

Child-Safe

Record of Policy Development

Version	Date approved	Date of last review	Date for next review
2.0	July 2018	July 2021	November 2023

Responsibilities and Delegations:

This policy applies to:	Board, staff, volunteers, contractors, students' and others acting for and on the behalf of Interchange (herein referred to as 'personnel') and customers
Policy Approval	Board

Policy Context – this policy relates to:

Standards	<ul style="list-style-type: none"> National Standards for Disability Services (Standards 1, 4, 6)
Legislation	<ul style="list-style-type: none"> Children and Community Services Act 2004 Amendments to The Children and Community Services Act (2016) NDIS Practice Standards and Quality Indicators – Early Childhood Supports Module Children and Community Services Regulations 2006 Working with Children (Criminal Record Checking) Act 2004 Working with Children (Criminal Record Checking Regulations 2005 Privacy Act 1988 including amendments up to 20 Dec 2018
Contractual obligations	<ul style="list-style-type: none"> NDIS Department of Communities
Organisation policies	<ul style="list-style-type: none"> Whistleblowers Risk Management Participation and Inclusion Protecting Customer's Human Rights Recruitment of Employees and Employment Contracts Criminal Record Screening Induction Employees and Volunteers Code of Conduct Childsafe Code of Conduct Records (Information Handling and Privacy) Occupational Safety and Health Bullying, Aggression, Violence and Harassment
Forms, record keeping, other documents	<ul style="list-style-type: none"> Commissioner for Children and Young People website resources

	<ul style="list-style-type: none"> • Procedural flowchart for suspected child abuse • Host Audit documentation • Host Agreement
Published	<ul style="list-style-type: none"> • This Policy and Procedure is published on the Interchange website for the ease of access by external parties.

Policy

The purpose of this policy is:

- ✓ to facilitate the prevention of child abuse and neglect occurring within Interchange;
- ✓ to work towards an organisational culture of child safety;
- ✓ to ensure that all parties are aware of their responsibilities for identifying possible occasions of child abuse and neglect, and for establishing controls and procedures for its prevention and detection;
- ✓ to provide guidance on the action that should be taken when abuse and neglect is suspected within or outside of the organisation;
- ✓ to provide a clear statement forbidding any such abuse and/or neglect; and
- ✓ to provide assurance that all cases of suspected abuse and neglect will be reported and fully investigated.

Interchange is committed to promoting and protecting the best interests of children involved in its support services. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse. Interchange has zero tolerance for child abuse and neglect. Everyone working at Interchange is responsible for the protection of children within our care and reporting information about suspected child abuse. Child protection is a shared responsibility between all employees, associates, and members of the Interchange community. Interchange will consider the opinions of children and use their opinions to develop child protection policies. Interchange supports and respects all children, staff and volunteers. Interchange is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

Definitions

Child means a person below the age of 18 years unless otherwise stated under the law applicable to the child.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Neglect refers to the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted in a society as being essential for their physical and emotional development and wellbeing (Broadbent & Bentley, 1997; Bromfield, 2005; Scott, 2014; WHO, 2006). Neglectful behaviours can be divided into different sub-categories, which include:

- ✓ **supervisory neglect:** characterised by absence or inattention and can lead to physical harm or injury, sexual abuse or, in an older child, permitting criminal behaviour;
- ✓ **physical neglect:** characterised by the caregiver's failure to provide basic physical necessities, such as safe, clean and adequate clothing, housing, food and health care;
- ✓ **medical neglect:** characterised by a caregiver's failure to provide appropriate medical care. This could occur through a failure to acknowledge the seriousness of an illness or condition, or the deliberate withholding of appropriate care;
- ✓ **emotional neglect:** characterised by a lack of caregiver warmth, nurturance, encouragement and support (note that emotional neglect is sometimes considered a form of emotional maltreatment);
- ✓ **educational neglect:** characterised by a caregiver's failure to provide an education and the tools required to participate in the education system; and
- ✓ **abandonment:** when a caregiver leaves a child alone for more than a reasonable period and does not provide for the presence of alternative age-appropriate care (where the substitute carer is capable of caring for the child) (Scott, 2014).

Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards including any sexual act or threat to a child that causes them harm or causes them to be frightened or fearful. Children are sexually assaulted when a person uses their age, size, authority or position of trust to force the child into a sexual activity. This can include a range of behaviours from forcing a child to view sexually explicit images or acts, to forcing them to engage in any form of sexual activity. Any physical contact can be considered sexual assault. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Reasonable grounds for belief is a belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator. A reasonable belief is formed if a reasonable person believes that:

- ✓ the child is in need of protection;
- ✓ the child has suffered or is likely to suffer "significant harm as a result of physical injury;" or
- ✓ the parents are unable or unwilling to protect the child.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. 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 if:

- ✓ a child states that they have been abused;

- ✓ a child states that they know someone who has been abused (sometimes the child may be talking about themselves);
- ✓ someone who knows a child states that the child has been abused and/or neglected;
- ✓ professional observations of the child's behaviour or development leads a professional to form a belief that the child has been abused and/neglected or is likely to be; and/or
- ✓ there are observable signs of abuse and/or neglect.

