

CHILD SAFETY AND WELLBEING POLICY



Contents

1	PURPOSE	1
2	SCOPE	1
3	POLICY	2
	3.1 Our Commitment to Child Safety	2
	3.2 Legislative Framework	2
	3.3 Child Safety and Wellbeing Governance	3
	3.4 Children's Empowerment and Participation.....	4
	3.5 Child Abuse	5
	3.6 Code of Conduct – Child Safety & Wellbeing	6
	3.7 Risk Management	8
	3.8 Allegations, Concerns & Complaint Handling Processes	9
	3.9 Working with Children Checks	12
	3.10 Victorian Reportable Conduct Scheme	13
	3.11 Risk Management Planning Items	15
4	APPROVAL AND REVIEW DETAILS	16

1 PURPOSE

The purpose of this policy is to demonstrate the commitment of Yarrowonga Mulwala Community & Learning Centre (YMCLC) to the care, safety, and wellbeing of all children. It provides an outline of the strategies developed to:

- Facilitate the prevention of child abuse occurring at any service delivered by YMCLC
- Work towards a child safe organisational culture
- Ensure that all parties are aware of their responsibilities
- Provide guidance to staff/students/volunteers/contractors as to action that should be taken where they suspect any abuse
- Provide assurance that all suspected abuse will be reported and fully investigated.

This Policy and Procedure supports the following Related Legislation

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Safe Standards (Vic)
- Crimes Act 1958 (Vic)
- Crimes Amendment (Protection of Children) Act 2014 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Working with Children Act 2005 (Vic)

2 SCOPE

This policy applies to all persons employed, contracted or volunteering at YMCLC.

3 POLICY

3.1 Our Commitment to Child Safety

YMCLC is committed to child safety.

All students under eighteen (18) years of age who are supported by YMCLC have a right to feel and be safe. We want children to be safe, happy, and empowered. We support and respect all children. We are committed to the safety, participation, and empowerment of all children.

We promote diversity and tolerance, and people from all walks of life and cultural backgrounds are welcome. We:

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

We have zero tolerance of child abuse, harm, and racism. All allegations and safety concerns are treated very seriously and consistently with our robust policies and procedures. We have legal and moral obligations to contact authorities when we are worried about a child's safety and wellbeing, which we follow rigorously.

YMCLC is committed to preventing child abuse and identifying risks early and removing and reducing these risks. We have robust human resources and recruitment practices for all personnel and committed to regularly training and education our personnel on child abuse risks.

YMCLC has consulted widely in the development and implementation of this policy that has been approved by our Child Safety & Wellbeing Management Board. This policy applies to all activities undertaken by YMCLC which involve, result in or relate to contact with children, and is communicated widely and accessibly including in our Policy Manual, our Student Handbook and via publishing on our website.

This policy applies to all individuals who conduct work for YMCLC in a paid or unpaid capacity, including board members, executive leadership, all RTO staff, volunteers, contractors, and consultants.

3.2 Legislative Framework

Providing services in Victoria and NSW, YMCLC has implemented a Child Safe framework aligned to national legislative requirements including, but is not limited to:

- *United Nations Convention on the Rights of the Child.*
- *Child Protection (Working with Children) Act 2012 (NSW).*
- *Working with Children Act 2005 (VIC).*
- *Child Wellbeing and Safety Act 2005 (VIC) (including Child Safe Standards).*
- *Children, Youth and Families Act 2005 (VIC).*
- *Crimes Act 1958 (VIC).*
- *Wrongs Act 1958 (VIC).*

YMCLC is committed to establishing and maintaining child safe environments and has designed services with a particular focus on:

- *The Keep Them Safe: A Shared Approach to Child Wellbeing framework (NSW); and*
- *Child Safe Standards (VIC).*

As a child safe organisation, YMCLC:

- Has established a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- Has embedded child safety and wellbeing in organisational leadership, governance, and culture.
- Informs and empowers children and young people about their rights, supporting participation in decisions affecting them.
- Informs and involves families and communities in promoting child safety and wellbeing.
- Upholds equity and respects diverse needs in policy and practice.
- Has inclusive approaches for children with a disability, Aboriginal children, and children from culturally and/or linguistically diverse backgrounds.
- Ensures people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Maintains child-focused processes for services delivery and the management of complaints and concerns.
- Ensures staff and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people safe through ongoing education and training.
- Has actively considered risks of abuse within the organisation.
- Ensures physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Has well-articulated policies and procedures documenting how YMCLC has implemented and maintains its child safe approach.
- Regularly reviews and improves processes used for the implementation of Child Safe Standards.

