



# Child Safety Environment and Wellbeing Policy and Procedure

Blackburn North Neighbourhood House - Inc A0009540J

## INTRODUCTION

Blackburn North Neighbourhood House (BNNH) is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

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

## DEFINITIONS

**Child/young person** means a person under 18 years old except:

In relation to cases where there is a reasonable belief that a sexual offence has been committed against a child. In these cases a child means a person under 16- *Crimes Act 1958(Victoria.)*

**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. Further defined as follows:

- **Physical abuse**-when a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally, or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.
- **Sexual abuse/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 a child.
- **Emotional and psychological abuse** occurs when a child's parent/guardian repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent/guardian, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

- **Neglect** is the failure to provide a child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.
- **Exposure to domestic/family violence** when children witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships.
- **Racial, cultural, religious** – this is conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion. It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.
- **Online abuse** includes harm caused by other children or adults seeking to bully, abuse, intimidate or groom children. There are several forms of online abuse: cyberbullying, trolling, online grooming of children.

**Child Protection** means any responsibility, measure or activity undertaken to safeguard children from harm. It is the responsibility of everyone.

**Duty of Care** is a common law concept that refers to the responsibilities of organisations and those employed by organisations to provide adults and children with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

**Mandated reporter** is someone who is required by law to report on child abuse.

**Reasonable grounds for belief** is one where a reasonable person in the same position would have formed that belief on the same grounds. It is made in good faith and with direct knowledge:

- Child states that they have been sexually or physically abused
- Child states that they know someone who has been sexually or physically abused (sometimes the child may be talking about themselves)
- Someone who knows a child states that the child has been sexually or physically abused
- Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually or physically abused or is likely to be abused; and/or
- Signs of abuse lead to a belief that the child has been sexually or physically abused.

## **PURPOSE**

The purpose of this policy is:

- To provide a safe environment for all children which ensures their safety, health and wellbeing
- To facilitate the prevention of child abuse occurring within BNNH

- To work towards an organisational culture of child safety
- 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.
- To provide guidance to staff/volunteers as to action that should be taken where they suspect any abuse within or outside the organisation.
- To provide a clear statement to staff/volunteers forbidding any such abuse
- To provide assurance that any suspected abuse will be reported and fully investigated
- Value and empower children to participate in decisions that effect their lives eg, ensure that children know who to talk to if they feel unsafe, and are comfortable and encouraged to raise issues.
- Respect diversity in cultures and child rearing practices while keeping child safety paramount
- Promote the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, and the safety of children with a disability

## **SCOPE**

This policy applies to all BNNH child care educators, staff including the Committee of Governance, support services, students on placement, volunteers, parents/guardians and others attending BNNH services.

## **POLICY**

BNNH is committed to promoting and protecting at all times the best interests of children involved in its care.

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.

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

Child protection is a shared responsibility between BNNH, all staff, tutors, contractors, committee members and participants.

BNNH supports and respects all children, staff and volunteers. BNNH is committed to the cultural safety of Aboriginal and Torres Strait Islander children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

Any person aged 18 years or older is a **mandated reporter** and **must make a report** if they have a reasonable belief that a **sexual or physical offence** has been committed in Victoria against a child (aged under 16) by another person of or over the age of 18 years. Exceptions to reporting are:

- Person believes on reasonable grounds that the information has already been disclosed to police by another person and they have no further information.
- Person believes on reasonable grounds that the information has already been disclosed to Child Protection (Department of Health and Human Services).
- Person fears on reasonable grounds for the safety of any person (apart from the perpetrator), if they disclose the information to the police, and the failure to disclose was a reasonable response in the circumstances.

**While reporting is not mandated for other forms of suspected child abuse**, staff, volunteers, tutors, Committee members and anyone who is responsible for the care of children at BNNH have a **duty of care** to act immediately to protect and preserve the safety and wellbeing of the children in their care.

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

## **PROCEDURES**

### **Responsibilities**

#### Committee

- The Committee of BNNH 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 Committee is also responsible for ensuring that appropriate policies and procedures are in place.

#### Manager

The Manager of BNNH is responsible for:

- Dealing with and investigating reports of child abuse
- Ensuring that all staff, tutors, contractors and volunteers are aware of relevant laws, organisational policies and procedures and the organisation's Code of Conduct
- Ensuring that all adults within BNNH are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures
- Ensuring that all staff and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety)
- Providing support for staff, contractors, tutors and volunteers in undertaking their child protection responsibilities.

All managers must:

- 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, tutors and volunteers about prevention and detection of child abuse
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

Staff/Contractors/Tutors/Volunteers share in the responsibility for the prevention and detection of child abuse and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, BNNH 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 police and/or the state based child protection service)
- 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
- Work with others at BNNH to provide an environment that is supportive of all children's emotional and physical safety.

#### Specific Procedures for the House Manager, Childcare Staff and Volunteers

- Ensure that recruitment and induction processes for all staff, tutors, contractors and volunteers are in line with this policy.
- Screen all staff, volunteers and students on placement- including, where applicable, the Working with Children Check, National Police Check, references and interviews.
- Ask all staff, volunteers and students to sign a statement that they agree to abide by the Code of Conduct
- Ensure that volunteers, students on placement and visitors and contractors to the child care service are familiarised with current child safe publications
- Ensure that volunteers, students on placement, parents/guardians and visitors to the childcare service are not left with sole supervision of individual children or groups of children.
- Ensure that where the childcare service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the premises.
- Develop cooperative relationships with appropriate services and/or professionals (including Child FIRST and Child Protection) in the best interests of children and their families.

