

CHILD SAFETY AND WELLBEING POLICY

POLICY NO: 30

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PURPOSE

The purpose of this policy is to ensure Yarrowonga Neighbourhood House Inc trading as Yarrowonga Mulwala Community & Learning Centre (YMCLC), registration code 21765, provides a safe and supportive environment for children and young people, fostering their wellbeing and protecting them from harm. This policy outlines the organisation’s commitment to complying with child safety legislation, promoting the rights of children, and embedding a culture of child safety across all operations.

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This policy applies to all personnel, contractors, third-party providers, students, and visitors at YMCLC. It encompasses all activities and environments where children and young people may be involved, including on-campus, off-site, and online delivery.

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

All YMCLC personnel must agree in writing to accept and act in accordance with the policy as part of YMCLC's induction processes.

OUR COMMITMENT TO CHILD SAFETY

YMCLC is committed to the safety and wellbeing of all children and young people in its care. Children and young people are valued and respected.

The organisation upholds its duty of care by implementing robust child safety policies, procedures, and practices, ensuring compliance with relevant legislation, and promoting a culture of safety and respect.

All children and young people are treated with respect regardless of their abilities, sex, gender, or social economic or cultural background and equity is upheld, A child safe culture is championed and modelled at all levels of the organisation, from the top down and bottom up.

Bullying and harassment will not be tolerated.

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 concerned about a child's safety and wellbeing.

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 and Wellbeing Sub-Committee*. 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 this policy, our Student and Trainer Handbooks and via publishing on our website.

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RATIONALE

YMCLC is deeply committed to embedding the principles of child safe organisations in its operations, particularly when delivering services to VET students under the age of 18. The organisation has established a comprehensive Child Safety and Wellbeing Policy that aligns with the *National Principles for Child Safe Organisations* and complies with legislative frameworks across all Australian jurisdictions. This policy is designed to create and maintain an environment where children and young people feel safe, supported, and empowered.

To uphold these principles, YMCLC implements a range of robust practices, including clear governance structures such as the *Child Safety and Wellbeing Sub-Committee*, which oversees the development, implementation, and review of child safety policies and procedures. The committee ensures compliance with legal obligations, risk management strategies, and the delivery of training and supervision to personnel. A designated *Child Safety Officer* provides a central point of contact for concerns and advice, further strengthening the organisation's capacity to support and safeguard young students.

YMCLC fosters a culture of child safety by actively engaging children, families, and communities in decision-making processes that affect them. The organisation informs children of their rights and ensures their voices are heard in service delivery and organisational planning. Tailored strategies are in place to support the participation of children from diverse backgrounds, including Aboriginal and Torres Strait Islander children, children with disabilities, and those from culturally and linguistically diverse communities.

Recruitment practices prioritise child safety by requiring *Working with Children Checks*, *National Criminal Checks*, and robust referee assessments for all personnel. Additionally, personnel undergo annual child safety training to enhance their understanding of mandatory reporting obligations, risk identification, and the creation of culturally safe environments.

YMCLC has developed processes to address risks in both physical and online environments, ensuring these spaces promote safety and minimise opportunities for harm. Incident reporting systems are well-established, with a focus on timely and thorough responses to any safety concerns or allegations of abuse. Records of incidents, concerns, and complaints are securely maintained, and all investigations are conducted transparently and in accordance with legal requirements.

The organisation prioritises continuous improvement through regular reviews of its child safety practices, informed by feedback from children, families, and personnel, as well as audits and incident analyses. This proactive approach ensures YMCLC not only meets but exceeds the standards required to maintain a child safe environment, fostering trust and confidence among all stakeholders.

LEGISLATIVE FRAMEWORK

Providing services nationally, YMCLC has implemented a child safe environments framework to comply with national legislative requirements including, but is not limited to:

- United Nations Convention on the Rights of the Child,
- Child Protection (Prohibited Employment) Act 1998 (Cth),
- National Principles for Child Safe Organisations,
- Children and Young Persons (Care and Protection) Act 1998 (NSW),
- Child Protection (Working with Children) Act 2012 (NSW),
- Children, Youth and Families Act 2005 (VIC),

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- Child Wellbeing and Safety Act 2005 (VIC) (including Child Safe Standards),
- Crimes Act 1958 (VIC),
- Wrongs Act 1958 (VIC),
- Worker Screening Act 2020 (VIC).

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

- National Principles for Child Safe Organisations,
- Keep Them Safe: A Shared Approach to Child Wellbeing framework (NSW), and
- Child Safe Standards (VIC).

NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Personnel and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

As a child safe organisation, YMCLC:

1. 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.
2. Has embedded child safety and wellbeing in organisational leadership, governance and culture.
3. Informs and empowers children and young people about their rights, supporting participation in decisions affecting them.
4. Informs and involves families and communities in promoting child safety and wellbeing.
5. Upholds equity and respects diverse needs in policy and practice.
6. Has inclusive approaches for children with a disability, Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
7. Ensures people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
8. Maintains child-focused processes for services delivery and the management of complaints and concerns.
9. Ensures personnel and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
10. Has actively considered potential risks of abuse within the organisation.
11. Ensures physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
12. Has well-articulated policies and procedures documenting how YMCLC has implemented and maintains its child safe approach.

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13. Regularly reviews and improves processes used for the implementation of Child Safe Standards.

CHILD SAFETY AND WELLBEING GOVERNANCE

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,
- Recruitment and screening practices,
- Personnel induction, training, supervision and support,
- The 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.

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

The sub-committee makes sure that personnel 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 personnel and volunteers is identified and completed.

An internal audit is conducted annually to inform the management committee how effectively YMCLC is delivering child safety and wellbeing.

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.

YMCLC Child Safety Officer

Sharron Johnson, Training Manager

Ph: 03 5744 3911 sjohnson@ymclc.edu.au

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. 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. The organisation does not tolerate bullying or abusive behaviour between children and acts if this occurs.

The organisation respects the rights of children and provides them with information about their rights including the right to be safe at YMCLC. The organisation regularly communicates with children about what they can do if they feel unsafe.

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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. The organisation supports children's participation and provide information to children and families about YMCLC operations, personnel and programs in relation to child safety and wellbeing topics.

i) 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.

The organisation provides information to families and community about our child safe policies and practices through publishing this Child Safety and Wellbeing Policy and Code of Conduct on our website, including information about our child safety approach in the Student Handbook 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.

ii) 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 major events.
- Supporting children who wish to explore their culture, including consulting with their family and relevant Aboriginal organisations.
- Providing training for personnel and volunteers on the strengths of Aboriginal culture and its importance to the wellbeing and safety of Aboriginal children.
- Celebrating National Aborigines and Islanders Day Observance Committee (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.
- Adhering to best practice protocols for Koorie education in Learn Local.

iii) Valuing diversity

YMCLC values diversity and equity for all children. To achieve this, the organisation:

- Provides training for all Board of management members, personnel and volunteers on understanding diversity and how to support inclusion and cultural safety.
- Welcomes and supports 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.
- Offers 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.
 - Has zero tolerance of racism and other forms of discrimination and take action when discrimination or exclusion is identified.

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- Has a physical and online environment that actively celebrates diversity.
- Commits 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 (and subsequent review)*.

4. 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.
- Serious neglect of a child.

Harm is damage to the health, safety or wellbeing of a child or young person, including as a result 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 as a result of a series of acts or events over a period of time.

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 personnel 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.

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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 take action.

If a person sixteen (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, then you are 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:

NSW Child Protection Helpline: 132 111

VIC Child Protection:

North Division: 1300 598 521

LGAs Covered: Banyule, Buloke, Darebin, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Hume, Loddon, Macedon Ranges, Mildura, Moreland, Mount Alexander, Nillumbik, Swan Hill, Whittlesea, Yarra.

South Division: 1300 555 526

LGAs Covered: Bass Coast, Baw Baw, Bayside, Cardinia, Casey, East Gippsland, Frankston, Glen Eira, Greater Dandenong, Kingston, Latrobe, Mornington Peninsula, Port Phillip, South Gippsland, Stonnington, Wellington.

East Division: 1300 360 452

LGAs Covered: Alpine, Benalla, Boroondara, Greater Shepparton, Indigo, Knox, Manningham, Mansfield, Maroondah, Mitchell, Moira, Monash, Murrindindi, Strathbogie, Towong, Wangaratta, Whitehorse, Wodonga, Yarra Ranges.

West Division: 1300 360 462

LGAs Covered: Ararat, Ballarat, Brimbank, Colac-Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Hepburn, Hobsons Bay, Hindmarsh, Horsham, Maribyrnong, Melbourne, Melton, Moonee Valley, Moorabool, Moyne, Northern Grampians, Pyrenees, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool, West Wimmera, Wyndham, Yarriambiack.

After Hours Child Protection Emergency Service: **13 12 78**

5. Code of Conduct

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 safety and wellbeing policy, upholding YMCLC's statement of commitment to child safety and wellbeing.

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- 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 and YMCLC management and ensure any allegation to reported to the police or child protection.
- Reporting any child safety concerns to the Child Safety Officer and 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.