3.3 Child Safety and Wellbeing Sub-Committee

3.3.1 Sub-Committee

YMCLC has implemented a Child Safety and Wellbeing Sub-Committee that is responsible for implementing or complying with all aspects of YMCLC's child safety and wellbeing requirements including:

- This policy and any procedures relating to it
- Volunteer recruitment and screening practices.
- Policy and procedure for receiving and responding to complaints.
- Risk assessment and management processes
- All policies and procedures on external reporting, record keeping and information sharing; and
- The Code of Conduct – Child Safety & Wellbeing.

The Board of Management has the role of making sure that children's safety is prioritised, and that action is taken when anyone raises concerns about children's safety.

The Board of Management champions and models a child safe culture, encouraging anyone involved with the organisation to report a child safety concern. The Board of Management works to create a positive culture around reporting so that people feel comfortable to raise concerns.

The Board of Management makes sure that staff and volunteers are conducting risk assessments and taking action to manage risks in accordance with this policy. And ensures that appropriate child safety training for staff and volunteers is identified and completed.

The Board of Management conducts an annual review of how effectively YMCLC is delivering child safety and wellbeing.

3.3.2 Child Safety Officer

YMCLC has appointed a child safety officer for its RTO operations, being the designated person to hear or be informed about all allegations or concerns and providing support to other personnel.

Child Safety Officer YMCLC

Sharron Johnson

Our designated child safety officer provides a single contact for children, parents, and personnel to seek advice and support regarding the safety and wellbeing of children.

3.4 Children's Empowerment and Participation

YMCLC actively seek to include children's views and ideas in our organisational planning and delivery of services. We encourage children to be supportive of each other. We do not tolerate bullying or abusive behaviour between children and take action if this occurs.

We respect the rights of children and provide them with information about their rights including the right to be safe at YMCLC. We regularly communicate with children about what they can do if they feel unsafe.

YMCLC pays particular attention to the needs of children and young people with disability, children, and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

YMCLC values the voices of children and will act on safety concerns raised by children or their families. We support children's participation and provide information to children and families about YMCLC operations, staffing and programs in relation to child safety and wellbeing topics.

Families and communities

YMCLC recognises the important role of families and involves parents and carers when making significant decisions about their child. Parents, families, and communities are welcome to provide feedback at any time through our contact email address and are encouraged to raise any concerns they have with us. YMCLC provides information to families and community about our child safe policies and practices including through publishing this Child Safety and Wellbeing Policy and Code of Conduct on our website, including information about our child safety approach in the Participant Information Booklet and effectively addressing support for children in our operational processes.

From application for enrolment processes onwards, YMCLC ensures that families participate in services delivery decisions affecting their child.

Creating culturally safe environments for all Aboriginal children and their families

YMCLC is committed to creating environments where Aboriginal culture is celebrated and Aboriginal children, families and community members are welcomed and included. Strategies to embed cultural safety for Aboriginal children include:

- an Acknowledgement of Country at all events.
- Supporting children who wish to explore their culture, including consulting with their family and relevant Aboriginal organisations.
- Providing training for staff and volunteers on the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children.
- Celebrating NAIDOC Week and acknowledging significant events including National Sorry Day and National Reconciliation Week.
- Seeking feedback from Aboriginal children, families, and communities on their experiences.

Valuing diversity

We value diversity and equity for all children. To achieve this, we:

- Provide training for all Management Board members, staff, and volunteers on understanding diversity and how to support inclusion and cultural safety.
- Welcome and support participation of all children, including children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, LGBTIQ children and Aboriginal children and their families.
- Offer students and families through our application for enrolment process the opportunity to provide information about themselves, including any specific needs to participate fully in our programs.
- Have zero tolerance of racism and other forms of discrimination and take action when discrimination or exclusion is identified.
- Have a physical and online environment that actively celebrates diversity.
- Commit to ensuring our facilities and online activities promote inclusion of children of all abilities, including the implementation of processes in line with the Disability Standards for Education 2005.

