Child Safety and Wellbeing Policy

Policy Index: Occupational Health and Safety

1. Summary

Yooralla's duty of care to children requires services to provide and protect the safety and wellbeing of children.
Yooralla has zero tolerance of child abuse.
Yooralla recognises the right of every child to:

- live free from abuse including neglect or exploitation
- receive services that support the child and family to thrive using evidence based, developmental approaches
- realise their potential in every area of their life
- have control over their own life as developmentally appropriate
- take part in decisions that affect their life
- be provided a culturally safe environment
- be given information and support to communicate in a way that suits their needs; and
- raise concerns or complaints and provide feedback.

Employees go through a stringent recruitment, induction, training and supervision process and must:

- make sure child development, health and wellbeing needs are being met
- follow the Management of Client Incidents Policy in relation to reporting requirements; and
- disclose information to police based on a reasonable belief of concerns about the safety and wellbeing of a child or young person regardless of whether the child is or is not a Yooralla client.

2. Scope of Policy

This policy applies to all Yooralla clients children aged 0 – 18 years, managers, employees, volunteers, parent helpers and agency subcontractors who deliver services to children on behalf of Yooralla, regardless of funding type.

3. Purpose

This policy outlines Yooralla's 'Child Safety' responsibilities and commitment to the wellbeing of children. Yooralla recognises that connection to a secure family and community protects children from physical and emotional harm and leads to improved health and wellbeing outcomes for the child.

The purpose of this policy is to:

- safeguard the health and wellbeing of children supported by Yooralla, with a focus on services that support children and families to thrive using evidence based, developmental approaches;
- demonstrate commitment to providing a safe environment for all children including promoting cultural safety for Aboriginal children and safety for children from culturally and/or linguistically diverse backgrounds;

- recognise and educate employees on the complex risk factors that contribute to the over representation of Aboriginal and Torres Strait Islander children in the Child Safety system and guide employees in adhering to the Aboriginal Child Placement Principle and the National Framework for Protecting Australia's Children (2009–2020);
- meet mandatory reporting requirements to external bodies such as the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission, Department of Families Fairness and Housing (DFFH), Department of Education and Training (DET), and the Victorian and Federal Police;
- outline the general roles and responsibilities employees have in relation to the safety and wellbeing of children who receive services from Yooralla, and specific responses to concerns of child abuse;
- support the delivery of high-quality services through appropriate documentation of service planning, delivery **and evaluation as well as full and transparent reporting of adverse events, incident investigation and review.** Build the capacity of families to build confidence and knowledge on how to support the safety and well-being of their child. Collaborate with families to provide feedback on the Yooralla Child Safety and Wellbeing policy
- provide opportunity for children and families to provide feedback on the service they receive and their child's safety.

4. Policy Statement

Yooralla understands that children learn through engaging with their world and is committed to creating environments that encourage development through play and safe exploration of the world around them.

Where Yooralla support children in a family or children's services setting, employees will work in partnership to build family and/or service capacity to support the child's development, health and wellbeing. This includes engaging with Culturally and Linguistically Diverse, Aboriginal and/or Torres Strait Islander community representatives as appropriate in the decision making regarding the care arrangements for Culturally and Linguistically Diverse, Aboriginal and/or Torres Strait Islander children and young people.

Yooralla has a duty of care to children receiving Yooralla services and must ensure services operate in a way to provide and protect the safety and wellbeing of children. Where Yooralla provides direct support, employees have a responsibility to make sure child development, health and wellbeing needs are being met.

Yooralla achieves this by ensuring employees go through a stringent recruitment, induction, training and supervision process as follows:

Recruitment

- selection criteria and advertisements which clearly demonstrate a commitment to child safety
- actively encourage application from actively encourage application from Aboriginal and/or Torres Strait Islands peoples and Culturally and Linguistically Diverse peoples
- mandatory requirement to hold a current Working with Children's Check
- complete reference and police record checks for recruitment

- disability exclusion scheme check

Induction

Employees attend organisational and site inductions and learn about legislation and regulations to support and uphold the rights and safeguarding of clients with whom they work.

Employees are provided with an employee handbook and Code of Conduct Policy (Child Safety and Wellbeing) which describes appropriate behaviour to ensure the safety of children.

