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| Title: Children and Young People Safety and Wellbeing Policy | | No: 42210 |
| Policy Owner: Chief Executive Officer | | |
| Policy Operational Delegate: Director of Services | | |
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| Reference or source: <i>UN Convention on the Rights of the Child</i> <i>Commission for Children and Young People - Reportable Conduct Scheme</i> <i>Child Well Being and Safety Act 2005 (Vic)</i> <i>Children, Youth and Families Act 2005 (Vic)</i> <i>Worker Screening Act 2020</i> <i>Department of Justice - Failure to Disclose Offence</i> <i>Department of Justice - Failure to Protect Offence</i> Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021 | | |
| Purpose: This policy demonstrates the strong commitment of Family Life management, staff and volunteers to child and young people's safety and wellbeing, and outlines how Family Life prioritises the best interests of children and young people at all times including how we keep them safe from harm, including child abuse. | | |
| Application Whole Agency | Type Policy | Policy group Health & Safety |

Family Life works with and provides services for vulnerable families, children and communities.

1. Family Life Statement of Commitment to Child and Youth Safety:

- 1.1. Family Life is a youth and child safe organisation. We value, respect, and listen to children and young people. We are committed to the safety of all children and young people and commit to providing an inclusive, culturally safe and welcoming environment for all children and young people. This includes Aboriginal and Torres Strait Islander children and young people, culturally and/or linguistically diverse children and young people, gender and sexually diverse children and young people including LGBTIQ+, children and young people with a disability and those who are vulnerable and at risk.
- 1.2. Family Life supports children to meet their potential and thrive. We do not tolerate neglect, mistreatment or abuse of any kind. We actively seek to understand what makes children

feel safe within our organisation and what children can do in the event they do not feel safe. We encourage and provide opportunities for children and young people to participate and take their suggestions and concerns seriously. We commit to supporting children and young people to make a complaint via an accessible and easy to understand complaints system.

- 1.3. We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously. Safety concerns will be treated very seriously. We have robust reporting processes and recognise signs of harm and abuse. Where appropriate and safe to do so concerns will be discussed with parents / carers to empower planned and joint action, consistent with our quality endorsed policies and procedures.
- 1.4. We conduct risk assessments that consider the risks to children and young people in both the physical and online environments.
- 1.5. If you believe a child is at immediate risk of abuse, phone 000.

2. Definitions

2.1. Child or Young Person

- 2.1.1. **A child** is defined under the UN Convention on the Rights of the Child as every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.
- 2.1.2. Under the Children, Youth and Families Act 2005 (Vic), a **child** means:
 - (a) in the case of a person who is alleged to have committed an offence, a person who at the time of the alleged commission of the offence was under the age of 18 years but of or above the age of 10 years but does not include any person who is of or above the age of 19 years when a proceeding for the offence is commenced in the Court; and
 - (aa) in the case of a proceeding under the Family Violence Protection Act 2008, a person who is under the age of 18 years when an application is made under that Act; and
 - (ab) in the case of a proceeding under the Personal Safety Intervention Orders Act 2010, a person who is under the age of 18 years when an application is made under that Act; and
 - (b) in any other case, a person who is under the age of 17 years or, if a protection order, a child protection order within the meaning of Schedule 1 or an interim order within the meaning of that Schedule continues in force in respect of him or her, a person who is under the age of 18 years;
- 2.1.3. A **child or young person is defined for the purposes of this policy** as any person under the age of 18. Where relevant legislation stipulates an alternative definition, to the extent of any inconsistency in the application of this policy, the applicable legislative definition will prevail.

2.2. Child abuse or maltreatment

- 2.2.1. **Child abuse is any offence** committed against a child under section 49M(1) of the Crimes Act 1958 (Vic) resulting in actual or potential harm to a child such as

grooming, a sexual offence, physical violence, serious neglect or causing serious emotional or psychological harm to the child.

2.2.2. 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. Harm can arise from a single act or events can be cumulative over a period of time.

2.2.3. The child safe standards aim to protect children from abuse in organisations, including physical violence, sexual offences, serious emotional or psychological abuse and serious neglect.