3.5 Child Abuse

Child / Children means a person who is under the age of 18 years.

Child abuse means:

- A sexual offence committed against a child.
- An offence committed against a child, such as grooming.
- Physical violence against a child.
- Causing serious emotional or psychological harm to a child.
- The serious neglect of a child.

Harm is damage to the health, safety or wellbeing of a child or young person, including because of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual, and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising because of a series of acts or events over a period.

Reporting child abuse is a community-wide responsibility. Child abuse includes any act committed against a child involving:

- Physical violence.
- Sexual offences.
- Serious emotional or psychological abuse; and
- Serious neglect.

Concerns and complaints

A *concern* refers to any potential issue that could impact negatively on the safety and wellbeing of children.

A *complaint* is an expression of dissatisfaction related to one or more of the following:

- Our services or dealings with individuals.
- Allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with YMCLC.
- Disclosures of abuse or harm made by a child or young person.
- The conduct of a child or young person at YMCLC.
- The inadequate handling of a prior concern.
- General concerns about the safety of a group of children or activity.

Call the police on 000 if you have immediate concerns for a child's safety.

All YMCLC personnel are required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16. *It is a criminal offence (failure to disclose) to fail to comply with this obligation across jurisdictions.*

What is a '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. For example, a 'reasonable belief' might be formed when:

- A child states that they have been sexually abused.
- A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been sexually abused.
- Observations of the child's behaviour or development leads to a belief that the child has been sexually abused; or
- Signs of sexual abuse leads to a belief that the child has been sexually abused.

A reasonable belief is a deliberately low threshold. This enables authorities to investigate and act.

If a person 16 years or older provided you with the information and they do not have an intellectual disability and they do not want the information reported to the police, an individual is then not required to report to police.

YMCLC will not tolerate incidents of child abuse. All personnel understand their obligation to notify relevant authorities as soon as practicable if they have a reasonable suspicion that a minor has been, or is being, abused or neglected by a member of their family or any other individual:

- New South Wales Child Protection Line - **13 21 11**
- Victoria Child Protection Crisis Line - **13 12 78**

3.6 Code of Conduct – Child Safety & Wellbeing

All YMCLC personnel are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children and are responsible for supporting the safety, participation, wellbeing, and empowerment of children by:

- always Adhering to YMCLC's child safe policy at all times upholding YMCLC's statement of commitment to child safety and wellbeing.
- Participating in all compulsory training and professional development including training on child safety and wellbeing.
- Treating all children and young people with respect, regardless of race, sex, gender identity, sexual orientation, language, religion, political or other opinion, nationality, cultural background, financial situation, disability, or other characteristics.
- Taking all reasonable steps to protect children from abuse.
- 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 child.
- Promoting the cultural safety, participation, and empowerment of Aboriginal children.
- Promoting the cultural safety, participation, and empowerment of children with culturally and/or linguistically diverse backgrounds.
- Promoting the safety, participation, and empowerment of children with a disability.
- Ensuring as far as practicable that adults are not left alone with a child.
- Reporting any allegations of child abuse to the Child Safety Officer & YMCLC management and ensure any allegation to reported to the police or child protection.
- Reporting any child safety concerns to the Child Safety Officer & YMCLC management.
- If an allegation of child abuse is made, ensure as quickly as possible that the child(ren) is safe.

- Encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.
- Promoting friendships and encourage children and young people to support their peers.
- Reporting any conflicts of interest I have (such as an outside relationship with a child) that may affect my ability to perform my role.
- Respecting the privacy of children and their families, including keeping all personal information confidential unless required by law to share it.
- Informing parents and carers if there are situations that need to be safely managed but are outside the boundaries of this Code of Conduct (such as undertaking one-on-one training sessions).
- Upholding the rights of the child and always prioritising their needs.