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- 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 and YMCLC management.

All third-party contractors are also expected to abide by the 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 YMCLC's Discipline Policy.

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.

Breaches or suspected breaches of the Code of Conduct are reported as soon as practicable to the YMCLC *Child Safety Officer*.

Breaches or suspected breaches of the Code of Conduct are taken seriously and dealt with quickly, fairly and transparently.

Any individual who breaches the Code of Conduct faces disciplinary action and depending on severity of the breach, the individual may have their employment terminated.

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6. 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. The organisation has 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.

i) Recruiting Personnel and Volunteers

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

The organisation requires relevant *Working with Children Check(s)*, *National Criminal Checks* and referee checks for all personnel and volunteers who have a role with children or have access to children's personal information. The organisation requires personnel to have appropriate qualifications for their roles and check to make sure these qualifications are valid.

To ensure YMCLC engages the most suitable people to work with children and young people, the organisation has the following recruitment practices in place:

- Our commitment to child safety is included in all job advertisements.
- Clear position descriptions that include our commitment to child safety and wellbeing.
- Written applications from applicants.
- Face-to-face interviews that use behavioural questions to determine the applicant's knowledge of child safeguarding.
- At least two (2) referee checks and qualification checks.

ii) 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. The organisation supports 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 Board of Management members, personnel and volunteers are required to complete annual child safety training. Training undertaken is recorded in the Professional Development Register in each individual's HR file.

YMCLC has strategies in place to supervise, train and support workers to understand our organisation's child safe policy, their mandatory reporting obligations, how to build culturally safe environments and their responsibilities to create a child safe and friendly environment. Strategies include regular supervision sessions that include a focus on child safety and wellbeing.

Support includes:

- The induction process for all new personnel including a copy of this policy document.
- Regular performance appraisals that discuss child safeguarding.

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- The appointed a child safety officer who has an educative role within the organisation.

iii) Recordkeeping

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.

These records are stored securely and kept by YMCLC for at least forty-five (45) years.

7. Allegations, Concerns and 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.

The organisation works 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.

i) Fair Procedures for Personnel

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

YMCLC records 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, the organisation provides updates to children and families on progress and any actions taken.

ii) 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.

If a Child Discloses an Incident of Abuse

- Try and separate them from others 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 with others, such as 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.

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- Provide them with an Accident Incident Near Miss report form to complete, or complete it together, if you think the child is unable to 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.

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 Accident Incident Near Miss Report 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 considered to be:

- 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 professionals and/or counselling personnel.

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

iii) Additional Support Mandatory Reporting

YMCLC management uses appropriate tools to inform decision making, such as the online Mandatory Reporter Guide in the NSW region, professional judgement, or specialist advice, where there are concerns about a child of 0 to 15 years at risk of significant harm. The NSW Mandatory Reporter Guide is available at: <https://reporter.childstory.nsw.gov.au/s/>.

YMCLC deals with all complaints and feedback received from children, young people or their families promptly, sensitively and fairly. The organisation:

- Listens to the complaint/feedback.
- Ensures the person receiving the complaint makes a record of it if received verbally.
- Advises of the time expected for an outcome.
- Ensures if personnel receive a complaint, they forward it to management as soon as possible.
- Ensures management responds to the complainant with an outcome within seven (7) days.
- Clearly document and securely store decisions and actions taken in response to complaints and feedback.
- Makes sure that procedural fairness is always followed.

If the child, young person or their family is not happy with the outcome from the complaints process they can contact:

Health and Community Services Complaints Commissioner 8226 8666 or Australian Health Practitioners Regulation Agency 1300 419 495

Australian Human Rights Commission Online: www.humanrights.gov.au 1300 656 419.

8. 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. For further information <https://www.nationalcrimecheck.com.au>

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 a check that is valid for five years. https://ocg.nsw.gov.au/working-children-check |
| Victoria | All personnel providing services in Victoria must undertake a check that is valid for five years. https://www.vic.gov.au/working-with-children-check |

It is the responsibility of everyone 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 in a student service role.

9. Reportable Conduct Scheme

A Reportable Conduct Scheme has been implemented across Australian jurisdictions, designed to ensure that the relevant government authorities are aware of every allegation of certain types of employee misconduct.

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 police.

What types of conduct are reportable?

There are five types of 'reportable conduct':

- 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.

