



Document Name:	Children and Young People Safety and Wellbeing Policy
Document Version:	V4
Endorsed Date:	April 2024
Review Date:	April 2025

1. Purpose

This policy intends to assist people at the Whittlesea Community Connections (WCC) to empower and create safe environments for children and young people, who are valuable participants of WCC's programs and services. We involve children and young people in decision making, especially about matters that directly affect them. We take account of their views and respect what they have to say. Our work is underpinned by an overarching objective to meet and exceed our compliance obligations under: the Child Safe Standards (*Child Wellbeing and Safety Act 2005* (Vic)); Mandatory Reporter obligations (*Children Youth and Families Act 2005* (Vic) s 182); Information Sharing Scheme obligations (Family Violence Information Sharing Scheme: Part 5A of the *Family Violence Protection Act 2008* (Vic) and Child Information Sharing Scheme: Part 6A of the *Child Wellbeing and Safety Act 2005* (Vic); and Disclosure requirements (*Crimes Act 1958* (Vic) ss 490 and 327).

This policy promotes inclusion and diversity. People from diverse backgrounds are actively encouraged to participate. This includes advocating for:

- The cultural safety, participation and empowerment of Aboriginal children and young people.
- The cultural safety, participation and empowerment of children and young people from culturally and/or linguistically diverse backgrounds.
- The equality and inclusion of children and young people with a disability.
- The wellbeing and safety of lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) children and young people.

2. Objective

This policy intends to ensure that all WCC employees, volunteers, students, board members, contractors, consultants and the broader organisational community when conducting activities at WCC that involve, result in or relate to contact with children and young people:

- a. Are aware of WCC's commitment to child and young people's safety including to implementing best practice wherever possible;
- b. Are aware of WCC's obligations, and their obligations under the Victorian Child Safe Standards and relevant legislative requirements including Mandatory Reporting and Information Sharing Scheme obligations; and
- c. Understand and comply with their obligations under the Child Safe Standards, relevant legislative frameworks, and this policy.

3. Children & Young People Public Position Statement

Whittlesea Community Connections (WCC) prioritises children and young people's safety and wellbeing with zero tolerance for child abuse. Our mandatory child safe training across the organisation ensures everyone is committed to this mission. We actively listen to and empower children and young people's voices, enabling them to thrive. Our compliance with the Victorian Child Safe Standards and applicable legislative schemes ensures robust systems are in place to protect children from abuse. We address and respond to allegations promptly and in line with our policies and guidelines and legislative requirements. We promote cultural safety through the provision of safe environments for those who identify as Aboriginal and/or Torres Strait Islander, culturally and/or linguistically diverse, living with a disability, neuro-diverse and LGBTQIA+.

4. Scope

This policy applies to WCC's employees, volunteers, students, board members, contractors, consultants and the broader organisational community when conducting activities at WCC that involve, result in or relate to contact with children and young people. WCC recognises that the responsibility of upholding child safety and wellbeing is an organisation-wide approach, and acknowledges that the roles and responsibilities in doing so will vary.

Board members and/or executive leadership are responsible for upholding comprehensive child safety policies and procedures within the organisation, ensuring WCC is compliant with legal regulations and standards.

Employees, volunteers and students will champion child safety throughout their practice and recognise their obligations in upholding and modelling child safety standards. This involves vigilant supervision, ensuring secure environments, and promptly addressing any potential risks or concerns. Employees, volunteers and students must consistently follow organisational protocols for child protection, maintain open communication with both children and their guardians, and participate in ongoing training to stay informed about best practices for ensuring the wellbeing of children and young people under their care.

Child safety officers and members of the Child Safe Working Group are responsible for actively monitoring and assessing the implementation of child protection protocols and policies at WCC, ensuring that they are effective and up to date. They also play a crucial role in responding to and investigating any reported incidents or concerns related to child safety; while maintaining a focus on the well-being and protection of the children involved.

Prescribed settlement and casework Multi-Agency Risk Assessment and Management Framework (MARAM) information sharers will be able to share information with other prescribed organisations and services to assess and manage family violence risk and child wellbeing and safety. Only specified employees from prescribed programs are to respond to requests for information and make requests for information from external organisations. The reference for this is in WCC's MARAM mapping tool.

