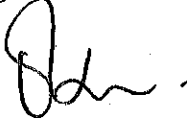
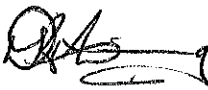


## Child Safe Policy and Procedure

Policy number	P-40		
Version number	4.0		
Drafted by	Veronica Kioria		
Responsible person CEO	Veronica Kioria	Signature 	Date: 26/9/19
Approved by the Board:			
On behalf of the Board	David Ling President	Signature 	Date: 26/09/2019
Scheduled review date	December 2021		

### Basic Beliefs/Purpose

Diamond Valley Learning Centre (DVLC) is committed to developing and maintaining a safe learning environment for children and young people. This policy documents how DVLC will apply the Child Safe Standards and promote a child safety culture within the organisation. It must be read in conjunction with the Mandatory Reporting Policy and Procedure and the Student Welfare and Duty of Care Policy and Procedure.

### Scope

This policy applies to staff, volunteers, contractors, Board members and other stakeholders, whether or not they are in direct contact with children or young people.

### Policy Guidelines

DVLC is committed to providing a child safe and child friendly environment where young people are safe, feel safe and are able to actively participate in decisions that affect their lives. DVLC will consistently work towards establishing an organisational culture of child safety, and to a non-discriminatory approach that protects the increased vulnerability of particular groups by promoting:

- the cultural safety of Aboriginal Children;
- the cultural safety of children from culturally and/or linguistically diverse backgrounds;
- the safety of children with a disability;
- the safety of children who identify as lesbian, gay, bisexual, transgender or intersex; and
- the safety of children in out-of-home-care and youth justice.

DVLC recognises that the safety and wellbeing of children is a shared responsibility for all staff, Board members and volunteers, and seeks to embed child safety within the organisation by:

- fostering a culture of openness that supports the safe disclosure of risks or harm;
- encouraging children and young people to participate in decision-making that affects their lives;
- providing written guidance to staff, volunteers and Board members in the form of the DVLC Child Safety Statement of Commitment (see below) and the Child Safe Code of Conduct, which identifies the differences between appropriate and inappropriate conduct and behaviour;
- requiring all staff, Board members and volunteers to sign the DVLC Child Safe Code of Conduct;
- requiring all staff and volunteers to have a current Working With Children Check (or current VIT registration), whether or not they are in direct contact with children and young people;
- developing risk management strategies that identify and assess the risk of harm to children and young people; and take steps to minimise harm, especially in physical and online environments;
- developing effective recruitment and induction processes for staff and volunteers, and ensuring that appropriate supervision and professional development is available;
- ensuring that students, staff, volunteers and Board members are aware of how to report suspected abuse or neglect, and the need to keep comprehensive, confidential records of concerns, complaints or allegations;
- implementing a child-friendly complaints process;
- encouraging children and young people (and their parents, guardians or carers) to raise safety concerns with the Child Safety Officer or a DVLC manager; and
- reviewing child safe practices, at least annually or after significant incidents, and implementing improvements.

DVLC recognises that it has a range of legal obligations and responsibilities in relation to child safety and has embedded adherence to them in policies and procedures which provide guidelines for staff, volunteers and other stakeholders. These responsibilities include:

- compliance with the Child Safe Standards;
- duty of care and responsibilities related to protecting children;
- reporting allegations of child abuse under the Reportable Conduct Scheme;
- mandatory reporting requirements for relevant staff;
- disclosure responsibilities for all Victorian adults; and
- raising awareness within the DVLC community about child safety.

DVLC has robust recruitment processes for staff and volunteers, and provides support and training to staff, Board members and volunteers in meeting their responsibilities related to child safety, and the prevention and reporting of child abuse.

All DVLC staff, Board members and volunteers are required to comply with the Child Safe Standards and this policy and procedure. Failure to comply may result in disciplinary action including the termination of employment or service.

### **Statement of Commitment**

DVLC has students under the age of 18, provides re-engagement services to young people under 18 years of age, hosts visiting children and conducts activities with children and young people. As such, DVLC recognises its responsibility and is committed to child safety, protecting children from harm and being a child safe organisation.

DVLC is committed to:

- promoting and protecting the best interests of children;
- safeguarding children who are undertaking DVLC programs including via e-learning, or who are engaged in DVLC online communities and forums;

- the safety, participation and empowerment of all children;
- preventing child abuse and identifying risks early, and removing and reducing these risks, including risks presented by physical and online environments;
- regularly training and educating our staff and volunteers on child abuse risks, the cultural safety of Aboriginal children, and children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

DVLC supports and respects all children, as well as our staff and volunteers. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background have equal rights to protection from abuse, harm or maltreatment.

DVLC has:

- zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently according to our policies and procedures;
- legal and moral obligations to contact authorities when we have reasonable concern about a child's safety, or reasonably believe that a child has been abused or harmed, which we follow rigorously;
- human resources and recruitment practices for all staff and volunteers;
- policies, procedures and training in place that support our leadership team, staff and volunteers to achieve these commitments.