Personnel must not:

- Develop any 'special' relationships with children that could be seen as favouritism.
- Exhibit behaviours with children which may be construed as unnecessarily physical.
- Put children at risk of abuse.
- Do things of a personal nature that a child can do for themselves.
- Engage in open discussions of a mature or adult nature in the presence of children.
- Use inappropriate, hurtful, or offensive behaviour or language in the presence of children.
- Express personal views on cultures, race, or sexuality in the presence of children.
- Discriminate against any child, including because of culture, race, ethnicity, or disability.
- Have organised contact with a child or their family outside of our organisation without our child safety officer's knowledge and / or consent.
- Have any inappropriate online contact with a child or their family.
- Ignore or disregard any suspected or disclosed child abuse.
- Condone or participate in illegal, unsafe, abusive, or harmful behaviour towards children – this includes physical violence, sexual abuse, emotional or psychological abuse, grooming, neglect or sexual misconduct.
- Ignore or disregard any concerns, suspicions or disclosures of child abuse or harm.
- Exaggerate or trivialise child abuse issues.
- Fail to report information to police if I know a child has been abused.
- Touch children in a way that is unnecessary or unsuitable and falls outside what is reasonable for YMCLC services delivery purposes.
- Persistently criticise and/or denigrate a child.
- Deliberately prevent a child from forming friendships.
- Verbally assault a child or create a climate of fear.
- Offer children and young people alcohol, cigarettes, or other drugs.
- Show children pornographic images, share details of sexual experiences with a child or use sexual language or gestures in the presence of children.
- Have unauthorised contact with children and young people online, on social media or by phone.
- Take photographs, screenshots or share images of children involved in activities that are not authorised or required for YMCLC service delivery activities.
- Be alone with a child when there is no professional reason for doing so.

By observing these standards all personnel acknowledge individual responsibility to immediately report any breach of this code to the Child Safety Officer & YMCLC management.

All third-party contractors are also expected to abide by the Child Safe Code of Conduct, and where they are engaging with children will have to sign an agreement to comply with the code, prior to delivering any services.

YMCLC enforces this policy, the Code of Conduct and any other child safety and wellbeing policies. Potential breaches by anyone will be investigated and may result in restriction of duties, suspension or termination of employment or engagement or other corrective action. More information can be found in our misconduct procedure.

Some breaches of this Code of Conduct may need to be reported to the Police, or to the relevant Commission for Children and Young People. Our complaint handling processes below provide more information about our reporting obligations to external authorities as well as describing protections and confidentiality provisions for anyone making a report.

If any person in a position of authority within our organisation becomes aware of a substantial risk that a child may become the victim of a sexual offence committed by an adult associated with the organisation (for example, an employee, contractor, or volunteer), and they have the power or responsibility to reduce or remove the risk, then they must take all reasonable steps to do so. A person in authority who negligently fails to take appropriate action to address the risk may be charged with the criminal offence of 'failing to protect' and may face a term of imprisonment. If an adult reasonably believes a sexual offence has been committed by an adult against a child under the age of 16, they must report it to Police by calling 000 or going to their local police station. Failure to disclose the information may be a criminal offence.

3.7 Risk Management

YMCLC ensures the protection of children when a risk is identified. In addition to general occupational health and safety risks, we proactively manage risks of abuse to children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments and online environments, without compromising a child's right to privacy, access to information and social connections.

3.7.1 Recruiting staff and volunteers

YMCLC puts child safety and wellbeing at the centre of recruitment and screening processes for staff and volunteers. We only recruit staff and volunteers who are appropriate to engage with children.

We require a Working with Children Check, National Criminal Checks and referee checks for all staff and volunteers who have a role with children or have access to children's personal information. We require staff to have appropriate qualifications for their roles and check to make sure these qualifications are valid.

3.7.2 Training and supervision

YMCLC culture aims for all individuals to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns.

YMCLC has specific policies, procedures and training in place that support our leadership team and personnel to achieve these commitments. We support personnel through ongoing supervision to ensure they understand our organisation's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate.

All management, staff and volunteers are required to complete annual child safety training. Training undertaken is recorded in the *Professional Development Register* and everyone's HR file.

3.7.3 Record keeping

YMCLC is committed to making and keeping full and accurate records about all child-related complaints or safety concerns. All child safety complaints, concerns, incidents and near misses are recorded in the incident reporting system.

