

Child Safety Policy

Version date: 27/04/2023

Review Date: 27/04/2026

Approved by: Management Committee

Minutes: 27/04/2023



Purpose

Victorian legislation and the Child Safe Standards provide the framework to promoting child safety in all organisations that exercise care, supervision or authority over children. Very Special Kids accepts its shared responsibility to promote child safety and prevent all forms of abuse against children.

This policy details the systems in place at Very Special Kids to protect children and to create a child friendly environment where children feel safe, are well cared for and have fun.

Definitions

- **Child:** any person aged 17 years or younger
- **Reportable conduct:** includes sexual offences (against, with or in the presence of, a child); sexual misconduct against, with or in the presence of, a child (under Sect 49M of the Crimes Act 1958, this also includes grooming for sexual conduct); physical violence against, with or in the presence of, a child; behaviour that is likely to cause significant emotional or psychological harm; or significant neglect; as defined in the Child Wellbeing and Safety Act 2005.
- **Child abuse:** any act committed against a child involving grooming for sexual conduct or a sexual offence; or the infliction on a child of physical violence, serious emotional or psychological harm, or the serious neglect of a child.
 - Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.
 - Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.
 - Sexual child abuse is when a person uses power or authority over a child to involve them in sexual activity, or groom them for sexual activity. It can include a wide range of sexual activity. Sexual offences are governed by the Crimes Act 1958 (Vic.).

Sexual abuse includes grooming. Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.
 - Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. The law differentiates between three different levels of neglect:
 - 'Minor' neglect is low-level neglect that is trivial or temporary.
 - 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.
 - 'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life and can also occur if an adult fails to adequately ensure the safety of a child exposed to extremely dangerous or life-threatening situations.
- **Reasonable Belief:** a reasonable belief is formed if a reasonable person in the same position would have formed the same belief on the same grounds.
- **Failure to Disclose:** Any adult (aged 18 and over) who holds a **reasonable belief** that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) must disclose that information to police (unless they have a reasonable

- excuse). Under Sect. 327 of the Crimes Act 1958, failure to disclose constitutes an offence.
- **Betrayal of Trust:** this is an offence under the Crimes Amendment (Protection of Children) Act 2014 and applies to people in authority within an organisation that exercises care, supervision or authority over children, whether in a primary function or otherwise. At VSK, the offence applies when any person in a position of authority at VSK fails to reduce or remove the risk of sexual abuse of a child by a VSK staff member, office bearer, volunteer or contractor.
 - **Reportable Conduct Scheme:** Oversight over child abuse allegations made against an employee, office bearer or volunteer working in any organisation that exercises care, supervision or authority over children, whether as part of its primary functions or otherwise. The scheme is overseen by various regulators, depending on the type of organisation. Under the Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021, the Commission is the regulator for charities such as VSK.
 - **Office Bearers:** For the purposes of the Reportable Conduct Scheme, these would include VSK Board members and non-employee members on VSK committees such as consumer representatives or donors.
 - the **Commission for Children and Young People (CCYP):** the CCYP was established by section 6 of the Commission for Children and Young People Act 2012. The Commission is responsible for administering, overseeing and monitoring the reportable conduct scheme and ensuring compliance with the Child Safe Standards for charities such as VSK.
 - **Child Safe Standards:** The Child Safe Standards aim to protect children and young people, by requiring organisations to put policies, procedures and processes in place to prevent and respond to abuse. Compliance with the Standards is a requirement of the Child Wellbeing and Safety Act (2005). The eleven Standards are:
 - Child Safe Standard 1 - Relevant entities establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
 - Child Safe Standard 2 - Child safety and wellbeing is embedded in organisational leadership, governance and culture.
 - Child Safe Standard 3 - Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
 - Child Safe Standard 4 - Families and communities are informed, and involved in promoting child safety and wellbeing.
 - Child Safe Standard 5 - Equity is upheld and diverse needs respected in policy and practice.
 - Child Safe Standard 6 - People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
 - Child Safe Standard 7 - Processes for complaints and concerns are child focused.
 - Child Safe 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.
 - Child Safe Standard 9 - Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
 - Child Safe Standard 10 - Implementation of the Child Safe Standards is regularly reviewed and improved.
 - Child Safe Standard 11 - Policies and procedures document how the relevant entity is safe for children and young people.
 - **Recognition Principles:** The Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023 amends multiple pieces of legislation including the Commission for Children and Young People Act 2012, Child Wellbeing and Safety Act 2005 and Children, Youth and Families Act (2005), to include an Aboriginal Statement of Recognition and set of ten Recognition Principles.

The statement and principles seek to promote the protection and maintenance of cultural rights of Aboriginal people, particularly children, in respect of child protection and the provision of community services and the health system.