Procedures

- The Board of Interchange has ultimate responsibility for ensuring that appropriate and effective internal control systems are in place for the detection and prevention of child abuse. The Board is also responsible for ensuring that appropriate training, policies and procedures and a Child-Safe Code of Conduct are in place.
- The CEO of Interchange is responsible for:
 - ✓ Dealing with and investigating reports of child abuse and/or neglect
 - ✓ Ensuring that staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Child-Safe Code of Conduct
 - ✓ Ensuring that all staff, contractors and volunteers at Interchange WA are aware of their obligation to report suspected abuse and/or neglect of a child in accordance with these policies and procedures
 - ✓ Ensuring that staff, contractors and volunteers are aware of their obligation to observe the Child-Safety Code of Conduct
 - ✓ Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities
 - ✓ Nominate a Child Safety Advocate to provide information and support to all staff, volunteers, children, young people and their carers regarding child protection matters. The Child-Safe advocate at Interchange is the Quality & Safeguarding Lead, who can be contacted via 9329 9399 or QandS@interchangewa.org.au, and
 - ✓ The CEO may delegate all or part of their duties and functions above to an employee.

Principles

- All people involved in the care of children on behalf of Interchange will:
 - ✓ Maintain a child-safe environment for children and young people
 - ✓ Establish and maintain a child-safe environment in the course of their work
 - ✓ Treat children and young people with respect and value their ideas and opinions
 - ✓ Act as positive role models in their conduct with children and young people
 - ✓ Comply with specific organisational guidelines on care and contact with children
 - ✓ Respect the privacy of children, their families and teachers/carers, and only disclose information to people who have a need to know
 - ✓ Operate within the policies and guidelines of Interchange, and
 - ✓ Ensure all staff working with children have Working with Children check before commencing this work.
- All persons involved in the care of children on behalf of Interchange shall:
 - ✓ NOT shame, humiliate, oppress, belittle or degrade children

- ✓ NOT unlawfully discriminate against any child
- ✓ NOT engage in any activity with a child or that is likely to harm them
- ✓ NOT initiate unnecessary physical contact with a child or do things of a personal nature for them that they can do for themselves
- ✓ NOT be alone with a child unnecessarily
- ✓ NOT develop an exclusive relationship with a specific child for their own needs
- ✓ NOT show favouritism through the provision of gifts or inappropriate attention
- ✓ NOT arrange or respond to direct contact, including online contact, with children or young people outside of the organisation's programs and activities
- ✓ NOT photograph or video a child without the consent of the child's parents or guardians
- ✓ NOT engage in open discussions of a mature or adult nature in the presence of children
- ✓ NOT use inappropriate language in the presence of children, or
- ✓ NOT do anything in contravention of the organisation's policies, procedures or this Code of Conduct.

What happens if the policy and associated code of conduct are breached?

- A Breach of this Policy and associated Code of Conduct may result in disciplinary action, up to and including dismissal.
- All Managers must ensure that they:
 - ✓ Promote child safety at all times
 - ✓ Assess the risk of child abuse and neglect within their area of control and eradicate or minimise any risk to the extent possible
 - ✓ Educate employees about the prevention and detection of child abuse and/or neglect, and
 - ✓ Facilitate the reporting of inappropriate behaviour or suspicious activity.
- Management should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.
- All staff, volunteers, and contractors share the responsibility for the prevention and detection of child abuse and/or neglect, and must:
 - ✓ Familiarise themselves with the relevant laws, the Codes of Conduct, and Interchange's policy and procedures in relation to child protection, and comply with all requirements;
 - ✓ Report any suspicion that a child's safety may be at risk to their line manager if they form reasonable grounds for belief of abuse and/or neglect
 - ✓ Provide an environment that is supportive of all children's emotional and physical safety.

Recruitment of New Personnel

- Interchange undertakes a comprehensive recruitment and screening process for all workers and volunteers that aims to:
 - ✓ promote and protect the safety of all children under the care of the organisation;
 - ✓ identify the safest and most suitable people who share Interchange's values and commitment to protect children; and
 - ✓ prevent a person from working at Interchange if they pose a risk to children.

- Interchange requires all workers/volunteers who work with children to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Interchange. This requires applicants to provide a valid Police Clearance.
- A Working with Children's Check is required, in accordance with the law, before they commence working with children at Interchange.
- During their time with Interchange, at regular intervals as per statutory requirements the Recruitment of Employees and Employment Contracts Policy, and Criminal Record Screening Policy. Interchange will undertake thorough reference checks as per the approved internal procedure and ensure all relevant screenings are current.

Risk Management

- Interchange ensures that child safety is a part of its overall risk management approach.
- Interchange's Audit and Risk sub-committee is committed to identifying and managing risks at Interchange, and its members will inform themselves of the relevant legislation, information and training in relation to child safety.

Reporting

- Any staff member, volunteer or contractor who has reasonable grounds for belief of child abuse and/or neglect must immediately notify executive management.
- **Suspicion of child sexual abuse carries mandatory reporting for some people. Whilst there are no mandatory reporters amongst any of its employees** (Police Officer, Teacher, Nurse, Doctor, Midwife and Boarding Supervisor) Interchange recognises the significant role we play in ensuring the well-being of a child and as such will exercise our due diligence in our Duty of Care in response to signs of child sexual abuse.
- On 1 January 2009, the legislation that governs mandatory reporting of child sexual abuse became part of the *Children and Community Services Act 2004*. If you are concerned about your safety in making a report, please discuss this with the CEO or the West Australian Police.

Investigating

- If the appropriate child protection service or the police decide to investigate a report, all employees, contractors or volunteers must co-operate fully with the investigation.
- Whether or not the authorities decide to conduct an investigation, the CEO will determine whether an internal investigation is appropriate. If it is decided that such an investigation is required the CEO will determine who will conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.
- Interchange will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

Responding

- If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation's policies or its Codes of Conduct the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.
- If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Codes of Conduct) has occurred then disciplinary action will follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

Reviewing

- Every two years, and following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.