

# AmeCare

*Working with you on the canvas of your life*




## **Child Safe**

### **Policy and Procedure**

Version 1.6

<b>Document Control</b>
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1.6	Keeping records until 25 years old		07.07.24	07.08.25
1.5	Addition of EAP services		12.08.23	12.08.24
1.4	Policy disappeared- readded		12.08.22	12.08.23
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1.1	Definitions added		12.08.19	12.08.20
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ROLE	NAME AND POSITION	SIGNATURE	DATE
Document Author:	Yanie Drysdale – General Manager		12.08.18
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Document Approval:	Yanie Drysdale – General Manager		12.08.21

## Child Safety

### **Policy**

AmeCare has implemented the Child Safe Standards and we are committed to creating a culture and environments that ensure children feel safe and are safe.

### **Scope**

AmeCare is committed to creating a culture of child safety, and recognises that protecting children, and preventing and responding to child abuse is an organization-wide responsibility. This Policy applies to all employees, volunteers, contractors, networks, work experience/work placement students, irrespective of their involvement in child related work.

AmeCare will require employees to comply with the child safe legislation as part of their contractual agreements with AmeCare.

### **Definitions**

<b><u>TERM/S</u></b>	<b><u>DEFINITION</u></b>
Aboriginal Child	a child or young person up to the age 18 years who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
Abuse	Abuse is an act or acts which endangers a child's health, wellbeing and/or development. It can be a single event or a series of traumatic events. It includes: <ul style="list-style-type: none"><li>• Physical abuse</li><li>• Sexual abuse</li><li>• Emotional abuse</li><li>• Cumulative harm</li><li>• Exposure to family violence</li><li>• Neglect</li><li>• Grooming</li><li>• Multi-dimensional harm</li></ul>

**TERM/S**

**DEFINITION**

Child or Children

means any child or young person up to the age of 18 years.

Child related work

Work within one or more of the occupational fields defined in the Working with Children Act 2005 where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.

Child safe organisation

In the context of the Child Safe Standards, a child safe organisation is one that takes deliberate steps to protect children from abuse. This commitment to protecting children must be embedded in an organisation's culture and policies.

Children from culturally and/or linguistically diverse backgrounds

a child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of their parents' identification on a similar basis.

Children with a disability

Use of the term 'disability' is consistent with that in the Disability Act 2006. In relation to a child, the use of the word 'disability' incorporates any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.

Child Safe Standards

In 2015, the Child Wellbeing and Safety Act 2005 was amended to include Child Safe Standards. The standards are designed to drive cultural change and embed practice of protecting children into the everyday thinking of an organisation.

Contracted Organisations

any type of business entity (which may include all their employees and sub – contractors) contracted by the AmeCare to provide a specific service or range of services in accordance with the contract terms and the defined scope of contract.

<b><u>TERM/S</u></b>	<b><u>DEFINITION</u></b>
Cultural safety of Aboriginal children	Aboriginal or Torres Strait Islander children be given the opportunity to be connected to culture and provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spirituality and belief systems.
Cultural safety for children from culturally and/or linguistically diverse backgrounds	An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need.
Duty of Care	The obligation of AmeCare employees, contractors and volunteers to take reasonable steps to protect children\in their care from the risks of injury that are reasonably foreseeable.
Employee	Directly employed individual including but not limited to: agency appointments, and those staff on short and long term employment agreements.
Failure to Disclose	As defined in the Crimes Act 1958 (Vic), a failure to act on the legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult (18 years and over) against a child under the age of 16 (16 being the legal age of consent).
Failure to Protect	As defined in the Crimes Act 1958 (Vic), a person with power and authority who fails to protect a child from criminal sexual abuse, they know of the risk of abuse, and are able to reduce or remove the risk but fail to do so.
Grooming	As defined in the Crimes Act 1958, the act of communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This includes predatory conduct undertaken to prepare a child for

<u>TERM/S</u>	<u>DEFINITION</u>
	sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult.
Mandatory Reporting	The legal obligation under the Children Youth and Families Act 2005, of certain professionals to report when a child is in need of protection. Mandatory reporters include: Medical Practitioners Nurses Midwives School Principals Police Officers Teachers (including early childhood teachers)
Reasonable Belief	A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. <sup>2</sup> A person forms a 'reasonable belief' that a child is in need of protection, or their safety or wellbeing is at risk, when: They are more likely to accept rather than reject their suspicion; and The belief is formed through disclosures, observations or other information of which they have become aware.