Everyone working or studying at DVLC is responsible for the care and protection of the children within our care and reporting information about suspected child abuse or harm of children and young people. The DVLC community is aware of the Victorian Government's mandatory reporting obligations and associated legislation. Child protection is a shared responsibility between DVLC, all employees, students, workers, contractors, associates and members of the DVLC community.

**If you believe a child or young person is at immediate risk of abuse or harm call Emergency 000.**

## Procedure Guidelines

If you have any concerns for the immediate health and safety of a child, please call 000.

Information on how to report suspected child abuse can be found in the Mandatory Reporting Policy and Procedure (see especially Appendix 1).

## Responsibilities

1. The DVLC Board is ultimately responsible for the detection and prevention of child abuse and for ensuring that appropriate internal systems and controls are in place. All new Board members must be provided with information and training on the Child Safe Standards.
2. The Chief Executive Officer (CEO) is responsible for:
  - a. developing child safe strategies in consultation with the Board, the Child Safety Officer, managers and staff, and the wider DVLC community;
  - b. working with the Child Safety Officer and DVLC managers to evaluate and review risk minimisation strategies and actively enhance child safety;
  - c. keeping the Board informed of child safety matters, complaints and / or allegations;
  - d. dealing with and investigating child abuse reports in conjunction with the Board and other authorities such as the Commission for Children and Young People (CCYP), and ensuring that confidentiality is maintained;
  - e. ensuring that all staff and volunteers are aware of changes to legislation related to child safety, the legal requirement to protect children, the DVLC Child Safe Statement, the DVLC Child Safe Code of Conduct, and DVLC policies and procedures;

- f. ensuring that all adults within DVLC are aware of their obligation to report child abuse as identified in DVLC policies and procedures;
  - g. ensuring that staff and volunteers comply with the DVLC Child Safe Statement and Code of Conduct, and taking disciplinary action as required; and
  - h. ensuring that staff and volunteers are supported in meeting child safety obligations.
3. Managers and Coordinators are responsible for:
- a. promoting child safety at all times;
  - b. assessing the risks of child abuse within the scope of their role, and (in conjunction with the CEO and Child Safety Officer) developing processes that remove or minimise the opportunity for child abuse;
  - c. inducting and/or educating their staff about the prevention and detection of child abuse;
  - d. reporting inappropriate behaviour or suspected abuse, and maintaining confidentiality where needed; and
  - e. screening job applicants to ensure their suitability for working in a child safe environment.
4. The Child Safety Officer is responsible for:
- a. advising the CEO on how the Child Safe Standards should be implemented;
  - b. ensuring that child safe / risk minimisation strategies are in place and adhered to within the organisation;
  - c. providing DVLC staff, students and other stakeholders with information on child safety, and ensuring that they are aware of reporting responsibilities;
  - d. ensuring that children and young people are aware of how to raise safety issues, make complaints or disclose child abuse;
  - e. ensuring that children and young people participate in discussions and learning activities around child safety, including decisions and processes developed by DVLC to minimise harm, and feeding back their information, opinions and insight to the CEO for incorporation in child safety strategies and processes;
  - f. encouraging staff, volunteers and students to report any child safety concerns, issues, complaints or allegations, whether directly to the Child Safety Officer or other staff member;
  - g. participating in evaluations and reviews of child safety policies, processes, and the Child Safe Code of Conduct, and assisting with the implementation of improvements;
  - h. immediately raising any matters of concern with the CEO; and
  - i. ensuring that confidentiality and privacy is maintained around specific child safety investigations, complaints or allegations, that these matters are comprehensively documented, and that all records are stored securely.
5. Other staff and volunteers are responsible for:
- a. understanding that they share the responsibility for the detection, reporting and/or prevention of child abuse;
  - b. familiarising themselves with child protection legislation including the Child Safe Standards, their legal responsibilities for duty of care and reporting of abuse, and DVLC policies and procedures;
  - c. reporting any reasonable belief that a child's safety is at risk, including suspected grooming, to the Police and/or the Department of Health and Human Services (DHHS) as soon as practicable (including, but not limited to, mandatory reporting requirements);
  - d. reporting any reasonable belief that a child's safety is at risk, including suspected grooming, to their supervisor or other manager within DVLC; and
  - e. providing an environment that is supportive of the emotional and physical safety needs of children.
6. VCAL staff, including teachers, support staff and the coordinator, are responsible for:

- a. upholding the Child Safe Standards, and maintaining appropriate and ethical behaviour standards around children and young people at all times;
- b. promoting tolerance and respect for all within the VCAL Program, and ensuring that vulnerable children are supported;
- c. completing regular safety assessments, and ensuring that these and other child safety matters are discussed and acted on in team meetings;
- d. proactively providing feedback on the sufficiency and appropriateness of child safety processes, especially for vulnerable children, and suggesting improvements;
- e. developing the resilience of children and young people within the VCAL Program by, for example, incorporating child safety learning activities and discussions within their learning programs; and
- f. directly supervising children and young people when engaged in off campus, education – related activities, such as workplace learning, work experience, excursions, camps, field trips, and other extra-curricular activities.