Training

Training and education are important to ensure employees/volunteers and clients understand we have a zero tolerance of child abuse and that child safety is everyone's responsibility.

Organisational culture supports all employees/volunteers and clients to feel confident and comfortable in discussing allegations of child abuse or child safety concerns. Employees are trained to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse and deal appropriately with allegations.

During their employment, employees are actively supported to follow relevant policies and work instructions, that they have access to relevant training including Cultural Awareness including training related to the culture of Aboriginal and Torres Strait Islands peoples, Child Aware, Protecting Vulnerable children (DET)and Child First.

Supervision

Employees are engaged in regular and ongoing supervision to discuss, support and develop knowledge and skills to further protect children from abuse. Regular team meeting agenda item discussions identify safeguarding of clients and provide employees with opportunity to share and build the capacity of employees to address and respond to child safety issues that arise.

Children and families are linked to communities in a partnership model of support. All activities are based on strength based and child/family focused risk management in line with professional obligations and national regulations. We work to ensure all children, families, employees and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

Yooralla recognises that children with disabilities have a greater risk of abuse than the general population and is committed to ensure employees are aware of risk factors, signs and responsibilities.

Yooralla is committed to:

- the wellbeing of each child
- the provision of a safe and secure environment for all
- providing an open, welcoming environment in which everyone's contribution is valued and respected
- encouraging parents/guardians, families, volunteers and community members to support and participate in service delivery
- respecting the inherent worth and dignity of each child

- supporting Aboriginal and Torres Strait Islander peoples to maintain and strengthen connection to their culture and community, which includes providing a culturally safe environment for Aboriginal and Torres Strait Islander children including contribution to, monitoring and review of a Cultural Plan; and
- supporting the rights of individuals who identify as having a specific cultural or linguistic affiliation by virtue of their place of birth, ancestry, ethnic origin, religion, preferred language, language(s) spoken at home, or because of their parents' identification on a similar basis. Yooralla provides a culturally safe environment for Culturally and Linguistically Diverse children.

Yooralla also recognises the right of a child to:

- live free from abuse including neglect or exploitation
- realise their potential in every area of their life
- have control over their own lives as developmentally appropriate
- take part in decisions that affect their lives
- be given information and to communicate in a way that suits their needs; and
- raise concerns or complaints and provide feedback

5. Responsibilities

Where children are supported in a Yooralla environment all employees are provided training in the relevant requirements, e.g. training on safeguarding rights, emergency procedures and notifications to child protection. If an accident or illness occurs relating to the safety of a child being supported directly by Yooralla, employees will follow the Management of Client Incidents policy in relation to reporting requirements.

In Victoria, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence. Employees will follow the Management of Client Incidents policy in relation to reporting requirements including the provisions of the Reportable Conduct Scheme. For protective concerns about the safety and wellbeing of children and young people who are not Yooralla clients, the expectation of disclosing information to the police based on a reasonable belief also applies.

Protective concerns include the following:

- receipt of a disclosure from a child about abuse or neglect
- observation of signs of abuse or neglect; and
- employees being made aware of possible harm via involvement in the community external to their professional role.

Where disclosure/allegation/concern is identified by a Yooralla employee, management and Child Protection will be notified as appropriate and logged through RiskMan following due reporting process outlined above being completed if:

- it is regarding a family or employee.
- it is about their manager to their manager's manager and/or to the Chief Practitioner.
- it is about the Chief Practitioner report information to the CEO.

- it is about the CEO report information to the Chair of the Board.
- it is about the Chair of the Board report information to the Board Secretary; and
- it is about the Board Secretary report information to the CEO.