Contractors and consultants have a responsibility to adhere to the established child safety policies and procedures at WCC while conducting work pertaining to WCC, ensuring that their actions and interactions prioritise the safety and well-being of children.

All employees, volunteers, students, board members, contractors and consultants agree to abide by our Code of Ethics that specifies the conduct expected when working with children. All employees, volunteers, students, and board members, as well as children and their families, have opportunity to contribute to the development of the Code of Ethics.

5. Definitions

For the purposes of this policy:

Allegation of child abuse - refers to any claim or accusation made by any individual or body, other than the child in question, regarding the suspected child abuse of a child. These include but are not limited to claims made by teachers, neighbours, family members, friends, or other professionals working with children. Allegations may be based on observations, suspicions, indirect disclosures or information shared by a child or young person.

Child abuse - includes any act committed against a child involving a sexual offence, grooming offences, the infliction, on a child, of physical violence, serious emotional or psychological harm; and the serious neglect of a child (*Child Wellbeing and Safety Act 2005* (Vic)). This includes any relevant offence set out in the *Crimes Act 1958* (Vic) including s 49M(1) of that Act.

Child - is taken to mean a person who is under the age of 18 years (*Child Wellbeing and Safety Act 2005* (Vic) s 3, *Crimes Act 1958* (Vic) s 51A).

Child Safety Officers – designated employees at WCC, with increased training, awareness and responsibility with respect to Child Safety compliance, mitigation and complaint handling.

Complaints - are expressions of dissatisfaction made to an organisation, individual or body related to anything including the service provision, decisions, policies, procedures, charges or fees of that organisation, individual or body. Child Safe Standard 7 sets out the requirements for handling complaints as a Child Safe organisation.

Cultural safety - refers to the encouragement and support of children to express their culture and enjoy their cultural rights – employees, volunteers, students and board members at WCC actively support and facilitate participation and inclusion within the organisation by Aboriginal and Torres Strait Islander and culturally and linguistically diverse children and their families.

Disclosure of child abuse – occurs when a child or young person directly shares or communicates information about their experiences of abuse or harm to any other person including employees, volunteers, students or board members. This can involve the child speaking openly about their situation, describing the abuse they have suffered, or revealing harmful situations they are facing. Disclosures can be verbal or non-verbal, and they may occur spontaneously or because of a supportive environment that encourages children to express concerns. Disclosures may enliven the Mandatory Reporting and Information Sharing Scheme obligations on applicable bodies and relevant offences for failing to comply as set out in the *Crimes Act 1958* (Vic) and *Children, Youth and Families Act 2005* (Vic).

Failure to Disclose - refers to offence set out at s 327 of the *Crimes Act 1958* (Vic).

Failure to Protect - refers to the offence set out at s 490 of the *Crimes Act 1958* (Vic).

Information Sharing Schemes – refer to the Family Violence Information Sharing Scheme as contained in Part 5A of the *Family Violence Protection Act 2008* (Vic), and the Child Information Sharing Scheme contained in Part 6A of the *Child Wellbeing and Safety Act 2005* (Vic). WCC is a prescribed Information Sharing Entity for both schemes, listed on the public ISE register on the Victorian Government website.

Mandatory Reporting - refers to the positive duty imposed on prescribed bodies and individuals to report any reasonable belief of child physical or sexual abuse to child protection authorities, as set out in ss 182 and 162 of the *Children, Youth and Families Act 2005* (Vic).

WCC Staff and Related Parties – unless otherwise stated, means any and all persons to whom this policy applies, including: WCC’s employees, volunteers, students, board members, contractors, consultants and the broader organisational community when conducting activities at WCC that involve, result in or relate to contact with children and young people.

Young person - is taken to mean any person who is 12 to 25 years of age inclusive, including a child.

6. Policy

6.1 Our Commitment to Child Safety

Whittlesea Community Connections (WCC) respects all children and young people, and is committed to ensuring their safety, participation and empowerment, including through meeting and exceeding the Victorian Child Safe Standard requirements prescribed by the *Child Wellbeing and Safety Act 2005* (Vic). WCC will therefore act without hesitation to ensure child and young people safety is maintained at all times. WCC has zero tolerance of child abuse and all allegations and safety concerns will be treated seriously and consistently with our policies and procedures and relevant legislative obligations.