3. Scope of Policy

3.1. This policy applies to all staff, contractors and volunteers of Family Life.

3.2. All Family Life staff, volunteers and contractors must sign their agreement to abide by 41430 Code of conduct which specifies the standards of conduct required when working with children.

4. Mission Context

4.1. Through effective services, support and connections, enable children, young people and families to thrive in caring communities.

5. Policy Principles

5.1. Children and young people who are at risk are our highest priority and the rights and protection of children remains paramount at all times in the course of our work.

5.2. Children and young people must be understood in the context of their family and community.

5.3. Family Life takes a preventative approach to child safety and has strict reporting protocols to facilitate and support the reporting of concerns. Where a child or young person is identified at risk and a report by Family Life is required to Child Protection or to other statutory bodies, intervention is focused on:

5.3.1. Securing the immediate safety of children and young people;

5.3.2. Clarifying the need for/role of statutory intervention;

5.3.3. Collaborative planning for the ongoing work to promote wellbeing and family strengthening;

5.3.4. Providing support to the person disclosing harm to a child. Refer 52435 Responding to Disclosure of Child Abuse, Client Disclosure and Duty of Care

5.4. Family Life maximises participation and decision making of parents and caregivers during referrals from and reports to Child Protection (appropriate to the safety and wellbeing of the child/young person).

6. Philosophy

6.1. Family Life implements the **UN Convention on the Rights of the Child** which states:

- 6.1.1. In all actions concerning children and young people, the best interests of the child/young person shall be a primary consideration.
- 6.1.2. Every child/young person has the right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child/young person.
- 6.1.3. Every child/young person has the right to a standard of living adequate for the child/young person's physical, mental, spiritual, moral and social development particularly with regard to nutrition, clothing and housing.
- 6.2. In addition at Family Life we aim to:
 - 6.2.1. Work with the community to ensure a safe environment for children and young people.
 - 6.2.2. Understand that family (in all its diverse forms) is the foundational unit in our society for raising a child and meeting their physical and emotional development.

7. Legislative responsibilities and operational guidelines

- 7.1. Our organisation takes our legal responsibilities and operational guidelines seriously, including:
 - 7.1.1. **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. 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 police¹.
 - 7.1.2. **Failure to protect:** People of authority in our organisation will 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 so².
- 7.2. Any personnel who are **mandatory reporters** must comply with their duties³.
- 7.3. All staff are required to comply with **53900 Duty of Care** and the 41430 Code of Conduct.
- 7.4. Family Life operates in accordance with the Family Law Act (amended 2005) and the Children Youth and Families Act 2005 (Vic). Work with children is informed by the

¹ A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed. Further information about the failure to disclose offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence) <www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

² Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence) <www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>.

³ Mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

philosophy of 'Child's Best Interest' contained within the Children Youth and Families Act 2005 (Vic).

- 7.5. Child protection reporting protocols are observed with organisational guidelines outlined in 52431 Reporting Protocols to Statutory Bodies Including Child Protection. Reporting obligations under the Reportable conduct Scheme are outlined in 52433 Child Safe standards - Allegations against Staff or Volunteer.
- 7.6. Family Life policies are informed by the Victorian [Child Safe Standards](#).

8. Reducing risks to children and young people

- 8.1. Family Life provides an environment where children and young people feel safe.
- 8.2. Family Life promotes a youth and child safe message, incorporated into appropriate service information literature, staff and volunteer position descriptions. Recruitment information sent to prospective volunteers and staff members and information displayed at agency facilities provides the Family Life Statement of Commitment to Child & Youth Safety.
- 8.3. Family Life manages risk to children and young people's safety in a proactive and effective manner. Child safe is managed as a stand alone item and is on the agenda for Executive Leadership Team and Executive Group meetings. The Child Safe Risk Register is a stand alone register, is reviewed monthly and is owned by Family Life's Director of Services.
- 8.4. All Family Life Staff and child related volunteers have access to a Child Safe Risk Assessment and Management Plan which entails a risk assessment and risk management strategies to assist in identifying and managing risks to children within the organisation. This management plan is updated at least annually.
- 8.5. Family Life provides services to children and families face to face and online and considers the safety and wellbeing of children and young people when providing such services. Refer to 52211 Considerations for the Safety and Wellbeing of Children and Young People when providing face to face and online services.
- 8.6. Family Life activities will be assessed for risk of causing harm to children in accordance with 52115 Client Risk Assessment Including Suicide Risk.
- 8.7. Whenever a person below the age of 18 is participating in services, appropriate consents are obtained.
- 8.8. It is not recommended that children under school age attend a community or group program without parental or guardian supervision. Where there may be exceptions to this, this will need to be discussed and approved by the relevant Program Manager.