#### **Steps to take if child abuse is suspected**

- If a child is in imminent or immediate danger, call 000 immediately.
- The first step is to raise the matter with the Childcare Person in Charge/House Manager.

- It is also important to record all observed indicators of abuse or neglect and disclosures from a child of abuse or neglect. These should be documented in the child's accident, injury, trauma and illness record.
- Childcare staff, volunteers and House Manager must familiarise themselves with Department of Health and Human Services -Appendix 2- Definitions of child abuse and indicators of harm (from "*Protecting the safety and wellbeing of children and young people*") as a guide for determining suspected child abuse.
- If a belief has been formed that the child has suffered or is at risk of suffering significant harm and there is doubt about the child's safety and the parent's ability to protect the child, then contact **Child Protection Intake worker** on **1300 360 391** or **9843 6000**.

#### Strategies for managing a disclosure

It is very important to validate a child's disclosure, by listening to the child, taking them seriously and responding and acting on the disclosure by implementing the Service's reporting procedures.

Strategies include:

- Let the child talk about their concerns in their own time and in their own words.
- Give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener.
- Remain calm and use a neutral non-judgemental tone.
- Comfort the child if they are distressed.
- Record the child's disclosure using the child's words.
- Tell the child that telling you is the right thing to do and that what has happened is not their fault.
- Let them know that you will act on this information and that you will need to let other people know so that they can help the child.
- AVOID asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation.
- AVOID going over information repeatedly.

#### Guidelines for forming a belief on reasonable grounds that a child is in need of protection:

- A child stated that they have been physically or sexually abused.
- A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- Someone who knows the child states that the child has been physically or sexually abused.
- A child shows signs of being physically or sexually abused.
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child's safety, stability or development.

- The staff member observes signs or indicators of abuse, including non-accidental injury, persistent neglect, poor care or lack of appropriate supervision.
- A child's actions or behaviour may place them at risk or significant harm and the child's parents are unwilling or unable to protect the child.

Additional Reporting Requirements where child abuse or neglect is suspected:

Notify the Secretary of the Department of Education and Early Childhood Development within 48 hours if the health, safety or wellbeing of any child cared of by the children's service may have been compromised (Regulation 105 of The Children's Services Regulations 2009).

Notify the Children's Services Adviser on **9265 2510**.

Complaint is made against childcare staff:

In cases of a complaint being made, where it is alleged that a child has been physically or sexually abused while in the care of the BNNH Children's Service, the House Manager must contact the Secretary of the Department of Education and Early Childhood Development - the "*Complaints Register*", within 24 hours. This is regarded as a serious incident as per Regulation 90 of The Children's Services Regulations 2009. The Victoria Police must also be contacted on **000**.

Confidentiality

Childcare staff and volunteers must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may only discuss case details and the identity of the child and their family only with those directly involved in the management of the child's situation.

**Promoting the safety, participation and empowerment of children**

At BNNH we value diversity and tolerance within our organisation and welcome people from all walks of life and cultural backgrounds. BNNH understands that children are vital and active participants at the House. We promote the cultural safety, participation and empowerment of Aboriginal children, children from culturally and/or linguistically diverse backgrounds and ensure that children with a disability are safe with the required support to participate equally. BNNH encourages and respects the views of children and young people who access our activities, programs and services. We listen to, and act upon, any concerns that children, young people and their families raise with us. We teach children what they can do if they feel unsafe.

**Complaint is made against other staff, volunteers, Committee members, contractors, tutors**

- If the relevant child protection service or the police decide to investigate a report against the above, full co-operation with the investigation from the person against whom the complaint has been made is expected.
- While the investigation is being conducted the person against whom the complaint is being made will be stood down with pay.
- During the investigation support will be offered to the child, child's family, the reporter and the person against whom the complaint has been made. This may include referral to an appropriate agency.
- The Manager will offer a confidential meeting to the person who made the report. If the complaint is against the Manager, the Chairperson of the Committee of Management will offer the confidential meeting.
- If the investigation concludes that an offence has been committed, the person against whom the report has been made can be dismissed without the required legal notice because of serious misconduct. The Manager should contact Jobs Australia for advice.
- If the investigation concludes that there has been no offence, then the person who has been stood down may be reinstated.
- If there is not external investigation, the procedures outlined in the Complaint Handling Policy should be followed.

## **Recruitment and screening practices**

BNNH 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 BNNH's values and commitment to protect children; and
- Prevent a person from working at BNNH if they pose a risk to children.

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

## **PRIVACY**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. 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**

This policy will be reviewed in 12 months and thereafter every three years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the child under the organisation's care.



**RELATED DOCUMENTS**

- Child Safe Standard Tools 2022
- Children, Youth and Families Act 2005 (Amended 9/2022)
- Child Wellbeing and Safety Act 2005
- Education and Care Services – Nat regulations 2011 (Amended 2022)
- Code of Conduct
- Recruitment Policy and Procedure
- Complaint Handling Policy and Procedure
- Risk Management Policy and Procedure

**Adopted by the Committee of Governance**

<b>Signature:</b>	
<b>Name:</b>	Elissa Nguyen
<b>Position:</b>	Chair
<b>Date:</b>	6/4/2023
<b>Review Date:</b>	