### **Statement of Commitment to Child Safety**

All children or young people who attend services, programs, and events delivered by, and spaces owned or managed by AmeCare have the right to feel and be safe. The wellbeing and safety of children and young people in our care will always be our priority.

AmeCare has zero-tolerance of child abuse and is committed to creating and maintaining a child safe and child friendly organisation where all children are valued and protected from abuse.

AmeCare is committed to creating and maintaining a child safe organisation where protecting children from abuse is embedded in the everyday thinking and practice of AmeCare, its employees, contractors and volunteers.

## **Our Staff and Volunteers**

This policy guides our staff and volunteers on the expectations for the standard of behaviour expected to keep children safe. All staff and volunteers must abide by our Child Safe Code of Conduct which specifies the standards of conduct required when working with children.

## **Training and Supervision**

Training and education are important to ensure that all staff and volunteers understand that child safety and wellbeing is everyone's responsibility. All managers, employees, volunteers, students, contractors, families and children should feel confident in discussing allegations of child abuse or child safety concerns. Training is provided to staff to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our leaders, staff and volunteers through education and 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 staff and volunteers will be supervised to ensure they understand AmeCare's commitment to child safety and wellbeing and that everyone has a role to play in protecting children from abuse. This will include checking that their behaviour towards children is safe and appropriate.

## **Recruitment**

We take all reasonable steps to employ skilled people to work with children. Selection criteria and advertisements clearly demonstrate our commitment to child safety and an awareness of our social and legal responsibilities. We encourage applications from Aboriginal people, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All employees of AmeCare, including volunteers and students, are required to hold a Working with Children Check and to provide evidence of this check. Reference checks and police record checks are conducted for new staff.

## **Legislative responsibilities**

- **Failure to disclose:** 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. Any person who believes on reasonable grounds that another form of abuse has occurred or the child is in need of protection is required to report. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds. It does not require proof.
- **Mandatory reporting:** Any Directors, managers, leaders, staff or volunteers who are mandatory reporters (doctors, nurses, midwives) must comply with their duties, noting that reporting may need to occur to regulatory authorities (i.e. Child Protection, NDIS Commission, CCYP).

- **Failure to protect:** Where there is a substantial risk that a child under the care, supervision or authority of AmeCare may become victim of a sexual offence committed by an adult associated with AmeCare, staff 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.
- **Reportable conduct:** The AmeCare Director must be made aware of any allegations of physical and sexual abuse, sexual misconduct, significant emotional or psychological harm or significant neglect by an employee or volunteer towards a child. The Commission for Children and Young People must also be notified of the allegation.

## Support

Where appropriate, following a child safety concern, AmeCare will:

- Assist alleged victims and their families to access counselling and support services.
- Provide support to affected staff through AmeCare's Employee Assistance Program.

## Privacy, Record Keeping and Incident Monitoring

AmeCare is committed to protecting an individual's right to privacy. All personal information considered or recorded during the process of a report or investigation will be handled in accordance with AmeCare's Privacy Policy. AmeCare will retain all documentation of a young person until the age of 25 years of age.

## Relevant legislation, standards, and documents

- The Child Safe Standards 2022
- National Principles for Child Safe Organisations
- The United Nations Convention on the Rights of the Child
- Child Wellbeing and Safety At 2005 (Vic)
- Reportable Conduct Scheme
- NDIS Practice standards and quality indicators 2021
- Privacy, Dignity and Confidentiality