9. Recruitment

- 9.1. Family Life's recruitment practice emphasises a strong attraction and selection process that demonstrates our commitment to child safety, awareness of social responsibility and compliance with legislative responsibilities.
- 9.2. Recruitment, human resources and volunteering policies and practices promote a child safe message and ensure the organisation appoints people who are suitable to work with children.

- 9.3. All recruiting managers are required to recruit in accordance with 53200 Recruitment Practice and Procedure. Recruitment practices include reference checks and safety screening including ensuring all staff and volunteers hold and provide current Working With Children and Police Checks as per as 42211 Employment Safety Screening.

10. Training and supervision

- 10.1. Training and education is important to ensure that everyone in our organisation understands that child safety is everyone's responsibility.
- 10.2. Our organisational culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in identifying and discussing any allegations of child abuse or child safety concerns.
- 10.3. Our organisational culture, supervision procedures and training support staff and volunteers to minimise risks of child abuse and to detect potential signs of child abuse.
- 10.4. We also support our staff and volunteers through ongoing supervision and training to: 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.
- 10.5. Employees and volunteers will be supervised regularly to ensure their ongoing suitability for working with children.
- 10.6. Any inappropriate behaviour will be reported through appropriate channels, including the Department of Families, Fairness and Housing and, Victoria Police and the Commission for Children and Young people under the Reportable conduct Scheme, depending on the severity and urgency of the matter.

11. Child Participation and Empowerment

- 11.1. Children and young people who are encouraged to express their views are less vulnerable to abuse and better able to contribute towards their own protection. Family Life helps children and young people speak up by:
- 11.1.1. Providing services for children with opportunities for participant feedback;
 - 11.1.2. Providing child friendly information about our Children and Young People Safety and Wellbeing policy including understanding their rights and how to raise safety concerns for themselves, friends or peers
 - 11.1.3. A child/young person friendly complaint reporting process;
 - 11.1.4. Recruiting professionally trained and client focused staff;
 - 11.1.5. Including young people in discussions about and planning for services.
- 11.2. We promote diversity and inclusion in our organisation, and people from all walks of life and cultural backgrounds are welcome. In particular we:
- 11.2.1. Promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Island children;
 - 11.2.2. Promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds;
 - 11.2.3. Ensure that children with a disability are safe and can participate equally;

- 11.2.4. Promote the safety, participation and empowerment of children and young people who identify as same-sex attracted and gender diverse and who are vulnerable and at risk

11.3 There is consensus on specific ethical and legal considerations to reduce risk when involving children in feedback processes including research and evaluation. These include:

- commitments to child-friendly participation and protection;
- prioritising the best interests of children; interacting in a way that is safe and sensitive to risk;
- ensuring informed consent from the children's legal representative;
- obtaining children's assent through the provision of age-appropriate information; and clearly defining the purposes of feedback and research processes in a way that is understood by children.

Other considerations include:

- interacting in a way that is respectful, relevant and inclusive, establishing trust;
- providing clarity around processes;
- payment and/or benefits to children;
- respecting and upholding privacy and confidentiality;
- attributing appropriate ownership; and presenting accurate representation of the findings.

When the research or evaluation is about sensitive topics and/or the children involved are in a vulnerable situation, it is particularly important to develop protocols to ensure that the process is conducted in a sensitive and careful manner so as to prevent disproportionate distress or burden on participants when recalling challenging situations. These align with Family Life's overall approach to trauma informed care.