The Bill provides the framework for an advocacy function at the Commission for Children and Young People (CCYP). This, when implemented, will help provide independent, child and young person-centered assistance and advice which is respectful, culturally inclusive and trauma informed.

Scope

- This policy applies to all employees, contractors, office holders, volunteers and Very Special Kids family members
- This policy applies to all children engaged with Very Special Kids

Designated Responsibility

- Policy Approval: Management Committee
- Policy Owner: CEO
- Review cycle: Three years, or whenever legislation or standards change.

Policy

1. Very Special Kids commits to implementing the **Child Safe Standards** and to:
 - Promote the safety of children.
 - Prevent child abuse.
 - Ensure effective processes are in place to respond to and report allegations of child abuse.
 - Encourage children to have a say, especially on issues that are important to them or about decisions that affect their lives.
2. The right of every child to safety, freedom from harm or abuse, privacy and respectful care is outlined in the Very Special Kids [Rights of the Child Charter](#)
3. Very Special Kids will ensure that:
 - The best interests of the child are always taken into account when planning any activities or programs for children.
 - Pro-active measures are taken to protect children from child abuse, protect their rights and promote their development, particularly those children at higher risk including children with a disability, Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
 - As part of its duty of care to all children, all allegations and concerns of child abuse (whether based on evidence or **reasonable belief**) are taken seriously and responded to. Under the Children, Youth and Families Act (2005) and the Health Act 1958, certain classes of professionals are mandated to report child abuse.
 - Refer to the [Child Protection Mandatory Reporting Procedure](#) for further details.
 - All employees and volunteers are interviewed and reference checked and are required to have a Police Check and Working with Children Check. Refer to the [Recruitment – Selection and Appointment of Staff Policy & Procedure](#) for further information.
 - All employees and volunteers agree to abide by the Very Special Kids [Code of Conduct Policy & Procedure](#) at the time of their appointment, and annually via the on-line training system.
 - All employees, office bearers and volunteers undertake annual training on child safety and mandatory reporting via the Very Special Kids online training platform.
 - All reasonable steps are taken by the Board and executive management to reduce or remove a known substantial risk that a Very Special Kids staff member, volunteer, office holder or contractor or any other adult associated with Very Special Kids will abuse or commit a sexual offence against a child.
 - Note: Failure to take all reasonable steps constitutes a **Betrayal of Trust**.
 - **Reportable Conduct is reported and investigated:**

- Under section 49M of the Crimes Act 1958, suspected child sexual abuse must be disclosed to the Police.
- Any and all reportable conduct (as defined above) by an adult associated with Very Special Kids must be reported to the CEO.
 - The CEO must report the incident to the Commission for Children and Young People (CCYP) within 3 business days. The details the CEO must provide include:
 - VSK's details (e.g., type of organisation, contact details).
 - Details of the alleged victims (e.g., name, gender).
 - Details of the alleged reportable conduct (e.g., date, type of conduct).
 - A copy of the police report made, if applicable.
 - Any supporting documents.
 - If a reportable allegation involves suspected criminal behaviour, both Victoria Police and the CCYP must be notified.
- An employee or volunteer of Very Special Kids may also report such an incident directly to the CCYP:
 - By telephone on 1300 782 978
 - By email to contact@ccyp.vic.gov.au
 - Via an online form on the Commission's website at: www.ccyp.vic.gov.au
- Very Special Kids will assist with any investigation undertaken by the CCYP of reportable conduct.
- Reportable conduct is recorded as an incident according to the [Incident Reporting and Investigation Procedure](#).
- An allegation of reportable conduct against an employee or volunteer is investigated internally according to the [Performance Counselling and Disciplinary Action Policy & Procedure](#).

Policy effectiveness

Policy effectiveness will be monitored by:

- Quarterly KPIs monitoring compliance with Working with Children Checks and Police Checks for all staff and volunteers.
- Relevant incident reports to the Clinical Risk and Governance Committee.

References

- Child Safe Standards (Victoria)
- Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021
- Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023
- Commission for Children and Young People Act 2012
- Children, Youth and Families Act (2005)
- Crimes Act 1958 – Sect.'s 327 and 49M
- Crimes Amendment (Protection of Children) Act 2014
- Child Safety and Wellbeing Act 2005
- Health Act 1958
- Child Protection and Mandatory Reporting Procedure
- Incident Reporting and Investigation Procedure
- Performance Counselling and Disciplinary Action Policy
- Recruitment-Selection and Appointment of Staff policy and Procedure
- Code of Conduct Policy
- Rights of the Child Charter.

Revision History

Version	Change Date	Reference and detail of changes
V1	April 2023	New policy replacing the Child Safety Policy and Procedure