Requirements of heads of organisations. The YMCLC Executive Officer 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 relevant government authority within three business days of becoming aware of a reportable allegation,
- Investigating an allegation subject to police clearance on criminal matters,
- Advising the relevant government authority who is undertaking the investigation,
- Managing the risks to children,
- Within thirty (30) calendar days, providing the relevant government authority detailed information about the reportable allegation and any action you have taken, and

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- Notifying the relevant government authority of the investigation findings and any disciplinary action the entity has taken (or the reasons no action was taken).

The relevant government authority carefully considers each allegation that it receives under the Reportable Conduct Scheme. The relevant government authority 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.

| Jurisdiction | Authority |
|-----------------|---|
| New South Wales | NSW Office of the Children’s Guardian www.ocg.nsw.gov.au |
| Victoria | Commission for Children and Young People (CCYP) www.cyp.vic.gov.au |

10. Communicating this Policy

This and related documents are available on our website, on request and provided as part of our Student Handbook.

This policy and related documents are provided to all personnel as part of their induction following recruitment.

YMCLCs encourages and respects the views of children and young people and involve them in decision making as appropriate. The organisation provides clear age-appropriate or developmentally appropriate explanations to children and young people including their right to safety, their right to be listened to and that they can provide feedback or make a complaint if they have a concern, to any worker or ask their parent/guardian to do this on their behalf. The organisation listens to and acts upon any complaints or concerns that a child or young person raises.

11. Policy Review

YMCLC reviews this policy regularly and following any significant incidents that 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 Child Safety and Wellbeing sub-committee and are informed by consultation with children, families and personnel. Reports on the findings of relevant reviews are accessible to personnel, volunteers, community, families, children and young people.

YMCLC at a minimum, reviews this policy and the related procedures annually, and when:

- a) New or added risks are identified for children or young people, which may require a change in the policy or procedures.
- b) A critical incident where a child or young person has experienced harm through involvement in the organisation.

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- c) Concerns are raised by anyone involved with YMCLC about child safety or welfare in the organisation.
- d) Awareness or compliance to the child safe policy and/or procedures is considered to be low.
- e) Legislative changes/requirements are identified.

12. Monitoring and Evaluation

YMCLC monitors and evaluates child safe framework processes to ensure performance is effective and outcomes are met.

A process of performance monitoring, evaluation, and reporting has been established and implemented.

The organisation continually improves the effectiveness and efficiency of processes. Process performance and outcomes are regularly audited to identify and remove causes of existing and potential problems, as well as to uncover any opportunities for improvement.

RELATED DOCUMENTS

Accident Incident Near Miss Report
Approved Personnel HR Checklist
Child and General Safety Checklist
Child Safe Environment Survey
Child Safe Risk Identification and Management Register
Induction Record
Internal Audit Tool – Child Safe Environment Processes
Investigation Report
Performance and Outcome Monitoring – Child Safe Environment Processes
Professional Development Register
Student Handbook
Trainer Handbook

RELATED LEGISLATION

Child Protection (Prohibited Employment) Act 1998 (Cth),
Child Protection (Working with Children) Act 2012 (NSW),
Child Safe Standards (Vic)
Child Wellbeing and Safety Act 2005 (VIC) (including Child Safe Standards),
Children and Young Persons (Care and Protection) Act 1998 (NSW),
Children, Youth and Families Act 2005 (Vic)
Crimes Act 1958 (Vic)
Crimes Amendment (Protection of Children) Act 2014 (Vic)
Education and Training Reform Act 2006 (Vic)
National Principles for Child Safe Organisations
United Nations Convention on the Rights of the Child
Worker Screening Act 2020 (VIC)
Working with Children Act 2005 (Vic)
Wrongs Act 1958 (VIC)

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RELATED POLICIES

Access and Equity Policy
Code of Conduct Policy
Complaints and Appeals Policy
Discipline Policy
Police Check Policy
Staffing and Recruitment Policy
Working With Children Check Policy

RELATED STANDARDS

Child Safe Standards (Vic)
Disability Standards for Education 2005
Keep Them Safe: A Shared Approach to Child Wellbeing framework (NSW)
National Principles for Child Safe Organisations,
RTO Standards 2015/2024

APPROVAL AND REVIEW DETAILS

| Approval and Review | Details |
|--------------------------------------|--|
| Approval Authority | Board of Management |
| Advisory Board to Approval Authority | Child Safety and Wellbeing Sub-Committee |
| Author | Executive Officer |
| Next Review Date | |

| Approval and Amendment History | Details |
|--------------------------------------|---|
| Original Approval Authority and Date | 15/11/2022 Board of Management |
| Amendment Authority and Date | 09/04/2024 Board of Management 26/05/2025 V2 Board of Management |
| Notes | 30/01/24 minor changes to headings |

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