## Definitions

**Child** means anyone under the age of 18 years, unless otherwise stated in legislation.

**Child abuse** refers to all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, and commercial or other child exploitation that may result in actual or potential harm to a child.

**Child protection** means any responsibility, measure or activity that safeguards a child from harm.

The **Child Safe Standards** are a set of seven compulsory (minimum) standards that must be met by Victorian schools, registered training providers, non-school senior secondary providers, TAFEs, universities, and other organisations that deliver services to children. The standards aim to promote the safety of children, prevent child abuse, and ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse. The seven standards are:

Standard 1: Governance and leadership

Standard 2: Clear commitment to child safety

Standard 3: Code of conduct

Standard 4: Human resource practices

Standard 5: Responding and reporting

Standard 6: Risk management and mitigation

Standard 7: Empowering children.

The Commission for Children and Young People oversees organisational compliance of the Child Safe Standards.

The **Commission for Children and Young people (CCYP)** is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people, with a particular focus on vulnerable children and young people.

**Duty of Care** is a non-delegable, legal duty to take reasonable steps to minimise the risk of reasonably foreseeable harm including:

- ensuring that the school / organisation complies with the Child Safe Standards;
- providing suitable and safe premises and equipment;
- providing adequate supervision systems;
- implementing strategies to prevent bullying;
- ensuring that sick or injured students receive medical assistance; and
- managing employee recruitment, performance and conduct.

**Failure to Disclose Offense** is an offense under the Crimes Act 1958 in which an adult in Victoria fails to disclose to police any reasonable belief that a sex offence has been committed by an adult (someone over the age of 18) against a child under the age of 16.

**Failure to Protect Offense** is an offense under the Crimes Act 1958 in which a person in authority in an organisation negligently fails to protect a child from sexual abuse perpetrated by someone associated with the organisation.

A **Grooming Offense** refers to predatory conduct by a person over the age of 18 years who purposely creates a relationship with a child and/or his/her family or carers in order to create a situation where sexual activity could occur at a later time.

A **Mandatory Reporter** is a legally designated role under the Children, Youth and Families Act 2005 (Vic) in which teachers, school principals, registered medical practitioners, nurses, registered psychologists, youth justice workers and others are responsible for reporting a reasonable belief of child physical or sexual abuse to child protection authorities in Victoria. A mandatory reporter who fails to report child abuse may be guilty of committing a criminal offence. The penalty for failing to report is 10 penalty points.

**Organisational culture** is defined as the set of values, expectations and standards that influence the behaviour of members of the organisation.

**Reasonable Belief** means that a reasonable person, doing the same work, would have formed the same belief on those grounds, based on the same information. Grounds for forming a belief are matters that the person has become aware of, and any opinions in relation to those matters. A reasonable belief does not require proof, and may be formed by:

- professional observations of the child's physical condition and/or behaviour or development;
- disclosure by a child that they have been physically or sexually abused;
- observations of physical or sexual abuse;
- allegations of child abuse from a third party who knows the child; and
- other circumstances that may lead to the belief that the child has been abused.

The **Reportable Conduct Scheme** is a legal responsibility under the Child Wellbeing and Safety Act 2005 (Vic) for the head of the organisation to report allegations of child abuse and child related misconduct made against one of their employees, volunteers or contractors, to the Commission for Children and Young People.

### **Related Policies**

P-1 Risk Identification and Management Policy and Procedure  
P-8 Student Welfare and Duty of Care Policy and Procedure  
P-26 Access, Anti-Discrimination, Equity, Diversity and Empowerment Policy  
P-35 Mandatory Reporting Policy and Procedure  
P-43 Privacy Policy  
P-54 Excursions Policy and Procedure  
P-61 VCAL Student Behaviour Management Policy

### **Related Documents**

D-009 Child Safety Statement of Commitment  
D-028 Student Handbook  
D-066 Child Safe Code of Conduct  
D-070 Responding to Incidents, Disclosures and Suspicions of Child Abuse

### **Legislation**

Charter of Human Rights and Responsibilities Act 2006 (Vic)  
Child Wellbeing and Safety Act 2005  
Children, Youth and Families Act 2005 (Vic)  
Crimes Act 1958 (Vic)

Disability Act 2006 (Vic)  
Education and Training Reform Act 2006 (Vic)  
Health Records Act 2001 (Vic)  
Human Rights and Equal Opportunity Commission Act 1986  
Privacy Act 1988  
Privacy and Data Protection Act 2014 (Vic)  
Working With Children Act 2005 (Vic)  
Working with Children Regulations 2016

**Mapping Information**

VRQA Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course, Standard 3  
AQTF Standard 2.3, 3.2