6. Employee Training and Development

Induction: About Yooralla (Key Policies and Procedures)

Working with Vulnerable Children

Victoria's Reportable Conduct Scheme – General Awareness

Family Centred Practice

7. Related policies and procedures

Aboriginal Child Placement Principle

Child Aware – promoting child safety and wellbeing

Child FIRST

Child Protection

Client Incident Management Guide

Code of Conduct (Child Safety and Wellbeing)

Department of Education and Training - DET

Disability Worker Exclusion Scheme

Yooralla Diversity and Inclusion Policy

Early Childhood Development Program and Services Guide 2015 – DET_SSG 2214

Education and Care Services National Regulations 2020

https://www.acecqa.gov.au/nqf/national-law-regulations/approved-learning-frameworks

My Time Our Place - Framework for School Age Care in Australia

Information and application kit for kindergarten inclusion support services for children with severe disabilities (updated annually) – DET_SSG 574

Management of Client Incidents Policy

https://www.dss.gov.au/the-national-framework-for-protecting-australias-children-2021-2031National Quality Framework

Preventing and Responding to Abuse and Neglect – Statement of Intent

Yooralla Privacy Policy

Protecting the Safety of Children and Young People Protocol

Protecting the safety and wellbeing of children and young people: A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools (Joint Protocol)

Reconciliation Australia

Regulated Restrictive Practices with Children and Young People with Disability: Practice Guide

Reportable Conduct Scheme Information Sheets

School Policy and Advisory Guide (SPAG) for Victorian government

The Kindergarten Funding Guide – DET_SSG 2210

Understanding Child Sexual Abuse and Responding – DHHS Guidelines

Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)

Victorian Early Years Learning and Development Framework: for all Children from Birth to Eight Years – DET_SSG 2211

8. Standards and Conventions

The following Standards apply to this policy and supporting documentation:

NDIS Practice Standards and Quality Indicators

1. Rights and Responsibilities
   - Violence, Abuse, Neglect, Exploitation and Discrimination
2. Provider Governance and Operational Management
   - Risk Management
3. Provision of Supports
4. Early Childhood Support Module
   - The Child
   - The Family
   - Inclusion
   - Collaboration
   - Capacity Building
   - Evidence – Informed Practice
   - Outcome based approach
5.

NDIS Code of Conduct

Child Safe Standards

Standard 1 – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued

Standard 2 – Child safety and wellbeing is embedded in organisational leadership, governance and culture

Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

Standard 4 - Families and communities are informed, and involved in promoting child safety and wellbeing

Standard 5 – Equity is upheld and diverse needs respected in policy and practice

Standard 6 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

Standard 7 – Processes for complaints and concerns are child focused

Standard 8 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

Standard 9 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved

Standard 11 – Policies and procedures document how the organisation is safe for children and young people

Human Services Standards

Standard 1 – Empowerment

Standard 2 – Access and Engagement

Standard 3 – Wellbeing

Standard 4 – Participation

National Quality Standard (ACECQA)

Quality Area 1 – Education Program and Practice

Quality Area 2 – Children's Health and Safety

Quality Area 3 – Physical Environment

Quality Area 4 – Staffing Arrangements

Quality Area 5 – Relationships with Children

Quality Area 6 – Collaborative Partnerships with Families and Communities

Quality Area 7 – Governance and Leadership

Victorian Early Childhood Intervention Standards

Code of Ethics for ECI Practitioners

Victorian Disability Worker Commission – Code of Conduct

9. Legislation

The following Legislation applies to this policy and supporting documentation:

Age Discrimination Act 2004 (Cth)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Children, Youth and Families Act 2005 – (Vic)

Children's Services Act 1996 – (Vic)

Children's Services Regulations 2020 (Vic)

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 – (Vic)

Disability Act 2006 – (Vic)

Disability Discrimination Act 1992 (Cth)

Equal Opportunity Act 2010 (Vic)

Occupational Health and Safety Act 2004 – (Vic)

Privacy and Data Protection Act 2014 – (Vic)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984(Cth)

The following Conventions apply to this policy and supporting documentation:

United Nations Convention on the Rights of the Child (1989) – (UN)

UN Declaration on the Rights of Indigenous Peoples.

Information Sharing and Family Violence reform

10. Glossary – refer to the Glossary in the Controlled Documents Library for common definitions

Any defined terms below are specific to this document:

Aboriginal and Torres Strait Islander – a person of Aboriginal or Torres Strait Islander descent, who identifies as being of Aboriginal or Torres Strait Islander origin and who is accepted as such by the community with which the person associates. Yooralla supports people to maintain and strengthen connection to their Aboriginal or Torres Strait Islander culture and community. Note that the definition of Aboriginal and Torres Strait Islands is Government language but is not considered appropriate within Community.