12. Responding to child safety concerns

- 12.1. Every staff member and volunteer has a duty of care towards children/young people on Family Life premises or participating in Family Life activities. This means that every staff member or volunteer must:

- 12.1.1. Understand what a duty of care towards children/young people means. Refer 53900 Duty of Care;
- 12.1.2. Monitor situations or practices that may result in a child or young person coming to harm;
- 12.1.3. Consult with a supervisor or senior member of staff around any concerns of neglect, mistreatment or abuse of any kind;
- 12.1.4. When safety is a concern, conduct safety planning and duty of care reporting in consultation with the client (unless this places another party's safety at risk) and supervisor;
- 12.1.5. Perform ongoing review of reporting and safety planning mechanisms that have been put in place.

- 12.2. We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose above).

12.2.1. If an adult has a reasonable belief that an incident has occurred then they must report the incident. Refer 52431 Reporting Protocols to Statutory Bodies including Child protection. Factors contributing to reasonable belief may be:

12.2.1.1. A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);

12.2.1.2. Behaviour consistent with that of an abuse victim is observed;

12.2.1.3. Someone else has raised a suspicion of abuse but is unwilling to report it;

12.2.1.4. Observing suspicious behaviour

12.2.1.5. The below indicators of abuse are observed;

Physical abuse

- bruises in unlikely places (face, back, ears, hands, buttocks, upper thighs and soft parts of the body)
- inconsistent or absent explanation of bruises
- any bruising on a baby
- pressure marks from fingers on the back, face or chest
- weal, ligature or bite marks
- skull fracture, subdural bleeding, multiple fractures of different ages
- suspicious burns
- poisoning or significant over medicating

Emotional abuse

- avoiding home (particularly if the abuser is in the family home)
- running away or continually staying at friends houses
- fear of the dark, not wanting to go to bed, bedwetting or nightmares
- lying or stealing
- lack of trust in adults
- poor self-image/self-esteem, poor academic performance, poor peer relationships
- secretive, demanding or disruptive behaviour

Sexual abuse

- genital injuries
- bite marks
- sexually transmitted diseases
- persistent soiling or bedwetting
- sleep disturbance
- inappropriate sexual behaviour based on the child's age
- promiscuous attention seeking behaviour
- excessive masturbation which does not respond to boundary setting
- obsessive and compulsive washing
- wary of physical contact with others
- unusually fearful of having their nappy changed

Neglect

- failure to thrive
- developmental delay
- prone to illness

- sallow or sickly appearance
- untreated medical conditions
- smelly or dirty appearance
- abnormally high appetite, stealing or hoarding food

Grooming

- unexplained gifts like new toys and clothes
- doesn't want to talk about where the gifts came from
- receiving lots of messages from someone they only know online
- talks a lot about a particular adult or older child or wants to spend a lot of time with them
- doesn't want to talk about what they have been doing or lies about it
- stops talking about their day or asking for advice
- spends more time alone in their room
- is skipping school or sporting activities
- spending less time with friends or changes friendship groups suddenly
- for young people, in a relationship with a much older boyfriend or girlfriend and/or
- doesn't want other people around when they're with a particular boyfriend or girlfriend

13. Fair procedures for personnel

- 13.1. Any allegation against a member of staff or volunteer must be treated with the utmost seriousness, and responded to according to **52433 Child Safe standards - Allegation Against Staff or Volunteer**.
- 13.2. The safety and wellbeing of children is our primary concern. We are also fair and just to personnel. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.
- 13.3. 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.
- 13.4. 12.3 Family Life falls within scope of The Reportable Conduct Scheme. Refer 52433 Child Safe Standards - Allegations against Staff or Volunteer.

14. Privacy

- 14.1. All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to some one's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it. Refer 44300 Privacy Policy. Our privacy policy is accessible on our website.

15. Regular review

- 15.1. Family Life is committed to regularly reviewing, evaluating and improving its child safe policies and practices and ensuring appropriate consultation with staff, volunteers, clients and community.