Records that assist with the investigation of a complaint or safety concern are identified and kept as part of the record of an investigation. Records are kept even if an investigation does not substantiate a complaint. We record and keep the outcome of any investigations, and the resolution of any complaints. This includes findings made, reasons for decisions and actions taken.

Records are stored securely and kept by YMCLC for at least 45 years.

3.7.4 Regular review

YMCLC reviews this policy regularly and following any significant incidents should it occur. Reviews inform our approach to continuous improvement of our child safety practices.

Complaints, concerns, and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.

Reviews are overseen by The Board of Management and are informed by consultation with children, families, and staff. Reports on the findings of relevant reviews are accessible to staff and volunteers, community and families and children and young people.

3.8 Allegations, Concerns & Complaint Handling Processes

YMCLC takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Personnel are trained to deal appropriately with allegations.

We work to ensure all children, families and personnel know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour. We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place.

3.8.1 Fair procedures for personnel

The safety and wellbeing of children is our primary concern. We are also fair and just to personnel. The decisions made by YMCLC when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using our incident reporting form, including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions we as an organisation take.

3.8.2 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be personnel, parents, or children, unless there is a risk to someone's safety. YMCLC has safeguards and practices in place to ensure any personal information is protected.

3.8.3 If a child discloses an incident of abuse

- 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, 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 can 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 and YMCLC management as well as police or child protection as relevant.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.

3.8.4 If a parent/carer says their child has been abused or raises a concern

- Explain that YMCLC has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- 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 the YMCLC management or Child Safety Officer, the police or child protection.
- 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.
- Be aware that:
 - Individuals from Aboriginal, culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse.
 - Individuals with a disability may experience barriers disclosing an incident.

You need to be sensitive to these issues and meet individuals' needs where possible.

Personnel must follow the Critical Actions below every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

If personnel believe that a child is not subject to abuse, but still hold significant concerns for their wellbeing they must still act.

YOU MUST TAKE ACTION

Personnel play a critical role in protecting children in our care.

You must act, by following the Four Critical Actions below, as soon as you witness an incident, receive a disclosure, or form a reasonable belief that a child has, or is at risk of being abused.

You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g., if the victim or another person tells you about the abuse).

You must use an incident reporting form to keep clear and comprehensive notes.

ACTION 1: Responding to an emergency

If there is no risk of immediate harm, go to ACTION 2.

If a child is at immediate risk of harm, you must ensure their safety by:

- Separating alleged victims and others involved.
- Administering first aid.

- Calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns.
- Identifying a contact person in your organisation for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

Action 2: Reporting to authorities

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions, and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

You must report all instances of suspected child abuse or suspected sexual abuse (including grooming) to Police.

You must also report internally to the Child Safety Officer and YMCLC management.

If the source of suspected abuse is from within the family or community, you must report the suspected abuse to the relevant Child Protection Authority in the State or Territory jurisdiction.

This includes if a child is:

- In need of protection from child abuse
- At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability, or development.

Action 3: Contacting parents / carers

The Child Safety Officer and YMCLC management must consult with Child Protection and or Police to determine what information can be shared with parents/carers. They may advise:

- Not to contact the parents/carers (e.g., in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted); or
- To contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure, or suspicion).

Action 4: Providing ongoing support

YMCLC must provide support for children impacted by abuse. This includes the development of a Student Support Plan developed in consultation with wellbeing professional and/or counselling staff.

Strategies may include development of a safety plan, direct support, and referral to wellbeing professionals.

3.8.5 Additional support mandatory reporting

YMCLC management uses appropriate tools to inform decision making, such as the online *Mandatory Reporter Guide*, professional judgment, or specialist advice, where there are concerns about risk of harm.

The mandatory reporter guide is available at:

<https://reporter.childstory.nsw.gov.au/s/>

3.9 Working with Children Checks

All YMCLC personnel are required to undertake, as a component of the recruitment process, a National Criminal Check to ensure suitability in meeting YMCLC's legislative and contractual obligations. National criminal checks are valid for and must be renewed every five years.

