

CHILD SAFE AND VULNERABLE PERSONS POLICY



1. INTRODUCTION

Abacus Learning Centre is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

2. PURPOSE

The purpose of this policy is to:

- Facilitate the prevention of child abuse occurring at Abacus Learning Centre
- Support an organisational culture of child safety
- Ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs
- Ensure that staff are aware of students' rights to be safe from abuse at all times
- Outline the steps that Abacus Learning Centre is taking to protect students and the requirements for staff and others coming into contact with students in relation to mandatory reporting
- Provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation
- Provide assurance that any and all suspected abuse will be reported and fully investigated

3. APPLICATION

Everyone working at Abacus Learning Centre is responsible for the care and protection of children and reporting information about child abuse.

4. POLICY STATEMENT

Abacus Learning Centre is committed to promoting and protecting at all times, the best interests of children involved in its' programs.

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.

Abacus Learning Centre has zero tolerance for child abuse. Everyone working at Abacus Learning Centre is responsible for the care and protection of the children within our care and reporting information about suspected child abuse.

Child protection is a shared responsibility between Abacus Learning Centre, all employees, workers, contractors, associates, and member of the Abacus Learning Centre community.

Abacus Learning Centre will consider the opinions of children and use their opinions to develop child protection policies.

Abacus Learning Centre supports and respects all children, staff and volunteers. Abacus Learning Centre 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.

If any person believes a child is in immediate risk of abuse, telephone 000.

5. PROCEDURE

5.1 Responsibilities

Abacus Learning Centre is committed to:

- Dealing with and investigating reports of child abuse
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation's Code of Conduct

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- Ensuring that all adults within the Abacus Learning Centre community are aware of their obligation to report suspected abuse of a child in accordance with these policies and procedures
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety)
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities

All staff must ensure that they:

- Promote child safety at all times
- Assess the risk of child abuse within their area of control and have internal procedures that eradicate / minimise any risk to the extent possible
- Educate themselves about the prevention and detection of child abuse
- Facilitate or make a report of any inappropriate behaviour or suspected abuse under the relevant legislation
- Undertake staff screening
- Staff 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/contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and Abacus Learning Centre's policy and procedures in relation to child protection, and comply with all requirements
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state-based child protection service) and fulfil their obligations as mandatory reporters
- Report any suspicion that a child's safety may be at risk to a Program Supervisor, Centre Manager, CEO or Executive Director
- Provide an environment that is supportive of all children's emotional and physical safety

5.2 Employment of New Personnel

Abacus Learning Centre undertakes a comprehensive recruitment and screening process for all workers and volunteers which 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 Abacus Learning Centre's values and commitments to protect children
- Prevent a person from working at Abacus Learning Centre if they pose a risk to children.

Abacus Learning Centre requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Abacus Learning Centre as detailed in the Recruitment Policy. In addition, the NDIS Worker Screening Rules require that all workers undergo appropriate screening which includes a Disability Worker Exclusion List Check and a Working With Children Check.

To comply with the requirements of the Privacy and Data Protection Act 2014 Abacus Learning Centre shall advise each applicant during a recruitment process that their details will be provided to the Disability Worker Exclusion Scheme (DWES) Unit to check if their name is on the Disability Worker Exclusion List (DWEL) before permitting them to engage in a risk assessed role.

Any costs associated with screening shall be borne by the candidate or volunteer prior to employment or engagement. Candidates or people seeking to be engaged by Abacus Learning Centre are responsible for providing evidence of appropriate screening prior to entering the workplace. Any person who works at or is engaged by Abacus Learning Centre must not be prohibited under any law of the Commonwealth, State or Territory from being employed or engaged in any capacity where they may have contact with vulnerable persons or children.

Abacus Learning Centre will undertake thorough reference checks as per the Recruitment Policy.

Once engaged, workers/volunteers must review and acknowledge their understanding of this Policy.

5.3 Risk Management

Abacus Learning Centre will ensure that child safety is a part of its overall risk management approach.

5.4 Mandatory Reporting

Any staff member, volunteer or contractor who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise a Program Supervisor, the Centre Manager, or Executive Manager about their concern.

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In situations where the manager is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of management.

The Clinical Director, Program Supervisor, Case Managers and the Chief Executive Officer must report complaints of suspected abusive behaviour or misconduct to the Executive Director Operations, and also to any external regulatory body such as the police.

Legislation	Reporting Authority	Voluntary reporters	Mandatory reporters	Who is a child?
Children, Youth and Families Act 2005	Department of Health and Human Services 13 12 78	Any person. A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child	Employees, Board Directors. Where a reasonable belief is formed that a child has been or is at risk of significant harm and the child's parents have not protected or are unlikely to protect the child from that abuse	A person under 18 years old

5.5 Investigating

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the Executive Director - Operations will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the Executive Director - Operations may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the Rules of Natural Justice and Procedural Fairness.

The Executive Director/s 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.

After an initial review and a determination that the suspected abuse warrants additional investigation, the Executive Director – Operations shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

5.6 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 Code of Conduct the person concerned may be suspended (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 Code of Conduct) has occurred Abacus will take disciplinary action up to and including termination of employment or cessation of involvement with the organisation. The finding of the investigation will also be reported to any external body as required.

5.7 Privacy

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Abacus Learning Centre will have safeguards and practices in place to ensure any personal information is protected.

Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

5.8 Review

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.

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6. DEFINITIONS

TERM	MEANING
Child	A person below the age of 18 years unless, the law applicable to the child, majority is attained earlier
Child protection	Any responsibility, measure or activity undertaken to safeguard children from harm
Child abuse	All forms of physical abuse, emotional ill-treatment, sexual abuse and other exploitation, neglect or negligent treatment, commercial (e.g. for financial gain), psychological abuse, chemical abuse, unauthorised use of restrictive practices, financial abuse or other exploitation of a child and includes any actions that results in actual or potential harm to a child
Child sexual assault	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. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. 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	<p>A belief based on reasonable grounds 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.</p> <p>A reasonable belief is formed if a reasonable person believes that:</p> <ul style="list-style-type: none"> • The child is in need of protection • The child has suffered or is likely to suffer "significant harm as a result of physical injury" • The parents are unable or unwilling to protect the child <p>A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.</p> <p>A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.</p> <p>For example, a 'reasonable belief' might be formed if:</p> <ul style="list-style-type: none"> • A child states that they have been physically or sexually abused • A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves) • Someone who knows a child states that the child has been physically or sexually abused • Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused • Signs of abuse lead to a belief that the child has been physically or sexually abused

7. RELEVANT DOCUMENTATION

- Worker Screening Register

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8. RELEVANT LEGISLATION

- Child Wellbeing and Safety Act 2005 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- NDIS Practice Standards - Worker Screening Rules 2018
- NDIS (Quality Indicators) Guidelines 2018
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Act 1988 (Cth)
- Working with Children Act 2005 (Vic)

9. RELEVANT POLICIES

- Communication, Confidentiality and Privacy Policy
- Duty of Care and Incident Management Policy
- Feedback and Complaints Policy
- Individual Programs Policy
- Medication Management Policy

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