WCC is committed to:

- Protecting children and young people from physical, sexual, emotional and psychological abuse and neglect, including abuse online, as well as promoting their health and wellbeing.
- Preventing child abuse and the creation of safe environments through early identification, risk mitigation and risk reduction.
- Upholding robust human resources and recruitment practices to reduce the risk of child abuse by new and existing board members, employees, volunteers and students.
- Running regular Child Safe training and education for board members, employees, students and volunteers on child abuse risks.
- Promoting diversity and inclusion within our organisation, in particular the promotion of cultural safety & inclusivity for children and young people who, identify as/are Aboriginal and Torres Strait Islander peoples; from culturally and or linguistically diverse backgrounds; have/with a disability; LGBTQIA+; (being) neuro diverse.
- Implementing and reviewing policies and procedures that support board members, employees, volunteers and students to achieve these commitments.

- Ensuring all employees, students and volunteers, board members and community members, whether working directly or indirectly with children and young people, uphold safe standards and care.
- Maintaining zero tolerance for discrimination and racism. In the event of such incidents, WCC will respond in accordance with its Code of Ethics.
- Being a child and young person safe organisation, where children and young people feel respected, safe, valued and are encouraged to reach their full potential.
- Complying with our child and young person safety obligations under relevant legislative frameworks including:
 - The *Family Violence Protection Act 2008* (Vic);
 - The *Children, Youth and Families Act 2005* (Vic);
 - The *Child Wellbeing and Safety Act 2005* (Vic); and the
 - The *Crimes Act 1958* (Vic).

6.2 Training and Supervision

Child safe training and education is **mandatory** across the organisation. WCC works to ensure that everyone at WCC understands that children and young people's safety is everyone's responsibility and that training must be undertaken **annually**. Employees, volunteers, students and board members receive training and information to recognise indicators of child and young people harm, including harm caused by other children and young people, and to respond effectively to issues of child and young people safety and wellbeing.

Our organisational culture aims for all employees, volunteers, students, board members, contractors, consultants and the broader organisational community to feel confident and comfortable in discussing any allegations and disclosures of child abuse or child safety concerns. WCC supports employees, volunteers, students and board members to identify, assess, and minimise risks of child abuse and to identify potential signs of child abuse and to develop skills to protect children from abuse and promote the cultural safety and inclusion through training and supervision.

New employees, volunteers, students and board members will be supervised regularly to ensure WCC's commitment to child safety is understood and that everyone has a role to play in protecting children from abuse. This will include ensuring that attitudes and behaviour towards children and young people is safe and appropriate. Inappropriate behaviour will be reported through both internal and external channels, including WCC management, the Department of Families, Fairness and Housing and Victoria Police, depending on the severity and urgency of the matter.

Employees, volunteers, students and board members have access to direct supervision and external support if they need to debrief.

6.3 Recruitment

WCC will take all reasonable steps to employ skilled people who work with children.

We develop selection criteria and position descriptions that clearly demonstrate our commitment to child safety and an awareness of our social and legal responsibilities. WCC understands when recruiting board members, students, volunteers and employees, we have ethical and legislative obligations.

WCC actively encourages applications from Aboriginal and Torres Strait Islander peoples, people from culturally and/or linguistically diverse backgrounds, people with a disability, people who are gender diverse and people who are neuro diverse.

All employees, volunteers, students and board members are required to hold a Working with Children Check and to provide evidence of this check. This is in furtherance of our commitment to compliance with the requirements of Child Safe organisations under the Child Safe Standards, including Working With Children Check obligations under the *Worker Screening Act 2020* (Vic).

WCC's due diligence in recruiting includes carrying out of reference checks, police record checks and answering child safe-based questions in interviews to uphold the safety of children and young people. If during the recruitment process, a person's records indicate a criminal history, then the person will be given the opportunity to provide further information and context.

6.4 Fair Procedures for Employees and Volunteers

WCC has policies and procedures in place to ensure procedural fairness and transparency are consistently applied to all people at WCC. For example, recruitment, incident and grievance management, and disciplinary action processes are clear, thorough, transparent, and evidence-based.

WCC record all allegations and disclosures of abuse and safety concerns using our incident reporting form. All records are securely stored. In the event an allegation of abuse and/or safety concerns, WCC will provide updates to the involved parties on progress and actions taken as an organisation. WCC takes its obligation to employees and related parties seriously, in line with relevant obligations as contained in legislation including the *Privacy and Data Protection Act 2014* (Vic) and the *Fair Work Act 2009* (Vic).