<https://www.crimcheck.org.au>

3.9.1 State and Territory Requirements

In addition to the above national check, the following state jurisdictional checks also apply to YMCLC personnel provided services in these jurisdictions. Personnel must have completed and provided an appropriate check prior to commencing employment or engagement:

Jurisdiction	Requirements
New South Wales	All personnel providing services in New South Wales must undertake screening in accordance with the requirements of the <i>Child Protection (Working with Children) Act 2012 (NSW)</i> . Checks are valid for five years. http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check
Victoria	All personnel providing services in Victoria must undertake a Victorian "Working with Children" check as a component of the recruitment process, in line with the <i>Working with Children Act 2005 (VIC)</i> . Checks are valid for five years. http://www.workingwithchildren.vic.gov.au/

It is the responsibility of each individual to register for and obtain the required check(s). Potential personnel with adverse findings in these checks undertaken at the time of recruitment will not be employed by within a student service role.

3.10 Victorian Reportable Conduct Scheme

A Reportable Conduct Scheme has been implemented in the Victorian region, designed to ensure that the Commission for Children and Young People will be aware of every allegation of certain types of employee misconduct.

Commission for Children & Young People

www.cyp.vic.gov.au

childsafestandards@ccyp.vic.gov.au

03 8601 5281

Importantly, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children, including a revocation of a person's Working with Children Check card.

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

3.10.1 What types of conduct are reportable?

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; and
- Significant neglect.

A reportable allegation can be made about any person over 18 years of age who is an employee, volunteer, contractor, or office holder of YMCLC. Allegations can be made about the conduct of people even if:

- They do not have direct contact with children; or
- The conduct occurred outside of their work.

3.10.2 Requirements of heads of organisations

The YMCLC Executive Officer (EO) is the determined 'Head of Organisation' under the scheme. In the implementation of this Child Safety and Wellbeing policy and procedures, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

This includes requirements to:

- Have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response; and
- Ensure that the Commission is notified and given updates on the organisation's response to an allegation.

Key responsibilities include:

- Notifying the Commission within 3 business days of becoming aware of a reportable allegation.
- Investigating an allegation subject to police clearance on criminal matters.
- Advising the Commission who is undertaking the investigation.
- Managing the risks to children.
- Within 30 calendar days, providing the Commission detailed information about the reportable allegation and any action you have taken; and
- Notifying the Commission of the investigation findings and any disciplinary action the entity has taken (or the reasons no action was taken).

The Commission carefully considers each allegation that it receives under the Reportable Conduct Scheme. The Commission may decide to:

- Give YMCLC support and guidance on the matter.
- Check YMCLC is handling the allegation in a timely manner; and
- Refer a substantiated allegation to Working with Children Check or a professional accreditation body.

3.11 Risk Management Planning Items

Business Activity	Output	Effect of Output	Risk (H-M-L)	Impact (H-M-L)	Mitigating Tools	Last Review	Reviewer
Child Safety & Wellbeing	Protection of minors Reinforcement / protection of brand	Organisational culture of safety for children and young people under the age of 18 – leadership, public commitment, and frequent messaging	H	H	Safety & Wellbeing Policy Code of Conduct for child safety and wellbeing Strategies to embed organisational culture of child safety implemented Statement of commitment to safety for children and young people under the age of 18 is publicly available		
	Trust of personnel	Trust of personnel & culture of child safety	M	M	Code of Conduct for child safety and wellbeing Strategies implemented to embed a culture of safety for children and young people under the age of 18 Clear child safety reporting procedures		
	Recruitment of appropriate personnel	Trust of personnel & culture of child safety	M	H	Recruitment & Induction Policy & processes Processes in place for Criminal history search (NCC), child safety (WWCC) and pre-employment reference checks		
	Engagement with children and young people under the age of 18 online	Avoidance of or appropriate engagement with children and young people under the age of 18 online	M	H	Code of Conduct for child safety and wellbeing Strategies implemented to embed culture of child safety including online aspects		

4 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Board of Management
Advisory Board to Approval Authority	Child Safety Board
Administrator	Executive Officer
Next Review Date	January 2024

Approval and Amendment History	Details
Original Approval Authority and Date	Approved by BOM 13.12.2022
Amendment Authority and Date	
Notes	Update to Child Protection Policy to align with new Child Safety Standards