Aboriginal Child Placement Principle - outlines a preference for the placement of Aboriginal and Torres Strait Islander children with other Aboriginal and Torres Strait Islander peoples when they are placed outside their family. All jurisdictions have now adopted this principle in both legislation and policy.

Child – In Victoria, under the Children Youth and Families Act 2005 – (Vic) a child or young person is a person under eighteen years of age.

Child abuse – An act by parents, caregivers or service providers that endangers a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time.

Cultural Plan – whereas a last resort, an Aboriginal child is placed with a non-Aboriginal family, a detailed Cultural Plan, must be developed (as a part of the current case plan and/or placement plan) containing information around ensuring that the child maintains and strengthens their links with their Aboriginal family, extended family and community.

Culturally and Linguistically Diverse (CALD) – is a broad and inclusive descriptor for communities with diverse language, ethnic background, nationality, dress, traditions, food, societal structures, art and religion characteristics. Culturally and Linguistically Diverse people are generally defined as those people born overseas, in countries other than those classified by the Australian Bureau of Statistics (ABS) as "mainly English-speaking countries". The set of mainly English-speaking countries other than Australia used by the ABS comprises: Canada, the Republic of Ireland, New Zealand, South Africa, the United Kingdom (England, Scotland, Wales, Northern Ireland) and the United States of America.

Deprivation of civil liberties – Such as freedom from torture and death, the right to liberty and security, freedom of conscience, freedom of religion, freedom of expression, freedom of speech, the right to privacy, the right to equal treatment and the right to bodily integrity.

Emotional abuse – Occurs when a child's parent or caregiver repeatedly rejects a child or uses threats to frighten a child. This may involve name calling, put downs or continual coldness from a parent or caregiver, to the extent that it significantly damages a child's physical, social, intellectual or emotional development.

Failure to disclose offence[1] – Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

Failure to protect offence[2] – A person who

- because of the position he or she occupies within a relevant organisation (i.e. Yooralla) has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation and
- knows that there is a substantial risk that the person will commit a sexual offence against a relevant child; and
- must not negligently fail to reduce or remove that risk. The maximum penalty for this offence is five years' imprisonment.

Neglect – Failure to provide a child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that a child's health and development is or is likely to be significantly harmed.

Physical abuse – Occurs when a child suffers, or is likely to suffer, significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

Reasonable belief –A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' is not the same as having proof.

Factors contributing to reasonable belief may include when:

- a child states they have been sexually abused

1. BETRAYAL OF TRUST: FACTSHEET - Failure to Disclose Offence
2. BETRAYAL OF TRUST FACTSHEET - Duty of Care

- a child states 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
- professional observations of the child's behaviour or development, leads a professional to form a belief that the child has been sexually abused; and
- behaviour consistent with that of an abuse victim is observed.

A person will not be guilty of the failure to disclose offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- fear for safety; and
- where the information has already been disclosed.

Reportable Conduct – Reportable Conduct as defined by this policy is conduct by an employee or volunteer aged 18 years or older who is employed or engaged by an organisation and who engages in any of the following behaviour with or in the presence of a child:

Sexual Abuse – sexual activity, grooming, offence relating to child abuse material or sexual activity in the presence of a child, rape or sexual assault.

Sexual Misconduct – crossing professional boundaries, sexually explicit comments or other sexual behaviour.

Physical Violence - against, with or in the presence of, a child
Significant psychological or emotional harm – exposure to/threat of violence, self-destructive or antisocial behaviour, humiliation/rejection or belittling.

Significant neglect – clothing/ food/ medical care/ shelter, supervision or provision of drugs or alcohol.

Reportable Conduct Scheme – The Reportable Conduct Scheme is a system that independently oversees responses to suspected child abuse (Reportable Conduct). The Commission for Children and Young People is responsible for administering the scheme. It builds on current workplace reporting, legal requirements and child safety systems. It focuses on employee conduct, includes prescribed actions within clear timeframes for organisations in scope and ensures reportable allegations are appropriately managed. All incidents involving Reportable Conduct with or in the presence of a young person under the age of 18 years old will be reviewed the Divisional Group Manager to determine if a report to the scheme is required.

Sexual abuse – Occurs when a person uses power or authority over a child to involve the child in sexual activity and a child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.