6.5 Privacy

WCC respects the privacy of employees, volunteers, board members, students, families, young people and children. All are entitled to know how their information is recorded, who may have access to this data and how it is stored. WCC takes its obligation to privacy seriously, in line with relevant obligations contained in legislation including the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

WCC protects those who report and ensures safety in managing disclosures, allegations and concerns related to child and young people's safety.

6.6 Legislative Responsibilities

WCC takes its legislative obligations regarding child and young person's safety seriously, including being aware of, and ensuring compliance by all applicable WCC employees, volunteers, students, board members, contractors, consultants and the broader organisational community, with the following legislative provisions:

- Failure to Disclose offence per section 327 of the *Crimes Act 1958* (Vic): 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 Victoria Police, as soon as practicable (unless the person has a reasonable excuse).
- Failure to Protect offence per section 490 of the *Crimes Act 1958* (Vic): Persons in positions of authority in our organisation will commit an offence if they know of a substantial risk of child sexual abuse, have the power or responsibility to reduce or remove the risk because of their position, but fail to do so.
- Mandatory Reporting obligations per sections 182, 184 and 162 of the *Children Youth and Families Act 2005* (Vic): Any board members, employees or volunteers who are mandatory reporters (including doctors, nurses, midwives, teachers, principals, police officers, those who work in out of home care, early childhood, youth justice and registered psychologists, as well as (s 182(h)) youth, social and welfare workers with a post-secondary qualification working in community services, must comply with the positive duty set down in section 162 to report any reasonable belief that a child is need of protection for one of the prescribed grounds. WCC also recognises that non-Mandatory Reporters *may* also make reports, per s 183.
- Reportable Conduct Information Sharing Scheme obligations: As a prescribed Information Sharing Entity for the purposes of the reportable conduct schemes, Information Sharing Schemes: the Family Violence Information Sharing Scheme (FVISS) (contained in Part 5A of the *Family Violence Protection Act 2008* (Vic)), and the Child Information Sharing Scheme (CISS) (contained in Part 6A of the *Child Wellbeing and Safety Act 2005* (Vic)), WCC understands that all allegations of physical and sexual abuse, sexual misconduct, significant emotional or psychological harm or significant neglect by an employee or volunteer towards a child must be reported to the CEO. It is WCC's legal requirement to notify the Commission for Children and Young People of the allegation, provided that the information is not excluded, and that sharing the information doesn't contravene another law, and that any applicable consent requirements have been met in the case of the FVISS.
- Statutory, standalone Duty of Care per Part XIII of the *Wrongs Act 1958* (Vic): WCC understands that the organisation owes a statutory duty of care to take the care that in all the circumstances of the case is reasonable to prevent the abuse of a child by an individual associated with the relevant organisation while the child is under the care, supervision or authority of the relevant organisation. If an individual associated with WCC abuses a child, WCC understands that the organisation will be presumed to have breached this duty of care unless it can prove that it took 'reasonable precautions' to prevent the abuse in question.

6.7 Risk Management

In Victoria, organisations are required to protect children and young people. In addition to general occupational health and safety risks, we proactively manage risks of abuse to the children and young people under our care.

WCC's comprehensive approach to risk management involves identifying, assessing and minimising child abuse risks, which encompass risks related to physical environments, activities, organisational settings, online environment and higher-risk activities. We conduct thorough risk assessments for higher-risk physical activities, where we identify potential hazards and develop strategies to mitigate them. Our programs are supervised by qualified Leads that are trained and understand child safety protocols, along with providing medical aid. We set clear guidelines and agreements when working with children and young people where we emphasise safety expectations and the importance of following instructions and communicate these with the child's parents/guardians.

Furthermore, we uphold risk management standards in online environments through WCC's guidelines and expectations when working with children and young people online. These measures are aimed at safeguarding the risks posed to children and young people when engaging with the service on an online platform.

WCC's online safety measures include the use of secure online platforms for communication and activities to verify the platforms' privacy features and data protection protocols. They also include the use of strong authentication methods to ensure that only authorised individuals can access online activities and content. WCC also promotes education to children, young people and their parents/guardians/carers about safety measures that can be taken including reporting any online incidents, harassment or inappropriate content and respecting the privacy of other users. These parameters ensure that employees, volunteers, students and board members can contribute to minimising the risks presented to children while being on an online platform.

