or changing clothes. This is the responsibility of the mother whom the child is accompanying;
5. engage in open discussions of a mature or adult nature in the presence of children;
6. use inappropriate language in the presence of children, clients or staff member;
7. express personal negative views on either parent, cultures, race or sexuality in the presence of children or, any client or staff member;
8. discriminate against any child, including because of culture, race, ethnicity or disability;
9. have contact with a child or their family outside of our organisation. Accidental contact, such as seeing people in the street, is appropriate, but is not encouraged or to be developed further;
10. have any online contact with a child or their family unless it is part of a specific McAuley program e.g. Online Tutor Program;
11. ignore or disregard any suspected or disclosed child abuse;
12. take photos of children in the organisation.

By observing these standards staff acknowledge responsibility to immediately report any breach of this code to the line manager or the Team Leader.

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

Reportable Conduct & Client Incident Reporting Process

INCIDENT

Major

Non-Major

Allegation of abuse, neglect, unexplained injury involving child

Non-Major

YES - This is REPORTABLE CONDUCT

NO - Not Reportable Conduct

Staff identifies incident & responds; contacts Emergency Services if required

Staff informs Team Leader; writes report, (CIMS/ Internal Incident report); enters into Incident Register within 3 business days.

Team Leader informs Manager who approves Form &, if CIMS report, submits to DHHS within 3 business days

Team Leader includes details in monthly report to Head of Community Services.

CEO reviews monthly reports; identifies any patterns of persistent incidents

CEO provides quarterly summary of Reports to Board

Staff responds and *immediately* informs Team Leader or, CEO if Team Leader involved in allegation or, Board Chair if CEO involved in allegation

Staff/Team Leader *immediately* informs CEO

Staff writes report; enters into Incident Register

Team Leader ensures Report accurate; sends to *DHHS within 24 hours*; sends copy to CEO

CEO: first priority to notify police if suspected criminal conduct; CEO notifies *Commission within 3 days*

CEO informs Board and Institute as soon as an allegation, as per major incident

CEO determines type of investigation

As appropriate CEO authorises Mercy Health to investigate

CEO notifies Commission who is investigating

CEO sends investigation report from Mercy Health to *DHHS within 28 days*

CEO forwards information and action to *Commission within 30 days.*

CEO notifies Commission of findings & any disciplinary action (or reasons for no action)

CEO completes internal Notifications after an Incident Checklist

Staff contacts Emergency Services if required; immediately informs Team Leader, Manager and Head of Community Services, who then informs CEO.

Staff writes report; enters into CIMS, DHHS portal; & into Incident Register

Team Leader informs Manager who approves Form & submits to DHHS within 3 business days.

Team Leader includes details in monthly report to Head of Community Services.

Manager completes relevant follow up report e.g. Case Review, Investigation, Root Cause Analysis, and submits to DHHS within 21 days

Manager and Head of Community Services, review report to determine whether incident managed appropriately

Identify any learnings to apply in practice

CEO reviews monthly reports; identifies any patterns of persistent incidents

CEO provides quarterly summary of Reports to Board

Refer:
Policies 9.17 Client Incident;
10.3 Child Safe
Direct Service Practice Manual
DHHS website
Commission for Children & Young People (Commission)