6.8 Allegations, Disclosures, Concerns and Complaints

Please refer to WCC's **Complaints Policy** for further information on the process of complaints handling generally at WCC.

WCC takes all allegations and disclosures of child abuse seriously. In furtherance of complying with its obligations, including under the Victorian Child Safe Standards, in particular the obligations contained in Child Safe Standard 7, (which sets out the requirements for handling complaints as a Child Safe organisation), and relevant legislative requirements as set out in 6.6 above, WCC has practices in place to investigate and deal with suspicions, complaints, and disclosures of actual or suspected child abuse thoroughly and efficiently.

We work to ensure all children, families, board members, employees, volunteers and students know what to do and who to report to if they observe abuse or are a victim and if they notice inappropriate behaviour.

If employees, volunteers, students, or board members have a **reasonable belief** that an incident relating to child abuse has occurred, they must report the incident in accordance with individual reporting requirements; for Management, Mandatory Reporters, and all staff, as outlined in 6.6 above. Exceptions to this obligation are:

1. where it is a known allegation (e.g., where a staff member is working on a child protection case); and
2. in the case of WCC legal services, where confidentiality and privilege apply (e.g., see the specific exception under s.327 (7) b of the *Crimes Act* (Vic)). It is noted that disclosures may still be made by legal services, and this would not be a breach of legal professional or ethical obligations as contained in the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015*.

Factors contributing to **reasonable belief** may include:

- A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- Behaviour consistent with that of an abuse victim is observed
- Someone else has raised a suspicion of abuse but is unwilling to report it
- Observing suspicious behaviour.

7. Contact

For questions about this policy, please contact the COO or CEO.

8. Authority

This Policy is approved by WCC Board and will be reviewed annually.

Related documents

Related procedures, guidelines, forms etcetera	<p>Working with Children and Young People Guidelines</p> <p>Child Safe - Record of Disclosure Form</p> <p>Australian Human Rights Commission - National Principles for Child Safe Organisations 2018</p>
Related framework	<p>Child Safe Standards Framework 2023 (Vic)</p> <p>Advocacy Framework</p> <p>Multi-Agency Risk Assessment and Management Framework</p>
Related policies	<p>Advocacy Policy</p> <p>Code of Ethics Policy</p> <p>Occupational Health & Safety (OHS) Policy</p> <p>Children and Young People Public Position Statement Policy</p>

	Confidentiality and Privacy Policy Complaints and Feedback Policy?
Relevant legislation or standards	<i>Crimes Act 1958 (Vic)</i> <i>Child Wellbeing and Safety Act 2005 (Vic)</i> <i>Child Safe Standards 2022 (Vic)</i> <i>Children Youth and Families Act 2005 (Vic)</i> DFFH Child Safe Standards Compliance Assessment Model 2018 DFFH Child Safe Standards Compliance Monitoring Framework 2018-2019 <i>Family Violence Protection Act 2008 (Vic)</i> <i>Fair Work Act 2009 (Vic)</i> <i>Health Records Act 2001 (Vic)</i> <i>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</i> <i>Privacy and Data Protection Act 2014 (Vic) Family Violence Protection Act 2008 (Vic)</i> <i>Worker Screening Act 2020 (Vic) Wrongs Act 1958 (Vic)</i>

Document Change History

<u>Version</u>	<u>Status*</u>	<u>Comments</u>	<u>Author</u>	<u>Ratified by</u>	<u>Date Ratified</u>
V1	Endorsed	New Policy	Belinda Leon – Manager Community Support	Board	October 2017
V2	Endorsed	Reviewed	Emma Antonetti – Manager Equity and Impact	Board	October 2019
V3	Endorsed	Updated format, edits	Sandra Natale – Quality Consultant	CEO	March 2020
V4	FARM Reviewed Endorsed	Updated to meet Victorian Child Safe Standards 2022 and legislative frameworks	Dean Marando – Children & Youth Lead Ziane Ramadan – Policy Analyst	Board	May 2024

* Valid values for this column are: DRAFT, ENDORSED, REVIEWED (no revision)